



House of Representatives

General Assembly

File No. 504

February Session, 2022

Substitute House Bill No. 5495

House of Representatives, April 14, 2022

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REESTABLISHING THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE AND CONCERNING STATE CONTRACTOR PREQUALIFICATION AND REAL ESTATE ACQUISITIONS OF THE UNIVERSITY OF CONNECTICUT.

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

1 Section 1. (NEW) (*Effective July 1, 2022*) (a) As used in this section and
2 sections 2 and 3 of this act:

3 (1) "Program review" means an examination of programs
4 administered by state departments and agencies to ascertain whether
5 such programs are effective, continue to serve their intended purposes,
6 are conducted in an efficient and effective manner or require
7 modification or elimination; and

8 (2) "Investigation" means the investigation of any matter which is
9 referred to the Legislative Program Review and Investigations
10 Committee as provided in section 2 of this act.

11 (b) There is hereby reestablished a Legislative Program Review and
12 Investigations Committee, which shall be a permanent standing
13 committee of the General Assembly, consisting of (1) six members of the
14 Senate, three appointed by the president pro tempore and three
15 appointed by the minority leader, and (2) six members of the House of
16 Representatives, three appointed by the speaker of the House of
17 Representatives and three appointed by the minority leader. Members
18 shall serve for a term of two years from the date of appointment.

19 (c) The appointments of the members shall be made at the beginning
20 of each regular session of the General Assembly in the odd-numbered
21 year. The terms of all members appointed to the committee shall end
22 with the termination of each member's term or holding of office,
23 whichever occurs first. Vacancies shall be filled in the same manner as
24 the original appointments. The committee shall select cochairpersons
25 and such other officers as it may deem necessary from among its
26 membership.

27 (d) A majority of the membership shall constitute a quorum and all
28 actions of the committee shall require the affirmative vote of a majority
29 of the full committee membership. The cochairpersons and ranking
30 minority members of the joint standing committee requesting an
31 investigation shall serve as nonvoting, ex-officio members of the
32 Legislative Program Review and Investigations Committee during the
33 course of such investigation.

34 Sec. 2. (NEW) (*Effective July 1, 2022*) (a) The Legislative Program
35 Review and Investigations Committee shall:

36 (1) Direct its staff and other legislative staff available to the committee
37 to conduct program reviews and investigations to assist the General
38 Assembly in the proper discharge of its duties;

39 (2) Establish policies and procedures regarding the printing,
40 reproduction and distribution of its reports;

41 (3) Review staff reports submitted to the committee and, when

42 necessary, confer with representatives of the state departments and
43 agencies reviewed in order to obtain full and complete information in
44 regard to programs, other activities and operations of the state, and may
45 request and shall be given access to and copies of, by all public officers,
46 departments, agencies and authorities of the state and its political
47 subdivisions, such public records, data and other information and given
48 such assistance as the committee determines it needs to fulfill its duties;

49 (4) Act on staff reports and recommend in its report, or propose, in
50 the form of a raised committee bill, such legislation as may be necessary
51 to modify current operations and agency practices;

52 (5) Consider and act on requests by members of the General
53 Assembly, legislative committees, elected officials of state government
54 and state department and agency heads for program reviews. The
55 request shall be submitted in writing to the Program Review and
56 Investigations Committee and shall state reasons to support the request.
57 The decision of the committee to grant or deny such a request shall be
58 final;

59 (6) Conduct investigations requested by joint resolution of the
60 General Assembly, or, when the General Assembly is not in session, (A)
61 requested by a joint standing committee of the General Assembly or
62 initiated by a majority vote of the Program Review and Investigations
63 Committee and approved by the Joint Committee on Legislative
64 Management, or (B) requested by the Joint Committee on Legislative
65 Management. In the event two or more investigations are requested, the
66 order of priority shall be determined by the Legislative Program Review
67 and Investigations Committee;

68 (7) Retain, within available appropriations, the services of
69 consultants, technical assistants, research and other personnel necessary
70 to assist in the conduct of program reviews and investigations;

71 (8) Originate, and report to the General Assembly, any bill it deems
72 necessary concerning a program, department or other matter under
73 review or investigation by the committee, in the same manner as is

74 prescribed by rule for joint standing committees of the General
75 Assembly;

76 (9) Review audit reports after issuance by the Auditors of Public
77 Accounts, evaluate and sponsor new or revised legislation based on
78 audit findings, provide means to determine compliance with audit
79 recommendations and receive facts concerning any unauthorized,
80 illegal, irregular or unsafe handling or expenditures of state funds under
81 the provisions of section 2-90 of the general statutes, as amended by this
82 act;

83 (10) Meet as often as may be necessary, during legislative sessions
84 and during the periods between sessions, to perform its duties and
85 functions; and

86 (11) Shall report annually to the General Assembly on or before
87 February fifteenth.

88 (b) The committee may, at any time, study any matter within the
89 scope of a completed or partially completed staff report then being
90 conducted or may at its discretion study and consider any matter
91 relative to program activities of state departments and agencies.

92 (c) The identity of a public employee providing information to the
93 committee shall not be disclosed. In the course of an investigation, all
94 information, records of interviews, reports, statements, notes,
95 memoranda or other data in the custody of the or obtained or prepared
96 by the Legislative Program Review and Investigations Committee or its
97 staff shall not be subject to the provisions of section 1-210 of the general
98 statutes until the investigation is completed. Any statutory
99 requirements of confidentiality regarding any records, data and other
100 information submitted under subdivision (3) of subsection (a) of this
101 section, including penalties for violating such requirements, shall apply
102 to the committee, its staff and its other authorized representatives in the
103 same manner and to the same extent as such requirements and penalties
104 apply to any public officer, department, agency or authority of the state
105 or its political subdivisions.

