



General Assembly

January Session, 2007

Raised Bill No. 1315

LCO No. 4725

04725_____HED

Referred to Committee on Higher Education and Employment
Advancement

Introduced by:
(HED)

**AN ACT CONCERNING THE FACULTY AT PUBLIC INSTITUTIONS OF
HIGHER EDUCATION AND REVISIONS TO VARIOUS HIGHER
EDUCATION STATUTES.**

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

1 Section 1. Subsection (a) of section 4-67x of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) [(1)] There shall be a Child Poverty and Prevention Council
5 consisting of the following members or their designees: The Secretary
6 of the Office of Policy and Management, the president pro tempore of
7 the Senate, the speaker of the House of Representatives, the minority
8 leader of the Senate and the minority leader of the House of
9 Representatives, the Commissioners of Children and Families, Social
10 Services, Correction, Mental Retardation, Mental Health and Addiction
11 Services, Transportation, Public Health, Education, Economic and
12 Community Development and Health Care Access, the Labor
13 Commissioner, the Chief Court Administrator, the [Chairman]
14 chairperson of the Board of Governors [for] of Higher Education, the

15 Child Advocate, the chairperson of the Children's Trust Fund and the
16 executive directors of the Commission on Children and the
17 Commission on Human Rights and Opportunities. The Secretary of the
18 Office of Policy and Management, or the secretary's designee, shall be
19 the chairperson of the council. The council shall (1) develop and
20 promote the implementation of a ten-year plan, to begin June 8, 2004,
21 to reduce the number of children living in poverty in the state by fifty
22 per cent, and (2) within available appropriations, establish prevention
23 goals and recommendations and measure prevention service outcomes
24 in accordance with this section in order to promote the health and
25 well-being of children and families.

26 Sec. 2. Section 20-37a of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective from passage*):

28 (a) For purposes of this section:

29 (1) "Council on Natureopathic Medical Education" or "council"
30 means the Council on Natureopathic Medical Education or its
31 successor organization; and

32 (2) "Licensed faculty members" means faculty members or
33 instructors licensed in this or another jurisdiction in the area of practice
34 in which they are providing clinical instruction.

35 (b) Notwithstanding the requirements of section 20-37, no license to
36 practice natureopathic medicine is required of:

37 (1) Students enrolled in a college or program of natureopathic
38 medicine if (A) the college or program is recognized by the Council on
39 Natureopathic Medical Education or licensed or accredited by the
40 Board of Governors [for] of Higher Education, and (B) the practice that
41 would otherwise require a license is pursuant to a course of instruction
42 or assignments from an instructor and under the supervision of the
43 instructor; or

44 (2) Licensed faculty members providing the didactic and clinical

45 training necessary to meet the accreditation standards of the Council
46 on Natureopathic Medical Education at a college or program
47 recognized by the council or licensed or accredited by the Board of
48 Governors [for] of Higher Education.

49 (c) A college or program of natureopathic medicine approved
50 pursuant to section 20-37 may include within its curriculum such
51 didactic and clinical training necessary for such college or program to
52 qualify for accreditation by the Council on Natureopathic Medical
53 Education, including such training that is outside the scope of the
54 practice of natureopathy, as defined in section 20-34. Students and
55 licensed faculty members of such college or program may perform all
56 procedures that are part of the curriculum of such college or program,
57 provided such procedures are incidental to the course of study at such
58 college or program and the student conducting such procedures is
59 under the direct supervision of a faculty member who is licensed to
60 perform such procedures in this state.

