



General Assembly

**Amendment**

January Session, 2021

LCO No. 6130



Offered by:

SEN. KELLY, 21<sup>st</sup> Dist.

SEN. FORMICA, 20<sup>th</sup> Dist.

To: Senate Bill No. 150

File No. 106

Cal. No. 115

**"AN ACT ESTABLISHING THE CONNECTICUT INFRASTRUCTURE  
AUTHORITY."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2021, and applicable to contracts*  
4 *entered into or renewed on or after said date*) (a) For the purposes of this  
5 section, "quasi-public agency" has the same meaning as provided in  
6 section 1-120 of the general statutes, "contract" means any employment  
7 contract or consulting contract that a quasi-public agency intends to  
8 enter into or renew and "separation agreement" means an agreement to  
9 pay less than fifty thousand dollars to an employee resigning or retiring  
10 from employment with such quasi-public agency for the purposes of  
11 avoiding costs associated with potential litigation or pursuant to a  
12 nondisparagement agreement.

13 (b) On and after October 1, 2021, each quasi-public agency shall  
14 submit a copy of all (1) separation agreements, and (2) contracts with an

15 annual cost of over fifty thousand dollars or a duration of five years or  
16 greater, to the Attorney General for review and comment prior to  
17 entering into or renewing any such contract.

18 Sec. 2. (NEW) (*Effective July 1, 2021*) For the purposes of this section,  
19 "quasi-public agency" and "procedure" have the same meaning as  
20 provided in section 1-120 of the general statutes. Not later than January  
21 1, 2022, the Commissioner of Administrative Services shall develop and  
22 publish on the Department of Administrative Services' Internet web site  
23 model rules of procedure, which may be adopted by quasi-public  
24 agencies. Such model rules shall be based on best practices of existing  
25 quasi-public agencies in this state. The commissioner shall update such  
26 model rules as necessary.

27 Sec. 3. (NEW) (*Effective October 1, 2021*) For the purposes of this  
28 section, "quasi-public agency" has the same meaning as provided in  
29 section 1-120 of the general statutes and "appointing authority" means  
30 the person or body authorized to make the appointment pursuant to a  
31 provision of the general statutes. Notwithstanding any provision of the  
32 general statutes, if a vacancy occurs on the board of a quasi-public  
33 agency and (1) the board has notified the appointing authority of such  
34 vacancy at least three months after the occurrence of such vacancy, and  
35 (2) the appointment remains unfilled by the appointing authority for a  
36 period greater than six months after receipt of such notice, a quorum of  
37 the membership of such board may fill such vacancy by voting to  
38 appoint a person who satisfies the qualifications set forth in the  
39 authorizing statute to fill such vacancy for the remainder of the term.  
40 Any subsequent appointment shall be filled in the manner set forth in  
41 the authorizing statute, unless the provisions of this section are  
42 applicable.

43 Sec. 4. Section 1-123 of the general statutes is repealed and the  
44 following is substituted in lieu thereof (*Effective July 1, 2021*):

45 (a) The board of directors of each quasi-public agency shall annually  
46 submit a report to the Governor and the Auditors of Public Accounts.

47 Such report shall include, but need not be limited to, the following: (1)  
48 A list of all bond issues for the preceding fiscal year, including, for each  
49 such issue, the financial advisor and underwriters, whether the issue  
50 was competitive, negotiated or privately placed, and the issue's face  
51 value and net proceeds; (2) a list of all projects other than those  
52 pertaining to owner-occupied housing or student loans receiving  
53 financial assistance during the preceding fiscal year, including each  
54 project's purpose, location, and the amount of funds provided by the  
55 agency; (3) a list of all outside individuals and firms receiving in excess  
56 of five thousand dollars in the form of loans, grants or payments for  
57 services, except for individuals receiving loans for owner-occupied  
58 housing and education; (4) a complete set of financial statements; (5) the  
59 cumulative value of all bonds issued, the value of outstanding bonds,  
60 and the amount of the state's contingent liability; (6) the affirmative  
61 action policy statement, a description of the composition of the agency's  
62 work force by race, sex, and occupation and a description of the agency's  
63 affirmative action efforts; and (7) a description of planned activities for  
64 the current fiscal year.

