

## 2015 LEGISLATIVE PROPOSALS 10/1/2014

1. DCS - Codes. Modify § 29-402 to support the Governor's and DEEP's efforts to promote recycling of construction materials; and modify § 29-406 to resolve conflict between Demolition Permit statute and DOI statutes (P.A. 14-74).
2. Supplier Diversity. Modify § 4a-60g to give the DAS Supplier Diversity Office discretion to extend an MBE or SBE certification up to 6 months beyond the 2-year certification period if the office has received a completed application from the applicant prior to expiration of the certification.
3. DCS. Eliminate newspaper advertising requirements in Division of Construction Services statutes
4. Facilities / Leasing. Fix 30 Day Approval Language in New Surplus Property Process Statute, § 4b-21(i).
5. DCS & Facilities. Eliminate the requirements that child care facilities be co-located in state buildings.
6. Business Office. Modify / eliminate outdated and obsolete IT-related Revolving Fund Statutes.
7. Communications. Update FOIA provisions relating to special training requirements for computer stored records.

## Agency Legislative Proposal - 2015 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):  
#1 - DAS - 10.01.14 - Demolition Licenses & Permits

**State Agency:**  
Department of Administrative Services

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**Lead agency division requesting this proposal:**  
Construction Services - Codes

**Agency Analyst/Drafter of Proposal:**  
Andrea Keilty

**Title of Proposal**  
AAC Demolition Licenses and Permits

**Statutory Reference(s)**  
C.G.S. § 29-402  
C.G.S. § 29-406

**Proposal Summary**

This bill (1) supports the Governor’s and DEEP’s initiatives to promote statewide recycling efforts by creating an exemption to the demolition licensure and permitting requirements (C.G.S. § 29-402 and § 29-406) for deconstruction efforts associated with non-structural elements of a building, and for the purposes of reuse and recycling of building materials; and (2) eliminates a conflict between an existing demolition permit statute, C.G.S. § 29-406, and Public Act 14-74.

(1) Reuse & Recycling of Building Materials. DAS (including the Office of the State Building Inspector, or “OSBI”) has been working with the DEEP to assist with the Administration’s efforts to, among other things, promote reuse and recycling of building materials. As part of this effort, DAS is proposing to provide an exemption from demolition licensure and permitting for those seeking to deconstruct the non-structural elements of a building, and reuse or recycle the building materials. DAS

and OSBI view this work as outside those activities that the Demolition Code is intended to regulate, and does not believe that providing such exemption impacts or increases risk to public safety in any way.

(2) Modification to C.G.S. § 29-406(a). [PA 14-74](#), effective October 1, 2014, prohibits people from using property and casualty insurance “certificates of insurance” for specified purposes. Among other things, the Act prohibits a certificate of insurance from including a warranty that the underlying policy complies with the insurance or indemnification requirements of a contract. Additionally, the Insurance Commissioner has formally admonished insurance producers and providers against using certificates of insurance to amend, expand or alter the terms of the underlying insurance policy.

The new provisions of P.A. 14-74 impact a DCS Demolition Codes statute – C.G.S. § 29-406 – that requires that a contractor provide a certificate of insurance with “save harmless” language on it in order to get a demolition permit. This conflict has created some problems for local Building Inspectors who are looking for the save harmless language on the certificates, to be compliant with § 29-406, but cannot get it because insurance agents will not provide certificates with such language as a result of the new Public Act and the Insurance Department’s directive. In any regard, we have been told by the Insurance Department that agents *should not* be providing this language on an insurance certificate, because it is likely that the underlying policy held by the contractor in fact does *not* hold the municipality and its representatives harmless; therefore putting that language on the certificate would be fraudulent and would violate the Connecticut Unfair Insurance Practices Act (C.G.S. § 38a-816).

A legislative change to C.G.S. § 29-406 is necessary to resolve this issue. Further, DAS, through State Building Inspector, has issued guidance to local Building Officials in the interim stating that, until this statute can be revised, the Office of the State Building Inspector will not be enforcing the statutory requirement that insurance certificates include “hold harmless” language, and suggests alternative solutions.

