



General Assembly

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Amendment

LCO No. 4127

HB0543904127SR0

Offered by:
SEN. MCKINNEY, 28th Dist.

To: House Bill No. 5439

File No. 182

Cal. No. 380

"AN ACT CONCERNING THE CHIEF STATE'S ATTORNEY."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2004*) (a) On and after July 1,
4 2005, there shall be an Office of the Inspector General which shall act to
5 detect and prevent fraud, waste and abuse in the management of state
6 personnel, in the use and disposition of public property, and in the
7 collection, disbursement and expenditure of state and federal funds
8 administered by state or local governmental agencies. The Office of the
9 Inspector General shall also evaluate the economy, efficiency and
10 effectiveness of state agencies in the performance of their delegated
11 duties and functions.

12 (b) Not later than July 1, 2005, the Inspector General shall be
13 appointed by the Auditors of Public Accounts in accordance with this
14 subsection. A committee consisting of the president pro tempore of the
15 Senate, the speaker of the House of Representatives, the minority

16 leaders of the Senate and the House of Representatives, the
17 cochairpersons and ranking members of the joint standing committee
18 of the General Assembly having cognizance of matters relating to
19 government administration and the cochairpersons of the Legislative
20 Program Review and Investigations Committee shall submit to the
21 Auditors of Public Accounts the names of three candidates for
22 appointment to the position of Inspector General. The Auditors of
23 Public Accounts shall appoint one of such candidates to be Inspector
24 General with the advice and consent of the General Assembly. The
25 Auditors of Public Accounts, within ninety days of the submission to
26 them by the committee of the candidates for appointment, shall make
27 such appointment, provided if the auditors fail to make such
28 appointment within said period the committee by majority vote shall
29 make such appointment. The Inspector General shall be appointed on
30 the basis of integrity and competence demonstrated in appropriate
31 fields. The Inspector General shall hold office for a term of five years
32 and until the appointment of a successor, unless sooner removed for
33 just cause by the Auditors of Public Accounts. Such cause may include,
34 but shall not be limited to, material neglect of duty, gross misconduct
35 or conviction of a felony.

36 Sec. 502. (NEW) (*Effective October 1, 2004*) (a) The Office of the
37 Inspector General established under section 501 of this act shall be an
38 independent office within the Joint Committee on Legislative
39 Management for administrative purposes only.

40 (b) Not later than July 1, 2005, there shall be established, within
41 available appropriations, a system for the coordination of efforts
42 between the Office of the Inspector General and officials performing
43 similar duties and internal auditing functions within the various state
44 and local agencies. Such system may include continuing training
45 programs for professional development, the adoption of standard
46 guidelines and procedures and the organization of a communications
47 network within the system. The internal auditors and support staff
48 within the agencies shall remain assigned to such agencies but, on and
49 after July 1, 2005, shall have their annual internal audit program

50 approved by the Inspector General.

51 (c) On and after July 1, 2005, the Inspector General may:

52 (1) Adopt regulations, in accordance with chapter 54 of the general
53 statutes, to implement the provisions of sections 501 to 504, inclusive,
54 of this act; and

55 (2) Employ necessary staff, within available appropriations.

56 Sec. 503. (NEW) (*Effective October 1, 2004*) (a) On and after July 1,
57 2005, the Inspector General shall: (1) Conduct preemptive inspections,
58 inquiries and investigations relating to programs and operations
59 involving the collection, administration or expenditure of public funds,
60 the use or disposition of state owned or leased property or the
61 management practices and regulatory or statutory compliance of state
62 agencies; (2) have access to all records, data and material maintained
63 by or available to any governmental agency; and (3) have access to all
64 records, data and material maintained by or available to any person or
65 organization involved in the collection, expenditure or administration
66 of public funds, control of state owned or leased property or
67 management of state employees.

68 (b) The Inspector General may make application to a panel of three
69 Superior Court judges, appointed by the Chief Court Administrator,
70 for the issuance of a subpoena whenever such subpoena is necessary in
71 order to obtain information which is not otherwise available and
72 which is needed in the performance of the Inspector General's duties
73 under subsection (a) of this section. Any person aggrieved by the
74 issuance of a subpoena by the Inspector General may petition the
75 Superior Court for relief.

76 Sec. 504. (NEW) (*Effective October 1, 2004*) (a) The Inspector General
77 may make recommendations to the Governor, the General Assembly
78 and to the Legislative Program Review and Investigations Committee
79 concerning the prevention and detection of fraud, waste and abuse,
80 including recommendations concerning legislation and regulations or

81 the coordination of preventative measures by governmental and
82 nongovernmental entities. The Inspector General may assist or request
83 assistance from any governmental agency, state employee or person or
84 organization collecting or expending public funds or controlling state
85 owned or leased property.

86 (b) On and after July 1, 2005, the Inspector General shall report
87 findings of fact along with any recommendations: (1) To the Chief
88 State's Attorney or the State Ethics Commission, when there is a
89 reasonable belief that a state law has been or is being violated; (2) to
90 the Attorney General, when there is a reasonable belief that civil
91 recovery proceedings are appropriate; (3) to the United States
92 Attorney, when there is a reasonable belief that a federal law has been
93 or is being violated or when civil recovery is appropriate; and (4) to the
94 appropriate municipal authority when there is a reasonable belief that
95 civil recovery proceedings are appropriate.

