



Department of Administrative Services 2014 Legislative Package

Title of Proposal

- 1 An Act Streamlining DAS Construction Processes
- 2 An Act Updating and Eliminating Obsolete Provisions in the Department of Administrative Services Statutes
- 3 An Act Clarifying Roles Relating to the DAS Bureau of School Facilities
- 4 An Act Delaying Implementation of Changes to Crane Operations Statutes to Ensure Conformity with OSHA's Final Rule
- 5 An Act Clarifying Authority to Receive Gifts of Land to the State

Agency Legislative Proposal - 2014 Session

Document Name: DAS Construction Services Streamlining – DAS Proposal #1
State Agency: Department of Administrative Services
Liaison: Terrence Tulloch-Reid Phone: 860-713-5085 Email: Terrence.reid@ct.gov
Lead agency division requesting this proposal: Division of Construction Services
Agency Analyst/Drafter of Proposal: Kevin Kopetz

Title of Proposal: An Act Streamlining DAS Construction Processes
Statutory Reference: C.G.S. §§ 4b-91, 4b-24b, 4b-103, & 4b-51, 4b-52
Proposal Summary: <p>This proposal is a resubmission of two legislative proposals from the 2013 legislative session -- S.B. 978 (as amended by Senate A) and S.B. 1056 (as amended by Senate A). Both bills were approved unanimously by the Senate.</p> <p>The proposal:</p> <ul style="list-style-type: none">• Increases the dollar amount (from \$500k - \$1.5 million) in the DAS Division of Construction Services (“DCS”) construction award statute (§4b-91), allowing more projects to be awarded competitively, but outside the “formal” bidding process.<ul style="list-style-type: none">○ This change enables Construction Services to undertake its work more efficiently and effectively, and be more responsive to client needs.○ Projects between \$500,000 and \$1.5 million will continue to be awarded through a <i>competitive and transparent process</i>.○ DAS is charged with establishing alternative selection procedures for such projects. Requirements such as notice, prequalification of bidders, competition and transparency and SBE/MBE participation will be maintained.○ This dollar amount has not been increased since 1999, when the threshold was changed from \$250,000 to \$500,000. In the more than decade that’s passed, the \$500,000 construction cost threshold has become obsolete.

- Increases from \$500k to \$1.5 million DCS's ability to do emergency repairs on state facilities outside the formal bid process.
- Clarifies that subcontractors on state-funded construction projects must be prequalified at the time of their bid submittal.
 - This change will prevent project delays as the department waits for sub contractors to meet the prequalification requirements before work can commence.
- Adds to the list of project elements eligible for early work authorization prior to the determination of the Guaranteed Maximum Price ("GMP")
 - This change enables DAS Construction Services to better plan and execute projects.
 - In addition to site preparation and demolition, DCS should be able to move forward quickly on utility installation and exterior building elements (on existing buildings), to prevent weather intrusion and subsequent damage to the building interior, saving money for the state, and to provide optimal use of construction seasons.
- Clarifies that DCS may use on-call consultants where multiple projects are being constructed or renovated under the operation and control of the Military Department or DEEP.
 - This clarification will also enable DCS to provide services in a more efficient and effective manner, while in no way compromising competition or transparency
 - This clarification was recommended by the agency's Assistant Attorney General.
- Clarifies that DAS may purchase property and services such as prefabricated and pre-engineered buildings from a vendor under contract with the federal government or other state governments.
 - This clarification was recommended by the agency's Asst. Attorney General

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* No
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* Unknown
- 3) *Have certain constituencies called for this action?*
Yes, the professional construction manager firms that utilize the DCS construction statutes (through the Associated General Contractors of CT, a Division of the CT Construction Industries Association) worked collaboratively with DAS in the development of this proposal.
- 4) *What would happen if this was not enacted in law this session?*
In the absence of these changes, DAS agency-administered projects – construction projects that DAS Division of Construction Services undertakes on behalf of the community colleges, DEEP, the Military Department and other state agencies and offices – will require extended schedules that result in higher costs to the state and don't serve the client agencies in the timeliest fashion possible, in regards to delivery of a building ready for occupancy.

- **Origin of Proposal** ___ **New Proposal** X **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
One labor organization expressed concerns to the House Leadership and the bills were never called for action in the House despite commitments of support from the GAE Chairs and Ranking members for consent.
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
Yes. Commissioner DeFronzo has been discussing both proposals with Bob Rinker (CSEA) to ascertain if they still have concerns with these proposals. CSEA concerns re: SB 1056 were heard and have been reflected in the bill in Senate A of SB 1056. It is unclear if CSEA still has concerns with SB 978 (2013).
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
GAE Leadership - Senator Musto, Representative Jutila, Senator McLachlan, and Representative Hwang. CCIA (Don Shubert), and CSEA's Bob Rinker

(4) What was the last action taken during the past legislative session?
Both proposals approved in Senate – died on House Calendar.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: None
Agency Contact (name, title, phone):
Date Contacted:
Approve of Proposal ___ YES ___NO ___Talks Ongoing
Summary of Affected Agency’s Comments
Both the Military Department and DEEP were notified last session of the CSEA requested changes on SB 1056 to cite project specific examples of the clarification regarding the use of on-call consultants. Both agencies were comfortable with this clarification.
Will there need to be further negotiation? ___ YES <u>X</u> NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal None
State - Significant Savings
As a whole, these proposals will result in significant savings for the State . They will save the State the cost of formal bidding on certain projects; allow for timely completion of smaller projects; protect the State from losses incurred when early work on exterior building features is not allowed; and for federally-funded projects, make certain that DAS has the professional services available to meet deadlines for securing federal funds.
The proposal should result in a decrease in total project construction costs on renovation projects of existing state-owned buildings and facilities because DAS will be in a position to have the CMR prepare the site prior to the completion of the “guaranteed maximum price” (GMP) process. Upon obtaining the GMP the CMR can coordinate and direct the interior work. Allowing earlier work should prevent delays, reducing renovation project schedules and construction costs as well as allowing the agency to advance new projects in a more efficient, effective, and timely manner.

Allowing early work to commence on exterior building elements will also reduce the sometimes significant costs that the State incurs when delays in commencing such work result in damage to the property/project (i.e. failure to timely fix a roof or building envelope causes damage to interior walls, floors, pipes, etc.)

DCS project managers responsible for Military Department projects have indicated that the inability to procure design professionals without delay could be detrimental to the state's ability to obtain federal funding for a program (Vision 2020) that covers numerous projects under the care and control of that agency---as long as the federal funds are committed within the specific federal fiscal year. **Potential savings if federal funds can be committed.**

Federal

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Streamlined processes for lower cap projects, the allowance of earlier work on CMR projects, and the clarifications of on-call and GSA contract utilization should prevent delays, reducing renovation project schedules and construction costs as well as allowing the agency to advance new projects in a more efficient, effective, and timely manner.