106 Sec. 3. (NEW) (*Effective July 1, 2022*) (a) In any instance in which a
107 program review cites inadequate operating or administrative system
108 controls or procedures, inaccuracies, waste, extravagance, unauthorized
109 or unintended activities or programs, or other deficiencies, the
110 department head, agency head or the appropriate program officer or
111 official to which the report pertained shall take the necessary corrective
112 actions and when the committee deems the action taken to be not
113 suitable, the committee shall report the matter to the General Assembly
114 together with its recommendations.

115 (b) The committee shall report electronically the results of each
116 investigation together with its recommendations for any further action
117 to the General Assembly, in accordance with the provisions of section
118 11-4a of the general statutes.

119 Sec. 4. Section 1-122 of the 2022 supplement to the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective July 1,*
121 *2022*):

122 In accordance with the provisions of section 2-90, as amended by this
123 act, the Auditors of Public Accounts shall biennially conduct a
124 compliance audit of each quasi-public agency's activities during the
125 agency's two fiscal years preceding each such audit or contract with a
126 person, firm or corporation for any such audit or audits. Each such audit
127 shall determine whether the quasi-public agency has complied with its
128 regulations concerning affirmative action, personnel practices, the
129 purchase of goods and services, the use of surplus funds and the
130 distribution of loans, grants and other financial assistance. Each audit
131 shall include a review of all or a representative sample of the agency's
132 activities in such areas during the relevant fiscal years. The Auditors of
133 Public Accounts shall submit each audit report to the Governor and the
134 Legislative Program Review and Investigations Committee. Not later
135 than thirty days after receiving copies of an audit report from the
136 Auditors of Public Accounts, the Legislative Program Review and
137 Investigations Committee shall prepare an assessment of whether the
138 audit report complies with the requirements of this section and shall

139 submit the assessment and a copy of the audit report to the joint
140 standing committee of the General Assembly having cognizance of
141 matters relating to the quasi-public agency. Each quasi-public agency
142 shall pay the cost of conducting such biennial compliance audit of the
143 agency.

144 Sec. 5. Subsection (a) of section 1-123 of the general statutes is
145 repealed and the following is substituted in lieu thereof (*Effective July 1,*
146 *2022*):

147 (a) The board of directors of each quasi-public agency shall annually
148 submit a report to the Governor, [and] the Auditors of Public Accounts
149 and the Legislative Program Review and Investigations Committee.
150 Such report shall include, but need not be limited to, the following: (1)
151 A list of all bond issues for the preceding fiscal year, including, for each
152 such issue, the financial advisor and underwriters, whether the issue
153 was competitive, negotiated or privately placed, and the issue's face
154 value and net proceeds; (2) a list of all projects other than those
155 pertaining to owner-occupied housing or student loans receiving
156 financial assistance during the preceding fiscal year, including each
157 project's purpose, location, and the amount of funds provided by the
158 agency; (3) a list of all outside individuals and firms receiving in excess
159 of five thousand dollars in the form of loans, grants or payments for
160 services, except for individuals receiving loans for owner-occupied
161 housing and education; (4) a complete set of financial statements; (5) the
162 cumulative value of all bonds issued, the value of outstanding bonds,
163 and the amount of the state's contingent liability; (6) the affirmative
164 action policy statement, a description of the composition of the agency's
165 work force by race, sex, and occupation and a description of the agency's
166 affirmative action efforts; and (7) a description of planned activities for
167 the current fiscal year. Not later than thirty days after receiving such
168 report from the board of a quasi-public agency, the Legislative Program
169 Review and Investigations Committee shall prepare an assessment of
170 whether the report complies with the requirements of this section and
171 shall submit the assessment and a copy of the report to the joint standing
172 committee of the General Assembly having cognizance of matters

173 relating to the quasi-public agency.

174 Sec. 6. Section 2-46 of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective July 1, 2022*):

176 (a) The president of the Senate, the speaker of the House of
177 Representatives, or a [chairman] chairperson of the whole, or of any
178 committee of either house, of the General Assembly, or either of the
179 chairpersons of the Legislative Program Review and Investigations
180 Committee, shall have the power to compel the attendance and
181 testimony of witnesses by subpoena and *capias* issued by any of them,
182 require the production of any necessary books, papers or other
183 documents and administer oaths to witnesses in any case under their
184 examination, including any program review or investigation, as defined
185 in section 1 of this act. Any person, summoned as a witness by the
186 authority of either house of the General Assembly or the Legislative
187 Program Review and Investigations Committee to give testimony or to
188 produce books, papers or other documents upon any matter under
189 inquiry before either house, or any committee of either house, of the
190 General Assembly, or a joint committee of both houses, who wilfully
191 makes default or, having appeared, refuses to be sworn or to answer any
192 question pertinent to the question under inquiry, shall be guilty of a
193 class A misdemeanor.

194 (b) Any individual who is subpoenaed to appear and testify before a
195 committee of the General Assembly or the Legislative Program Review
196 and Investigations Committee shall have the right to review a copy of
197 the transcript of his or her testimony and a reasonable amount of time
198 to question its accuracy prior to the public release of such transcript or
199 its permanent filing.

200 Sec. 7. Section 2-47 of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective July 1, 2022*):

202 No witness shall be privileged to refuse to testify to any fact, or to
203 produce any paper, respecting which he is examined by either house of
204 the General Assembly, or by any committee of either house or any joint

205 committee of both houses, or by the Legislative Program Review and
206 Investigations Committee in any program review or investigation, as
207 defined in section 1 of this act, upon the ground that [his] such witness'
208 testimony to such fact or [his] production of such paper may tend to
209 disgrace [him] such witness or otherwise render [him] such witness
210 infamous.