**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? YES, Public Act 14-74.*

(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. Re: Reuse and Recycling Exemption, DEEP and the Governor’s Office have sought proposals to support the Administration’s efforts to promote reuse and recycling of building construction materials. Re: C.G.S. § 29-406 changes, towns and municipalities, local Building Officials, University of Connecticut, Insurance Department, and demolition contractors require guidance on and a solution to the existing conflict in the statutes.*

(4) *What would happen if this was not enacted in law this session? Demolition activity in the towns would be severely hindered, and may not be able to move forward at all if this issue is not resolved.*

• **Origin of Proposal**     **New Proposal**     **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?*

(2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*

(3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*

(4) *What was the last action taken during the past legislative session?*

**PROPOSAL IMPACT**

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

**Agency Name:** Insurance Department  
**Agency Contact (name, title, phone):** Jim Perras, Legislative Advisor, (860) 297-3864  
**Date Contacted:** 9/12

**Approve of Proposal**     YES     NO     Talks Ongoing

**Agency Name:** DEEP  
**Agency Contact (name, title, phone):** Rob LaFrance & Liz Mcauliffe, Legislative Staff

<b>Date Contacted:</b> 9/30/14
<b>Approve of Proposal</b> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments</b>
DOI approached DAS to help resolve this conflict; the two agencies expect to work together on this proposal during the 2015 legislative session.
<b>Will there need to be further negotiation?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

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

<b>Municipal</b> (please include any municipal mandate that can be found within legislation) No direct fiscal impact; but failure to address this conflict in the law will severely impact demolition activity throughout the state.
<b>State</b> None
<b>Federal</b> None
<b>Additional notes on fiscal impact</b>

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

<u>Re: Reuse &amp; Recycling Exemption</u> : Existing law exempts from demolition licensing a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes; those engaged in the demolition of farm buildings; those engaged in the renovation, alteration or reconstruction of a single-family residence; and others. Adding to this list those engaged in the deconstruction of non-structural elements of a building for the purposes of reuse or recycling of the building materials will promote and support the Administration's policy initiatives surrounding the reuse and recycling of building materials – elements and recommendations in the State Solid Waste Management Plan, and in the Report of the Governor's Modernizing Recycling Working Group, among others.
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Re: C.G.S. § 29-406. The conflict between the demolition permitting statute, C.G.S. § 29-406, and the insurance certificate law, P.A. 14-74, has created significant problems for local Building Inspectors who are having extreme difficulty getting the certificates they need to secure local demolition permits. This conflict, and the resulting confusion, has held up demolition and construction projects, and has caused inefficiencies in the market. Further, the conflict puts insurance producers and agents in the untenable position of seeking to meet the needs of their clients/insureds, while also complying with insurance laws – now an impossibility that requires a legislative fix.

## AAC Demolition Licensure and Demolition Permits

Section 1. Section 29-402(c) of the general statutes is repealed, and the following is substituted in lieu thereof. (*Effective upon passage*):

(c) The provisions of this section shall not apply to (1) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or in the demolition of farm buildings or in the renovation, alteration or reconstruction of a single-family residence **or in the deconstruction of non-structural building materials of a building for the purposes of reuse or recycling of such building materials**, (2) the removal of underground petroleum storage tanks, (3) the burning of a building or structure as part of an organized fire department training exercise, or (4) the demolition of a single-family residence or outbuilding by an owner of such structure if it does not exceed a height of thirty feet, provided (A) the owner shall be present on site while such demolition work is in progress and shall be held personally liable for any injury to individuals or damage to public or private property caused by such demolition, and (B) such demolition shall be permitted only with respect to buildings which have clearance from other structures, roads or highways equal to or greater than the height of the structure subject to demolition. The local building official may require additional clearance when deemed necessary for safety.