An Act Streamlining DAS Construction Processes

Section 1. Subsections (a) and (b) of section 4b-91, as amended by Public Act 13-247, of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) [Every] (1) As used in this section, "prequalification classification" means the prequalification classifications established by the Commissioner of Administrative Services pursuant to section 4a-100, "public agency" has the same meaning as provided in section 1-200 and "awarding authority" means the Commissioner of Administrative Services, except "awarding authority" means (A) the Joint Committee on Legislative Management of the General Assembly, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of the joint committee, or (B) the constituent unit, in the case of a contract for the construction of or work on a building or other public work under the supervision and control of one of the constituent units of the state system of higher education.

(2) Except as provided in subdivision (3) of this subsection, every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by the state [except a public highway or bridge project or any other construction project administered by the Department of Transportation, which] that is estimated to cost more than five hundred thousand dollars, [except a contract awarded by the Commissioner of Administrative Services for (1) a community court project, as defined in subsection (j) of section 4b-55, (2) the downtown Hartford higher education center project, as defined in subsection (l) of section 4b-55, (3) a correctional facility project, as defined in subsection (m) of section 4b-55, (4) a juvenile detention center project, as defined in subsection (n) of section 4b-55, or (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,] 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 Administrative Services or, in the case of a contract for the construction of or work on a building or other public work 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 or other public work under the supervision and control of one of the constituent units of the state system of higher education, the constituent unit,] awarding authority has invited such bids by notice posted on the State Contracting Portal. The awarding authority shall indicate the prequalification classification required for the contract in such notice.

(3) The provisions of subdivision (2) of this subsection shall not apply to (A) a public highway or bridge project or any other construction project administered by the Department of Transportation, or (B) a contract awarded by the Commissioner of

Administrative Services for (i) any public building or other public works project administered by the Department of Administrative Services that is estimated to cost more than five hundred thousand dollars but less than one million five hundred thousand dollars, (ii) a community court project, as defined in subsection (j) of section 4b-55, (iii) the downtown Hartford higher education center project, as defined in subsection (l) of section 4b-55, (iv) a correctional facility project, as defined in subsection (m) of section 4b-55, (v) a juvenile detention center project, as defined in subsection (n) of section 4b-55, or (vi) 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.

(4) Every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or any other public work by a public agency that is paid for, in whole or in part, with state funds and that is estimated to cost more than five hundred thousand dollars [, except a public highway or bridge project or any other construction project administered by the Department of Transportation,] shall be awarded to a bidder that is prequalified pursuant to section 4a-100 after the public agency has invited such bids by notice posted on the State Contracting Portal, except for (A) a public highway or bridge project or any other construction project administered by the Department of Transportation, or (B) any public building or other public works project administered by the Department of Administrative Services that is estimated to cost more than five hundred thousand dollars but less than one million five hundred thousand dollars. The [Commissioner of Construction Services, the joint committee, the constituent unit] awarding authority or the public agency, as the case may be, shall indicate the prequalification classification required for the contract in such notice. [As used in this section, "prequalification classification" means the prequalification classifications established by the Commissioner of Administrative Services pursuant to section 4a-100. As used in this section, "public agency" means public agency, as defined in section 1-200.]

(5) Every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or other public works project administered by the Department of Administrative Services that is estimated to cost more than five hundred thousand dollars but less than one and one-half million dollars, shall be awarded, where practicable, through a process of sealed bidding developed by the Commissioner of Administrative Services. The process to be developed by the commissioner shall be different from the process required under this chapter and such process shall include, but not be limited to, the solicitation of bids from (A) at least three contractors from a list of preselected contractors, or (B) all available contractors from a list of preselected contractors if fewer than three are available, who are deemed by the commissioner to possess the skill, ability and integrity necessary to perform the specific scope of work for the purpose of providing construction services to the state.

(b) The [Commissioner of Administrative Services, the joint committee or the constituent unit, as the case may be,] awarding authority shall determine the manner of submission and the conditions and requirements of [such] bids invited under this section, and the time within which the bids shall be submitted, consistent with the

provisions of this section and sections [4b-91] 4b-92 to 4b-96, inclusive. Such award shall be made not later than ninety days after the opening of such bids. If the general bidder selected as the general contractor fails to perform the general contractor's agreement to execute a contract in accordance with the terms of the general contractor's general bid and furnish a performance bond and also a labor and materials or payment bond to the amount specified in the general bid form, an award shall be made to the next lowest responsible and qualified general bidder, or, in the case of a contract awarded under subdivision (5) of subsection (a) of this section, to another qualified preselected contractor. No employee of the Department of Administrative Services, the joint committee or a constituent unit with decision-making authority concerning the award of a contract and no public official, as defined in section 1-79, may communicate with any bidder prior to the award of the contract if the communication results in the bidder receiving information about the contract that is not available to other bidders, except that if the lowest responsible and qualified bidder's price submitted is in excess of funds available to make an award, the [Commissioner of Administrative Services, the Joint Committee on Legislative Management or the constituent unit, as the case may be,] awarding authority may negotiate with such bidder and award the contract on the basis of the funds available, without change in the contract specifications, plans and other requirements. If the award of a contract on said basis is refused by such bidder, the [Commissioner of Administrative Services, the Joint Committee on Legislative Management or the constituent unit, as the case may be,] awarding authority may negotiate with other contractors who submitted bids in ascending order of bid prices without change in the contract, specifications, plans and other requirements. In the event of negotiation with general bidders as provided in this section, the general bidder involved may negotiate with subcontractors on the same basis, provided such general bidder shall negotiate only with subcontractors named on such general bidder's general bid form.

Sec. 2. Subsection (j) of section 4b-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(j) [On and after October 5, 2009, no] 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 or any other public work by the state or a municipality, except a public highway or bridge project or any other construction project administered by the Department of Transportation, 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, at the time of the bid submission, the person is prequalified in accordance with section 4a-100. The provisions of this subsection shall not apply to a project described in subdivision (2) of subsection (a) of this section.

Sec. 3. Subsection (a) of section 4b-24b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Whenever realty uses designed uniquely for state use and for periods over five years are concerned, the Commissioner of Administrative Services shall, whenever

practicable, attempt to construct on state-owned land. Whenever the Commissioner of Administrative Services has established specific plans and specifications for new construction on state land or new construction for sale to the state: (1) If it appears to the commissioner that the cost of the project shall be less than one million five hundred thousand dollars, contracts shall be made, where practicable, through a process of sealed bidding as provided in section 4b-91, as amended by this act, relating to projects in excess of one million five hundred thousand dollars; (2) if it appears to the commissioner that the space needs of the requesting agency are less than five thousand square feet, the commissioner shall, whenever practicable, carry on advertising, in accordance with the provisions of section 4b-34 relating to projects in excess of five thousand square feet, in order to allow an equal opportunity for third parties to do business with the state without regard to political affiliation, political contributions or relationships with persons in state, federal or local governmental positions.

