



Substitute House Bill No. 5172

Public Act No. 22-39

AN ACT CONCERNING REEMPLOYMENT AND THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM, CONVEYANCES OF CERTAIN LAND OR INTERESTS IN LAND OF NONPROFIT CORPORATIONS AND STATE CONTRACTOR PREQUALIFICATION.

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

Section 1. Section 7-438 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Any member retired under this part who again accepts employment from [this] the state or from any municipality of [this] the state other than a participating municipality, shall continue to receive his or her retirement allowance while so employed, and shall be eligible to participate, and shall be entitled to credit, in the state retirement system for the period of such state employment, but [any such member] he or she shall not be eligible to participate or be entitled to credit in any municipal retirement system for the period of such municipal employment.

(b) If a member is retired under this part and again accepts employment from the same municipality from which he or she was retired or any other participating municipality, he or she shall be eligible to participate, and shall be entitled to credit, in the municipal employees'

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retirement system for the period of such municipal employment. Such member shall receive no retirement allowance while so employed except if (1) such employment is for less than twenty hours per week, [or] (2) his or her services are rendered for not more than ninety working days in any one calendar year, provided [that] any member reemployed for a period of more than ninety working days in one calendar year shall reimburse the Municipal Employees' Retirement Fund for retirement income payments received during such ninety working days, or (3) such member does not participate in the municipal employees' retirement system during the period of his or her reemployment.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, if a uniformed member of a paid municipal fire department or regular member of a paid municipal police department is retired under this part and subsequently accepts employment in a public safety position from any school district or regional school district, which district is a participating municipality, he or she shall continue to receive his or her retirement allowance while so subsequently employed, but he or she shall not be eligible to further participate or be entitled to additional credit in the municipal employees' retirement system for the period of such subsequent employment.

Sec. 2. Subsection (h) of section 8-214d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(h) (1) On and after June 2, 2016, until January 1, [2017] 2023, the Commissioner of Housing may make a determination, based upon a full examination of the circumstances, that a nonprofit corporation is unable to develop or manage the land or interests in land acquired with state financial assistance under this section. Upon such a determination, the commissioner may (A) cause title to the land or interests in land acquired with state financial assistance under this section to vest in the state by foreclosure, voluntary transfer or other similar voluntary or

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compulsory action, [and the commissioner may take any action that is in the best interests of the state to convey, upon] or (B) approve the conveyance of such land or such interests in land by such nonprofit corporation, with concurring approval of the Secretary of the Office of Policy and Management. [, such land or interests in land, including, but not limited to, (A) transferring, or authorizing] An approval of the conveyance of land or interests in land pursuant to subparagraph (B) of this subdivision may (i) authorize the transfer of [,] the land or interests in land to the low and moderate income families that reside on such land, [(B) determining whether any restrictions in the deed or deeds for the land or interests in land shall be modified or removed prior to conveying such land or interests in land and authorizing such modifications or removals, or (C) establishing] and (ii) establish such terms and conditions for such conveyance as the commissioner deems appropriate under each particular transaction, including, but not limited to, determining whether any restrictions in the deed or deeds for the land or interests in land shall be modified, removed or released upon such conveyance.

(2) The commissioner shall authorize the conveyance of land or interests in land under subdivision (1) of this subsection in no more than [one location] two locations within the city of Middletown.

Sec. 3. Subsection (c) of section 4a-100 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

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

(1) The applicant's form of organization;

(2) The applicant's principals and key personnel and any names under which the applicant, principals or key personnel conducted

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business during the past five years;

(3) Any legal or administrative proceedings settled or concluded adversely against the applicant or any of the applicant's principals or key personnel within the past five years which relate to the procurement or performance of any public or private construction contract;

(4) Any legal or administrative proceedings concluded adversely against the applicant or any of the applicant's principals or key personnel within the past five years which relate to the nonpayment or underpayment of wages or benefits to the applicant's, principal's or key personnel's employees during the performance of any public or private construction contract;

(5) Any administrative proceedings that concluded adversely against the applicant during the past five years with the imposition of any civil penalties pursuant to section 31-69a or the issuance of any stop work orders pursuant to section 31-288;

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

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

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

Sec. 4. Subdivision (2) of subsection (k) of section 4a-100 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(2) The commissioner shall deny or revoke the prequalification of any contractor or substantial subcontractor if the commissioner finds that the contractor or substantial subcontractor, or a principal or key personnel of such contractor or substantial subcontractor, within the past five years (A) has included any materially false statement in a prequalification application or update statement, (B) has withheld any information or documentation required in a prequalification application, (C) has been convicted of, entered a plea of guilty or nolo contendere for, or admitted to, a crime related to the procurement or performance of any public or private construction contract, or [(C)] (D) has otherwise engaged in fraud in obtaining or maintaining prequalification. Any revocation made pursuant to this subsection shall be made only after an opportunity for a hearing. Any contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subsection shall be disqualified for a period of two years after which the contractor or substantial subcontractor may reapply for prequalification, except that a contractor or substantial subcontractor whose prequalification has been revoked on the basis of conviction of a crime or engaging in fraud shall be disqualified for a period of five years after which the contractor or substantial subcontractor may reapply for prequalification. The commissioner shall not prequalify a contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subdivision until the expiration of said two-year, five-year, or other applicable disqualification period and the commissioner is satisfied that the matters that gave rise to the revocation have been eliminated or remedied.

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Sec. 5. Subsection (d) of section 4b-91 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(d) Each bid submitted for a contract described in subsection (c) of this section shall include an update statement in such form as the Commissioner of Administrative Services prescribes and, if required by the public agency soliciting such bid, a copy of the prequalification certificate issued by the Commissioner of Administrative Services. The form for such update statement shall provide space for information regarding all projects completed by the bidder since the date the bidder's prequalification certificate was issued or renewed, all projects the bidder currently has under contract, including the percentage of work on such projects not completed, the names and qualifications of the personnel who will have supervisory responsibility for the performance of the contract, any significant changes in the bidder's financial position or corporate structure since the date the certificate was issued or renewed, any change in the contractor's qualification status as determined by the provisions of subdivision [(6)] (7) of subsection (c) of section 4a-100, as amended by this act, and such other relevant information as the Commissioner of Administrative Services prescribes. Any public agency that accepts a bid submitted without a copy of such prequalification certificate, if required by such public agency soliciting such bid, and an update statement, may become ineligible for the receipt of funds related to such bid, except the public agency soliciting such bids may allow bidders no more than two business days after the opening of bids to submit a copy of the prequalification certificate, if required by such public agency, and an update statement.