



General Assembly

Amendment

January Session, 2015

LCO No. 7665



Offered by:
SEN. WITKOS, 8th Dist.

To: Senate Bill No. 398

File No. 545

Cal. No. 320

"AN ACT ASSISTING STUDENTS ACCEPTED INTO THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM WITH THE COST OF COLLEGE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 4-37f of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2015*):

5 The executive authority of each state agency for which a foundation
6 is established shall, in accordance with a policy adopted by the board
7 of trustees of the constituent unit for each state agency which is a
8 constituent unit or which is a public institution of higher education
9 under the jurisdiction of the constituent unit, ensure that, or the
10 executive authority of each state agency for which a foundation is
11 established for the principal purpose of coordinated emergency
12 recovery shall ensure that:

13 (1) The foundation shall have a governing board to oversee its
14 operation;

15 (2) If the state agency is a constituent unit, the following persons
16 shall serve as nonvoting members of the governing board of the
17 foundation unless the bylaws of the foundation provide that they be
18 voting members: The executive authority of the constituent unit, or his
19 designee, a student enrolled at an institution under the jurisdiction of
20 the constituent unit, who shall be elected by the students enrolled at
21 the institutions under the jurisdiction of the constituent unit, and a
22 member of the faculty of any such institution, who shall be elected by
23 the faculty of the institutions under the jurisdiction of the constituent
24 unit. Elections pursuant to this subdivision shall be conducted in
25 accordance with procedures for such elections established by the board
26 of trustees of the constituent unit;

27 (3) If the constituent unit is the [Board of Trustees of the
28 Community-Technical Colleges or the Board of Trustees of] regional
29 community-technical colleges or the Connecticut State University
30 System, the purposes of the foundation shall be limited to providing
31 funding for (A) scholarships or other direct student financial aid, and
32 (B) programs, services or activities at one or more of the institutions
33 within its jurisdiction;

34 (4) If the state agency is a public institution of higher education, the
35 following persons shall serve as nonvoting members of the governing
36 board of the foundation unless the bylaws of the foundation provide
37 that they be voting members: The executive authority of the
38 institution, or his designee, a student enrolled at the institution, who
39 shall be elected by the students enrolled in the institution and a
40 member of the faculty of the institution, who shall be elected by the
41 faculty of the institution. Elections pursuant to this subdivision shall be
42 conducted in accordance with procedures for such elections
43 established by the board of trustees of the constituent unit which has
44 jurisdiction over the institution;

45 (5) The governing board of the foundation shall annually file with
46 the state agency an updated list of the members and officers of such
47 board;

48 (6) The salaries, benefits and expenses of officers and employees of
49 the foundation shall be paid solely by the foundation;

50 (7) The foundation shall use generally accepted accounting
51 principles in its financial record-keeping and reporting;

52 (8) A foundation which has in any of its fiscal years receipts and
53 earnings from investments totaling one hundred thousand dollars per
54 year or more, or a foundation established for the principal purpose of
55 coordinated emergency recovery that operated in response to an
56 eligible incident, as defined in section 4-37r, during the fiscal year or
57 with funds that exceeded one hundred thousand dollars in the
58 aggregate, shall have completed on its behalf for such fiscal year a full
59 audit of the books and accounts of the foundation. A foundation which
60 has receipts and earnings from investments totaling less than one
61 hundred thousand dollars in each fiscal year during any three of its
62 consecutive fiscal years beginning October 1, 1986, shall have
63 completed on its behalf for the third fiscal year in any such three-year
64 period a full audit of the books and accounts of the foundation, unless
65 such foundation was established for the principal purpose of
66 coordinated emergency recovery and had completed on its behalf such
67 an audit for any year in any such three-year period. For each fiscal year
68 in which an audit is not required pursuant to this subdivision financial
69 statements shall be provided by the foundation to the executive
70 authority of the state agency. Each audit under this subdivision shall
71 be conducted (A) by an independent certified public accountant or, if
72 requested by the state agency with the consent of the foundation, the
73 Auditors of Public Accounts, and (B) in accordance with generally
74 accepted auditing standards. The audit report shall include financial
75 statements, a management letter and an audit opinion which address
76 the conformance of the operating procedures of the foundation with
77 the provisions of sections 4-37e to 4-37i, inclusive, and recommend any
78 corrective actions needed to ensure such conformance. Each audit
79 report shall disclose the receipt or use by the foundation of any public
80 funds in violation of said sections or any other provision of the general

81 statutes. The foundation shall provide a copy of each audit report
82 completed pursuant to this subdivision to the executive authority of
83 the state agency and the Attorney General. Each financial statement
84 required under this subdivision shall include, for the fiscal year to
85 which the statement applies, the total receipts and earnings from
86 investments of the foundation and the amount and purpose of each
87 receipt of funds by the state agency from the foundation. As used in
88 this subdivision, "fiscal year" means any twelve-month period adopted
89 by a foundation as its accounting year;

