



# Senate

General Assembly

**File No. 434**

January Session, 2011

Substitute Senate Bill No. 1010

*Senate, April 7, 2011*

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE TRANSFER OF FUNCTIONS FROM THE DEPARTMENTS OF PUBLIC WORKS, INFORMATION TECHNOLOGY, PUBLIC SAFETY AND EDUCATION AND THE JUDICIAL SELECTION COMMISSION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND ESTABLISHING THE DEPARTMENT OF CONSTRUCTION SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (k) of section 51-44a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2011*):

4 (k) [The commission may employ such staff as is necessary for the  
5 performance of its functions and duties] The commission shall be  
6 within the Department of Administrative Services, provided the  
7 commission shall have independent decision-making authority. Said  
8 department shall provide staff support for the commission.

9 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) The Department of  
10 Administrative Services shall assume all responsibilities of the  
11 Department of Public Works pursuant to any provision of the general

12 statutes, except those duties relating to construction and construction  
13 management. The transfer of functions, personnel, powers, duties,  
14 obligations, including, but not limited to, contract obligations, the  
15 continuance of orders and regulations, the effect upon pending actions  
16 and proceedings, the completion of unfinished business, and the  
17 transfer of records and property between the Department of Public  
18 Works, as said department existed immediately prior to July 1, 2011,  
19 and the Department of Administrative Services shall be governed by  
20 the provisions of sections 4-38d, 4-38e and 4-39 of the general statutes.

21 (b) Any order or regulation of the Department of Public Works,  
22 which is in force on July 1, 2011, provided such order or regulation  
23 does not concern construction or the maintenance of state buildings or  
24 property, shall continue in force and effect as an order or regulation of  
25 the Department of Administrative Services until amended, repealed or  
26 superseded pursuant to law. Where any order or regulation of said  
27 departments conflict, the Commissioner of Administrative Services  
28 may implement policies and procedures consistent with the provisions  
29 of this act while in the process of adopting the policy or procedure in  
30 regulation form, provided notice of intention to adopt regulations is  
31 printed in the Connecticut Law Journal within twenty days of  
32 implementation. The policy or procedure shall be valid until the time  
33 final regulations are effective.

34 Sec. 3. (NEW) (*Effective July 1, 2011*) On and after July 1, 2011, (1)  
35 "Commissioner of Administrative Services" shall be substituted for  
36 "Commissioner of Public Works" or "Public Works Commissioner",  
37 and (2) "Department of Administrative Services" shall be substituted  
38 for "Department of Public Works", in the following sections of the  
39 general statutes: 1-205, 1-210, 2-71h, 3-15b, 4b-2, 4b-4, 4b-21, 4b-23, 4b-  
40 24a, 4b-25, 4b-27, 4b-29, 4b-30, 4b-30a, 4b-33, 4b-34, 4b-35, 4b-46, 8-37y,  
41 10a-89, 10a-150, 13a-80i, 13b-42, 13b-55, 16a-38h, 17b-655, 17b-739, 18-  
42 31b, 20-68, 20-311b, 20-503, 22a-324, 31-250, 32-228, 32-656, 45a-80, 46a-  
43 29, 51-27a, 51-27c, 51-27d, 51-51k and 51-279.

44 Sec. 4. Section 4-5 of the general statutes is repealed and the

45 following is substituted in lieu thereof (*Effective July 1, 2011*):

46 As used in sections 4-6, 4-7 and 4-8, the term "department head"  
47 means Secretary of the Office of Policy and Management,  
48 Commissioner of Administrative Services, Commissioner of Revenue  
49 Services, Banking Commissioner, Commissioner of Children and  
50 Families, Commissioner of Construction Services, Commissioner of  
51 Consumer Protection, Commissioner of Correction, Commissioner of  
52 Economic and Community Development, State Board of Education,  
53 Commissioner of Emergency Management and Homeland Security,  
54 Commissioner of Environmental Protection, Commissioner of  
55 Agriculture, Commissioner of Public Health, Insurance Commissioner,  
56 Labor Commissioner, Liquor Control Commission, Commissioner of  
57 Mental Health and Addiction Services, Commissioner of Public Safety,  
58 Commissioner of Social Services, Commissioner of Developmental  
59 Services, Commissioner of Motor Vehicles, Commissioner of  
60 Transportation, [Commissioner of Public Works,] Commissioner of  
61 Veterans' Affairs, [Chief Information Officer,] the chairperson of the  
62 Public Utilities Control Authority, the executive director of the Board  
63 of Education and Services for the Blind, the executive director of the  
64 Connecticut Commission on Culture and Tourism, and the executive  
65 director of the Office of Military Affairs. As used in sections 4-6 and 4-  
66 7, "department head" also means the Commissioner of Education.

67 Sec. 5. Section 4-38c of the general statutes is repealed and the  
68 following is substituted in lieu thereof (*Effective July 1, 2011*):

69 There shall be within the executive branch of state government the  
70 following departments: Office of Policy and Management, Department  
71 of Administrative Services, Department of Revenue Services,  
72 Department of Banking, Department of Agriculture, Department of  
73 Children and Families, Department of Consumer Protection,  
74 Department of Correction, Department of Economic and Community  
75 Development, State Board of Education, Department of Emergency  
76 Management and Homeland Security, Department of Environmental  
77 Protection, Department of Public Health, Board of Governors of

78 Higher Education, Insurance Department, Labor Department,  
79 Department of Mental Health and Addiction Services, Department of  
80 Developmental Services, Department of Public Safety, Department of  
81 Social Services, Department of Transportation, Department of Motor  
82 Vehicles, Department of Veterans' Affairs, [Department of Public  
83 Works] Department of Construction Services and Department of  
84 Public Utility Control.

85 Sec. 6. Subsection (b) of section 4a-59a of the general statutes is  
86 repealed and the following is substituted in lieu thereof (*Effective July*  
87 *1, 2011*):

88 (b) Notwithstanding the provisions of subsection (a) of this section,  
89 the [Commissioners] Commissioner of Administrative Services [and  
90 Public Works] may, for a period of one year from the date such  
91 contract would otherwise expire, extend any contract in effect on May  
92 1, 2005, with a value of fifty thousand dollars or more per year, to  
93 perform any of the following services for the state: Janitorial, building  
94 maintenance, security and food and beverage. Any such extension  
95 shall include any applicable increase in the standard wage and the  
96 payroll burden to administer the standard wage, as established by the  
97 Labor Department.

98 Sec. 7. Subsection (b) of section 4a-62 of the general statutes is  
99 repealed and the following is substituted in lieu thereof (*Effective July*  
100 *1, 2011*):

101 (b) The committee may request any agency of the state authorized to  
102 award public works contracts or to enter into purchase of goods or  
103 services contracts to submit such information on compliance with  
104 sections 4a-60 and 4a-60g and at such times as the committee may  
105 require. The committee shall consult with the Departments of [Public  
106 Works] Administrative Services, Transportation and Economic  
107 Development and the Commission on Human Rights and  
108 Opportunities concerning compliance with the state programs for  
109 minority business enterprises. The committee shall report annually on  
110 or before February first to the Joint Standing Committee on Legislative

111 Management on the results of its ongoing study and include its  
112 recommendations, if any, for legislation.

113 Sec. 8. Subsections (k) and (l) of section 4a-100 of the general statutes  
114 are repealed and the following is substituted in lieu thereof (*Effective*  
115 *July 1, 2011*):

116 (k) (1) Any substantial evidence of fraud in obtaining or  
117 maintaining prequalification or any materially false statement in the  
118 application, update statement or update bid statement may, in the  
119 discretion of the awarding authority, result in termination of any  
120 contract awarded the contractor by the awarding authority. The  
121 awarding authority shall provide written notice to the commissioner of  
122 such false statement not later than thirty days after discovering such  
123 false statement. The commissioner shall provide written notice of such  
124 false statement to the Commissioner of [Public Works] Construction  
125 Services, the Commissioner of Consumer Protection and the President  
126 of The University of Connecticut not later than thirty days after  
127 discovering such false statement or receiving such notice.

128 (2) The commissioner shall deny or revoke the prequalification of  
129 any contractor or substantial subcontractor if the commissioner finds  
130 that the contractor or substantial subcontractor, or a principal or key  
131 personnel of such contractor or substantial contractor, within the past  
132 five years (A) has included any materially false statement in a  
133 prequalification application, update statement or update bid  
134 statement, (B) has been convicted of, entered a plea of guilty or nolo  
135 contendere for, or admitted to, a crime related to the procurement or  
136 performance of any public or private construction contract, or (C) has  
137 otherwise engaged in fraud in obtaining or maintaining  
138 prequalification. Any revocation made pursuant to this subsection  
139 shall be made only after an opportunity for a hearing. Any contractor  
140 or substantial subcontractor whose prequalification has been revoked  
141 pursuant to this subsection shall be disqualified for a period of two  
142 years after which the contractor or substantial subcontractor may  
143 reapply for prequalification, except that a contractor or substantial

144 subcontractor whose prequalification has been revoked on the basis of  
145 conviction of a crime or engaging in fraud shall be disqualified for a  
146 period of five years after which the contractor or substantial  
147 subcontractor may reapply for prequalification. The commissioner  
148 shall not prequalify a contractor or substantial subcontractor whose  
149 prequalification has been revoked pursuant to this subdivision until  
150 the expiration of said two-year, five-year, or other applicable  
151 disqualification period and the commissioner is satisfied that the  
152 matters that gave rise to the revocation have been eliminated or  
153 remedied.

154 (l) The commissioner shall provide written notice of any revocation,  
155 disqualification, reduction in classification or capacity rating or  
156 reinstated prequalification to the Commissioner of [Public Works]  
157 Construction Services, the Commissioner of Consumer Protection and  
158 the President of The University of Connecticut not later than thirty  
159 days after any final determination.

160 Sec. 9. Section 4b-3 of the general statutes is repealed and the  
161 following is substituted in lieu thereof (*Effective July 1, 2011*):

162 (a) There is established a State Properties Review Board which shall  
163 consist of six members appointed as follows: The speaker of the House  
164 and president pro tempore of the Senate shall jointly appoint three  
165 members, one of whom shall be experienced in matters relating to  
166 architecture, one experienced in building construction matters and one  
167 in matters relating to engineering; and the minority leader of the  
168 House and the minority leader of the Senate shall jointly appoint three  
169 members, one of whom shall be experienced in matters relating to the  
170 purchase, sale and lease of real estate and buildings, one experienced  
171 in business matters generally and one experienced in the management  
172 and operation of state institutions. No more than three of said six  
173 members shall be of the same political party. One of the members first  
174 appointed by the speaker and the president pro tempore shall serve a  
175 two-year term, one shall serve a three-year term and one shall serve a  
176 four-year term. One of the members first appointed by the minority

177 leaders of the House and Senate shall serve a two-year term, one shall  
178 serve a three-year term and one shall serve a four-year term. All  
179 appointments of members to replace those whose terms expire shall be  
180 for a term of four years and until their successors have been appointed  
181 and qualified. If any vacancy occurs on the board, the appointing  
182 authorities having the power to make the initial appointment under  
183 the provisions of this section shall appoint a person for the unexpired  
184 term in accordance with the provisions hereof.

185 (b) The chairman of the board shall be compensated two hundred  
186 dollars per diem up to a maximum of thirty thousand dollars annually.  
187 Other members of the board shall be compensated two hundred  
188 dollars per diem up to a maximum of twenty-five thousand dollars  
189 annually. The members of the board shall choose their own chairman.  
190 No person shall serve on this board who holds another state or  
191 municipal governmental position and no person on the board shall be  
192 directly involved in any enterprise which does business with the state  
193 or directly or indirectly involved in any enterprise concerned with real  
194 estate acquisition or development.

195 (c) The board may adopt such rules as it deems necessary for the  
196 conduct of its internal affairs, in accordance with section 4-167.

197 (d) Notwithstanding any other statute or special act to the contrary,  
198 the Commissioner of [Public Works] Administrative Services shall be  
199 the sole person authorized to represent the state in its dealings with  
200 third parties for the acquisition [, construction, development] or  
201 leasing of real estate for housing the offices or equipment of all  
202 agencies of the state or for the state-owned public buildings or realty  
203 [hereinafter] and the Commissioner of Construction Services shall be  
204 the sole person authorized to represent the state in its dealings with  
205 third parties for the construction or development of real estate or state-  
206 owned public buildings or realty as provided for in sections 2-90, 4b-1  
207 to 4b-5, inclusive, 4b-21, 4b-23, as amended by this act, 4b-24, 4b-26, 4b-  
208 27, 4b-30 and 4b-32, subsection (c) of section 4b-66 and sections 4b-67  
209 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, as amended by this act,

210 10a-89, 10a-90, as amended by this act, 10a-114, 10a-130, 10a-144, 17b-  
211 655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-27f,  
212 except that (1) the Joint Committee on Legislative Management may  
213 represent the state in the planning and construction of the Legislative  
214 Office Building and related facilities, in Hartford; (2) the Chief Court  
215 Administrator may represent the state in providing for space for the  
216 Court Support Services Division as part of a new or existing contract  
217 for an alternative incarceration program pursuant to section 54-103b or  
218 a program developed pursuant to section 46b-121i, 46b-121j, 46b-121k  
219 or 46b-121l; (3) the board of trustees of a constituent unit of the state  
220 system of higher education may represent the state in the leasing of  
221 real estate for housing the offices or equipment of such constituent  
222 unit, provided no lease payments for such realty are made with funds  
223 generated from the general revenues of the state; (4) the Labor  
224 Commissioner may represent the state in the leasing of premises  
225 required for employment security operations as provided in subsection  
226 (c) of section 31-250; (5) the Commissioner of Developmental Services  
227 may represent the state in the leasing of residential property as part of  
228 the program developed pursuant to subsection (b) of section 17a-218,  
229 provided such residential property does not exceed two thousand five  
230 hundred square feet, for the community placement of persons eligible  
231 to receive residential services from the department; and (6) the  
232 Connecticut Marketing Authority may represent the state in the  
233 leasing of land or markets under the control of the Connecticut  
234 Marketing Authority, and, except for the housing of offices or  
235 equipment in connection with the initial acquisition of an existing state  
236 mass transit system or the leasing of land by the Connecticut  
237 Marketing Authority for a term of one year or more in which cases the  
238 actions of the Department of Transportation and the Connecticut  
239 Marketing Authority shall be subject to the review and approval of the  
240 State Properties Review Board. The Commissioner of [Public Works]  
241 Administrative Services shall have the power to establish and  
242 implement any procedures necessary for the commissioner to assume  
243 the commissioner's responsibilities as said sole bargaining agent for  
244 state realty acquisitions and shall perform the duties necessary to carry

245 out such procedures. The Commissioner of [Public Works]  
246 Administrative Services or Construction Services may appoint, within  
247 [the commissioner's] each department's budget and subject to the  
248 provisions of chapter 67, such personnel deemed necessary by the  
249 commissioner to carry out the provisions hereof, including experts in  
250 real estate, construction operations, financing, banking, contracting,  
251 architecture and engineering. The Attorney General's office, at the  
252 request of the [commissioner] Commissioner of Administrative  
253 Services, shall assist the commissioner in contract negotiations  
254 regarding the purchase [,] or lease [or construction] of real estate.

255 (e) The State Properties Review Board shall be within the  
256 Department of Administrative Services and shall have independent  
257 decision-making authority.

258 (f) The State Properties Review Board shall review real estate  
259 acquisitions, sales, leases and subleases proposed by the  
260 Commissioner of [Public Works] Administrative Services, the  
261 acquisition, other than by condemnation, or the sale or lease of any  
262 property by the Commissioner of Transportation under subdivision  
263 (12) of section 13b-4, subject to section 4b-23, as amended by this act,  
264 and subsection (h) of section 13a-73 and review, for approval or  
265 disapproval, any contract for a project described in subsection (h) of  
266 section 4b-91. Such review shall consider all aspects of the proposed  
267 actions, including feasibility and method of acquisition and the  
268 prudence of the business method proposed. The board shall also  
269 cooperate with and advise and assist the Commissioner of [Public  
270 Works] Administrative Services and the Commissioner of  
271 Transportation in carrying out their duties. The board shall have access  
272 to all information, files and records, including financial records, of the  
273 Commissioner of [Public Works] Administrative Services and the  
274 Commissioner of Transportation, and shall, when necessary, be  
275 entitled to the use of personnel employed by said commissioners. The  
276 board shall approve or disapprove any acquisition of development  
277 rights of agricultural land by the Commissioner of Agriculture under  
278 section 22-26cc. The board shall hear any appeal under section 8-273a

279 and shall render a final decision on the appeal within thirty days  
280 thereafter. The written decision of the board shall be a final decision  
281 for the purposes of sections 4-180 and 4-183.

282 Sec. 10. Subsection (a) of section 4b-15 of the general statutes is  
283 repealed and the following is substituted in lieu thereof (*Effective July*  
284 *1, 2011*):

285 (a) Each state agency having care, control and supervision of state  
286 property, including the Judicial Department and the Joint Committee  
287 on Legislative Management of the General Assembly, shall prepare [on  
288 or before October 1, 1990,] and [thereafter] periodically update, in  
289 consultation with the Commissioners of Environmental Protection and  
290 [Public Works] Administrative Services, a plan for each facility under  
291 its care, control or supervision to (1) reduce the use of disposable and  
292 single-use products, in accordance with the plan adopted by the  
293 Commissioner of Administrative Services pursuant to section 4a-67b,  
294 (2) separate and collect items designated as either suitable or required  
295 for recycling pursuant to section 22a-241b. Such plan shall establish a  
296 schedule for implementation of the policies recommended in the plan.

297 Sec. 11. Subsection (a) of section 4b-136 of the general statutes is  
298 repealed and the following is substituted in lieu thereof (*Effective July*  
299 *1, 2011*):

300 (a) There is established a State-Wide Security Management Council.  
301 The council shall consist of the Commissioner of Public Safety, the  
302 Commissioner of Administrative Services, the Commissioner of  
303 Mental Health and Addiction Services, the Commissioner of [Public  
304 Works] Construction Services, the Commissioner of Emergency  
305 Management and Homeland Security, the Secretary of the Office of  
306 Policy and Management, the Chief Court Administrator, an attorney  
307 appointed by the Commissioner of [Public Works] Construction  
308 Services, the executive director of the Joint Committee on Legislative  
309 Management, a representative of the Governor, a representative of the  
310 State Employees Bargaining Agent Coalition and the president of the  
311 Connecticut State Police Union or the president's designee. The

312 Commissioner of [Public Works] Construction Services shall serve as  
313 chairperson of the council. Each council member shall provide  
314 technical assistance in the member's area of expertise, as required by  
315 the council.

316 Sec. 12. Subsection (a) of section 4d-90 of the general statutes is  
317 repealed and the following is substituted in lieu thereof (*Effective July*  
318 *1, 2011*):

319 (a) There is established a Geospatial Information Systems Council  
320 consisting of the following members, or their designees: (1) The  
321 Secretary of the Office of Policy and Management; (2) the  
322 Commissioners of Environmental Protection, Economic and  
323 Community Development, Transportation, Public Safety, Public  
324 Health, [Public Works] Construction Services, Agriculture, Emergency  
325 Management and Homeland Security and Social Services; (3) [the  
326 Chief Information Officer of the Department of Information  
327 Technology; (4)] the Chancellor of the Connecticut State University  
328 System; [(5)] (4) the president of The University of Connecticut; [(6)] (5)  
329 the Executive Director of the Connecticut Siting Council; [(7)] (6) one  
330 member who is a user of geospatial information systems appointed by  
331 the president pro tempore of the Senate representing a municipality  
332 with a population of more than sixty thousand; [(8)] (7) one member  
333 who is a user of geospatial information systems appointed by the  
334 minority leader of the Senate representing a regional planning agency;  
335 [(9)] (8) one member who is a user of geospatial information systems  
336 appointed by the Governor representing a municipality with a  
337 population of less than sixty thousand but more than thirty thousand;  
338 [(10)] (9) one member who is a user of geospatial information systems  
339 appointed by the speaker of the House of Representatives representing  
340 a municipality with a population of less than thirty thousand; [(11)]  
341 (10) one member appointed by the minority leader of the House of  
342 Representatives who is a user of geospatial information systems; [(12)]  
343 (11) the chairperson of the Public Utilities Control Authority; [(13)] (12)  
344 the Adjutant General of the Military Department; and [(14)] (13) any  
345 other persons the council deems necessary appointed by the council.

346 The Governor shall select the chairperson from among the members.  
347 The chairperson shall administer the affairs of the council. Vacancies  
348 shall be filled by appointment by the authority making the  
349 appointment. Members shall receive no compensation for their  
350 services on said council, but shall be reimbursed for necessary  
351 expenses incurred in the performance of their duties. Said council shall  
352 hold one meeting each calendar quarter and such additional meetings  
353 as may be prescribed by council rules. In addition, special meetings  
354 may be called by the chairperson or by any three members upon  
355 delivery of forty-eight hours written notice to each member.

356 Sec. 13. Section 4e-8 of the general statutes is repealed and the  
357 following is substituted in lieu thereof (*Effective July 1, 2011*):

358 There is established a Contracting Standards Advisory Council,  
359 which shall consist of representatives from the Office of Policy and  
360 Management, Departments of Administrative Services, Transportation  
361 [ , Public Works and Information Technology] and Construction  
362 Services and representatives of at least three additional contracting  
363 agencies, including at least one human services related state agency,  
364 designated by the Governor. The Chief Procurement Officer shall be a  
365 member of the council and serve as chairperson. The advisory council  
366 shall meet at least four times per year to discuss state procurement  
367 issues and to make recommendations for improvement of the  
368 procurement processes to the State Contracting Standards Board. The  
369 advisory council may conduct studies, research and analyses and make  
370 reports and recommendations with respect to subjects or matters  
371 within the jurisdiction of the State Contracting Standards Board.

372 Sec. 14. Subsection (d) of section 10-292 of the general statutes is  
373 repealed and the following is substituted in lieu thereof (*Effective July*  
374 *1, 2011*):

375 (d) If the Department of Administrative Services or the Department  
376 of [Public Works] Construction Services makes a state contract  
377 available for use by towns or regional school districts, a town or  
378 regional school district may use such contract, provided the actual

379 estimate for the school building project under the state contract is not  
380 given until receipt by the town or regional school district of approval  
381 of the plan pursuant to this section.

382 Sec. 15. Subsection (b) of section 16a-35c of the general statutes is  
383 repealed and the following is substituted in lieu thereof (*Effective July*  
384 *1, 2011*):

385 (b) The Secretary of the Office of Policy and Management, in  
386 consultation with the Commissioners of Economic and Community  
387 Development, Environmental Protection, [Public Works]  
388 Administrative Services, Agriculture, Transportation, the chairman of  
389 the Transportation Strategy Board, the regional planning agencies in  
390 the state and any other persons or entities the secretary deems  
391 necessary shall develop recommendations for delineation of the  
392 boundaries of priority funding areas in the state and for revisions  
393 thereafter. In making such recommendations the secretary shall  
394 consider areas designated as regional centers, growth areas,  
395 neighborhood conservation areas and rural community centers on the  
396 state plan of conservation and development, redevelopment areas,  
397 distressed municipalities, as defined in section 32-9p; targeted  
398 investment communities, as defined in section 32-222; public  
399 investment communities, as defined in section 7-545, enterprise zones,  
400 designated by the Commissioner of Economic and Community  
401 Development under section 32-70, corridor management areas  
402 identified in the state plan of conservation and development and the  
403 principles of the Transportation Strategy Board approved under  
404 section 13b-57h. The secretary shall submit the recommendations to  
405 the Continuing Legislative Committee on State Planning and  
406 Development established pursuant to section 4-60d for review when  
407 the state plan of conservation and development is submitted to such  
408 committee in accordance with section 16a-29. The committee shall  
409 report its recommendations to the General Assembly at the time said  
410 state plan is submitted to the General Assembly under section 16a-30.  
411 The boundaries shall become effective upon approval of the General  
412 Assembly.

413 Sec. 16. Section 22a-26a of the general statutes is repealed and the  
414 following is substituted in lieu thereof (*Effective July 1, 2011*):

415 The Department of Environmental Protection, in consultation with  
416 the Departments of Transportation and [Public Works] Construction  
417 Services, The University of Connecticut and other state agencies with  
418 jurisdiction over state-owned properties, shall identify state-owned  
419 properties which provide public access to the waters of Long Island  
420 Sound and, in addition, identify other properties which the state may  
421 acquire to provide public access to the waters of Long Island Sound.  
422 The properties to be identified shall include highway easements,  
423 bridge crossings, university-owned lands, railroad rights-of-way and  
424 other coastal or riverfront properties owned or controlled by the state  
425 or by others. State-owned properties which are used for non-water-  
426 dependent activities shall be assessed for reclassification to public  
427 water-dependent use or shared use. The department shall submit a  
428 report of its findings to the joint standing committee of the General  
429 Assembly having cognizance of matters concerning the environment  
430 on or before October 1, 1992, and the Comptroller shall cause such  
431 findings to be added to and made a part of the inventory of state  
432 property required pursuant to the provisions of section 4-36.

433 Sec. 17. Subsection (b) of section 22a-354i of the general statutes is  
434 repealed and the following is substituted in lieu thereof (*Effective July*  
435 *1, 2011*):

436 (b) In adopting such regulations, the commissioner shall consider  
437 the guidelines for aquifer protection areas recommended in the report  
438 prepared pursuant to special act 87-63, as amended, and shall avoid  
439 duplication and inconsistency with other state or federal laws and  
440 regulations affecting aquifers. The regulations shall be developed in  
441 consultation with an advisory committee appointed by the  
442 commissioner. The advisory committee shall include the  
443 Commissioners of [Public Works] Construction Services and Public  
444 Health and the chairperson of the Public Utilities Control Authority, or  
445 their designees, members of the public, and representatives of

446 businesses affected by the regulations, agriculture, environmental  
447 groups, municipal officers and water companies.