211 Sec. 8. Subsections (c) to (e), inclusive, of section 2-90 of the 2022
212 supplement to the general statutes are repealed and the following is
213 substituted in lieu thereof (*Effective July 1, 2022*):

214 (c) Said auditors shall audit, on a biennial basis if deemed most
215 economical and efficient, or as frequently as they deem necessary, the
216 books and accounts, records of operations and activities, systems and
217 data of each officer, department, commission, board and court of the
218 state government, all institutions supported by the state and all public
219 and quasi-public bodies, politic and corporate, created by public or
220 special act of the General Assembly and not required to be audited or
221 subject to reporting requirements, under the provisions of chapter 111.
222 Each such audit may include an examination of any relevant
223 information concerning the department, commission, board or court of
224 state government being audited that is in the possession or control of a
225 private entity that has a contract with such department, commission,
226 board or court, and such information shall be provided upon demand
227 in a format prescribed by the auditors at no cost to the auditors or the
228 department, commission, board or court. Each such audit may include
229 an examination of performance in order to determine effectiveness in
230 achieving expressed legislative purposes. The auditors shall report their
231 findings and recommendations to the Governor, the State Comptroller,
232 [and] the joint standing committee of the General Assembly having
233 cognizance of matters relating to appropriations and the budgets of state
234 agencies and the Legislative Program Review and Investigations
235 Committee.

236 (d) The Auditors of Public Accounts may enter into such contractual
237 agreements as may be necessary for the discharge of their duties. Any

238 audit or report which is prepared by a person, firm or corporation
239 pursuant to any contract with the Auditors of Public Accounts shall bear
240 the signature of the person primarily responsible for the preparation of
241 such audit or report. As used in this subsection, the term "person" means
242 a natural person.

243 (e) (1) If the Auditors of Public Accounts discover, or if it should come
244 to their knowledge, that any unauthorized, illegal, irregular or unsafe
245 handling or expenditure of state funds or quasi-public agency funds or
246 any breakdown in the safekeeping of any resources of the state or a
247 quasi-public agency has occurred or is contemplated, they shall
248 forthwith report the facts to the Governor, the State Comptroller, the
249 clerk of each house of the General Assembly, the Legislative Program
250 Review and Investigations Committee and the Attorney General, except
251 that if a matter reported to the Auditors of Public Accounts pursuant to
252 section 4-33a is still under investigation by a state or quasi-public
253 agency, the Auditors of Public Accounts may give the agency a
254 reasonable amount of time to conduct such investigation prior to the
255 auditors reporting the matter to said officials. (2) If the Auditors of
256 Public Accounts decide to delay reporting such matter in accordance
257 with subdivision (1) of this subsection, the auditors shall immediately
258 notify the Attorney General of such decision. (3) Any Auditor of Public
259 Accounts neglecting to make the report required under subdivision (1)
260 of this subsection, or any agent of the auditors neglecting to report to
261 the Auditors of Public Accounts any such matter discovered by such
262 agent or coming to such agent's knowledge, shall be fined not more than
263 one hundred dollars or imprisoned not more than six months, or both.

264 Sec. 9. Subdivision (11) of subsection (g) of section 17a-28 of the 2022
265 supplement to the general statutes is repealed and the following is
266 substituted in lieu thereof (*Effective July 1, 2022*):

267 (11) The Governor, when requested in writing in the course of the
268 Governor's official functions, the Legislative Program Review and
269 Investigations Committee, the joint standing committee of the General
270 Assembly having cognizance of matters relating to human services, the

271 joint standing committee of the General Assembly having cognizance of
272 matters relating to the judiciary or the joint standing committee of the
273 General Assembly having cognizance of matters relating to children,
274 when requested in writing by any of such committees in the course of
275 such committee's official functions, and upon a majority vote of such
276 committee, provided no name or other identifying information is
277 disclosed unless such information is essential to the gubernatorial or
278 legislative purpose;

279 Sec. 10. Section 51-51l of the 2022 supplement to the general statutes
280 is repealed and the following is substituted in lieu thereof (*Effective July*
281 *1, 2022*):

282 (a) Except as provided in subsection (d) of this section, the Judicial
283 Review Council shall investigate every written complaint brought
284 before it alleging conduct under section 51-51i, and may initiate an
285 investigation of any judge, administrative law judge or family support
286 magistrate if (1) the council has reason to believe conduct under section
287 51-51i has occurred, or (2) previous complaints indicate a pattern of
288 behavior which would lead to a reasonable belief that conduct under
289 section 51-51i has occurred. The council shall, not later than five days
290 after such initiation of an investigation or receipt of such complaint,
291 notify by registered or certified mail any judge, administrative law
292 judge or family support magistrate under investigation or against
293 whom such complaint is filed. A copy of any such complaint shall
294 accompany such notice. The council shall also notify the complainant of
295 its receipt of such complaint not later than five days thereafter. Any
296 investigation to determine whether or not there is probable cause that
297 conduct under section 51-51i has occurred shall be confidential and any
298 individual called by the council for the purpose of providing
299 information shall not disclose his knowledge of such investigation to a
300 third party prior to the decision of the council on whether probable
301 cause exists, unless the respondent requests that such investigation and
302 disclosure be open, provided information known or obtained
303 independently of any such investigation shall not be confidential. The
304 judge, administrative law judge or family support magistrate shall have

305 the right to appear and be heard and to offer any information which may
306 tend to clear him of probable cause to believe he is guilty of conduct
307 under section 51-51i. The judge, administrative law judge or family
308 support magistrate shall also have the right to be represented by legal
309 counsel and examine and cross-examine witnesses. In conducting its
310 investigation under this subsection, the council may request that a court
311 furnish to the council a record or transcript of court proceedings,
312 including records and transcripts of juvenile matters pursuant to section
313 46b-124 and records and transcripts of cases involving youthful
314 offenders pursuant to section 54-76l, made or prepared by a court
315 reporter, assistant court reporter or monitor and the court shall, upon
316 such request, furnish such record or transcript.