Section 2. Section 29-406(a) of the general statutes is repealed, and the following is substituted in lieu thereof. (*Effective upon passage*):

(a) No person shall demolish any building, structure or part thereof without obtaining a permit for the particular demolition undertaking from the building official of the town, city or borough wherein such building or part thereof is located. No person shall be eligible to receive a permit under this section unless such person furnishes written notice to the building official (1) of financial responsibility in the form of a certificate of insurance specifying demolition purposes and providing liability coverage for bodily injury of at least one hundred thousand dollars per person with an aggregate of at least three hundred thousand dollars, and for property damage of at least fifty thousand

dollars per accident with an aggregate of at least one hundred thousand dollars; [each such certificate shall provide that] **(2) a written declaration from the applicant saving harmless** the town or city and its agents [shall be saved harmless] from any claim or claims arising out of the negligence of the applicant or his agents or employees in the course of the demolition operations; [(2)] **(3)** in the form of a certificate of notice executed by all public utilities having service connections within the premises proposed to be demolished, stating that such utilities have severed such connections and service; and [(3)]**(4)** that he is the holder of a current valid license issued under the provisions of section 29-402, except in the case of (A) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or who is engaged in the demolition of farm buildings or **who is engaged** in the renovation, alteration or reconstruction of a single-family residence **or who is engaged in the deconstruction of non-structural building materials of a building for the purposes of reuse or recycling of such building materials**, or (B) an owner who is engaged in the demolition of a single-family residence or outbuilding, as provided in subsection (c) of section 29-402. No permit shall be issued under this section unless signed by the owner and the demolition contractor. Each such permit shall contain a printed intention on the part of the signers to comply with the provisions of this part.

## Agency Legislative Proposal - 2015 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):  
#2 - DAS - 10.01.14 - Supplier Diversity Certifications

**State Agency:**

Department of Administrative Services

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**Lead agency division requesting this proposal:**

Supplier Diversity Office (SDO), Procurement Services Division

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal**

AAC Supplier Diversity Recertification

**Statutory Reference**

C.G.S. § 4a-60(g)

**Proposal Summary**

This proposal provides discretion to DAS to extend the certification period of a Small Business Enterprise (SBE) or Minority-Owned Business Enterprise (MBE) beyond the current 2-year limit, if the company seeking certification provides a completed application to DAS before its certification expires, and DAS is not able to act on the application prior to expiration of the certification period. This proposal ensures that companies seeking to do business with the state and municipalities as SBEs and MBEs have the opportunity to continue to bid on contract opportunities utilizing their certifications and are not harmed as a result of the state's inability to timely process their applications.

The duties of the DAS Supplier Diversity Office (SDO) include the certification of MBE and SBE firms for state - and in many cases, municipal - contracting set-aside opportunities. This certification function includes a detailed review of each applicant's organization, personnel, management and other credentials to determine



if the applicant is eligible for certification in accordance with the statutory criteria outlined in § 4a-60g of the Connecticut General Statutes. The SDO is tremendously understaffed, resulting in a significant backlog of new applications and renewal applications.

Currently, by statute, each certification is valid for up to two years. If a company in good faith submits a renewal application to the SDO prior to the expiration of its 2-year certification, but the SDO is not able to act upon it until after the company's current certification expires, the company is at risk of harm because it will not be legally able to bid on state and municipal SBE and MBE set-aside contract opportunities until after it is re-certified. This proposal prevents harm to companies in these instances, by allowing the SDO the discretion to extend a company's certification – for a period of up to 6 months – until its renewal application can be reviewed and final determinations can be made by SDO.

DAS views this proposal as an attempt at addressing SDO's limited staffing while remaining business friendly with the small and minority businesses that rely on these certifications.

This change will also assist state contracting agencies with the opportunity to set-aside more contracts to SBEs and MBEs, and positively impact their ability to meet their set-aside goals.

## **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?* No, although the SDO receives numerous calls annually requesting expedited re-certifications for applications in the queue, to enable the companies/applicants to bid on state and municipal contract opportunities.
- (4) What would happen if this was not enacted in law this session?* SDO will continue to field calls from applicants seeking expedited review of their applications (which impact the reviews of other companies in the queue), and would and manage them on a case-by-case basis.

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

<i>If this is a resubmission, please share:</i> <i>(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?</i> <i>(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?</i> <i>(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?</i> <i>(4) What was the last action taken during the past legislative session?</i>
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**PROPOSAL IMPACT**

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

Agency Name: N/A Agency Contact (name, title, phone): Date Contacted:  Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

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

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

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

Please see summary above.