448 Sec. 18. Subsection (c) of section 31-57c of the general statutes is  
449 repealed and the following is substituted in lieu thereof (*Effective July*  
450 *1, 2011*):

451 (c) The Commissioner of [Public Works] Construction Services may  
452 disqualify any contractor, for up to two years, from bidding on,  
453 applying for, or participating as a subcontractor under, contracts with  
454 the state, acting through any of its departments, commissions or other  
455 agencies, except the Department of Administrative Services, the  
456 Department of Transportation and the constituent units of the state  
457 system of higher education, for one or more causes set forth under  
458 subsection (d) of this section. The commissioner may initiate a  
459 disqualification proceeding only after consulting with the contract  
460 awarding agency, if any, and the Attorney General and shall provide  
461 notice and an opportunity for a hearing to the contractor who is the  
462 subject of the proceeding. The hearing shall be conducted in  
463 accordance with the contested case procedures set forth in chapter 54.  
464 The commissioner shall issue a written decision within ninety days of  
465 the last date of such hearing and state in the decision the reasons for  
466 the action taken and, if the contractor is being disqualified, the period  
467 of such disqualification. The existence of a cause for disqualification  
468 shall not be the sole factor to be considered in determining whether the  
469 contractor shall be disqualified. In determining whether to disqualify a  
470 contractor, the commissioner shall consider the seriousness of the  
471 contractor's acts or omissions and any mitigating factors. The  
472 commissioner shall send the decision to the contractor by certified  
473 mail, return receipt requested. The written decision shall be a final  
474 decision for the purposes of sections 4-180 and 4-183.

475 Sec. 19. Section 31-390 of the general statutes is repealed and the  
476 following is substituted in lieu thereof (*Effective July 1, 2011*):

477 (a) The Labor Commissioner and the Commissioners of Economic  
478 and Community Development and [Public Works] Construction

479 Services shall have the right of inspection of any such project at any  
480 time.

481 (b) The Labor Commissioner and the Commissioners of Economic  
482 and Community Development and [Public Works] Construction  
483 Services and the Secretary of the Office of Policy and Management are  
484 authorized to make orders, establish guidelines and adopt regulations  
485 under the provisions of chapter 54 with respect to the implementation  
486 of this chapter.

487 (c) At the request of the commissioners, any agency or department  
488 of the executive branch shall advise and assist the commissioners in  
489 the implementation of this chapter.

490 Sec. 20. Section 46a-68 of the general statutes is repealed and the  
491 following is substituted in lieu thereof (*Effective from passage*):

492 (a) Each state agency, department, board and commission with  
493 more than twenty-five full-time employees shall develop and  
494 implement [, in cooperation with the Commission on Human Rights  
495 and Opportunities,] an affirmative action plan that commits the  
496 agency, department, board or commission to a program of affirmative  
497 action in all aspects of personnel and administration. [Such plan shall  
498 be developed pursuant to regulations adopted by the Commission on  
499 Human Rights and Opportunities in accordance with chapter 54 to  
500 ensure that affirmative action is undertaken as required by state and  
501 federal law to provide equal employment opportunities and to comply  
502 with all responsibilities under the provisions of sections 4-61u to 4-  
503 61w, inclusive, sections 46a-54 to 46a-64, inclusive, section 46a-64c and  
504 sections 46a-70 to 46a-78, inclusive.] Such plan shall describe the efforts  
505 of the agency, department, board or commission to provide equal  
506 employment opportunities and to comply with all requirements under  
507 state and federal nondiscrimination laws, and shall include the race,  
508 gender, occupational category and age of all full-time employees of  
509 such agency, department, board or commission. The executive head of  
510 each such agency, department, board or commission shall be directly  
511 responsible for the development, filing and implementation of such

512 affirmative action plan. The Metropolitan District of Hartford County  
513 shall be deemed to be a state agency for purposes of this section.

514 (b) (1) Each state agency, department, board or commission shall  
515 designate a full-time or part-time [affirmative action] equal  
516 employment opportunity officer. If such [affirmative action] equal  
517 employment opportunity officer is an employee of the agency,  
518 department, board or commission, the executive head of the agency,  
519 department, board or commission shall be directly responsible for the  
520 supervision of the officer.

521 [(2) The Commission on Human Rights and Opportunities shall  
522 provide training and technical assistance to affirmative action officers  
523 in plan development and implementation.]

524 [(3)] (2) The Commission on Human Rights and Opportunities and  
525 the Permanent Commission on the Status of Women shall provide  
526 training concerning state and federal discrimination laws and  
527 techniques for conducting investigations of discrimination complaints  
528 to persons designated by state agencies, departments, boards or  
529 commissions as [affirmative action] equal employment opportunity  
530 officers and persons designated by the Attorney General or the  
531 Attorney General's designee to represent such agencies, departments,  
532 boards or commissions pursuant to subdivision [(5)] (4) of this  
533 subsection. [Such] On or after October 1, 2011, such training shall be  
534 provided for a minimum of [ten] five hours during the first year of  
535 service or designation, and a minimum of [five] three hours [per year]  
536 every two years thereafter.

537 [(4)] (3) (A) Each person designated by a state agency, department,  
538 board or commission as an [affirmative action] equal employment  
539 opportunity officer shall (i) be responsible for mitigating any  
540 discriminatory conduct within the agency, department, board or  
541 commission, (ii) investigate all internal complaints of discrimination  
542 made against the state agency, department, board or commission, and  
543 (iii) report all findings and recommendations upon the conclusion of  
544 an investigation to the commissioner or director of the state agency,

545 department, board or commission for proper action.

546 (B) Notwithstanding the provisions of subparagraphs (A)(i), (A)(ii)  
547 and (A)(iii) of this subdivision, if [a] an internal discrimination  
548 complaint is made against the executive head of a state agency or  
549 department, any member of a state board or commission or any  
550 [affirmative action] equal employment opportunity officer alleging  
551 that the executive head, member or officer directly or personally  
552 engaged in discriminatory conduct, or if a complaint of discrimination  
553 is made by the executive head of a state agency, any member of a state  
554 board or commission or any affirmative action officer, the complaint  
555 shall be referred to the Commission on Human Rights and  
556 Opportunities for review and, if appropriate, investigation by the  
557 Department of Administrative Services. If the internal discrimination  
558 complaint is made by or against the executive head, any member or  
559 the [affirmative action] equal employment opportunity officer of the  
560 Commission on Human Rights and Opportunities alleging that the  
561 executive head, member or officer directly or personally engaged in  
562 discriminatory conduct, the commission shall refer the complaint to  
563 the Department of Administrative Services for review and, if  
564 appropriate, investigation. If the complaint is by or against the  
565 executive head or [affirmative action] equal employment opportunity  
566 officer of the Department of Administrative Services, the complaint  
567 shall be referred to the Commission on Human Rights and  
568 Opportunities for review and, if appropriate, investigation. Each  
569 person who conducts an investigation pursuant to this subparagraph  
570 shall report all findings and recommendations upon the conclusion of  
571 such investigation to the appointing authority of the individual who  
572 was the subject of the complaint for proper action. The provisions of  
573 this subparagraph shall apply to any such complaint pending on or  
574 after July 5, 2007.

575 [(5)] (4) Each person designated by a state agency, department,  
576 board or commission as an [affirmative action] equal employment  
577 opportunity officer, and each person designated by the Attorney  
578 General or the Attorney General's designee to represent an agency

579 pursuant to subdivision [(6)] (5) of this subsection, shall complete  
580 training provided by the Commission on Human Rights and  
581 Opportunities and the Permanent Commission on the Status of  
582 Women pursuant to subdivision [(3)] (2) of this subsection.

583 [(6)] (5) No person designated by a state agency, department, board  
584 or commission as an [affirmative action] equal employment  
585 opportunity officer shall represent such agency, department, board or  
586 commission before the Commission on Human Rights and  
587 Opportunities or the Equal Employment Opportunity Commission  
588 concerning a discrimination complaint. If a discrimination complaint is  
589 filed with the Commission on Human Rights and Opportunities or the  
590 Equal Employment Opportunity Commission against a state agency,  
591 department, board or commission, the Attorney General, or the  
592 Attorney General's designee, other than the [affirmative action] equal  
593 employment opportunity officer for such agency, department, board or  
594 commission, shall represent the state agency, department, board or  
595 commission before the Commission on Human Rights and  
596 Opportunities or the Equal Employment Opportunity Commission. In  
597 the case of a discrimination complaint filed against the Metropolitan  
598 District of Hartford County, the Attorney General, or the Attorney  
599 General's designee, shall not represent such district before the  
600 Commission on Human Rights and Opportunities or the Equal  
601 Employment Opportunity Commission.

602 (c) Each state agency, department, board and commission that  
603 employs one hundred or more full-time employees shall file an  
604 affirmative action plan developed in accordance with subsection (a) of  
605 this section, electronically with the [Commission on Human Rights  
606 and Opportunities] Department of Administrative Services,  
607 semiannually, except that any state agency, department, board or  
608 commission which has an affirmative action plan approved by the  
609 [commission] department may be permitted to file its plan on an  
610 annual basis in a manner prescribed by the [commission and any]  
611 department. Any state agency, department, board or commission that  
612 employs [twenty or fewer] more than twenty-five but fewer than one

613 hundred full-time employees shall file its affirmative action plan  
614 biennially, unless the department disapproves the most recent  
615 submission of the plan, in which case the department may require the  
616 resubmission of such plan by a time chosen by the department, until  
617 the plan is approved. All affirmative action plans shall be on such form  
618 and in such manner as the department prescribes.

619 (d) The [Commission on Human Rights and Opportunities]  
620 Department of Administrative Services shall review and formally  
621 approve, conditionally approve or disapprove the content of such  
622 affirmative action plans within ninety days of the submission of each  
623 plan to the [commission] department. If the [commissioners, by a  
624 majority vote of those present and voting, fail] department fails to  
625 approve, conditionally approve or disapprove a plan within [that]  
626 such period, the plan shall be deemed to be approved. Any plan that is  
627 filed more than ninety days after the date such plan is due to be filed  
628 shall be deemed disapproved.

629 (e) The Commissioner of Administrative Services and the Secretary  
630 of the Office of Policy and Management shall [cooperate with the  
631 Commission on Human Rights and Opportunities to] insure that the  
632 State Personnel Act and personnel regulations are administered, and  
633 that the process of collective bargaining is conducted by all parties in a  
634 manner consistent with the affirmative action responsibilities of the  
635 state.

636 (f) The [Commission on Human Rights and Opportunities]  
637 Department of Administrative Services shall monitor the activity of  
638 such plans within each state agency, department, board and  
639 commission and report to the Governor and the General Assembly on  
640 or before April first of each year concerning the results of such plans.

641 [(g) The Commission on Human Rights and Opportunities shall  
642 adopt regulations, in accordance with chapter 54, to carry out the  
643 requirements of this section. Such regulations shall include a schedule  
644 for semiannual, annual and biennial filing of plans.]

645 Sec. 21. Section 10a-11 of the general statutes is repealed and the  
646 following is substituted in lieu thereof (*Effective from passage*):

647 (a) The Board of Governors of Higher Education shall, in  
648 consultation with the institutions of the state system of higher  
649 education and the constituent unit boards of trustees, develop a  
650 strategic plan, consistent with the affirmative action plan submitted to  
651 the [Commission on Human Rights and Opportunities] Department of  
652 Administrative Services in accordance with section 46a-68, as amended  
653 by this act, to ensure that students, faculty, administrators and staff at  
654 each institution are representative of the racial and ethnic diversity of  
655 the total population of the state. For each institution there shall be an  
656 approved plan which shall include goals, programs and timetables for  
657 achieving those goals, and a procedure to monitor annually the results  
658 of these programs and a procedure to take corrective action if  
659 necessary. The Board of Governors of Higher Education shall also  
660 develop policies to guide [affirmative action] equal employment  
661 opportunity officers and programs in all constituent units and at each  
662 institution of public higher education.

663 (b) The Board of Governors of Higher Education shall report  
664 annually to the Governor and General Assembly on the activities  
665 undertaken by the board in accordance with subsection (a) of this  
666 section. The report shall include institutional goals and plans for  
667 attaining such goals, as well as changes in enrollment and employment  
668 at the state's institutions of public higher education. If it is determined  
669 that an institution has failed to achieve the goals set out pursuant to  
670 this section, such institution shall develop a plan of corrective  
671 procedures to ensure that such goals are achieved, subject to the  
672 approval of the Board of Governors of Higher Education. The Board of  
673 Governors of Higher Education may establish a minority advancement  
674 program to reward and support efforts by institutions within the state  
675 system of higher education towards meeting the goals established in  
676 the strategic plan developed pursuant to subsection (a) of this section.

677 Sec. 22. Subdivision (17) of section 46a-54 of the general statutes is

678 repealed and the following is substituted in lieu thereof (*Effective from*  
679 *passage*):

680 (17) To require each agency to submit information demonstrating its  
681 compliance with subdivision (16) of this section [as part of its  
682 affirmative action plan] and to receive and investigate complaints  
683 concerning the failure of a state agency to comply with the  
684 requirements of subdivision (16) of this section; and

685 Sec. 23. Section 46a-82 of the general statutes is repealed and the  
686 following is substituted in lieu thereof (*Effective from passage*):

687 (a) Any person claiming to be aggrieved by an alleged  
688 discriminatory practice, except for an alleged violation of section 4a-  
689 60g or 46a-68, as amended by this act, or the provisions of sections 46a-  
690 68c to 46a-68f, inclusive, may, by himself or herself or by such person's  
691 attorney, make, sign and file with the commission a complaint in  
692 writing under oath, which shall state the name and address of the  
693 person alleged to have committed the discriminatory practice, and  
694 which shall set forth the particulars thereof and contain such other  
695 information as may be required by the commission. After the filing of a  
696 complaint pursuant to this subsection, the commission shall serve  
697 upon the person claiming to be aggrieved a notice that: (1)  
698 Acknowledges receipt of the complaint; and (2) advises of the time  
699 frames and choice of forums available under this chapter.

700 (b) The commission, whenever it has reason to believe that any  
701 person has been engaged or is engaged in a discriminatory practice,  
702 may issue a complaint, except for a violation of subsection (a) of  
703 section 46a-80.

704 (c) The commission, whenever it has reason to believe that any  
705 contractor or subcontractor is not complying with antidiscrimination  
706 statutes or contract provisions required under section 4a-60, 4a-60a or  
707 4a-60g, or the provisions of sections 46a-68c to 46a-68f, inclusive, may  
708 issue a complaint.

709 [(d) The commission may issue a complaint if: (1) An affirmative  
710 action plan filed pursuant to section 46a-68 is in violation of any of the  
711 provisions of section 4-61u or 4-61w, sections 46a-54 to 46a-64,  
712 inclusive, section 46a-64c or sections 46a-70 to 46a-78, inclusive; or (2)  
713 an agency, department, board or commission fails to submit an  
714 affirmative action plan required under section 46a-68.]

715 [(e) (d) Any employer whose employees, or any of them, refuse or  
716 threaten to refuse to comply with the provisions of section 46a-60 or  
717 46a-81c may file with the commission a written complaint under oath  
718 asking for assistance by conciliation or other remedial action.

719 [(f) (e) Any complaint filed pursuant to this section must be filed  
720 within one hundred and eighty days after the alleged act of  
721 discrimination, except that any complaint by a person claiming to be  
722 aggrieved by a violation of subsection (a) of section 46a-80 must be  
723 filed within thirty days of the alleged act of discrimination.

724 Sec. 24. Section 46a-68a of the general statutes is repealed and the  
725 following is substituted in lieu thereof (*Effective from passage*):

726 (a) The [commission] Commissioner of Administrative Services may  
727 issue a certificate of noncompliance if the affirmative action plan  
728 required by section 46a-68, as amended by this act, is disapproved.

729 (b) The issuance of a certificate of noncompliance shall bar the  
730 agency, department, board or commission in noncompliance with  
731 section 46a-68, as amended by this act, from filling a position or  
732 position classification by hire or promotion upon receipt of the  
733 certificate, the provisions of any state law or regulation to the contrary  
734 notwithstanding, until: (1) The [commission] Commissioner of  
735 Administrative Services determines that the agency has achieved  
736 compliance with section 46a-68, as amended by this act, and  
737 withdraws the certificate; or (2) the [commission] Commissioner of  
738 Administrative Services, at a hearing requested by the agency,  
739 department, board or commission receiving the certificate and  
740 conducted by a presiding officer appointed by the [chairperson of the

741 commission] commissioner, is unable to show cause why the certificate  
742 of noncompliance should not be rescinded or a court, upon appeal, so  
743 determines; or (3) [the Commissioner of Administrative Services and]  
744 the Secretary of the Office of Policy and Management [certify] certifies  
745 to the [commission] commissioner that the agency in noncompliance  
746 with section 46a-68, as amended by this act, requires immediate filling  
747 of the vacancy because failure to fill the position or position  
748 classification will cause an emergency situation to exist jeopardizing  
749 the public welfare. A separate certificate of exemption shall be  
750 required for each vacancy in a position or position classification with  
751 respect to which the [Commissioner of Administrative Services and  
752 the] Secretary of the Office of Policy and Management [certify] certifies  
753 that an emergency situation exists.

754 (c) Hearings under this section shall be conducted in accordance  
755 with sections 4-176e to 4-182, inclusive.

756 (d) The [commission shall] Commissioner of Administrative  
757 Services may adopt regulations in accordance with chapter 54 to  
758 implement this section.

759 Sec. 25. (NEW) (*Effective July 1, 2011*) (a) The Department of  
760 Administrative Services shall assume all responsibilities of the  
761 Department of Information Technology pursuant to any provision of  
762 the general statutes. The transfer of functions, personnel, powers,  
763 duties, obligations, including, but not limited to, contract obligations,  
764 the continuance of orders and regulations, the effect upon pending  
765 actions and proceedings, the completion of unfinished business, and  
766 the transfer of records and property between the Department of  
767 Information Technology, as said department existed immediately prior  
768 to July 1, 2011, and the Department of Administrative Services shall be  
769 governed by the provisions of sections 4-38d, 4-38e and 4-39 of the  
770 general statutes. The Department of Administrative Services shall  
771 constitute a successor and not a new authority.

772 (b) Wherever the words "Department of Information Technology"  
773 are used or referred to in any public or special acts, the words

774 "Department of Administrative Services" shall be substituted in lieu  
775 thereof.

776 (c) Wherever the term "Chief Information Officer" is used or  
777 referred to in any public or special acts, the term "Commissioner of  
778 Administrative Services" shall be substituted in lieu thereof.

779 (d) Any order or regulation of the Department of Information  
780 Technology, which is in force on July 1, 2011, shall continue in force  
781 and effect as an order or regulation of the Department of  
782 Administrative Services until amended, repealed or superseded  
783 pursuant to law. Where any order or regulation of said departments  
784 conflict, the Commissioner of Administrative Services may implement  
785 policies and procedures consistent with the provisions of this act while  
786 in the process of adopting the policy or procedure in regulation form,  
787 provided notice of intention to adopt regulations is printed in the  
788 Connecticut Law Journal within twenty days of implementation. The  
789 policy or procedure shall be valid until the time final regulations are  
790 effective.

791 Sec. 26. (NEW) (*Effective July 1, 2011*) On and after July 1, 2011, (1)  
792 "Commissioner of Administrative Services" shall be substituted for  
793 "Chief Information Officer" and "Chief Information Officer of the  
794 Department of Information Technology, and (2) "Department of  
795 Administrative Services" shall be substituted for "Department of  
796 Information Technology", in the following sections of the general  
797 statutes: 1-205, 1-211, 1-212, 1-283, 4d-3, 4d-5, 4d-10, 4d-11, 4d-13, 4d-  
798 14, 4d-32, 4d-38, 4d-41, 4d-42, 4d-43, 4d-81a, 4d-82a, 4d-83, 4d-84, 10-  
799 5b, 10-10a, 18-81x, 19a-110, 19a-750, 32-6i, 54-105a, 54, 142q, 54-142r  
800 and 54-142s.

801 Sec. 27. Section 4d-1 of the general statutes is repealed and the  
802 following is substituted in lieu thereof (*Effective July 1, 2011*):

803 As used in this chapter, unless the context indicates a different  
804 meaning:

805 (1) "Architecture" means the defined structure or orderly  
806 arrangement of information systems and telecommunication systems,  
807 based on accepted industry standards and guidelines, for the purpose  
808 of maximizing the interconnection and efficiency of such systems and  
809 the ability of users to share information resources.

810 (2) "Information systems" means the combination of data processing  
811 hardware and software in the collection, processing and distribution of  
812 data to and from interactive computer-based systems to meet  
813 informational needs.

814 (3) "State agency" means each department, board, council,  
815 commission, institution or other agency of the Executive Department  
816 of the state government, provided each board, council, commission,  
817 institution or other agency included by law within any given  
818 department shall be deemed a division of that department. The term  
819 "state agency" shall include (A) the offices of the Governor, Lieutenant  
820 Governor, Treasurer, Attorney General, Secretary of the State and  
821 Comptroller, and (B) all operations of an Executive Department agency  
822 which are funded by either the General Fund or a special fund.

823 (4) "Telecommunication systems" means telephone equipment and  
824 transmission facilities, either alone or in combination with information  
825 systems, for the electronic distribution of all forms of information,  
826 including voice, data and images.

827 [(5) "Chief Information Officer" means the department head for the  
828 Department of Information Technology.]

829 (5) "Commissioner" means the Commissioner of Administrative  
830 Services.

831 Sec. 28. Section 4d-2 of the general statutes is repealed and the  
832 following is substituted in lieu thereof (*Effective July 1, 2011*):

833 (a) There is established the [Department] Division of Information  
834 Technology within the Department of Administrative Services. [The  
835 Department of Information Technology shall be administered by a

836 Chief Information Officer, who shall be an individual knowledgeable  
837 with respect to information and telecommunication systems. The Chief  
838 Information Officer shall be appointed by the Governor in accordance  
839 with the provisions of sections 4-5 to 4-8, inclusive, with the powers  
840 and duties prescribed in said sections.

841 (b) The Department of Information Technology shall constitute a  
842 successor department to the Office of Information and Technology, in  
843 accordance with the provisions of sections 4-38d, 4-38e and 4-39.]

844 (c) The [Chief Information Officer] Commissioner of Administrative  
845 Services shall: (1) [Develop and implement an integrated set of policies  
846 and architecture pertaining to information and telecommunication  
847 systems for state agencies; (2) develop a series of comprehensive  
848 standards and planning guidelines pertaining to the development,  
849 acquisition, implementation, and oversight and management of  
850 information and telecommunication systems for state agencies; (3)  
851 identify] Identify and implement (A) optimal information and  
852 telecommunication systems to efficiently service the needs of state  
853 agencies, and (B) opportunities for reducing costs for such systems;  
854 [(4)] (2) approve or disapprove, in accordance with guidelines  
855 established by the [Chief Information Officer] commissioner, each  
856 proposed state agency acquisition of hardware or software for an  
857 information or telecommunication system, except for (A) hardware or  
858 software having a cost of less than twenty thousand dollars, or (B)  
859 hardware or software having a cost of twenty thousand dollars or  
860 more, but less than one hundred thousand dollars, which is for a  
861 project that complies with the agency's business systems plan as  
862 approved by the [Chief Information Officer] commissioner; [(5)] (3)  
863 approve or disapprove, in accordance with guidelines established by  
864 the [Chief Information Officer] commissioner, all state agency requests  
865 or proposed contracts for consultants for information and  
866 telecommunication systems; [(6)] (4) be responsible for purchasing,  
867 leasing and contracting for all information system and  
868 telecommunication system facilities, equipment and services for state  
869 agencies, in accordance with the provisions of subsection (a) of section

870 4d-8, except for the offices of the Governor, Lieutenant Governor,  
871 Treasurer, Attorney General, Secretary of the State and Comptroller;  
872 [(7)] (5) review existing and new information and telecommunication  
873 system technologies to ensure consistency with the strategic plan  
874 established under section 4d-7, as amended by this act, and approved  
875 state agency architecture and make recommendations to the  
876 Standardization Committee established under section 4a-58 for review  
877 and appropriate action; [(8)] (6) cooperate with the General Assembly,  
878 the Judicial Department and the constituent units of the state system of  
879 higher education in assessing opportunities for cost savings and  
880 greater sharing of information resources which could result if such  
881 entities acquire information and telecommunication systems similar to  
882 those of state agencies; [(9)] (7) ensure state-wide implementation of  
883 the 9-1-1 and E 9-1-1 systems; and [(10)] (8) report annually, on or  
884 before February fifteenth, in accordance with section 11-4a, to the joint  
885 standing committees of the General Assembly having cognizance of  
886 matters relating to appropriations and the budgets of state agencies  
887 and government administration and elections on all technology  
888 projects on which the department is working or that the department  
889 plans to undertake.

890 (d) The Department of [Information Technology] Administrative  
891 Services shall approve or disapprove a state agency request or  
892 proposed contract under subdivision [(4) or (5)] (2) or (3) of subsection  
893 (c) of this section no later than seven business days after receipt of the  
894 request or proposed contract and any necessary supporting  
895 information. If the Department of [Information Technology]  
896 Administrative Services does not approve or disapprove the request or  
897 proposed contract by the end of such seven-day period, the request or  
898 proposed contract shall be deemed to have been approved. The  
899 provisions of said subdivision [(5)] (3) shall not apply to  
900 telecommunication consultants retained by the Department of Public  
901 Utility Control or the Office of Consumer Counsel in connection with  
902 telecommunication proceedings of said department.

903 Sec. 29. Section 4d-7 of the general statutes is repealed and the

904 following is substituted in lieu thereof (*Effective July 1, 2011*):

905 (a) The [Chief Information Officer] Commissioner of Administrative  
906 Services shall develop, publish and annually update an information  
907 and telecommunication systems strategic plan, in accordance with the  
908 policies established by the Office of Policy and Management, which  
909 shall have the following goals: (1) To provide a level of voice and data  
910 communications service among all state agencies that will ensure the  
911 effective and efficient completion of their respective functions; (2) [to  
912 establish a direction for the collection, storage, management and use of  
913 information by state agencies in an efficient manner; (3) to develop a  
914 comprehensive information policy for state agencies that clearly  
915 articulates (A) the state's commitment to the sharing of its information  
916 resources, (B) the relationship of such resources to library and other  
917 information resources in the state, and (C) a philosophy of equal access  
918 to information; (4)] to provide all necessary telecommunication  
919 services between state agencies and the public; [(5)] (3) to provide, in  
920 the event of an emergency, immediate voice and data communications  
921 and critical application recovery capabilities which are necessary to  
922 support state agency functions; and [(6)] (4) to provide necessary  
923 access to higher technology for state agencies.

