



General Assembly

Substitute Bill No. 570

January Session, 2007

* SB00570LM 042607 *

**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 General
5 Assembly approval in accordance with this section.

6 (b) To obtain such General Assembly approval, the state agency
7 shall file a plan with the clerks of the House of Representatives and the
8 Senate. The plan shall include details about (1) the proposed closure
9 and any proposed new facility for residents displaced by the closure;
10 (2) the number of residents and staff affected by the proposed closure
11 and the number of potential residents of any proposed new facility; (3)
12 the 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 shall vote on the plan and may approve
30 or reject the plan, in whole, by a majority vote of each house. If the
31 plan is submitted when the General Assembly is not in session, the
32 plan shall be deemed rejected if the General Assembly fails to convene
33 to consider the plan by the thirtieth day after the day it received the
34 plan from the committee.

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

53 president pro tempore of the Senate may elect to submit the
54 determination that such residential facility is to be permanently closed
55 for General Assembly approval in accordance with the provisions of
56 this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

LM *Joint Favorable Subst.*