## **An Act Concerning Supplier Diversity Recertification**

Subsection (k) of section 4a-60 of general statutes is repealed and the following is substituted in lieu thereof. (*Effective July 1, 2015*):

(k) On or before January 1, 2000, the Commissioner of Administrative Services shall establish a process for certification of small contractors and minority business enterprises as eligible for set-aside contracts. Each certification shall be valid for a period not to exceed two years [.] **unless the Commissioner of Administrative Services determines that an extension is warranted, not to exceed six months from the expiration date of the current certification.** Any paper application for certification shall be no longer than six pages. The Department of Administrative Services shall maintain on its web site an updated directory of small contractors and minority business enterprises certified under this section.

**Agency Legislative Proposal - 2015 Session**

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):  
#3 - DAS - 10.01.14 - Construction Services Advertising

**State Agency:**  
Department of Administrative Services

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**Lead agency division requesting this proposal:**  
Division of Construction Services

**Agency Analyst/Drafter of Proposal:**  
Terrence Tulloch-Reid

**Title of Proposal**  
An Act Regarding Advertising of State Construction Contract Opportunities

**Statutory Reference(s)**  
C.G.S. § 4b-24 (b)  
C.G.S. § 4b-57  
C.G.S. §4b-103

**Proposal Summary**

This bill eliminates newspaper advertisement requirements from the Division of Construction Services' construction bidding and notification processes, and requires posting of these contract opportunities on the State Contracting Portal. These changes will save agency time and state money, will ensure 24/7/365 statewide access to construction contracting opportunities, and will streamline agency processing of these notifications. These changes will also make the construction contracting statutes consistent with the requirements of C.G.S. § 4e-13, which require all such contract opportunities to be posted on the Portal, and with other state contracting statutes that require posting on the State Contracting Portal only.

These changes should be seamless for the contracting community, since construction contract opportunities have been posted on the Portal for several years. Additionally, this change was made in 2009 to § 4b-91 of the general statutes, which applies to

design-bid-build projects, and Construction Managers at Risk (CMRs) have been using the State Contracting Portal to advertise for sub-bids since at least 2009. Therefore, the contracting community is well aware that they need to utilize the Portal for notice of these opportunities. This same change – eliminating newspaper advertising and requiring posting on the Portal – was also made in 2009 to § 4a-57, the DAS goods and services contracting statute.

## 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?* Not necessary, but advisable. The State Contracting Portal has been actively used for contracting opportunities for at least a decade (and for construction-related contracts since 2008/09), the Portal works well, and vendors seeking contracts with the State are very familiar with it. C.G.S. § 4e-13 requires that all state contract opportunities be posted on the Portal. Additionally, many agencies have eliminated the separate requirement to post these opportunities in newspapers, i.e. § 4a-57 (DAS goods and services contracts); § 4b-91 (DCS Design-Bid-Build Contracts); UConn; and, we believe, Legislative Management.
- (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?* No.
- (4) *What would happen if this was not enacted in law this session?* DCS would continue to expend funds on a communication tool that is outdated and obsolete.

Origin of Proposal

New Proposal

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?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

**PROPOSAL IMPACT**

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

Agency Name: N/A 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)

<b>Municipal</b> (please include any municipal mandate that can be found within legislation) None
<b>State</b> Minimal savings. DAS spent \$ 7,567 in FY 13 and \$4,211 in FY 14 on newspaper advertisements for these contract opportunities.
<b>Federal</b> None
<b>Additional notes on fiscal impact</b>

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

Please see summary above.
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**An Act Regarding Advertising of State Construction Contract Opportunities**

