



General Assembly

**Amendment**

January Session, 2007

LCO No. 7823

\*SB0131507823SD0\*

Offered by:

SEN. HARTLEY, 15<sup>th</sup> Dist.

REP. WILLIS, 64<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1315

File No. 187

Cal. No. 197

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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4 repealed and the following is substituted in lieu thereof (*Effective from*  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

6 (a) [(1)] There shall be a Child Poverty and Prevention Council  
7 consisting of the following members or their designees: The Secretary  
8 of the Office of Policy and Management, the president pro tempore of  
9 the Senate, the speaker of the House of Representatives, the minority  
10 leader of the Senate and the minority leader of the House of  
11 Representatives, the Commissioners of Children and Families, Social  
12 Services, Correction, Mental Retardation, Mental Health and Addiction  
13 Services, Transportation, Public Health, Education, Economic and

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

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 Section 20-37a of the general statutes is repealed and the  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

30 (a) For purposes of this section:

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

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

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

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

45 instructor; or

46 (2) Licensed faculty members providing the didactic and clinical  
47 training necessary to meet the accreditation standards of the Council  
48 on Natureopathic Medical Education at a college or program  
49 recognized by the council or licensed or accredited by the Board of  
50 Governors [for] of Higher Education.

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

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

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

77 a college or program recognized by the commission or licensed or  
78 accredited by the Board of Governors [for] of Higher Education. For  
79 purposes of this subsection, "licensed faculty member" and "licensed  
80 instructor" means a faculty member or instructor licensed under this  
81 section or otherwise authorized to practice acupuncture in this state.

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

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

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

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

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

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

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

141 Sec. 7. Subdivision (28) of section 10a-109c of the general statutes is

142 repealed and the following is substituted in lieu thereof (*Effective from*  
143 *passage*):

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

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

153 (29) "Deferred maintenance" means repair of an infrastructure or  
154 structure, that was not maintained, repaired or replaced in the usual  
155 course of maintenance and repair, except for repairs performed solely  
156 to correct code violations that were applicable at the time of project  
157 completion and were for named projects pursuant to section 10a-109e,  
158 [(A)] which (A) did not meet the threshold limits, as defined in section  
159 29-276b, and (B) were completed prior to July 1, 2006.

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

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

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

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

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

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

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

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

236 Sec. 11. Subsection (i) of section 1-84 of the general statutes is  
237 repealed and the following is substituted in lieu thereof (*Effective from*  
238 *passage*):

239 (i) No public official or state employee or member of the official or

240 employee's immediate family or a business with which he is associated  
241 shall enter into any contract with the state, valued at one hundred  
242 dollars or more, other than a contract of employment as a state  
243 employee, or a contract with a public institution of higher education to  
244 support a collaboration with such institution to develop and  
245 commercialize any invention or discovery, or pursuant to a court  
246 appointment, unless the contract has been awarded through an open  
247 and public process, including prior public offer and subsequent public  
248 disclosure of all proposals considered and the contract awarded. In no  
249 event shall an executive head of an agency, as defined in section 4-166,  
250 including a commissioner of a department, or an executive head of a  
251 quasi-public agency, as defined in section 1-79, or the executive head's  
252 immediate family or a business with which he is associated enter into  
253 any contract with that agency or quasi-public agency. Nothing in this  
254 subsection shall be construed as applying to any public official who is  
255 appointed as a member of the executive branch or as a member or  
256 director of a quasi-public agency and who receives no compensation  
257 other than per diem payments or reimbursement for actual or  
258 necessary expenses, or both, incurred in the performance of the public  
259 official's duties unless such public official has authority or control over  
260 the subject matter of the contract. Any contract made in violation of  
261 this subsection shall be voidable by a court of competent jurisdiction if  
262 the suit is commenced not later than one hundred eighty days after the  
263 making of the contract.

264 Sec. 12. Section 1-84 of the general statutes is amended by adding  
265 subsection (s) as follows (*Effective from passage*):

266 (NEW) (s) (1) Notwithstanding the provisions of subsections (b) and  
267 (c) of this section, a member of the faculty or a member of a faculty  
268 bargaining unit of a constituent unit of the state system of higher  
269 education may enter into a consulting agreement or engage in a  
270 research project with a private entity, provided such agreement or  
271 project does not conflict with the member's employment with the  
272 constituent unit, as determined by policies established by the board of  
273 trustees for such constituent unit.

