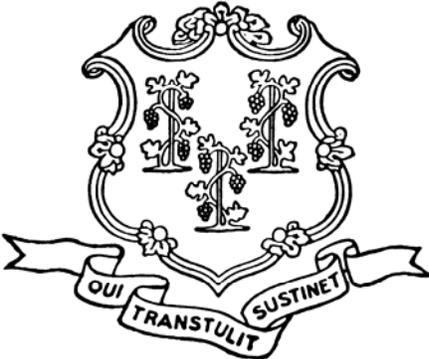


# DEPARTMENT OF PUBLIC WORKS

## PUBLIC ACT REPORT

2006



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## Table of Contents

### DESIGN & CONSTRUCTION

1. ***Public Act No. 06-134 AN ACT CONCERNING CONSTRUCTION OVERSIGHT AT THE UNIVERSITY OF CONNECTICUT AND THE PREQUALIFICATION OF SUBSTANTIAL CONTRACTORS. (page 3)***
2. ***Public Act No. 06-158 AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND OTHER SCHOOL CONSTRUCTION PROVISIONS. (page 13)***
3. ***Public Act No. 06-175 AN ACT CONCERNING CONSTRUCTION SAFETY. (page 14)***
4. ***Public Act No. 06-194 AN ACT CONCERNING THE BONDING PROCESS, CONFIDENTIALITY OF TAX RETURN INFORMATION, LOANS FOR MOBILE MANUFACTURED HOMES, VARIOUS TAXES ADMINISTERED BY THE DEPARTMENT OF REVENUE SERVICES, CREATION OF A SPECIAL DISTRICT IN DERBY, TAXATION OF LAND PURCHASED FROM THE STATE BY A TOWN AND CONSTRUCTION OF A HIGHWAY RAILROAD CROSSING. (page 16)***

### FACILITIES MANAGEMENT

5. ***Public Act No. 06-21 AN ACT CONCERNING THE MEMBERSHIP OF THE STATE-WIDE SECURITY MANAGEMENT COUNCIL. (page 21)***
6. ***Public Act No. 06-86 AN ACT CONCERNING LUMINAIRES AT STATE AGENCIES. (page 22)***
7. ***Public Act No. 06-129 AN ACT CONCERNING THE RECOMMENDATIONS OF THE DISABLED AND DISADVANTAGED EMPLOYMENT SECURITY POLICY GROUP. (page 24)***
8. ***Special Act No. 06-10 AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND. (page 30)***

### STATE BUDGET ADJUSTMENT AND IMPLEMENTATION BILLS

9. ***Public Act No. 06-186 AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES AND REVENUES FOR THE BIENNIUM ENDING JUNE 30, 2007. (page 50)***
10. ***Public Act No. 06-187 AN ACT CONCERNING GENERAL BUDGET AND REVENUE IMPLEMENTATION PROVISIONS. (page 51)***

**Public Act No. 06-134**

**AN ACT CONCERNING CONSTRUCTION OVERSIGHT AT THE UNIVERSITY OF CONNECTICUT AND THE PREQUALIFICATION OF SUBSTANTIAL CONTRACTORS.**

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

Sec. 16. Subsection (a) of section 4a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2007*):

(a) As used in this section: (1) "Prequalification" means prequalification issued by the Commissioner of Administrative Services to bid on a contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work for work by the state or a municipality, except a public highway or bridge project; (2) "subcontractor" means a person who performs work with a value in excess of twenty-five thousand dollars for a contractor pursuant to a contract for work for the state or a municipality which is estimated to cost more than five hundred thousand dollars; (3) "principals and key personnel" includes officers, directors, shareholders, members, partners and managerial employees; (4) "aggregate work capacity rating" means the maximum amount of work an applicant is capable of undertaking for any and all projects; and (5) "single project limit" means the highest estimated cost of a single project that an applicant is capable of undertaking.

Sec. 17. Subsection (c) of section 4a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2007*):

(c) As used in this section, "public agency" means a public agency, as defined in section 1-200 [ **but does not include The University of Connecticut with respect to any project, as defined in subdivision (16) of section 10a-109c, that is undertaken and controlled by the university,**] and "subcontractor" means a person who performs work with a value in excess of twenty-five thousand dollars for a contractor pursuant to a contract for work for the state or a municipality which is estimated to cost more than five hundred thousand dollars.

Sec. 18. Subsection (a) of section 4b-91 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2007*):

(a) Every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state, which is estimated to cost more than five hundred thousand dollars, except [(1)] a contract awarded by the Commissioner of Public Works for [(A)] (1) a community court

project, as defined in subsection (j) of section 4b-55, [as amended](#), [(B)] (2) the downtown Hartford higher education center project, as defined in subsection (l) of section 4b-55, [as amended](#), [(C)] (3) a correctional facility project, as defined in subsection (m) of section 4b-55, [as amended](#), [(D)] (4) a juvenile detention center project, as defined in subsection (n) of section 4b-55, [as amended](#), or [(E)] (5) a student residential facility for the Connecticut State University system that is a priority higher education facility project, as defined in subsection (f) of section 4b-55, [as amended](#), [or (2) a project, as defined in subdivision (16) of section 10a-109c, undertaken and controlled by The University of Connecticut in accordance with section 10a-109n,] shall be awarded to the lowest responsible and qualified general bidder who is prequalified pursuant to section 4a-100 on the basis of competitive bids in accordance with the procedures set forth in this chapter, after the Commissioner of Public Works or, in the case of a contract for the construction of or work on a building under the supervision and control of the Joint Committee on Legislative Management of the General Assembly, the joint committee or, in the case of a contract for the construction of or work on a building under the supervision and control of one of the constituent units of the state system of higher education, the constituent unit, has invited such bids by advertisements inserted at least once in one or more newspapers having a circulation in each county in the state. The Commissioner of Public Works, the joint committee or the constituent unit, as the case may be, shall indicate the prequalification classification required for the contract in such advertisement. As used in this section, "prequalification classification" means the prequalification classifications established by the Commissioner of Administrative Services pursuant to section 4a-100, [as amended by this act](#).

Sec. 19. Subsection (c) of section 4b-91 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2007*):

(c) On and after October 1, 2004, no person may bid on a contract [, [except for a project described in subdivision \(2\) of subsection \(a\) of this section](#),] for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state or a municipality, which is estimated to cost more than five hundred thousand dollars and is paid for, in whole or in part, with state funds, unless the person is prequalified in accordance with section 4a-100, [as amended by this act](#).

Sec. 20. Subsection (a) of section 10a-109n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2007*):

(a) [[Notwithstanding any provision of chapter 59 or 60, for](#)] [For](#) the period from July 1, 2001, to June 30, 2015, the university shall, have charge and supervision of

the design, planning, acquisition, remodeling, alteration, repair, enlargement, demolition of any real asset or any other project on its campuses.

Sec. 21. (NEW) (*Effective July 1, 2006*) (a) In order to carry out any provision of title 4b of the general statutes for the construction, renovation or alteration of buildings or facilities, the Commissioner of Public Works may enter into a construction manager at-risk project delivery contract.

(b) The Commissioner of Public Works shall not enter into a construction manager at-risk project delivery contract that does not provide for a maximum guaranteed price for the cost of construction that shall be determined not later than the time of the receipt and approval by the commissioner of the trade contractor bids. Each construction manager at-risk shall invite bids and give notice of opportunities to bid on project elements, by advertising, at least once, in one or more newspapers having general circulation in the state. Each bid shall be kept sealed until opened publicly at the time and place as set forth in the notice soliciting such bid. The construction manager at-risk shall, after consultation with and approval by the commissioner, award any related contracts for project elements to the responsible qualified contractor submitting the lowest bid in compliance with the bid requirements, provided (1) the construction manager at-risk shall not be eligible to submit a bid for any such project element, and (2) construction shall not begin prior to the determination of the maximum guaranteed price, except for the project elements of site preparation and demolition that have been previously put out to bid and awarded.

Sec. 22. Section 4a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) As used in this section: (1) "Prequalification" means prequalification issued by the Commissioner of Administrative Services to bid on a contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state or a municipality or to perform work under such a contract as a substantial subcontractor; (2) "subcontractor" means a person who performs work with a value in excess of twenty-five thousand dollars for a contractor pursuant to a contract for work for the state or a municipality which is estimated to cost more than five hundred thousand dollars; (3) "principals and key personnel" includes officers, directors, shareholders, members, partners and managerial employees; (4) "aggregate work capacity rating" means the maximum amount of work an applicant is capable of undertaking for any and all projects; **[and]** (5) "single project limit" means the highest estimated cost of a single project that an applicant is capable of undertaking; and (6) "substantial subcontractor" means a person who performs work with a value in excess of five hundred thousand dollars for a contractor pursuant to a contract for work for the state or a

municipality which is estimated to cost more than five hundred thousand dollars.

(b) (1) Any person may apply for prequalification to the Department of Administrative Services. Such application shall be made on such form as the Commissioner of Administrative Services prescribes and shall be accompanied by a nonrefundable application fee as set forth in subdivision (2) of this subsection. The application shall be signed under penalty of false statement.

(2) The application fee shall be as follows:

Aggregate Work Capacity Rating	Fee
\$ 5,000,000. 00 or less	\$ 600. 00
\$ 5,000,000. 01 - \$ 8,000,000. 00	\$ 750. 00
\$ 8,000,000. 01 - \$ 10,000,000. 00	\$ 850. 00
\$ 10,000,000. 01 - \$ 15,000,000. 00	\$ 1,000. 00
\$ 15,000,000. 01 - \$ 20,000,000. 00	\$ 1,500. 00
\$ 20,000,000. 01 - \$ 40,000,000. 00	\$ 2,000. 00
\$ 40,000,000. 01 or more	\$ 2,500. 00

(c) The application form shall, at a minimum, require the applicant to supply information concerning:

(1) The applicant's form of organization;

(2) The applicant's principals and key personnel and any names under which the applicant, principals or key personnel conducted business during the past five years;

**[(3) The applicant's experience on public and private construction projects over the past five years, or on the applicant's ten most recently-completed projects and the names of any subcontractors used on the projects; ]**

**[(4) (3) Any legal or administrative proceedings pending or concluded adversely against the applicant or any of the applicant's principals or key personnel within the past five years which relate to the procurement or performance of any public or private construction contract and whether the applicant is aware of any investigation pending against the applicant or any principal or key personnel;**

[(5)] (4) The nature of any financial, personal or familial relationship between the applicant and any public or private construction project owner listed on the application as constituting construction experience;

[(6)] (5) A statement of whether (A) the applicant has been disqualified pursuant to section 4b-95, this section or section 31-57c or 31-57d, (B) the applicant is on the list distributed by the Labor Commissioner pursuant to section 31-57a, (C) the applicant is disqualified or prohibited from being awarded a contract pursuant to section 31-57b, (D) the applicant has been disqualified by another state, (E) the applicant has been disqualified by a federal agency or pursuant to federal law, (F) the applicant's registration has been suspended or revoked by the Department of Consumer Protection pursuant to section 20-341gg, (G) the applicant has been disqualified by a municipality, and (H) the matters that gave rise to any such disqualification, suspension or revocation have been eliminated or remedied; and

[(7)] (6) Other information as the commissioner deems relevant to the determination of the applicant's qualifications and responsibilities.