317 (b) The Judicial Review Council shall, not later than three business
318 days after the termination of such investigation, notify the complainant,
319 if any, and the judge, administrative law judge or family support
320 magistrate that the investigation has been terminated and the results
321 thereof. If the council finds that conduct under section 51-51i has not
322 occurred, but the judge, administrative law judge or family support
323 magistrate has acted in a manner which gives the appearance of
324 impropriety or constitutes an unfavorable judicial or magisterial
325 practice, the council may issue an admonishment to the judge,
326 administrative law judge or family support magistrate recommending
327 a change in judicial or magisterial conduct or practice. If an
328 admonishment is issued, the council shall (1) notify the joint standing
329 committee of the General Assembly having cognizance of matters
330 relating to the judiciary that an admonishment was issued and provide
331 said committee with the substance of the admonishment, including
332 copies of the complaint file, and (2) inform the complainant, if any, that
333 an admonishment was issued if the admonishment is the result of
334 misconduct alleged in the complaint. Except as provided in subdivision
335 (1) of this subsection, the substance of the admonishment shall not be
336 disclosed to any person or organization.

337 (c) If a preliminary investigation indicates that probable cause exists
338 that the judge, administrative law judge or family support magistrate is

339 guilty of conduct under section 51-51i, the council shall hold a hearing
340 concerning the conduct or complaint. All hearings held pursuant to this
341 subsection shall be open. A judge, an administrative law judge or a
342 family support magistrate appearing before such a hearing shall be
343 entitled to counsel, to present evidence and to cross-examine witnesses.
344 The council shall make a record of all proceedings pursuant to this
345 subsection. The council shall not later than thirty days after the close of
346 such hearing publish its findings together with a memorandum of its
347 reasons therefor.

348 (d) No complaint against a judge, an administrative law judge or a
349 family support magistrate alleging conduct under section 51-51i shall be
350 brought under this section but within one year from the date the alleged
351 conduct occurred or was discovered or in the exercise of reasonable care
352 should have been discovered, except that no such complaint may be
353 brought more than three years from the date the alleged conduct
354 occurred.

355 (e) Notwithstanding the provisions of subsections (a) and (b) of this
356 section, the council shall disclose any information concerning
357 complaints received by the council on and after January 1, 1978,
358 investigations and disposition of such complaints to the Legislative
359 Program Review and Investigations Committee when requested by the
360 committee in the course of its functions, in writing and upon a majority
361 vote of the committee, provided no names or other identifying
362 information shall be disclosed.

363 [(e)] (f) On and after December 19, 1991, any judge, administrative
364 law judge or family support magistrate who has been the subject of an
365 investigation by the Judicial Review Council as a result of a complaint
366 brought before such council may request that such complaint,
367 investigation and the disposition of such complaint be open to public
368 inspection.

369 [(f)] (g) Whenever a complaint against a judge, an administrative law
370 judge or a family support magistrate is pending before the Judicial
371 Review Council within the final year of the term of office of such judge,

372 administrative law judge or family support magistrate, the Judicial
373 Review Council shall designate such complaint as privileged and shall
374 conduct an expedited investigation and hearing so that its duties with
375 respect to such complaint are completed in sufficient time to enable the
376 Judicial Review Council to make its recommendation concerning any
377 such judge to the Judicial Selection Commission and the Governor
378 under section 51-51q in a timely manner.

379 Sec. 11. Subsection (c) of section 4a-100 of the 2022 supplement to the
380 general statutes is repealed and the following is substituted in lieu
381 thereof (*Effective October 1, 2022*):

382 (c) The application form shall, at a minimum, require the applicant to
383 supply information concerning:

384 (1) The applicant's form of organization;

385 (2) The applicant's principals and key personnel and any names
386 under which the applicant, principals or key personnel conducted
387 business during the past five years;

388 (3) Any legal or administrative proceedings pending, settled or
389 concluded adversely against the applicant or any of the applicant's
390 principals or key personnel within the past five years which relate to the
391 procurement or performance of any public or private construction
392 contract;

393 (4) Any legal or administrative proceedings concluded adversely
394 against the applicant or any of the applicant's principals or key
395 personnel within the past five years which relate to the nonpayment or
396 underpayment of wages or benefits to the applicant's, principal's or key
397 personnel's employees during the performance of any public or private
398 construction contract;

399 (5) Any administrative proceedings that concluded adversely against
400 the applicant during the past five years with the imposition of any civil
401 penalties pursuant to section 31-69a or the issuance of any stop work
402 orders pursuant to section 31-288;

403 ~~[(5)]~~ (6) The nature of any financial, personal or familial relationship
404 between the applicant and any public or private construction project
405 owner listed on the application as constituting construction experience;

406 ~~[(6)]~~ (7) A statement of whether (A) the applicant has been
407 disqualified pursuant to section 4b-95, this section or section 31-57c or
408 31-57d, (B) the applicant is disqualified or prohibited from being
409 awarded a contract pursuant to section 31-57b, (C) the applicant has
410 been disqualified by another state, (D) the applicant has been
411 disqualified by a federal agency or pursuant to federal law, (E) the
412 applicant's registration has been suspended or revoked by the
413 Department of Consumer Protection pursuant to section 20-341gg, (F)
414 the applicant has been disqualified by a municipality, and (G) the
415 matters that gave rise to any such disqualification, suspension or
416 revocation have been eliminated or remedied; and

417 ~~[(7)]~~ (8) Other information as the commissioner deems relevant to the
418 determination of the applicant's qualifications and responsibilities.