Sec. 4. Section 4b-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) (1) No repairs, alterations or additions involving expense to the state of five hundred thousand dollars or less or, in the case of repairs, alterations or additions to a building rented or occupied by the Judicial Branch, one million two hundred fifty thousand dollars or less or, in the case of repairs, alterations or additions to a building rented or occupied by a constituent unit of the state system of higher education, two million dollars or less, shall be made to any state building or premises occupied by any state officer, department, institution, board, commission or council of the state government and no contract for any construction, repairs, alteration or addition shall be entered into without the prior approval of the Commissioner of Administrative Services, except repairs, alterations or additions to a building under the supervision and control of the Joint Committee on Legislative Management and repairs, alterations or additions to a building under the supervision of The University of Connecticut. Repairs, alterations or additions which are made pursuant to such approval of the Commissioner of Administrative Services shall conform to all guidelines and procedures established by the Department of Administrative Services for agency-administered projects. (2) Notwithstanding the provisions of subdivision (1) of this subsection, repairs, alterations or additions involving expense to the state of five hundred thousand dollars or less may be made to any state building or premises under the supervision of the Office of the Chief Court Administrator or a constituent unit of the state system of higher education, under the terms of section 4b-11, and any contract for any such construction, repairs or alteration may be entered into by the Office of the Chief Court Administrator or a constituent unit of the state system of higher education without the approval of the Commissioner of Administrative Services.

(b) Except as provided in this section, no repairs, alterations or additions involving an expense to the state of more than five hundred thousand dollars or, in the case of [repairs, alterations or additions to a building rented or occupied by the Judicial Branch] any repair, alteration or addition administered by the Department of Administrative Services, more than one million [two] five hundred [fifty] thousand dollars, [or, in the case of repairs, alterations or additions to a building rented or occupied by a constituent

unit of the state system of higher education, more than two million dollars,] shall be made to any state building or premises occupied by any state officer, department, institution, board, commission or council of the state government, nor shall any contract for any construction, repairs, alteration or addition be entered into, until the Commissioner of Administrative Services or, in the case of the construction or repairs, alterations or additions to a building under the supervision and control of the Joint Committee on Legislative Management of the General Assembly, said joint committee or, in the case of construction, repairs, alterations or additions to a building involving expenditures in excess of five hundred thousand dollars but not more than one million two hundred fifty thousand dollars under the supervision and control of the Judicial Branch, said Judicial Branch or, in the case of the construction, repairs, alterations or additions to a building involving expenditures in excess of five hundred thousand dollars but not more than two million dollars under the supervision and control of one of the constituent units of higher education, the constituent unit, has invited bids thereon and awarded a contract thereon, in accordance with the provisions of sections 4b-91 to 4b-96, inclusive, as amended by this act. The Commissioner of Administrative Services, with the approval of the authority having the supervision of state employees or the custody of inmates of state institutions, without the necessity of bids, may employ such employees or inmates and purchase or furnish the necessary materials for the construction, erection, alteration, repair or enlargement of any such state building or premises occupied by any state officer, department, institution, board, commission or council of the state government.

(c) Whenever the Commissioner of Administrative Services declares that an emergency condition exists at any state facility, other than a building under the supervision and control of the Joint Committee on Legislative Management, and that the condition would adversely affect public safety or the proper conduct of essential state government operations, or said joint committee declares that such an emergency exists at a building under its supervision and control, the commissioner or the joint committee may employ such assistance as may be required to restore facilities under their control and management, or the commissioner may so act upon the request of a state agency, to restore facilities under the control and management of such agency, without inviting bids as required in subsection (b) of this section. The commissioner shall take no action requiring the expenditure of more than one million five hundred thousand dollars to restore any facility under this subsection (1) without the written consent of the Governor, and (2) until the commissioner has certified to the joint committee of the General Assembly having cognizance of matters relating to legislative management that the project is of such an emergency nature that an exception to subsection (b) of this section is required. Such certification shall include input from all affected agencies, detail the need for the exception and include any relevant documentation. The provisions of this subsection shall not apply if any person is obligated under the terms of an existing contract with the state to render such assistance. The annual report of the commissioner shall include a detailed statement of all expenditures made under this subsection.

(d) The Commissioner of Administrative Services may, during the term of a lease of a building or premises occupied by any state offices, department, institution, board, commission or council of the state government, (1) renegotiate the lease in order to enable the lessor to make necessary alterations or additions up to a maximum amount of five hundred thousand dollars, in consultation with the Commissioner of Administrative Services and subject to the approval of the State Properties Review Board, or (2) require that a security audit be conducted for such building or premises and, if necessary, renegotiate the lease in order to enable the lessor to make necessary alterations or additions to bring the building or premises into compliance with the security standards for state agencies established under section 4b-132. Alterations or additions under subdivision (2) of this subsection shall not be subject to the spending limit in subdivision (1) of this subsection, and a renegotiated lease under said subdivision (2) shall be subject to the approval of the State Properties Review Board, provided such approval requirement shall not compromise the security requirements of chapter 60a and this section. The commissioner shall determine the manner of submission, conditions and requirements of bids and awards made for alterations or additions under this subsection. No lease shall be renegotiated under this subsection for a term less than five years. As used in this subsection, "security" and "security audit" have the meanings assigned to such terms in section 4b-130. "

Sec. 5. Section 4b-103 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) In order to carry out any provision of this title for the construction, renovation or alteration of buildings or facilities, the Commissioner of Administrative Services may enter into a construction manager at-risk project delivery contract.

(b) [The] Except as provided in subsections (c) and (d) of this section, the Commissioner of Administrative Services 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] on the State Contracting Portal. 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.

(c) Construction may begin prior to the determination of the maximum guaranteed price for the project elements of site preparation, demolition, public utility installation and connections, and building envelope components, including the roof, doors,

windows and exterior walls, provided (1) the project is the renovation of an existing building or facility, (2) the project element or elements involved in such early work have been previously put out to bid and awarded; and (3) the total costs of construction of the early work does not exceed twenty-five per cent of the estimated cost of construction for the entire project.

(d) If such project involves the renovation of an existing building or facility that will be performed in multiple phases while such building or facility remains occupied, the Commissioner of Administrative Services may enter into a construction manager at-risk project delivery contract that provides for the maximum guaranteed price to be determined for each phase of the project, prior to beginning each such phase, provided there is compliance with all the requirements of subsection (b) of this section other than the timing of the determination of the maximum guaranteed price.