274 (2) The board of trustees for each constituent unit of the state system  
275 of higher education shall establish policies to ensure that any such  
276 member who enters such a consulting agreement or engages in such a  
277 research project (A) is not inappropriately using university proprietary  
278 information in connection with such agreement or project, (B) does not  
279 have an interest in such agreement or project that interferes with the  
280 proper discharge of his or her employment with the constituent unit,  
281 and (C) is not inappropriately using such member's association with  
282 the constituent unit in connection with such agreement or project. Such  
283 policies shall (i) establish procedures for the disclosure, review and  
284 management of conflicts of interest relating to any such agreement or  
285 project, (ii) require the approval by the chief academic officer of the  
286 constituent unit, or his or her designee, prior to any such member  
287 entering into any such agreement or engaging in any such project, and  
288 (iii) include procedures that impose sanctions and penalties on any  
289 member for failing to comply with the provisions of the policies.  
290 Semiannually, the internal audit office of each constituent unit shall  
291 audit the constituent unit's compliance with such policies and report  
292 its findings to the committee of the constituent unit established  
293 pursuant to subdivision (3) of this subsection. For purposes of this  
294 subsection, "consulting" means the provision of services for  
295 compensation to a private entity by a member of the faculty or  
296 member of a faculty bargaining unit of a constituent unit of the state  
297 system of higher education: (I) When the request to provide such  
298 services is based on such member's expertise in a field or prominence  
299 in such field, and (II) while such member is not acting in the capacity  
300 of a state employee, and "research" means a systematic investigation,  
301 including, but not limited to, research development, testing and  
302 evaluation, designed to develop or contribute to general knowledge in  
303 the applicable field of study.

304 (3) There is established a committee for each constituent unit of the  
305 state system of higher education to monitor the constituent unit's  
306 compliance with the policies and procedures described in subdivision  
307 (2) of this subsection governing consulting agreements and research

308 projects with private entities by a member of the faculty or a member  
309 of a faculty bargaining unit of such constituent unit. Each committee  
310 shall consist of nine members as follows: (A) Three members,  
311 appointed jointly by the Governor, the speaker of the House of  
312 Representatives, the president pro tempore of the Senate, the majority  
313 leader of the House of Representatives, the majority leader of the  
314 Senate, the minority leader of the House of Representatives and the  
315 minority leader of the Senate, who shall serve as members for each  
316 such committee; (B) one member appointed by the chairperson of the  
317 constituent unit's board of trustees from the membership of such  
318 board; (C) the chief academic officer of the constituent unit, or his or  
319 her designee; (D) three members appointed by the chief executive  
320 officer of the constituent unit, and (E) one member appointed by the  
321 chairperson of the Citizen's Ethics Advisory Board from the  
322 membership of such board. Members shall serve for a term of two  
323 years. Any vacancies shall be filled by the appointing authority. Each  
324 committee shall (i) review the semiannual reports submitted by the  
325 internal audit office for the constituent unit, pursuant to subdivision  
326 (2) of this subsection, (ii) make recommendations, annually, to the  
327 board of trustees of the constituent unit concerning the policies and  
328 procedures of the constituent unit, including any changes to such  
329 policies and procedures, and (iii) send a copy of such  
330 recommendations to the joint standing committees of the General  
331 Assembly having cognizance of matters relating to higher education  
332 and government administration.

333 (4) The provisions of subsections (b) and (c) of this section shall  
334 apply to any member of the faculty or member of a faculty bargaining  
335 unit of a constituent unit of the state system of higher education who  
336 enters such a consulting agreement or engages in such a research  
337 project without prior approval, as described in subdivision (2) of this  
338 subsection.