Section 1. Subsection (b) of section 4b-24b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(b) The commissioner may designate projects to be accomplished on a total cost basis for (1) new facilities to provide for the substantial space needs of a requesting agency, (2) the installation of mechanical or electrical equipment systems in existing state facilities, or (3) the demolition of any state facility that the commissioner is authorized to demolish under the general statutes. If the commissioner designates a project as a designated total cost basis project, the commissioner may enter into a single contract with a private developer which may include such project elements as site acquisition, architectural design and construction. The commissioner shall select a private developer from among the developers who are selected and recommended by the award panels established in this subdivision. All contracts for such designated projects shall be based on competitive proposals received by the commissioner, who shall give notice of such project, and specifications for the project, by advertising[, at least once, in a newspaper having a substantial circulation in the area in which such project is to be located] **on the State Contracting Portal**. No contract which includes the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state for which the total cost is estimated to be more than five hundred thousand dollars may be awarded to a person who is not prequalified for the work in accordance with section 4a-100. The commissioner shall determine all other requirements and conditions for such proposals and awards and shall have sole responsibility for all other aspects of such contracts. Such contracts shall state clearly the responsibilities of the developer to deliver a completed and acceptable product on a date certain, the maximum cost of the project and, as a separate item, the cost of site acquisition, if applicable. No such contract may be entered into by the commissioner without the prior approval of the State Properties Review Board and unless funding has been authorized pursuant to the general statutes or a public or special act.

Section 2. Subsection (a) of section 4b-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) Whenever consultant services are required by the commissioner in fulfilling the responsibilities under section 4b-1, and in the case of each project, the commissioner shall invite responses from such firms by [advertisements inserted at least once in one or more newspapers having a circulation in each county in the state] **on the State Contracting Portal** except that the commissioner may receive consultant services under a contract entered into pursuant to subsection (d) of section 4b-51. The commissioner shall prescribe, by regulations adopted in accordance with chapter 54, the advance notice required for, the manner of submission, and conditions and requirements of, such responses.

Section 3. Subsection (b) of section 4b-103 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(b) 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.



**Agency Legislative Proposal - 2015 Session**

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):  
#4 - DAS - 10.01.14 - Surplus Process Tech Fix

**State Agency:**  
Department of Administrative Services

<b>Liaison:</b>	Terrence Tulloch-Reid	Andrea Keilty
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**Lead agency division requesting this proposal:**  
Property and Facilities Management

**Agency Analyst/Drafter of Proposal:**  
Andrea Keilty

**Title of Proposal**  
An Act Making Technical Modifications to the Surplus Property Disposition Statute

**Statutory Reference**  
C.G.S. 4b-21(i)

**Proposal Summary**

[P.A. 13-263](#) was offered by DAS and approved by the Legislature on behalf of the Facilities and Property Management staff to streamline and improve the process by which the state sells surplus real property. The current proposal clarifies subsection (i) of PA 13-263 (and the underlying statute, § 4b-21), as it has been interpreted to not have the effect that the parties intended when proposing the 2013 revisions.

The language at issue relates to the phase in the surplus property disposition process whereby the Commissioner of DAS must notify and request approval from the GAE and Finance Committees on the purchase and/or sale agreement. Each Committee statutorily has 30 days to review the proposed sale, and hold a public meeting to vote to approve or disapprove the sale. Alternatively, one or both of the Committees may decide that a meeting and vote is not necessary, and “waive” the right to convene a meeting (this is common, particularly with small parcels of real property for which the State no longer has a need). In order to expedite a very long surplus property disposition process, it was the parties’ intent that, should a Committee “waive” its

right to hold a meeting, in writing, prior to the expiration of 30 days, DAS could proceed to the next step in the property disposition process, without waiting for the full 30 days to expire.

Recently, the Assistant Attorney General that supports DAS's property unit has advised that the language in § 4b-21 still requires DAS to wait 30 days even if legislative committees notify us earlier, in writing, that no hearing is necessary and there is no opposition to moving forward with the sale of the property. As a result, we are proposing a technical clarification to address this matter.

### 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?* No, this is a DAS process-improvement issue.
- (4) *What would happen if this was not enacted in law this session?* DAS would need to wait the 30 days before proceeding with the sale/purchase agreement, and sales would be delayed. As stated, most of these properties are typically smaller parcels on which the Committees state that they don't see a need for a meeting; therefore we'd like to make the disposition process more efficient by allowing the process to move forward once DAS receives these notices from the legislative Committees.

