



# Senate

General Assembly

**File No. 489**

February Session, 2022

Senate Bill No. 438

*Senate, April 14, 2022*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS.***

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

1 Section 1. Subdivision (13) of subsection (b) of section 1-210 of the  
2 2022 supplement to the general statutes is repealed and the following is  
3 substituted in lieu thereof (*Effective October 1, 2022*):

4 (13) Records of an investigation or the name of an employee  
5 providing information under the provisions of section 4-61dd or  
6 sections 4-276 to 4-280, inclusive, or of any complaint made pursuant to  
7 section 4-61dd;

8 Sec. 2. Subdivision (1) of subsection (e) of section 14-44 of the general  
9 statutes is repealed and the following is substituted in lieu thereof  
10 (*Effective October 1, 2022*):

11 (e) (1) Prior to issuing an operator's license bearing a public passenger  
12 endorsement pursuant to subsection (a) of this section, the

13 Commissioner of Motor Vehicles shall require each applicant to submit  
14 to state and national criminal history records checks, conducted in  
15 accordance with section 29-17a. The Commissioner of Emergency  
16 Services and Public Protection shall complete such state and national  
17 criminal history records checks required pursuant to this section within  
18 sixty days of receiving such a request for a check of such records. If  
19 notice of a state or national criminal history record is received, the  
20 Commissioner of Motor Vehicles may, subject to the provisions of  
21 section 46a-80, refuse to issue an operator's license bearing such public  
22 passenger endorsement and, in such case, shall immediately notify the  
23 applicant, in writing, of such refusal. Each applicant for a public  
24 passenger endorsement to operate a school bus or student  
25 transportation vehicle shall submit to a check of the state child abuse  
26 and neglect registry established pursuant to section 17a-101k. If  
27 notification that the applicant is listed as a perpetrator of abuse on the  
28 state child abuse and neglect registry is received, the Commissioner of  
29 Motor Vehicles may refuse to issue an operator's license bearing such  
30 public passenger endorsement and, in such case, shall immediately  
31 notify the applicant, in writing, of such refusal. The Commissioner of  
32 Motor Vehicles shall not issue a temporary operator's license bearing a  
33 public passenger endorsement for operation of a school bus or student  
34 transportation vehicle. The Commissioner of Motor Vehicles may  
35 periodically require a person who has been issued an operator's license  
36 with a public passenger endorsement to operate a school bus or student  
37 transportation vehicle to submit to state and national criminal history  
38 records checks, including, but not limited to, prior to any renewal  
39 thereof.

40 Sec. 3. Subsections (b) and (c) of section 7-395 of the general statutes  
41 are repealed and the following is substituted in lieu thereof (*Effective*  
42 *October 1, 2022*):

43 (b) If, upon such review of the audit report, the secretary finds (1) that  
44 such audit has not been prepared in accordance with subsection (a) of  
45 section 7-394a, and the municipality, regional school district or audited  
46 agency did not request permission to have the audit report prepared in

47 a manner not in compliance with said subsection; or (2) evidence of  
48 unsound or irregular financial practices or management letter  
49 comments or lack of internal controls in relation to commonly accepted  
50 standards in municipal finance, then the secretary shall prepare a report  
51 concerning such finding, including, but not limited to, information to  
52 aid in the evaluation of such finding and recommendations for  
53 corrective action. The secretary shall submit such report to (A) the  
54 Municipal Finance Advisory Commission established pursuant to  
55 section 7-394b; (B) the Auditors of Public Accounts; and (C) the chief  
56 executive officer and clerk of the municipality, superintendent of  
57 schools for the regional school district or chief executive officer of the  
58 audited agency.

59 (c) Upon receipt of a report submitted pursuant to subsection (b) of  
60 this section, the legislative body of the municipality, or in a municipality  
61 where the legislative body is a town meeting, the board of selectmen, or  
62 if the report involves a school district operating within its boundaries,  
63 the local or regional board of education, shall hold a public meeting to  
64 discuss the nature of the unsound or irregular financial practices,  
65 management letter comments or lack of internal controls in relation to  
66 commonly accepted standards in municipal finance, to address  
67 potential causes for such practices, comments or lack of internal controls  
68 and to inform proposing a plan for corrective action. After such meeting,  
69 the chief executive officer of a municipality or audited agency or  
70 superintendent of schools for the regional school district shall attest to  
71 and explain the secretary's findings and submit a plan for corrective  
72 action, in writing, to the secretary.