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

341 The Board of Trustees for The University of Connecticut shall select  
342 and appoint independent auditors, as defined in subdivision (7) of  
343 section 4-230, to annually conduct an audit of any project of UConn  
344 2000, as defined in subdivision (25) of section 10a-109c. Such audit  
345 shall review [all] invoices, expenditures, cost allocations and other  
346 appropriate documentation in order to reconcile [all] project costs and  
347 verify conformance with project budgets, cost allocation agreements  
348 and applicable contracts. The Board of Trustees for The University of  
349 Connecticut shall ensure that the auditors have unfettered access to  
350 any documentation the auditors need to review any such project. The  
351 auditors appointed pursuant to this section may serve in such capacity  
352 for five consecutive years and shall not be reappointed at the  
353 expiration of such period. Any such auditor appointed pursuant to this  
354 section shall not perform any nonaudit services for the university  
355 during such period. The auditors shall report annually to the General  
356 Assembly on their findings from the audits conducted pursuant to this  
357 section.

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

361 (a) Except as provided in subsection (b) of this section, any interest  
362 in or amounts payable to a participant or beneficiary from (1) any  
363 trust, custodial account, annuity or insurance contract established as  
364 part of a Keogh plan or a retirement plan established by a corporation  
365 which is qualified under Section 401, 403, 404 or 409 of the Internal  
366 Revenue Code of 1986, or any subsequent corresponding internal  
367 revenue code of the United States, as from time to time amended, (2)  
368 any individual retirement account which is qualified under Section 408  
369 of said internal revenue code to the extent funded, including income  
370 and appreciation, (A) as a roll-over from a qualified retirement plan, as  
371 provided in subdivision (1) of this section, pursuant to Section  
372 402(a)(5), 403(a) or 408(d)(3) of said internal revenue code or (B) by  
373 annual contributions which do not exceed the maximum annual limits  
374 set forth in Section 219(b) of said internal revenue code, determined

375 without regard to any reduction or limitation for active participants  
376 required by Section 219(g) of said internal revenue code, (3) (A) any  
377 simple retirement account established and funded pursuant to Section  
378 408(p) of said internal revenue code, (B) any simple plan established  
379 and funded pursuant to Section 401(k)(11) of said internal revenue  
380 code, (C) any Roth IRA established and funded pursuant to Section  
381 408A of said internal revenue code, (D) any education individual  
382 retirement account established and funded pursuant to Section 530 of  
383 said internal revenue code, (E) any account established pursuant to  
384 any qualified tuition program, as defined in Section 529(b) of the  
385 Internal Revenue Code, or [(E)] (E) any simplified employee pension  
386 established under Section 408(k) of said internal revenue code to the  
387 extent such pension is funded by annual contributions within the  
388 limits of Section 408(j) of said internal revenue code or roll-over  
389 contributions from a qualified plan, as provided in subdivision (1) of  
390 this subsection, pursuant to Section 402(a)(5), 403(a) or 408(d)(3) of said  
391 internal revenue code, (4) any medical savings account established  
392 under Section 220 of said internal revenue code, to the extent such  
393 account is funded by annual deductible contributions or a roll-over  
394 from any other medical savings account as provided in Section  
395 220(f)(5) of said internal revenue code, or (5) any pension plan, annuity  
396 or insurance contract or similar arrangement not described in  
397 subdivision (1) or (2) of this subsection, established by federal or state  
398 statute for federal, state or municipal employees for the primary  
399 purpose of providing benefits upon retirement by reason of age, health  
400 or length of service, shall be exempt from the claims of all creditors of  
401 such participant or beneficiary. Any such trust, account, contract, plan  
402 or other arrangement shall be (A) conclusively presumed to be a  
403 restriction on the transfer of a beneficial interest of the debtor in a trust  
404 that is enforceable under the laws of this state, and (B) considered a  
405 trust which has been created by or which has proceeded from a person  
406 other than such participant or beneficiary, even if such participant or  
407 beneficiary is a self-employed individual, a partner of the entity  
408 sponsoring the Keogh plan or a shareholder of the corporation  
409 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>	31-3ll(a)
Sec. 11	<i>from passage</i>	1-84(i)
Sec. 12	<i>from passage</i>	1-84
Sec. 13	<i>July 1, 2007</i>	10a-109z
Sec. 14	<i>October 1, 2007</i>	52-321a(a)