924 (b) In order to facilitate the development of a fully integrated state-  
925 wide information services and telecommunication system which  
926 effectively and efficiently supports data processing and  
927 telecommunication requirements of all state agencies, the strategic  
928 plan shall include: (1) Establishment of guidelines and standards for  
929 the architecture for information and telecommunication systems which  
930 support state agencies; (2) plans for a cost-effective state-wide  
931 telecommunication network to support state agencies, which network  
932 may consist of different types of transmission media, including wire,  
933 fiber and radio, and shall be able to support voice, data, video and  
934 facsimile transmission requirements and any other form of information  
935 exchange which takes place via electromagnetic media; (3) a level of  
936 information systems and telecommunication planning for all state  
937 agencies and operations throughout the state that will ensure the

938 effective and efficient utilization and access to the state's information  
939 and telecommunication resources, including but not limited to, (A) an  
940 inventory of existing on-line public access arrangements for state  
941 agency data bases which contain information subject to disclosure  
942 under the Freedom of Information Act, as defined in section 1-200, (B)  
943 a list of data bases for which such access could be provided, including  
944 data bases containing consumer, business and health and human  
945 services program information, (C) provisions addressing the feasibility  
946 and cost of providing such access, (D) provisions for a public-private  
947 partnership in providing such on-line access, and (E) provisions to  
948 enable citizens to communicate with state agencies by electronic mail;  
949 and (4) identification of annual expenditures and major capital  
950 commitments for information and telecommunication systems. [; and  
951 (5) a direction and policy planning pertaining to the infusion of new  
952 technology for such systems for state agencies.] In carrying out the  
953 provisions of subparagraphs (A) to (E), inclusive, of subdivision (3) of  
954 this subsection, the [Chief Information Officer] Commissioner of  
955 Administrative Services shall consult with representatives of business  
956 associations, consumer organizations and nonprofit human services  
957 providers.

958 (c) Each state agency shall submit to the [Chief Information Officer]  
959 Commissioner of Administrative Services all plans, documents and  
960 other information requested by the [Chief Information Officer]  
961 commissioner for the development of such plan.

962 (d) The [Chief Information Officer] Commissioner of Administrative  
963 Services shall not implement a state agency proposal for information  
964 system hardware, software, maintenance service or consulting unless  
965 such proposal complies with the strategic plan and the agency's  
966 approved business systems plan. The [Chief Information Officer]  
967 commissioner shall maintain a current inventory of information  
968 system components to facilitate asset management and procurement  
969 leverage.

970 Sec. 30. Section 4d-8 of the general statutes is repealed and the

971 following is substituted in lieu thereof (*Effective July 1, 2011*):

972 (a) The provisions of title 4a shall apply to the purchasing, leasing  
973 and contracting for information system and telecommunication system  
974 facilities, equipment and services, [by the Chief Information Officer,  
975 except that (1) the Chief Information Officer shall have the powers and  
976 duties that are assigned by said title 4a to the Commissioner of  
977 Administrative Services and (2) the Chief Information Officer] The  
978 Commissioner of Administrative Services may use competitive  
979 negotiation, as defined in section 4a-50, to purchase or contract for  
980 such facilities, equipment and services after making a written  
981 determination, including the reasons therefor, that such action is in the  
982 best interest of the state. The [Chief Information Officer] commissioner  
983 shall adopt regulations, in accordance with the provisions of chapter  
984 54, establishing objective standards for determining when such  
985 competitive negotiation may be used instead of competitive bidding,  
986 including whether the character of the facilities, equipment or services  
987 is more important than their relative cost.

988 (b) (1) As used in this subsection, "information technology personal  
989 property" includes, but is not limited to, electronic data processing  
990 equipment, other equipment necessary for the utilization of  
991 information systems, telecommunication equipment or installations,  
992 and other equipment necessary for the utilization of  
993 telecommunication systems.

994 (2) Notwithstanding any provision of the general statutes to the  
995 contrary, the [Chief Information Officer] Commissioner of  
996 Administrative Services may sell, lease or otherwise dispose of  
997 information technology personal property. The [Chief Information  
998 Officer] commissioner may execute personal service agreements or  
999 other contracts with outside vendors for such purposes. If any such  
1000 information technology personal property was purchased or improved  
1001 with the proceeds of tax-exempt obligations issued or to be issued by  
1002 the state, the [Chief Information Officer] commissioner shall notify the  
1003 State Treasurer and obtain the approval of the State Treasurer, before

1004 selling, leasing or disposing of the personal property or executing such  
1005 an agreement or contract for such purpose. The State Treasurer may  
1006 disapprove such sale, lease, disposition, agreement or contract only if  
1007 it would affect the tax-exempt status of such obligations and could not  
1008 be modified to maintain such tax-exempt status.

1009 Sec. 31. Section 4d-9 of the general statutes is repealed and the  
1010 following is substituted in lieu thereof (*Effective July 1, 2011*):

1011 There shall be a Technical Services Revolving Fund in the  
1012 Department of [Information Technology] Administrative Services for  
1013 the purchase, installation and utilization of information systems, as  
1014 defined in section 4d-1, as amended by this act, for budgeted agencies  
1015 of the state. The [Chief Information Officer] Commissioner of  
1016 Administrative Services and the Secretary of the Office of Policy and  
1017 Management shall jointly be responsible for the administration of such  
1018 fund. Said [officer] commissioner and secretary shall develop  
1019 appropriate review procedures and accountability standards for such  
1020 fund and measures for determining the performance of the fund in  
1021 carrying out the purposes of this part.

1022 Sec. 32. Section 4d-12 of the general statutes is repealed and the  
1023 following is substituted in lieu thereof (*Effective July 1, 2011*):

1024 (a) The [Chief Information Officer] Commissioner of Administrative  
1025 Services may establish such committees as he deems necessary to  
1026 advise said [office] commissioner in carrying out the purposes of  
1027 sections 4d-1 to 4d-5, inclusive, as amended by this act, section 4d-7, as  
1028 amended by this act, and sections 4d-11 to 4d-14, inclusive, as  
1029 amended by this act.

1030 (b) There is established an information and telecommunication  
1031 systems executive steering committee consisting of the [Chief  
1032 Information Officer] Commissioner of Administrative Services, the  
1033 Secretary of the Office of Policy and Management, the Comptroller, the  
1034 Treasurer [, the Commissioner of Administrative Services] and the  
1035 chairperson of the board of trustees of each constituent unit of the state

1036 system of higher education, or their designees. The [Chief Information  
1037 Officer] Commissioner of Administrative Services, or [his] a designee,  
1038 shall serve as [chairman] chairperson of the committee. The  
1039 Department of [Information Technology] Administrative Services shall  
1040 serve as staff to the committee. The committee shall (1) review and  
1041 approve or disapprove the annual information and telecommunication  
1042 systems strategic plan developed under section 4d-7, as amended by  
1043 this act, state agency estimates of expenditure requirements for  
1044 information and telecommunication systems established under section  
1045 4d-11, as amended by this act, and major telecommunication  
1046 initiatives, (2) review, in consultation with the Department of  
1047 [Information Technology] Administrative Services, and approve or  
1048 disapprove variances to (A) the list of approved architectural  
1049 components for information and telecommunication systems for state  
1050 agencies, (B) the strategic plan, and (C) appropriations for information  
1051 and telecommunication systems, and (3) advise the Department of  
1052 [Information Technology] Administrative Services on the organization  
1053 and functions of the department. The committee shall submit a report  
1054 on each approved variance to the General Assembly. Such report shall  
1055 include the reasons for the variance and the results of a cost-benefit  
1056 analysis on the variance.

1057 Sec. 33. Subsection (a) of section 4d-45 of the general statutes is  
1058 repealed and the following is substituted in lieu thereof (*Effective July*  
1059 *1, 2011*):

1060 (a) No contracts or amendments to contracts for information system  
1061 or telecommunication system facilities, equipment or services, which  
1062 are entered into by any state agency (1) pursuant to the request for  
1063 proposal issued by the Department of Administrative Services dated  
1064 February 21, 1997, or (2) in the event such request for proposal is  
1065 withdrawn, suspended or superseded, pursuant to any similar request  
1066 for proposal issued by the Department of Administrative Services, [or  
1067 the Department of Information Technology,] shall be effective except  
1068 as provided in this section and sections 4d-46 and 4d-47.

1069 Sec. 34. Subsection (a) of section 4d-80 of the general statutes is  
1070 repealed and the following is substituted in lieu thereof (*Effective July*  
1071 *1, 2011*):

1072 (a) There is established a Commission for Educational Technology  
1073 within the Department of [Information Technology] Administrative  
1074 Services for administrative purposes only. The commission shall  
1075 consist of: (1) The [Chief Information Officer of the Department of  
1076 Information Technology] Commissioner of Administrative Services, or  
1077 the [Chief Information Officer's] commissioner's designee, the  
1078 Commissioners of Education and Higher Education, or their designees,  
1079 the State Librarian, or the State Librarian's designee, the chairperson of  
1080 the Department of Public Utility Control, or the chairperson's  
1081 designee, the chief executive officers of the constituent units of the  
1082 state system of higher education, or their designees, (2) one member  
1083 each representing the Connecticut Conference of Independent  
1084 Colleges, the Connecticut Association of Boards of Education, the  
1085 Connecticut Association of Public School Superintendents, the  
1086 Connecticut Educators Computer Association, and the Connecticut  
1087 Library Association, (3) a secondary school teacher designated by the  
1088 Connecticut Education Association and an elementary school teacher  
1089 designated by the Connecticut Federation of Educational and  
1090 Professional Employees, and (4) four members who represent business  
1091 and have expertise in information technology, one each appointed by  
1092 the Governor, the Lieutenant Governor, the speaker of the House of  
1093 Representatives and the president pro tempore of the Senate. The  
1094 Lieutenant Governor shall convene the first meeting of the commission  
1095 on or before September 1, 2000.

1096 Sec. 35. Subsection (c) of section 4e-13 of the general statutes is  
1097 repealed and the following is substituted in lieu thereof (*Effective July*  
1098 *1, 2011*):

1099 (c) All state agencies in the executive branch, the constituent units of  
1100 the state system of higher education and quasi-public agencies shall  
1101 post all bids, requests for proposals and all resulting contracts and

1102 agreements on the State Contracting Portal and shall, with the  
1103 assistance of the Department of Administrative Services [and the  
1104 Department of Information Technology] as needed, develop the  
1105 infrastructure and capability to electronically communicate with the  
1106 State Contracting Portal.

1107 Sec. 36. Subsection (a) of section 10a-151b of the general statutes is  
1108 repealed and the following is substituted in lieu thereof (*Effective July*  
1109 *1, 2011*):

1110 (a) Notwithstanding the provisions of chapter 58, and sections 4-98,  
1111 4a-4, 4a-5, 4a-6, 4d-2, and 4d-5 to the contrary, a chief executive officer  
1112 may purchase equipment, supplies and contractual services, execute  
1113 personal service agreements, as defined in section 4-212, or lease  
1114 personal property compatible, where relevant, with standards for  
1115 computer architecture established by the Department of [Information  
1116 Technology] Administrative Services, without the approval of the  
1117 Comptroller [,] or the Commissioner of Administrative Services, [or  
1118 the Chief Information Officer,] provided the Chief Executive Officer  
1119 consults with the [Chief Information Officer] commissioner and such  
1120 purchases are made in accordance with this section and in accordance  
1121 with policies which are (1) adopted by the board of trustees of the  
1122 constituent unit after reasonable opportunity for interested persons to  
1123 present their views, and (2) subject to section 4-175. For purposes of  
1124 this section, "chief executive officer" means the chief executive officer  
1125 of a constituent unit of the state system of higher education or the chief  
1126 executive officer of an institution within the jurisdiction of such a  
1127 constituent unit. The provisions of sections 4-212 to 4-219, inclusive,  
1128 and section 9 of public act 93-336 shall not apply to personal service  
1129 agreements executed pursuant to this section.

1130 Sec. 37. Section 14-42a of the general statutes is repealed and the  
1131 following is substituted in lieu thereof (*Effective July 1, 2011*):

1132 (a) The Commissioner of Motor Vehicles and the [Chief Information  
1133 Officer of the Department of Information Technology] Commissioner  
1134 of Administrative Services shall enter into an agreement with one or

1135 more federally-designated organ and tissue procurement  
1136 organizations to provide to such organizations access to the names,  
1137 dates of birth and other pertinent information of holders of operator's  
1138 licenses and identity cards issued pursuant to section 1-1h who have  
1139 registered with the Department of Motor Vehicles an intent to become  
1140 organ and tissue donors. Such access shall be provided in a manner  
1141 and form to be determined by the [commissioner and Chief  
1142 Information Officer] commissioners, following consultation with such  
1143 organizations, and may include electronic transmission of initial  
1144 information and periodic updating of information. The [commissioner]  
1145 Commissioner of Motor Vehicles shall not charge a fee for such access  
1146 pursuant to section 14-50a, but may charge such organizations  
1147 reasonable administrative costs. Information provided to such  
1148 organizations shall be used solely for identifying such license holders  
1149 as organ and tissue donors.

1150 (b) The Commissioner of Motor Vehicles shall include in regulations  
1151 adopted pursuant to sections 14-36f and 14-78 a requirement that a  
1152 description of the purposes and procedures of procurement  
1153 organizations, as defined in section 19a-289a, be included in driver  
1154 education programs.

1155 Sec. 38. Section 19a-25e of the general statutes is repealed and the  
1156 following is substituted in lieu thereof (*Effective July 1, 2011*):

1157 (a) The Department of Public Health and The University of  
1158 Connecticut Health Center may, within available appropriations,  
1159 develop a Connecticut Health Information Network plan to securely  
1160 integrate state health and social services data, consistent with state and  
1161 federal privacy laws, within and across The University of Connecticut  
1162 Health Center and the Departments of Public Health, Developmental  
1163 Services and Children and Families. Data from other state agencies  
1164 may be integrated into the network as funding permits and as  
1165 permissible under federal law.

1166 (b) The Department of Public Health and The Center for Public  
1167 Health and Health Policy at The University of Connecticut Health

1168 Center shall collaborate with the Departments of [Information  
1169 Technology] Administrative Services, Developmental Services, and  
1170 Children and Families to develop the Connecticut Health Information  
1171 Network plan.

1172 (c) The plan shall: (1) Include research in and describe existing  
1173 health and human services data; (2) inventory the various health and  
1174 human services data aggregation initiatives currently underway; (3)  
1175 include a framework and options for the implementation of a  
1176 Connecticut Health Information Network, including query  
1177 functionality to obtain aggregate data on key health indicators within  
1178 the state; (4) identify and comply with confidentiality, security and  
1179 privacy standards; and (5) include a detailed cost estimate for  
1180 implementation and potential sources of funding.

1181 Sec. 39. (NEW) (*Effective July 1, 2011*) (a) There is established a  
1182 Department of Construction Services. The department head shall be  
1183 the Commissioner of Construction Services, who shall be appointed by  
1184 the Governor, in accordance with the provisions of sections 4-5 to 4-8,  
1185 inclusive, of the general statutes, as amended by this act, with the  
1186 powers and duties prescribed in said sections.

1187 (b) The Department of Construction Services shall constitute a  
1188 successor department to the Department of Public Works in  
1189 accordance with the provisions of section 4-38d of the general statutes  
1190 with respect to those duties and functions of the Department of Public  
1191 Works concerning construction or maintenance of state buildings or  
1192 property pursuant to any provision of the general statutes. The transfer  
1193 of functions, personnel, powers, duties, obligations, including, but not  
1194 limited to, contract obligations, the continuance of orders and  
1195 regulations, the effect upon pending actions and proceedings, the  
1196 completion of unfinished business, and the transfer of records and  
1197 property between the Department of Public Works, as said department  
1198 existed immediately prior to July 1, 2011, and the Department of  
1199 Construction Services shall be governed by the provisions of sections  
1200 4-38d, 4-38e and 4-39 of the general statutes.

1201 (c) The Department of Construction Services shall assume all  
1202 responsibilities of the Department of Education concerning grants for  
1203 school building projects under chapter 173 of the general statutes. The  
1204 transfer of functions, personnel, powers, duties, obligations, including,  
1205 but not limited to, contract obligations, the continuance of orders and  
1206 regulations, the effect upon pending actions and proceedings, the  
1207 completion of unfinished business, and the transfer of records and  
1208 property concerning such grants, between the State Department of  
1209 Education and the Department of Construction Services shall be  
1210 governed by the provisions of sections 4-38d, 4-38e and 4-39 of the  
1211 general statutes.

1212 (d) The Department of Construction Services shall constitute a  
1213 successor department to the Department of Public Safety with respect  
1214 to the Division of Fire, Emergency and Building Services within the  
1215 Department of Public Safety. The transfer of functions, personnel,  
1216 powers, duties, obligations, including, but not limited to, contract  
1217 obligations, the continuance of orders and regulations, the effect upon  
1218 pending actions and proceedings, the completion of unfinished  
1219 business, and the transfer of records and property concerning said  
1220 division, between the Department of Public Safety and the Department  
1221 of Construction Services shall be governed by the provisions of  
1222 sections 4-38d, 4-38e and 4-39 of the general statutes.

1223 (e) Any order or regulation of the (1) Department of Education or  
1224 State Board of Education concerning school construction, (2)  
1225 Department of Public Works concerning construction or maintenance  
1226 of state buildings or property, or (3) Department of Public Safety  
1227 pursuant to chapter 541 of the general statutes, which is in force on  
1228 July 1, 2011, shall continue in force and effect as an order or regulation  
1229 of the Department of Construction Services until amended, repealed or  
1230 superseded pursuant to law. Where any order or regulation of said  
1231 departments or board conflict, the Commissioner of Construction  
1232 Services may implement policies and procedures consistent with the  
1233 provisions of this act while in the process of adopting the policy or  
1234 procedure in regulation form, provided notice of intention to adopt

1235 regulations is printed in the Connecticut Law Journal within twenty  
1236 days of implementation. The policy or procedure shall be valid until  
1237 the time final regulations are effective.

1238 (f) The commissioner may, within available appropriations, employ  
1239 any other personnel that may be necessary in the performance of the  
1240 department's functions.

1241 (g) The commissioner may enter into contracts for the furnishing by  
1242 any person or agency, public or private, of services necessary for the  
1243 proper execution of the duties of the department. Any such contract  
1244 that has a cost of three thousand dollars or more shall be subject to the  
1245 approval of the Attorney General.

1246 (h) The commissioner may perform any other acts that may be  
1247 necessary and appropriate to carry out the functions of the department  
1248 as set forth in this section.

1249 Sec. 40. Section 4b-1 of the general statutes is repealed and the  
1250 following is substituted in lieu thereof (*Effective July 1, 2011*):

1251 (a) The Commissioner of [Public Works] Construction Services shall  
1252 (1) be responsible for the administrative functions of construction and  
1253 planning of all capital improvements undertaken by the state, except  
1254 (A) highway and bridge construction, the construction and planning of  
1255 capital improvements related to mass transit, marine and aviation  
1256 transportation, (B) the Connecticut Marketing Authority, (C) planning  
1257 and construction of capital improvements to the State Capitol building  
1258 or the Legislative Office Building and related facilities by the Joint  
1259 Committee on Legislative Management, (D) any project as defined in  
1260 subdivision (16) of section 10a-109c, undertaken by The University of  
1261 Connecticut, and (E) construction and planning of capital  
1262 improvements related to the Judicial Department if such construction  
1263 and planning do not constitute a project within the meaning of  
1264 subsection (g) of section 4b-55, including the preparation of  
1265 preliminary plans, estimates of cost, development of designs, working  
1266 plans and specifications, award of contracts and supervision and

1267 inspection. For the purposes of this subparagraph (E), the term  
1268 "Judicial Department" does not include the courts of probate, the  
1269 Division of Criminal Justice and the Public Defender Services  
1270 Commission, except where such agencies share facilities in state-  
1271 maintained courts; (2) select consultant firms in accordance with the  
1272 provisions of sections 4b-56 to 4b-59, inclusive, to assist in the  
1273 development of plans and specifications when in the commissioner's  
1274 judgment such assistance is desirable; (3) render technical advice and  
1275 service to all state agencies in the preparation and correlation of plans  
1276 for necessary improvement of their physical plants; and (4) cooperate  
1277 with those charged with fiscal programming and budget formulation  
1278 in the development of a capital program and a capital budget for the  
1279 state. [; (5) be responsible for the purchase, sale, lease, sublease and  
1280 acquisition of property and space to house state agencies and, subject  
1281 to the provisions of section 4b-21, the sale or exchange of any land or  
1282 interest in land belonging to the state; (6) maintain a complete and  
1283 current inventory of all state-owned or leased property and premises,  
1284 including space-utilization data; (7) supervise the care and control of  
1285 buildings and grounds owned or leased by the state in Hartford,  
1286 except the building and grounds of the State Capitol and the  
1287 Legislative Office Building and parking garage and related structures  
1288 and facilities and grounds, as provided in section 2-71h, and the  
1289 Connecticut Marketing Authority and property under the supervision  
1290 of the Office of the Chief Court Administrator under the terms of  
1291 section 4b-11; and (8) be responsible for the administrative functions of  
1292 establishing and maintaining security standards for all facilities  
1293 housing the offices and equipment of the state except (A) Department  
1294 of Transportation mass transit, marine and aviation facilities, (B) the  
1295 State Capitol and the Legislative Office Building and related facilities,  
1296 (C) facilities under the care and control of The University of  
1297 Connecticut or other constituent units of the state system of higher  
1298 education, (D) Judicial Department facilities, (E) Department of Public  
1299 Safety facilities, (F) Military Department facilities, (G) Department of  
1300 Correction facilities, (H) Department of Children and Families client-  
1301 occupied facilities, (I) facilities occupied by the Governor, Lieutenant

1302 Governor, Attorney General, Comptroller, Secretary of the State and  
1303 Treasurer, and (J) facilities occupied by the Board of Pardons and  
1304 Paroles. As used in this subdivision, "security" has the meaning  
1305 assigned to it in section 4b-130. Subject to the provisions of chapter 67,  
1306 said commissioner may appoint such employees as are necessary for  
1307 carrying out the duties prescribed to said commissioner by the general  
1308 statutes.]

1309 (b) Notwithstanding any other provision of the general statutes,  
1310 except for the property of The University of Connecticut, the  
1311 commissioner may supervise the care and control of (1) any state-  
1312 owned or leased office building, and related buildings and grounds,  
1313 outside the city of Hartford, used as district offices, except any state-  
1314 owned or leased office building, and related buildings and grounds,  
1315 used by the Judicial Department, and (2) any other state-owned or  
1316 leased property, on a temporary or permanent basis, if the  
1317 commissioner, the Secretary of the Office of Policy and Management  
1318 and the executive head of the department or agency supervising the  
1319 care and control of such property agree, in writing, to such  
1320 supervision.

1321 Sec. 41. (NEW) (*Effective July 1, 2011*) On and after July 1, 2011, (1)  
1322 "Commissioner of Construction Services" shall be substituted for  
1323 "Commissioner of Public Safety", and (2) "Department of Construction  
1324 Services" shall be substituted for "Department of Public Safety", in the  
1325 following sections of the general statutes: 10a-91d, 10a-109ff, 16a-38k,  
1326 17a-154, 21a-86f, 28-27, 28-27a, 28-30a, 29-251, 29-251a, 29-251b, 29-  
1327 251c, 29-252, 29-252a, 29-254b, 29-256, 29-256a, 29-256b, 29-258, 29-261,  
1328 29-262, 29-262a, 29-263, 29-269a, 29-298a, 29-312, 29-313, 29-315, 29-317,  
1329 29-317, as amended by section 7 of public act 09-177 and sections 1 and  
1330 6 of public act 10-54, 29-319, 29-320, 29-320, as amended by section 8  
1331 of public act 09-177 and sections 2 and 6 of public act 10-54, 29-321, 29-  
1332 322, 29-322, as amended by section 9 of public act 09-177 and section 6  
1333 of public act 10-54, 29-325, 29-331, 29-331, as amended by section 14 of  
1334 public act 09-177 and section 6 of public act 10-54, 29-332, 29-333, 29-  
1335 337, 29-337, as amended by section 15 of public act 09-177 and section 6

1336 of public act 10-54, 29-338, 29-339, 29-345, 29-346, 29-349, 29-355, 29-  
1337 401, 29-402 and 29-403.

1338 Sec. 42. (NEW) (*Effective July 1, 2011*) On and after July 1, 2011, (1)  
1339 "Commissioner of Construction Services" shall be substituted for  
1340 "Commissioner of Public Works", and (2) "Department of Construction  
1341 Services" shall be substituted for "Department of Public Works", in the  
1342 following sections of the general statutes: 3-10, 3-20, 3-21d, 4-61, 4-87,  
1343 4-89, 4b-1a, 4b-12, 4b-13, 4b-16, 4b-17, 4b-22a, 4b-24, 4b-51, 4b-51a, 4b-  
1344 52, 4b-53, 4b-54, 4b-55, 4b-55a, 4b-56, 4b-60, 4b-62, 4b-63, 4b-65, 4b-66a,  
1345 4b-67, 4b-68, 4b-69, 4b-70, 4b-71, 4b-72, 4b-73, 4b-74, 4b-91, 4b-100, 4b-  
1346 100a, 4b-102, 4b-103, 4b-130, 4b-132, 4b-133, 4b-134, 5-142, 7-323p, 10a-  
1347 4a, 10a-91c, 10a-91d, 13a-73, 13b-20n, 16a-37u, 16a-37v, 16a-38, 16a-38a,  
1348 16a-38b, 16a-38d, 16a-38i, 16a-38j, 16a-38k, 16a-38l, 16a-38m, 16a-39,  
1349 17a-27, 17a-27c, 17a-27d, 17a-451b, 22-64, 22a-6, 22a-12, 22a-439a, 22a-  
1350 459, 26-3, 27-45, 27-131, 28-1b, 31-57, 32-6, 32-612, 32-613, 32-655a and  
1351 49-41b.

1352 Sec. 43. (NEW) (*Effective July 1, 2011*) On and after July 1, 2011, (1)  
1353 "Commissioner of Construction Services" shall be substituted for  
1354 "Commissioner of Education", and (2) "Department of Construction  
1355 Services" shall be substituted for "Department of Education", in the  
1356 following sections of the general statutes: 10-286d, 10-286e, 10-287a, 10-  
1357 287i, 10-289h, 10-290a, 10-290e, 10-290f, 10-291, 10-292, as amended by  
1358 this act, 10-292d, 10-292f, 10-292h, 10-292i, 10-292j, 10-292l and 10-  
1359 292m.