73 Sec. 4. Subsections (c) and (d) of section 3-115b of the general statutes  
74 are repealed and the following is substituted in lieu thereof (*Effective*  
75 *October 1, 2022*):

76 (c) The Comptroller shall establish an opening combined balance  
77 sheet for each appropriated fund as of July 1, 2013, on the basis of  
78 generally accepted accounting principles. The accumulated deficit in the  
79 General Fund on June 30, 2013, as determined on the basis of generally

80 accepted accounting principles and identified in the annual  
81 comprehensive [annual] financial report of the state as the unassigned  
82 negative balance of the General Fund on said date, reduced by any  
83 funds deposited in the General Fund from other resources for the  
84 purpose of reducing the negative unassigned balance of the fund, shall  
85 be amortized in each fiscal year of each biennial budget, commencing  
86 with the fiscal year ending June 30, 2016, and for the succeeding twelve  
87 fiscal years. The Comptroller shall, to the extent necessary to report the  
88 fiscal position of the state in accordance with generally accepted  
89 accounting principles, reconcile the unassigned balance in the General  
90 Fund at the end of each fiscal year to the unassigned balance in the  
91 General Fund on June 30, 2013, the portion already amortized and any  
92 unassigned balance created after June 30, 2013. The Secretary of the  
93 Office of Policy and Management shall annually publish a  
94 recommended amortization schedule to fully reduce such negative  
95 unassigned balance by June 30, 2028.

96 (d) The unreserved negative balance in the General Fund reported in  
97 the annual comprehensive [annual] financial report issued by the  
98 Comptroller for the fiscal year ending June 30, 2014, reduced by (1) the  
99 negative unassigned balance in the General Fund for the fiscal year  
100 ending June 30, 2013, and (2) any funds from other resources deposited  
101 in the General Fund for the purpose of reducing the negative  
102 unassigned balance of the fund shall be amortized in each fiscal year of  
103 each biennial budget, commencing with the fiscal year ending June 30,  
104 2018, and for the succeeding ten fiscal years. The Secretary of the Office  
105 of Policy and Management shall annually publish a recommended  
106 amortization schedule to fully reduce such negative unassigned balance  
107 by June 30, 2028.

108 Sec. 5. Section 4-72 of the general statutes is repealed and the  
109 following is substituted in lieu thereof (*Effective October 1, 2022*):

110 The budget document shall consist of the Governor's budget message  
111 in which he or she shall set forth as follows: (1) The Governor's program  
112 for meeting all the expenditure needs of the government for each fiscal

113 year of the biennium to which the budget relates, indicating the classes  
114 of funds, general or special, from which such appropriations are to be  
115 made and the means through which such expenditure shall be financed;  
116 and (2) financial statements giving in summary form: (A) The financial  
117 position of all major state operating funds including revolving funds at  
118 the end of the last-completed fiscal year in a form consistent with  
119 accepted accounting practice. The Governor shall also set forth in  
120 similar form the estimated position of each such fund at the end of the  
121 year in progress and the estimated position of each such fund at the end  
122 of each fiscal year of the biennium to which the budget relates if the  
123 Governor's proposals are put into effect; (B) a statement showing as of  
124 the close of the last-completed fiscal year, a year by year summary of all  
125 outstanding general obligation and special tax obligation debt of the  
126 state and a statement showing the yearly interest requirements on such  
127 outstanding debt; (C) a summary of appropriations recommended for  
128 each fiscal year of the biennium to which the budget relates for each  
129 budgeted agency and for the state as a whole in comparison with actual  
130 expenditures of the last-completed fiscal year and appropriations and  
131 estimated expenditures for the year in progress; (D) for the biennium  
132 commencing July 1, 1999, and each biennium thereafter, a summary of  
133 estimated expenditures for certain fringe benefits for each fiscal year of  
134 the biennium to which the budget relates for each budgeted agency; (E)  
135 a summary of permanent full-time positions setting forth the number  
136 filled and the number vacant as of the end of the last-completed fiscal  
137 year, the total number intended to be funded by appropriations without  
138 reduction for turnover for the fiscal year in progress, the total number  
139 requested and the total number recommended for each fiscal year of the  
140 biennium to which the budget relates; (F) a statement of expenditures  
141 for the last-completed and current fiscal years, the agency request and  
142 the Governor's recommendation for each fiscal year of the ensuing  
143 biennium and, for any new or expanded program, estimated  
144 expenditure requirements for the fiscal year next succeeding the  
145 biennium to which the budget relates; (G) an explanation of any  
146 significant program changes requested by the agency or recommended  
147 by the Governor; (H) a summary of the revenue estimated to be received