61 Sec. 3. Subsection (i) of section 20-206bb of the general statutes is
62 repealed and the following is substituted in lieu thereof (*Effective from*
63 *passage*):

64 (i) Notwithstanding the provisions of subsection (a) of this section,
65 no license to practice acupuncture is required of: (1) Students enrolled
66 in a college or program of acupuncture if (A) the college or program is
67 recognized by the Accreditation Commission for Acupuncture and
68 Oriental Medicine or licensed or accredited by the Board of Governors
69 [for] of Higher Education, and (B) the practice that would otherwise
70 require a license is pursuant to a course of instruction or assignments
71 from a licensed instructor and under the supervision of the instructor;
72 or (2) licensed faculty members providing the didactic and clinical
73 training necessary to meet the accreditation standards of the
74 Accreditation Commission for Acupuncture and Oriental Medicine at
75 a college or program recognized by the commission or licensed or
76 accredited by the Board of Governors [for] of Higher Education. For

77 purposes of this subsection, "licensed faculty member" and "licensed
78 instructor" means a faculty member or instructor licensed under this
79 section or otherwise authorized to practice acupuncture in this state.

80 Sec. 4. Subsection (a) of section 10a-22b of the general statutes is
81 repealed and the following is substituted in lieu thereof (*Effective from*
82 *passage*):

83 (a) No person, board, association, partnership, corporation, limited
84 liability company or other entity shall offer instruction in any form or
85 manner in any trade [] or in any industrial, commercial, service,
86 professional or other occupation unless such person, board,
87 association, partnership, corporation, limited liability company or
88 other entity first receives from the commissioner a certificate
89 authorizing the occupational instruction to be offered.

90 Sec. 5. Subsection (f) of section 10a-22b of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective from*
92 *passage*):

93 (f) The evaluation team appointed pursuant to subsection (e) of this
94 section shall: (1) Conduct an on-site inspection; (2) submit a written
95 report outlining any evidence of noncompliance; (3) give the school
96 sixty days from the date of the report to provide evidence of
97 compliance; and (4) submit to the commissioner a written report
98 recommending authorization or nonauthorization not later than one
99 hundred twenty days after the on-site inspection. The evaluation team
100 shall determine whether (A) the quality and content of each course or
101 program of instruction, including, but not limited to, residential, on-
102 line, home study and correspondence, training or study shall
103 reasonably and adequately achieve the stated objective for which such
104 course or program is offered; (B) the school has adequate space,
105 equipment, instructional materials and personnel for the instruction
106 offered; (C) the qualifications of directors, administrators, supervisors
107 and instructors shall reasonably and adequately assure that students
108 receive education consistent with the stated objectives for which a

109 course or program is offered; (D) students and other interested persons
110 shall be provided with a catalog or similar publication describing the
111 courses and programs offered, course and program objectives, length
112 of courses and programs, schedule of tuition, fees and all other charges
113 and expenses necessary for completion of the course or program, and
114 termination, withdrawal and refund policies; (E) upon satisfactory
115 completion of the course or program, each student shall be provided
116 appropriate educational credentials by the school; (F) adequate records
117 shall be maintained by the school to show attendance and grades, or
118 other indicators of student progress, and standards shall be enforced
119 relating to attendance and student performance; (G) the applicant
120 school shall be financially sound and capable of fulfilling its
121 commitments to students; and (H) any student housing owned, leased,
122 rented or otherwise maintained by the applicant school shall be safe
123 and adequate. The evaluation team may also indicate in its report such
124 recommendations as may improve the operation of the applicant
125 school.

126 Sec. 6. Section 10a-44a of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective from passage*):

128 Each publisher of college textbooks shall make available to a
129 prospective purchaser of [their] the publisher's products who is a
130 member of the faculty of an institution of higher education (1) the price
131 at which the publisher would make the products available to the store
132 on the campus of such institution that would offer such products to
133 students, and (2) the history of revisions for such products, if any. For
134 purposes of this section, "products" means all versions of a textbook or
135 set of textbooks, except custom textbooks or special editions of
136 textbooks, available in the subject area for which a prospective
137 purchaser is teaching a course, including supplemental items, both
138 when sold together or separately from a textbook.

139 Sec. 7. Subdivision (28) of section 10a-109c of the general statutes is
140 repealed and the following is substituted in lieu thereof (*Effective from*

141 *passage*):

142 (28) "Total cost basis contract" means a construction manager at-risk
143 project delivery contract between The University of Connecticut and a
144 contractor [, as defined in subdivision (27) of this section,] to
145 accomplish multiple elements of a project, including, but not [be]
146 limited to, site acquisition, architectural design, preconstruction
147 activities, project management and construction.