1360 Sec. 44. Section 4b-11 of the general statutes is repealed and the  
1361 following is substituted in lieu thereof (*Effective July 1, 2011*):

1362 The board of trustees of each state institution shall have the  
1363 supervision, care and control of all property used in connection with  
1364 such institution; the Commissioner of Public Safety shall have the  
1365 supervision, care and control of all property used in connection with  
1366 the Division of State Police; [and] the Department of Construction  
1367 Services shall have the supervision, care and control of all property  
1368 used in connection with the Division of Fire [, Emergency] and

1369 Building Services within the Department of [Public Safety]  
1370 Construction Services located outside the city of Hartford; the Joint  
1371 Committee on Legislative Management of the General Assembly shall  
1372 have the supervision, care and control of the State Capitol building  
1373 and grounds, the Legislative Office Building and parking garage and  
1374 grounds and related structures and facilities; the Office of the Chief  
1375 Court Administrator shall have the supervision, care and control of all  
1376 property where the Judicial Department is the primary occupant and  
1377 of the building and grounds of the State Library and Supreme Court  
1378 and shall establish policies and procedures governing such  
1379 supervision, care and control. For the purposes of this section, the term  
1380 "Judicial Department" does not include the courts of probate, the  
1381 Division of Criminal Justice and the Public Defender Services  
1382 Commission, except where they share facilities in state-maintained  
1383 courts. Such board of trustees and said commissioner may make  
1384 regulations for the maintenance of order on, and the safeguarding and  
1385 use of, any such property, subject to the direction and supervision of  
1386 the Commissioner of [Public Works] Construction Services. Any  
1387 person who trespasses upon such property shall be subject to the  
1388 penalty for criminal trespass, as provided in sections 53a-107 to 53a-  
1389 109, inclusive, or simple trespass, as provided in section 53a-110a. Any  
1390 person who violates any regulation concerning the use of such  
1391 property shall be fined not more than five hundred dollars or  
1392 imprisoned not more than three months, or both.

1393 Sec. 45. Subdivision (10) of section 20-330 of the general statutes is  
1394 repealed and the following is substituted in lieu thereof (*Effective July*  
1395 *1, 2011*):

1396 (10) "State Fire Marshal" means the State Fire Marshal [or any  
1397 member of the Division of State Police to whom the Commissioner of  
1398 Public Safety has delegated powers under section 29-291] appointed by  
1399 the Commissioner of Construction Services;

1400 Sec. 46. Section 29-250 of the general statutes is repealed and the  
1401 following is substituted in lieu thereof (*Effective July 1, 2011*):

1402 (a) There shall be within the Department of [Public Safety]  
1403 Construction Services a Division of Fire [, Emergency] and Building  
1404 Services. The Commissioner of [Public Safety] Construction Services  
1405 shall serve as administrative head of said division. In his capacity as  
1406 administrative head, the commissioner may delegate his jurisdiction of  
1407 the affairs of the division to a deputy commissioner, [who shall be a  
1408 civilian.]

1409 (b) There shall be in the Division of Fire [, Emergency] and Building  
1410 Services (1) an Office of the State Fire Marshal, and (2) an Office of the  
1411 State Building Inspector, [, and (3) an Office of State-Wide Emergency  
1412 Telecommunications. The State Building Inspector shall serve as  
1413 administrative head of the Office of the State Building Inspector.] The  
1414 head of each such office shall report to the [administrative head of the  
1415 Division of Fire, Emergency and Building Services] Commissioner of  
1416 Construction Services.

1417 Sec. 47. Section 29-315a of the general statutes is repealed and the  
1418 following is substituted in lieu thereof (*Effective July 1, 2011*):

1419 On or before July 1, 2005, each chronic and convalescent nursing  
1420 home or rest home with nursing supervision licensed pursuant to  
1421 chapter 368v shall submit a plan for employee fire safety training and  
1422 education to the Departments of Public Health and [Public Safety]  
1423 Construction Services and the Labor Department. Such plan shall, at a  
1424 minimum, comply with standards adopted by the federal  
1425 Occupational Safety and Health Administration, including, but not  
1426 limited to, standards listed in 29 CFR 1910.38, 1910.39 and 1910.157, as  
1427 adopted pursuant to chapter 571, or 29 USC Section 651 et seq., as  
1428 appropriate. The commissioners shall review each such plan and may  
1429 make recommendations they deem necessary. Once approved or  
1430 revised, such plan shall not be required to be resubmitted until further  
1431 revised or there is a change of ownership of the nursing or rest home.

1432 Sec. 48. Subdivision (8) of section 10-282 of the general statutes is  
1433 repealed and the following is substituted in lieu thereof (*Effective July*  
1434 *1, 2011*):

1435 (8) "Completed school building project" means a school building  
1436 project declared complete by the applicant board of education as of the  
1437 date shown on the final application for grant payment purposes as  
1438 submitted by said board to the Commissioner of [Education]  
1439 Construction Services or his agent;

1440 Sec. 49. Section 10-283 of the general statutes is repealed and the  
1441 following is substituted in lieu thereof (*Effective July 1, 2011*):

1442 (a) (1) Each town or regional school district shall be eligible to apply  
1443 for and accept grants for a school building project as provided in this  
1444 chapter. Any town desiring a grant for a public school building project  
1445 may, by vote of its legislative body, authorize the board of education of  
1446 such town to apply to the Commissioner of [Education] Construction  
1447 Services and to accept or reject such grant for the town. Any regional  
1448 school board may vote to authorize the supervising agent of the  
1449 regional school district to apply to the Commissioner of [Education]  
1450 Construction Services for and to accept or reject such grant for the  
1451 district. Applications for such grants under this chapter shall be made  
1452 by the superintendent of schools of such town or regional school  
1453 district on the form provided and in the manner prescribed by the  
1454 Commissioner of [Education] Construction Services. The application  
1455 form shall require the superintendent of schools to affirm that the  
1456 school district considered the maximization of natural light and the  
1457 use and feasibility of wireless connectivity technology in projects for  
1458 new construction and alteration or renovation of a school building.  
1459 Grant applications for school building projects shall be reviewed by  
1460 the Commissioner of [Education] Construction Services on the basis of  
1461 categories for building projects and standards for school construction  
1462 established by the [State Board of Education] Department of  
1463 Construction Services in accordance with this section, provided grant  
1464 applications submitted for purposes of subsection (a) of section 10-65  
1465 or section 10-76e shall be reviewed annually by the commissioner on  
1466 the basis of the educational needs of the applicant. Notwithstanding  
1467 the provisions of this chapter, the Board of Trustees of the  
1468 Community-Technical Colleges on behalf of Quinebaug Valley

1469 Community College and the following entities that will operate an  
1470 interdistrict magnet school that will assist the state in meeting the  
1471 goals of the 2008 stipulation and order for Milo Sheff, et al. v. William  
1472 A. O'Neill, et al., as determined by the [commissioner] Commissioner  
1473 of Education, may apply for and shall be eligible to receive grants for  
1474 school building projects pursuant to section 10-264h for such a school:  
1475 (A) The Board of Trustees of the Community-Technical Colleges on  
1476 behalf of a regional community-technical college, (B) the Board of  
1477 Trustees of the Connecticut State University System on behalf of a state  
1478 university, (C) the Board of Trustees for The University of Connecticut  
1479 on behalf of the university, (D) the board of governors for an  
1480 independent college or university, as defined in section 10a-37, or the  
1481 equivalent of such a board, on behalf of the independent college or  
1482 university, (D) cooperative arrangements pursuant to section 10-158a,  
1483 and (E) any other third-party not-for-profit corporation approved by  
1484 the commissioner.

1485 (2) Each school building project shall be assigned to a category on  
1486 the basis of whether such project is primarily required to: (A) Create  
1487 new facilities or alter existing facilities to provide for mandatory  
1488 instructional programs pursuant to this chapter, for physical education  
1489 facilities in compliance with Title IX of the Elementary and Secondary  
1490 Education Act of 1972 where such programs or such compliance  
1491 cannot be provided within existing facilities or for the correction of  
1492 code violations which cannot be reasonably addressed within existing  
1493 program space; (B) create new facilities or alter existing facilities to  
1494 enhance mandatory instructional programs pursuant to this chapter or  
1495 provide comparable facilities among schools to all students at the same  
1496 grade level or levels within the school district unless such project is  
1497 otherwise explicitly included in another category pursuant to this  
1498 section; and (C) create new facilities or alter existing facilities to  
1499 provide supportive services, provided in no event shall such  
1500 supportive services include swimming pools, auditoriums, outdoor  
1501 athletic facilities, tennis courts, elementary school playgrounds, site  
1502 improvement or garages or storage, parking or general recreation  
1503 areas. All applications submitted prior to July first shall be reviewed

1504 promptly by the commissioner and the amount of the grant for which  
1505 such project is eligible shall be estimated, provided an application for a  
1506 school building project determined by the [commissioner]  
1507 Commissioner of Education to be a project that will assist the state in  
1508 meeting the goals of the 2008 stipulation and order for Milo Sheff, et al.  
1509 v. William A. O'Neill, et al., shall have until September first to submit  
1510 an application for such a project and may have until December first of  
1511 the same year to secure and report all local and state approvals  
1512 required to complete the grant application. The commissioner shall  
1513 annually prepare a listing of all such eligible school building projects  
1514 listed by category together with the amount of the estimated grants  
1515 therefor and shall submit the same to the Governor [and] for review  
1516 and approval. The Governor shall submit the approved list to the  
1517 General Assembly [on or before the fifteenth day of December, except  
1518 as provided in section 10-283a,] with the submission of the Governor's  
1519 budget in accordance with section 4-71 with a request for authorization  
1520 to enter into grant commitments. Each such listing submitted after  
1521 December 1995 shall include a separate schedule of authorized projects  
1522 which have changed in scope or cost to a degree determined by the  
1523 commissioner. Notwithstanding any provision of this chapter, no such  
1524 project that has changed in scope or cost to the degree determined by  
1525 the commissioner shall be eligible for reimbursement under this  
1526 chapter unless it appears on such list. Each such listing submitted after  
1527 December 2005 shall include a separate schedule of authorized projects  
1528 which have changed in scope or cost to a degree determined by the  
1529 commissioner once, and a separate schedule of authorized projects  
1530 which have changed in scope or cost to a degree determined by the  
1531 commissioner twice. On and after July 1, 2006, no project, other than a  
1532 project for a regional vocational-technical school, may appear on the  
1533 separate schedule of authorized projects which have changed in cost  
1534 more than twice. On and after July 1, 2012, no project may appear on  
1535 the separate schedule of authorized projects which have changed in  
1536 cost more than once. The percentage determined pursuant to section  
1537 10-285a, as amended by this act, at the time a school building project  
1538 on such schedule was originally authorized shall be used for purposes

1539 of the grant for such project. On and after July 1, 2006, a project that  
1540 was not previously authorized as an interdistrict magnet school shall  
1541 not receive a higher percentage for reimbursement than that  
1542 determined pursuant to section 10-285a, as amended by this act, at the  
1543 time a school building project on such schedule was originally  
1544 authorized. The General Assembly shall annually authorize the  
1545 commissioner to enter into grant commitments on behalf of the state in  
1546 accordance with the [commissioner's] categorized listing for such  
1547 projects as the General Assembly shall determine. The commissioner  
1548 may not enter into any such grant commitments except pursuant to  
1549 such legislative authorization. Any regional school district which  
1550 assumes the responsibility for completion of a public school building  
1551 project shall be eligible for a grant pursuant to subdivision (5) or (6), as  
1552 the case may be, of subsection (a) of section 10-286, as amended by this  
1553 act, when such project is completed and accepted by such regional  
1554 school district.

1555 (3) (A) All final calculations completed by the Department of  
1556 [Education] Construction Services for school building projects  
1557 authorized on or after July 1, 1996, shall include a computation of the  
1558 state grant for the school building project amortized on a straight line  
1559 basis over a twenty-year period for school building projects with costs  
1560 equal to or greater than two million dollars and over a ten-year period  
1561 for school building projects with costs less than two million dollars.  
1562 Any town or regional school district which abandons, sells, leases,  
1563 demolishes or otherwise redirects the use of such a school building  
1564 project to other than a public school use during such amortization  
1565 period shall refund to the state the unamortized balance of the state  
1566 grant remaining as of the date the abandonment, sale, lease,  
1567 demolition or redirection occurs. The amortization period for a project  
1568 shall begin on the date the project was accepted as complete by the  
1569 local or regional board of education. A town or regional school district  
1570 required to make a refund to the state pursuant to this subdivision  
1571 may request forgiveness of such refund if the building is redirected for  
1572 public use. The department shall include as an addendum to the  
1573 annual school construction priority list all those towns requesting

1574 forgiveness. General Assembly approval of the priority list containing  
1575 such request shall constitute approval of such request. This  
1576 subdivision shall not apply to projects to correct safety, health and  
1577 other code violations or to remedy certified school indoor air quality  
1578 emergencies approved pursuant to subsection (b) of this section or  
1579 projects subject to the provisions of section 10-285c.

1580 (B) Any moneys refunded to the state pursuant to subparagraph (A)  
1581 of this subdivision shall be deposited in the state's tax-exempt  
1582 proceeds fund and used not later than sixty days after repayment to  
1583 pay debt service on, including redemption, defeasance or purchase of,  
1584 outstanding bonds of the state the interest on which is not included in  
1585 gross income pursuant to Section 103 of the Internal Revenue Code of  
1586 1986, or any subsequent corresponding internal revenue code of the  
1587 United States, as from time to time amended.

1588 (b) Notwithstanding the application date requirements of this  
1589 section, the Commissioner of [Education] Construction Services may  
1590 approve applications for grants to assist school building projects to  
1591 remedy damage from fire and catastrophe, to correct safety, health and  
1592 other code violations, to replace roofs [,] or to remedy a certified school  
1593 indoor air quality emergency. [, or to purchase and install portable  
1594 classroom buildings at any time within the limit of available grant  
1595 authorization and make payments thereon within the limit of  
1596 appropriated funds, provided portable classroom building projects  
1597 shall not create a new facility or cause an existing facility to be  
1598 modified so that the portable buildings comprise a substantial  
1599 percentage of the total facility area, as determined by the  
1600 commissioner.]

1601 (c) No school building project shall be added to the list prepared by  
1602 the Commissioner of [Education] Construction Services pursuant to  
1603 subsection (a) of this section after such list is submitted to the  
1604 [committee of the General Assembly appointed pursuant to section 10-  
1605 283a] Governor pursuant to this section unless (1) the project is for a  
1606 school placed on probation by the New England Association of Schools

1607 and Colleges and the project is necessary to preserve accreditation, (2)  
1608 the project is necessary to replace a school building for which a state  
1609 agency issued a written notice of its intent to take the school property  
1610 for public purpose, (3) for the fiscal year ending June 30, 2002, the  
1611 project is in a town operating under state governance, or (4) it is a  
1612 school building project determined by the commissioner to be a project  
1613 that will assist the state in meeting the goals of the 2008 stipulation and  
1614 order for Milo Sheff, et al. v. William A. O'Neill, et al. The provisions  
1615 of this subsection shall not apply to projects previously authorized by  
1616 the General Assembly that require special legislation to correct  
1617 procedural deficiencies.

1618 (d) No application for a school building project shall be accepted by  
1619 the commissioner on or after July 1, 2002, unless the applicant has  
1620 secured funding authorization for the local share of the project costs  
1621 prior to application. The reimbursement percentage for a project  
1622 covered by this subsection shall reflect the rates in effect during the  
1623 fiscal year in which such local funding authorization is secured.

1624 [(e) For each such list submitted in December, 2003, and December,  
1625 2004, the total amount requested by the commissioner for grant  
1626 commitments shall not exceed one billion dollars. In each such list, the  
1627 commissioner shall list the categories described in subdivision (2) of  
1628 subsection (a) of this section in order of priority and shall list the  
1629 projects within each category in order of priority. The commissioner  
1630 shall comply with the limitation on grant commitments provided for  
1631 under this subsection according to such priorities. Eligible projects that  
1632 cannot be included on the list shall be included first on the list  
1633 submitted the next following year.]

1634 Sec. 50. Section 10-283b of the general statutes is repealed and the  
1635 following is substituted in lieu thereof (*Effective July 1, 2011*):

1636 (a) On and after July 1, 1999, the Commissioner of [Education]  
1637 Construction Services shall include school building projects for the  
1638 regional vocational-technical schools on the list developed pursuant to  
1639 section 10-283. [Prior to inclusion on the list, such projects shall be

1640 reviewed by the Department of Public Works.] The adoption of the list  
1641 by the General Assembly and authorization by the State Bond  
1642 Commission of the issuance of bonds pursuant to section 10-287d shall  
1643 fund the full cost of the projects. On or after July 1, 2007, the  
1644 commissioner may approve applications for grants to assist school  
1645 building projects for the regional vocational-technical school system to  
1646 remedy damage from fire and catastrophe, to correct safety, health and  
1647 other code violations, to replace roofs [,] or to remedy a certified school  
1648 indoor air quality emergency. [, or to purchase and install portable  
1649 classroom buildings at any time within the limit of available grant  
1650 authorization and to make payments on such a project within the limit  
1651 of appropriated funds, provided portable classroom building projects  
1652 do not create a new facility or cause an existing facility to be modified  
1653 so that the portable buildings comprise a substantial percentage of the  
1654 total facility area, as determined by the commissioner.] Funds for the  
1655 projects shall be transferred to the Department of [Public Works]  
1656 Construction Services and, upon such transfer, the projects shall be  
1657 subject to the requirements of chapters 59 and 60.

1658 (b) The Department of [Public Works] Construction Services shall  
1659 ensure that an architect and a construction manager or construction  
1660 administrator hired to work on a project pursuant to subsection (a) of  
1661 this section are not related persons as defined in subdivision (18) of  
1662 subsection (a) of section 12-218b.

1663 Sec. 51. Section 10-284 of the general statutes is repealed and the  
1664 following is substituted in lieu thereof (*Effective July 1, 2011*):

1665 (a) The Commissioner of [Education] Construction Services shall  
1666 have authority to receive, review and approve applications for state  
1667 grants under this chapter, or to disapprove any such application if (1)  
1668 it does not comply with the requirements of the State Fire Marshal or  
1669 the Department of Public Health, (2) it is not accompanied by a life-  
1670 cycle cost analysis approved by the Commissioner of [Public Works]  
1671 Construction Services pursuant to section 16a-38, as amended by this  
1672 act, (3) it does not comply with the provisions of sections 10-290d and

1673 10-291, (4) it does not meet the standards, requirements or school  
1674 building priorities established by the State Board of Education, [or] (5)  
1675 the estimated construction cost exceeds the per square foot cost  
1676 established by the Commissioner of Construction Services for the  
1677 geographical area in which the project is proposed to be located, or (6)  
1678 the commissioner determines that the proposed educational  
1679 specifications for or theme of the project for which the applicant  
1680 requests a state grant duplicates a program offered by a vocational-  
1681 technical school or an interdistrict magnet school in the same region.

1682 (b) (1) The Commissioner of [Education] Construction Services may  
1683 also disapprove such a grant application: (A) For a project for which  
1684 the General Assembly authorized a grant commitment prior to June 14,  
1685 1984, if the town or regional school district has not begun construction,  
1686 as defined in section 10-282, by July 1, 1987; or (B) for any other project  
1687 if the town or regional school district has not begun construction, as  
1688 defined in section 10-282, within two years after the effective date of  
1689 the act of the General Assembly authorizing the Commissioner of  
1690 [Education] Construction Services to enter into grant commitments for  
1691 such projects as provided in [sections] section 10-283, as amended by  
1692 this act. [and 10-283a.] The Commissioner of Construction Services  
1693 shall cancel any grant commitment made to a town or regional school  
1694 district that has not begun construction, as defined in section 10-282,  
1695 by April 1, 2012, and the town or regional district may make a new  
1696 application for a grant in accordance with section 10-283, as amended  
1697 by this act.

1698 (2) Prior to disapproval of an application under the provisions of  
1699 subparagraph (A) of subdivision (1) of this subsection, the  
1700 commissioner shall give written notice of the pending disapproval by  
1701 mail to (A) the school building committee formed in connection with  
1702 the application, (B) the local or regional board of education, and (C) if  
1703 the applicant is a local board, to the chief executive officer of the town  
1704 or if the applicant is a regional board, to the chief executive officer of  
1705 each of the district's member towns. The notice shall be given twice.  
1706 The first such notice shall be mailed not later than September 1, 1986,

1707 and the second notice shall be mailed not later than March 1, 1987.

1708 (c) When any such application is approved, said commissioner shall  
1709 certify to the Comptroller the amount of the grant for which the town  
1710 or regional school district is eligible under this chapter and the amount  
1711 and time of the payment thereunder. Upon receipt of such certification,  
1712 the Comptroller is authorized and directed to draw his order on the  
1713 Treasurer in such amount and at such time as certified by said  
1714 commissioner.

1715 Sec. 52. Section 10-285a of the general statutes is repealed and the  
1716 following is substituted in lieu thereof (*Effective July 1, 2011*):

1717 (a) The percentage of school building project grant money a local  
1718 board of education may be eligible to receive, under the provisions of  
1719 section 10-286 shall be determined as follows: (1) Each town shall be  
1720 ranked in descending order from one to one hundred sixty-nine  
1721 according to such town's adjusted equalized net grand list per capita,  
1722 as defined in section 10-261; (2) based upon such ranking, a percentage  
1723 of not less than forty nor more than eighty shall be determined for each  
1724 town on a continuous scale, except that (A) for school building projects  
1725 authorized by the General Assembly during the fiscal year ending June  
1726 30, 1991, for all such projects so authorized thereafter and for grants  
1727 approved pursuant to subsection (b) of section 10-283, as amended by  
1728 this act, for which application is made on and after July 1, 1991, the  
1729 percentage of school building project grant money a local board of  
1730 education may be eligible to receive, under the provisions of section  
1731 10-286 shall be determined as follows: [(A)] (i) Each town shall be  
1732 ranked in descending order from one to one hundred sixty-nine  
1733 according to such town's adjusted equalized net grand list per capita,  
1734 as defined in section 10-261; [(B)] (ii) based upon such ranking, a  
1735 percentage of not less than twenty nor more than eighty shall be  
1736 determined for each town on a continuous scale, and (B) for grants  
1737 approved pursuant to subsection (b) of section 10-283, as amended by  
1738 this act, for which application is made on and after July 1, 2011, the  
1739 percentage of school building project grant money a local board of

1740 education may be eligible to receive, under the provisions of section  
1741 10-286, as amended by this act, shall be determined as follows: (i) Each  
1742 town shall be ranked in descending order from one to one hundred  
1743 sixty-nine according to such town's adjusted equalized net grand list  
1744 per capita, as defined in section 10-261; (ii) based upon such ranking, a  
1745 percentage of not less than fifteen nor more than sixty-five shall be  
1746 determined for new construction of a school building for each town on  
1747 a continuous scale and a percentage of not less than twenty nor more  
1748 than eighty shall be determined for renovation of an existing school  
1749 building for each town on a continuous scale.

1750 (b) The percentage of school building project grant money a regional  
1751 board of education may be eligible to receive under the provisions of  
1752 section 10-286, as amended by this act, shall be determined by its  
1753 ranking. Such ranking shall be determined by (1) multiplying the total  
1754 population, as defined in section 10-261, of each town in the district by  
1755 such town's ranking, as determined in subsection (a) of this section, (2)  
1756 adding together the figures determined under subdivision (1) of this  
1757 subsection, and (3) dividing the total computed under subdivision (2)  
1758 of this subsection by the total population of all towns in the district.  
1759 The ranking of each regional board of education shall be rounded to  
1760 the next higher whole number and each such board shall receive the  
1761 same reimbursement percentage as would a town with the same rank  
1762 plus ten per cent, except that no such percentage shall exceed eighty-  
1763 five per cent.

1764 (c) The percentage of school building project grant money a regional  
1765 educational service center may be eligible to receive shall be  
1766 determined by its ranking. Such ranking shall be determined by (1)  
1767 multiplying the population of each member town in the regional  
1768 educational service center by such town's ranking, as determined in  
1769 subsection (a) of this section; (2) adding together the figures for each  
1770 town determined under subdivision (1) of this subsection, and (3)  
1771 dividing the total computed under subdivision (2) of this subsection by  
1772 the total population of all member towns in the regional educational  
1773 service center. The ranking of each regional educational service center

1774 shall be rounded to the next higher whole number and each such  
1775 center shall receive the same reimbursement percentage as would a  
1776 town with the same rank.

1777 (d) The percentage of school building project grant money a  
1778 cooperative arrangement pursuant to section 10-158a, may be eligible  
1779 to receive shall be determined by its ranking. Such ranking shall be  
1780 determined by (1) multiplying the total population, as defined in  
1781 section 10-261, of each town in the cooperative arrangement by such  
1782 town's ranking, as determined in subsection (a) of this section, (2)  
1783 adding the products determined under subdivision (1) of this  
1784 subsection, and (3) dividing the total computed under subdivision (2)  
1785 of this subsection by the total population of all towns in the  
1786 cooperative arrangement. The ranking of each cooperative  
1787 arrangement shall be rounded to the next higher whole number and  
1788 each such cooperative arrangement shall receive the same  
1789 reimbursement percentage as would a town with the same rank plus  
1790 ten percentage points.

1791 (e) If an elementary school building project for a new building or for  
1792 the expansion of an existing building includes space for a school  
1793 readiness program, the percentage determined pursuant to this section  
1794 shall be increased by five percentage points, but shall not exceed one  
1795 hundred per cent, for the portion of the building used primarily for  
1796 such purpose. Recipient districts shall maintain full-day preschool  
1797 enrollment for at least ten years.

1798 (f) The percentage determined pursuant to this section for a school  
1799 building project grant for the expansion, alteration or renovation of an  
1800 existing public school building to convert such building for use as a  
1801 lighthouse school, as defined in section 10-266cc, shall be increased by  
1802 ten percentage points.

1803 (g) The percentage determined pursuant to this section for a school  
1804 building project grant shall be increased by the percentage of the total  
1805 projected enrollment of the school attributable to the number of spaces  
1806 made available for out-of-district students participating in the program

1807 established pursuant to section 10-266aa, provided the maximum  
1808 increase shall not exceed ten percentage points.

1809 (h) Subject to the provisions of section 10-285d, if an elementary  
1810 school building project for a school in a priority school district or for a  
1811 priority school is necessary in order to offer a full-day kindergarten  
1812 program or a full-day preschool program or to reduce class size  
1813 pursuant to section 10-265f, the percentage determined pursuant to  
1814 this section shall be increased by ten percentage points for the portion  
1815 of the building used primarily for such full-day kindergarten program,  
1816 full-day preschool program or such reduced size classes. Recipient  
1817 districts that receive an increase pursuant to this subsection in support  
1818 of a full-day preschool program, shall maintain full-day preschool  
1819 enrollment for at least ten years.