Sec. 6. Subsection (d) of section 4b-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(d) (1) Notwithstanding any provision of the general statutes, the Commissioner of Administrative Services may select consultants to be on a list established for the purpose of providing any consultant services. Such list shall be established as provided in sections 4b-56 and 4b-57. The commissioner may enter into a contract with any consultant on such list to perform a range of consultant services or to perform a range of tasks pursuant to a task letter detailing services to be performed under such contract.

(2) Notwithstanding any provision of the general statutes, the Commissioner of Administrative Services may compile a list of architects, professional engineers and construction administrators for the limited purpose of providing consultant services for a particular program involving various projects for the construction of new buildings or renovations to existing buildings where such buildings are under the operation and control of either the Connecticut Military Department of Department of Energy and Environmental Protection, and may enter into a contract with any architect, professional engineer, and construction administrator on such list for such limited purpose.

(3) As used in this subsection, “consultant” means “consultant” as defined in section 4b-55, and “consultant services” means “consultant services” as defined in section 4b-55.

Sec. 7. Section 4b-91 of the Connecticut General Statutes is amended by adding subsection (k) as follows (*Effective July 1, 2014*):

(NEW) (k) Notwithstanding the provisions of this chapter, the Commissioner of Administrative Services may utilize the provisions of 4a-53 and 4a-66 to purchase equipment, supplies, materials or other property or services required to fulfill his responsibilities under this chapter.

Agency Legislative Proposal - 2014 Session

Document Name: DAS Reports Streamlining - DAS Proposal #2
State Agency: Department of Administrative Services
Liaison: Andrea Keilty Phone: 860-713-5267 E-mail: andrea.keilty@ct.gov Liaison: Terrence Tulloch-Reid Phone: 860-713-5085 Email: Terrence.reid@ct.gov
Lead agency division requesting this proposal: Various
Agency Analyst/Drafter of Proposal: Andrea Keilty

Title of Proposal: An Act Updating and Eliminating Obsolete Provisions in the Department of Administrative Services Statutes
Statutory Reference: C.G.S. 3-21d, 4b-23(o); 4d-7, 4d-14, 4e-43; 4d-45, 10a-151d
Proposal Summary: <p>This proposal eliminates or modifies a number of obsolete, unnecessary and/or confusing provisions throughout the DAS statutes. Most of these provisions have been identified by the Auditors of Public Accounts, and DAS has committed to the Auditors that it would seek repeal or revision of them.</p> <p>Section 1 streamlines C.G.S. § 3-21d, a statute that requires a series of ongoing reports and a separate annual report providing details on completed construction projects. To conform with existing, long-standing practice, and to streamline the production of reports, the statute should be modified to require only one annual report. The purpose of the reports - to identify any unexpended bond monies authorized and allotted for state public works construction projects - can be obtained by OPM from DAS at any time, without the need for a statutorily-required report. In any event, an annual report outlining this information, provided to both the Secretary of the State Bond Commission (the OPM Secretary) and the legislature's Finance, Revenue and Bonding Committee is adequate.</p> <p>Section 2 eliminates the statutory requirement that DAS issue regulations that set forth the procedures used by DAS, OPM and the State Properties Review Board regarding</p>

the leasing of state offices. The statute (**4b-23(o)**) already provides detail on the requirements and processes that the legislature deems important in the leasing process; and those requirements are and will continue to be followed. Furthermore, this topic – procedures outlining how agencies interact with one another -- is not one that is appropriate for regulations. Rights and benefits that impact the public are not implicated here.

This requirement has been in place since the late 1980s, and regulations have never been promulgated. This provision has been the subject of audit findings for the agency.

Section 3 updates, clarifies and streamlines existing information technology reports, as existing reporting statutes are outdated and in some cases redundant. This proposal merges the IT Strategic Plan report currently required under C.G.S. § 4d-7 with the § 4-14 report on expenditures, technology projects, and eGovernment initiatives, and clarifies that the report is due annually on or before September 15th. Section 4d-14 is repealed in Section 4 below.

Section 4 repeals obsolete and unnecessary requirements. Specifically:

- **§ 4d-14.** All the requirements of this section are merged into § 4d-7, to be modified as described in Section 3 above.
- **§ 4d-45.** In its recent DAS departmental audit, the Auditors of Public Accounts identified this as an obsolete statute and have recommended that we seek repeal. This statute relates to a particular Request for Proposals (“RFP”) from 1997 relating to information technology. No contract was ever awarded pursuant to this RFP.
- **§ 4e-43** is a statutory requirement that the State Insurance & Risk Management Board (“SIRMB”) adopt regulations in consultation with the State Contracting Standards Board (“SCSB”) that specify when state agencies shall require errors and omissions insurance for architectural and engineering services that they secure. These regulations are not necessary or appropriate. First, the goals of this language are achieved administratively: standard State contract terms and conditions already require that architects and engineers that contract with the State have professional liability insurance. Further, as part of its core functions, SIRMB regularly consults with agencies about the types and scope of insurance necessary for projects and contracts – not only for the limited purpose of errors and omissions insurance covering architectural and engineering services.

The 4e-43 regulations have never been adopted, not only because they are unnecessary but also because the Contracting Standards Board has never been established as a fully-staffed agency. This provision has been identified as a problem by the Auditors in connection with their 2011-12 DAS departmental audit.

- **§ 10a-151d(b)** is an obsolete reporting requirement relating to higher education purchasing. This provision requires DAS to report to the Education & Appropriations Committees all purchasing requests received by DAS from the constituent units of higher education. However, DAS has not handled purchasing on behalf of the constituent units since they received their own purchasing authority in the early 1990s.

Notwithstanding the fact that there has been no activity to report pursuant to this statute, the Auditors identified this provision as a problem for DAS in its recent DAS departmental audit.

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please see the summaries provided above.

- **Origin of Proposal** **New Proposal** **Resubmission**

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: OPM
 Agency Contact: John Vittner for IT-related proposals; Pat O'Brien for state property-related proposals
 Date Contacted: Various

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

DAS worked collaboratively with both John Vittner and Pat O'Brien to develop the language in Sections 2 and 3 of this proposal.

Agency Name: State Contracting Standards Board
 Agency Contact: David Guay, Executive Director
 Date Contacted: 12/10/13

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

The Board will be discussing this proposal at its next Board meeting.