419 Sec. 12. Subdivision (2) of subsection (k) of section 4a-100 of the 2022
420 supplement to the general statutes is repealed and the following is
421 substituted in lieu thereof (*Effective October 1, 2022*):

422 (2) The commissioner shall deny or revoke the prequalification of any
423 contractor or substantial subcontractor if the commissioner finds that
424 the contractor or substantial subcontractor, or a principal or key
425 personnel of such contractor or substantial subcontractor, within the
426 past five years (A) has included any materially false statement in a
427 prequalification application or update statement, (B) has withheld any
428 information or documentation required in a prequalification
429 application, (C) has been convicted of, entered a plea of guilty or nolo
430 contendere for, or admitted to, a crime related to the procurement or
431 performance of any public or private construction contract, or ~~[(C)]~~ (D)
432 has otherwise engaged in fraud in obtaining or maintaining
433 prequalification. Any revocation made pursuant to this subsection shall
434 be made only after an opportunity for a hearing. Any contractor or
435 substantial subcontractor whose prequalification has been revoked

436 pursuant to this subsection shall be disqualified for a period of two years
437 after which the contractor or substantial subcontractor may reapply for
438 prequalification, except that a contractor or substantial subcontractor
439 whose prequalification has been revoked on the basis of conviction of a
440 crime or engaging in fraud shall be disqualified for a period of five years
441 after which the contractor or substantial subcontractor may reapply for
442 prequalification. The commissioner shall not prequalify a contractor or
443 substantial subcontractor whose prequalification has been revoked
444 pursuant to this subdivision until the expiration of said two-year, five-
445 year, or other applicable disqualification period and the commissioner
446 is satisfied that the matters that gave rise to the revocation have been
447 eliminated or remedied.

448 Sec. 13. Subsection (f) of section 4b-3 of the 2022 supplement to the
449 general statutes is repealed and the following is substituted in lieu
450 thereof (*Effective October 1, 2022*):

451 (f) The State Properties Review Board shall review real estate
452 acquisitions, sales, leases and subleases proposed by the Commissioner
453 of Administrative Services or proposed by the Chief Court
454 Administrator pursuant to the authority delegated to the Chief Court
455 Administrator by the Commissioner of Administrative Services, real
456 estate acquisitions and sales proposed by The University of Connecticut,
457 the acquisition, other than by condemnation, or the sale or lease of any
458 property by the Commissioner of Transportation under subdivision (11)
459 of section 13b-4, subject to section 4b-23 and subsection (h) of section
460 13a-73 and review, for approval or disapproval, any contract for a
461 project described in subsection (h) of section 4b-91. Such review shall
462 consider all aspects of the proposed actions, including feasibility and
463 method of acquisition and the prudence of the business method
464 proposed. The board shall also cooperate with and advise and assist the
465 Commissioner of Administrative Services and the Commissioner of
466 Transportation in carrying out their duties. The board shall have access
467 to all information, files and records, including financial records, of the
468 Commissioner of Administrative Services and the Commissioner of
469 Transportation, and shall, when necessary, be entitled to the use of

470 personnel employed by said commissioners. The board shall approve or
471 disapprove any acquisition of development rights of agricultural land
472 by the Commissioner of Agriculture under section 22-26cc. The board
473 shall hear any appeal under section 8-273a and shall render a final
474 decision on the appeal within thirty days thereafter. The written
475 decision of the board shall be a final decision for the purposes of sections
476 4-180 and 4-183. The provisions of this section shall not apply to any
477 airport, airport site or any part thereof operated by the Connecticut
478 Airport Authority established pursuant to section 15-120bb.

479 Sec. 14. Subsection (a) of section 4b-21 of the 2022 supplement to the
480 general statutes is repealed and the following is substituted in lieu
481 thereof (*Effective October 1, 2022*):

482 (a) (1) Notwithstanding any provision of the general statutes, the
483 Commissioner of Administrative Services may purchase or acquire real
484 property, interests in real property, and other rights in land or water or
485 interest in any such right, on behalf of any state agency that does not
486 otherwise possess the statutory authority to make such purchase or
487 acquisition. Any such purchase or acquisition shall be subject to the
488 approval of the Secretary of the Office of Policy and Management, the
489 State Properties Review Board and the Attorney General.

490 (2) The Commissioner of Administrative Services, with the approval
491 of the State Properties Review Board, may give or obtain an option upon
492 any land or interest therein which is not under the control of the trustees
493 of any state institution, the State Board of Education or the
494 Commissioner of Correction when such action seems advisable.

495 (3) The University of Connecticut may purchase or acquire for the
496 state and may dispose of or exchange any land or interest therein
497 directly. Any such purchase or acquisition shall be subject to the
498 approval of the Secretary of the Office of Policy and Management, the
499 State Properties Review Board and the Attorney General.

500 Sec. 15. Subsection (a) of section 10a-109d of the 2022 supplement to
501 the general statutes is repealed and the following is substituted in lieu

502 thereof (*Effective October 1, 2022*):

503 (a) In order for the university to construct and issue securities for
504 UConn 2000 and to otherwise carry out its responsibilities and
505 requirements under sections 10a-109a to 10a-109y, inclusive, the
506 university shall have the following powers, which powers shall be
507 independent of and in addition to any other powers of the university
508 under state law:

509 (1) To have perpetual succession as a body politic and corporate and
510 an instrumentality and agency of the state pursuant to section 10a-109v;

511 (2) To adopt and have an official seal and alter it at pleasure;

512 (3) To contract and be contracted with, sue, be indemnified, insure its
513 assets, activities or actions or be a self-insurer and institute, prosecute,
514 maintain and defend any action or proceeding in any court or before
515 any agency or tribunal of competent jurisdiction;

516 (4) To indemnify and be sued, solely pursuant to subsection (a) of
517 section 10a-109o;