(d) The applicant shall include a statement of financial condition prepared by a certified public accountant which includes information concerning the applicant's assets and liabilities, plant and equipment, bank and credit references, bonding company and maximum bonding capacity, and other information as the commissioner deems relevant to an evaluation of the applicant's financial capacity and responsibility.

(e) Information contained in the application shall be current as of the time of filing except that the statement of financial condition shall pertain to the applicant's most recently-completed fiscal year.

(f) The commissioner shall determine whether to prequalify an applicant on the basis of the application and on relevant past performance according to procedures and criteria set forth in regulations which the commissioner shall adopt on or before October 1, 2005, in accordance with chapter 54. Such criteria shall include, at a minimum, the record of the applicant's performance, including, but not limited to, written evaluations of the applicant's performance on public or private projects, **[within the past five years,]** for a period of not less than the past three years, the applicant's past experience on projects of various size and type, the skill, ability and integrity of the applicant and any subcontractors used by the applicant, the experience and qualifications of supervisory personnel employed by the applicant, the maximum amount of work the applicant is capable of undertaking as demonstrated by the applicant's financial condition, bonding capacity, size of past projects and present and anticipated work commitments, and any other relevant criteria that the commissioner prescribes. Such regulations shall also (1) provide that the criteria

considered shall be assigned separate designated numerical values and weights and that the applicant shall be assigned an overall numerical rating on the basis of all criteria, and (2) establish prequalification classifications, aggregate work capacity ratings and single project limits. Such prequalification classifications shall be used to establish the types of work a contractor or substantial subcontractor is qualified to perform and the aggregate work capacity ratings shall be used to establish the maximum amount of work a contractor or substantial subcontractor is capable of undertaking.

(g) (1) The applicant shall indicate the prequalification classifications, aggregate work capacity ratings and single project limits that are sought. The commissioner may issue a certificate of prequalification to any applicant who meets the requirements of this section. Such certificate shall be effective for one year from the date issued and shall indicate the contractor's or substantial subcontractor's prequalification classifications, aggregate work capacity ratings and single project limits. The commissioner may cause the initial certificate of prequalification to be effective for a period not to exceed two years and may require the applicant to remit payment of the application fee, as set forth in subsection (b) of this section, for the first twelve months of certification as well as a prorated application fee, as described in subdivision (3) of this subsection, for any additional period of certification beyond the first twelve months.

(2) A prequalified contractor or substantial subcontractor may apply at any time for additional prequalification classifications, aggregate work capacity ratings or single project limits by submitting the applicable increase in fee, a completed update statement, and other information the commissioner requires.

(3) The commissioner may renew a prequalification certificate upon receipt of a completed update statement, any other material the commissioner requires and a nonrefundable fee in an amount [equal to] not less than one-half of the application fee for the applicable aggregate work capacity rating as set forth in subsection (b) of this section. [ , except that in no event shall such fee be less than six hundred dollars. ]

(h) Not later than sixty days after receiving a completed application, the commissioner shall mail or send by electronic mail a notice to the applicant concerning the commissioner's preliminary determination regarding the conditions of the prequalification certification, a denial of certification, a reduction in the level of certification sought or nonrenewal of certification. Any applicant aggrieved by the commissioner's preliminary determination may request copies of the information upon which the commissioner relied in making the preliminary determination, provided such request is made not later than ten days after the date the notice was mailed or sent by electronic mail to the applicant. Not later than twenty days after the date the notice was mailed or sent

by electronic mail, the applicant may submit additional information to the commissioner with a request for reconsideration. The commissioner shall issue a final determination regarding the application not later than ninety days after the date the commissioner mailed or sent by electronic mail the notice of the preliminary determination, which ninety-day period may be extended for an additional period not to exceed ninety days if (1) the commissioner gives written notice to the applicant that the commissioner requires additional time, and (2) such notice is mailed or sent by electronic mail during the initial ninety-day period.

(i) The commissioner may not issue a prequalification certificate to any contractor [or substantial subcontractor](#) (1) who is disqualified pursuant to section 31-57c or 31-57d, (2) who has a principal or key personnel who, within the past five years, has a conviction or has entered a plea of guilty or nolo contendere for or has admitted to commission of an act or omission that reasonably could have resulted in disqualification pursuant to any provision of subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57c or subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57d, as determined by the commissioner.

(j) The commissioner may revoke a contractor's [or substantial subcontractor's](#) prequalification or reduce the contractor's [or substantial subcontractor's](#) prequalification classification or aggregate work capacity ratings, after an opportunity for a hearing, if the commissioner receives additional information that supports such revocation or reduction.

(k) (1) Any materially false statement in the application or any update statement may, in the discretion of the awarding authority, result in termination of any contract awarded the applicant by the awarding authority. The awarding authority shall provide written notice to the commissioner of such false statement not later than thirty days after discovering such false statement. The commissioner shall provide written notice of such false statement to the Commissioner of Public Works and the Commissioner of Consumer Protection not later than thirty days after discovering such false statement or receiving such notice.

(2) The commissioner shall revoke the prequalification of any person, after an opportunity for hearing, if the commissioner finds that the person has included any materially false statement in such application or update statement, has been convicted of a crime related to the procurement or performance of any public or private construction contract or, within the past five years or has otherwise engaged in fraud in obtaining or maintaining prequalification. Any person whose prequalification has been revoked pursuant to this subsection shall be disqualified for a period of two years after which the person may reapply for prequalification, except that a person whose prequalification has been revoked

on the basis of conviction of a crime or engaging in fraud shall be disqualified for a period of five years after which the person may reapply for prequalification. The commissioner shall not prequalify a person whose prequalification has been revoked pursuant to this subdivision until the expiration of said ~~two or~~ two-year, five-year, or other applicable disqualification period and the commissioner is satisfied that the matters that gave rise to the revocation have been eliminated or remedied.

(l) The commissioner shall provide written notice of any revocation, disqualification, reduction in classification or capacity rating or reinstated prequalification to the Commissioner of Public Works and the Commissioner of Consumer Protection not later than thirty days after any final determination.

(m) The provisions of this section and section 4a-101, as amended by this act, shall not apply to subcontractors who are not substantial subcontractors.

(n) The commissioner shall establish an update statement for use by bidders and substantial subcontractors for purposes of renewing or upgrading a prequalification certificate and for purposes of submitting a bid pursuant to section 4b-91.

(o) Any applicant aggrieved by the commissioner's final determination concerning a preliminary determination, a denial of certification, a reduction in prequalification classification or aggregate work capacity rating or a revocation or nonrenewal of certification may appeal to the Superior Court in accordance with section 4-183.

(p) The commissioner shall adopt regulations, in accordance with chapter 54, to establish a schedule of application fees for substantial subcontractors.

Sec. 23. Section 4a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) On or before October 1, 2005, the Commissioner of Administrative Services shall adopt regulations, in accordance with chapter 54, to establish a standard contractor evaluation form. Such form shall include, at a minimum, the following evaluation criteria: (1) Timeliness of performance; (2) quality of performance; (3) cost containment, including, but not limited to, the contractor's ability to work within the contract's allotted cost, the accuracy of the contractor's billing, and the number and cause of change orders and the manner in which the contractor determined the price on the change orders; (4) safety; (5) the quality of the contractor's working relationship with the agency and the quality of the contractor's supervision of the work area; (6) communication with the agency; (7) the quality of the contractor's required documentation; (8) the performance of the contractor's subcontractors and substantial subcontractors, to the extent known

by the official who completes the evaluation; and (9) the contractor's and any subcontractor's compliance with part III of chapter 557, or chapter 558, or the provisions of the federal Davis-Bacon Act, 40 USC, Sections 276a to 276a-5, inclusive, as from time to time amended, to the extent known by the official who completes the evaluation.

(b) Each public agency shall compile evaluation information during the performance of the contract and complete and submit the evaluation form to the commissioner after completion of a building project under the agency's control if the building project is funded, in whole or in part, by state funds. Such evaluation information shall be available to any public agency for purposes of assessing the responsibility of the contractor during a bid selection and evaluation process. The designated official from such agency shall certify that the information contained in the evaluation form represents, to the best of the certifying official's knowledge, a true and accurate analysis of the contractor's performance record on the contract. The commissioner shall include the evaluation in the contractor's prequalification file. The official shall mail a copy of the completed evaluation form to the contractor. Any contractor who wishes to contest any information contained in the evaluation form may submit a written response to the commissioner not later than thirty days after the date the form was mailed as indicated by the postmark on the envelope. Such response shall set forth any additional information concerning the building project or the oversight of the contract by the public agency that may be relevant in the evaluation of the contractor's performance on the project. The commissioner shall include any such response in the contractor's prequalification file.

(c) As used in this section, "public agency" means a public agency, as defined in section 1-200, but does not include The University of Connecticut with respect to any project, as defined in subdivision (16) of section 10a-109c, that is undertaken and controlled by the university, **[and]** "subcontractor" means a person who performs work with a value in excess of twenty-five thousand dollars for a contractor pursuant to a contract for work for the state or a municipality which is estimated to cost more than five hundred thousand dollars and "substantial subcontractor" means a substantial subcontractor, as defined in section 4a-100, as amended by this act.

(d) Upon fifty per cent completion of any building project under a public agency's control, the agency shall advise the contractor in writing of the agency's preliminary evaluation of the contractor's performance on the project.

(e) No public agency, employee of a public agency or certifying official of a public agency shall be held liable to any contractor for any loss or injury sustained by such contractor as the result of the completion of an evaluation form, as required by this section, unless such agency, employee or official is

found by a court of competent jurisdiction to have acted in a wilful, wanton or reckless manner.

(f) Any public agency that fails to submit a completed evaluation form, as required by this section, not later than seventy days after the completion of a project, shall be ineligible for the receipt of any public funds disbursed by the state for the purposes of the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any public works project until such completed evaluation form is submitted.

