



General Assembly

Raised Bill No. 5617

February Session, 2016

LCO No. 2688

* _____HB05617GAE____032316_____*

Referred to Committee on GOVERNMENT
ADMINISTRATION AND ELECTIONS

Introduced by:
(GAE)

**AN ACT CONCERNING REFERENCES TO THE FREEDOM OF
INFORMATION ACT.**

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

1 Section 1. Subsection (a) of section 8-13t of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (a) A zoning commission shall prescribe, consistent with the
5 provisions of sections 8-13m to 8-13x, inclusive, the form of an
6 application for approval of an incentive housing development. The
7 time for and procedures for receipt and processing of applications
8 shall be as provided in chapters 124 and 126, as applicable. A zoning
9 commission or its agent may, to the extent allowed by the Freedom of
10 Information Act, as defined in section 1-200, conduct one or more
11 preliminary or preapplication planning or workshop meetings with
12 regard to an incentive housing zone or development. A zoning
13 commission shall conduct a public hearing in connection with an
14 application for site plan or subdivision approval of an incentive
15 housing development.

16 Sec. 2. Subsection (b) of section 16a-3b of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2016*):

19 (b) When the Integrated Resources Plan contains an option to
20 procure new sources of generation, the authority shall develop and
21 issue a request for proposals, shall publish such request for proposals
22 in one or more newspapers or periodicals, as selected by the authority,
23 and shall post such request for proposals on its Internet web site. In
24 considering proposals submitted pursuant to such request, the
25 authority shall give preference to proposals for generation without any
26 financial assistance, including, but not limited to, long-term contract
27 financing or ratepayer guarantees. Pursuant to a nondisclosure
28 agreement, the authority shall make available to the Commissioner of
29 Energy and Environmental Protection, the Office of Consumer Counsel
30 and the Attorney General all confidential bid information it receives
31 pursuant to this subsection, provided the bids and any analysis of such
32 bids shall not be subject to disclosure under the Freedom of
33 Information Act, as defined in section 1-200. Three months after the
34 authority issues a final decision, it shall make available all financial bid
35 information, provided such information regarding the bidders not
36 selected be presented in a manner that conceals the identities of such
37 bidders.

38 (1) On and after July 1, 2008, an electric distribution company may
39 submit proposals in response to a request for proposals on the same
40 basis as other respondents to the solicitation. A proposal submitted by
41 an electric distribution company shall include its full projected costs
42 such that any project costs recovered from or defrayed by ratepayers
43 are included in the projected costs. An electric distribution company
44 submitting any such bid shall demonstrate to the satisfaction of the
45 authority that its bid is not supported in any form of cross
46 subsidization by affiliated entities. If the authority approves such
47 electric distribution company's proposal, the costs and revenues of
48 such proposal shall not be included in calculating such company's

49 earning for purposes of, or in determining whether its rates are just
50 and reasonable under, sections 16-19, 16-19a and 16-19e. An electric
51 distribution company shall not recover more than the full costs
52 identified in any approved proposal. Affiliates of the electric
53 distribution company may submit proposals pursuant to section 16-
54 244h, regulations adopted pursuant to section 16-244h and other
55 requirements the authority may impose.

56 (2) If the authority selects a nonelectric distribution company
57 proposal, an electric distribution company shall, within thirty days of
58 the selection of a proposal by the authority, negotiate in good faith the
59 final terms of a contract with a generating facility and shall apply to
60 the authority for approval of such contract. Upon authority approval,
61 the electric distribution company shall enter into such contract.

62 (3) The authority shall determine the appropriate manner of cost
63 recovery for proposals selected pursuant to this section.

64 (4) The authority may retain the services of a third-party entity with
65 expertise in the area of energy procurement to oversee the
66 development of the request for proposals and to assist the authority in
67 its approval of proposals pursuant to this section. The reasonable and
68 proper expenses for retaining such third-party entity shall be
69 recoverable through the generation services charge.

70 Sec. 3. Subsection (e) of section 17a-106a of the general statutes is
71 repealed and the following is substituted in lieu thereof (*Effective*
72 *October 1, 2016*):

73 (e) Each multidisciplinary team shall have access to and may copy
74 any record, transcript, document, photograph or other data pertaining
75 to an alleged child victim within the possession of the Department of
76 Children and Families, any public or private medical facility or any
77 public or private health professional provided, in the case of
78 confidential information, the coordinator of the team, or his designee,
79 identifies the record in writing and certifies, under oath, that the

80 record sought is necessary to investigate child abuse or neglect and
81 that the team will maintain the record as confidential. No person who
82 provides access to or copies of such record upon delivery of
83 certification under this section shall be liable to any third party for
84 such action. The multidisciplinary team shall not be deemed to be a
85 public agency under the Freedom of Information Act, as defined in
86 section 1-200.

87 Sec. 4. Section 19a-17c of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective October 1, 2016*):

89 (a) Notwithstanding any provision of the general statutes or any
90 regulation adopted thereunder, peer review materials or information
91 produced in conformance with section 19a-17b, in any format or
92 media, shall not be subject to disclosure pursuant to the Freedom of
93 Information Act, as defined in section 1-200.