**Origin of Proposal**

**New Proposal**

**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?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

**PROPOSAL IMPACT**

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

Agency Name: N/A 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)

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

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

Please see above. This proposal will enable DAS to complete its statutory responsibilities more efficiently and effectively.
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## **An Act Making Technical Modifications to the Surplus Property Disposition Statute**

Section 4b-21 of the general statutes is repealed, and the following is substituted in lieu thereof. (*Effective July 1, 2015*):

(i) Upon approval of the proposed action of the Commissioner of Administrative Services by said secretary and board, said commissioner shall request approval of such action by the joint standing committees of the General Assembly having cognizance of matters relating to state revenue and the purchase and sale of state property and facilities. Each committee shall have not more than thirty days from the date such request is received to convene a meeting to vote to approve or disapprove such action or to notify the Commissioner of Administrative Services, in writing, that it is waiving its right to convene a meeting. If such request is withdrawn, altered, amended or otherwise changed, said commissioner shall resubmit such request, and each committee shall have not more than thirty days from the date of such resubmittal to convene a meeting to vote to approve or disapprove such action or to notify the Commissioner of Administrative Services, in writing, that it is waiving its right to convene a meeting. If a committee does not act on a request or the resubmittal of a request, as the case may be, within such thirty-day period, **or in writing waives its right to convene a meeting prior to the expiration of such thirty-day period,** the request shall be deemed to be approved by the committee.

## Agency Legislative Proposal - 2015 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):  
#5 - DAS - 10.01.14 - Colocation of Child Care Facilities

**State Agency:**  
Department of Administrative Services

<b>Liaison:</b> Terrence Tulloch-Reid	Andrea Keilty
Phone: (860) 713-5085	(860) 713-5267
E-mail: <a href="mailto:Terrence.reid@ct.gov">Terrence.reid@ct.gov</a>	<a href="mailto:andrea.keilty@ct.gov">andrea.keilty@ct.gov</a>

**Lead agency division requesting this proposal:**  
Division of Construction Services  
Facilities and Property Management

**Agency Analyst/Drafter of Proposal:**  
Terrence Tulloch-Reid

**Title of Proposal**  
An Act Concerning Child Care Facilities in State Buildings

**Statutory Reference**  
C.G.S. § 17b-739

**Proposal Summary**

The newly created Office of Early Childhood reached out to DAS to inquire about the agency impacts of Section 31 of [Public Act 14-39](#). This section revises an existing requirement that whenever DAS constructs, acquires, is gifted or makes major renovations to space that accommodates 300 or more state employees, DAS must notify Early Childhood (instead of DSS) to assess child care service needs. Additionally, if it is determined that there is a need for child care services for employees in the building, the statute requires that DAS set aside adequate space for a child care facility in the building.

DAS and DSS have not complied with C.G.S. § 17b-739 since that statute was codified in 1989. DAS has never utilized this assessment tool and DSS has confirmed that they have never utilized these provisions.

DAS proposes repeal of C.G.S. § 17b-739 for the following reasons:

- State and Federal guidelines regarding the best practices/recommendations for

locating a child care facility indicate that with regard to space accommodation (both inside and required outside space), child safety and security measures, needed proximity from traffic, and creating the most preferred and desirable environment for children, **it is not practical nor advisable to** collocate child care facilities in state office buildings.

- While the federal government doesn't mandate to States on construction design, they have done the most comprehensive research on government facilities as a result of the Oklahoma Federal Building Bombing, 9/11, and other incidents impacting Homeland Security. The federal government has greater requirements for security if a child care facility is located within a building that is federally owned. Based on the response from a Homeland Security contact, there has been a movement to not locate child care facilities in federal buildings.
- Complying with the provisions of this statute would add significant cost to state building renovations, and impedes state efforts to maximize state-owned facilities for needed office space.

## 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?* YES. Due to increased security and space requirements for child care facilities, in addition to some national tragedies (Oklahoma Federal Bombing, 9/11), co-location of child care facilities within government buildings is not practical or advisable from a public safety standpoint. In addition, applying these measures to DAS processes would increase the costs of construction and property acquisition.
- (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?* OEC and the Governor's Office (Erin Smith) asked DAS for comment on C.G.S. 17b-739 as a result of the OEC legislation. Our research indicates that this statute is obsolete.
- (4) *What would happen if this was not enacted in law this session?* DAS and now OEC will continue to be out of compliance with this statute.

