
OLR BILL ANALYSIS

SB 1010

AN ACT CONCERNING THE TRANSFER OF FUNCTIONS FROM THE DEPARTMENTS OF PUBLIC WORKS, INFORMATION TECHNOLOGY, PUBLIC SAFETY AND EDUCATION AND THE JUDICIAL SELECTION COMMISSION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND DEPARTMENT OF CONSTRUCTION SERVICES.

SUMMARY:

This bill generally makes the Department of Administrative Services (DAS) commissioner responsible for acquiring, selling, and leasing state-owned property to house state offices and equipment. It establishes a Department of Construction Services (DCS) and makes that commissioner, rather than the Department of Public Works (DPW) commissioner, responsible for constructing and developing state-owned buildings and real estate. To accomplish this, the bill:

1. dissolves DPW and transfers its (1) construction, construction management, and security management functions to the newly-established DCS and (2) non-construction and non-construction management functions to DAS;
2. transfers, from the State Department of Education (SDE) to DCS, responsibility for reviewing and approving school construction grant applications; and
3. transfers, from the Department of Public Safety (DPS) to DCS, responsibility for enforcing the Fire Safety Code and the State Building Code.

In addition, the bill:

1. reduces state school construction grant reimbursement rates for new construction and restricts eligible project costs, among

other changes to that process;

2. dissolves the Department of Information Technology (DOIT), establishes it as a division within DAS, and eliminates the chief information officer (CIO) as its designated department head;
3. transfers, from the Commission on Human Rights and Opportunities (CHRO) to DAS, responsibility for approving and monitoring state agency affirmative action plans; exempts agencies with 25 or fewer employees from filing these plans; and changes the plans' contents; and
4. places the Judicial Selection Panel within DAS, but specifies that it retains independent decision-making authority and that DAS must provide the commission with support staff (§ 1).

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2011, except the provisions concerning affirmative action plans and diversity training, which are effective upon passage.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Purchasing and Leasing Functions — §§ 2-3, 6-7, 9-10, 15, & 62-70

The bill dissolves DPW and transfers its non-construction and non-construction management personnel powers, duties, obligations, and other government functions to DAS beginning July 1, 2011. Under the bill, the DAS commissioner generally assumes responsibility for (1) purchasing, selling, leasing, subleasing, and acquiring property for state agencies and (2) surplus state property disposition.

Affirmative Action Plans and Training — §§ 20-24

The bill transfers, from CHRO to DAS, responsibility for reviewing, approving, and monitoring state agency affirmative action plans. (State agencies include departments, boards, and commissions). It also decreases how frequently certain agencies must file their affirmative action plans and exempts others.

Under current law, agencies with more than 20 full-time employees file annually. Agencies with 20 or fewer full-time employees file biennially.

Under the bill, only agencies with 100 or more full-time employees file annually. Agencies with between 26 and 99 full-time employees file biennially (unless the plan is not approved, in which case DAS may require that it be resubmitted until it is). Those with 25 or fewer full-time employees are exempt from the filing requirement.

The bill also:

1. requires agencies with 100 or more full-time employees to file their annual plans with DAS electronically;
2. changes the plans' contents by, among other things, requiring that they include race; gender; occupational category; and age data for all full-time employees;
3. eliminates the requirement that CHRO provide training and technical assistance to affirmative action officers in developing and implementing a plan; and
4. reduces the frequency with which CHRO and the Permanent Commission on the Status of Women must train affirmative action officers (equal employment opportunity (EEO) officers under the bill) on state and federal discrimination laws.

The bill reduces training for EEO officers from (1) 10 to five hours during their first year of service and (2) five to three hours every two, rather than one, year thereafter.

DOIT — §§ 25-38

The bill dissolves DOIT and establishes it as a division within DAS, which becomes its successor agency. Beginning July 1, 2011, DAS assumes DOIT's personnel powers, duties, obligations, and other government functions. Among other things, the bill makes the DAS commissioner, rather than the CIO, responsible for:

1. developing and updating an annual information and telecommunications (IT) strategic plan;
2. identifying and implementing telecommunication systems to efficiently service state agencies and opportunities for reducing costs associated with these systems;
3. approving or disapproving state agency acquisition of hardware and software; and
4. approving or disapproving state agency requests or proposed contracts for IT systems consultants.

The bill removes the requirements that the strategic plan include:

1. as two of its goals (a) an integrated set of IT policies for state agencies and (b) a series of comprehensive standards and planning guidelines pertaining to the development, acquisition, implementation, and management of IT systems and
2. a policy concerning the infusion of new technology for state agency IT systems.

It repeals the requirement that the CIO provide professional development for the state's IT professionals.