(g) Notwithstanding the provisions of subsection (a) of this section, any political subdivision of the state, when evaluating the performance of a contractor's subcontractors or substantial subcontractors, to the extent known, may rely on an evaluation of such subcontractors or substantial subcontractors that is conducted by the contractor.

Sec. 24. Section 4b-91 of the 2006 supplement to the general statutes is amended by adding subsection (j) as follows (*Effective October 1, 2007*):

(NEW) (j) On and after October 1, 2007, no person whose subcontract exceeds five hundred thousand dollars in value may perform work as a subcontractor on a project for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state or a municipality, which project is estimated to cost more than five hundred thousand dollars and is paid for, in whole or in part, with state funds, unless the person is prequalified in accordance with section 4a-100, as amended by this act. The provisions of this subsection shall not apply to a project described in subdivision (2) of subsection (a) of this section.

Approved June 6, 2006

**Public Act No. 06-158**

**AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND OTHER SCHOOL CONSTRUCTION PROVISIONS.**

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

Sec. 6. Section 10-283b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) On and after July 1, 1999, the Commissioner of Education shall include school building projects for the regional vocational-technical schools on the list developed pursuant to section 10-283. Prior to inclusion on the list, such projects shall be reviewed by the Department of Public Works. The adoption of the list by the General Assembly and authorization by the State Bond Commission of the issuance of bonds pursuant to section 10-287d, as amended, shall fund the full cost of the projects. Funds for the projects shall be transferred to the Department of Public Works and, upon such transfer, the projects shall be subject to the requirements of chapters 59 and 60.

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

**Public Act No. 06-175**

**AN ACT CONCERNING CONSTRUCTION SAFETY.**

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

Section 1. (NEW) (*Effective October 1, 2006*) (a) Each contract entered into on or after July 1, 2007, for the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public building project by the state or any of its agents, or by any political subdivision of the state or any of its agents, where the total cost of all work to be performed by all contractors and subcontractors in connection with the contract is at least one hundred thousand dollars, shall contain a provision requiring that, not later than thirty days after the date such contract is awarded, each contractor furnish proof to the Labor Commissioner that all employees performing manual labor on or in such public building, pursuant to such contract, have completed a course of at least ten hours in duration in construction safety and health approved by the federal Occupational Safety and Health Administration or, in the case of telecommunications employees, have completed at least ten hours of training in accordance with 29 CFR 1910. 268.

(b) Any employee required to complete a construction safety and health course required under subsection (a) of this section who has not completed the course shall be subject to removal from the worksite if the employee does not provide documentation of having completed such course by the fifteenth day after the date the employee is found to be in noncompliance. The Labor Commissioner or said commissioner's designee shall enforce this section.

(c) Not later than January 1, 2007, the Labor Commissioner shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of subsections (a) and (b) of this section. Such regulations shall require that the ten-hour construction safety and health courses required under subsection (a) of this section be conducted in accordance with federal Occupational Safety and Health Administration Training Institute standards, or in accordance with 29 CFR 1910. 268, as appropriate. The Labor Commissioner shall accept as sufficient proof of compliance with the provisions of subsection (a) or (b) of this section a student course completion card issued by the federal Occupational Safety and Health Administration Training Institute, or such other proof of compliance said commissioner deems appropriate, dated no earlier than five years before the commencement date of such public works project.

(d) For the purposes of this section, "public building" means a structure, paid for in whole or in part with state funds, within a roof and within exterior walls or

fire walls, designed for the housing, shelter, enclosure and support or employment of people, animals or property of any kind, including, but not limited to, sewage treatment plants and water treatment plants. "Public building" does not include site work, roads or bridges, rail lines, parking lots or underground water, sewer or drainage systems including pump houses or other utility systems.

Approved June 9, 2006

**Public Act No. 06-194**

**AN ACT CONCERNING THE BONDING PROCESS, CONFIDENTIALITY OF TAX RETURN INFORMATION, LOANS FOR MOBILE MANUFACTURED HOMES, VARIOUS TAXES ADMINISTERED BY THE DEPARTMENT OF REVENUE SERVICES, CREATION OF A SPECIAL DISTRICT IN DERBY, TAXATION OF LAND PURCHASED FROM THE STATE BY A TOWN AND CONSTRUCTION OF A HIGHWAY RAILROAD CROSSING.**

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

Section 1. Subsection (g) of section 3-20 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) (1) With the exception of refunding bonds, whenever a bond act empowers the State Bond Commission to authorize bonds for any project or purpose or projects or purposes, and whenever the State Bond Commission finds that the authorization of such bonds will be in the best interests of the state, it shall authorize such bonds by resolution adopted by the approving vote of at least a majority of said commission. No such resolution shall be so adopted by the State Bond Commission unless it finds that there has been filed with it (A) any human services facility colocation statement to be filed with the Secretary of the Office of Policy and Management, if so requested by the secretary, pursuant to section 4b-23, as amended; (B) a statement from the Commissioner of Agriculture pursuant to section 22-6, for projects which would convert twenty-five or more acres of prime farmland to a nonagricultural use; (C) prior to the meeting at which such resolution is to be considered, any capital development impact statement required to be filed with the Secretary of the Office of Policy and Management; **[and]** (D) a statement as to the full cost of the project or purpose when completed and the estimated operating cost for any structure, equipment or facility to be constructed or acquired; and (E) such requests and such other documents as it or said bond act require, provided no resolution with respect to any school building project financed pursuant to section 10-287d, as amended, or any interest subsidy financed pursuant to section 10-292k, as amended, shall require the filing of any statements pursuant to subparagraph (A), (B), (C), **[or]** (D) or (E) of this subdivision and provided further any resolution requiring a capital impact statement shall be deemed not properly before the State Bond Commission until such capital development impact statement is filed. Any such resolution so adopted by the State Bond Commission shall recite the bond act under which said commission is empowered to authorize such bonds and the filing of all requests and other documents, if any, required by it or such bond act, and shall

state the principal amount of the bonds authorized and a description of the purpose or project for which such bonds are authorized. Such description shall be sufficient if made merely by reference to a numbered subsection, subdivision or other applicable section of such bond act.

(2) The agenda of each meeting shall be made available to the members of the commission not later than ~~four~~ five business days prior to the meeting at which such agenda is to be considered. The day of the meeting shall count as one of the business days. The agenda of each meeting, or any supporting documents included with such agenda, shall include a reference to the statute or public or special act which is the source of any funds to be used for any project on such agenda, including any contingency funds and any reuse or reallocation of funds previously approved for any other use or project, and a notation of the outside source from which any funds for any such project were received, if any.

(3) Upon adoption of a resolution, the principal amount of the bonds authorized therein for such purpose or project shall be deemed to be an appropriation and allocation of such amount for such purpose or project, respectively, and subject to approval by the Governor of allotment thereof and to any authorization for such project or purpose that may otherwise be required, contracts may be awarded and obligations incurred with respect to any such project or purpose in amounts not in the aggregate exceeding such authorized principal amount, notwithstanding that such contracts and obligations may at a particular time exceed the amount of the proceeds from the sale of such bonds theretofore received by the state. In any such resolution so adopted, the State Bond Commission may include provision for the date or dates of such bonds, the maturity of such bonds and, notwithstanding the provisions of any bond act taking effect prior to July 1, 1973, provision for either serial or term, sinking fund or other reserve fund requirements, if any, due dates of the interest thereon, the form of such bonds, the denominations and designation of such bonds, registration, conversion and transfer privileges and the terms of redemption with or without premium and the date and manner of sale of such bonds, provisions for the consolidation of such bonds with other bonds including refunding bonds for the purpose of sale as provided in subsection (h) of this section, limitations with respect to the interest rate or rates on such bonds, provisions for receipt and deposit or investment of the good faith deposit pending delivery of such bonds and such other terms and conditions of such bonds and of the issuance and sale thereof as the State Bond Commission may determine to be in the best interest of the state, provided the State Bond Commission may delegate to the Treasurer all or any part of the foregoing powers in which event the Treasurer shall exercise such powers until the State Bond Commission, by adoption of a resolution prior to exercise of such powers by the Treasurer shall elect to reassume the same. Such powers shall be exercised from time to time in such manner as the Treasurer shall determine to be in the best interests of the state and the Treasurer

shall file a certificate of determination setting forth the details thereof with the secretary of the State Bond Commission on or before the date of delivery of such bonds, the details of which were determined by the Treasurer in accordance with such delegation.

(4) On or before January 1, 2007, and annually thereafter, the Secretary of the Office of Policy and Management shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding, which report shall update, for all outstanding bond allocations, the statement required under subparagraph (D) of subdivision (1) of this subsection.

~~[(4)]~~ (5) The State Bond Commission may authorize the Commissioner of Economic and Community Development to defer payments of interest or principal, or a portion thereof, in the case of a troubled loan, as defined in subdivision (1) of subsection (e) of section 8-37x, made by the commissioner under any provision of the general statutes.

Sec. 2. Subsection (a) of section 32-383 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) All provisions of section 3-20, as amended by this act, or the exercise of any right or power granted thereby which are not inconsistent with the provisions of sections 32-382 to 32-385, inclusive, are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to said sections, and temporary or interim notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed provided no filings required by ~~[subdivisions (1) and (2)]~~ subparagraphs (A) and (B) of subdivision (1) of subsection (g) of said section 3-20 shall be required. Such bonds shall mature at such time or times not exceeding thirty years from either their respective dates or the estimated completion date of the stadium facility as referred to in subdivision (5) of section 32-397, as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization, which is signed by the secretary stating such terms and conditions as said commission, in its discretion, may require. Such bonds issued pursuant to section 32-382 shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds, including temporary or interim notes, as the same become due, and accordingly and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made including with respect to interest on

temporary or interim notes and principal thereof to the extent not funded with renewals thereof or bonds, and the Treasurer shall pay such principal and interest as the same become due.

