



General Assembly

Substitute Bill No. 1315

January Session, 2007

* _____SB01315HED__031307_____*

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2 repealed and the following is substituted in lieu thereof (*Effective from*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 Section 20-37a of the general statutes is repealed and the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 31-311 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. Subsection (i) of section 1-84 of the general statutes is
235 repealed and the following is substituted in lieu thereof (*Effective*
236 *October 1, 2007*):

237 (i) No public official or state employee or member of the official or
238 employee's immediate family or a business with which he is associated
239 shall enter into any contract with the state, valued at one hundred
240 dollars or more, other than a contract of employment as a state
241 employee, or a contract with a public institution of higher education to
242 support a collaboration with such institution to develop and
243 commercialize any invention or discovery, or pursuant to a court
244 appointment, unless the contract has been awarded through an open
245 and public process, including prior public offer and subsequent public
246 disclosure of all proposals considered and the contract awarded. In no
247 event shall an executive head of an agency, as defined in section 4-166,
248 including a commissioner of a department, or an executive head of a

249 quasi-public agency, as defined in section 1-79, or the executive head's
250 immediate family or a business with which he is associated enter into
251 any contract with that agency or quasi-public agency. Nothing in this
252 subsection shall be construed as applying to any public official who is
253 appointed as a member of the executive branch or as a member or
254 director of a quasi-public agency and who receives no compensation
255 other than per diem payments or reimbursement for actual or
256 necessary expenses, or both, incurred in the performance of the public
257 official's duties unless such public official has authority or control over
258 the subject matter of the contract. Any contract made in violation of
259 this subsection shall be voidable by a court of competent jurisdiction if
260 the suit is commenced not later than one hundred eighty days after the
261 making of the contract.

262 Sec. 12. Section 1-84 of the general statutes is amended by adding
263 subsection (s) as follows (*Effective October 1, 2007*):

264 (NEW) (s) (1) Notwithstanding the provisions of subsections (b) and
265 (c) of this section, a member of the faculty or a member of a faculty
266 bargaining unit of a constituent unit of the state system of higher
267 education may enter into outside consulting agreements or engage in
268 research projects with private entities, provided such activity does not
269 conflict with the member's public responsibilities to the constituent
270 unit as determined by policies established by the board of trustees of
271 such constituent unit. Such boards of trustees shall establish policies to
272 ensure that such member (A) is not using university proprietary
273 information, (B) does not have an interest that interferes with the
274 proper discharge of his or her duties or employment, and (C) has the
275 permission of the constituent unit for any association of the constituent
276 unit with such private entities. Such policies shall establish procedures
277 for the disclosure, review and management of conflicts of interest and
278 require approval by the chief academic officer of the constituent unit
279 prior to such member entering into any outside consulting agreements
280 or engaging in research projects with private entities. Semiannually,
281 the internal audit office of each constituent unit shall assess
282 compliance with such policies and report to the committee of the

283 constituent unit established pursuant to subdivision (2) of this
284 subsection.

285 (2) There is established a committee for each constituent unit of the
286 state system of higher education to monitor the constituent unit's
287 compliance with the policies described in subdivision (1) of this
288 subsection governing outside consulting agreements or research
289 projects with private entities by a member of the faculty or a member
290 of a faculty bargaining unit of the constituent unit. Each committee
291 shall consist of seven members as follows: (A) Three members
292 appointed jointly by the speaker of the House of Representatives, the
293 minority leader of the House of Representatives, the president pro
294 tempore of the Senate and the minority leader of the Senate; (B) one
295 member appointed by the chairperson of the constituent unit's board
296 of trustees from its own membership; (C) the chief academic officer of
297 the constituent unit, or his or her designee; and (D) two members
298 appointed by the chief executive officer of the constituent unit. Each
299 committee shall review semiannually the reports submitted by the
300 internal audit office for such constituent unit, pursuant to subdivision
301 (1) of this subsection, and recommend any changes to such policies
302 governing outside consulting agreements and research projects with
303 private entities. Such reviews shall be conducted by members of the
304 committee and staff of the constituent unit's internal audit office.

305 (3) Any member of the faculty or member of a faculty bargaining
306 unit of a constituent unit of the state system of higher education who
307 does not follow the policies governing outside consulting agreements
308 or research projects with private entities, as described in subdivision
309 (1) of this subsection, shall be subject to the provisions of subsections
310 (b) and (c) of this section concerning such outside consulting
311 agreements or research projects.

