



Senate

General Assembly

File No. 91

February Session, 2000

Substitute Senate Bill No. 165

Senate, March 17, 2000

The Committee on Program Review and Investigations reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Implementing The Recommendations Of The Program Review And Investigations Committee Concerning Government Performance Measurement.

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

1 Section 1. (NEW) The Secretary of the Office of Policy and
2 Management shall establish a program for the purpose of measuring
3 the performance of all budgeted state agencies. The secretary shall: (1)
4 Assure that each budgeted state agency develops biennially a strategic
5 business plan that (A) identifies the relevant benchmarks defined by
6 the Connecticut Progress Council pursuant to section 4-67r of the
7 general statutes, and (B) includes goals, objectives, and performance
8 measures for each program, service and state grant administered or
9 provided by the agency; (2) assure that the goals, objectives, and
10 performance measures included in each budgeted state agency's
11 strategic business plan address performance information needs
12 identified by the joint standing committees of the General Assembly

13 having cognizance of matters relating to appropriations and
14 government administration and elections, and the joint standing
15 committee having cognizance of matters relating to the agency; (3)
16 assure that each budgeted state agency collects data on the
17 performance measures and benchmarks included in the agency's
18 strategic business plan; (4) assure that an annual report is prepared by
19 each budgeted state agency on the programs, services and state grants
20 administered or provided by the agency based on an analysis of the
21 benchmark and performance measurement data included in the
22 agency's strategic business plan and, beginning September 1, 2002, and
23 annually thereafter, assure that such report is submitted to the
24 Program Review and Investigations Committee; and (5) assure that the
25 Program Review and Investigations Committee and the joint standing
26 committees of the General Assembly having cognizance of matters
27 relating to appropriations and government administration and
28 elections, and the joint standing committee having cognizance of
29 matters relating to the agency have access to the benchmark and
30 performance measurement data.

31 Sec. 2. Subsection (a) of section 2-53g of the general statutes is
32 repealed and the following is substituted in lieu thereof:

33 (a) The Legislative Program Review and Investigations Committee
34 shall: (1) Direct its staff and other legislative staff available to the
35 committee to conduct program reviews and investigations to assist the
36 General Assembly in the proper discharge of its duties; (2) establish
37 policies and procedures regarding the printing, reproduction and
38 distribution of its reports; (3) review staff reports submitted to the
39 committee and, when necessary, confer with representatives of the
40 state departments and agencies reviewed in order to obtain full and
41 complete information in regard to programs, other activities and
42 operations of the state, and may request and shall be given access to
43 and copies of, by all public officers, departments, agencies and
44 authorities of the state and its political subdivisions, such public

45 records, data and other information and given such assistance as the
46 committee determines it needs to fulfill its duties. Any statutory
47 requirements of confidentiality regarding such records, data and other
48 information, including penalties for violating such requirements, shall
49 apply to the committee, its staff and its other authorized
50 representatives in the same manner and to the same extent as such
51 requirements and penalties apply to any public officer, department,
52 agency or authority of the state or its political subdivisions. The
53 committee shall act on staff reports and recommend in its report, or
54 propose, in the form of a raised committee bill, such legislation as may
55 be necessary to modify current operations and agency practices; (4)
56 consider and act on requests by legislators, legislative committees,
57 elected officials of state government and state department and agency
58 heads for program reviews. The request shall be submitted in writing
59 to the Program Review and Investigations Committee and shall state
60 reasons to support the request. The decision of the committee to grant
61 or deny such a request shall be final; (5) conduct investigations
62 requested by joint resolution of the General Assembly, or, when the
63 General Assembly is not in session, (A) requested by a joint standing
64 committee of the General Assembly or initiated by a majority vote of
65 the Program Review and Investigations Committee and approved by
66 the Joint Committee on Legislative Management, or (B) requested by
67 the Joint Standing Committee on Legislative Management. In the event
68 two or more investigations are requested, the order of priority shall be
69 determined by the Legislative Program Review and Investigations
70 Committee; (6) retain, within available appropriations, the services of
71 consultants, technical assistants, research and other personnel
72 necessary to assist in the conduct of program reviews and
73 investigations; (7) originate, and report to the General Assembly, any
74 bill it deems necessary concerning a program, department or other
75 matter under review or investigation by the committee, in the same
76 manner as is prescribed by rule for joint standing committees of the
77 General Assembly; [and] (8) review audit reports after issuance by the