96 (c) On or before July 1, 2006, and annually thereafter, the Inspector
97 General shall submit a report concerning the activities of the office to
98 the Governor, the joint standing committees of the General Assembly
99 having cognizance of matters relating to government administration
100 and appropriations and the budgets of state agencies and the
101 Legislative Program Review and Investigations Committee. The
102 Inspector General may make such other reports as the Inspector
103 General deems appropriate.

104 (d) All records of the Office of the Inspector General relating to
105 actual or potential inspections, or inquiries or investigations shall be
106 confidential and shall not be public records under the Freedom of
107 Information Act, as defined in section 1-200 of the general statutes,
108 until such time as all such audits or investigations have been
109 concluded and all criminal and civil actions arising from the records
110 have been finally adjudicated or otherwise settled or to such extent as
111 may be deemed appropriate by the Inspector General in the
112 performance of the Inspector General's duties, whichever is earlier.
113 Records which are otherwise public documents shall not be deemed

114 confidential solely because they have been transferred to the custody
115 of the Inspector General. Where there are statutory requirements of
116 confidentiality with regard to such records, books, data, files and other
117 material printed or otherwise, maintained by a state agency, such
118 requirements of confidentiality and penalties for the violation of such
119 requirements shall apply to the Inspector General and to the Inspector
120 General's agents in the same manner and to the same extent as such
121 requirements of confidentiality and penalties apply to such state
122 agency.

123 Sec. 505. Section 2-90 of the general statutes, as amended by section
124 232 of public act 03-6 of the June 30 special session, is repealed and the
125 following is substituted in lieu thereof (*Effective October 1, 2004*):

126 (a) The Auditors of Public Accounts shall organize the work of their
127 office in such manner as they deem most economical and efficient and
128 shall determine the scope and frequency of any audit they conduct.

129 (b) Said auditors, with the Comptroller, shall, at least annually and
130 as frequently as they deem necessary, audit the books and accounts of
131 the Treasurer, including, but not limited to, trust funds, as defined in
132 section 3-13c, and certify the results to the Governor. The auditors
133 shall, at least annually and as frequently as they deem necessary, audit
134 the books and accounts of the Comptroller and certify the results to the
135 Governor. They shall examine and prepare certificates of audit with
136 respect to the financial statements contained in the annual reports of
137 the Treasurer and Comptroller, which certificates shall be made part of
138 such annual reports. In carrying out their responsibilities under this
139 section, said auditors may retain independent auditors to assist them.

140 (c) Said auditors shall audit, on a biennial basis if deemed most
141 economical and efficient, or as frequently as they deem necessary, the
142 books and accounts of each officer; department; commission, including
143 the Connecticut Commission on Arts, Tourism, Culture, History and
144 Film; board and court of the state government; all institutions
145 supported by the state and all public and quasi-public bodies, politic

146 and corporate, created by public or special act of the General Assembly
147 and not required to be audited or subject to reporting requirements,
148 under the provisions of chapter 111. Each such audit may include an
149 examination of performance in order to determine effectiveness in
150 achieving expressed legislative purposes. The auditors shall report
151 their findings and recommendations to the Governor, the State
152 Comptroller, the joint standing committee of the General Assembly
153 having cognizance of matters relating to appropriations and the
154 budgets of state agencies, and the Legislative Program Review and
155 Investigations Committee.

156 (d) The Auditors of Public Accounts may enter into such contractual
157 agreements as may be necessary for the discharge of their duties. Any
158 audit or report which is prepared by a person, firm or corporation
159 pursuant to any contract with the Auditors of Public Accounts shall
160 bear the signature of the person primarily responsible for the
161 preparation of such audit or report. As used in this subsection, the
162 term "person" means a natural person.

163 (e) If the Auditors of Public Accounts discover, or if it should come
164 to their knowledge, that any unauthorized, illegal, irregular or unsafe
165 handling or expenditure of state funds or any breakdown in the
166 safekeeping of any resources of the state has occurred or is
167 contemplated, they shall forthwith present the facts to the Governor,
168 the State Comptroller, the clerk of each house of the General Assembly,
169 the Legislative Program Review and Investigations Committee, [and]
170 the Attorney General and, on and after July 1, 2005, the Inspector
171 General. Any Auditor of Public Accounts neglecting to make such a
172 report, or any agent of the auditors neglecting to report to the Auditors
173 of Public Accounts any such matter discovered by [him] the auditor or
174 coming to [his] the auditor's knowledge shall be fined not more than
175 one hundred dollars or imprisoned not more than six months, or both.

176 (f) All reports issued or made pursuant to this section shall be
177 retained in the offices of the Auditors of Public Accounts for a period
178 of not less than five years. The auditors shall file one copy of each such

179 report with the State Librarian.

180 (g) Each state agency shall keep its accounts in such form and by
181 such methods as to exhibit the facts required by said auditors and, the
182 provisions of any other general statute notwithstanding, shall make all
183 records and accounts available to them or their agents, upon demand.

184 (h) Where there are statutory requirements of confidentiality with
185 regard to such records and accounts or examinations of
186 nongovernmental entities which are maintained by a state agency,
187 such requirements of confidentiality and the penalties for the violation
188 thereof shall apply to the auditors and to their authorized
189 representatives in the same manner and to the same extent as such
190 requirements of confidentiality and penalties apply to such state
191 agency. In addition, the portion of any audit or report prepared by the
192 Auditors of Public Accounts that concerns the internal control
193 structure of a state information system shall not be subject to
194 disclosure under the Freedom of Information Act, as defined in section
195 1-200."