Sec. 3. Subsection (c) of section 32-614 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) All provisions of section 3-20, [as amended by this act](#), or the exercise of any right or power granted thereby which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to said section 3-20, and temporary or interim notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20, and from time to time renewed provided no filings required by [\[subdivisions \(1\) and \(2\)\] subparagraphs \(A\) and \(B\) of subdivision \(1\)](#) of subsection (g) of said section 3-20 shall be required. Such bonds shall mature at such time or times not exceeding twenty years from either their respective dates. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization, which is signed by the Secretary of the Office of Policy and Management stating such terms and conditions as said commission, in its discretion, may require. Such bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds, including temporary or interim notes, as the same become due, and accordingly and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made including with respect to interest on temporary or interim notes and principal thereof to the extent not funded with renewals thereof or bonds, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 4. Subsection (c) of section 32-616 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) All provisions of section 3-20, [as amended by this act](#), or the exercise of any right or power granted thereby which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to said section 3-20, and temporary or interim notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20, and from time to time renewed provided no filings required by [\[subdivisions \(1\) and \(2\)\] subparagraphs \(A\) and \(B\) of subdivision \(1\)](#) of subsection (g) of said section 3-20 shall be required. Such bonds shall mature at such time or times not exceeding twenty years from either their respective dates. None of said bonds shall be

authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization, which is signed by the Secretary of the Office of Policy and Management stating such terms and conditions as said commission, in its discretion, may require. Such bonds issued pursuant to section 32-614, [as amended by this act](#), shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds, including temporary or interim notes, as the same become due, and accordingly and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made including with respect to interest on temporary or interim notes and principal thereof to the extent not funded with renewals thereof or bonds, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 5. Subsection (d) of section 32-652 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) All provisions of section 3-20, [as amended by this act](#), and the exercise of any right or power granted thereby which is not inconsistent with the provisions of this section, are hereby adopted and shall apply to all bonds authorized pursuant to this section, and temporary or interim notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed provided no filings required by [\[subdivisions \(1\) and \(2\)\] subparagraphs \(A\) and \(B\) of subdivision \(1\)](#) of subsection (g) of said section 3-20 shall be required.

Sec. 6. Subsection (e) of section 32-653 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) All provisions of section 3-20, [as amended by this act](#), and the exercise of any right or power granted thereby which is not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized pursuant to this section and temporary or interim notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed provided no filings required by [\[subdivisions \(1\) and \(2\)\] subparagraphs \(A\) and \(B\) of subdivision \(1\)](#) of subsection (g) of [said](#) section 3-20 shall be required.

**Public Act No. 06-21**

**AN ACT CONCERNING THE MEMBERSHIP OF THE STATE-WIDE SECURITY MANAGEMENT COUNCIL.**

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

Section 1. Section 4b-136 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) There is established a State-Wide Security Management Council. The council shall consist of the Commissioner of Public Safety, the Commissioner of Administrative Services, the Commissioner of Mental Health and Addiction Services, the Commissioner of Public Works, [the Commissioner of Emergency Management and Homeland Security](#), the Secretary of the Office of Policy and Management, the Chief Court Administrator, an attorney appointed by the Commissioner of Public Works, the executive director of the Joint Committee on Legislative Management, a representative of the Governor, a representative of the State Employees Bargaining Agent Coalition and the president of the Connecticut State Police Union or the president's designee. The Commissioner of Public Works shall serve as chairperson of the council. Each council member shall provide technical assistance in the member's area of expertise, as required by the council.

(b) The council shall coordinate the activities of state agencies, as defined in section 4b-130, that relate to state-wide state facility security.

(c) Each state agency and each department, board, commission, institution or other agency of the state listed in the exceptions to the term "state agency" in section 4b-130 shall report quarterly to the council on the frequency, character and resolution of workplace violence incidents and all security-related expenditures.

Approved May 2, 2006

**Public Act No. 06-86**

**AN ACT CONCERNING LUMINAIRES AT STATE AGENCIES.**

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

Section 1. (NEW) (*Effective July 1, 2006*) (a) As used in this section:

(1) "Fixture" means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and a refractor or lens;

(2) "Restricted uplight luminaire" means a luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part other than a 0.5 per cent maximum incidental uplight from reflection off mounting hardware;

(3) "Glare" means direct light emitting from a luminaire that causes reduced vision or momentary blindness;

(4) "Illuminance" means the level of light measured at a surface;

(5) "Lamp" means the component of a luminaire that produces the light;

(6) "Light trespass" means light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located;

(7) "Lumen" means a unit of measurement of luminous flux;

(8) "Luminaire" means the complete lighting unit, including the lamp and the fixture;

(9) "Permanent outdoor luminaire" means any luminaire or system of luminaires that is outdoors and intended to be used for seven days or longer; and

(10) "State funds" means any bond revenues or any money appropriated or allocated by the General Assembly.

(b) Except as provided in subsection (c) of this section, no state funds shall be used to install or replace a permanent outdoor luminaire for lighting on the grounds of any state building or facility unless (1) the luminaire is designed to maximize energy conservation and to minimize light pollution, glare and light trespass, (2) the luminaire's illuminance is equal to the minimum illuminance adequate for the intended purpose of the lighting, and (3) for a luminaire with a rated output of more than one thousand eight hundred lumens, such luminaire is a restricted uplight luminaire.

(c) The provisions of subdivision (3) of subsection (b) of this section shall not apply to luminaires located on the grounds of any correctional institution or facility administered by the Commissioner of Correction, required by federal regulations, required for storm operation activities performed by the Department of Transportation, required to illuminate either the state flag or the flag of the United States or in a lighting plan for a Department of Transportation facility where less than twenty-five per cent of the luminaires are to be replaced. The Commissioner of Public Works, or the commissioner's designee, may waive the provisions of subdivision (3) of subsection (b) of this section with respect to luminaires on the grounds of any other state building or facility when, after a request for such a waiver has been made and reviewed, the commissioner or the commissioner's designee determines that such a waiver is necessary for the lighting application. Requests for such a waiver shall be made to the commissioner or the commissioner's designee in such form as the commissioner shall prescribe and shall include, without limitation, a description of the lighting plan, a description of the efforts that have been made to comply with the provisions of subdivision (3) of subsection (b) of this section and the reasons such a waiver is necessary. In reviewing a request for such a waiver, the commissioner or the commissioner's designee shall consider design safety, costs and other factors deemed appropriate by the commissioner or the commissioner's designee.

(d) The provisions of this section shall not apply to the installation or replacement of luminaires for which the Secretary of the Office of Policy and Management (1) conducts a life-cycle cost analysis of one or more luminaires that meet the requirements set forth in subsection (b) of this section and one or more luminaires that do not meet such requirements, and (2) certifies that a luminaire which meets such requirements is not cost effective and is not the most appropriate alternative based on the life-cycle cost analysis.

Sec. 2. Subsection (d) of section 13a-143d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(d) **[Any luminaire]** All luminaires in violation of any provision of subsection (b) or (c) of this section operating prior to October 1, **[2003]** 2004, shall be brought into compliance with the requirements in subsection (b) of this section **[no later than October 1, 2005]** in accordance with the following schedule: Approximately twenty per cent by October 1, 2006, approximately forty per cent by October 1, 2007, approximately sixty per cent by October 1, 2008, approximately eighty per cent by October 1, 2009, and one hundred per cent by October 1, 2010.

Approved May 30, 2006

**Public Act No. 06-129**

**AN ACT CONCERNING THE RECOMMENDATIONS OF THE DISABLED AND DISADVANTAGED EMPLOYMENT SECURITY POLICY GROUP.**

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

Section 1. (NEW) (*Effective October 1, 2006*) For the purposes of this section and sections 2 to 4, inclusive, of this act:

(1) "Person with a disability" means any individual with a disability, excluding blindness, as such term is applied by the Department of Mental Health and Addiction Services, the Department of Mental Retardation, the Bureau of Rehabilitation Services within the Department of Social Services or the Veterans' Administration and who is certified by the Bureau of Rehabilitation Services within the Department of Social Services as qualified to participate in a qualified partnership, as described in section 3 of this act;

(2) "Vocational rehabilitation service" means any goods and services necessary to render a person with a disability employable, in accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et seq. , as amended from time to time;

(3) "Community rehabilitation program" means any entity or individual that provides directly for or facilitates the provision of vocational rehabilitation services to, or provides services in connection with, the recruiting, hiring or managing of the employment of persons with disabilities based on an individualized plan and budget for each worker with a disability;

(4) "Commercial janitorial contractor" means any for-profit proprietorship, partnership, joint venture, corporation, limited liability company, trust, association or other privately owned entity that employs persons to perform janitorial work, and that enters into contracts to provide janitorial services;

(5) "Janitorial work" means work performed in connection with the care or maintenance of buildings, including, but not limited to, work customarily performed by cleaners, porters, janitors and handypersons;

(6) "Janitorial contract" means a contract or subcontract to perform janitorial work for a department or agency of the state; and

(7) "Person with a disadvantage" means any individual who is determined by the Labor Department, or its designee, to be eligible for employment services in accordance with the Workforce Investment Act or whose verified individual gross annual income during the previous calendar year was not greater than two hundred per cent of the federal poverty level for a family of four.

Sec. 2. (NEW) (*Effective October 1, 2006*) (a) The Commissioner of Administrative Services shall establish a pilot program, for a term of four years, to create and expand janitorial work job opportunities for persons with a disability and persons with a disadvantage. Such pilot program shall consist of four identified projects for janitorial work. The program shall create a minimum of sixty full-time jobs or sixty full-time equivalents at standard wages for persons with disabilities and persons with disadvantages and have a total market value for all janitorial contracts awarded under the program of at least three million dollars. In establishing such pilot program, the Commissioner of Administrative Services may consult with the Commissioner of Social Services and the Labor Commissioner.

(b) Notwithstanding any other provision of the general statutes, under such pilot program, the Commissioner of Administrative Services shall award four janitorial contracts, one for each identified project, pursuant to the following procedures: (1) Upon receipt of a request for janitorial services by an agency or department of the state, the Commissioner of Administrative Services shall notify each qualified partnership, as described in section 3 of this act, of such request and invite each qualified partnership in good standing to submit a bid proposal for such janitorial contract to the commissioner in a manner and form as prescribed by the commissioner; (2) in the event that only one such qualified partnership submits a bid for such janitorial contract, the commissioner shall award such contract to the bidding qualified partnership, provided such bid does not exceed the fair market value for such contract, as determined by the commissioner; (3) if more than one qualified partnership submits a bid, the commissioner shall award the contract to the lowest responsible qualified bidder, as defined in section 4a-59 of the general statutes; and (4) in the event that a qualified partnership does not submit a bid or is not awarded such contract, the commissioner shall award such contract in accordance with the provisions of sections 4a-59 and 17b-656 of the general statutes, as amended by this act.

(c) Notwithstanding any other provision of the general statutes, the responsibilities of the Commissioner of Administrative Services, as established in subsections (a) and (b) of this section, may not be delegated to an outside vendor.

(d) The Commissioner of Administrative Services may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to undertake the requirements established in this section.