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) N/A
State No fiscal impact, although streamlining required reports and eliminating the requirement to draft and adopt unnecessary regulations will free up scarce employee resources at the agency.
Federal N/A
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

None

Sec. 1. Section 3-21d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

[The chief administrative officer of the department, institution or agency of the state responsible for] For any public works construction project administered by the Division of Construction Services within the Department of Administrative Services under [section 4b-1] chapter 60 with an estimated cost of more than ten thousand dollars and receiving any portion of its funding from the proceeds of bonds issued under the State General Obligation Bond Procedure Act, the Department of Administrative Services shall file a report annually with the secretary of the State Bond Commission and the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding, concerning the [forthwith upon] completion or acceptance of any such construction project, [and in no event later than ninety days thereafter,] which report shall provide the following information: (1) The estimated total cost of the construction project, or the actual amount of the project, if ascertainable; (2) the amount, if any, required to be held in retainage and the reason for such retainage; and (3) the amount of any bonds authorized by the State Bond Commission and allotted by the Governor to such project which remains unexpended. Such report may contain a recommendation to the secretary as to the further use of any portion of such unexpended bond proceeds, which recommendation may, in the discretion of the secretary and the Governor, be referred to the next regular session of the General Assembly. Absent such recommendation and referral to the General Assembly, the

State Bond Commission may authorize an unexpended amount to be transferred in accordance with the provisions of subsection (q) of section 3-20 or section 3-21b or the secretary may, prior to any such transfer, authorize the expenditure of such amount for any emergency purpose approved in accordance with the provisions of subsection (c) of section 4b-52. [The chief administrative officer of the department, institution or agency of the state shall also file a report with the cochairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding on or before January 1, 2002, and each year thereafter, on any such projects which have been reported to the secretary of the State Bond Commission.]

Sec. 2. Section 4b-23(o) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(o) [The Commissioner of Administrative Services shall adopt regulations, in consultation with the Secretary of the Office of Policy and Management and the State Properties Review Board, and in accordance with the provisions of chapter 54, setting forth the procedures which the Department of Administrative Services and said office and board shall follow in carrying out their responsibilities concerning state leasing of offices, space or other facilities. Such regulations shall specify, for each step in the leasing process at which an approval is needed in order to proceed to the next step, what information shall be required, who shall provide the information and the criteria for granting the approval.] Notwithstanding any other provision of the general statutes, [such regulations shall provide that: (1) The] the Commissioner of Administrative Services shall [(A)] (1) review all lease requests included in, and scheduled to begin during, the first year of each approved state-wide facility and capital plan and [(B)] (2) provide the Secretary of the Office of Policy and Management with an estimate of the gross cost and total square footage need for each lease. [(2) the] The secretary shall approve a gross cost and a total square footage for each such lease and transmit each decision to the requesting agency, the commissioner and the State Properties Review Board. [(3) the] The commissioner shall submit all leases, lease renewals and hold over agreements to the secretary for approval, and [(4)] the secretary shall approve or disapprove any such lease request or agreement not more than ten working days after the secretary receives the request or agreement.

Sec. 3. Section 4d-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) The Commissioner of Administrative Services shall develop, publish and annually update an information and telecommunication systems strategic plan, in accordance with the policies established by the Office of Policy and Management, which shall have the following goals: (1) To provide a level of voice and data communications service among all state agencies that will ensure the effective and efficient completion of their respective functions; (2) to provide all necessary telecommunication services between state agencies and the public; (3) to provide, in the event of an emergency, immediate voice and data communications and critical application recovery capabilities which are necessary to support state agency functions; and (4) to provide necessary access to higher technology for state agencies.

(b) In order to facilitate the development of a fully integrated state-wide information services and telecommunication system [which] that effectively and efficiently supports data processing and telecommunication requirements of all state agencies, the strategic plan shall include: (1) [Establishment of] guidelines and standards for the architecture for information and telecommunication systems [which] that support state agencies; (2) plans for a cost-effective state-wide telecommunication network to support state agencies, which network may consist of different types of transmission media, including wire, fiber and radio, and shall be able to support voice, data, electronic mail, video and facsimile transmission requirements and any other form of information exchange [which] that takes place via electromagnetic media; (3) [a level of information systems and telecommunication planning for all state agencies and operations throughout the state that will ensure the effective and efficient utilization and access to the state's information and telecommunication resources, including but not limited to, (A) an inventory of existing on-line public access arrangements for state agency data bases which contain information subject to disclosure under the Freedom of Information Act, as defined in section 1-200, (B) a list of data bases for which such access could be provided, including data bases containing consumer, business and health and human services program information, (C) provisions addressing the feasibility and cost of providing such access, (D) provisions for a public-private partnership in providing such on-line access, and (E) provisions to enable citizens to communicate with state agencies by electronic mail; and (4)] identification of annual expenditures and major capital commitments for information and telecommunication systems; (4) identification of all state agency technology projects; (5) a description of the efforts of executive branch state agencies to use e-government solutions to deliver state services and conduct state programs, including the feedback and demands of clients of such agencies received by such agencies and such agencies' plans to address client concerns by using online solutions, when determined feasible by such agencies; and (6) potential opportunities for increasing the efficiency or reducing the costs of the state's information and telecommunication systems. [In carrying out the provisions of subparagraphs (A) to (E), inclusive, of subdivision (3) of this subsection, the Commissioner of Administrative Services shall consult with representatives of business associations, consumer organizations and nonprofit human services providers.]

(c) On or before August 1 annually, each [Each] state agency shall submit to the Commissioner of Administrative Services all plans, documents and other information requested by the commissioner for the development of such plan.

(d) The Commissioner of Administrative Services shall not implement a state agency proposal for information system hardware, software, maintenance service or consulting unless such proposal complies with the strategic plan and the agency's approved business systems plan. The commissioner shall maintain a current inventory of information system components to facilitate asset management and procurement leverage.

(e) Not later than September 15, annually, the Commissioner of Administrative Services shall submit the updated strategic plan to the Secretary of Policy and Management. Not later than October first, annually, the Secretary of the Office of

Policy and Management shall submit to the Governor and the General Assembly, in accordance with the provisions of section 11-4a, (1) the updated strategic plan, and (2) a report on the activities of the Department of Administrative Services and cost savings and improvements in the efficiency of information and telecommunication systems of state agencies, which are attributable to the efforts of said department.

Sec. 4. Sections 4d-14, 4d-45, 4e-43 and 10a-151d(b) of the general statutes is repealed (*Effective upon passage*).

Agency Legislative Proposal - 2014 Session

Document Name:

DAS-SDE Merger Implementation - DAS Proposal #3

State Agency:

Department of Administrative Services

Liaison: Terrence Tulloch-Reid

Phone: (860) 713-5085

E-mail: terrence.reid@ct.gov

Lead agency division requesting this proposal:

DAS Commissioner's Office; DAS Bureau of School Facilities

Agency Analyst/Drafter of Proposal:

Kevin Kopetz, DAS Counsel

Paige Farnham, DAS Bureau of School Facilities

Kathleen Demsey, State Department of Education

Title of Proposal:

An Act Clarifying Roles Relating to the DAS Bureau of School Facilities

Statutory References:

C.G.S. §§ 10-283, 10-285, 10-286, 10-287, 10-291, 10-292

Proposal Summary:

Agency discussions have been on-going on a series of statutory changes needed to affect the Governor's 2011 agency merger of the former Department of Education Bureau of School Facilities into the Department of Construction Services (now DAS) (see [P.A. 11-51](#)).