DEPARTMENT OF CONSTRUCTION SERVICES

Effective July 1, 2011, the bill establishes DCS as an independent executive branch agency and its commissioner as its department head with the authority to, among other things, designate a deputy or deputies (see below: Division of Fire and Building Services). DCS is a successor department to (1) DPW with respect to the construction and maintenance of state buildings and property and (2) the DPS Division of Fire, Emergency, and Building Services with respect to fire safety and building code enforcement. As of July 1, 2011, DCS also assumes SDE's responsibilities for school construction projects.

With these changes, the bill transfers to DCS the corresponding

personnel powers, duties, obligations, and other government functions of each agency or division, whichever applies.

Construction and Construction Management Functions — §§ 4-5, 8-9, 11-14, 16-19, 39-40, 42, 61-62, 64-70

Under the bill, DCS is generally responsible for:

1. administering most state capital improvement construction and planning projects and selecting consultants to assist on these projects;
2. providing technical advice and services to state agencies planning to improve their physical space;
3. reviewing and implementing the State Facility Plan; and
4. supervising the care and control and administering the security for most state buildings and grounds.

Division of Fire and Building Services—§§ 41, 44-47 & 71-77

The bill transfers, from DPS to DCS, most of the Division of Fire, Emergency, and Building Services and its functions and renames it the Division of Fire and Building Services. The division's offices of the State Fire Marshal and the State Building Inspector transfer. The division's Office of State-Wide Emergency Telecommunications remains in DPS. Thus, the bill makes DAS responsible for enforcing the Fire Safety Code and the State Building Code.

Under the bill, the heads of the two transferring offices report to the DAS commissioner rather than the head of the division. The bill also eliminates a provision under which the State Building Inspector serves as the administrative head of the Office of the State Building Inspector.

Under current law, the DPS commissioner or a member of the state police to whom he or she delegates powers is the state fire marshal. The bill instead requires the DCS commissioner to appoint the state fire marshal.

The bill eliminates the deputy state fire marshal as a statutory

position. However, it retains the position's exemption from classified service should anyone serves in this capacity in the future.

State School Construction Projects — §§ 39, 43, 48-60, & 78

Under the bill, DCS assumes responsibility from SDE for the school construction grant process. SDE retains authority to designate which construction projects qualify as Sheff magnet schools. The bill thus requires DCS to review and approve school building project grant applications from local and regional boards of education.

In addition, the bill, among other things:

1. requires the governor to review and approve the priority list of proposed school construction projects prior to its submission to the legislature and changes the submission date from December 15 to the date the governor submits the state budget;
2. eliminates reimbursement for portable classrooms, even under accelerated procedures for code violations;
3. eliminates the special legislative committee that reviews school construction projects and transfers its duties and responsibilities to the Education Committee;
4. authorizes DCS to reject applications in which the estimated cost exceeds the cost per square foot cost for the geographical area, which the commissioner determines;
5. requires the commissioner to cancel an existing grant commitment for a project that does not begin construction by April 1, 2012, but allows towns and districts to reapply for the project;
6. for applications made on or after July 1, 2011, reduces the reimbursement rate for new construction, from 20% to 80% of eligible costs to 15% to 65% of these costs, while continuing the 20% to 80% reimbursement rate for renovations;
7. for projects authorized on or after July 1, 2011, eliminates

- attorney's fees and court costs related to litigation as eligible project costs;
8. eliminates reimbursement for leasing as eligible project costs;
 9. for purposes of determining project costs eligible for state reimbursement, changes how districts must calculate enrollment and bases the calculation on average student growth rate during the prior 10-year period rather than on the highest projected enrollment in the coming eight years starting from the date the district notifies the state of the project;
 10. sets a maximum cost per square foot, which the DCS commissioner establishes, allows the commissioner to reject applications with estimated construction costs that exceed the standard, and reimburses towns based on the standard;
 11. makes roof replacement and heating ventilation or air conditioning system projects eligible for 20% to 80% reimbursement if the project provides greater energy efficiency or reduces heating costs;
 12. exempts project management and construction management fees from the prohibition against increases in school construction project professional or consulting fees;
 13. reduces the reimbursement rate for inter-district magnet schools from 95% to 80% of eligible costs; and
 14. eliminates the authority of the Connecticut Science Center, Inc. to qualify for school construction grants on the same basis as an inter-district magnet school.

Beginning July 1, 2012, the bill (1) limits, from two to one, the number of times the legislature may reauthorize grant increases for projects that change in scope by more than 10% and (2) eliminates funding for board of education administrative and service facilities, which are currently reimbursed at one-half the district's regular rate.