148 by the state during each fiscal year of the biennium to which the budget  
149 relates classified according to sources in comparison with the actual  
150 revenue received by the state during the last-completed fiscal year and  
151 estimated revenue during the year in progress; and (I) such other  
152 financial statements, data and comments as in the Governor's opinion  
153 are necessary or desirable in order to make known in all practicable  
154 detail the financial condition and operations of the government and the  
155 effect that the budget as proposed by the Governor will have on such  
156 condition and operations. If the estimated revenue of the state for the  
157 ensuing biennium as set forth in the budget on the basis of existing  
158 statutes is less than the sum of net appropriations recommended for the  
159 ensuing biennium as contained in the budget, plus, for the fiscal year  
160 ending June 30, 2014, and each fiscal year thereafter, the projected  
161 amount necessary to extinguish any unreserved negative balance in  
162 such fund as reported in the most recently audited annual  
163 comprehensive [annual] financial report issued by the Comptroller  
164 prior to the start of the biennium, the Governor shall make  
165 recommendations to the General Assembly in respect to the manner in  
166 which such deficit shall be met, whether by an increase in the  
167 indebtedness of the state, by the imposition of new taxes, by increased  
168 rates on existing taxes or otherwise. If the aggregate of such estimated  
169 revenue is greater than the sum of such recommended appropriations  
170 for the ensuing biennium plus, for the fiscal year ending June 30, 2014,  
171 and each fiscal year thereafter, the projected amount necessary to  
172 extinguish any unreserved negative balance in such fund as reported in  
173 the most recently issued annual report of the Comptroller published in  
174 accordance with section 3-115, the Governor shall make such  
175 recommendations for the use of such surplus for the reduction of  
176 indebtedness, for the reduction in taxation or for other purposes as in  
177 the Governor's opinion are in the best interest of the public welfare.

178 Sec. 6. Subsection (a) of section 8-169mm of the general statutes is  
179 repealed and the following is substituted in lieu thereof (*Effective October*  
180 *1, 2022*):

181 (a) In lieu of the report required under section 1-123, within the first

182 ninety days of each fiscal year of the Connecticut Municipal  
183 Redevelopment Authority, the board of directors of the authority shall  
184 submit a report to the Governor, the Auditors of Public Accounts and  
185 the joint standing committee of the General Assembly having  
186 cognizance of matters relating to finance, revenue and bonding. Such  
187 report shall include, but not be limited to, the following: (1) A list of all  
188 bonds issued during the preceding fiscal year, including, for each such  
189 issue, the financial advisor and underwriters, whether the issue was  
190 competitive, negotiated or privately placed, and the issue's face value  
191 and net proceeds; (2) a description of each authority development  
192 project in which the authority is involved, its location and the amount  
193 of funds, if any, provided by the authority with respect to the  
194 construction of such project; (3) a list of all outside individuals and  
195 firms, including principal and other major stockholders, receiving in  
196 excess of five thousand dollars as payments for services; (4) [a] an  
197 annual comprehensive [annual] financial report prepared in accordance  
198 with generally accepted accounting principles for governmental  
199 enterprises; (5) the cumulative value of all bonds issued, the value of  
200 outstanding bonds and the amount of the state's contingent liability; (6)  
201 the affirmative action policy adopted pursuant to section 8-169kk, a  
202 description of the composition of the workforce of the Connecticut  
203 Municipal Redevelopment Authority by race, sex and occupation and a  
204 description of the affirmative action efforts of the authority; and (7) a  
205 description of planned activities for the current fiscal year.

206 Sec. 7. Subsection (a) of section 15-120o of the general statutes is  
207 repealed and the following is substituted in lieu thereof (*Effective October*  
208 *1, 2022*):

209 (a) Within the first ninety days of each fiscal year of the authority, the  
210 board of directors of the authority shall submit a report to the Governor,  
211 the Auditors of Public Accounts and the joint standing committee of the  
212 General Assembly having cognizance of matters relating to finance,  
213 revenue and bonding. Such report shall include, but not be limited to,  
214 the following: (1) A list of all bonds issued during the preceding fiscal  
215 year, including, for each such issue, the financial advisor and

216 underwriters, whether the issue was competitive, negotiated or  
217 privately placed, and the issue's face value and net proceeds; (2) a  
218 description of the project, its location, and the amount of funds, if any,  
219 provided by the authority with respect to the construction of the project;  
220 (3) a list of all outside individuals and firms receiving in excess of five  
221 thousand dollars in the form of loans, grants or payments for services;  
222 (4) [a] an annual comprehensive [annual] financial report prepared in  
223 accordance with generally accepted accounting principles for  
224 governmental enterprises; (5) the cumulative value of all bonds issued,  
225 the value of outstanding bonds, and the amount of the state's contingent  
226 liability; (6) the affirmative action policy statement, a description of the  
227 composition of the work force of the authority by race, sex and  
228 occupation and a description of the affirmative action efforts of the  
229 authority; and (7) a description of planned activities for the current fiscal  
230 year.