Sec. 3. (NEW) (*Effective October 1, 2006*) (a) The Connecticut Community Providers Association shall designate a commercial janitorial contractor and a community rehabilitation program as a "qualified partnership" whenever the following criteria have been established: (1) Such commercial janitorial contractor has entered into a binding agreement with such community

rehabilitation program in which such contractor agrees to fill not less than one-third of the jobs from a successful bid for a janitorial contract under the pilot program established in section 2 of this act with persons with disabilities and not less than one-third of such jobs with persons with a disadvantage; (2) such contractor employs not less than two hundred persons who perform janitorial work in the state; and (3) such contractor certifies, in writing, that it will pay the standard wage to employees, including persons with disabilities, under such janitorial contract. Any partnership between a commercial janitorial contractor and a community rehabilitation program that has been denied designation as a qualified partnership may appeal such denial, in writing, to the Commissioner of Administrative Services and said commissioner may, after review of such appeal, designate such program as a qualified partnership.

(b) The requirement established in subsection (a) of this section to fill not less than one-third of the jobs from a successful bid for a janitorial contract with persons with disabilities and one-third with persons with a disadvantage shall be met whenever such janitorial contractor employs the requisite number of persons with disabilities and persons with a disadvantage throughout the entirety of its operations in the state provided any persons with disabilities employed by such janitorial contractor prior to the commencement date of any such contract shall not be counted for the purpose of determining the number of persons with disabilities employed by such janitorial contractor.

(c) The number of persons with disabilities and the number of persons with a disadvantage that such janitorial contractor is required to employ pursuant to the provisions of subsection (a) of this section shall be employed not later than six months after the commencement of janitorial work under the terms of any contract awarded pursuant to the provisions of section 2 of this act, provided such contractor shall fill any vacancy for janitorial work that arises during the first six months of any such contract with persons with disabilities and persons with disadvantages.

(d) The Connecticut Community Providers Association shall develop an application process and submit a list of employees who have applied to participate in a partnership to the Bureau of Rehabilitation Services for certification. Such association shall maintain a list of certified employees who are persons with disabilities and community rehabilitation programs.

(e) Any qualified partnership awarded a janitorial contract pursuant to the provisions of section 2 of this act, shall provide to the Connecticut Community Providers Association, not later than six months after the commencement date of such contract, a list of the persons with disabilities and persons with a disadvantage employed by such contractor that includes the date of hire and employment location for each such person. Such association shall certify to the

Department of Administrative Services, in such manner and form as prescribed by the Commissioner of Administrative Services, that the requisite number of persons with disabilities for such contract continue to be employed by such contractor in positions equivalent to those created under such janitorial contract and have been integrated into the general workforce of such contractor.

(f) Notwithstanding any other provision of the general statutes, the responsibilities of the Bureau of Rehabilitation Services, as established in this section, may not be delegated to an outside vendor.

(g) The Commissioner of Social Services may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to undertake the certification requirements established pursuant to this section.

(h) Notwithstanding the provisions of subsection (a) of this section, the Commissioner of Administrative Services shall authorize certified small and minority business to participate in such pilot program.

Sec. 4. (NEW) (*Effective October 1, 2006*) (a) During the term of the pilot program described in section 2 of this act, the joint standing committee of the General Assembly having cognizance of matters relating to government administration shall study the effectiveness of such pilot program, including, but not limited to, the effectiveness of such program to create integrated work settings for persons with disabilities. Additionally, said committee shall study the need to make such pilot program permanent and ways to provide incentives for municipalities and businesses to utilize such pilot program if such program is determined by the committee to be effective.

(b) During the term of the pilot program described in section 2 of this act, any contract awarded pursuant to section 17b-656 of the general statutes, as amended by this act, shall remain in effect with no changes in the formula for fair market value. Additionally, any new janitorial contract awarded pursuant to section 17b-656 of the general statutes, as amended by this act, shall be limited to not more than four full-time employees per contract.

(c) Any person employed under a janitorial contract let: (1) On or before October 1, 2006, or thereafter if such contract constitutes a successor contract to such janitorial contract let on or before October 1, 2006, and (2) pursuant to section 4a-57 or 10a-151b of the 2006 supplement to the general statutes, or by the judicial or legislative departments or pursuant to section 2 of this act shall have the same rights conferred upon an employee by section 31-57g of the general statutes, as amended by this act, for the duration of the pilot program described in section 2 of this act. The provisions of this subsection shall not apply to any new janitorial contract with not more than four full-time employees per contract, as described in subsection (b) of this section.

Sec. 5. Section 17b-656 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

Whenever any products made or manufactured by or services provided by persons with disabilities through community rehabilitation programs described in subsection (b) of section 17b-655 or in any workshop established, operated or funded by nonprofit and nonsectarian organizations for the purpose of providing persons with disabilities training and employment suited to their abilities meet the requirements of any department, institution or agency supported in whole or in part by the state as to quantity, quality and price such products shall have preference over products or services from other providers, except (1) articles produced or manufactured by blind persons under the direction or supervision of the Board of Education and Services for the Blind as provided in section 10-298a, [as amended](#), (2) articles produced or manufactured by Department of Correction industries as provided in section 18-88, **[and]** (3) emergency purchases made under section 4-98, [and \(4\) janitorial services provided by a qualified partnership, pursuant to the provisions of section 2 of this act](#). All departments, institutions and agencies supported in whole or in part by the state shall purchase such articles made or manufactured and services provided by persons with disabilities from the Bureau of Rehabilitation Services of the Department of Social Services. Any political subdivision of the state may purchase such articles and services through the Bureau of Rehabilitation Services of the Department of Social Services. A list describing styles, designs, sizes and varieties of all such articles made by persons with disabilities and describing all available services provided by such persons shall be prepared by the Connecticut **[Association of Rehabilitation Facilities]** [Community Providers Association](#). The Bureau of Rehabilitation Services of the Department of Social Services shall cooperate with the State Board of Education and Services for the Blind by submitting necessary information concerning such products and services to the Board of Education and Services for the Blind at frequent intervals.

Sec. 6. Section 4a-57 of the general statutes is amended by adding subsection (f) as follows (*Effective October 1, 2006*):

(NEW) (f) Nothing in this section shall be construed to apply to the award of janitorial contracts pursuant to the provisions of section 2 of this act.

Sec. 7. Section 4a-60g of the general statutes is amended by adding subsection (p) as follows (*Effective October 1, 2006*):

(NEW) (p) Nothing in this section shall be construed to apply to the four janitorial contracts awarded pursuant to section 2 of this act.

Sec. 8. Subsection (c) of section 31-57g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(c) (1) An employee displaced or terminated in violation of this section, [or such employee's collective bargaining representative](#), may bring an action in Superior Court against the awarding authority, the terminated contractor or the successor contractor, jointly or severally, to recover damages for any violation of the obligations imposed under this section.

(2) If the employee prevails in such action, the court may award the employee (A) back pay, including the value of benefits, for each day during which the violation continues, that shall be calculated at a rate of compensation not less than the higher of (i) the average regular rate of pay received by the employee during the last year of employment in the same job occupation classification, or, if the employee has been employed for less than one year, the average rate of pay for the employee's entire employment multiplied by the average number of hours worked per day over the last four months of employment preceding the date of the violation, or (ii) the final regular rate of pay received by the employee at the date of termination multiplied by the average number of hours worked per day over the last four months, and (B) reinstatement to the employee's former position at not less than the most recent rate of compensation received by the employee, including the value of any benefits.

(3) If the employee prevails in such action, the court shall award the employee reasonable attorney fees and costs.

(4) Nothing in this subsection shall be construed to limit an employee's right to bring a common law cause of action for wrongful termination against the awarding authority, the terminated contractor or the successor contractor.

Approved June 2, 2006

## **Special Act No. 06-10**

### **AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.**

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

Section 1. Section 11 of public act 96-249 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding any provision of the general statutes, **[to the contrary,]** the Commissioner of Mental Health and Addiction Services shall convey to the town of Ledyard, subject to the approval of the State Properties Review Board and at a cost equal to the administrative costs of making such conveyance, a parcel of land located in the town of Ledyard, having an area of approximately 42.8 acres and identified on town of Ledyard Tax Assessor's Map Number 3 as lot 1087 Colonel Ledyard Highway (Route 117).

(b) The town of Ledyard shall use said parcel of land for **[agricultural]** [municipal and economic development](#) purposes. If the town of Ledyard (1) does not use said parcel for said purposes, or (2) does not retain ownership of all of said parcel, the parcel shall revert to the state of Connecticut.

(c) The state of Connecticut shall assign to the town of Ledyard the state's rights and obligations under any agreement for the use of said parcel of land for growing and harvesting agricultural products.

(d) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Mental Health and Addiction Services. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section, and the Commissioner of Mental Health and Addiction Services shall have the sole responsibility for all other incidents of such conveyance.

Sec. 2. Section 29 of public act 05-279 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) Notwithstanding the provisions of section 16 of special act 03-19 requiring the town of Newtown to use the parcel of land described in subdivision (1) of subsection (a) of said section [16](#) for open space and recreational purposes, said

town may use or lease a portion of said parcel for economic development purposes, subject to the provisions of subsection (b) of this section.

(2) Notwithstanding a certain restriction contained in the deed from the state of Connecticut to the town of Newtown, dated July 16, 2004, and recorded in Volume 822 at Page 632 of the Newtown Land Records, which requires the town of Newtown to use the parcel of land described in said deed for economic development purposes, said town may use a portion of said parcel for open space and recreational purposes, subject to the provisions of subsection (b) of this section.

(b) The provisions of subsection (a) of this section shall be effective only if the town of Newtown uses at least 34.44 acres of the total combined area of the parcels of land described in subdivisions (1) and (2) of subsection (a) of this section for open space and recreational purposes and if the town of Newtown grants an easement in favor of the state, or any lessee of property owned by the state, upon the property known as Fairfield Hills, provided such easement shall be limited to that portion of such property that has historically been utilized by the state or any lessee of property owned by the state to facilitate agricultural use.

Sec. 3. Section 10 of public act 04-186 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding any provision of the general statutes, the Commissioner of Agriculture shall convey to the town of Newtown a parcel of land located in the town of Newtown, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately 23.25 acres and is identified as Lot [1] 2 in Block 5 on town of Newtown Tax Assessor's Map 37. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The town of Newtown shall use said parcel of land for open space and recreational purposes. If the town of Newtown:

- (1) Does not use said parcel for said purposes;
- (2) Does not retain ownership of all of said parcel; or
- (3) Leases all or any portion of said parcel, except to the Pootatuck Fish and Game Club for recreational purposes,

the parcel shall revert to the state of Connecticut.