518 (5) To retain by contract or employ architects, accountants, engineers,
519 legal and securities counsel in accordance with the provisions of
520 subparagraph (F) of subdivision (4) of subsection (e) of section 10a-109n,
521 and other professional and technical consultants and advisers; provided
522 the university shall continue to be subject to audit, including its
523 operations under sections 10a-109a to 10a-109y, inclusive, pursuant to
524 section 2-90, as amended by this act, and provided further, financial
525 advisers, underwriters, counsel, trustee, if any, and other financial
526 consultants retained in connection with the offering and sale of
527 securities shall be selected in consultation with the university, in the
528 same manner as for state general obligation bonds;

529 (6) To plan, design, acquire, construct, build, enlarge, alter,
530 reconstruct, renovate, improve, equip, own, operate, maintain, dispose
531 of and demolish any project or projects, or any combination of projects,
532 including without limitation any contract in furtherance of UConn 2000,

533 notwithstanding the provisions of subsections (b) and (c) of section 10a-
534 105 or any other provisions of the general statutes regarding the powers
535 of the university to undertake capital projects and purchase personal
536 property;

537 (7) To acquire by purchase, contract, lease, long-term lease or gift, and
538 hold or dispose of, real or personal property or rights or interests in any
539 such property and to hold, sell, assign, lease, rent, encumber, other than
540 by mortgage, or otherwise dispose of any real or personal property, or
541 any interest therein, owned by the university or in its control, custody
542 or possession in accordance with [section] sections 4b-21, as amended
543 by this act, and 10a-109n;

544 (8) To receive and accept grants, subsidies or loans of money from the
545 federal government or a federal agency or instrumentality, the state or
546 others, upon such terms and conditions as may be imposed, and to
547 pledge the proceeds of grants, subsidies or loans of money received or
548 to be received from the federal government or any federal agency or
549 instrumentality, the state or others, pursuant to agreements entered into
550 between the university and the federal government or any federal
551 agency or instrumentality, the state or others, provided (A) such
552 property shall be deemed property of the state for purposes of sections
553 4a-19 and 4a-20, and (B) the university may insure its property
554 independent of the state;

555 (9) Notwithstanding the provisions of section 10a-150, to receive and
556 accept aid or contributions, from any source, of money, property, labor
557 or other things of value, to be held, used and applied to carry out the
558 purposes of sections 10a-109a to 10a-109y, inclusive, subject to the
559 conditions upon which such aid or contributions may be made,
560 including, but not limited to, gifts or grants from any department or
561 agency of the United States or the state for any purpose consistent with
562 said sections;

563 (10) To borrow money and issue securities to finance the acquisition,
564 construction, reconstruction, improvement or equipping of any one
565 project, or more than one, or any combination of projects, or to refund

566 securities issued after June 7, 1995, or to refund any such refunding
567 securities or for any one, or more than one, or all of those purposes, or
568 any combination of those purposes, and to provide for the security and
569 payment of those securities and for the rights of the holders of them,
570 except that the amount of any such borrowing, the special debt service
571 requirements for which are secured by the state debt service
572 commitment, exclusive of the amount of borrowing to refund securities,
573 or to fund issuance costs or necessary reserves, may not exceed the
574 aggregate principal amount of (A) for the fiscal years ending June 30,
575 1996, to June 30, 2005, inclusive, one billion thirty million dollars, (B) for
576 the fiscal years ending June 30, 2006, to June 30, 2027, inclusive, three
577 billion two hundred ninety-five million nine hundred thousand dollars,
578 and (C) such additional amount or amounts: (i) Required from time to
579 time to fund any special capital reserve fund or other debt service
580 reserve fund in accordance with the financing transaction proceedings,
581 and (ii) to pay or provide for the costs of issuance and capitalized
582 interest, if any; the aggregate amounts of subparagraphs (A), (B) and (C)
583 of this subdivision are established as the authorized funding amount,
584 and no borrowing within the authorized funding amount for a project
585 or projects may be effected unless the project or projects are included in
586 accordance with subsection (a) of section 10a-109e;

587 (11) To make, enter into, execute, deliver and amend any and all
588 contracts, including, but not limited to, total cost basis contracts,
589 agreements, leases, instruments and documents and perform all acts
590 and do all things necessary or convenient to plan, design, acquire,
591 construct, build, enlarge, alter, reconstruct, renovate, improve, equip,
592 finance, maintain and operate projects and to carry out the powers
593 granted by sections 10a-109a to 10a-109y, inclusive, or reasonably
594 implied from those powers;

595 (12) Notwithstanding any provision of the general statutes to the
596 contrary, including without limitation subsection (a) of section 10a-105,
597 to fix and collect fees, tuition, charges, rentals and other charges for
598 enrollment and attendance at the university and for the use of projects
599 or any part thereof, provided that no tuition or student fee revenue shall

600 be used for repairs performed solely to correct code violations that were
601 applicable at the time of project completion and were for named projects
602 pursuant to section 10a-109e completed prior to January 1, 2007; to
603 provide for the promulgation of such reasonable and proper policies
604 and procedures as may be necessary to assure the maximum use of the
605 facilities of any projects at all times; and

606 (13) Notwithstanding the provisions of subsection (b) of section 10a-
607 105, to provide for or confirm the establishment of various funds and
608 accounts respecting university operations, bond proceeds and special
609 debt service requirements for securities issued, renewal and
610 replacement and insurance, special capital reserve and operating
611 reserve, special external gifts, pending receipts, assured revenues,
612 project revenues to the extent not otherwise pledged and securing
613 outstanding general obligation bonds of the state or other revenues and
614 other funds or accounts as may be more particularly required under this
615 subdivision and the indentures of trust or resolutions authorizing
616 securities and to provide, subject to section 10a-109q and the provisions
617 of such indentures or resolutions for the following to be deposited
618 therein, as follows:

619 (A) All proceeds received from the sale of all securities;

620 (B) All fees, tuition, rentals and other charges from students, faculty,
621 staff members and others using or being served by, or having the right
622 to use or the right to be served by the university or any project;

623 (C) All fees for student activities, student services and all other fees,
624 tuition and charges collected from students matriculated, registered or
625 otherwise enrolled at and attending the university, pledged under the
626 terms of financing transaction proceedings;

627 (D) All rentals from any facility or building leased to the federal
628 government or any other third party;

629 (E) Federal and state grants, gifts, state appropriations and special
630 external gift funds;

631 (F) All other assured revenues; and

632 (G) Project revenues.