65 (b) For the quarter commencing July 1, 2010, and for each quarter  
66 thereafter, the board of directors of each quasi-public agency shall  
67 submit a report to the Office of Fiscal Analysis. Such report shall  
68 include, but not be limited to, for each fund and account of the agency:  
69 (1) The beginning fiscal year balance; (2) all funds expended and all  
70 revenue collected by the end of the quarter; and (3) total expenditures  
71 and revenues estimated at the end of the fiscal year. For the purposes of  
72 this subsection, "expenditures" and "revenues" have the same meaning  
73 as provided in section 4-69.

74 (c) For the quarter commencing July 1, 2010, and for each quarter  
75 thereafter, the board of directors of each quasi-public agency shall  
76 submit a personnel status report to the Office of Fiscal Analysis. Such  
77 report shall include, but not be limited to: (1) The total number of  
78 employees by the end of the quarter; (2) the positions vacated and the  
79 positions filled by the end of the quarter; and (3) the positions estimated  
80 to be vacant and the positions estimated to be filled at the end of the

81 fiscal year.

82 (d) On or before January 15, 2022, and not later than January fifteenth  
83 of each calendar year thereafter, the board of directors of each quasi-  
84 public agency shall submit a report on the salaries of all of its employees  
85 to the Comptroller, the Office of Fiscal Analysis and the joint standing  
86 committee of the General Assembly having cognizance of matters  
87 relating to such quasi-public agency, in accordance with the provisions  
88 of section 11-4a. Not less than thirty days prior to any action by the  
89 board of directors on an increase in salary for an employee (1) that will  
90 result in a salary exceeding two hundred thousand dollars a year, or (2)  
91 that is equivalent to an increase of more than five per cent, the board of  
92 directors of the quasi-public agency shall submit notice of such  
93 proposed change in salary to the joint standing committee of the General  
94 Assembly having cognizance of matters relating to such quasi-public  
95 agency, or if none, to the joint standing committee of the General  
96 Assembly having cognizance of matters relating to appropriations and  
97 the budgets of state agencies.

98 (e) On or before January 15, 2022, and not later than February first of  
99 each calendar year thereafter, the board of directors of each quasi-public  
100 agency shall submit a report to the joint standing committee of the  
101 General Assembly having cognizance of matters relating to such quasi-  
102 public agency, or if none, to the joint standing committee of the General  
103 Assembly having cognizance of matters relating to government  
104 administration, in accordance with the provisions of section 11-4a. Not  
105 later than August 1, 2021, the Secretary of the Office of Policy and  
106 Management shall adopt guidelines concerning the content and format  
107 of such report and shall mail a copy of such guidelines to each quasi-  
108 public agency. Not later than thirty days after receipt of such report or  
109 the commencement of the regular session of the General Assembly,  
110 whichever is later, the joint standing committee of the General  
111 Assembly having cognizance of matters relating to the quasi-public  
112 agency submitting the report, or if none, to the joint standing committee  
113 of the General Assembly having cognizance of matters relating to  
114 government administration, shall hold a public hearing concerning such

115 report. A representative of the quasi-public agency shall appear at such  
116 hearing to answer any questions of the committee members.

117 Sec. 5. (NEW) (*Effective July 1, 2021*) Notwithstanding any provision  
118 of the general statutes, the Secretary of the Office of Policy and  
119 Management, or his or her designee, shall be an ex-officio member of  
120 any finance committee formed by a quasi-public agency, as defined in  
121 section 1-120 of the general statutes. Any such finance committee shall  
122 notify the secretary electronically not less than seven days prior to any  
123 scheduled meeting of the committee.

124 Sec. 6. Subsection (i) of section 1-84 of the general statutes is repealed  
125 and the following is substituted in lieu thereof (*Effective July 1, 2021*):

126 (i) (1) No public official or state employee or member of the official  
127 or employee's immediate family or a business with which he is  
128 associated shall enter into any contract with the state, valued at one  
129 hundred dollars or more, other than a contract (A) of employment as a  
130 state employee, (B) with the Technical Education and Career System for  
131 students enrolled in a school in the system to perform services in  
132 conjunction with vocational, technical, technological or postsecondary  
133 education and training any such student is receiving at a school in the  
134 system, subject to the review process under subdivision (2) of this  
135 subsection, (C) with a public institution of higher education to support  
136 a collaboration with such institution to develop and commercialize any  
137 invention or discovery, or (D) pursuant to a court appointment, unless  
138 the contract has been awarded through an open and public process,  
139 including prior public offer and subsequent public disclosure of all  
140 proposals considered and the contract awarded. In no event shall an  
141 executive head of an agency, as defined in section 4-166, including a  
142 commissioner of a department, or an executive head of a quasi-public  
143 agency, as defined in section 1-79, or the executive head's immediate  
144 family or a business with which he is associated enter into any contract  
145 with that agency or quasi-public agency. Nothing in this subsection  
146 shall be construed as applying to any public official who is appointed as  
147 a member of the executive branch [or as a member or director of a quasi-