1820 (i) For all projects authorized on or after July 1, 2007, all attorneys'  
1821 fees and court costs related to litigation shall be eligible for state school  
1822 construction grant assistance only if the grant applicant is the  
1823 prevailing party in any such litigation. For all projects authorized on or  
1824 after July 1, 2011, no attorneys' fees or court costs related to litigation  
1825 shall be eligible for state school construction grant assistance.

1826 Sec. 53. Section 10-285b of the general statutes is repealed and the  
1827 following is substituted in lieu thereof (*Effective July 1, 2011*):

1828 (a) (1) For the fiscal year ending June 30, 1987, Woodstock Academy  
1829 may apply and be eligible subsequently to be considered for school  
1830 construction grant commitments from the state pursuant to this  
1831 chapter. (2) Except as provided in subdivision (1) of this subsection,  
1832 any incorporated or endowed high school or academy approved by the  
1833 State Board of Education pursuant to section 10-34 may apply and be  
1834 eligible subsequently to be considered for school construction grant  
1835 commitments from the state pursuant to this chapter. (3) Applications  
1836 pursuant to this subsection shall be filed at such time and on such  
1837 forms as the [state] Department of [Education] Construction Services  
1838 prescribes. The Commissioner of [Education] Construction Services  
1839 shall approve such applications pursuant to the provisions of section

1840 10-284 deemed applicable by the [state] Department of [Education]  
1841 Construction Services.

1842 (b) In the case of a school building project, as defined in  
1843 subparagraph (A) of subdivision (3) of section 10-282, the amount of  
1844 the grant approved by said commissioner shall be computed pursuant  
1845 to the provisions of section 10-286, as amended by this act, and the  
1846 eligible percentage shall be computed pursuant to the provisions of  
1847 subdivision (2) of subsection (c) of this section. The calculation of the  
1848 grant pursuant to this section shall be made in accordance with the  
1849 state standard space specifications in effect at the time of final grant  
1850 calculation.

1851 (c) (1) The percentage of school building project grant money  
1852 Woodstock Academy may be eligible to receive for school construction  
1853 projects for which application was made in the fiscal year ending June  
1854 30, 1987, under the provisions of subsection (b) of this section shall be  
1855 determined by its ranking. The ranking shall be determined by (A)  
1856 multiplying the total population, as defined in section 10-261, of each  
1857 town which subsequent to October 1, 1985, and prior to October 1,  
1858 1986, designates Woodstock Academy as the high school for such town  
1859 for a period of not less than five years, by such town's percentile  
1860 ranking, as determined in subsection (a) of section 10-285a, as  
1861 amended by this act, (B) adding together the figures for each town  
1862 determined under subparagraph (A) of this subdivision, and (C)  
1863 dividing the total computed under subparagraph (B) of this  
1864 subdivision by the total population of all towns which designate  
1865 Woodstock Academy as their high school under subparagraph (A) of  
1866 this subdivision. The ranking determined pursuant to this subdivision  
1867 shall be rounded to the next higher whole number. Woodstock  
1868 Academy shall receive the same reimbursement percentage as would a  
1869 town with the same rank.

1870 (2) Except as provided in subdivision (1) of this subsection, the  
1871 percentage of school building project grant money each incorporated  
1872 or endowed high school or academy may be eligible to receive under

1873 the provisions of subsection (b) of this section shall be determined by  
1874 its ranking. The ranking shall be determined by (A) multiplying the  
1875 total population, as defined in section 10-261, of each town which at  
1876 the time of application for such school construction grant commitment  
1877 has designated such school as the high school for such town for a  
1878 period of not less than five years from the date of such application, by  
1879 such town's percentile ranking, as determined in subsection (a) of  
1880 section 10-285a, as amended by this act, (B) adding together the figures  
1881 for each town determined under subparagraph (A) of this subdivision  
1882 and (C) dividing the total computed under subparagraph (B) of this  
1883 subdivision by the total population of all towns which designate the  
1884 school as their high school under subparagraph (A) of this subdivision.  
1885 The ranking determined pursuant to this subdivision shall be rounded  
1886 to the next higher whole number. Such high school or academy shall  
1887 receive the reimbursement percentage of a town with the same rank  
1888 increased by five per cent, except that the reimbursement percentage of  
1889 such high school or academy shall not exceed [~~eighty-five~~] sixty-five  
1890 per cent.

1891 (d) (1) In order for Woodstock Academy to be eligible for a grant  
1892 commitment pursuant to this section for the fiscal year ending June 30,  
1893 1987, said academy shall (A) provide educational facilities to the town  
1894 or towns designating it as the high school for such town or towns for a  
1895 period commencing on June 5, 1986, and not less than ten years after  
1896 completion of grant payments under this section, and (B) provide that  
1897 at least half of its executive committee, exclusive of the president, be  
1898 representatives of the board or boards of education designating  
1899 Woodstock Academy as the high school for each such board's town.

1900 (2) Except as provided in subdivision (1) of this subsection, in order  
1901 for an incorporated or endowed high school or academy to be eligible  
1902 for a grant commitment pursuant to this section such high school or  
1903 academy shall (A) provide educational services to the town or towns  
1904 designating it as the high school for such town or towns for a period of  
1905 not less than ten years after completion of grant payments under this  
1906 section, and (B) provide that at least half of the governing board which

1907 exercises final educational, financial and legal responsibility for the  
1908 high school or academy, exclusive of the chairman of such board, be  
1909 representatives of the board or boards of education designating the  
1910 high school or academy as the high school for each such board's town.

1911 Sec. 54. Section 10-285e of the general statutes is repealed and the  
1912 following is substituted in lieu thereof (*Effective July 1, 2011*):

1913 [(a) The State Board of Education shall include reimbursement for  
1914 reasonable lease costs that are determined by the Commissioner of  
1915 Education to be required as part of a school building project grant  
1916 under this chapter.]

1917 [(b)] The State Board of Education shall require renovation projects  
1918 under this chapter to meet the same state and federal codes and  
1919 regulations as are required for alteration projects.

1920 Sec. 55. Section 10-285h of the general statutes is repealed and the  
1921 following is substituted in lieu thereof (*Effective July 1, 2011*):

1922 (a) For the fiscal year ending June 30, 2006, there shall be established  
1923 a pilot program for the development of a school building facility to be  
1924 used for a state charter school. The Commissioner of [Education]  
1925 Construction Services may receive applications for the purchase and  
1926 renovation of a building to be used as a state charter school facility.  
1927 The amount of the grant shall be equal to the net eligible expenditures  
1928 multiplied by the school construction reimbursement rate for the town  
1929 in which the facility will be located. Enrollment projections identified  
1930 in the application may exceed current charter school enrollment  
1931 limitations, if approved by the commissioner. The provisions of this  
1932 chapter concerning school construction projects and regulations  
1933 adopted by the [State Board of Education] Department of Construction  
1934 Services, in accordance with this chapter, shall apply to the project,  
1935 except as provided by this section.

1936 (b) Eligible applicants shall be successful state charter school  
1937 governing boards that have operated a charter school for at least five

1938 years and have had the charter of the school renewed by the State  
1939 Board of Education. The application shall include information  
1940 concerning the charter school that describes: (1) Academic success,  
1941 including test results on mastery examinations pursuant to section 10-  
1942 14n, (2) attendance records of students, (3) student success in  
1943 completing the program of studies offered by the school, (4) parental  
1944 involvement in the operation and decisions of the governing board,  
1945 and (5) other such information as is required by the Commissioner of  
1946 [Education] Construction Services. The application shall be submitted  
1947 in such form, manner and time as determined by the commissioner.

1948 (c) The Commissioner of [Education] Construction Services may  
1949 select one application for state grant assistance. The commissioner  
1950 shall notify the [school construction committee pursuant to section 10-  
1951 283a] joint standing committee of the General Assembly having  
1952 cognizance of matters relating to education of the commissioner's  
1953 selection and the proposed funding for such state charter school  
1954 project. [The school construction] Said committee shall consider the  
1955 application in conjunction with the [committee's review of the] listing  
1956 of eligible projects developed in accordance with section 10-283, as  
1957 amended by this act. If the [school construction] committee approves  
1958 the request for funding, the committee shall include such grant request  
1959 as a separately-listed item on a special supplementary schedule for  
1960 such pilot charter school project on the listing of eligible projects  
1961 developed in accordance with section 10-283, as amended by this act.

1962 (d) If a state charter school that received a grant pursuant to this  
1963 section ceases to be used as a state charter school facility, the  
1964 Commissioner of Education shall determine whether title to the  
1965 building and any legal interest in appurtenant land shall revert to the  
1966 state.

1967 Sec. 56. Section 10-286 of the general statutes is repealed and the  
1968 following is substituted in lieu thereof (*Effective July 1, 2011*):

1969 (a) The amount of the grant approved by the Commissioner of  
1970 [Education] Construction Services under the provisions of this chapter

1971 for any completed school building project shall be computed as  
1972 follows:

1973 (1) For the fiscal year ending June 30, [1984] 2012, and each fiscal  
1974 year thereafter, in the case of a new school plant, an extension of an  
1975 existing school building or projects involving the major alteration of  
1976 any existing building to be used for school purposes, the eligible  
1977 percentage, as determined in section 10-285a, as amended by this act,  
1978 of the result of multiplying together the number representing the  
1979 highest projected enrollment, based on [data acceptable to the  
1980 Commissioner of Education,] the average growth rate in student  
1981 enrollment for the prior ten-year period for such building [during the  
1982 eight-year period] from the date a local or regional board of education  
1983 files a notification of a proposed school building project with the  
1984 Department of [Education] Construction Services, the number of gross  
1985 square feet per pupil determined by the Commissioner of [Education]  
1986 Construction Services to be adequate for the kind of educational  
1987 program or programs intended, and the eligible cost of such project,  
1988 divided by the gross square feet of such building, the maximum cost  
1989 per square foot established by the commissioner, or the eligible  
1990 percentage, as determined in section 10-285a, as amended by this act,  
1991 of the eligible cost of such project, whichever is less, provided, (A) any  
1992 such project on which construction was started prior to July 1, 1975,  
1993 shall be reimbursed under the formula in effect prior to said date, (B)  
1994 any such project on which construction or payments under this chapter  
1995 were started after June 30, 1975, but prior to July 31, 1983, shall be  
1996 reimbursed based upon the data, submitted for each such project and  
1997 accepted by the Department of Education during said period,  
1998 representing the number of pupils the plant was designed to  
1999 accommodate, (C) any project for which final grant calculation has  
2000 been made after June 30, 1975, but prior to July 31, 1983, shall be  
2001 reimbursed based upon such final calculation, and (D) any such project  
2002 for which estimated grant payments were begun prior to July 31, 1983,  
2003 shall be reimbursed based upon the calculation formula used in  
2004 making such estimated grant payments;

2005 (2) In case of projects involving the purchase of an existing building  
2006 to be used for school purposes, the eligible percentage, as determined  
2007 in section 10-285a, as amended by this act, of the eligible cost as  
2008 determined by the Commissioner of [Education] Construction  
2009 Services, provided any project for which an application is made on or  
2010 after July 1, 1995, involving the purchase and renovation of an existing  
2011 facility, may be exempt from the standard space specifications, and  
2012 otherwise ineligible repairs and replacements may be considered  
2013 eligible for reimbursement as part of such a project, if information is  
2014 provided acceptable to the commissioner documenting the need for  
2015 such work and the cost savings to the state and the school district of  
2016 such purchase and renovation project in comparison to alternative  
2017 construction options;

2018 (3) If any school building project described in subdivisions (1) and  
2019 (2) of this subsection includes the construction, extension or major  
2020 alteration of outdoor athletic facilities, tennis courts or a natatorium,  
2021 gymnasium or auditorium, the grant for the construction of such  
2022 outdoor athletic facilities, tennis courts and natatorium shall be limited  
2023 to one-half of the eligible percentage for subdivisions (1) and (2) of the  
2024 net eligible cost of construction thereof; the grant for the construction  
2025 of an area of spectator seating in a gymnasium shall be one-half of the  
2026 eligible percentage for subdivisions (1) and (2) of the net eligible cost of  
2027 construction thereof; and the grant for the construction of the seating  
2028 area in an auditorium shall be limited to one-half of the eligible  
2029 percentage for subdivisions (1) and (2) of the net eligible cost of  
2030 construction of the portion of such area that seats one-half of the  
2031 projected enrollment of the building, as defined in subdivision (1) of  
2032 this subsection, which it serves;

2033 (4) In the case of a regional agricultural science and technology  
2034 education center or the purchase of equipment pursuant to subsection  
2035 (a) of section 10-65 or a regional special education facility pursuant to  
2036 section 10-76e, an amount equal to the eligible cost of such project, as  
2037 determined by the Commissioner of [Education] Construction  
2038 Services;

2039 (5) In the case of a public school administrative or service facility,  
2040 one-half of the eligible percentage for subdivisions (1) and (2) of this  
2041 subsection of the eligible project cost as determined by the  
2042 Commissioner of [Education] Construction Services, or in the case of a  
2043 regional educational service center administrative or service facility,  
2044 the eligible percentage, as determined pursuant to subsection (c) of  
2045 section 10-285a, as amended by this act, of the eligible project cost as  
2046 determined by the commissioner, provided on and after July 1, 2012, a  
2047 public school administrative or service facility shall not be eligible for a  
2048 grant commitment;

2049 (6) [In] Prior to July 1, 2011, in the case of the total replacement of a  
2050 roof or the total replacement of a portion of a roof which has existed  
2051 for at least twenty years, or in the case of the total replacement of a  
2052 roof or the total replacement of a portion of a roof which has existed  
2053 for fewer than twenty years when it is determined by a registered  
2054 architect or registered engineer that such roof was improperly  
2055 designed or improperly constructed and the town is prohibited from  
2056 recovery of damages or has no other recourse at law or in equity, the  
2057 eligible percentage for subdivisions (1) and (2) of this subsection, of the  
2058 eligible cost as determined by the Commissioner of Education. In the  
2059 case of the total replacement of a roof or the total replacement of a  
2060 portion of a roof which has existed for fewer than twenty years (A)  
2061 when it is determined by a registered architect or registered engineer  
2062 that such roof was improperly designed or improperly constructed  
2063 and the town has recourse at law or in equity and recovers less than  
2064 such eligible cost, the eligible percentage for subdivisions (1) and (2) of  
2065 this subsection of the difference between such recovery and such  
2066 eligible cost, and (B) when the roof is at least fifteen years old but less  
2067 than twenty years old and it cannot be determined by a registered  
2068 architect or registered engineer that such roof was improperly  
2069 designed or improperly constructed, the eligible percentage for  
2070 subdivisions (1) and (2) of this subsection of the eligible project costs  
2071 provided such costs are multiplied by the ratio of the age of the roof to  
2072 twenty years. For purposes of this subparagraph, the age of the roof  
2073 shall be determined in whole years to the nearest year based on the

2074 time between the completed installation of the old roof and the date of  
2075 the grant application for the school construction project for the new  
2076 roof;

2077 (7) On and after July 1, 2011, in the case of a project for the  
2078 replacement of a roof or the purchase or replacement of a heating,  
2079 ventilation or air conditioning system that would provide greater  
2080 energy efficiency or reduce heating fuel costs for such town or district,  
2081 at an amount equal to the eligible cost of a school renovation as  
2082 determined by the Commissioner of Construction Services in  
2083 regulations adopted in accordance with section 10-287c, as amended  
2084 by this act.

2085 [(7)] (8) For the fiscal year ending June 30, 1984, and for each fiscal  
2086 year thereafter, in the case of projects to correct code violations, the  
2087 eligible percentage, as determined in section 10-285a, as amended by  
2088 this act, of the eligible cost as determined by the Commissioner of  
2089 [Education] Construction Services;

2090 [(8)] (9) In the case of a renovation project for which an application  
2091 is made on or after July 1, 1995, the eligible percentage as determined  
2092 in subsection (b) of section 10-285a, as amended by this act, multiplied  
2093 by the eligible costs as determined by the commissioner, provided the  
2094 project may be exempt from the standard space specifications, and  
2095 otherwise ineligible repairs and replacements may be considered  
2096 eligible for reimbursement as part of such a project, if information is  
2097 provided acceptable to the commissioner documenting the need for  
2098 such work and the cost savings to the state and the school district of  
2099 such renovation project in comparison to alternative construction  
2100 options;

2101 [(9)] (10) In the case of projects approved to remedy certified school  
2102 indoor air quality emergencies, the eligible percentage, as determined  
2103 in section 10-285a, as amended by this act, of the eligible cost as  
2104 determined by the Commissioner of [Education] Construction  
2105 Services;

2106 [(10)] (11) In the case of a project involving a turn-key purchase for a  
2107 facility to be used for school purposes, the eligible percentage, as  
2108 determined in section 10-285a, as amended by this act, of the net  
2109 eligible cost as determined by the Commissioner of [Education]  
2110 Construction Services, except that for any project involving such a  
2111 purchase for which an application is made on or after July 1, 2006, (A)  
2112 final plans for all construction work included in the turn-key purchase  
2113 agreement shall be approved by the Commissioner of [Education]  
2114 Construction Services in accordance with section 10-292, as amended  
2115 by this act, and (B) such project may be exempt from the standard  
2116 space specifications, and otherwise ineligible repairs and replacements  
2117 may be considered eligible for reimbursement as part of such project, if  
2118 information acceptable to the commissioner documents the need for  
2119 such work and that such a purchase will cost less than constructing the  
2120 facility in a different manner and will result in a facility taking on a  
2121 useful life comparable to that of a new facility.

2122 (b) (1) In the case of all grants computed under this section for a  
2123 project which constitutes a replacement, extension or major alteration  
2124 of a damaged or destroyed facility, no grant may be paid if a local or  
2125 regional board of education has failed to insure its facilities and capital  
2126 equipment in accordance with the provisions of section 10-220. The  
2127 amount of financial loss due to any damage or destruction to any such  
2128 facility, as determined by ascertaining the replacement value of such  
2129 damage or destruction, shall be deducted from project cost estimates  
2130 prior to computation of the grant.

2131 (2) In the case of any grants computed under this section for a  
2132 school building project authorized pursuant to section 10-283, as  
2133 amended by this act, after July 1, 1979, any federal funds or other state  
2134 funds received for such school building project shall be deducted from  
2135 project costs prior to computation of the grant.

2136 (3) The limitation on grants for new outdoor athletic facilities, tennis  
2137 courts, natatorium, gymnasium and auditorium shall not apply to  
2138 school building projects for which applications for review of

2139 preliminary plans and specifications on Form 2A were submitted prior  
2140 to October 1, 1975, in the case of towns and prior to October 15, 1975,  
2141 in the case of regional school districts.

2142 (4) Commencing with the school construction projects authorized by  
2143 the General Assembly during the fiscal year ending June 30, 1985, and  
2144 for all such projects so authorized thereafter, the calculation of grants  
2145 pursuant to this section shall be made in accordance with the state  
2146 standard space specifications in effect at the time of the final grant  
2147 calculation, except that on and after July 1, 2005, in the case of a school  
2148 district with an enrollment of less than one hundred fifty students in  
2149 grades kindergarten to grade eight, inclusive, state standard space  
2150 specifications shall not apply in the calculation of grants pursuant to  
2151 this section and the Commissioner of [Education] Construction  
2152 Services may modify the standard space specifications for a project in  
2153 such district.

2154 (c) In the computation of grants pursuant to this section for any  
2155 school building project authorized by the General Assembly pursuant  
2156 to section 10-283, as amended by this act, (1) after January 1, 1993, any  
2157 maximum square footage per pupil limit established pursuant to this  
2158 chapter or any regulation adopted by the [State Board of Education]  
2159 Department of Construction Services pursuant to this chapter shall be  
2160 increased by twenty-five per cent for a building constructed prior to  
2161 1950; (2) after January 1, 2004, any maximum square footage per pupil  
2162 limit established pursuant to this chapter or any regulation adopted by  
2163 the [State Board of Education] Department of Construction Services  
2164 pursuant to this chapter shall be increased by up to one per cent to  
2165 accommodate a heating, ventilation or air conditioning system, if  
2166 needed; (3) for the period from July 1, 2006, to June 30, 2009, inclusive,  
2167 for projects with total authorized project costs greater than ten million  
2168 dollars, if total construction change orders or other change directives  
2169 otherwise eligible for grant assistance under this chapter exceed five  
2170 per cent of the authorized total project cost, only fifty per cent of the  
2171 amount of such change order or other change directives in excess of  
2172 five per cent shall be eligible for grant assistance; and (4) after July 1,

2173 2009, for projects with total authorized project costs greater than ten  
2174 million dollars, if total construction change orders or other change  
2175 directives otherwise eligible for grant assistance exceed five per cent of  
2176 the total authorized project cost, such change order or other change  
2177 directives in excess of five per cent shall be ineligible for grant  
2178 assistance.

2179 (d) For any school building project receiving state grant assistance  
2180 under this chapter, all change orders or other change directives issued  
2181 for such project (1) on or after July 1, 2008, until June 30, 2011, shall be  
2182 submitted, not later than six months after the date of such issuance, to  
2183 the Commissioner of Education, and (2) on or after July 1, 2011, shall  
2184 be submitted, not later than six months after the date of such issuance,  
2185 to the Commissioner of Construction Services, in a manner prescribed  
2186 by the commissioner. Only change orders or other change directives  
2187 submitted to the [commissioner] Commissioner of Education or  
2188 Commissioner of Construction Services, as applicable, in accordance  
2189 with this subsection shall be eligible for state grant assistance.

2190 Sec. 57. Section 10-286f of the general statutes is repealed and the  
2191 following is substituted in lieu thereof (*Effective July 1, 2011*):

2192 Any professional or consulting fee that is calculated as a proportion  
2193 of total project costs for any school building project for which state  
2194 assistance is provided in accordance with the provisions of this chapter  
2195 shall not be increased as a result of increased prices for construction  
2196 materials. For purposes of this section, "professional or consulting fee"  
2197 does not include any project management or construction management  
2198 fee.

2199 Sec. 58. Section 10-292e of the general statutes is repealed and the  
2200 following is substituted in lieu thereof (*Effective July 1, 2011*):

2201 A committee to review the listing of eligible grants submitted  
2202 pursuant to sections 10-292c to 10-292n, inclusive, shall be appointed  
2203 annually on or before July first. [Such committee may be the same  
2204 committee that is appointed pursuant to section 10-283a.] The listing of

2205 eligible grants shall be submitted to said committee prior to December  
2206 fifteenth annually to determine if said listing is in compliance with  
2207 section 10-292d. The committee may modify the listing if it finds that  
2208 the Commissioner of [Education] Construction Services acted in an  
2209 arbitrary or unreasonable manner in establishing the listing. Prior to  
2210 February first annually, the committee shall submit the approved or  
2211 modified listing of grants to the Governor and the General Assembly.

2212 Sec. 59. Section 10-287c of the general statutes is repealed and the  
2213 following is substituted in lieu thereof (*Effective July 1, 2011*):

2214 (a) The State Board of Education is authorized to prescribe such  
2215 rules and regulations as may be necessary to implement the provisions  
2216 of this chapter, provided any rules or regulations to implement the  
2217 provisions of sections 10-283, as amended by this act, 10-287, 10-287a,  
2218 10-292d and subsection (d) of section 10-292m shall be prescribed in  
2219 consultation with the Secretary of the Office of Policy and  
2220 Management. Whenever the Commissioner of Education has made a  
2221 commitment for a grant on or before June 30, 2011, prior to the  
2222 completion of a project as provided in section 10-287a, and said  
2223 commissioner has made advances thereon as provided in said section,  
2224 any such rules or regulations prescribed in accordance with this  
2225 section which were in effect at the time of such commitment and  
2226 advances shall be applicable to any additional commitment and  
2227 subsequent advances with respect to said project.

2228 (b) The Commissioner of Construction Services may adopt  
2229 regulations in accordance with the provisions of chapter 54 in order to  
2230 implement the provisions of this chapter.

2231 Sec. 60. Section 10-264h of the general statutes is repealed and the  
2232 following is substituted in lieu thereof (*Effective July 1, 2011*):

2233 (a) [(1)] For the fiscal year ending June 30, 1996, until the fiscal year  
2234 ending June 30, 2003, a local or regional board of education, regional  
2235 educational service center or a cooperative arrangement pursuant to  
2236 section 10-158a for purposes of an interdistrict magnet school may be

2237 eligible for reimbursement up to the full reasonable cost of any capital  
2238 expenditure for the purchase, construction, extension, replacement,  
2239 leasing or major alteration of interdistrict magnet school facilities,  
2240 including any expenditure for the purchase of equipment, in  
2241 accordance with this section. [(A)] (1) For the fiscal year ending June  
2242 30, 2004, and each fiscal year thereafter, such entities, and [(B)] (2) for  
2243 the fiscal year ending June 30, 2008, and each fiscal year thereafter, the  
2244 following entities that operate an interdistrict magnet school that  
2245 assists the state in meeting the goals of the 2008 stipulation and order  
2246 for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the  
2247 commissioner: [(i)] (A) The Board of Trustees of the Community-  
2248 Technical Colleges on behalf of a regional community-technical  
2249 college, [(ii)] (B) the Board of Trustees of the Connecticut State  
2250 University System on behalf of a state university, [(iii)] (C) the Board of  
2251 Trustees for The University of Connecticut on behalf of the university,  
2252 [(iv)] (D) the board of governors for an independent college or  
2253 university, as defined in section 10a-37, or the equivalent of such a  
2254 board, on behalf of the independent college or university, and [(v)] (E)  
2255 any other third-party not-for-profit corporation approved by the  
2256 commissioner may be eligible for reimbursement up to ninety-five per  
2257 cent of such cost. For the fiscal year commencing July 1, 2011, and each  
2258 fiscal year thereafter, such entities may be eligible for reimbursement  
2259 up to eighty per cent of such cost. To be eligible for reimbursement  
2260 under this section a magnet school construction project shall meet the  
2261 requirements for a school building project established in chapter 173,  
2262 except that the Commissioner of [Education] Construction Services  
2263 may waive any requirement in such chapter for good cause. On and  
2264 after July 1, 1997, the commissioner shall approve only applications for  
2265 reimbursement under this section that he finds will reduce racial,  
2266 ethnic and economic isolation. On and after July 1, 2009, applications  
2267 for reimbursement under this section for the construction of new  
2268 interdistrict magnet schools shall not be accepted until the  
2269 commissioner develops a comprehensive state-wide interdistrict  
2270 magnet school plan, in accordance with the provisions of subdivision  
2271 (1) of subsection (b) of section 10-264l, unless the commissioner

2272 determines that such construction will assist the state in meeting the  
2273 goals of the 2008 stipulation and order for Milo Sheff, et al. v. William  
2274 A. O'Neill, et al.