633 Sec. 16. Subsection (d) of section 4b-91 of the 2022 supplement to the
634 general statutes is repealed and the following is substituted in lieu
635 thereof (*Effective October 1, 2022*):

636 (d) Each bid submitted for a contract described in subsection (c) of
637 this section shall include an update statement in such form as the
638 Commissioner of Administrative Services prescribes and, if required by
639 the public agency soliciting such bid, a copy of the prequalification
640 certificate issued by the Commissioner of Administrative Services. The
641 form for such update statement shall provide space for information
642 regarding all projects completed by the bidder since the date the
643 bidder's prequalification certificate was issued or renewed, all projects
644 the bidder currently has under contract, including the percentage of
645 work on such projects not completed, the names and qualifications of
646 the personnel who will have supervisory responsibility for the
647 performance of the contract, any significant changes in the bidder's
648 financial position or corporate structure since the date the certificate was
649 issued or renewed, any change in the contractor's qualification status as
650 determined by the provisions of subdivision [(6)] (7) of subsection (c) of
651 section 4a-100, as amended by this act, and such other relevant
652 information as the Commissioner of Administrative Services prescribes.
653 Any public agency that accepts a bid submitted without a copy of such
654 prequalification certificate, if required by such public agency soliciting
655 such bid, and an update statement, may become ineligible for the receipt
656 of funds related to such bid, except the public agency soliciting such bids
657 may allow bidders no more than two business days after the opening of
658 bids to submit a copy of the prequalification certificate, if required by
659 such public agency, and an update statement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	New section

Sec. 2	July 1, 2022	New section
Sec. 3	July 1, 2022	New section
Sec. 4	July 1, 2022	1-122
Sec. 5	July 1, 2022	1-123(a)
Sec. 6	July 1, 2022	2-46
Sec. 7	July 1, 2022	2-47
Sec. 8	July 1, 2022	2-90(c) to (e)
Sec. 9	July 1, 2022	17a-28(g)(11)
Sec. 10	July 1, 2022	51-51l
Sec. 11	October 1, 2022	4a-100(c)
Sec. 12	October 1, 2022	4a-100(k)(2)
Sec. 13	October 1, 2022	4b-3(f)
Sec. 14	October 1, 2022	4b-21(a)
Sec. 15	October 1, 2022	10a-109d(a)
Sec. 16	October 1, 2022	4b-91(d)

Statement of Legislative Commissioners:

Section 2 was reordered and in Section 3(b), a reference to section 11-4a of the general statutes was added for consistency with standard drafting conventions; in Section 12, "requested" was changed to "required" for accuracy; and the effective date of Section 16 was changed for consistency with Section 11.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Legislative Mgmt.	GF - Cost	1,040,247	1,040,247
State Comptroller - Fringe Benefits ¹	GF - Cost	421,612	421,612
Various State Agencies	Various - Potential Cost	See Below	See Below
UConn	Various - See Below	See Below	See Below

Note: Various=Various; GF=General Fund

Municipal Impact: None

Explanation

The bill re-establishes a bipartisan legislative committee, makes changes to certain state contracting prequalification requirements, and adds new approvals required for certain real estate transactions planned by the University of Connecticut. The bill results in costs and potential costs, beginning in FY 23, as described below.

Sections 1-10 re-establish the Legislative Program Review and Investigations (PRI) committee. The PRI committee must report by February 15th annually to the General Assembly. To meet the requirements in this bill, the PRI committee will need to hire up to 11 staff which will result in an annual cost of approximately \$1,040,246 and associated fringe benefits of \$421,612, beginning in FY 23. These staff

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

will include one Administrative Analyst 2, one Associate Legislative Analyst, six Principal Legislative Analysts, two Chief Legislative Analysts, and one Director.

The bill allows the PRI committee to cite agencies for various deficiencies and requires cited agencies to take necessary action. This may result in potential cost for state agencies depending on the nature of the citation and corrective actions.

Sections 11, 12 and 16 expand: 1) the information that applicants must disclose when seeking state contractor prequalification from the Department of Administrative Services (DAS), and 2) the reasons for which the DAS commissioner must deny or revoke a contractor's or subcontractor's prequalification. This is not anticipated to have a fiscal impact to the state or municipalities.

Section 14 requires University of Connecticut (UConn) planned land or land interest purchases or acquisitions to be approved (before execution) by the Office of Policy and Management secretary, the State Properties Review Board, and the Attorney General. These new steps will delay each purchase or acquisition by the length of time it will take for the proposed transactions to be approved by the three entities. If during the delays, there are real estate market changes, the cost of the transaction could be affected. Additionally, if there is construction planned on the property, then those costs may also be affected; typically construction costs rise and so the bill may increase those costs.

In 2021, UConn had two property transactions that would have been subject to the bill, and four additional transactions are anticipated in 2022. Any of the four planned transactions that are not finalized by October 1, 2022 will be affected by the bill. The projected costs of these acquisitions have not yet been determined.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Core-CT Financial Accounting System

OLR Bill Analysis**sHB 5495*****AN ACT REESTABLISHING THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE AND CONCERNING STATE CONTRACTOR PREQUALIFICATION AND REAL ESTATE ACQUISITIONS OF THE UNIVERSITY OF CONNECTICUT.*****SUMMARY**

This bill makes various changes affecting legislative oversight, state contracting, and state real property acquisitions. It re-establishes the Program Review and Investigations (PRI) Committee as a 12-member permanent standing committee and generally restores the committee's previous powers and duties (e.g., the authority to access state agencies' records and files). The committee previously existed from 1973 through 2016 (see BACKGROUND).