312 Sec. 13. Section 10a-109z of the general statutes is repealed and the
313 following is substituted in lieu thereof (*Effective July 1, 2007*):

314 The Board of Trustees for The University of Connecticut shall select

315 and appoint independent auditors, as defined in subdivision (7) of
316 section 4-230, to annually conduct an audit of any project of UConn
317 2000, as defined in subdivision (25) of section 10a-109c. Such audit
318 shall review [all] invoices, expenditures, cost allocations and other
319 appropriate documentation in order to reconcile [all] project costs and
320 verify conformance with project budgets, cost allocation agreements
321 and applicable contracts. The Board of Trustees for The University of
322 Connecticut shall ensure that the auditors have unfettered access to
323 any documentation the auditors need to review any such project. The
324 auditors appointed pursuant to this section may serve in such capacity
325 for five consecutive years and shall not be reappointed at the
326 expiration of such period. Any such auditor appointed pursuant to this
327 section shall not perform any nonaudit services for the university
328 during such period. The auditors shall report annually to the General
329 Assembly on their findings from the audits conducted pursuant to this
330 section.

331 Sec. 14. Subsection (a) of section 52-321a of the general statutes is
332 repealed and the following is substituted in lieu thereof (*Effective*
333 *October 1, 2007*):

334

335 (a) Except as provided in subsection (b) of this section, any interest
336 in or amounts payable to a participant or beneficiary from (1) any
337 trust, custodial account, annuity or insurance contract established as
338 part of a Keogh plan or a retirement plan established by a corporation
339 which is qualified under Section 401, 403, 404 or 409 of the Internal
340 Revenue Code of 1986, or any subsequent corresponding internal
341 revenue code of the United States, as from time to time amended, (2)
342 any individual retirement account which is qualified under Section 408
343 of said internal revenue code to the extent funded, including income
344 and appreciation, (A) as a roll-over from a qualified retirement plan, as
345 provided in subdivision (1) of this section, pursuant to Section
346 402(a)(5), 403(a) or 408(d)(3) of said internal revenue code or (B) by
347 annual contributions which do not exceed the maximum annual limits
348 set forth in Section 219(b) of said internal revenue code, determined

349 without regard to any reduction or limitation for active participants
350 required by Section 219(g) of said internal revenue code, (3) (A) any
351 simple retirement account established and funded pursuant to Section
352 408(p) of said internal revenue code, (B) any simple plan established
353 and funded pursuant to Section 401(k)(11) of said internal revenue
354 code, (C) any Roth IRA established and funded pursuant to Section
355 408A of said internal revenue code, (D) any education individual
356 retirement account established and funded pursuant to Section 530 of
357 said internal revenue code, (E) any account established pursuant to
358 any qualified tuition program, as defined in Section 529(b) of the
359 Internal Revenue Code, or ~~[(E)]~~ (E) any simplified employee pension
360 established under Section 408(k) of said internal revenue code to the
361 extent such pension is funded by annual contributions within the
362 limits of Section 408(j) of said internal revenue code or roll-over
363 contributions from a qualified plan, as provided in subdivision (1) of
364 this subsection, pursuant to Section 402(a)(5), 403(a) or 408(d)(3) of said
365 internal revenue code, (4) any medical savings account established
366 under Section 220 of said internal revenue code, to the extent such
367 account is funded by annual deductible contributions or a roll-over
368 from any other medical savings account as provided in Section
369 220(f)(5) of said internal revenue code, or (5) any pension plan, annuity
370 or insurance contract or similar arrangement not described in
371 subdivision (1) or (2) of this subsection, established by federal or state
372 statute for federal, state or municipal employees for the primary
373 purpose of providing benefits upon retirement by reason of age, health
374 or length of service, shall be exempt from the claims of all creditors of
375 such participant or beneficiary. Any such trust, account, contract, plan
376 or other arrangement shall be (A) conclusively presumed to be a
377 restriction on the transfer of a beneficial interest of the debtor in a trust
378 that is enforceable under the laws of this state, and (B) considered a
379 trust which has been created by or which has proceeded from a person
380 other than such participant or beneficiary, even if such participant or
381 beneficiary is a self-employed individual, a partner of the entity
382 sponsoring the Keogh plan or a shareholder of the corporation
383 sponsoring the retirement plan.

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>	31-311(a)
Sec. 11	<i>October 1, 2007</i>	1-84(i)
Sec. 12	<i>October 1, 2007</i>	1-84
Sec. 13	<i>July 1, 2007</i>	10a-109z
Sec. 14	<i>October 1, 2007</i>	52-321a(a)

Statement of Legislative Commissioners:

In section 12, references to "a faculty member, or faculty member represented by a collective bargaining unit" were changed to "a member of the faculty or a member of a faculty bargaining unit" or "such member" for clarity of reference.

In section 12, references to "biannually" were changed to "semiannually" for accuracy of meaning.

HED *Joint Favorable Subst.*