78 Auditors of Public Accounts, evaluate and sponsor new or revised
79 legislation based on audit findings, provide means to determine
80 compliance with audit recommendations and receive facts concerning
81 any unauthorized, illegal, irregular or unsafe handling or expenditures
82 of state funds under the provisions of section 2-90; (9) analyze and
83 comment on the annual reports submitted to the committee pursuant
84 to section 1 of this act; (10) analyze and comment on the performance
85 and benchmark data obtained pursuant to section 1 of this act; and (11)
86 beginning January 1, 2003, and annually thereafter, distribute reports
87 and data submitted by the Secretary of the Office of Policy and
88 Management with the committee's comments on the reports and data
89 to the joint standing committees of the General Assembly having
90 cognizance of matters relating to appropriations and government
91 administration and elections, and the joint standing committee having
92 cognizance of matters relating to the agency.

93 Sec. 3. (NEW) Whenever the Auditors of Public Accounts conduct
94 an audit pursuant to section 2-90 of the general statutes, the auditors
95 shall determine if: (1) The strategic business plan required under
96 section 1 of this act is current; (2) the strategic business plan required
97 under section 1 of this act contains all the required elements; (3) the
98 data pertaining to the performance measures and benchmarks
99 required by section 1 of this act are being collected; and (4) the data
100 being collected are reliable and valid.

101 Sec. 4. Not later than one hundred eighty days after the effective
102 date of this section, the Secretary of the Office of Policy and
103 Management shall establish a schedule whereby each budgeted state
104 agency shall biennially develop a strategic business plan pursuant to
105 section 1 of this act. The schedule established by the Secretary of the
106 Office of Policy and Management shall require at least twenty per cent
107 of the budgeted state agencies to develop such a plan by July 1, 2002,
108 and shall require that not later than July 1, 2005, all budgeted state
109 agencies are biennially developing such strategic business plans.

110 Sec. 5. Section 17a-2 of the general statutes is repealed and the
111 following is substituted in lieu thereof:

112 (a) There shall be a Department of Children and Families which
113 shall be a single budgeted agency consisting of the institutions,
114 facilities programs now existing within the department, any programs
115 and facilities transferred to the department, and such other
116 institutions, facilities and programs as may hereafter be established by
117 or transferred to the department by the General Assembly.

118 (b) Said department shall constitute a successor department to the
119 Department of Children and Youth Services, for the purposes of
120 sections [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, as
121 amended, 4a-16, 5-259, as amended, 7-127c, 8-206d, 10-8a, 10-15d, 10-
122 76d, as amended, 10-76h, 10-76i, 10-76w, 10-76g, 10-94g, 10-253, 17-86a,
123 17-294, 17-409, as amended, 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1
124 to 17a-89, inclusive, as amended, 17a-90 to 17a-209, inclusive, as
125 amended, 17a-218, 17a-277, 17a-450, as amended, 17a-458, 17a-463, 17a-
126 474, 17a-560, 17a-511, as amended, 17a-634, 17a-646, 17a-659, 18-69, 18-
127 69a, 18-87, 19a-78, 19a-125, 19a-216, 20-14i, 20-14j, 31-23, 31-306a, 38a-
128 514, as amended, 45a-591 to 45a-705, inclusive, as amended, 45a-706 to
129 45a-770, inclusive, as amended, 46a-28, 46a-126, 46b-15 to 46b-19,
130 inclusive, as amended, 46b-120 to 46b-159, inclusive, as amended, 54-
131 56d, 54-142k, 54-199, 54-203, as amended, and in accordance with the
132 provisions of sections 4-38d and 4-39.

