



General Assembly

**Substitute Bill No. 570**

January Session, 2007

\* SB00570HS 032207 \*

**AN ACT CONCERNING LEGISLATIVE OVERSIGHT OF  
CONSTRUCTION OR CLOSURE OF RESIDENTIAL FACILITIES  
OPERATED BY THE DEPARTMENT OF CHILDREN AND FAMILIES.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) Prior to January 1, 2009,  
2 no state agency, including, but not limited to, the Department of  
3 Children and Families, may close a residential facility operated by the  
4 Department of Children and Families without obtaining prior  
5 legislative approval in accordance with this section.

6 (b) To obtain such legislative approval, the state agency shall file a  
7 plan with the clerks of the House of Representatives and the Senate.  
8 The plan shall include details about (1) the proposed closure and any  
9 proposed new facility for residents displaced by the closure; (2) the  
10 number of residents and staff affected by the proposed closure and the  
11 number of potential residents of any proposed new facility; (3) the  
12 associated costs of the proposed closure and any proposed new  
13 facility; (4) statutory changes necessary to implement the closure or  
14 construction of a proposed new facility; and (5) the planned use, if any,  
15 of the facility's land and buildings after the closure.

16 (c) Not later than five days after receiving the plan, the clerks of the  
17 House of Representatives and the Senate shall refer the plan to the  
18 joint standing committee of the General Assembly having cognizance

19 of matters relating to human services. Not later than thirty days after  
20 receiving the plan, the committee shall hold a joint public hearing on  
21 the plan with the select committee of the General Assembly having  
22 cognizance of matters relating to children. The committees shall seek  
23 input from other committees or members of the General Assembly.  
24 Not later than five days after the hearing, (1) the committees shall each  
25 hold a roll-call vote to approve or reject the plan, in whole, and (2) the  
26 joint standing committee of the General Assembly having cognizance  
27 of matters relating to human services shall report the plan and a record  
28 of each committee's vote to the General Assembly.

29 (d) The General Assembly may approve or reject the plan, in whole,  
30 by a majority vote of each house. If the plan is submitted when the  
31 General Assembly is not in session, the plan shall be deemed rejected if  
32 the General Assembly fails to convene to consider the plan by the  
33 thirtieth day after the day it received the plan from the committee.

34 (e) Notwithstanding the provisions of this section, in the event that  
35 the head of a state agency or the Commissioner of Children and  
36 Families certifies, in writing, to the Governor, the speaker of the House  
37 of Representatives and the president pro tempore of the Senate that the  
38 closure of a residential facility operated by the Department of Children  
39 and Families is immediately required due to an emergency situation  
40 that endangers the health, welfare or safety of the residents or staff of  
41 such facility, the head of such agency or the Commissioner of Children  
42 and Families may take whatever actions deemed necessary to  
43 immediately close such facility and transfer the residents of such  
44 facility to alternative residential placements. The head of a state agency  
45 or the Commissioner of Children and Families shall, to the extent  
46 feasible, provide the required written notice prior to the closure of  
47 such facility and such writing shall specifically set forth all facts that  
48 the head of the state agency or the commissioner has relied on in  
49 making the determination to close the facility. In the event that a  
50 residential facility is permanently closed pursuant to the provisions of  
51 this subsection, the speaker of the House of Representatives and the  
52 president pro tempore of the Senate may elect to submit the