94 (b) The provisions of subsection (a) of this section shall not preclude
95 the Department of Public Health from accessing such peer review
96 materials or information in connection with any investigation or
97 review by the department regarding the license of a health care
98 provider, as defined in subsection (a) of section 19a-17b, provided the
99 department does not disclose such materials or information to any
100 person outside of the department, except as may be necessary to take
101 disciplinary action against such health care provider, and any such
102 materials or information shall be exempt from disclosure under the
103 Freedom of Information Act, as defined in section 1-200.

104 (c) The provisions of this section shall not limit the protections
105 afforded pursuant to section 19a-17b.

106 Sec. 5. Section 26-69 of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2016*):

108 The commissioner may engage in wildlife management practices,
109 including, but not limited to: (1) Managing the wildlife resources of the
110 state to provide sustainable, healthy populations of diverse wildlife

111 species, including endangered and threatened species, consistent with
112 professional wildlife management principles; (2) conducting research
113 to better understand processes and relationships affecting wildlife and
114 habitats; (3) conducting public awareness and technical assistance
115 programs to enhance privately-owned habitat and promote an
116 appreciation for and understanding of the value and use of wildlife; (4)
117 performing any work for the establishment, restoration, improvement,
118 control and protection of wildlife habitats; (5) performing any work to
119 create and maintain facilities for ingress and egress for public use of
120 any area under said commissioner's control; (6) regulating hunting
121 seasons and bag limits for all harvestable wildlife species within
122 Connecticut; (7) managing public hunting and wildlife recreational
123 opportunities on state-owned, state-leased, permit-required areas and
124 cooperative wildlife management areas; and (8) conducting, with
125 volunteer assistance, conservation education and safety programs to
126 promote safe and ethical hunting practices. Said commissioner may
127 expend from federal aid funds necessary moneys for supplies,
128 materials, equipment, temporary personal services and contractual
129 services to carry out the provisions of this section. Any utilization of
130 such powers by the commissioner shall be documented and subject to
131 disclosure pursuant to the Freedom of Information Act, as defined in
132 section 1-200. Such documentation shall include, but not be limited to:
133 An explanation of the need for such use, the duration of such use, a
134 description of the power used, the location where such power was
135 used, the names of the persons or entities that may take animals
136 pursuant to the plan, any conditions of the plan, the methods used
137 under the plan and any species taken under the plan.

138 Sec. 6. Subsection (a) of section 46a-13e of the general statutes is
139 repealed and the following is substituted in lieu thereof (*Effective*
140 *October 1, 2016*):

141 (a) The name, address and other personally identifiable information
142 of a person who makes a complaint to the Victim Advocate as
143 provided in section 46a-13c, all information obtained or generated by

144 the office in the course of an investigation, the identity and location of
145 any person receiving or considered for the receipt of protective
146 services under section 54-82t and all information obtained or generated
147 by the office in the course of monitoring the provision of protective
148 services under section 54-82t, and all confidential records obtained by
149 the Victim Advocate or his designee shall be confidential and shall not
150 be subject to disclosure under the Freedom of Information Act, as
151 defined in section 1-200, or otherwise, except that such information
152 and records, other than confidential information concerning a pending
153 law enforcement investigation or a pending prosecution, may be
154 disclosed if the Victim Advocate determines that disclosure is (1) in the
155 general public interest, or (2) necessary to enable the Victim Advocate
156 to perform his responsibilities under section 46a-13c, provided in no
157 event shall the name, address or other personally identifiable
158 information of a person be disclosed without the consent of such
159 person.

160 Sec. 7. Subsection (a) of section 46a-13n of the general statutes is
161 repealed and the following is substituted in lieu thereof (*Effective*
162 *October 1, 2016*):

163 (a) The name, address and other personally identifiable information
164 of a person who makes a complaint to the Child Advocate as provided
165 in section 46a-13l, all information obtained or generated by the office in
166 the course of an investigation and all confidential records obtained by
167 the Child Advocate or a designee shall be confidential and shall not be
168 subject to disclosure under the Freedom of Information Act, as defined
169 in section 1-200, or otherwise, except that such information and
170 records, other than confidential information concerning a pending law
171 enforcement investigation or a pending prosecution, may be disclosed
172 if the Child Advocate determines that disclosure is (1) in the general
173 public interest or (2) necessary to enable the Child Advocate to
174 perform his responsibilities under subsection (a) of section 46a-13l. If
175 the Child Advocate determines that disclosure of confidential
176 information is not in the public interest but is necessary to enable the

177 Child Advocate to perform responsibilities under subsection (a) of
178 section 46a-13l, or to identify, prevent or treat the abuse or neglect of a
179 child, the Child Advocate may disclose such information to the
180 appropriate agency responsible for the welfare of such child.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	8-13t(a)
Sec. 2	<i>October 1, 2016</i>	16a-3b(b)
Sec. 3	<i>October 1, 2016</i>	17a-106a(e)
Sec. 4	<i>October 1, 2016</i>	19a-17c
Sec. 5	<i>October 1, 2016</i>	26-69
Sec. 6	<i>October 1, 2016</i>	46a-13e(a)
Sec. 7	<i>October 1, 2016</i>	46a-13n(a)

GAE *Joint Favorable*