148 Sec. 8. Subdivision (29) of section 10a-109c of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective from*
150 *passage*):

151 (29) "Deferred maintenance" means repair of an infrastructure or
152 structure, that was not maintained, repaired or replaced in the usual
153 course of maintenance and repair, except for repairs performed solely
154 to correct code violations that were applicable at the time of project
155 completion and were for named projects pursuant to section 10a-109e,
156 [(A)] which (A) did not meet the threshold limits, as defined in section
157 29-276b, and (B) were completed prior to July 1, 2006.

158 Sec. 9. Section 10a-109bb of the general statutes is repealed and the
159 following is substituted in lieu thereof (*Effective from passage*):

160 (a) There is established a construction management oversight
161 committee consisting of (1) four members appointed jointly by the
162 Governor, the speaker of the House of Representatives, the majority
163 leader of the House of Representatives, the minority leader of the
164 House of Representatives, the president pro tempore of the Senate, the
165 majority leader of the Senate and the minority leader of the Senate, and
166 (2) three members appointed by the Board of Trustees for The
167 University of Connecticut, who shall be members of said board. The
168 board of trustees shall replace any such committee member appointed
169 by said board [,] if such committee member's term on the board expires
170 [,] or otherwise ends. The members appointed pursuant to subdivision
171 (1) of this subsection shall have expertise in the fields of construction

172 management, architectural design or construction project
173 management. The chairperson of the committee shall be designated by
174 the board of trustees. All appointments of the initial committee shall be
175 made no later than July 20, 2006. Appointments shall be for four
176 consecutive years, except that two of the initial appointments pursuant
177 to subdivision (1) of this subsection shall be for three consecutive
178 years. Upon expiration of the initial members' terms and every four
179 years thereafter, new members shall be appointed in accordance with
180 the procedures for appointment set forth in this section. A majority of
181 the members of the committee shall constitute a quorum for the
182 conduct of business. The committee shall act by a majority vote of the
183 members. The committee shall maintain a record of its proceedings in
184 such form as it determines, provided such record indicates attendance
185 and all votes cast by each member.

186 (b) The construction management oversight committee established
187 pursuant to subsection (a) of this section shall review and approve the
188 policies and procedures developed by The University of Connecticut
189 to undertake any project of UConn 2000, as defined in subdivision (25)
190 of section 10a-109c, concerning the selection of design professionals
191 and contractors, as defined in subdivision (27) of section 10a-109c, as
192 amended by this act, contract compliance, building and fire code
193 compliance, deferred maintenance, as defined in subdivision (29) of
194 section 10a-109c, and an annual budget for such maintenance prepared
195 pursuant to section 10a-109dd, project and program budgets and
196 schedules and the authorization and review of contract changes. [Such]
197 The committee shall prepare, biennially, a summary of construction
198 performance of UConn 2000 based on reports submitted at least
199 quarterly by the construction assurance office established pursuant to
200 section 10a-109cc, and shall, upon the completion of each named
201 project pursuant to section 10a-109e, conduct a review of the
202 university's management of such project for its conformance with the
203 applicable policies and procedures governing construction undertaken
204 pursuant to section 10a-109n. Such review of completed projects shall
205 incorporate information, including, but not limited to, that which is

206 derived from reviews of the reports submitted at least quarterly by the
207 construction assurance office, in accordance with section 10a-109cc.

208 (c) The construction management oversight committee established
209 pursuant to subsection (a) of this section shall, upon completion of
210 each assessment, summary [] and review conducted pursuant to this
211 section, submit such [assessments, summaries, and reviews]
212 assessment, summary and review to the Board of Trustees for The
213 University of Connecticut. The board shall initially review each such
214 assessment, summary [] and review without the presence of
215 university staff members.