133 (c) Whenever the words "Commissioner of Children and Youth
134 Services", "Department of Children and Youth Services", or "Council
135 on Children and Youth Services" are used in sections [2c-2b,] 4-5, 4-38c,
136 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, as amended, 4a-16, 5-259, as
137 amended, 7-127c, 8-206d, 10-8a, 10-15d, 10-76d, as amended, 10-76h,
138 10-76i, 10-76w, 10-94g, 10-253, 17-86a, 17-294, 17-409, as amended, 17-
139 437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive, as
140 amended, 17a-90 to 17a-209, inclusive, as amended, 17a-218, 17a-277,

141 17a-450, as amended, 17a-458, 17a-463, 17a-474, 17a-511, as amended,
142 17a-634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-125, 19a-216,
143 20-14i, 20-14j, 31-23, 31-306a, 38a-514, as amended, 45a-591 to 45a-705,
144 inclusive, as amended, 45a-706 to 45a-770, inclusive, as amended, 46a-
145 28, 46a-126, 46b-15 to 46b-19, inclusive, as amended, 46b-120 to 46b-
146 159, inclusive, as amended, 54-56d, 54-142k, 54-199, 54-203, as
147 amended, the words "Commissioner of Children and Families",
148 "Department of Children and Families", and "Council on Children and
149 Families" shall be substituted respectively in lieu thereof.

150 Sec. 6. Section 17a-247a of the general statutes is repealed and the
151 following is substituted in lieu thereof:

152 As used in sections 17a-247b to 17a-247e, inclusive: [, and
153 subdivision (31) of subsection (a) of section 2c-2b:]

154 (1) "Abuse" means the wilful infliction by an employee of physical
155 pain or injury or the wilful deprivation of services necessary to the
156 physical and mental health and safety of a department client.

157 (2) "Authorized agency" means any agency authorized in
158 accordance with the general statutes to conduct abuse and neglect
159 investigations and responsible for issuing or carrying out protective
160 services for persons with mental retardation.

161 (3) "Commissioner" means the Commissioner of Mental Retardation.

162 (4) "Department" means the Department of Mental Retardation.

163 (5) "Department client" means a person who is eligible for, and
164 receives services or funding from, the department.

165 (6) "Employee" means any individual employed (A) by the
166 department, or (B) by an agency, organization or individual that is
167 licensed or funded by the department.

168 (7) "Employer" means (A) the department, or (B) an agency,
169 organization or individual that is licensed or funded by the
170 department.

171 (8) "Neglect" means the failure by an employee, through action or
172 inaction, to provide a department client with the services necessary to
173 maintain [his] the client's physical and mental health and safety.

174 (9) "Protective services" has the meaning assigned to it in section
175 46a-11a.

176 (10) "Registry" means a centralized data base containing information
177 regarding substantiated abuse or neglect.

178 (11) "Substantiated abuse or neglect" means a determination by an
179 authorized agency, following an investigation conducted or monitored
180 by such agency, that (A) abuse or neglect of a department client has
181 occurred, or (B) there has been a criminal conviction of a felony or
182 misdemeanor involving abuse or neglect.

183 Sec. 7. Subsection (a) of section 17a-450a of the general statutes, as
184 amended by section 56 of public act 99-284, is repealed and the
185 following is substituted in lieu thereof:

186 (a) The Department of Mental Health and Addiction Services shall
187 constitute a successor department to the Department of Mental Health.
188 Whenever the words "Commissioner of Mental Health" are used or
189 referred to in the following general statutes, the words "Commissioner
190 of Mental Health and Addiction Services" shall be substituted in lieu
191 thereof and whenever the words "Department of Mental Health" are
192 used or referred to in the following general statutes, the words
193 "Department of Mental Health and Addiction Services" shall be
194 substituted in lieu thereof: [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4a-12, as
195 amended, 4a-16, 5-142, 8-206d, 10-19, 10-71, as amended, 10-76d, as
196 amended, 13b-38n, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218, 17a-246, 17a-

197 450, as amended, 17a-451, as amended, 17a-452, 17a-453, 17a-454, 17a-
198 455, 17a-456, 17a-457, 17a-458, 17a-459, as amended, 17a-460, 17a-463,
199 17a-464, 17a-465, 17a-466, 17a-467, 17a-468, 17a-470, 17a-471, 17a-472,
200 17a-473, as amended, 17a-474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-
201 481, 17a-482, 17a-483, 17a-484, 17a-498, as amended, 17a-499, 17a-502,
202 17a-506, 17a-510, 17a-511, as amended, 17a-512, 17a-513, 17a-519, 17a-
203 528, as amended, 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-581,
204 17a-582, 17a-675, 17b-28, as amended, 17b-222, 17b-223, 17b-225, 17b-
205 359, 17b-420, 17b-694, as amended, 19a-82, 19a-495, 19a-498, 19a-507a,
206 19a-507c, 19a-576, 19a-583, 20-14i, 20-14j, 21a-240, as amended, 21a-301,
207 22a-224, 27-122a, 31-222, 38a-514, as amended, 46a-28, 51-51o, 52-146h
208 and 54-56d.