(c) Notwithstanding the provisions of subsection (a) of this section, the town of Newtown shall grant to the state a fifty-foot wide right-of-way extending for

approximately one thousand six hundred feet from Wasserman Way to the northern property line of the parcel described in subsection (a) of this section over the existing unimproved road way identified on the town of Newtown Tax Assessor's map numbered 37-5-2. Such right-of-way shall be used by the state for agricultural purposes and to access other state lands.

~~[(c)]~~ (d) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Agriculture. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of ~~[subsection (b)]~~ subsections (b) and (c) of this section. The Commissioner of Agriculture shall have the sole responsibility for all other incidents of such conveyance.

Sec. 4. Section 8 of special act 02-9 is amended to read as follows (*Effective from passage*):

(a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the town of East Hartford a parcel of land located on Lombardo and DePietro Drives in the town of East Hartford, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately 11.4 acres and is identified as the parcel of land described in Department of Transportation File No. (42) 53-101-27D. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) Said parcel of land shall be conveyed to the town of East Hartford subject to an easement, for no consideration, in favor of Pewter Pot Associates, LLC, and Donald Lombardo over and across said parcel, for purposes of ingress and egress to that parcel of real property abutting said parcel to the east, which parcel of real property is known as 244 Lombardo Drive (formerly known as 1215 ½ Silver Lane); along with an easement for the purpose of constructing and maintaining utilities for the benefit of and servicing 244 Lombardo Drive. In the event that 244 Lombardo Drive is subdivided in the future, these easements shall be used only for the benefit of one parcel of land, which shall be the parcel containing the family house and business structures, currently located on 244 Lombardo Drive. These easements shall be binding on the town of East Hartford, its successors and assigns and shall ~~[inure to the current owner of 244 Lombardo Drive and said owner's heirs, successors and assigns and shall]~~ run with the land. The location of these easements shall be in the same approximate location as the current driveway and the location of the current utilities. ~~[The easement for ingress and egress shall be twenty-five feet in width. The easement for utilities~~

shall be ten feet in width. The combined width of the two easements shall be no more than thirty-five feet in total. ]

(c) The town of East Hartford shall use said parcel of land for open space purposes. If the town of East Hartford:

- (1) Does not use said parcel for said purposes;
- (2) Does not retain ownership of all of said parcel; or
- (3) Leases all or any portion of said parcel,

the parcel shall revert to the state of Connecticut.

(d) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of [subsections (b) and (c)] [subsection \(b\)](#) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

Sec. 5. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Environmental Protection shall reconvey to Mary Lou Rood, and to her heirs and assigns forever, at no cost, land which was mistakenly conveyed by her, at no cost, to the state, and which constitutes a portion of the land described in a Warranty Deed dated October 15, 2002, recorded in Volume 702 at page 263 of the Land Records of the Town of Windham. The specific property to be reconveyed by the Commissioner of Environmental Protection is more particularly described as follows: Parcel 1 consisting of three certain tracts of land situated in the Town of Windham, Connecticut and bounded and described as follows:

#### [Parcel 1](#)

FIRST TRACT: Lies on the westerly side of the highway that leads from North Windham to Windham Center, and is bounded Northerly by land formerly of David Lincoln; Easterly by lots conveyed by Hattie E. Whitney and Elsie M. Potter to H. L. and S. J. Nicols, to E. J. Becker, and to R. L. Dubreuil and by the said North Windham to Windham Center highway; Southerly by the Old Poor House Farm, so-called, by land formerly of Charles Buckingham, and by land formerly of John Tuckie; and Westerly by land of the New York, New Haven and

Hartford Railroad Company; and containing by estimation 100 acres, more or less.

SECOND TRACT: A small lot of land on the Westerly side of the said Railroad bounded Northerly by land formerly of James Hamilin; Easterly by the said Railroad land; and Southerly and Westerly by land now or formerly of Allen Risk.

THIRD TRACT: A small lot of land lying on the Westerly side of said Railroad land and bounded by land now or formerly of James M. Smith and by land now or formerly of James Hamlin, and by land of the New York, New Haven and Hartford Railroad Company.

Being the same premises deeded to grantor herein by Deed of Francis E. Rood, dated 9/1/93, recorded 11/5/93 in the Windham Land Records at Vol. 426, Page 1 of the Windham Land Records.

#### Parcel 2

Beginning at the point marked "Point M" on a map entitled "MAP SHOWING A PORTION OF THE PROPERTY FORMERLY OF MARTIN FLING-PLOTTED FROM MY SURVEYS AND FROM MAPS OF THE N. Y. , N. H. , & H. R. R. CO. TOWN OF WINDHAM, CONNECTICUT SURVEY: NOV; 1958-AUG. 1964 SCALE 1 in = 100 ft. THOMAS B. DANIELSON, CONN. REG. LAND SURVEYOR #666, WINDHAM, CONN," which point marks the southerly corner of said parcel, thence line is shown on said map, to the southerly boundary line, of land now or formerly of the New York, New Haven and Hartford Railroad Company for a distance of approximately 340 feet to the northerly corner of the premises herein described. Said northerly corner being formed by the intersection of said southerly boundary line of the Railroad property with the extension of a straight line drawn between point "Point P", as shown on said map and "Point M", as shown on said map, from "Point M" in a straight line and upon the same course in a northerly direction to the said southerly boundary line of land now or formerly of the New York, New Haven and Hartford Railroad Company; thence the line runs southerly along other land of the Grantor herein to said "Point M", being the point and place of beginning.

The map referred to aforesaid is recorded on the Windham Land Records. Being the same premises deeded to the grantor herein by Deed of Francis E. Rood, dated 9/1/93, recorded 11/5/93 in the Windham Land Records at Vol. 426, Page 1.

Excepting therefrom certain parcels of land shown and designated as "PARCEL A 142. 7 ACRES" and "PARCEL B 1. 617 ACRES" on a map or plan entitled "PROPERTY BOUNDARY SURVEY PREPARED FOR DEPARTMENT OF

ENVIRONMENTAL PROTECTION, STATE OF CONNECTICUT SHOWING PROPERTY OF MARY LOU ROOD #53 CRYSTAL ROAD WINDHAM, CONNECTICUT DEP MAP NUMBER SCALE: 1"=160' DATE: APRIL 30, 2002 SHEET NO. 1 OF 1 JOB NO. 02-0105 DRAWN BY: MCH REVISED NOVEMBER 15, 2002", which map or plan was prepared by Healey & Associates, LLC and is on file in the Town Clerk's Office in said Town of Windham.

(b) The State Properties Review Board shall complete its review of the reconveyance of said land not later than thirty days after it receives a proposed deed from the Department of Environmental Protection. The land shall remain under the care and control of said department until a reconveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a reconveyance under this section. The Commissioner of Environmental Protection shall have the responsibility for all other incidents of such reconveyance.

Sec. 6. Section 16 of public act 98-255, as amended by section 31 of special act 03-19, is repealed and the following substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding any provision of the general statutes, **[to the contrary,]** the Commissioner of Transportation shall convey to the town of Haddam, upon completion of environmental remediation by the Department of Transportation, subject to the approval of the State Properties Review Board and at a cost equal to the administrative costs of making such conveyance, a parcel of land located at 85 Bridge Street in the town of Haddam, having an area of approximately 2.4 acres and further identified as the property shown on a map entitled "Town of Haddam, Plan Showing Land to be Acquired from Clara T. Wiseburn by the State of Connecticut, East Haddam Tylerville Road, Scale 1"=40', Apr. 1952, G. Albert Hill, Highway Commissioner".

**[(b) The town of Haddam shall use said parcel of land for tourism purposes. If the town of Haddam:**

**(1) Does not use said parcel for said purposes;**

**(2) Does not retain ownership of all of said parcel; or**

**(3) Leases all or any portion of said parcel, except for the lease or other letting of space on or after June 8, 1998, of all or any portion of said parcel to a tenant who uses the parcel, in whole or in part, for tourism purposes,**

**the parcel shall revert to the state of Connecticut. ]**

**[(c) (b)** The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a

proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section [ , which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section,] and the Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

Sec. 7. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the town of New Britain three parcels of land located in the town of New Britain, at a cost equal to the administrative costs of making such conveyance. Said parcels of land have a total area of approximately 0. 373 acres and are identified as "Release Area" on a map entitled "Compilation Plan Town of New Britain Map Showing Land released to by the State of Connecticut Department of Transportation Main Street December 2005" and also known as 634, 648 and 656 Main Street in New Britain. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The town of New Britain shall use said parcels of land for economic development purposes. If the town of New Britain:

- (1) Does not use said parcels for said purposes;
- (2) Does not retain ownership of all of said parcels; or
- (3) Leases all or any portion of said parcels,

the parcels shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcels of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

Sec. 8. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the town of Windsor Locks a parcel of land located in the town of Windsor Locks, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately twenty thousand square feet and is identified as

that parcel of land on Stanton Road in Windsor Locks identified for conveyance on a map entitled "Compilation of Construction Plan Project Number 164-178". The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The town of Windsor Locks shall use said parcel of land for municipal purposes. If the town of Windsor Locks:

- (1) Does not use said parcel for said purposes;
- (2) Does not retain ownership of all of said parcel; or
- (3) Leases all or any portion of said parcel,

the parcel shall revert to the state of Connecticut. The parcel shall also revert to the state if the state determines that said parcel is necessary for transportation purposes and the state provides a ninety-day notice to the town of Windsor Locks of such reversion.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

Sec. 9. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the city of Norwalk a parcel of land located in the city of Norwalk, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately .020 acre and is identified as that portion of land that is located at the southeast corner of the intersection of Berkeley Street and Maple Street and that extends 87 feet along Berkeley Street and is approximately 10 feet wide. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The city of Norwalk shall use said parcel of land for economic development purposes. If the town of Norwalk:

- (1) Does not use said parcel for said purposes; or
- (2) Does not sell said parcel for said purposes,

the parcel shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

Sec. 10. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Environmental Protection shall lease to the Connecticut Antique Machinery Association, Inc. for a twenty-five-year period, two parcels of land in the Town of Kent at a lease rental of \$ 1. 00 per year. Said parcels of land have a total area of approximately 14. 94 acres and are identified as Parcel 1 and Parcel 2 on a map prepared for Stanley Works Route 7, Town of Kent, County of Litchfield, State of Connecticut Scale 1" = 100', July 1976 by Arthur H. Howland R. L. S. & P. E. The lease shall be subject to the approval of the State Properties Review Board.

(b) The Connecticut Antique Machinery Association, Inc. shall use said parcels of land for open space and recreational purposes. If the Connecticut Antique Machinery Association, Inc. :

- (1) Does not use said parcels for said purposes; or
- (2) Subleases all or any portion of said parcels,

the leased parcels shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the lease of said parcels of land not later than thirty days after it receives a proposed agreement from the Department of Environmental Protection. The land shall remain under the care and control of said department until a lease is entered in accordance with the provisions of this section. The Commissioner of Environmental Protection shall have the sole responsibility for all other incidents of such lease.