Separately, the bill expands the information that applicants must disclose when seeking state contractor prequalification from the Department of Administrative Services (DAS) to include information about certain pending or settled administrative proceedings against the applicant as well as certain penalties levied for labor law violations. It also expands the reasons for which DAS must revoke a prequalification certificate.

Additionally, the bill subjects UConn's real property purchases and acquisitions to review and approval by the Office of Policy and Management (OPM) secretary, State Properties Review Board (SPRB), and the attorney general. Lastly, it makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2022, except that the DAS and UConn provisions are effective October 1, 2022.

§§ 1-10 — PRI COMMITTEE**Composition**

The bill re-establishes the PRI Committee as a 12-member permanent standing committee with three members from each caucus appointed by the caucus's leader at the beginning of each regular session in an odd-numbered year. Members serve for two years from their appointment, and their service ends with the termination of their term or holding of office, whichever occurs first. The chairpersons and ranking members of a joint standing committee requesting an investigation must serve as ex-officio, nonvoting PRI Committee members during the course of the investigation.

The bill requires the committee members to elect chairpersons from among the members. (In prior practice, the committee had one chairperson from each party, alternating between the caucuses each term.) Under the bill, all committee actions require a majority vote of the full committee membership, and a majority of the membership constitutes a quorum.

Powers and Duties

As under prior law, the bill requires the PRI Committee to examine state agency programs to determine whether they are effective, continue to serve their intended purpose, are conducted in an efficient and effective manner, or require modification or elimination. It allows the committee to receive study requests from legislators, legislative committees, elected state officials, agency heads, and the legislature as a whole. It also allows the committee to undertake studies at its own initiative.

The bill restores PRI's previous statutory powers and duties, including the following:

1. obtain public records, data, information, and other assistance needed by the committee from political subdivisions (e.g., municipalities) and state agencies, officers, and authorities;
2. subpoena (by either chairperson) witnesses and require the

-
- production of books, papers, and other documents;
3. retain, within available appropriations, consultants, technical assistants, research, and other needed personnel;
 4. review and assess reports from the state auditors and quasi-public agencies; and
 5. report to the legislature annually by February 15.

The bill also restores provisions requiring the Department of Children and Families (DCF) and Judicial Review Council to disclose to the PRI Committee specified information when requested by the committee in writing upon a majority vote. Specifically, it requires DCF to disclose records from its abuse and neglect registry. (Under existing law, it must disclose these records to the Children's, Human Services, and Judiciary committees upon a majority vote by the applicable committee.) The bill requires the Judicial Review Council to disclose information about complaints received against judges, administrative law judges, and family support magistrates, as well as the complaints' investigation and disposition. However, the council cannot disclose names or other identifying information.

Like prior law, the bill prohibits disclosing the identity of a public employee who provides information to the PRI Committee. It makes the committee's investigation records exempt from disclosure under the Freedom of Information Act until the investigation is completed.

The bill also subjects the committee and its staff and authorized representatives to statutory confidentiality requirements for records, data, and information to the same extent that these requirements apply to other agencies and officials, including penalties for violations.

§§ 11, 12 & 16 — DAS PREQUALIFICATION

Application

The bill expands the information that applicants must disclose when seeking state contractor prequalification from DAS. By law, state public

works contracts that exceed \$500,000 (or \$1.5 million for DAS-administered projects) generally must be awarded to a contractor that is prequalified by DAS (CGS § 4b-91). The law also requires prequalification by “substantial subcontractors” (i.e., those that perform work whose value exceeds \$500,000) (CGS § 4a-100(a)).

Existing law requires prequalification applicants to disclose information about any legal or administrative proceedings concluded adversely against them, or their principals or key personnel, within the last five years relating to the procurement or performance of any public or private construction contract. The bill also requires applicants to disclose any proceedings meeting these criteria that were pending or settled within the past five years.

Additionally, the bill requires applicants to disclose administrative proceedings concluded adversely against them within the past five years that resulted in a (1) civil penalty with respect to wages, employment regulation, workers’ compensation, or employee personnel files or (2) stop-work order with respect to workers’ compensation.

Revocation

The bill adds to the reasons for which the DAS commissioner must deny or revoke a contractor’s or substantial subcontractor’s prequalification. Under the bill, she must do so for any contractor or substantial subcontractor that, within the past five years, has withheld any information or documentation requested in a prequalification application. Under existing law, a prequalification revocation generally disqualifies a contractor or substantial subcontractor from seeking prequalification for two years.

§§ 13-15 — UCONN REAL PROPERTY ACQUISITIONS

Existing law allows UConn to directly purchase or acquire land or interest in land for the state. The bill requires UConn to obtain approval from the attorney general, OPM secretary, and SPRB when doing so. It makes a conforming change to specifically subject purchases and

acquisitions made under the UConn 2000 infrastructure program to these requirements. Existing law subjects real property purchases and acquisitions by DAS to approval by these same three entities.

The bill also subjects real estate sales by UConn to SPRB review, but it is unclear if this extends to sales made under the UConn 2000 program. (For UConn 2000, existing law allows UConn to hold, sell, assign, lease, rent, encumber, other than by mortgage, or otherwise dispose of any real property or interest in real property.)

BACKGROUND

PRI Committee

The PRI Committee previously existed from 1973 through 2016. The committee’s funding was eliminated by the FY 17 budget revisions (PA 16-2, May Special Session). PA 17-60 eliminated statutory references to the committee’s powers and duties.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/28/2022)