Since the 2011 reorganization, DAS and SDE have been working under a Memorandum of Agreement ("MOA") that delineates the responsibilities and work flow of each of the agencies with respect to the school construction grant program (Chapter 173 of the general statutes). This proposal makes the necessary statutory changes to fully implement the reorganization and codify the respective responsibilities of the two agencies.

DAS and SDE will be working collaboratively this legislative session to pass these necessary changes.

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please see the summary above.

The statutory changes in this proposal are needed to codify and clarify the respective responsibilities of DAS and SDE relative to school construction grant program. The current statutes do not accurately reflect the agencies' responsibilities.

The program is under the authority of DAS – from initial application to final project closeout and audit – with limited exceptions where authority and responsibility remains with SDE.

These exceptions include development of the reimbursement rate schedule, educational program requirements, and determination of application compliance for Sheff, Special Education and Vocational-Agricultural programs.

- **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:

(5) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*

- In 2012, language was developed with OPM, DCS and SDE staff. DAS is currently updating that language and will be offering the changes with a commitment from SDE that they will work collaboratively with us on the passage of these needed changes.
- Due to the pressing issues before the Legislature in 2013---this consolidation language was once again tabled.

(6) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?* Yes. DAS and SDE staff are currently reviewing draft language developed and revised by both agencies.

(7) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?* DAS Counsel, Bureau of School Facilities, State Department of Education, and OPM

(8) *What was the last action taken during the past legislative session?* None

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

<p>Agency Name: State Department of Education Agency Contact (name, title, phone): Sarah Hemingway, Legislative Liaison (860) 713-6493 Date Contacted: 9/10/13 Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p>
<p>Summary of Affected Agency's Comments</p> <p>DAS and State Department of Education staff have been working collaboratively on identifying and drafting the needed legislative changes. The legislative staff of both SDE and DAS is prepared to work collectively with the administration and legislative leaders on this proposal this upcoming session.</p>
<p>Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<p>Municipal (please include any municipal mandate that can be found within legislation) None</p>
<p>State None</p>
<p>Federal None</p>
<p>Additional notes on fiscal impact</p>

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

<p>None. This proposal simply makes the conforming changes to reflect current practice and agency duties.</p>

**An Act Clarifying Roles
Relating to the DAS Bureau of School Facilities**

Language is currently being developed by DAS and SDE.

Agency Legislative Proposal - 2014 Session

Document Name: OSHA Final Rule Regarding Cranes and Derricks – DAS Proposal #4
State Agency: Department of Administrative Services
Liaison: Terrence Tulloch-Reid Phone: (860) 713-5085 E-mail: terrence.reid@ct.gov
Lead agency division requesting this proposal: Office of the State Fire Marshal
Agency Analyst/Drafter of Proposal: Kevin Kopetz, DAS Counsel

Title of Proposal: An Act Delaying Implementation of Changes to Crane Operations Statutes to Ensure Conformity with OSHA’s Final Rule
Statutory Reference: C.G.S. §§ 29-221, 29-223, 29-223a, 29-224
Proposal Summary: <p>During the 2012 legislative session, the Legislature approved Public Act 12-99, An Act Concerning Crane Operations. That Act was Connecticut’s implementation of the revised OSHA standards governing cranes and derrick operations (29 CFR Part 1926, Subpart CC). The revised OSHA standards were the product of twelve years of work by OSHA and included extensive input from industry experts and other stakeholders and members of the public, and were to go into effect in November 2014.</p> <p>In 2013, OSHA made the decision to seek a delay of adoption of its Final Rule. Specifically, OSHA proposes to delay adoption of these standards until November 2017: https://www.osha.gov/cranes-derricks/extcertdate_FAQ.html</p> <p>Since P.A. 12-99 incorporated the revised OSHA standards, many of the provisions of that Act were made effective October 2014. However, since OSHA is seeking to delay implementation of its standards, and may make some modifications to the Final Rule, Connecticut should follow suit and delay implementation of its conforming statutes and processes.</p> <p>As a result, this proposal seeks to delay implementation of the provisions of P.A. 12-99 until October 1, 2017.</p>

Please note that this proposal is merely technical in that it seeks only to delay the implementation date of P.A. 12-99. To do so, however, the agency must REPEAL the provisions of P.A. 12-99 that were to go into effect on October 1, 2014, and RE-ENACT those same provisions with an effective date of October 1, 2017.

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please see above summary.

- **Origin of Proposal** **New Proposal** **Resubmission**

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: None

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None

State

None

Federal

None

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

This change is supported by the Operating Engineers, the certified crane and hoisting licensed contractors in our State. The change will allow the State and other private testing entities to hold on any testing and practical examination changes relating to cranes and hoisting equipment until it is clearer what the federal government (OSHA) Final Rule includes.

An Act Delaying Implementation of Changes to Crane Operations Statutes to Ensure Conformity with OSHA's Final Rule

Section 1. Section 29-223 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) The board shall keep a record of its proceedings and a roster of persons licensed or registered by it. The commissioner shall, with the advice and assistance of the board, adopt regulations, in accordance with chapter 54, for crane operators and hoisting equipment operators, specifying qualifications for applicants for licensure, requirements for examinations, procedures for issuance and renewal of licenses and certificates of registration and examination and application fees sufficient to meet the costs of administration of this chapter. The board shall administer and establish passing grades for licensure examinations. The board shall hold examinations at times and locations determined by the board and shall give written notice to applicants for examination of the time and place of examinations. [Examinations may be written or practical or both.] An applicant for a license shall be required to take both a written and practical examination.

(b) [Prior to October 1, 2014, the board may develop and administer written and practical examinations for, and issue licenses to, operators of cranes as defined in section 29-221, as amended by section 2 of public act 12-99, including cranes which have a manufacturer's rated hoisting or lifting capacity exceeding two thousand pounds but not exceeding ten thousand pounds. The provisions of this subsection shall not be construed to eliminate the licensure requirements in effect prior to October 1, 2014, for operators of cranes or hoisting equipment, as those terms are defined in section 29-221.] The written examination shall determine whether the applicant (1) knows the information necessary for the safe operation of the specific type of crane or hoisting equipment that the applicant will operate including (A) the controls and operational or performance characteristics, (B) use of, and the ability to calculate, manually or with a calculator, load or capacity information on a variety of configurations of the equipment, (C) procedures for preventing and responding to power line contact, (D) technical knowledge applicable to the specific type of equipment the individual will operate concerning (i) site information, (ii) operations, and (iii) load information, and (E) technical knowledge applicable to site suitability, site hazards and site access, and (2) is

able to read and locate relevant information in the equipment manual and other materials containing information referred to in subdivision (1) of this subsection.