Sec. 11. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Education shall grant to the city of Waterbury easements of land located in the city of Waterbury, at a cost of the administrative costs of making such conveyance. A temporary easement shall allow for the construction of a storm water conduit and the permanent easement shall remain in place after the conduit construction is completed. Such easements have an area of less than one acre and are identified as "Limits of D. R. O. W. " on a map

entitled "Right of Way Survey City of Waterbury Map Showing Easements Acquired From State of Connecticut By The City Of Waterbury For Clough Brook Drainage Improvements Scale 1" = 30' July 13, 2005". The easements shall be subject to the approval of the State Properties Review Board.

(b) The city of Waterbury shall use said easements for the purpose of maintaining the storm water culvert containing the Trumpet Brook. If the city of Waterbury:

- (1) Does not use said easements for said purposes;
- (2) Does not retain ownership of all said easements; or
- (3) Leases all or any portion of said easements,

the easements shall revert to the state of Connecticut.

(c) Said easements shall be granted (1) subject to the right of the state to (A) pass and repass over and on said easements of land for the purpose of accessing lands of the state, and (B) place and maintain over, under and on said easements of land existing and future utilities, including but not limited to, electrical, water, sanitary sewer, telecommunications and gas, and (2) subject to any rights and easements with regard to said easements of land that the state deems necessary to meet its governmental obligations.

(d) The State Properties Review Board shall complete its review of said easements of land not less than thirty days after it receives a proposed agreement from the Department of Education.

Sec. 12. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to Goodwin College a parcel of land located in the town of East Hartford, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately .65 acre and is identified as the land released to 211 Riverside LLC on a map entitled "Compilation Plan Town of East Hartford Map Showing Land Released to 211 Riverside LLC by the State of Connecticut Department of Transportation, CT Route 2 and Riverside Drive" dated December 2005. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) Goodwin College shall use said parcel of land for transportation and educational purposes. If Goodwin College:

- (1) Does not use said parcel for said purposes;
- (2) Does not retain ownership of all of said parcel; or
- (3) Leases all or any portion of said parcel,

the parcel shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

Sec. 13. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Environmental Protection shall convey to the Somers Sportsmen's Association two parcels of land consisting of approximately 19.7 acres located on the Somers-Stafford town line and one parcel of land consisting of approximately 2.1 acres located on Gulf Road in Somers in exchange for two parcels of land totaling approximately 21.9 acres on the Somers-Stafford town line. The exchange of said parcels of land shall be made simultaneously and each in consideration of the other. With respect to the conveyance of the 2.1 acre parcel of land from the Commissioner of Environmental Protection to the Somers Sportsmen's Association, development of said parcel by the Grantee, his heirs, successors or assigns shall be limited to a driveway running from Gulf Road to other land of the Somers Sportsmen's Association, notwithstanding any applicable provision of local law. The Somers Sportsmen's Association shall provide the current residents of Denision Road with the right of ingress and egress by foot over said 2.1 acre parcel to Shenipsit State Forest. The exchange of said parcels of land shall be subject to the approval of the State Properties Review Board.

(b) The State Properties Review Board shall complete its review of the exchange of said parcels of land not later than thirty days after it receives a proposed agreement from the Department of Environmental Protection. The state land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance of state land under this section. The Commissioner of Environmental Protection shall have the sole responsibility for all other incidents of such conveyance.

Sec. 14. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Public Works, on behalf of the Military Department, shall convey to the town of East Lyme a parcel of land located in the town of East Lyme, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately 2.24 acres and is

identified as parcel 2 on a map entitled "STATE OF CONNECTICUT MILITARY DEPARTMENT SUBDIVISION PLAN MAP OF A PORTION OF CAMP GRASSO NIAN TIC, CT TOWN OF EAST LYME ASSUMED COORDINATES SCALE 1 IN = 40 FT 20 MAR 1979 HARRY T. JARRETT DATE 29 MAR 79 REG. NO. 7570". The conveyance shall be subject to the approval of the State Properties Review Board. The town of East Lyme shall terminate a certain license agreement between the state of Connecticut Military Department and the town of East Lyme, dated August 14, 1979, and recorded in Volume 181, Page 1051 of the East Lyme land records, and upon construction of a new water line by the state, abandon those portions of the municipal water line and all appurtenances thereto running across and under Camp Rell in the general location of parcel 1, as depicted on the above referenced map and described in said license agreement.

(b) The town of East Lyme shall use said parcel of land for public highway purposes, including, but not limited to, the installation of utility lines, pipes, poles and wires. If the town of East Lyme:

- (1) Does not use said parcel for said purposes;
  - (2) Does not retain ownership of all of said parcel; or
  - (3) Leases all or any portion of said parcel,
- the parcel shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Public Works. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Public Works shall have the sole responsibility for all other incidents of such conveyance.

Sec. 15. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Public Works, on behalf of the Military Department, shall convey to the town of East Lyme a certain sewer line located in the town of East Lyme, at a cost equal to the administrative costs of making such conveyance. Said sewer line is identified as a sanitary sewer on a map entitled "STATE OF CONNECTICUT MILITARY DEPARTMENT, FACILITIES MANAGEMENT OFFICE, PROPOSED SANITARY SEWER EASEMENT, CAMP RELL, EAST LYME, CT, 1 IN = 100 FEET 24 MAR 2006 EDWARD K. BEALE REG. NO. 13639", recorded as Map Number 306 in the East Lyme Land Records.

The Commissioner of Public Works, on behalf of the Military Department, shall also grant an easement to the town of East Lyme that is acceptable to the Military Department, to enter Camp Rell in order to operate, maintain, repair and replace said sewer line, subject to the condition that the town of East Lyme enter into an agreement with the state of Connecticut to provide sewage service to Camp Rell. Said agreement shall be acceptable to the Military Department and shall provide, among other things, that Camp Rell may have an average daily flow, as said term is defined in the agreement between the East Lyme Water and Sewer Commission and the Connecticut Military Department, of fifty-eight thousand gallons of wastewater into the town of East Lyme's sewer system. Said conveyance and easement shall be subject to the approval of the State Properties Review Board. Said easement is more particularly described from the centerline of said easement as follows:

Beginning at the intersection of the northerly line of Smith Street and the centerline of said sanitary sewer at a point 28 feet more or less northwesterly of sanitary sewer manhole number 7 along the centerline of said sanitary sewer,

Thence in a northwesterly direction along the centerline of said sanitary sewer 22 feet more or less to sanitary manhole number 8.

Thence in a northerly direction along the centerline of said sanitary sewer 298 feet more or less to sanitary manhole number 9.

Thence in a northerly direction along the centerline of said sanitary sewer 129 feet more or less to sanitary manhole number 10.

Thence in a northeasterly direction along the centerline of said sanitary sewer 303 feet more or less to sanitary sewer manhole number 11.

Thence in a northeasterly direction along the centerline of said sanitary sewer 300 feet more or less to sanitary sewer manhole number 12.

Thence in a northeasterly direction along the centerline of said sanitary sewer 322 feet more or less to sanitary sewer manhole number 13.

Thence in a northeasterly direction along the centerline of said sanitary sewer 278 feet more or less to sanitary sewer manhole number 14.

The sanitary sewer easement along the last 7 courses from the point of beginning to sanitary manhole number 14 is 20 feet in width and centered on the centerline of the existing sanitary sewer line.

Thence in a northerly direction along centerline of said sanitary sewer line 300 feet more or less to sanitary sewer manhole number 15.

Thence in a northerly direction along centerline of said sanitary sewer line 308 feet more or less to sanitary sewer manhole number 16.

Thence in a northerly direction along centerline of said sanitary sewer line 115 feet more or less to sanitary sewer manhole number 17.

The sanitary sewer easement along the last 3 courses from sanitary manhole number 14 to sanitary manhole number 17 is generally 20 feet in width and centered on the centerline of the existing sanitary sewer with the exception of the area of Building 804 as shown on the above referenced map which falls within the 20 feet easement area.

Thence in a northerly direction along the centerline of said sanitary sewer line 135 feet more or less to sanitary manhole number 18.

Thence in a northerly direction along the centerline of said sanitary sewer line 222 feet more or less to sanitary manhole number 19.

Thence in a northeasterly direction 38 feet more or less to a point along a line to a proposed sanitary manhole location at the edge of Wells Street and the intersection with the property line of Camp Rell as shown on the above referenced map.

The sanitary sewer easement along the last 3 courses from sanitary manhole number 17 to the intersection with the property line of Camp Rell is generally 20 feet in width and centered on the centerline of the existing sanitary sewer with the exception of the areas of existing buildings as shown on the above referenced plan which fall within the 20 feet easement area.

(b) The Town of East Lyme shall use said sewer line to provide municipal sewer service, including sewer service to Camp Rell. If the Town of East Lyme does not use said sewer line for the said purpose, ownership of said sewer line shall revert to the state and said easement granted to the town of East Lyme shall be extinguished.

(c) The State Properties Review Board shall complete its review of said conveyance and easement not later than thirty days after it receives a proposed agreement from the Commissioner of Public Works. The property shall remain under the care and control of the Military Department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Public Works shall have responsibility for all other incidents of such conveyance and said easement. The conveyance shall be subject to the approval of the State Properties Review Board.

Sec. 16. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the town of Wallingford a parcel of land located in the town of Wallingford, at a cost equal to the administrative costs of making such conveyance. Said parcel of land has an area of approximately 0. 2295 acre and is identified as "Land to be acquired from the state of Connecticut" on a map entitled "Land to Be Acquired from the State of Connecticut, Barnes Road Wallingford, Connecticut" prepared by the Wallingford Department of Engineering and dated January 18, 2005. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The town of Wallingford shall use said parcel of land for municipal purposes. If the town of Wallingford:

- (1) Does not use said parcel for said purposes;
- (2) Does not retain ownership of all of said parcel; or
- (3) Leases all or any portion of said parcel, the parcel shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

Sec. 17. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Department of Environmental Protection shall grant an easement to the F&F Concrete Corporation, for no consideration, over a certain parcel of land located in the town of Southington. Said easement is described as: Being a driveway located between the Engineering Station 1082+32. 19 and Engineering Station 1081+92. 19+/- as shown on federal Valuation Plan V56. 63 Map 21 as described in the quit claim deed of Boston and Marine Corporation to the state of Connecticut, dated November 10, 1998, as recorded at pages 550-555, Vol. 131 of the Cheshire, Connecticut land records. The north and south boundary of said easement shall each be twenty feet from the center line of the driveway providing F&F Concrete Corporation with a forty foot wide easement across and over the tracks, right-of-way and property owned, controlled and operated by the railroad company or its successors and assignees. Said easement shall only be used by the F&F Concrete Corporation between the hours of 8: 00 am and 5: 00 pm, Monday through Friday, for the sole purpose of transporting vehicles. Said

easement shall be subject to any safety measures imposed by the Commissioner of Environmental Protection relating to passage over the subject railroad tracks.