- **Origin of Proposal**       **New Proposal**       **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?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

## **PROPOSAL IMPACT**

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

**Agency Name:** Office of Early Childhood; formerly DSS

**Agency Contact (name, title, phone):** Maggie Adair; Director Govt Relations

**Date Contacted:** 9/12/14

**Approve of Proposal**     **YES**     **NO**     **Talks Ongoing**

### **Summary of Affected Agency's Comments**

Maggie Adair spoke with Commissioner Jones-Taylor regarding DAS' request to repeal this statute; the agency supports the repeal of C.G.S. § 17-739.

Heather Rossi at DSS stated that this provision is no longer under DSS's authority, but confirmed that to the best of the agency's recollection, they have not previously complied with this statute.

**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**

Cost Avoidance

**Federal**

None

Additional notes on fiscal impact

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

Please see above.

### **An Act Concerning Child Care Facilities in State Buildings**

Section 1. Section 17b-739 of the general statutes is repealed. (*Effective July 1, 2015*).



## Agency Legislative Proposal - 2015 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):  
#6 - DAS - 10.01.14 - IT Revolving Funds

**State Agency:**  
Department of Administrative Services

<b>Liaison:</b>	Terrence Tulloch-Reid	Andrea Keilty
<b>Phone:</b>	(860) 713-5085	(860) 713-5267
<b>E-mail:</b>	<a href="mailto:Terrence.reid@t.gov">Terrence.reid@t.gov</a>	<a href="mailto:andrea.keilty@ct.gov">andrea.keilty@ct.gov</a>

**Lead agency division requesting this proposal:**  
DAS Business Office

**Agency Analyst/Drafter of Proposal:**  
Andrea Keilty

**Title of Proposal**  
An Act Updating IT Revolving Fund Statutes

**Statutory Reference(s)**  
C.G.S. § 4d-9  
C.G.S. § 4d-10

**Proposal Summary**

This proposal updates § 4d-9 – the Technical Services Revolving Fund – to ensure the statute properly reflects the current use of the Fund, and to conform the review procedures associated with the Fund with existing practice. The proposal also addresses a finding raised by the Auditors of Public Accounts in DAS’s most recent draft audit report regarding an obsolete fund in the DAS statutes, § 4d-10 (Capital Equipment Data Processing Revolving Fund), which DAS proposes to repeal.

C.G.S. § 4d-9

§ 4d-9 established the Technical Services Revolving Fund. The statute provides that the fund is “for the purchase, installation and utilization of information systems for budgeted agencies.” The statute further provides that the Commissioner of DAS and the Secretary of the Office of Policy Management shall be jointly responsible for administration of this fund, and that DAS and OPM shall develop appropriate review procedures and accountability standards for the fund and measures for determining

the performance of the fund.

Since 2010, the purposes of this Fund have changed. The Fund now includes expenditures and revenues associated with Inmate Payphone Commission, the Telephone Billing Management System funded through the telecommunications surcharge, some pass through IT expenditures and statewide e-licensing/permitting issuance services. As a result, the statute should be updated to reflect the fund's current purpose.

Additionally, the Auditors of Public Accounts have recently cited DAS for non-compliance with the statute, stating that review procedures and accountability standards have not been developed. In fact, these expenditures and related revenues are subject to regular review by the agency, specifically GAAP, CAFR, SWCAP reports provided annually by the Office of State Comptroller and regular pay phone revenue reports provided annually to the Judicial Department, Department of Corrections, and OPM. To address the Auditor's finding, DAS seeks a modification to the statute to conform the review procedures associated with the Fund with existing practice.

C.G.S. § 4d-10

§ 4d-10 established the Capital Equipment Data Processing Revolving Fund. This fund has not been active since 2009. DAS agrees with the Auditors' finding and recommendation that we request the repeal of this statute, since it is obsolete.

**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)?* No
- (3) *Have certain constituencies called for this action?* The Auditors of Public Accounts
- (4) *What would happen if this was not enacted in law this session?* DAS would remain out of compliance on these Auditors findings.