(c) The practical examination shall determine whether the applicant has the skills necessary for safe operation of the crane or hoisting equipment including (1) the ability to recognize, from visual and auditory observation, all items required in a shift inspection, (2) operational and maneuvering skills, (3) application of load chart information, and (4) application of safe shutdown and securing procedures.

(d) Any license, or renewal thereof, issued pursuant to this section shall be valid for a period of two years from the date of issuance. On and after October 1, 2017, every four years license renewal applicants shall take and pass an examination developed by the board that is designed to ensure that the licensee continues to meet the technical knowledge and skills requirements set forth in subsections (b) and (c) of this section.

[(c)] (e) The board shall adopt regulations, in accordance with the provisions of chapter 54, establishing a safety code for the operation and maintenance of cranes and hoisting equipment.

Sec. 2. Section 29-221 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

As used in this chapter: (1) "Board" means the Examining Board for Crane Operators established under section 29-222; (2) "commissioner" means the Commissioner of [Construction] Administrative Services; (3) "crane" means [(A) a tower crane used in construction, demolition or excavation work, (B) a hydraulic crane, (C) a power-operated derrick, or (D) a mobile crane which is a mobile, carrier-mounted, power-operated hoisting machine utilizing a power-operated boom which moves laterally by rotation of the machine on the carrier and which has a manufacturers' maximum rated capacity exceeding five tons] power-operated equipment that can hoist, lower and horizontally move a suspended load and which has a manufacturer's maximum rated hoisting or lifting capacity exceeding two thousand pounds, including, but not limited to: (A) Articulating cranes such as knuckle-boom cranes, (B) crawler cranes, (C) floating cranes, (D) cranes on barges, (E) locomotive cranes, (F) mobile cranes such as wheel-mounted, rough terrain, all-terrain, commercial truck-mounted and boom truck cranes, (G) multi-purpose machines when configured to hoist and lower, by means of a winch or hook, and horizontally move a suspended load, (H) industrial cranes such as carry-deck cranes, (I) dedicated pile drivers when used in construction, demolition or excavation work, (J) service or mechanic trucks with a hoisting device, (K) cranes on monorails, (L) tower cranes such as fixed jib hammerhead boom, luffing boom and self-erecting, (M) pedestal cranes, (N) portal cranes, (O) overhead and gantry cranes, (P) straddle cranes, (Q) side boom cranes, (R) derricks, and (S) variations of such equipment; (4) "hoisting equipment", other than cranes, means motorized equipment (A) used in construction, demolition or excavation work, (B) at a construction site for a project, other than a project involving residential structures of less than four stories, the estimated cost of which is more than one million two hundred fifty thousand dollars, and (C) which has a manufacturer's rated hoisting or lifting capacity exceeding five tons

and a manufacturer's rated maximum reach in excess of thirty-two feet; (5) "department" means the Department of Construction Services; and (6) "apprentice" means a person who is not licensed under this chapter, who has filed an application for a license with the board and whose employer has registered him or her with the board to learn crane operations or hoisting equipment operations under the direct supervision of a licensed operator in accordance with section 29-224c.

Sec. 3. (NEW) (*Effective October 1, 2017*) (a) Notwithstanding subdivisions (3) and (4) of section 29-221 of the general statutes, as amended by section 2 of this act, the following items are excluded from the scope of chapter 539 of the general statutes: (1) Machinery included in subdivisions (3) and (4) of section 29-221 of the general statutes, as amended by section 2 of this act, while it has been converted or adapted for a nonhoisting or nonlifting use, including power shovels, excavators and concrete pumps, (2) power shovels, excavators, wheel loaders, backhoes, loader backhoes and track loaders, including when this machinery is used with chains, slings or other rigging to lift suspended loads, (3) automotive wreckers and tow trucks including rotators registered as wreckers and operated by a person, firm or corporation licensed as a motor vehicle dealer or repairer in accordance with the provisions of subpart (D) of part III of chapter 246 of the general statutes when used in such licensed business, whose functions may include consensual or nonconsensual vehicle recovery and load transfer and consensual or nonconsensual towing and transportation of wrecked or disabled vehicles from the point at which the accident occurred or the vehicle became disabled, (4) digger derricks when used for augering holes for poles carrying electric and telecommunication lines, placing and removing the poles and handling associated materials to be installed on or removed from the poles, (5) machinery originally designed as vehicle-mounted aerial devices for lifting personnel and self-propelled elevating work platforms, (6) telescopic or hydraulic gantry systems, (7) stacker cranes, (8) powered industrial forklifts, except when configured to hoist and lower, by means of a winch or hook, and horizontally move a suspended load, (9) mechanic trucks with a hoisting device when used in activities related to equipment maintenance and repair, (10) machinery that hoists by using a come-a-long or chain fall, (11) gin poles when used for the erection of communication towers, (12) anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame, (13) roustabouts, (14) helicopter cranes, (15) propane service vehicles that are equipped with a crane to load or offload Department of Transportation (DOT) approved propane tanks or American Society of Mechanical Engineers (ASME) approved propane tanks having a capacity of two thousand gallons or less, (16) overhead and gantry cranes when used for non-construction-related work, and (17) dedicated drill rigs.

(b) Articulating or knuckle-boom truck cranes that deliver material to a construction site are excluded from the scope of chapter 539 of the general statutes when used to (1) transfer materials from the truck crane to the ground without arranging the materials in a particular sequence for hoisting, or (2) transfer building supply sheet goods or building supply packaged materials including, but not limited to, sheets of sheetrock, sheets of plywood, bags of cement, sheets or packages of roofing shingles and rolls of roofing felt from the truck crane onto a structure, using a fork or cradle at the end of the

boom, but only when the truck crane is equipped with a properly functioning automatic overload prevention device.

(c) The exclusion set forth in subsection (b) of this section does not apply when (1) the articulating or knuckle-boom crane is used to hold, support or stabilize the material to facilitate a construction activity, such as holding material in place while it is attached to the structure, (2) the material being handled by the articulating or knuckle-boom crane is a prefabricated component including, but not limited to, precast concrete members or panels, roof trusses, prefabricated building sections such as floor panels, wall panels, roof panels, roof structures or similar items, (3) the material being handled by the crane is a structural steel member such as joists, beams, columns and steel decking or a component of a systems-engineered metal building, or (4) the activity is not otherwise excluded under subsection (b) of this section.

Sec. 4. Section 29-223a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) No person shall engage in, practice or offer to perform the work of a hoisting equipment operator, except as provided in subsection (b) of this section, who is not the holder of a valid crane operator's license or hoisting equipment operator's license issued by the board. Each licensed hoisting equipment operator shall carry his or her license on his or her person when operating hoisting equipment. No person may engage in, practice or perform the work of a hoisting equipment operator apprentice unless he or she has obtained a certificate of registration from the board. An apprentice's certificate may be issued for the performance of work of a hoisting equipment operator for the purpose of training, provided such work may be performed only under the direct supervision of a licensed hoisting equipment operator and is in compliance with the provisions of section 29-224c.