2275 [(2) (A) Not later than July 1, 2007, the Commissioner of Education  
2276 and the president of the Connecticut Science Center, Inc. shall enter  
2277 into a memorandum of understanding establishing the parameters  
2278 within which the center shall operate as and be given the status of a  
2279 state-wide magnet science learning center. Upon achieving such status,  
2280 the Connecticut Science Center, Inc. shall be eligible to apply for, in  
2281 accordance with the provisions of subparagraph (B) of this  
2282 subdivision, a grant of reimbursement of ninety-five per cent of any  
2283 expenditures for the construction, replacement, alteration or repair of  
2284 its facilities, including the reasonable and necessary costs for major  
2285 exhibits. The Connecticut Science Center, Inc. may fund its five per  
2286 cent share of expenditures from private contributions.

2287 (B) To be eligible to receive a grant pursuant to this subdivision, the  
2288 Connecticut Science Center, Inc. shall file an application with the  
2289 Commissioner of Education in such form and manner as the  
2290 commissioner prescribes. Construction projects at the magnet science  
2291 learning center shall meet the requirements of chapter 173, except that  
2292 the commissioner may waive any requirements in such chapter for  
2293 good cause.]

2294 (b) Subject to the provisions of subsection (a) of this section, the  
2295 applicant shall receive current payments of scheduled estimated  
2296 eligible project costs for the facility, provided (1) the applicant files an  
2297 application for a school building project, in accordance with section 10-  
2298 283, as amended by this act, by the date prescribed by the  
2299 commissioner, (2) final plans and specifications for the project are  
2300 approved pursuant to sections 10-291 and 10-292, as amended by this  
2301 act, and (3) such district submits to the commissioner, in such form as  
2302 the commissioner prescribes, and the commissioner approves a plan  
2303 for the operation of the facility which includes, but need not be limited  
2304 to: A description of the educational programs to be offered, the

2305 completion date for the project, an estimated budget for the operation  
2306 of the facility, written commitments for participation from the districts  
2307 that will participate in the school and an analysis of the effect of the  
2308 program on the reduction of racial, ethnic and economic isolation. The  
2309 commissioner shall notify the secretary of the State Bond Commission  
2310 when the provisions of subdivisions (1) and (3) of this subsection have  
2311 been met. Upon application to the Commissioner of [Education]  
2312 Construction Services, compliance with the provisions of subdivisions  
2313 (1) and (3) of this subsection and after authorization by the General  
2314 Assembly pursuant to section 10-283, as amended by this act, the  
2315 applicant shall be eligible to receive progress payments in accordance  
2316 with the provisions of section 10-287i.

2317 (c) (1) If the school building ceases to be used as an interdistrict  
2318 magnet school facility and the grant was provided for the purchase or  
2319 construction of the facility, the commissioner shall determine whether  
2320 (A) title to the building and any legal interest in appurtenant land shall  
2321 revert to the state, or (B) the school district shall reimburse the state an  
2322 amount equal to the difference between the amount received pursuant  
2323 to this section and the amount the district would have been eligible to  
2324 receive based on the percentage determined pursuant to section 10-  
2325 285a, as amended by this act, multiplied by the estimated eligible  
2326 project costs. (2) If the school building ceases to be used as an  
2327 interdistrict magnet school facility and the grant was provided for the  
2328 extension or major alteration of the facility, the school district shall  
2329 reimburse the state the amount determined in accordance with  
2330 subparagraph (B) of subdivision (1) of this subsection. A school district  
2331 receiving a request for reimbursement pursuant to this subdivision  
2332 shall reimburse the state not later than the close of the fiscal year  
2333 following the year in which the request is made. If the school district  
2334 fails to so reimburse the state, the Department of [Education]  
2335 Construction Services may withhold such amount from the total sum  
2336 which is paid from the State Treasury to such school district or the  
2337 town in which it is located or, in the case of a regional school district,  
2338 the towns which comprise the school district. If the amount paid from  
2339 the State Treasury is less than the amount due, the department may

2340 refer the matter to the Department of Administrative Services for  
2341 collection.

2342 (d) The commissioner shall provide for a final audit of all project  
2343 expenditures pursuant to this section and may require repayment of  
2344 any ineligible expenditures.

2345 Sec. 61. Section 4-67g of the general statutes is repealed and the  
2346 following is substituted in lieu thereof (*Effective July 1, 2011*):

2347 There is created a Bureau of Real Property Management within the  
2348 Office of Policy and Management. Such office shall be responsible for:  
2349 (1) Long-range planning with regard to the use of all state real  
2350 property; (2) determining the level of efficiency of each and every state  
2351 agency's use of any and all real property under its control; and (3)  
2352 reviewing the inventory of state property maintained by the  
2353 Commissioner of [Public Works pursuant to subdivision (6) of section  
2354 4b-1] Construction Services to determine the appropriate use of such  
2355 properties.

2356 Sec. 62. Section 4-77b of the general statutes is repealed and the  
2357 following is substituted in lieu thereof (*Effective July 1, 2011*):

2358 The estimates of expenditure requirements transmitted by the  
2359 Commissioner of [Public Works] Construction Services to the Secretary  
2360 of the Office of Policy and Management pursuant to section 4-77 and  
2361 the appropriations recommended in the budget document transmitted  
2362 by the Governor to the General Assembly pursuant to section 4-71  
2363 shall include an estimate of the amount required by the Department of  
2364 [Public Works] Administrative Services for the leasing of additional  
2365 facilities and an estimate of the amount required by the Department of  
2366 Construction Services for the maintenance, including preventive  
2367 maintenance, of facilities under the supervision, care and control of the  
2368 [department] Department of Construction Services.

2369 Sec. 63. Section 4-142b of the general statutes is repealed and the  
2370 following is substituted in lieu thereof (*Effective July 1, 2011*):

2371 The Department of Administrative Services shall provide staff  
2372 support for the Office of the Claims Commissioner. The Claims  
2373 Commissioner shall maintain a permanent office in Hartford County  
2374 in such suitable space as the Commissioner of [Public Works]  
2375 Administrative Services provides. All papers required to be filed with  
2376 the Claims Commissioner shall be delivered to such office.

2377 Sec. 64. Section 4b-23 of the general statutes is repealed and the  
2378 following is substituted in lieu thereof (*Effective July 1, 2011*):

2379 (a) As used in this section, "facility" means buildings and real  
2380 property owned or leased by the state. The Secretary of the Office of  
2381 Policy and Management shall establish guidelines which further define  
2382 such term. All agencies and departments of the state shall notify the  
2383 Secretary of the Office of Policy and Management of their facility needs  
2384 including, but not limited to, the types of such facilities and the  
2385 municipalities or general location for the facilities. Each agency and  
2386 department shall continue long-range planning for facility needs,  
2387 establish a plan for its long-range facility needs and submit such plan  
2388 and related facility project requests to the Secretary of the Office of  
2389 Policy and Management, and a copy thereof to the Commissioner of  
2390 [Public Works] Administrative Services, on or before September first of  
2391 each even-numbered year. Each such request shall be accompanied by  
2392 a capital development impact statement, as required by section 4-66b,  
2393 and a colocation statement, as required by section 4b-31, if the  
2394 secretary so requires. Each agency and department shall base its long-  
2395 term planning for facility needs on a program plan. The secretary shall  
2396 establish a content guide and schedule for such plans. Each agency and  
2397 department shall prepare its program plan in accordance with such  
2398 guide and file it with the secretary pursuant to such schedule. Facility  
2399 plans shall include, but not be limited to: Identification of (1) long-term  
2400 and short-term facility needs, (2) opportunities for the substitution of  
2401 state-owned space for leased space, (3) facilities proposed for  
2402 demolition or abandonment which have potential for other uses and  
2403 (4) space modifications or relocations that could result in cost or  
2404 energy savings. Each agency or department program plan and facility

2405 plan and its facility project requests shall cover a period of at least five  
2406 years. The secretary shall provide agencies and departments with  
2407 instructions for preparing program plans, long-term facility plans and  
2408 facility project requests and shall provide appropriate programmatic  
2409 planning assistance. The Commissioner of [Public Works]  
2410 Construction Services shall assist agencies and departments with long-  
2411 term facilities planning and the preparation of cost estimates for such  
2412 plans and requests. The Secretary of the Office of Policy and  
2413 Management shall review such plans and prepare an integrated state  
2414 facility plan which meets the aggregate facility needs of the state. The  
2415 secretary shall review the cost effective retrofit measures  
2416 recommended to him by the Commissioner of [Public Works]  
2417 Construction Services under subsection (b) of section 16a-38a and  
2418 include in the plan those measures which would best attain the energy  
2419 performance standards established under subdivision (1) of subsection  
2420 (b) of section 16a-38.

2421 (b) On or before December first of each even-numbered year, the  
2422 Commissioner of [Public Works] Administrative Services shall provide  
2423 the Secretary of the Office of Policy and Management with a review of  
2424 the plans and requests submitted pursuant to subsection (a) of this  
2425 section for consistency with realistic cost factors, space requirements,  
2426 space standards, implementation schedules, priority needs, objectives  
2427 of the Commissioner of [Public Works] Administrative Services in  
2428 carrying out his responsibilities under section 4b-30 and the need for  
2429 the maintenance, improvement and replacement of state facilities.

2430 (c) The Secretary of the Office of Policy and Management shall  
2431 present a proposed state facility plan to the Properties Review Board  
2432 on or before February fifteenth of each odd-numbered year. Such plan  
2433 shall be known as the recommended state facility plan and shall  
2434 include all leases and capital projects and a statement of the degree to  
2435 which it promotes the colocation goals addressed in subsection (e) of  
2436 section 4b-31. The secretary shall establish guidelines defining "capital  
2437 projects". The Properties Review Board shall submit its  
2438 recommendations to the secretary on or before March first of each odd-

2439 numbered year. The Properties Review Board recommendations shall  
2440 address the goals described in subsection (e) of section 4b-31. The  
2441 secretary shall present the recommended state facility plan to the  
2442 General Assembly on or before March fifteenth of each odd-numbered  
2443 year.

2444 (d) Upon the approval by the General Assembly of the operating  
2445 and capital budget appropriations, the Secretary of the Office of Policy  
2446 and Management shall update and modify the recommended state  
2447 facility plan, which shall then be known as the state facility plan. The  
2448 state facility plan shall be used as an advisory document for the leasing  
2449 of property for use by state agencies and departments and for related  
2450 capital projects.

2451 (e) Implementation of the state facility plan shall be the  
2452 responsibility of the Commissioner of [Public Works] Construction  
2453 Services. He shall conduct a study of each proposed facility in the plan  
2454 to determine: (1) The method of choice for satisfying each such facility  
2455 need, (2) the geographical areas best suited to such need, (3) the  
2456 feasibility and cost of such acquisition using a life-cycle cost analysis as  
2457 established by subdivision (2) of subsection (b) of section 16a-38, (4)  
2458 the degree to which the plan promotes the goals addressed in  
2459 subsection (e) of section 4b-31 and (5) any other relevant factors. Said  
2460 commissioner shall review and approve each facility plan  
2461 implementation action and shall submit to the Properties Review  
2462 Board a list of each such action approved and the method and plan by  
2463 which it shall be accomplished. Said commissioner shall endeavor to  
2464 locate human services agencies in the same buildings as municipal and  
2465 private agencies that provide human services. The results of said  
2466 commissioner's study along with all supportive materials shall be  
2467 immediately sent to the Properties Review Board. The board shall meet  
2468 to review the decision of the commissioner and may request the  
2469 commissioner or any member of his department, and the head of the  
2470 requesting agency or any of his employees to appear for the purpose of  
2471 supplying pertinent information. Said board shall call a meeting within  
2472 two weeks of the receipt of the commissioner's decision, and may meet

2473 as often as necessary, to review said decision. The board, within ninety  
2474 days after the receipt of the decision of the Commissioner of [Public  
2475 Works] Construction Services, shall either accept, reject or request  
2476 modification of such decision, except that when more time is required,  
2477 the board may have a ninety-day extension of time, provided the  
2478 board shall advise the Commissioner of [Public Works] Construction  
2479 Services in writing as to the reasons for such extension of time. If such  
2480 decision is disapproved by the board, it shall so inform the  
2481 commissioner along with its reasons therefor, and the commissioner  
2482 shall inform the head of the requesting agency and the Secretary of the  
2483 Office of Policy and Management that its request has been rejected. If  
2484 such decision is approved by the board it shall inform the  
2485 commissioner of such approval and the commissioner shall  
2486 immediately communicate his decision to the head or acting head of  
2487 such governmental unit and to the Secretary of the Office of Policy and  
2488 Management and shall set forth the procedures to be taken to  
2489 accomplish the results of such decision. The decision to make public  
2490 such decision shall rest solely with the commissioner both as to time  
2491 and manner of disclosure, but in no event shall such period exceed one  
2492 year. The commissioner shall, when he deems it to be in the public  
2493 interest, authorize the disclosure of such information; however, in the  
2494 absence of such authorization, any unauthorized disclosure shall be  
2495 subject to the criminal provisions of section 4b-27. All decisions made  
2496 by the commissioner under the provisions of this section shall require  
2497 review by the board. Except as otherwise hereinafter provided, the  
2498 approval or disapproval of the Properties Review Board shall be  
2499 binding on the commissioner and the requesting agency with regard to  
2500 the acquisition of any real estate by lease or otherwise,  
2501 notwithstanding any other statute or special act to the contrary. A  
2502 majority vote of the board shall be required to accept or reject a  
2503 decision of the commissioner.

2504 (f) Within forty-five days from the date of the board's decision  
2505 regarding the request of a governmental unit, the head or acting head  
2506 of such unit shall notify the commissioner (1) that it accepts his  
2507 decision, (2) that it rejects his decision and withdraws its request, or (3)

2508 that it does not approve such decision and requests that all or part of  
2509 such decision be modified by the commissioner. When such  
2510 modification is requested, the commissioner shall, within three weeks  
2511 from receipt of such request, consider and act upon such request for  
2512 modification and submit his decision to the Properties Review Board.  
2513 If the commissioner and the board fail to agree to such modification in  
2514 whole or in part, the governmental unit may, within ten days from the  
2515 date of notification of such final decision, accept the commissioner's  
2516 final decision, reject such decision and withdraw its request, or appeal  
2517 to the Governor. Upon such appeal, the commissioner shall submit a  
2518 report to the Governor stating the board's conclusions and supporting  
2519 material therefor and the governmental agency shall submit a report to  
2520 the Governor stating its objections to such decision and its supporting  
2521 material therefor. The Governor shall, within thirty days of the receipt  
2522 of such reports, make a decision which shall be binding on the parties  
2523 involved. In the absence of any such appeal or withdrawal of request,  
2524 the decision of the commissioner and the board shall be final and  
2525 binding upon the governmental unit.

2526 (g) After final action is taken approving any request or modification  
2527 thereof, condemnation procedures shall continue to be prosecuted in  
2528 the same manner as they were on July 1, 1975, by the agency involved,  
2529 where such procedures are applicable and authorized by statute.

2530 (h) Approval by the Properties Review Board shall not be required  
2531 prior to State Bond Commission authorization of funds (1) for  
2532 planning costs and other preliminary expenses for any construction or  
2533 acquisition project, or (2) for any construction or acquisition project for  
2534 which an architect was selected prior to July 1, 1975.

2535 (i) As used in this subsection, (1) "project" means any state program,  
2536 except the downtown Hartford higher education center project, as  
2537 defined in subsection (l) of section 4b-55, requiring consultant services  
2538 if the cost of such services is estimated to exceed one hundred  
2539 thousand dollars or, in the case of a constituent unit of the state system  
2540 of higher education, the cost of such services is estimated to exceed

2541 three hundred thousand dollars, or in the case of a building or  
2542 premises under the supervision of the Office of the Chief Court  
2543 Administrator or property where the Judicial Department is the  
2544 primary occupant, the cost of such services is estimated to exceed three  
2545 hundred thousand dollars; (2) "consultant" means "consultant" as  
2546 defined in section 4b-55; and (3) "consultant services" means  
2547 "consultant services" as defined in section 4b-55. Any contracts entered  
2548 into by the commissioner with any consultants for employment (A) for  
2549 any project under the provisions of this section, (B) in connection with  
2550 a list established under subsection (d) of section 4b-51, or (C) by task  
2551 letter issued by the commissioner to any consultant on such list  
2552 pursuant to which the consultant will provide services valued in  
2553 excess of one hundred thousand dollars, shall be subject to the  
2554 approval of the Properties Review Board prior to the employment of  
2555 said consultant or consultants by the commissioner. The Properties  
2556 Review Board shall, within thirty days, approve or disapprove the  
2557 selection of or contract with any consultant made by the Commissioner  
2558 of [Public Works] Construction Services pursuant to sections 4b-1, as  
2559 amended by this act, and 4b-55 to 4b-59, inclusive. If upon the  
2560 expiration of the thirty-day period a decision has not been made, the  
2561 Properties Review Board shall be deemed to have approved such  
2562 selection or contract.

2563 (j) The Properties Review Board shall, within thirty days, approve or  
2564 disapprove the proposed acquisition by lease of any residential  
2565 property by the Commissioner of Developmental Services pursuant to  
2566 subsection (d) of section 4b-3, as amended by this act. If upon the  
2567 expiration of such thirty-day period a decision has not been made, the  
2568 Properties Review Board shall be deemed to have approved such lease.

2569 (k) Any agency or department of state government requiring  
2570 additional facilities not included in the state facility plan may submit a  
2571 request to the Secretary of the Office of Policy and Management  
2572 outlining the justification for its request. The agency or department  
2573 shall also provide (1) in the case of a request not previously submitted  
2574 to the secretary pursuant to subsection (a) of this section, the reasons

2575 why it was not so submitted, and (2) in the case of a request so  
2576 submitted, sufficient new information to warrant reconsideration. Such  
2577 request shall include a statement of the degree to which the proposed  
2578 state facility plan promotes the goals addressed in subsection (e) of  
2579 section 4b-31, if the secretary so requires. Such request shall also be  
2580 accompanied by a capital development impact statement as required  
2581 under section 4-66b, if the secretary so requires. Subsections (b) to (d),  
2582 inclusive, of this section shall not apply to the review of such requests.  
2583 Any such request for additional facilities which are determined by the  
2584 Secretary of the Office of Policy and Management to be of emergency  
2585 nature or the lack of which may seriously hinder the efficient operation  
2586 of the state, may be approved by the Properties Review Board and the  
2587 Secretary of the Office of Policy and Management and shall be known  
2588 as an approval made during the interim between state facility plans.  
2589 No action may be taken by the state to lease or construct such  
2590 additional facilities unless the secretary makes such a determination.

2591 (l) The Commissioner of [Public Works] Administrative Services  
2592 shall monitor the amount of leased space being requested and the costs  
2593 of all proposed and approved facility project actions and, in the case of  
2594 space or facility projects for which bond funds were authorized, shall  
2595 advise the Secretary of the Office of Policy and Management and the  
2596 Governor when the space to be leased or the forecast costs to complete  
2597 the project exceed the square footage amount or the cost levels in the  
2598 approved state facility plan by ten per cent or more. Approval of the  
2599 Secretary of the Office of Policy and Management, the Properties  
2600 Review Board, the State Bond Commission and the Governor shall be  
2601 required to continue the project.

2602 (m) (1) Plans to construct, renovate or modify state-owned or  
2603 occupied buildings shall provide for a portion of the total planned  
2604 floor area of newly constructed state buildings or buildings  
2605 constructed specifically for use by the state to be served by renewable  
2606 sources of energy, including solar, wind, water and biomass sources,  
2607 for use in space heating and cooling, domestic hot water and other  
2608 applications. For the plan due December 1, 1979, the portion to be

2609 served by renewable energy sources shall be not less than five per cent  
2610 of total planned new floor area. For each succeeding state facilities  
2611 plan submitted after December 1, 1979, the portion of the total planned  
2612 floor area of any additional newly constructed state buildings or  
2613 buildings constructed specifically for use by the state to be served by  
2614 renewable energy sources shall be increased by at least five per cent  
2615 per year until a goal of fifty per cent of total planned floor area of any  
2616 additional newly constructed state buildings or buildings constructed  
2617 specifically for use by the state is reached. For any facility served by  
2618 renewable energy sources in accordance with this subsection, not less  
2619 than thirty per cent of the total energy requirements of any specific  
2620 energy application, including, but not limited to, space heating or  
2621 cooling and providing domestic hot water, shall be provided by  
2622 renewable energy sources. The installation in newly constructed state  
2623 buildings or buildings constructed specifically for use by the state of  
2624 systems using renewable energy sources in accordance with this  
2625 subsection, shall be subject to the life-cycle cost analysis provided for  
2626 in section 16a-38. (2) The state shall fulfill the obligations imposed by  
2627 subdivision (1) of this section unless such action would cause an  
2628 undue economic hardship to the state.

2629 (n) The recommended state facility plan shall include policies for:

2630 (1) The encouragement of the acquisition, transfer and utilization of  
2631 space in suitable buildings of historic, architectural or cultural  
2632 significance, unless use of such space would not prove feasible and  
2633 prudent compared with available alternatives;

2634 (2) The encouragement of the location of commercial, cultural,  
2635 educational and recreational facilities and activities within public  
2636 buildings;

2637 (3) The provision and maintenance of space, facilities and activities  
2638 to the extent practicable, which encourage public access to and  
2639 stimulate public pedestrian traffic around, into and through public  
2640 buildings, permitting cooperative improvements to and uses of the  
2641 areas between the building and the street, so that such activities

2642 complement and supplement commercial, cultural, educational and  
2643 recreational resources in the neighborhood of public buildings;

2644 (4) The encouragement of the public use of public buildings for  
2645 cultural, educational and recreational activities;

2646 (5) The encouragement of the ownership or leasing of modern  
2647 buildings to replace obsolete facilities, achieve cost and energy  
2648 efficiencies, maximize delivery of services to the public, preserve  
2649 existing infrastructure and provide a comfortable and space-efficient  
2650 work environment; and

2651 (6) The encouragement of the establishment of child day care  
2652 facilities and child development centers including provisions for (A)  
2653 full-day and year-round programs for children of working parents, (B)  
2654 opportunities for parents to choose among accredited public or private  
2655 programs, (C) open enrollment for children in child day care and  
2656 school readiness programs, and (D) incentives for the colocation and  
2657 service integration of child day care programs and school readiness  
2658 programs pursuant to section 4b-31.

2659 (o) Not later than January 1, 1988, the Commissioner of [Public  
2660 Works] Administrative Services shall adopt regulations, in  
2661 consultation with the Secretary of the Office of Policy and  
2662 Management and the State Properties Review Board, and in  
2663 accordance with the provisions of chapter 54, setting forth the  
2664 procedures which the Department of [Public Works] Administrative  
2665 Services and such office and board shall follow in carrying out their  
2666 responsibilities concerning state leasing of offices, space or other  
2667 facilities. Such regulations shall specify, for each step in the leasing  
2668 process at which an approval is needed in order to proceed to the next  
2669 step, what information shall be required, who shall provide the  
2670 information and the criteria for granting the approval.  
2671 Notwithstanding any other provision of the general statutes, such  
2672 regulations shall provide that: (1) The Commissioner of [Public Works]  
2673 Administrative Services shall (A) review all lease requests included in,  
2674 and scheduled to begin during, the first year of each approved state-

2675 wide facility and capital plan and (B) provide the Secretary of the  
2676 Office of Policy and Management with an estimate of the gross cost  
2677 and total square footage need for each lease, (2) the secretary shall  
2678 approve a gross cost and a total square footage for each such lease and  
2679 transmit each decision to the requesting agency, the commissioner and  
2680 the State Properties Review Board, (3) the commissioner shall submit  
2681 to the secretary, for approval, only negotiated lease requests which  
2682 exceed such approved cost, or which exceed such approved square  
2683 footage by at least ten per cent, and (4) the secretary shall approve or  
2684 disapprove any such lease request not more than ten working days  
2685 after he receives the request. If the secretary fails to act on the request  
2686 during such period, the request shall be deemed to have been  
2687 approved and shall be forwarded to the board.

2688 Sec. 65. Section 4b-76 of the general statutes is repealed and the  
2689 following is substituted in lieu thereof (*Effective July 1, 2011*):

2690 In the event that a public or special act authorizes the state  
2691 acquisition of real property or the construction, improvement, repair  
2692 or renovation of any facility, the Commissioner of [Public Works]  
2693 Administrative Services, in accordance with the provisions of this title,  
2694 may acquire such real property [or] and the Commissioner of  
2695 Construction Services may provide design and construction services  
2696 for any such construction, improvement, repair or renovation of such  
2697 facility, or both if applicable.

2698 Sec. 66. Section 4b-101a of the general statutes is repealed and the  
2699 following is substituted in lieu thereof (*Effective July 1, 2011*):

2700 (a) Not later than January 1, 2006, and annually thereafter, each  
2701 awarding authority, other than a municipality, shall prepare a report  
2702 on the status of [(1)] any ongoing project for the construction,  
2703 reconstruction, alteration, remodeling, repair or demolition of any  
2704 public building which is estimated to cost more than five hundred  
2705 thousand dollars and is paid for, in whole or in part, with state funds,  
2706 [, or (2) any property management contract awarded by the  
2707 Department of Public Works which has an annual value of one

2708 hundred thousand dollars or more.] Except for a school construction  
2709 project, the awarding authority shall submit the report to the Governor  
2710 and the joint standing committees of the General Assembly having  
2711 cognizance of matters relating to government administration and  
2712 finance, revenue and bonding. The report shall be submitted in  
2713 accordance with section 11-4a. The first report submitted after a  
2714 contract is awarded shall indicate: [(A)] (1) When, where and how the  
2715 request for bids was advertised; [(B)] (2) who bid on the projects; [(C)]  
2716 (3) the provisions of law that governed the award of the contract and if  
2717 there were any deviations from standard procedure in awarding the  
2718 contract; [(D)] (4) the names of the individuals who had decision-  
2719 making authority in awarding the contract, including, but not limited  
2720 to, the individuals who served on any award panel; [(E)] (5) if an  
2721 award panel was used, whether the recommendation of the panel was  
2722 followed and, if applicable, the reason why such recommendation was  
2723 not followed; [(F)] (6) whether the awarding authority has any other  
2724 contracts with the contractor who was awarded the contract, and if so,  
2725 the nature and value of the contract; and [(G)] (7) any provisions of law  
2726 that authorized or funded the project.