90 (9) If the state agency is a constituent unit or public institution of
91 higher education, the foundation shall annually provide the following,
92 in accordance with the provisions of section 11-4a, to the joint standing
93 committee of the General Assembly having cognizance of matters
94 relating to higher education, the speaker of the House of
95 Representatives, the president pro tempore of the Senate, the majority
96 leader of the House of Representatives, the majority leader of the
97 Senate, the minority leader of the House of Representatives and the
98 minority leader of the Senate: (A) A list of the current members and
99 officers of the governing board of such foundation; (B) a copy of the
100 most recent annual report of such foundation; (C) a copy of the most
101 recent audited financial statements, management letter and audit
102 opinion of such foundation that are required under subdivision (8) of
103 this section; (D) a copy of the written agreement between such state
104 agency and the foundation that is required under subdivision (10) of
105 this section; (E) a copy of the written policy required under section 4-
106 37j; (F) a copy of any conflicts of interest policy of the foundation; (G) a
107 copy of the foundation's most recently filed Internal Revenue Service
108 form 990, including all parts and schedules; (H) a copy of the bylaws of
109 such foundation; and (I) a report of the total number and average size
110 of disbursements made to each public institution of higher education
111 and to such institution's division of athletics for (i) undergraduate and
112 graduate scholarships, fellowships and awards, (ii) program and
113 research support, (iii) equipment, (iv) facilities construction,
114 improvements and related expenses, and (v) all donor recognition

115 programs, including, but not limited to, any benefits provided for
116 certain donations. The information provided under this subdivision
117 shall constitute a public record and shall be disclosed in accordance
118 with the Freedom of Information Act, as defined in section 1-200;

119 [(9)] (10) There shall be a written agreement between the state
120 agency and the foundation [which] that (A) addresses any use by the
121 foundation of the agency's facilities and resources including, but not
122 limited to, office space, storage space, office furniture and equipment,
123 utilities, photocopying services, computer systems and the
124 maintenance by the state agency of the books and records of the
125 foundation, provided any such books and records maintained by the
126 state agency shall not be deemed to be public records and shall not be
127 subject to disclosure pursuant to the provisions of section 1-210, (B)
128 provides that the state agency shall have no liability for the
129 obligations, acts or omissions of the foundation, (C) requires the
130 foundation to reimburse the state agency for expenses the agency
131 incurs as a result of foundation operations, if the agency would not
132 have otherwise incurred such expenses, (D) in the case of foundations
133 established for a constituent unit of the state system of higher
134 education or for a public institution of higher education, requires the
135 foundation to establish and adhere to an investment policy and a
136 spending policy that are consistent with sections 45a-535 to 45a-535i,
137 inclusive, [and] (E) if the state agency is The University of Connecticut,
138 provides that not less than thirty per cent of gifts presented to the
139 foundation in each fiscal year shall be deposited into the endowment
140 fund, (F) on and after July 1, 2016, if the state agency is The University
141 of Connecticut, provides that (i) the total cash compensation to be paid
142 in a fiscal year by the state agency to the foundation shall decrease by
143 (I) one million dollars when the market value of the foundation's
144 endowment fund as of January first of the preceding fiscal year is
145 equal to or greater than five hundred million dollars but less than
146 seven hundred million dollars, (II) one million five hundred thousand
147 dollars when the market value of such fund as of January first of the
148 preceding fiscal year is equal to or greater than seven hundred million

149 dollars but less than nine million dollars, or (III) three million dollars
 150 when the market value of such fund as of January first of the preceding
 151 fiscal year is equal to or greater than nine hundred million dollars but
 152 less than one billion dollars, and (ii) no cash compensation shall be
 153 paid by the state agency to the foundation when the amount in such
 154 foundation's endowment fund as of January first of the preceding
 155 fiscal year is equal to or greater than one billion dollars, and (G)
 156 provides that if the foundation ceases to exist or ceases to be a
 157 foundation, as defined in section 4-37e, (i) the foundation shall be
 158 prohibited from using the name of the state agency, (ii) the records of
 159 the foundation, or copies of such records, shall be made available to
 160 and may be retained by the state agency, provided any such records or
 161 copies which are retained by the state agency shall not be deemed to be
 162 public records and shall not be subject to disclosure pursuant to the
 163 provisions of section 1-210, and (iii) there are procedures for the
 164 disposition of the financial and other assets of the foundation. If the
 165 state agency is a constituent unit, the board of trustees of the
 166 constituent unit shall approve such agreement. If the state agency is a
 167 public institution of higher education, the board of trustees of the
 168 constituent unit which has jurisdiction over the institution shall
 169 approve such agreement; and

170 (10) If the foundation is established for the principal purpose of
 171 coordinated emergency recovery, the Department of Emergency
 172 Services and Public Protection shall be deemed the state agency for
 173 purposes of this section, and the deputy commissioner of said
 174 department with jurisdiction over the Division of Emergency
 175 Management and Homeland Security shall be deemed the executive
 176 authority for purposes of this section."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2015	4-37f