216 Sec. 10. Subsection (a) of section 31-31l of the general statutes is
217 repealed and the following is substituted in lieu thereof (*Effective from*
218 *passage*):

219 (a) The Labor Commissioner, in consultation with the
220 Commissioner of Economic and Community Development and the
221 Commissioner of Education, shall, within available appropriations,
222 establish and operate the Twenty-First Century Skills Training
223 Program, the purposes of which shall be to: (1) Sustain high growth
224 occupation and economically vital industries identified by such
225 commissioners; and (2) assist workers in obtaining skills to start or
226 move up their career [ladder] ladders. Such job training program may
227 include training designed to increase the basic skills of employees,
228 including, but not limited to, training in written and oral
229 communication, mathematics or science, or training in technical and
230 technological skills and such other training as such commissioners
231 determine is necessary to meet the needs of the employer. No more
232 than five per cent of the appropriation for the program may be used
233 for administrative purposes.

234 Sec. 11. (NEW) (*Effective October 1, 2007*) Notwithstanding any
235 provision of the general statutes, a member of the faculty or faculty
236 bargaining unit of an institution of higher education in the state shall
237 not be subject to the provisions of chapter 10, Part I of the general

238 statutes, and may enter into outside consulting agreements or engage
239 in research projects with private entities provided the board of trustees
240 having jurisdiction of such institution of higher education adopts a
241 code of ethics for such faculty member and approves policies to ensure
242 that such faculty member is not using state resources or his or her state
243 position improperly, is not using the institution's proprietary
244 information, does not have an interest which is in substantial conflict
245 with the proper discharge of his or her duties or employment and has
246 the permission of the institution to associate the institution with such
247 private entities. Such policy shall include a process for the
248 management of consulting agreements and any potential conflicts of
249 interest. Not later than February 15, 2008, and annually thereafter, each
250 institution shall submit, in accordance with section 11-4a of the general
251 statutes, to the joint standing committee of the General Assembly
252 having cognizance of matters relating to higher education a report
253 summarizing such consulting agreements and research projects for the
254 preceding calendar year. The internal audit office of such institution
255 shall assess compliance with the adopted policies and report to the
256 board of trustees.

257 Sec. 12. Section 10a-109z of the general statutes is repealed and the
258 following is substituted in lieu thereof (*Effective July 1, 2007*):

259 The Board of Trustees for The University of Connecticut shall select
260 and appoint independent auditors, as defined in subdivision (7) of
261 section 4-230, to annually conduct an audit of any project of UConn
262 2000, as defined in subdivision (25) of section 10a-109c. Such audit
263 shall review [all] invoices, expenditures, cost allocations and other
264 appropriate documentation in order to reconcile [all] project costs and
265 verify conformance with project budgets, cost allocation agreements
266 and applicable contracts. The Board of Trustees for The University of
267 Connecticut shall ensure that the auditors have unfettered access to
268 any documentation the auditors need to review any such project. The
269 auditors appointed pursuant to this section may serve in such capacity
270 for five consecutive years and shall not be reappointed at the

271 expiration of such period. Any such auditor appointed pursuant to this
 272 section shall not perform any nonaudit services for the university
 273 during such period.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4-67x(a)
Sec. 2	<i>from passage</i>	20-37a
Sec. 3	<i>from passage</i>	20-206bb(i)
Sec. 4	<i>from passage</i>	10a-22b(a)
Sec. 5	<i>from passage</i>	10a-22b(f)
Sec. 6	<i>from passage</i>	10a-44a
Sec. 7	<i>from passage</i>	10a-109c(28)
Sec. 8	<i>from passage</i>	10a-109c(29)
Sec. 9	<i>from passage</i>	10a-109bb
Sec. 10	<i>from passage</i>	31-31l(a)
Sec. 11	<i>October 1, 2007</i>	New section
Sec. 12	<i>July 1, 2007</i>	10a-109z

Statement of Purpose:

To make technical corrections to the general statutes and to allow faculty members in state institutions of higher education to collaborate on projects that support research, business development and consulting by exempting such faculty members from certain provisions of the state ethics code.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]