2727 (b) The University of Connecticut shall not be required to submit a  
2728 report pursuant to this section for any project, as defined in  
2729 subdivision (16) of section 10a-109c, that is undertaken and controlled  
2730 by the university.

2731 Sec. 67. Section 4b-135 of the general statutes is repealed and the  
2732 following is substituted in lieu thereof (*Effective July 1, 2011*):

2733 [On or after July 1, 1999, the] The Commissioner of [Public Works]  
2734 Administrative Services may not execute a new lease for use by a state  
2735 agency, as defined in section 4b-130, as amended by this act, of any  
2736 building or structure which is not occupied or possessed by the state at  
2737 the time of execution of the lease unless (1) the owner or agent of the  
2738 owner of the building or structure has had a security audit conducted  
2739 for the building or structure, which in the commissioner's opinion is  
2740 comparable to security audits conducted by the [commissioner]

2741 Commissioner of Construction Services under section 4b-133, as  
2742 amended by this act, (2) (A) the [commissioner] Commissioner of  
2743 Administrative Services, in consultation with the Commissioner of  
2744 Construction Services, determines that the building or structure  
2745 complies with the security standards established under section 4b-132,  
2746 as amended by this act, or (B) such owner or agent has implemented  
2747 the recommendations of the security audit which bring the building or  
2748 structure into compliance with such security standards, and (3) such  
2749 owner or agent agrees in the lease to maintain the security standards.

2750 Sec. 68. Subsection (a) of section 10a-72 of the general statutes is  
2751 repealed and the following is substituted in lieu thereof (*Effective July*  
2752 *1, 2011*):

2753 (a) Subject to state-wide policy and guidelines established by the  
2754 Board of Governors of Higher Education, said board of trustees shall  
2755 administer the regional community-technical colleges and plan for the  
2756 expansion and development of the institutions within its jurisdiction  
2757 and submit such plans to the Board of Governors of Higher Education  
2758 for review and recommendations. The Commissioner of [Public  
2759 Works] Administrative Services on request of the board of trustees  
2760 shall, in accordance with section 4b-30, as amended by this act,  
2761 negotiate and execute leases on such physical facilities as the board of  
2762 trustees may deem necessary for proper operation of such institutions,  
2763 and said board of trustees may expend capital funds therefor, if such  
2764 leasing is required during the planning and construction phases of  
2765 institutions within its jurisdiction for which such capital funds were  
2766 authorized. The board of trustees may appoint and remove the chief  
2767 executive officer of each institution within its jurisdiction, and with  
2768 respect to its own operation the board may appoint and remove a  
2769 chancellor and an executive staff. The board of trustees may determine  
2770 the size of the executive staff and the duties, terms and conditions of  
2771 employment of a chancellor and staff, subject to personnel guidelines  
2772 established by the Board of Governors of Higher Education in  
2773 consultation with said board of trustees, provided said board of  
2774 trustees may not appoint or reappoint members of the executive staff

2775 for terms longer than one year. The board of trustees may employ the  
2776 faculty and other personnel needed to operate and maintain the  
2777 institutions within its jurisdiction. Within the limitation of  
2778 appropriations, the board of trustees shall fix the compensation of such  
2779 personnel, establish terms and conditions of employment and  
2780 prescribe their duties and qualifications. Said board of trustees shall  
2781 determine who constitutes its professional staff and establish  
2782 compensation and classification schedules for its professional staff.  
2783 Said board shall annually submit to the Commissioner of  
2784 Administrative Services a list of the positions which it has included  
2785 within the professional staff. The board shall establish a division of  
2786 technical and technological education. The board of trustees shall  
2787 confer such certificates and degrees as are appropriate to the curricula  
2788 of community-technical colleges subject to the approval of the Board of  
2789 Governors of Higher Education. The board of trustees shall with the  
2790 advice of, and subject to the approval of, the Board of Governors of  
2791 Higher Education, prepare plans for the development of a regional  
2792 community-technical college and submit the same to the  
2793 Commissioner of [Public Works] Construction Services and request  
2794 said commissioner to select the site for such college. Within the limits  
2795 of the bonding authority therefor, the [commissioner] Commissioner of  
2796 Administrative Services, subject to the provisions of section 4b-23, as  
2797 amended by this act, may acquire such site and the Commissioner of  
2798 Construction Services may construct such buildings as are consistent  
2799 with the plan of development approved by the Board of Governors of  
2800 Higher Education.

2801 Sec. 69. Section 10a-90 of the general statutes is repealed and the  
2802 following is substituted in lieu thereof (*Effective July 1, 2011*):

2803 The Board of Trustees for the Connecticut State University System,  
2804 with the approval of the Governor and the Secretary of the Office of  
2805 Policy and Management, may lease state-owned land under its care,  
2806 custody or control to private developers for construction of dormitory  
2807 buildings, provided such developers agree to lease such buildings to  
2808 such board of trustees with an option to purchase and provided

2809 further that any such agreement to lease is subject to the provisions of  
2810 section 4b-23, as amended by this act, prior to the making of the  
2811 original lease by the board of trustees. The plans for such buildings  
2812 shall be subject to approval of such board, the Commissioner of [Public  
2813 Works] Construction Services and the State Properties Review Board  
2814 and such leases shall be for the periods and upon such terms and  
2815 conditions as the Commissioner of [Public Works] Administrative  
2816 Services determines, and such buildings, while privately owned, shall  
2817 be subject to taxation by the town in which they are located. The Board  
2818 of Trustees for the Connecticut State University System may also deed,  
2819 transfer or lease state-owned land under its care, custody or control to  
2820 the State of Connecticut Health and Educational Facilities Authority  
2821 for financing or refinancing the planning, development, acquisition  
2822 and construction and equipping of dormitory buildings and student  
2823 housing facilities and to lease or sublease such dormitory buildings or  
2824 student housing facilities and authorize the execution of financing  
2825 leases of land, interests therein, buildings and fixtures in order to  
2826 secure obligations to repay any loan from the State of Connecticut  
2827 Health and Educational Facilities Authority from the proceeds of  
2828 bonds issued thereby pursuant to the provisions of chapter 187 made  
2829 by the authority to finance or refinance the planning, development,  
2830 acquisition and construction of dormitory buildings. Any such  
2831 financing lease shall not be subject to the provisions of section 4b-23, as  
2832 amended by this act, and the plans for such dormitories shall be  
2833 subject only to the approval of the board. Such financing leases shall be  
2834 for such periods and upon such terms and conditions that the board  
2835 shall determine. Any state property so leased shall not be subject to  
2836 local assessment and taxation and such state property shall be  
2837 included as property of the Connecticut State University System for  
2838 the purpose of computing a grant in lieu of taxes pursuant to section  
2839 12-19a.

2840 Sec. 70. Subsection (a) of section 10a-91 of the general statutes is  
2841 repealed and the following is substituted in lieu thereof (*Effective July*  
2842 *1, 2011*):

2843 (a) The Board of Trustees of the Connecticut State University  
2844 System, with the approval of the Governor, the Commissioner of  
2845 [Public Works] Administrative Services and the State Properties  
2846 Review Board, may lease land or buildings under its care, custody or  
2847 control to private developers for rental housing and commercial  
2848 establishments. Such leases shall be for periods and upon such terms  
2849 and conditions, including, but not limited to, provision for adequate  
2850 liability insurance to be maintained by the lessee for the benefit of the  
2851 state and rental terms, as may be determined by the Commissioner of  
2852 [Public Works] Administrative Services and, in the case of a lease of  
2853 land, may provide for the construction of buildings thereon to be used  
2854 for rental housing and commercial establishments, the plans of which  
2855 shall be subject to the approval of the board of trustees, the  
2856 Commissioner of [Public Works] Construction Services and the State  
2857 Properties Review Board. Said board of trustees may provide for  
2858 water, heat and waste disposal services on a cost-reimbursement basis  
2859 to such leased premises. Said board may designate the kinds of  
2860 concessions for supplying goods, commodities, services and facilities  
2861 to be permitted on such land and may select the permittees, or said  
2862 board may delegate such functions to the private developers with  
2863 which it contracts pursuant to this section.

2864 Sec. 71. Subsection (y) of section 5-198 of the general statutes is  
2865 repealed and the following is substituted in lieu thereof (*Effective July*  
2866 *1, 2011*):

2867 (y) The Deputy State Fire Marshal in the Division of Fire [,  
2868 Emergency] and Building Services within the Department of [Public  
2869 Safety] Construction Services;

2870 Sec. 72. Subsection (a) of section 28-24 of the general statutes is  
2871 repealed and the following is substituted in lieu thereof (*Effective July*  
2872 *1, 2011*):

2873 (a) There is established an Office of State-Wide Emergency  
2874 Telecommunications which shall be [in the Division of Fire,  
2875 Emergency and Building Services] within the Department of Public

2876 Safety. The Office of State-Wide Emergency Telecommunications shall  
2877 be responsible for developing and maintaining a state-wide emergency  
2878 service telecommunications policy. In connection with said policy the  
2879 office shall:

2880 (1) Develop a state-wide emergency service telecommunications  
2881 plan specifying emergency police, fire and medical service  
2882 telecommunications systems needed to provide coordinated  
2883 emergency service telecommunications to all state residents, including  
2884 the physically disabled;

2885 (2) Pursuant to the recommendations of the task force established by  
2886 public act 95-318 to study enhanced 9-1-1 telecommunications services,  
2887 and in accordance with regulations adopted by the Commissioner of  
2888 Public Safety pursuant to subsection (b) of this section, develop and  
2889 administer, by July 1, 1997, an enhanced emergency 9-1-1 program,  
2890 which shall provide for: (A) The replacement of existing 9-1-1 terminal  
2891 equipment for each public safety answering point; (B) the  
2892 subsidization of regional public safety emergency telecommunications  
2893 centers, with enhanced subsidization for municipalities with a  
2894 population in excess of forty thousand; (C) the establishment of a  
2895 transition grant program to encourage regionalization of public safety  
2896 telecommunications centers; and (D) the establishment of a regional  
2897 emergency telecommunications service credit in order to support  
2898 regional dispatch services;

2899 (3) Provide technical telecommunications assistance to state and  
2900 local police, fire and emergency medical service agencies;

2901 (4) Provide frequency coordination for such agencies;

2902 (5) Coordinate and assist in state-wide planning for 9-1-1 and E 9-1-  
2903 1 systems;

2904 (6) Review and make recommendations concerning proposed  
2905 legislation affecting emergency service telecommunications; and

2906 (7) Review and make recommendations to the General Assembly

2907 concerning emergency service telecommunications funding.

2908       Sec. 73. Section 29-4 of the general statutes is repealed and the  
2909 following is substituted in lieu thereof (*Effective July 1, 2011*):

2910       On and after January 1, 2006, the Commissioner of Public Safety  
2911 shall appoint and maintain a minimum of one thousand two hundred  
2912 forty-eight sworn state police personnel to efficiently maintain the  
2913 operation of the division. On or after June 6, 1990, the commissioner  
2914 shall appoint from among such personnel not more than three  
2915 lieutenant colonels who shall be in the unclassified service as provided  
2916 in section 5-198. Any permanent employee in the classified service who  
2917 accepts appointment to the position of lieutenant colonel in the  
2918 unclassified service may return to the classified service at such  
2919 employee's former rank. The position of major in the classified service  
2920 shall be abolished on July 1, 1999, but any existing position of major in  
2921 the classified service may continue until termination of service. The  
2922 commissioner shall appoint not more than seven majors who shall be  
2923 in the unclassified service as provided in section 5-198. Any permanent  
2924 employee in the classified service who accepts appointment to the  
2925 position of major in the unclassified service may return to the classified  
2926 service at such permanent employee's former rank. The commissioner,  
2927 subject to the provisions of chapter 67, shall appoint such numbers of  
2928 captains, lieutenants, sergeants, detectives and corporals as the  
2929 commissioner deems necessary to officer efficiently the state police  
2930 force. [The commissioner may appoint a Deputy State Fire Marshal  
2931 who shall be in the unclassified service as provided in section 5-198.  
2932 Any permanent employee in the classified service who accepts  
2933 appointment to the position of Deputy State Fire Marshal in the  
2934 unclassified service may return to the classified service at such  
2935 employee's former rank, class or grade, whichever is applicable.] The  
2936 commissioner shall establish such divisions as the commissioner  
2937 deems necessary for effective operation of the state police force and  
2938 consistent with budgetary allotments, a Criminal Intelligence Division  
2939 and a state-wide organized crime investigative task force to be  
2940 engaged throughout the state for the purpose of preventing and

2941 detecting any violation of the criminal law. The head of the Criminal  
2942 Intelligence Division shall be of the rank of sergeant or above. The  
2943 head of the state-wide organized crime investigative task force shall be  
2944 a police officer. Salaries of the members of the Division of State Police  
2945 within the Department of Public Safety shall be fixed by the  
2946 Commissioner of Administrative Services as provided in section 4-40.  
2947 State police personnel may be promoted, demoted, suspended or  
2948 removed by the commissioner, but no final dismissal from the service  
2949 shall be ordered until a hearing has been had before said commissioner  
2950 on charges preferred against such officer. Each state police officer shall,  
2951 before entering upon such officer's duties, be sworn to the faithful  
2952 performance of such duties. The Commissioner of Public Safety shall  
2953 designate an adequate patrol force for motor patrol work exclusively.

2954 Sec. 74. Section 29-291 of the general statutes is repealed and the  
2955 following is substituted in lieu thereof (*Effective July 1, 2011*):

2956 For the purposes of this part and any other statute related to fire  
2957 prevention and safety, the Commissioner of [Public Safety shall]  
2958 Construction Services shall appoint a person to serve as the State Fire  
2959 Marshal. The commissioner may delegate such powers as the  
2960 commissioner deems expedient for the proper administration of this  
2961 part and any other statute related to fire prevention and safety to any  
2962 employee of (1) the Department of Public Safety, and (2) The  
2963 University of Connecticut at Storrs Division of Public Safety, provided  
2964 the commissioner and the president of The University of Connecticut  
2965 enter into a memorandum of understanding concerning such  
2966 delegation of powers in accordance with section 10a-109ff, as amended  
2967 by this act.

2968 Sec. 75. Section 29-302 of the general statutes is repealed and the  
2969 following is substituted in lieu thereof (*Effective July 1, 2011*):

2970 The local fire marshal shall, in accordance with the provisions of  
2971 section 29-311, as amended by this act, investigate the cause, origin  
2972 and circumstances of any fire or explosion within his jurisdiction, by  
2973 reason of which property has been destroyed or damaged, or any

2974 person injured or killed, or any incidents which threatened any  
2975 property with destruction or damage or any person with injury or  
2976 death by reason of fire or explosion, and shall especially investigate  
2977 whether such fire was the result of an incendiary device or the result of  
2978 carelessness, design or any criminal act; and the [Commissioner of  
2979 Public Safety as] State Fire Marshal, or the deputy fire marshal under  
2980 his direction, may supervise and direct such investigation.

2981 Sec. 76. Section 29-310 of the general statutes is repealed and the  
2982 following is substituted in lieu thereof (*Effective July 1, 2011*):

2983 (a) The [Commissioner of Public Safety as] State Fire Marshal shall  
2984 thoroughly investigate the cause, circumstances and origin of all fires  
2985 or explosions to which his attention has been called, in accordance  
2986 with the provisions of this part, by reason of which any property has  
2987 been destroyed or damaged, or any person injured or killed, and shall  
2988 especially examine and decide as to whether such fire was the result of  
2989 carelessness, design, an incendiary device or any other criminal act. He  
2990 may take the testimony under oath of any person supposed to be  
2991 cognizant of or to have means of knowledge in relation to the matters  
2992 as to which an examination is being made, and shall cause the same to  
2993 be reduced to writing and filed in his office; and if, in his opinion,  
2994 there is sufficient evidence to warrant that any person should be  
2995 charged with the crime of arson or any other crime, he shall forthwith  
2996 submit such evidence, together with the names of the witnesses and all  
2997 other information obtained by him, to the proper prosecuting officer.  
2998 He may, in any investigation, issue subpoenas for the purposes of  
2999 summoning and compelling the attendance of witnesses before him to  
3000 testify. He may administer oaths or affirmations to witnesses before  
3001 him, and false swearing therein shall be perjury. He may, in the  
3002 performance of his duties, enter, by himself or his assistants, into and  
3003 upon the premises or building where any fire or explosion has  
3004 occurred and premises thereto adjacent in accordance with the  
3005 provisions of section 29-311, as amended by this act.

3006 (b) Whenever it comes to his knowledge or to the knowledge of any

3007 local fire marshal that there exists in any building or upon any  
3008 premises combustible material or flammable conditions dangerous to  
3009 the safety of such building or premises or dangerous to any other  
3010 building or property, or conditions that present a fire hazard to the  
3011 occupants thereof, the [commissioner] State Fire Marshal, or any local  
3012 fire marshal, obtaining such knowledge, shall order such material to be  
3013 forthwith removed or such conditions remedied by the owner or  
3014 occupant of such building or premises, and such owner or occupant  
3015 shall be subject to the penalties prescribed by section 29-295 and, in  
3016 addition thereto, shall suffer a penalty of one hundred dollars a day for  
3017 each day of neglect, to be recovered in a proper action in the name of  
3018 the state.

3019 Sec. 77. Section 29-311 of the general statutes is repealed and the  
3020 following is substituted in lieu thereof (*Effective July 1, 2011*):

3021 (a) The [Commissioner of Public Safety as] State Fire Marshal, any  
3022 local fire marshal within the local fire marshal's jurisdiction, and all  
3023 duly authorized fire and police personnel acting within their  
3024 jurisdiction may enter into and upon any premises or building where  
3025 any fire or explosion has occurred and premises adjacent thereto,  
3026 without liability for trespass or damages reasonably incurred, to  
3027 conduct investigations in accordance with sections 29-302 and 29-310,  
3028 as amended by this act, under the following circumstances and  
3029 conditions:

3030 (1) During an emergency by reason of fire or explosion on any  
3031 premises, they or any of them may, without a warrant, enter such  
3032 premises during the suppression of the fire or explosion or within a  
3033 reasonable period of time following the suppression thereof and  
3034 remain for a reasonable period of time following the suppression of the  
3035 fire or explosion to: (A) Investigate in order to determine the cause and  
3036 origin of the fire or explosion, (B) prevent the intentional or  
3037 unintentional destruction of evidence and (C) prevent a rekindling of  
3038 the fire.

3039 (2) After expiration of a reasonable period of time following the

3040 suppression of the fire or explosion, they or any of them shall apply in  
 3041 writing under oath to any judge of the Superior Court for a warrant to  
 3042 enter upon the premises to determine the cause and origin of the fire or  
 3043 explosion, if such cause or origin has not been previously determined.  
 3044 The application shall describe: (A) The premises under investigation,  
 3045 (B) the owner or occupant of the premises, if reasonably ascertainable,  
 3046 (C) the date and time the fire or explosion which is the subject of the  
 3047 investigation was reported to a police or fire agency, and (D) the dates  
 3048 and times during which the investigative activities to determine the  
 3049 cause and origin of such fire or explosion are to be conducted. The  
 3050 judge to whom an application for a warrant is made may issue such a  
 3051 warrant upon finding that the requirements of this subsection have  
 3052 been met, and that the proposed activities are a reasonable intrusion  
 3053 onto the private premises to determine the cause and origin of the fire  
 3054 or explosion.

3055 (b) The [Commissioner of Public Safety as] State Fire Marshal shall,  
 3056 within available appropriations, provide quarterly reports to the  
 3057 Insurance Commissioner detailing all cases in which it has been  
 3058 determined that a fire or explosion was the result of arson.

3059 Sec. 78. Sections 4d-4, 4d-17 and 10-283a of the general statutes are  
 3060 repealed. (*Effective July 1, 2011*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	51-44a(k)
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	New section
Sec. 4	<i>July 1, 2011</i>	4-5
Sec. 5	<i>July 1, 2011</i>	4-38c
Sec. 6	<i>July 1, 2011</i>	4a-59a(b)
Sec. 7	<i>July 1, 2011</i>	4a-62(b)
Sec. 8	<i>July 1, 2011</i>	4a-100(k) and (l)
Sec. 9	<i>July 1, 2011</i>	4b-3
Sec. 10	<i>July 1, 2011</i>	4b-15(a)
Sec. 11	<i>July 1, 2011</i>	4b-136(a)

Sec. 12	July 1, 2011	4d-90(a)
Sec. 13	July 1, 2011	4e-8
Sec. 14	July 1, 2011	10-292(d)
Sec. 15	July 1, 2011	16a-35c(b)
Sec. 16	July 1, 2011	22a-26a
Sec. 17	July 1, 2011	22a-354i(b)
Sec. 18	July 1, 2011	31-57c(c)
Sec. 19	July 1, 2011	31-390
Sec. 20	from passage	46a-68
Sec. 21	from passage	10a-11
Sec. 22	from passage	46a-54(17)
Sec. 23	from passage	46a-82
Sec. 24	from passage	46a-68a
Sec. 25	July 1, 2011	New section
Sec. 26	July 1, 2011	New section
Sec. 27	July 1, 2011	4d-1
Sec. 28	July 1, 2011	4d-2
Sec. 29	July 1, 2011	4d-7
Sec. 30	July 1, 2011	4d-8
Sec. 31	July 1, 2011	4d-9
Sec. 32	July 1, 2011	4d-12
Sec. 33	July 1, 2011	4d-45(a)
Sec. 34	July 1, 2011	4d-80(a)
Sec. 35	July 1, 2011	4e-13(c)
Sec. 36	July 1, 2011	10a-151b(a)
Sec. 37	July 1, 2011	14-42a
Sec. 38	July 1, 2011	19a-25e
Sec. 39	July 1, 2011	New section
Sec. 40	July 1, 2011	4b-1
Sec. 41	July 1, 2011	New section
Sec. 42	July 1, 2011	New section
Sec. 43	July 1, 2011	New section
Sec. 44	July 1, 2011	4b-11
Sec. 45	July 1, 2011	20-330(10)
Sec. 46	July 1, 2011	29-250
Sec. 47	July 1, 2011	29-315a
Sec. 48	July 1, 2011	10-282(8)
Sec. 49	July 1, 2011	10-283
Sec. 50	July 1, 2011	10-283b
Sec. 51	July 1, 2011	10-284
Sec. 52	July 1, 2011	10-285a

Sec. 53	July 1, 2011	10-285b
Sec. 54	July 1, 2011	10-285e
Sec. 55	July 1, 2011	10-285h
Sec. 56	July 1, 2011	10-286
Sec. 57	July 1, 2011	10-286f
Sec. 58	July 1, 2011	10-292e
Sec. 59	July 1, 2011	10-287c
Sec. 60	July 1, 2011	10-264h
Sec. 61	July 1, 2011	4-67g
Sec. 62	July 1, 2011	4-77b
Sec. 63	July 1, 2011	4-142b
Sec. 64	July 1, 2011	4b-23
Sec. 65	July 1, 2011	4b-76
Sec. 66	July 1, 2011	4b-101a
Sec. 67	July 1, 2011	4b-135
Sec. 68	July 1, 2011	10a-72(a)
Sec. 69	July 1, 2011	10a-90
Sec. 70	July 1, 2011	10a-91(a)
Sec. 71	July 1, 2011	5-198(y)
Sec. 72	July 1, 2011	28-24(a)
Sec. 73	July 1, 2011	29-4
Sec. 74	July 1, 2011	29-291
Sec. 75	July 1, 2011	29-302
Sec. 76	July 1, 2011	29-310
Sec. 77	July 1, 2011	29-311
Sec. 78	July 1, 2011	Repealer section

**Statement of Legislative Commissioners:**

Technical changes were made in sections 24, 26, 39, 41, 56, 61 and 67 for internal consistency and proper form.

**GAE**      *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>
Various State Agencies	GF - Savings	3,497,706	3,316,331
State Comptroller - Fringe Benefits	GF - Savings	229,800	497,200
Education, Dept.	GF - See Below	See Below	See Below

Note: GF=General Fund

#### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>
Local & Regional Boards of Education	See Below	See Below	See Below

#### **Explanation**

The bill establishes a Department of Construction Services (DCS), with the central mission of constructing and developing state-owned buildings and real estate. This is accomplished by transferring certain functions of the Department of Public Works (DPW), Department of Public Safety (DPS), and State Department of Education (SDE). The bill also makes changes to the school construction grant program.

The bill expands the responsibilities of the Department of Administrative Services. This is accomplished by transferring certain functions of the DPW, Department of Information Technology (DOIT), Commission on Human Rights and Opportunities (CHRO), and Judicial Selection Commission (JSC).

The Governor's budget assumes personnel and other operating savings of \$3,497,706 in FY 12 and \$3,316,331 in FY 13 and fringe benefit savings of \$229,800 in FY 12 and \$497,200 in FY 13 related to these consolidations. These savings include:

1. \$1,428,706 in FY 12 and \$1,376,527 in FY 13 by reducing expenses and eliminating 13 DPW positions;
2. No savings are associated with the transfer of the Division of Fire and Building Services from DPS to DCS;
3. \$102,992 in FY 12 and \$99,177 in FY 13 associated with one SDE position;
4. \$1,872,694 in FY 12 and \$1,750,007 in FY 13 by reducing expenses and eliminating nine DOIT positions;
5. No savings associated with the transfer of three CHRO positions to DAS;
6. \$93,314 in FY 12 and \$90,620 in FY 13 associated with the elimination of one JSC position, as well as equipment and operational costs.

The Governor's budget includes the following transfers consisting of personnel and operating expenses that support the consolidated functions:

1. Fourteen positions and \$4,128,802 in FY 12 and \$4,087,909 in FY 13 from DPW to DCS;
2. Sixty-one positions and \$4,431,895 in FY 12 and \$4,272,195 in FY 13 from DPS to DCS.
3. Nine positions and \$762,283 in FY 12 and \$737,563 in FY 13 from SDE to DCS.
4. One hundred and five positions and \$53,335,358 in FY 12 and \$53,389,265 in FY 13 from DPW to DAS;
5. One hundred and eighty-two positions and \$37,279,558 in FY 12 and \$36,730,324 in FY 13 from DOIT to DAS;
6. Three positions and \$218,827 in FY 12 and \$217,472 in FY

13 from CHRO to DAS;

7. No positions or funding is transferred from JSC to DAS.

### **School Construction**

The bill makes numerous changes to the school construction grant program identified below:

**Section 49** reduces from twice to once the number of times that districts can request cost changes. It is anticipated that this will result in a minimal savings to the state and minimal revenue loss to various municipalities (associated with a reduced school construction reimbursement level from the state). It is anticipated that school districts will wait until later into the project cycle to use the one change request.