• **Origin of Proposal**

**New Proposal**

**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?*
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) What was the last action taken during the past legislative session?*

**PROPOSAL IMPACT**

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

Agency Name: N/A 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)

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

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

Please see summary above.
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## **An Act Updating IT Revolving Fund Statutes**

Section 1. Section 4d-9 of general statutes is repealed and the following is substituted in lieu thereof. (*Effective July 1, 2015*):

There shall be a Technical Services Revolving Fund in the Department of Administrative Services for the purchase, installation and utilization of information systems, as defined in section 4d-1, **and telecommunications and related expenses** for budgeted agencies of the state. The Commissioner of Administrative Services and the Secretary of the Office of Policy and Management shall jointly be responsible for the administration of said fund. **Such fund shall be subject to regular review by the commissioner and the secretary through generally accepted accounting principles reporting, and via comprehensive annual financial report (CAFR) review conducted by the auditors of public accounts.** [Said commissioner and secretary shall develop appropriate review procedures and accountability standards for said fund and measures for determining the performance of the fund in carrying out the purposes of this part.]

Section 2. Section 4d-10 of general statutes is repealed. (*Effective July 1, 2015*).

## Agency Legislative Proposal - 2015 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc):  
#7 - DAS - 10.01.14 - FOIA Update

<b>State Agency:</b> Department of Administrative Services	
<b>Liaison:</b> Terrence Tulloch-Reid Phone: (860) 713-5085 E-mail: <a href="mailto:Terrence.reid@ct.gov">Terrence.reid@ct.gov</a>	Andrea Keilty (860) 713-5267 <a href="mailto:andrea.keilty@ct.gov">andrea.keilty@ct.gov</a>
<b>Lead agency division requesting this proposal:</b> Communications	
<b>Agency Analyst/Drafter of Proposal:</b> Andrea Keilty	

<b>Title of Proposal</b> An Act Regarding DAS Training on the Freedom of Information Act
<b>Statutory Reference(s)</b> C.G.S. § 1-205 (e)
<b>Proposal Summary</b> <p>This bill eliminates the requirement that DAS conduct training, at least annually, on Freedom of Information Act access to and disclosure of “computer-stored public records.” The FOI Commission has statutory responsibility to conduct training, at least annually, on FOIA matters generally.</p> <p>This reference to DAS and special training requirements for “computer-stored public records” has been in the statutes since 1975. In our current climate of information technology, there is nothing special about “computer stored records” to warrant special mention of DAS in the statute. DAS can and will continue to be available to work with FOIC on the trainings that the Commission conducts, but FOIC should be in control of the topics for their annual trainings.</p> <p>DAS has consulted with the FOI Commission regarding this proposal, and they are in support of deleting this reference to DAS.</p>

**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?* Unknown

(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?* No

(4) *What would happen if this was not enacted in law this session?* DAS would remain cited in a process that should really be solely within FOIA's purview.

• **Origin of Proposal**      **New Proposal**      **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?*

(2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*

(3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*

(4) *What was the last action taken during the past legislative session?*

**PROPOSAL IMPACT**

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

**Agency Name:** Freedom of Information Commission  
**Agency Contact (name, title, phone):** Colleen Murphy, Executive Director, (860) 566-5682  
**Date Contacted:** 8/21/14

**Approve of Proposal:**    YES      NO      Talks Ongoing

**Summary of Affected Agency's Comments**  
FOIA has no problem with DAS's proposed amendment. FOIC may be proposing additional legislative changes to eliminate inapplicable and/or outdated statutory references.

**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)

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

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

Please see summary above.
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## **An Act Regarding DAS Training on the Freedom of Information Act**

Section 1-205(e) of the general statutes is repealed, and the following is substituted in lieu thereof. (*Effective July 1, 2015*):

(e) The Freedom of Information Commission [, and the Department of Administrative Services with respect to access to and disclosure of computer-stored public records,] shall conduct training sessions, at least annually, for members of public agencies for the purpose of educating such members as to the requirements of sections 1-7 to 1-14, inclusive, 1-16 to 1-18, inclusive, 1-200 to 1-202, inclusive, 1-205, 1-206, 1-210 to 1-217, inclusive, 1-225 to 1-232, inclusive, 1-240, 1-241 and 19a-342.