209 Sec. 8. Subsection (b) of section 17a-456 of the general statutes is
210 repealed and the following is substituted in lieu thereof:

211 (b) Whenever the term "Board of Mental Health" is used or referred
212 to in the following sections of the general statutes, the term "Board of
213 Mental Health and Addiction Services" shall be substituted in lieu
214 thereof: [2c-2b,] 17a-457, 17a-460, 17a-467, 17a-473, as amended, 17a-
215 564.

216 Sec. 9. Section 19a-13 of the general statutes is repealed and the
217 following is substituted in lieu thereof:

218 As used in [subsection (a) of section 2c-2b,] this chapter and
219 chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388,
220 inclusive, 398 and 399 unless the context otherwise requires:

221 (1) "Certificate" includes the whole or part of any Department of
222 Public Health permit which the department is authorized by the
223 general statutes to issue and which further: (A) Authorizes practice of
224 the profession by certified persons but does not prohibit the practice of
225 the profession by others, not certified; (B) prohibits a person from
226 falsely representing that [he] the person is certified to practice the

227 profession unless the person holds a certificate issued by the
228 department; (C) requires as a condition to certification that a person
229 submit specified credentials to the department which attest to
230 qualifications to practice the profession;

231 (2) "Emerging occupation or profession" means a group of health
232 care providers whose actual or proposed duties, responsibilities and
233 services include functions which are not presently regulated or
234 licensed or which are presently performed within the scope of practice
235 of an existing licensed or otherwise regulated health occupation or
236 profession;

237 (3) "License" includes the whole or part of any Department of Public
238 Health permit, approval or similar form of permission required by the
239 general statutes and which further requires: (A) Practice of the
240 profession by licensed persons only; (B) that a person demonstrate
241 competence to practice through an examination or other means and
242 meet certain minimum standards; (C) enforcement of standards by the
243 department or regulatory board or commission;

244 (4) "Public member" means an elector of the state who has no
245 substantial financial interest in, is not employed in or by, and is not
246 professionally affiliated with, any industry, profession, occupation,
247 trade or institution regulated or licensed by the board or commission
248 to which [he] the elector is appointed, and who has had no
249 professional affiliation with any such industry, profession, occupation,
250 trade or institution for three years preceding [his] the elector's
251 appointment to the board or commission;

252 (5) "Registration" means the required entry upon a list maintained
253 by the Department of Public Health of the name of a practitioner or the
254 address of a place where a practice or profession subject to the
255 provisions of [subsection (a) of section 2c-2b,] this chapter and chapters
256 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive,
257 398 and 399 may be engaged in;

258 (6) "Complaint" means a formal statement of charges issued by the
259 Department of Public Health.

260 Sec. 10. Subdivision (4) of subsection (a) of section 19a-14 of the
261 general statutes is repealed and the following is substituted in lieu
262 thereof:

263 (4) Adopt, with the advice and assistance of the appropriate board
264 or commission, and in accordance with chapter 54, any regulations
265 which are consistent with protecting the public health and safety and
266 which are necessary to implement the purposes of [subsection (a) of
267 section 2c-2b,] this chapter [,] and chapters 368v, 369 to 375, inclusive,
268 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399.

269 Sec. 11. Sections 2c-1, 2c-2b, as amended, and 2c-3 to 2c-12,
270 inclusive, of the general statutes are repealed.

271 Sec. 12. This act shall take effect July 1, 2000.

PRI Committee Vote: Yea 12 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost

Affected Agencies: Office of Policy and Management, Legislative Management, Auditors of Public Accounts

Municipal Impact: None

Explanation

State Impact:

The bill requires the Office of Policy and Management (OPM) to establish a program for measuring the performance of all budgeted state agencies. It also establishes duties for the Legislative Program Review and Investigations Committee and the Auditors of Public Accounts regarding agency compliance. In total, it is anticipated that these agencies will require \$437,000 for eight positions, \$19,000 in equipment and Other Expenses of \$1.2 million for consultant services. The cost information by individual agency is provided below.