231 Sec. 8. Subsection (a) of section 32-605 of the general statutes is  
232 repealed and the following is substituted in lieu thereof (*Effective October*  
233 *1, 2022*):

234 (a) In lieu of the report required under section 1-123, within the first  
235 ninety days of each fiscal year of the Capital Region Development  
236 Authority, the board of directors of the authority shall submit a report  
237 to the Governor, the Auditors of Public Accounts and the joint standing  
238 committee of the General Assembly having cognizance of matters  
239 relating to finance, revenue and bonding. Such report shall include, but  
240 not be limited to, the following: (1) A list of all bonds issued during the  
241 preceding fiscal year, including, for each such issue, the financial  
242 advisor and underwriters, whether the issue was competitive,  
243 negotiated or privately placed, and the issue's face value and net  
244 proceeds; (2) a description of the capital city project or any economic  
245 development project in the capital region in which the authority is  
246 involved, its location and the amount of funds, if any, provided by the  
247 authority with respect to the construction of such project; (3) a list of all  
248 outside individuals and firms, including principal and other major  
249 stockholders, receiving in excess of five thousand dollars as payments



250 for services; (4) [a] an annual comprehensive [annual] financial report  
 251 prepared in accordance with generally accepted accounting principles  
 252 for governmental enterprises; (5) the cumulative value of all bonds  
 253 issued, the value of outstanding bonds and the amount of the state's  
 254 contingent liability; (6) the affirmative action policy statement, a  
 255 description of the composition of the work force of the authority by race,  
 256 sex and occupation and a description of the affirmative action efforts of  
 257 the authority; (7) a description of planned activities for the current fiscal  
 258 year; (8) a list of all private investments made or committed for  
 259 commercial development within the capital city economic development  
 260 district; and (9) an analysis of the authority's success in achieving the  
 261 purposes stated in section 32-602.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	1-210(b)(13)
Sec. 2	<i>October 1, 2022</i>	14-44(e)(1)
Sec. 3	<i>October 1, 2022</i>	7-395(b) and (c)
Sec. 4	<i>October 1, 2022</i>	3-115b(c) and (d)
Sec. 5	<i>October 1, 2022</i>	4-72
Sec. 6	<i>October 1, 2022</i>	8-169mm(a)
Sec. 7	<i>October 1, 2022</i>	15-120o(a)
Sec. 8	<i>October 1, 2022</i>	32-605(a)

**GAE**      *Joint Favorable*

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*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.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill, which makes various procedural, technical and conforming changes, does not result in a fiscal impact.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****SB 438*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS.*****SUMMARY**

This bill makes various changes in the government administration statutes. The bill:

1. modifies an existing exemption to the Freedom of Information Act to prevent the disclosure of whistleblower complaints filed with the state auditors (the exemption currently protects investigation records and the informant's name from disclosure) (§ 1);
2. authorizes the Department of Motor Vehicles (DMV) to conduct periodic background checks from federal and out-of-state criminal databases for active school bus and student transportation drivers (§ 2);
3. requires the local legislative body or local or regional board of education to hold a public meeting before submitting a corrective action plan regarding an audit that is non-compliant or showing certain irregularities (§ 3); and
4. makes minor changes that replace statutory references to "comprehensive annual financial reports" with "annual comprehensive financial reports" (§ 4-8).

EFFECTIVE DATE: October 1, 2022

**§ 2 — CRIMINAL BACKGROUND CHECKS FOR STUDENT TRANSPORTATION DRIVERS**

The bill authorizes the motor vehicles commissioner to periodically

conduct background checks on someone who has an operator's license to drive a school bus or student transportation vehicle. Existing law authorizes the commissioner to conduct checks as part of the initial application. In practice, DMV periodically compares the list of student transportation drivers against the Department of Emergency Services and Public Protection's criminal database, but does not conduct national or out-of-state background checks after the initial application.

### **§ 3 — PUBLIC HEARINGS FOR MUNICIPAL AUDITS**

Under existing law, the independent auditor must submit a report to the OPM secretary after an annual municipal financial audit or a single or program-specific audit (CGS § 7-393). If the secretary finds (1) the audit was not properly prepared and the entity did not have permission to file a non-compliant report or (2) evidence of unsound or irregular financial practices, management letter comments, or lack of standard internal controls, he must prepare a report concerning his findings and submit it to certain officials, including the chief executive officer (CEO) of the municipality or audited agency, or the regional school district superintendent, and the municipal clerk, if applicable. The CEO or superintendent must then attest to and explain the secretary's findings and submit a written corrective action plan.

The bill requires that a public meeting be held to discuss the secretary's findings before submitting the plan.

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 18    Nay 1    (03/28/2022)