**Sections 50, 53, 55, 58-59** are technical and not anticipated to result in a fiscal impact.

**Section 51** adds regional construction costs per square foot as a factor when reviewing projects for approval. It is anticipated that this will have a minimal fiscal impact as: (1) the Bureau of School Facilities currently reviews proposed projects on both a cost per square foot and cost per enrollment basis, and (2) districts will either design future projects to the maximum rates or will justify their circumstances for exceeding those rates.

**Section 51** also requires projects to be cancelled by April 12, 2012 if construction has not yet begun. It is anticipated that this will not have a significant fiscal impact as districts will move the projects along commensurate with the deadline.

However, there are approximately 40 projects that, by statute, have a construction start date of June 2012. It is unclear if these 40 projects would be cancelled and subjected to the new rates. If they were cancelled, there will be a significant cost savings to the state and a corresponding revenue loss to various municipalities. This savings

could be offset by delays which would lead to higher costs due to inflation if the projects eventually are authorized.

**Section 52** eliminates attorney's fees and court costs related to litigation as eligible expenditures. The fiscal impact of this change is indeterminate, as SDE currently does not track costs related to this. However, since attorney's fees and court costs are generally associated with site acquisition, it is anticipated that the impact to municipalities would be minimal.

Additionally, **Section 52** changes the state reimbursement rate to municipalities for eligible costs, from a scale of 20-80 percent to a new scale of 15-65 percent. This change will result in a significant savings to the state and a corresponding revenue loss to municipalities. It is estimated that municipalities would lose between \$5,000 and \$15,000 per \$100,000 of eligible construction costs, and this revenue loss would be passed onto the state as savings.

**Section 54** eliminates reimbursement for lease costs. There are very few lease costs incurred. Usually, lease costs are associated with renovation projects, as schools require swing space. Currently, when districts seek to include leasing of space their request is capped, based on regional lease cost rates established by the Department of Public Works. Eliminating reimbursement for lease costs could result in one of two outcomes: (1) a minimal savings to the state and a corresponding revenue loss to municipalities or (2) districts would have increased project costs by purchasing the space rather than leasing, which would result in a cost to the state and a corresponding revenue increase to various municipalities.

**Section 56** replaces the eight year highest projected enrollment with the ten year average of past enrollment. The effect of this change of the cost of construction is indeterminate.

Additionally, **Section 56** eliminates funding for administrative facilities. This provision would result in a cost savings to the state and a corresponding revenue loss to municipalities. Currently, the state

reimburses districts at one-half their regular construction rate. There have been 7 public school administrative projects authorized since June of 2005, with state grants ranging from \$13,200 to \$1.3 million with the average being \$375,000.

**Section 56** eliminates state reimbursement for roofs newer than 20 years of age. This provision would result in a cost savings to the state and a corresponding revenue loss to municipalities. Currently, there is partial reimbursement for roofs between 15 to 20 years old. Since this legislation was enacted, there have been 56 roof projects that were between 15 and 20 years old for a total state contribution of \$2.2 million, with an average grant of \$39,200 (the largest grant was \$214,000).

Additionally, **Section 56** provides for green roofs and HVAC to be counted under the renovation rules which means the higher (20 to 80 percent) rate and no ineligibles. This provision would result in a savings to the state and a corresponding revenue loss to municipalities. There have been 111 roof replacement projects authorized since June of 2005 with a total state grant of \$37.8 million. These same projects under the 15 to 65% range would have saved the state \$6.8 million. Additionally, this provision would add another \$6.9 million to the state grant as the normally ineligible costs would be reimbursable under a renovation project, which would correspondingly result in a revenue gain to municipalities.

Currently, professional and consulting fees cannot increase as a result of increased prices for construction materials. **Section 57** would allow project management or construction management to increase as a result of rising material costs. It is anticipated that this would increase costs to the state and increase revenue to municipalities, the impact is indeterminate.

**Section 60** reduces state commitment to magnets from 95% to 80%. It is estimated, that based on total magnet projects authorized from 2007 through the current priority list, the reduction would result in a cost savings to the state of approximately \$6 to \$7 million per school.

Additionally, **Section 60** eliminates the Connecticut Science Center (CSC) from receiving a state grant commitment for purposes of school construction. This would result in a savings to the state. There have been three projects associated with the CSC: (1) a state grant of \$15,200,000, in FY 07 to assist with the construction; (2) a state grant of \$2,783,500, in FY 10 for a fuel cell; and (3) on the current priority list, a request for a state grant of \$1,425,000 to complete internal construction of the remaining display areas.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, and subject to the number and cost of school construction projects that are approved.

**OLR Bill Analysis****sSB 1010*****AN ACT CONCERNING THE TRANSFER OF FUNCTIONS FROM THE DEPARTMENTS OF PUBLIC WORKS, INFORMATION TECHNOLOGY, PUBLIC SAFETY AND EDUCATION AND THE JUDICIAL SELECTION COMMISSION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND ESTABLISHING THE DEPARTMENT OF CONSTRUCTION SERVICES.*****SUMMARY:**

This bill dissolves the Department of Public Works (DPW) and establishes a Department of Construction Services (DCS) for purposes of construction, construction management, and security management. It makes the DCS commissioner, rather than the DPW commissioner, responsible for constructing and developing state-owned buildings and real estate. It generally shifts all other DPW duties to the Department of Administrative Services (DAS) (see COMMENT). Under the bill, the DAS commissioner is responsible for acquiring, selling, and leasing state-owned property to house state offices and equipment.

The bill also:

1. transfers, from the Department of Public Safety (DPS) to DCS, responsibility for enforcing the Fire Safety Code and the State Building Code and
2. transfers, from the State Department of Education (SDE) to DCS, responsibility for reviewing and approving school construction grant applications.

With these changes, the bill transfers to DCS the corresponding personnel powers, duties, obligations, and other government functions of each transferring agency or division, whichever applies.

In addition, it:

1. reduces state school construction grant reimbursement rates for new construction and restricts eligible project costs, among other changes to that process;
2. dissolves the Department of Information Technology (DOIT), establishes it as a division within DAS, and eliminates the chief information officer (CIO) as its designated department head;
3. transfers, from the Commission on Human Rights and Opportunities (CHRO) to DAS, responsibility for approving and monitoring state agency affirmative action plans, exempts agencies with 25 or fewer employees from filing these plans, and changes the plans' contents; and
4. places the Judicial Selection Commission within DAS, but specifies that it retains independent decision-making authority and that DAS must provide the commission with support staff (§ 1).

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2011, except the provisions concerning affirmative action plans and diversity training, which are effective upon passage.

#### **§§ 2-19, 39-40, 42, & 61-70 — DEPARTMENT OF PUBLIC WORKS DISSOLUTION**

The bill dissolves DPW and transfers its personnel powers, duties, obligations, and other government functions that do not relate to construction or construction management to DAS beginning July 1, 2011. Under the bill, the DAS commissioner generally assumes responsibility for (1) purchasing, selling, leasing, subleasing, and acquiring property for state agencies and (2) surplus state property disposition.

On the same date, the bill establishes DCS as an independent

executive branch agency headed by a commissioner with the authority to, among other things, designate a deputy or deputies. DCS is a successor department to (1) DPW with respect to the construction and maintenance of state buildings and property and (2) the DPS Division of Fire, Emergency, and Building Services with respect to fire safety and building code enforcement. DCS also assumes SDE's responsibilities for school construction projects.

Under the bill, DCS assumes DPW's construction-related functions, which generally include (1) administering most state capital improvement construction and planning projects and (2) selecting consultants to assist on these projects.

### ***Care and Control of State Property***

The bill appears to give DCS care and control of most state property. However, with respect to surplus property disposition, the bill provides for agencies with surplus property to transfer care and control of such property to DAS and not DCS.

The bill also appears to give DPS control of state police property in Hartford. Under current law, DPW has care and control of most state property in Hartford, including state police property. However, the bill also provides for DCS to assume from DPW care and control of property in Hartford. It is thus unclear whether this would include state police property.

### ***Security Standards***

With respect to the Freedom of Information Act, the bill provides for DAS to make certain determinations concerning the security risk associated with disclosing certain records, even though the bill transfers DPW's security responsibilities to DCS.

The bill also requires DAS to be familiar with security standards developed by DCS. It prohibits DAS from executing a new lease unless (1) it determines that a security audit was conducted that was comparable to audits conducted by DCS, (2) it determines, in consultation with DCS, that the building meets DCS's security

standards, or (3) the building's owner has implemented recommendations from the security audit (this provision is in current law). Under current law, DPW makes these determinations and is responsible for security standards and audits.

### ***State Facilities Plan***

The bill requires state agencies to submit a copy of their long-range facilities plans and related facility project requests to DAS. It requires DAS to (1) give the Office of Policy and Management (OPM) Secretary a review of such plans for consistency with certain factors, including the need for maintenance, improvement, and replacement of state facilities and (2) monitor the amount of leased space being requested and the costs of all proposed and approved facility project actions.

The bill provides for DCS to (1) assist agencies and departments with such long-range facilities planning and (2) implement the state facilities plan, including the approval of agencies' implementation actions. But the bill does not authorize DCS to request the attorney general's assistance in contract negotiations concerning the construction of real estate, which DPW can currently do.

DCS is responsible for implementing the state facilities plan, including trying to locate human service agencies in the same buildings as municipal and private agencies that provide human services. If the plan provides for an agency located in Hartford to relocate outside of the city, the bill allows the governor, at the agency's request and with the Finance Advisory Committee's consent, to transfer to the agency appropriations made to DCS for rents and moving in order to facilitate the move. Currently, the money is taken from DPW's appropriations. The bill also requires an estimate of the amount DAS needs for leasing additional facilities to be included in DCS's budget request, not DAS's.

### **§§ 20-24 — AFFIRMATIVE ACTION PLANS AND TRAINING**

The bill transfers, from CHRO to DAS, responsibility for reviewing, approving, and monitoring state agency affirmative action plans. (State

agencies include departments, boards, and commissions). It also decreases how frequently certain agencies must file their affirmative action plans and exempts others. However, CHRO remains responsible for state contractors' and bidders' affirmative action plans.

Under current law, agencies with more than 20 full-time employees file their plans annually if they have already had a plan approved by CHRO and semi-annually if they have not. Agencies with 20 or fewer full-time employees file biennially if they have already had a plan approved and annually if they have not.

Under the bill, only agencies with 100 or more full-time employees file semi-annually or annually, depending on the existence of previously approved plans. Agencies with between 26 and 99 full-time employees file biennially (unless the plan is not approved, in which case DAS may require that it be resubmitted until it is). Those with 25 or fewer full-time employees are exempt from the filing requirement.

The bill also:

1. requires agencies with 100 or more full-time employees to file their semi-annual plans with DAS electronically, while annual plans are filed in a manner prescribed by DAS, and
2. reduces the frequency with which CHRO and the Permanent Commission on the Status of Women must train affirmative action officers (the bill renames such officers as equal employment opportunity ((EEO) officers) on state and federal discrimination laws).

Beginning October 1, 2011, the bill reduces training for EEO officers from (1) 10 to five hours during their first year of service and (2) five to three hours every two, rather than one, year thereafter. It also specifies that such officers are only responsible for investigating internal discrimination complaints made against an agency.

### ***Affirmative Action Plan Development***

By law, all state agencies and most state contractors and bidders must develop and implement an affirmative action plan. Under current law, state agencies must develop such plans in cooperation with CHRO and in accordance with its regulations. CHRO must provide training and technical assistance on the plans' development and implementation to affirmative action officers in these entities. The plans must (1) ensure compliance with applicable state and federal laws; (2) provide for equal employment opportunities; and (3) comply with a number of nondiscrimination statutes, including career enhancement training.

The bill alters the plans' contents. Instead of the above, the plans must describe agencies' efforts to (1) provide equal employment opportunities and (2) comply with state and federal nondiscrimination laws. The plans must include race, gender, occupational category, and age data for all full-time employees.

The bill eliminates the requirements for (1) state agencies to cooperate with CHRO and follow its regulations when developing a plan and (2) CHRO to train agencies' affirmative action officers.

The bill also eliminates a requirement for state agencies to demonstrate in their affirmative action plans their compliance with diversity training and education requirements. However, agencies remain responsible for providing this information in an annual report to CHRO.

### ***Approval and Monitoring***

The bill transfers, from CHRO to DAS, responsibility for (1) approving and monitoring state agencies' affirmative action plans, (2) issuing certificates of noncompliance to agencies that do not have an approved plan, and (3) submitting an annual report to the governor and General Assembly on the results of the affirmative action plans.

By law, a state agency's affirmative action plan must be approved, conditionally approved, or disapproved within 90 days of its submission. If no action is taken within 90 days, the plan is considered

approved. CHRO may issue a certificate of noncompliance to agencies with disapproved plans.

With certain exceptions, agencies that receive the noncompliance certificate may not fill a position or position classification by hire or promotion. Under current law, these exceptions are (1) CHRO determines that the agency has achieved compliance, (2) the noncompliant agency requests a hearing during which CHRO is unable to show why the certificate should not be rescinded, or (3) the DAS commissioner and the OPM secretary certify to CHRO that the position must be filled immediately because of an emergency.

The bill (1) makes DAS, not CHRO, responsible for determining that an agency has achieved compliance and for conducting hearings requested by noncompliant agencies and (2) requires the OPM secretary to certify to the DAS commissioner, not CHRO, if a position must be filled immediately. The bill allows DAS to adopt regulations governing noncompliance; current law requires CHRO to adopt such regulations.

The bill removes from CHRO any involvement in ensuring that the State Personnel Act and personnel regulations are administered and collective bargaining conducted consistently with affirmative action requirements. Under current law, the DAS commissioner and OPM secretary have this responsibility but must exercise it in cooperation with CHRO.

### ***Complaints***

The bill also eliminates CHRO's authority to issue a complaint if a state agency (1) fails to submit an affirmative action plan or (2) submits one that violates certain state laws. The bill does not transfer this authority to DAS. Thus, there appear to be no consequences if any agency fails to file a plan or files a flawed plan.

### **§§ 25-38 — DOIT**

The bill (1) dissolves DOIT and establishes it as a division within DAS, which becomes its successor agency and (2) eliminates the CIO

position. Beginning July 1, 2011, DAS assumes DOIT's personnel powers, duties, obligations, and other government functions. Among other things, the bill makes the DAS commissioner, rather than the CIO, responsible for:

1. developing and updating an annual information and telecommunications (IT) strategic plan;
2. identifying and implementing telecommunication systems to efficiently service state agencies and opportunities for reducing costs associated with these systems;
3. approving or disapproving state agency acquisition of hardware and software;
4. approving or disapproving state agency requests or proposed contracts for IT systems consultants;
5. purchasing, leasing, or contracting for telecommunication system facilities, equipment, and services for Executive Branch agencies other than the constitutional offices; and
6. serving on the Geospatial Information Systems Council (see COMMENT).

Under the bill, DAS does not inherit the CIO's responsibility to develop (1) and implement an integrated set of IT policies for state agencies and (2) a series of comprehensive standards and planning guidelines pertaining to the development, acquisition, implementation, and management of IT systems.

The bill removes the requirements that the strategic plan include (1) direction for state agencies to collect, store, manage, and use information in an efficient manner; (2) a comprehensive information policy for state agencies; and (3) a policy concerning the infusion of new technology for state agency IT systems. It requires the strategic plan to be developed in accordance with the policies established by OPM, but it is unclear what those policies are. The bill also repeals a

requirement for professional development for the state's IT professionals.

### **§§ 41, 44-47 & 71-77 — DIVISION OF FIRE AND BUILDING SERVICES**

The bill transfers, from DPS to DCS, most of the Division of Fire, Emergency, and Building Services and its functions and renames it the Division of Fire and Building Services. It makes DCS responsible for enforcing the Fire Safety Code and the State Building Code by transferring the division's offices of the State Fire Marshal and the State Building Inspector to DCS. The bill also transfers, from DPS to DCS, responsibility for adopting regulations concerning building demolition and the licensure of persons engaged in such business.

Under the bill, the heads of the two transferring offices report to the DCS commissioner rather than the head of the division. The bill also eliminates a provision under which the State Building Inspector serves as the administrative head of the Office of the State Building Inspector. The bill allows the DCS commissioner to appoint a deputy commissioner to lead the division but eliminates the requirement for the deputy commissioner to be a civilian.

The bill removes the Office of State-Wide Emergency Telecommunications from the division, thus keeping that office in DPS. However, the bill gives DCS some authority over emergency telecommunications. This authority includes (1) the development of regulations concerning public and private safety answering points and municipal enhanced 9-1-1 service utilization plans and (2) decisions concerning the use of the Enhanced 9-1-1 Telecommunications Fund's resources.

#### ***State Building Inspector***

The bill transfers the Office of the State Building Inspector from DPS to DCS. The office's responsibilities include (1) the adoption, administration, and interpretation of the State Building Code and (2) licensure of municipal building officials.

The Office of the State Building Inspector also oversees elevators, escalators, and boilers. However, current law, unchanged by the bill, provides for the DPS Commissioner to retain his or her responsibilities in these areas. These responsibilities include, among other things, (1) adopting regulations, (2) hearing and adjudicating appeals of the building inspector's decisions, (3) investigating elevator and escalator accidents, and (4) commissioning boiler inspectors. The bill does not address how these functions would be affected by moving the building inspector's office to DCS.

***State Fire Marshal***

The bill transfers the State Fire Marshal's Office from DPS to DCS. Under current law, the DPS commissioner or a member of the State Police to whom he or she delegates powers is the state fire marshal. The bill instead requires the DCS commissioner to appoint the state fire marshal (see COMMENT).

The bill eliminates the deputy state fire marshal as a statutory position. However, it retains the position in the list of those exempted from classified service and refers to the deputy fire marshal as having the same powers as the state fire marshal with respect to investigating of fires and explosions.

The fire marshal is responsible for, among other things:

1. adopting and administering the State Fire Prevention Code and Fire Safety Code;
2. certifying local fire marshals, deputy fire marshals, fire inspectors, and investigators;
3. hearing and adjudicating complaints against local fire marshals, deputy fire marshals, and fire inspectors;
4. abating fire hazards;
5. investigating fires and explosions;

6. approving fire extinguishing systems;
7. regulating oil burners;
8. regulating (a) flammable and combustible liquids, (b) liquefied petroleum gas, (c) hazardous chemicals, (d) explosives and blasting agents, and (e) fireworks, including storage, use, transportation, and transmission, as applicable;
9. regulating the installation and operation of gas equipment and gas piping; and
10. overseeing the sale and testing of cigarettes.

While the bill transfers the responsibility for regulating fireworks from DPS to DCS, it retains a requirement for DPS to define the term “pyrotechnics.” Additionally, under current law, unchanged by the bill, DPS appears to retain responsibility for regulating rockets. The bill also retains a requirement for people keeping and storing explosives to report to DPS instead of DCS.

#### **§§ 39, 43, 48-60, & 78 — STATE SCHOOL CONSTRUCTION PROJECTS**

Under the bill, DCS assumes responsibility from SDE for the school construction grant process, which involves reviewing and approving school building project grant applications from local and regional boards of education.

The bill also makes numerous changes to the grant process. Among other things, it:

1. requires the governor to review and approve the priority list of proposed school construction projects before it is submitted to the legislature and changes the submission date from December 15 to the date the governor submits the state budget;
2. eliminates reimbursement for portable classrooms, even under accelerated procedures for code violations;

3. eliminates the special legislative committee that reviews school construction projects and transfers its duties and responsibilities to the Education Committee;
4. authorizes DCS to reject applications whose estimated cost exceeds the cost per square foot cost for the geographical area, which the commissioner determines;
5. requires the commissioner to cancel existing grant commitments for projects that do not begin construction by April 1, 2012, but allows towns and districts to reapply for the project;
6. for applications made on or after July 1, 2011, reduces the reimbursement rate for new construction, from 20% to 80% of eligible costs to 15% to 65% of these costs, while continuing the 20% to 80% reimbursement rate for renovations;
7. reduces, from 85% to 65%, the maximum reimbursement percentage for which incorporated or endowed high schools are eligible;
8. for projects authorized on or after July 1, 2011, eliminates attorney's fees and court costs related to litigation as eligible project costs;
9. eliminates reimbursement for leasing as an eligible project cost;
10. for purposes of determining project costs eligible for state reimbursement, changes how districts must calculate enrollment and bases the calculation on average student growth rate during the prior 10-year period rather than on the highest projected enrollment in the coming eight years starting from the date the district notifies the state of the project;
11. sets a maximum cost per square foot, which the DCS commissioner establishes, allows the commissioner to reject applications with estimated construction costs that exceed the standard, and reimburses towns based on the standard;

12. makes roof replacement and heating ventilation or air conditioning system projects eligible for 20% to 80% reimbursement if they provide greater energy efficiency or reduces heating costs.
13. exempts project management and construction management fees from the prohibition against increases in school construction project professional or consulting fees;
14. reduces the reimbursement rate for interdistrict magnet schools from 95% to 80% of eligible costs; and
15. eliminates the ability of the Connecticut Science Center, Inc. to qualify for school construction grants on the same basis as an interdistrict magnet school.

Beginning July 1, 2012, the bill (1) limits, from two to one, the number of times the legislature may reauthorize grant increases for projects that change in scope by more than 10% and (2) eliminates funding for board of education administrative and service facilities, which are currently reimbursed at one-half the district's regular rate.

#### ***Education-Related Duties Transferred to DCS***

The bill authorizes DCS to make certain decisions that appear to be more education- than construction-related. For instance, in the case of a pilot program for developing a facility to be used as a state charter school, the bill allows DCS to waive charter school enrollment limits. It also allows DCS to determine the number of gross square feet per pupil that is adequate for the kind of educational program or programs intended for a facility.

If a building ceases to be used as a charter school, current law, unchanged by the bill, requires SDE to determine whether title to the building and any legal interest in related land revert to the state. However, in the case of an interdistrict magnet school, under the bill DCS makes this determination, and DCS, not SDE, must develop a comprehensive statewide interdistrict magnet school plan.

The bill also transfers, from SDE to DCS, the ability to require a school district to repay a grant that was provided for an interdistrict magnet school facility. If the district does not reimburse the state, the bill appears to allow DCS to withhold the district's non-construction state aid (see COMMENT).

SDE appears to retain authority to determine which construction projects qualify as "Sheff" magnet schools. Such projects are those that, in the commissioner's opinion, assist the state in meeting the goals of the 2008 stipulation and order in the *Sheff* case. However, the bill is inconsistent in this respect because, in some places, it appears to give this authority to DCS (see COMMENT). For example, it requires DCS to determine which grant applications for interdistrict magnet schools would reduce racial, ethnic, and economic isolation.

#### ***School Construction-Related Duties Not Transferred to DCS***

There are a number of school construction-related duties that the bill does not transfer from SDE to DCS. Under the bill, SDE (or the State Board of Education, as appropriate) remains responsible for, among other things:

1. establishing standards, requirements, and school building priorities;
2. requiring renovation projects to meet the same state and federal codes and regulations as are required for alteration projects;
3. granting waivers from required acoustical standards;
4. certifying dates and amounts of grant payments;
5. reviewing and approving certain interest rates;
6. determining whether certain orders or contracts are of an emergency nature;
7. determining whether a building project has not met the approved conditions of the original application, in which case

- the State Board of Education may withhold subsequent grant payments or require repayment of grants previously made;
8. withholding 10% of the state's reimbursement if a town or regional school district fails to submit its final grant application on time;
  9. issuing hardship grants to towns or districts unable to finance a project;
  10. approving the relocation or replacement of agricultural science and technology education centers;
  11. approving cooperative regional special education facilities;
  12. collecting, publishing, and distributing information on procedures for school building committees, building methods and materials suitable for school construction, and on relevant educational methods, requirements, and materials;
  13. not requiring code compliance improvements in a part of a school building unaffected by a renovation; and
  14. auditing and withholding interest subsidy grant payments.

Generally, the bill is ambiguous regarding DCS's relationship to the State Board of Education. For example, while the bill authorizes DCS to adopt regulations concerning school construction grants, it also maintains the State Board of Education's authority to do so. The bill thus gives two different entities the authority to separately adopt regulations for the same set of statutes.

Additionally, there are several instances where it is unclear whether DCS or SDE has a particular responsibility; the bill simply refers to "the commissioner" without specifying which commissioner. In some of these cases, as in the "Sheff" magnet schools described above, the bill could be interpreted as making one department responsible for something that appears more appropriately suited for the other

department.

## **BACKGROUND**

### ***Related Bill***

sHB 6385, reported favorably by the Education Committee to the Appropriations Committee, also addresses school construction grants but maintains SDE's authority over the process.

## **COMMENT**

### ***Inconsistencies with respect to DAS and DCS***

There are several instances where the bill is inconsistent in terms of the respective public works-related roles and responsibilities of DAS and DCS. In Section 40, it appears that several DPW functions do not transfer to DCS, including (1) maintaining an inventory of all state-owned or -leased properties and premises, (2) supervising the care and control of certain buildings and grounds, and (3) establishing and maintaining security standards for most state facilities. However, in other sections (e.g., Section 39), the bill appears to provide for DCS to have these responsibilities.

It also appears to allow DCS to publicly disclose State Properties Review Board decisions regarding state facility needs (see § 64). However, it also provides that only the DAS commissioner can authorize the disclosure of an agency's real estate needs or interests (§ 3).

### ***DAS Commissioner Performing CIO Duties***

Although the bill (§ 25) requires the DAS commissioner to assume all of the duties and responsibilities of the CIO, including service on the Geospatial Information Systems Council, the commissioner is not added as a council member in Section 12.

### ***Fire Marshal Duties***

The bill (§ 74) permits the DCS Commissioner to delegate to any DPS employee any powers associated with fire hazards and enforcement and regulation of the state fire prevention and safety

codes.

**SDE and DCS Inconsistencies**

The bill is inconsistent as to whether SDE or DCS determines which construction projects qualify as “Sheff” magnet schools. For example, Section 49 provides for both SDE and DCS to make the determination (this issue is also present in Section 60).

Under current law, unchanged by the bill, SDE is responsible for non-construction state aid (i.e., education cost-sharing (ECS) grants) to school districts. However, if a district abandons an interdistrict magnet school facility and is required to reimburse the state, in Section 60 the bill appears to allow DCS to withhold ECS funds. It is unclear how DCS could accomplish this.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 14    Nay 1    (03/23/2011)