OPM will require additional resources to undertake the development of performance measures and to monitor agency compliance. It is anticipated that five Management Analyst positions with a total annual cost of \$300,000 and \$ 15,000 for equipment will be needed. The agency has indicated that it may also require consultant services at a cost of approximately \$1.2 million.

The Auditors of Public Accounts will have a cost associated with determining whether an agency's strategic business plan is current and complete. Two Auditor 1 positions will be needed at a salary of \$40,000 each. Two computers will also be needed at a total cost of \$4,000.

The Legislative Program Review and Investigations Committee will have a cost pertaining to analyzing and commenting on agency annual reports. The committee will also be reviewing agency performance and benchmark data. The committee needs a Legislative Analyst position to handle these responsibilities at a salary of \$57,087.

The bill makes other technical changes that have no fiscal impact.

OLR Bill Analysis

sSB 165

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING GOVERNMENT PERFORMANCE MEASUREMENT.**SUMMARY:**

This bill requires each budgeted state agency to develop a biennial strategic business plan under a performance measurement program and schedule that the Office of Policy and Management (OPM) secretary must establish. It requires them to prepare an annual report on programs, services, and state grants. The Legislative Program Review and Investigations Committee (LPRIC) must analyze and comment on the annual reports, as well as on agency performance and benchmark data, and forward reports from OPM to other legislative committees, along with its comments. When the auditors of public accounts conduct an agency audit, they must check for compliance with the bill's strategic business plan requirements.

The bill also repeals the Connecticut Sunset Law.

EFFECTIVE DATE: July 1, 2000

STRATEGIC BUSINESS PLANS

Under the program for measuring agency performance, the OPM secretary must assure the following with respect to each agency strategic business plan.

1. It identifies the Connecticut Progress Council's relevant benchmarks and includes goals, objectives, and performance measures for each program, service, and state grant it administers or provides.
2. It addresses the performance information needs for goals, objectives, and performance measures that the Appropriations and

Government Administration and Elections (GAE) committees and the appropriate committees of cognizance identify.

OPM must also assure that each agency (1) collects the appropriate data for inclusion in the plan and (2) prepares an annual report on its programs, services, and state grants that analyzes the performance measurement and benchmark data from its strategic business plan. Beginning September 1, 2002, the agency must submit each annual report to LPRIC. OPM must also assure that LPRIC, Appropriations, GAE, and the committees of cognizance have access to the data.

By December 28, 2000, OPM must develop a schedule by which agencies must adopt their plans. At least 20% of state agencies must develop their plans by July 1, 2002; with all agencies phased in by July 1, 2005.

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The bill adds to LPRIC's duties by requiring it to:

1. analyze and comment on the agencies' annual reports;
2. analyze and comment on the performance measurement and benchmark data; and
3. forward (by January each year) the reports and data it receives from OPM with its comments to Appropriations, GAE, and the appropriate committee of cognizance for each agency.

AUDITORS OF PUBLIC ACCOUNTS

In connection with its regular agency audits, the auditors must also determine whether an agency's strategic business plan is current and complete, with reliable and valid data.

SUNSET LAW

The bill repeals the legislative review process, known as "sunset," established in 1977 as part of a state government reorganization.

Under its provisions, licensing, regulatory, and other state agencies and programs are reviewed and terminated unless the General Assembly takes action to modify, combine, or continue them. The next five-year round of sunset reviews is scheduled to begin before terminations set for July 1, 2003.

BACKGROUND

Current Performance Measurements

The Connecticut Progress Council must develop a long-range vision for the state and establish benchmarks to measure progress toward achieving this vision. Biennially, the council submits the benchmarks to OPM and the General Assembly for use in developing and reviewing the state budget (CGS § 4-67r).

OPM, in consultation with state agencies, must develop biennial goals and objectives and quantifiable outcome measures for every agency program, service, and grant and annually submit a report concerning such matters to the legislature. OPM must include an evaluation of the progress of budgeted agencies in achieving benchmarks established by the progress council (CGS § 4-67m).

The governor's biennial budget request must include, among other things, information on state agency programs, resources, objectives, and performance measures (CGS § 4-73).

COMMITTEE ACTION

Program Review and Investigations Committee

Joint Favorable Substitute Report

Yea 12 Nay 0