General Assembly

Substitute Bill No. 869

January Session, 2019

AN ACT CONCERNING RECOMMENDATIONS BY THE CONNECTICUT AIRPORT AUTHORITY REGARDING NONBUDGETED EXPENDITURES, THE CONNECTICUT AIRPORT AND AVIATION ACCOUNT AND THE SECURITY EXEMPTION UNDER THE FREEDOM OF INFORMATION ACT.

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

Section 1. Subsection (b) of section 15-120dd of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(b) Notwithstanding the provisions of subdivision (3) of subsection (a) of this section, the board of directors may authorize the executive director to make nonbudgeted expenditures of up to [five hundred thousand] one million dollars without prior board approval (1) to restore operations at any airport owned or operated by the authority, if such airport or the equipment of such airport is damaged as a result of a natural disaster or incurs a substantial casualty loss that results in an unsafe condition, or (2) where the failure to act would result in a disruption of airport operations. Not later than twenty-four hours after the executive director makes such nonbudgeted expenditure, the executive director shall provide notification to the chairperson or vice chairperson of the board of the amount of, and reason for, such expenditure.

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Sec. 2. Section 13b-50c of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) There is established an account to be known as the "Connecticut airport and aviation account" which shall be a separate, nonlapsing account within the Grants and Restricted Accounts Fund established pursuant to section 4-31c. The account shall contain any moneys required by law to be deposited in the account. [Moneys in the account shall be expended by the Commissioner of Transportation, with the approval of the Secretary of the Office of Policy and Management, for the purposes of airport and aviation-related purposes.]

(b) Notwithstanding the provisions of section 13b-61a, on and after the effective date of this section, the Commissioner of Revenue Services shall deposit into said account seventy-five and three-tenths per cent of the amounts received by the state from aviation fuel sources from the tax imposed under section 12-587.

(c) Moneys in said account shall be transferred, in an amount and frequency as is mutually agreed to by the Commissioner of Revenue Services and the executive director of the Connecticut Airport Authority established pursuant to section 15-120bb, to an account established by said authority, which shall expend such moneys for airport and aviation-related purposes.

Sec. 3. Subdivision (19) of subsection (b) of section 1-210 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(19) Records when there are reasonable grounds to believe disclosure may result in a safety risk, including the risk of harm to any person, any government-owned or leased institution or facility or any fixture or appurtenance and equipment attached to, or contained in, such institution or facility, except that such records shall be disclosed to a law enforcement agency upon the request of the law enforcement agency. Such reasonable grounds shall be determined (A) (i) by the
Commissioner of Administrative Services, after consultation with the chief executive officer of an executive branch state agency, with respect to records concerning such agency; and (ii) by the Commissioner of Emergency Services and Public Protection, after consultation with the chief executive officer of a municipal, district or regional agency, with respect to records concerning such agency; (B) by the Chief Court Administrator with respect to records concerning the Judicial Department; [and] (C) by the executive director of the Joint Committee on Legislative Management, with respect to records concerning the Legislative Department; and (D) by the executive director of the Connecticut Airport Authority, with respect to records concerning the Connecticut Airport Authority. As used in this section, "government-owned or leased institution or facility" includes, but is not limited to, an institution or facility owned or leased by a public service company, as defined in section 16-1, other than a water company, as defined in section 25-32a, a certified telecommunications provider, as defined in section 16-1, or a municipal utility that furnishes electric or gas service, but does not include an institution or facility owned or leased by the federal government, and "chief executive officer" includes, but is not limited to, an agency head, department head, executive director or chief executive officer. Such records include, but are not limited to:

(i) Security manuals or reports;

(ii) Engineering and architectural drawings of government-owned or leased institutions or facilities;

(iii) Operational specifications of security systems utilized at any government-owned or leased institution or facility, except that a general description of any such security system and the cost and quality of such system may be disclosed;

(iv) Training manuals prepared for government-owned or leased institutions or facilities that describe, in any manner, security procedures, emergency plans or security equipment;
(v) Internal security audits of government-owned or leased institutions or facilities;

(vi) Minutes or records of meetings, or portions of such minutes or records, that contain or reveal information relating to security or other records otherwise exempt from disclosure under this subdivision;

(vii) Logs or other documents that contain information on the movement or assignment of security personnel; and

(viii) Emergency plans and emergency preparedness, response, recovery and mitigation plans, including plans provided by a person to a state agency or a local emergency management agency or official.

Sec. 4. Subdivision (24) of subsection (b) of section 1-210 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(24) Responses to any request for proposals or bid solicitation issued by a public agency, responses by a public agency to any request for proposals or bid solicitation, or any record or file made by a public agency in connection with the contract award process, until such contract is executed or negotiations for the award of such contract have ended, whichever occurs earlier, provided the chief executive officer of such public agency certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the confidentiality of such responses, record or file;

Sec. 5. Subsection (d) of section 1-210 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(d) Whenever a public agency, except the Judicial Department, [or] Legislative Department or Connecticut Airport Authority, receives a request from any person for disclosure of any records described in subdivision (19) of subsection (b) of this section under the Freedom of Information Act, the public agency shall promptly notify the
Commissioner of Administrative Services or the Commissioner of Emergency Services and Public Protection, as applicable, of such request, in the manner prescribed by such commissioner, before complying with the request as required by the Freedom of Information Act. If the commissioner, after consultation with the chief executive officer of the applicable agency, believes the requested record is exempt from disclosure pursuant to subdivision (19) of subsection (b) of this section, the commissioner may direct the agency to withhold such record from such person. In any appeal brought under the provisions of section 1-206 of the Freedom of Information Act for denial of access to records for any of the reasons described in subdivision (19) of subsection (b) of this section, such appeal shall be against the chief executive officer of the executive branch state agency or the municipal, district or regional agency that issued the directive to withhold such record pursuant to subdivision (19) of subsection (b) of this section, exclusively, or, in the case of records concerning Judicial Department facilities, the Chief Court Administrator or, in the case of records concerning the Legislative Department, the executive director of the Joint Committee on Legislative Management, or, in the case of records concerning the Connecticut Airport Authority, the executive director of the Connecticut Airport Authority.

| Section 1 | from passage | 15-120dd(b) |
| Sec. 2   | from passage | 13b-50c   |
| Sec. 3   | October 1, 2019 | 1-210(b)(19) |
| Sec. 4   | October 1, 2019 | 1-210(b)(24) |
| Sec. 5   | October 1, 2019 | 1-210(d)  |

TRA Joint Favorable Subst.