148 public agency] and who receives no compensation other than per diem  
149 payments or reimbursement for actual or necessary expenses, or both,  
150 incurred in the performance of the public official's duties unless such  
151 public official has authority or control over the subject matter of the  
152 contract. Any contract made in violation of this subsection shall be  
153 voidable by a court of competent jurisdiction if the suit is commenced  
154 not later than one hundred eighty days after the making of the contract.

155 (2) The superintendent of the Technical Education and Career System  
156 shall establish an open and transparent process to review any contract  
157 entered into under subparagraph (B) of subdivision (1) of this  
158 subsection.

159 Sec. 7. Subsection (h) of section 2-90 of the general statutes is repealed  
160 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

161 (h) Where there are statutory or common law requirements of  
162 confidentiality with regard to such records and accounts or  
163 examinations of nongovernmental entities which are maintained by a  
164 state agency, including, but not limited to, privilege by reason of an  
165 attorney-client relationship, such requirements of confidentiality and  
166 the penalties for the violation thereof shall apply to the auditors and to  
167 their authorized representatives in the same manner and to the same  
168 extent as such requirements of confidentiality and penalties apply to  
169 such state agency. Any disclosure under this subsection of information  
170 that is privileged by reason of an attorney-client relationship shall not  
171 constitute a waiver of the privilege. In addition, the portion of (1) any  
172 audit or report prepared by the Auditors of Public Accounts that  
173 concerns the internal control structure of a state information system or  
174 the identity of an employee who provides information regarding  
175 alleged fraud or weaknesses in the control structure of a state agency  
176 that may lead to fraud, or (2) any document that may reveal the identity  
177 of such employee, shall not be subject to disclosure under the Freedom  
178 of Information Act, as defined in section 1-200.

179 Sec. 8. Section 52-146r of the general statutes is repealed and the

180 following is substituted in lieu thereof (*Effective October 1, 2021*):

181 (a) As used in this section:

182 (1) "Authorized representative" means an individual empowered by  
183 a public agency to assert the confidentiality of communications that are  
184 privileged under this section;

185 (2) "Confidential communications" means all oral and written  
186 communications transmitted in confidence between a public official or  
187 employee of a public agency acting in the performance of his or her  
188 duties or within the scope of his or her employment and a government  
189 attorney relating to legal advice sought by the public agency or a public  
190 official or employee of such public agency from that attorney, and all  
191 records prepared by the government attorney in furtherance of the  
192 rendition of such legal advice;

193 (3) "Government attorney" means a person admitted to the bar of this  
194 state and employed by a public agency or retained by a public agency  
195 or public official to provide legal advice to the public agency or a public  
196 official or employee of such public agency; and

197 (4) "Public agency" means "public agency" as defined in section 1-200.

198 (b) In any civil or criminal case or proceeding or in any legislative or  
199 administrative proceeding, all confidential communications shall be  
200 privileged and a government attorney shall not disclose any such  
201 communications unless an authorized representative of the public  
202 agency consents to waive the privilege and allow such disclosure. In any  
203 legislative proceeding, the disclosure by a government attorney who  
204 represents a quasi-public agency, as defined in section 1-120, of  
205 confidential communications to a joint standing committee of the  
206 General Assembly conducting an investigation under section 2-46 shall  
207 not constitute a waiver of the privilege and such confidential  
208 communications shall not be subject to disclosure under the Freedom of  
209 Information Act, as defined in section 1-200."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021, and applicable to contracts entered into or renewed on or after said date</i>	New section
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>July 1, 2021</i>	1-123
Sec. 5	<i>July 1, 2021</i>	New section
Sec. 6	<i>July 1, 2021</i>	1-84(i)
Sec. 7	<i>October 1, 2021</i>	2-90(h)
Sec. 8	<i>October 1, 2021</i>	52-146r