(b) The F&F Concrete Corporation shall use said easement for transporting vehicles, during said hours and on said days. If the F&F Concrete Corporation:

(1) Does not use said easement for said purpose; or

(2) Transfers said easement to any other person; or

(3) Allows any other person to utilize said easement in any way, the easement shall be extinguished.

(c) The State Properties Review Board shall complete its review of said easement not later than thirty days after it receives a proposed agreement from the Department of Environmental Protection. The land shall remain under the care and control of said department until an easement is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for an easement under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Environmental Protection shall have the sole responsibility for all other incidents of such easement.

Sec. 18. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, and in accordance with the "Project Agreement Regarding the Transfer of Land to the Town of Middlefield" the Commissioner of Transportation shall convey to the town of Middlefield two parcels of land located in the town of Middlefield, at a cost of one dollar. Said parcels of land have an area of approximately 1.92 acres and are identified as 229 and 231 Meriden Road in Middlefield and identified as such on a map entitled "Town of Middlefield Map Showing Land Acquired from Nancy F. O'Brien et al 81-80-1. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The town of Middlefield shall use said parcel of land for open space purposes. If the town of Middlefield:

(1) Does not use said parcel for said purposes;

(2) Does not retain ownership of all of said parcel; or

(3) Leases all or any portion of said parcel,

the parcel shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall

remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

Sec. 19. (*Effective from passage*) (a) In accordance with the provisions of section 13a-142e of the 2006 supplement to the general statutes, the Commissioner of Transportation shall convey to the Route 11 Greenway Authority Commission a parcel of land located in the town of Salem, at no cost. Said parcel of land has an area of approximately 8.5 acres and is identified on a map entitled "Town of Salem Map Showing Land Acquired from Richard S. Wilkins et al by the State of Connecticut, Department of Transportation Route 11 Greenway. The conveyance shall be subject to the approval of the State Properties Review Board.

(b) The Route 11 Greenway Authority Commission shall use said parcel of land for open space and recreational purposes. If the Route 11 Greenway Authority Commission:

(1) Does not use said parcel for said purposes; or

(2) Does not continue to exist;

the parcel shall revert to the state of Connecticut.

(c) The State Properties Review Board shall complete its review of the conveyance of said parcel of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance under this section, which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

Sec. 20. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Environmental Protection shall enter into an agreement with Jon H. Morhardt and Lynda Morhardt for the exchange of two parcels of land located in the Town of Vernon, simultaneously and each in consideration for the other. The parcel of land to be conveyed by the Commissioner of Environmental Protection in said exchange is identified as: 4,960 square feet of land (8' X 620') located on Valley Falls Road in the Town of Vernon and abutting the Belding Wildlife Management Area. The parcel of land to be conveyed by Jon H. Morhardt and Lynda Morhardt in said exchange is

identified as: 5,000 square feet of land at the rear of the Morhardt's property with the southerly most point on other land of the state of Connecticut known as the Hop River Trail State Park. Said exchange shall be subject to the approval of the State Properties Review Board.

(b) The State Properties Review Board shall complete its review of the exchange of said parcels of land not later than thirty days after it receives a proposed agreement from the Department of Environmental Protection. The state land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance of state land under this section. The Commissioner of Environmental Protection shall have the sole responsibility for all other incidents of such conveyance.

Sec. 21. (*Effective from passage*) (a) Notwithstanding any provision of the general statutes, the Commissioner of Environmental Protection shall enter into an agreement with Heidi L. Zibello and Richard A. Zibello for the exchange of two parcels of land located in the Town of Morris, simultaneously and each in consideration of the other. The parcel of land to be conveyed by the Commissioner of Environmental Protection in said exchange is identified as part of Camp Columbia State Forest:

All that certain piece or parcel of land situated in the Town of Morris, County of Litchfield, State of Connecticut being shown as Parcel B on a certain map entitled "Property/Boundary Survey Map Showing Boundary Line Revisions Prepared For Heidi L. Zibello Richard A. Zibello and State of Connecticut Connecticut Route 109 Morris, Connecticut" scale 1" = 20' dated August 2004 and prepared by Samuel P. Bertaccini, Jr. RLS # 10383 Litchfield Connecticut. Parcel B contains 0.027 acre more or less and is more particularly described as follows:

Beginning at a point on the south side of Connecticut Route 109 marking the northwest corner of land of Heidi L. and Richard A. Zibello and the northeast corner of the within described parcel, which point is located S 81°-29'-07" E 79. 44' from a CHD monument, thence along land of said Zibello S 24°-24'-12" E 18. 27' to a point, thence S 12°-51'-08" W 96. 08' to a point at the end of a stonewall in the north line of land of State of Connecticut which point marks the southwest corner of land of said Zibello and the southeast corner of the within described parcel, thence along land of said State of Connecticut the following courses and distances, N 81°-05'-04" W 10. 02' to a point to be marked by an iron pin which point marks the southwest corner of the within described parcel, thence N 12°-51'-08" E 91. 92' to a point to be marked by an iron pin, thence N 24°-24'-12" W 23. 12' to a point on the south side of said Connecticut Route 109 to be marked by an iron pin, which point marks the northwest corner of the within described parcel,

thence along said Connecticut Route 109 S 81°-29'-07" E 12. 98' to the point and place of beginning. Said Parcel B being bounded as follows:

Northerly: by public highway known as Connecticut Route 109

Easterly: by land of Heidi L. and Richard A. Zibello

Southerly: by land of State of Connecticut

Westerly: by land of State of Connecticut

The parcel of land to be conveyed by Heidi L. Zibello and Richard A. Zibello in said exchange is identified as:

All that certain piece or parcel of land situated in the Town of Morris, County of Litchfield, State of Connecticut being shown as Parcel A on a certain map entitled Property/Boundary Survey Map Showing Boundary Line Revisions Prepared For Heidi L. Zibello Richard A. Zibello and State of Connecticut Route 109 Morris, Connecticut scale 1" = 20' dated August 2004 and prepared by Samuel P. Bertaccini, Jr. RLS # 10383 Litchfield Connecticut. Parcel A contains 0. 027 acre more or less and is more particularly described as follows:

Beginning at a point on the south side of Connecticut Route 109 marking the northwest corner of land of the State of Connecticut and the northeast corner of the within described parcel, which point is located N 81°-29'-07" W 28. 39' from a CHD monument, thence along land of said State of Connecticut the following courses and distances, S 73°-42'-54" W 15. 62' to a point, thence S 13°-18'-25" W 105. 54' to an iron pipe at the end of a stonewall which point marks the southeast corner of the within described parcel, thence along said stonewall N 81°-05'-04" W 10. 03' to a point to be marked by an iron pin which point marks the southeast corner of land of said Zibello and the southwest corner of the within described parcel thence along land of said Zibello N 13°-18'-25" E 112. 04' to a point to be marked by an iron pin on the south side of Connecticut Route 109 which point marks the northeast corner of land of said Zibello and the northwest corner of the within described parcel, thence along said Connecticut Route 109 S 81°-29'-07" E 23. 67' to the point and place of beginning. Said Parcel A being bounded as follows:

Northerly: by public highway known as Connecticut Route 109

Easterly: by land of State of Connecticut

Southerly: by land of State of Connecticut

Westerly: by land of Heidi L. and Richard A. Zibello

Said exchange shall be subject to the approval of the State Properties Review Board.

(b) The State Properties Review Board shall complete its review of the exchange of said parcels of land not later than thirty days after it receives a proposed agreement from the Department of Environmental Protection. The state land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for the conveyance of state land under this section. The Commissioner of Environmental Protection shall have the sole responsibility for all other incidents of such conveyance.

Sec. 22. Subsection (a) of section 24 of special act 84-54 is amended to read as follows (*Effective from passage*):

(a) In accordance with subdivision (10) of subsection (d) of section 2 of this act, the state through the Commissioner of Environmental Protection may provide a grant-in-aid to the Quinnipiac Council, Boy Scouts of America, for the repair of the dam at Deer Lake in Killingworth. Such grant-in-aid shall be made in accordance with the terms of a contract at such time as the Commissioner of Environmental Protection shall determine within authorization of funds by the State Bond Commission. Such contract shall provide that such grant-in-aid shall be repaid to the state if the title to the land on which said dam is located is ever transferred from the Quinnipiac Council, Boy Scouts of America and that a lien shall be placed on such land in favor of the state to ensure that such grant will be repaid. Such contract and lien shall allow for a waiver of repayment of such grant if such transfer of title is for not more than two per cent of the acreage of such land.

Sec. 23. Section 6 of special act 99-17 is repealed. (*Effective from passage*)

Approved June 9, 2006

**Public Act No. 06-186**

**AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES AND REVENUES FOR THE BIENNIUM ENDING JUNE 30, 2007.**

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

Sec. 51. (*Effective July 1, 2006*) Up to \$ 1,600,000 appropriated to the Department of Public Works, for Rents and Moving, shall not lapse on June 30, 2006, and such funds shall be available for the purpose of moving the current state employees who are occupants of 21 Grand Street, Hartford, to other state-owned facilities or to leased space.

**Public Act No. 06-187**

**AN ACT CONCERNING GENERAL BUDGET AND REVENUE  
IMPLEMENTATION PROVISIONS.**

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

Sec. 70. (NEW) (*Effective October 1, 2006*) (a) Notwithstanding any provision of the general statutes, any new construction of a state facility, except salt sheds, parking garages, maintenance facilities or school construction, that is projected to cost five million dollars or more, and is approved and funded on or after January 1, 2007, shall comply with the regulations adopted pursuant to subsection (b) of this section. The Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Works and the Institute for Sustainable Energy, shall exempt any facility from complying with said regulations if said secretary finds, in a written analysis, that the cost of such compliance significantly outweighs the benefits.

(b) Not later than January 1, 2007, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Works, the Commissioner of Environmental Protection and the Commissioner of Public Safety, shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to adopt building construction standards that are consistent with or exceed the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, and thereafter update such regulations as the secretary deems necessary.