(b) The provisions of this section shall not apply to: (1) [Any person engaged in the occupation of hoisting equipment operator in the state on October 1, 2003, provided such person shall be required to obtain a license not later than one year of October 1, 2004, (2) engineers] Engineers under the jurisdiction of the United States, [(3)] (2) engineers or operators employed by public utilities or industrial manufacturing plants, [(4)] (3) any person operating either a bucket truck or a digger derrick designed and used for an electrical generation, electrical transmission, electrical distribution, electrical catenary or electrical signalization project, if such person: (A) Holds a valid limited electrical line contractor or journeyman's license issued pursuant to chapter 393 or any regulation adopted pursuant to said chapter, or (B) has engaged in the installation of electrical line work for more than one thousand hours, or (C) has enrolled in or has graduated from a federally recognized electrical apprenticeship program, or [or (5)] (4) persons engaged in [boating, fishing,] the recreational boating or fishing industry, except when engaged in construction-related work, or in agriculture or arboriculture, or (5) persons engaged in activities, or using equipment, excluded under section 3 of this act.

Sec. 5. Section 29-224 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2017*):

(a) No person shall engage in, practice or offer to perform the work of a crane operator, except as provided in subsection (b) of this section, who is not the holder of a valid license issued by the board. Each licensed crane operator shall carry his or her license on his or her person when operating a crane. No person may engage in, practice or perform the work of a crane operator apprentice unless he or she has obtained a certificate of registration from the board. An apprentice's certificate may be issued for the performance of work of a crane operator for the purpose of training, provided such work may be performed only under the direct supervision of a licensed crane operator and is in compliance with the provisions of section 29-224c. No crane owner may operate or permit the operation of any of his or her cranes in this state unless he or she has obtained a certificate of registration from the board. Nothing in this subsection shall be construed to require a hoisting equipment owner to obtain a certificate of registration from the board.

(b) The provisions of subsection (a) of this section shall not apply to: (1) [Any person engaged in the occupation of crane operator in the state on October 1, 1981, provided such person shall be required to obtain a license within one year of October 1, 1981, (2) engineers] Engineers under the jurisdiction of the United States, [(3)] (2) engineers or operators employed by public utilities or industrial manufacturing plants, [(4)] (3) any person operating either a bucket truck or a digger derrick designed and used for an electrical generation, electrical transmission, electrical distribution, electrical catenary or electrical signalization project, if such person: (A) Holds a valid limited electrical line contractor or journeyman's license issued pursuant to chapter 393 or any regulation adopted pursuant to said chapter, or (B) has engaged in the installation of electrical line work for more than one thousand hours, or (C) has enrolled in or has graduated from a federally recognized electrical apprenticeship program, or [or (5)] (4) persons engaged in [boating, fishing,] the recreational boating or fishing industry, except when engaged in construction-related work, or in agriculture or arboriculture, (5) persons engaged in activities, or using equipment, excluded under section 3 of this act, or (6) persons operating equipment, except a tower crane, that can hoist, lower and horizontally move a suspended load and has a manufacturer's maximum rated hoisting or lifting capacity exceeding two thousand pounds but not exceeding ten thousand pounds who, pursuant to federal Occupational Safety and Health Administration Standard 1926.1427, are (A) certified by an accredited crane operator testing organization, (B) qualified by an audited employer program, (C) qualified by the United States Military, or (D) licensed pursuant to this chapter.

Sec. 6. Sections 2, 3, 6, 8 and 10 of public act 12-99 are repealed (*Effective upon passage*)

Agency Legislative Proposal - 2014 Session

Document Name: Gifts of Land to the State – DAS Proposal #5
State Agency: Department of Administrative Services
Liaison: Andrea Keilty Phone: 860-713-5267 E-mail: andrea.keilty@ct.gov Liaison: Terrence Tulloch-Reid Phone: 860-713-5085 Email: Terrence.reid@ct.gov
Lead agency division requesting this proposal: Leasing & Property Transfer Unit
Agency Analyst/Drafter of Proposal: Andrea Keilty (DAS); Bruce Adams (Office of the Governor)

Title of Proposal: An Act Clarifying Authority to Receive Gifts of Land to the State
Statutory Reference: C.G.S. § 4b-22
Proposal Summary: This proposal makes clear that the State may accept gifts of real property and interests in real property, through the Department of Administrative Services, as long as the procedural requirements of C.G.S. § 4b-22 (approval of the Attorney General and the Governor) are met. This proposal does not impact any existing authority provided to specific agencies or offices to accept gifts of land, property or other interests.

PROPOSAL BACKGROUND

- **Reason for Proposal**

Recently, DAS and other State agencies have been approached by private owners seeking to donate land and other interests in real property to the State. The office of the Attorney General has opined that the existing statutory authority of the State to accept such donations is not clear, and has advised that DAS seek a clarification to the statutes.

Additionally, other State agencies that do not themselves have authority to acquire property or interests in property have a need for a mechanism to acquire back other arcane property interests, as no authority for this currently exists in the general statutes.

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- **Origin of Proposal** **New Proposal** **Resubmission**

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PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

<p>Agency Name: All other agencies that do not themselves have clear statutory authority to accept gifts of real property Agency Contact: Bruce Adams, Deputy Legal Counsel, Office of the Governor Date Contacted: Various</p> <p>Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p>
<p>Summary of Affected Agency's Comments: DAS has been working collaboratively with the Governor's legal counsel's office to develop this proposal on behalf of all State agencies.</p>
<p>Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Final language is still being developed, specifically with reference to assisting other agencies ability to re-acquire arcane property rights.</p>

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<p>Municipal None</p>
<p>State Potential savings to the State, should private landowners seek to donate land or other real property interests to the State.</p> <p>Also, to the extent that title restrictions and other title impairments hinder the State's ability to move forward with necessary transactions - and such restrictions or impairments can be solved through a gift to the State - this proposal enables the State to perform its statutory Leasing and Property Transfer functions more efficiently and effectively.</p>
<p>Federal None</p>

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Please see above.

Sec. 1. Section 4b-22 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

Upon approval of the Governor, the state, through the Department of Administrative Services, may accept by gift, devise or exchange, real property, interests in real property, and other rights in land or water or interest therein. Except as provided in section 3-33, no [land] real property, interest in real property or other right in land or water or interest therein shall be acquired by the state by gift, devise or exchange except upon a review of legal sufficiency by [with the approval of the Governor and] the Attorney General. The Governor shall provide written acknowledgement of such gift to the donor. [When the Governor and the Attorney General accept which has been given to the state for any purpose, acknowledgment of the gift shall be made to the donor.]