



House of Representatives

General Assembly

File No. 268

January Session, 2023

Substitute House Bill No. 5720

House of Representatives, March 28, 2023

The Committee on Government Administration and Elections reported through REP. BLUMENTHAL of the 147th 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.

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

1 Section 1. (NEW) (*Effective July 1, 2023*) (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 of the Senate, and (2) six members of
16 the House of Representatives, three appointed by the speaker of the
17 House of Representatives and three appointed by the minority leader of
18 the House of Representatives. Members shall serve for a term of two
19 years from the date of appointment.

20 (c) The initial appointments of the members shall be made not later
21 than February 7, 2024, and thereafter appointments of the members shall
22 be made at the beginning of each regular session of the General
23 Assembly in the odd-numbered year. The terms of all members
24 appointed to the committee shall end with the termination of each
25 member's term or holding of office, whichever occurs first. Vacancies
26 shall be filled in the same manner as the original appointments. The
27 committee shall select cochairpersons and such other officers as it may
28 deem necessary from among its membership.

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

36 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) The Legislative Program
37 Review and Investigations Committee shall:

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

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

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

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

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

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

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

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

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

76 prescribed by rule for joint standing committees of the General
77 Assembly;

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

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

88 (11) Report annually to the General Assembly, in accordance with the
89 provisions of section 11-4a of the general statutes, on or before February
90 fifteenth.

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

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

108 or its political subdivisions.

109 Sec. 3. (NEW) (*Effective July 1, 2023*) (a) In any instance in which a
110 program review cites inadequate operating or administrative system
111 controls or procedures, inaccuracies, waste, extravagance, unauthorized
112 or unintended activities or programs, or other deficiencies, the
113 department head of or agency head of or the appropriate program
114 officer or official to which the report pertained shall take the necessary
115 corrective actions and, when the committee deems the action taken to
116 be not suitable, the committee shall report the matter to the General
117 Assembly together with its recommendations.

118 (b) The committee shall report the results of each investigation
119 together with its recommendations for any further action to the General
120 Assembly electronically, in accordance with the provisions of section 11-
121 4a of the general statutes.

122 Sec. 4. Section 1-122 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective July 1, 2023*):

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

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

146 Sec. 5. Subsection (a) of section 1-123 of the general statutes is
147 repealed and the following is substituted in lieu thereof (*Effective July 1,*
148 *2023*):

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

175 relating to the quasi-public agency.

176 Sec. 6. Section 2-46 of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective July 1, 2023*):

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

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

203 Sec. 7. Section 2-47 of the general statutes is repealed and the
204 following is substituted in lieu thereof (*Effective July 1, 2023*):

205 No witness shall be privileged to refuse to testify to any fact, or to
206 produce any paper, respecting which he is examined by either house of

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

214 Sec. 8. Subsections (c) to (e), inclusive, of section 2-90 of the general
215 statutes are repealed and the following is substituted in lieu thereof
216 (*Effective July 1, 2023*):

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

239 (d) The Auditors of Public Accounts may enter into such contractual

240 agreements as may be necessary for the discharge of their duties. Any
241 audit or report which is prepared by a person, firm or corporation
242 pursuant to any contract with the Auditors of Public Accounts shall bear
243 the signature of the person primarily responsible for the preparation of
244 such audit or report. As used in this subsection, the term "person" means
245 a natural person.

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

267 Sec. 9. Subdivision (11) of subsection (g) of section 17a-28 of the
268 general statutes is repealed and the following is substituted in lieu
269 thereof (*Effective July 1, 2023*):

270 (11) The Governor, when requested in writing in the course of the
271 Governor's official functions, the Legislative Program Review and
272 Investigations Committee, the joint standing committee of the General

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

282 Sec. 10. Section 51-51l of the general statutes is repealed and the
283 following is substituted in lieu thereof (*Effective July 1, 2023*):

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

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

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

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

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

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

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

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

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

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

381 Sec. 11. Subsection (a) of section 2-53m of the general statutes is
382 repealed and the following is substituted in lieu thereof (*Effective July 1,*
383 *2023*):

384 (a) The joint standing committee of the General Assembly having
385 cognizance of matters relating to children, in consultation with the
386 Office of Fiscal Analysis, the Office of Legislative Research and the
387 Commission on Women, Children and Seniors, shall maintain an annual
388 report card that evaluates the progress of state policies and programs in
389 promoting the result that all Connecticut children grow up in a stable
390 living environment, safe, healthy and ready to lead successful lives.
391 Progress shall be measured by primary indicators of progress,
392 including, but not limited to, indicators established in the final report of
393 the [former] Legislative Program Review and Investigations Committee
394 prepared pursuant to the provisions of section 1 of public act 09-166, of
395 state-wide rates of child abuse, child poverty, low birth weight, third
396 grade reading proficiency, and the annual social health index developed
397 pursuant to section 46a-131a. For each indicator, the data shall also be
398 presented according to ethnicity or race, gender, geography, disability
399 and, where appropriate, age and other relevant characteristics. The joint
400 standing committee of the General Assembly having cognizance of
401 matters relating to children shall prepare the report card on or before
402 January 15, 2018, and annually thereafter. On or before January 15, 2018,
403 and annually thereafter, said committee shall make the report card
404 available to the public on the Internet and on the web site of the General
405 Assembly and shall transmit the report card electronically to (1)
406 members of the joint standing committees of the General Assembly
407 having cognizance of matters relating to appropriations and the budgets

408 of state agencies and human services, (2) the Commissioners of Children
 409 and Families, Education and Public Health, (3) the Child Advocate, (4)
 410 the Secretary of the Office of Policy and Management, and (5) the Chief
 411 Court Administrator.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	New section
Sec. 2	July 1, 2023	New section
Sec. 3	July 1, 2023	New section
Sec. 4	July 1, 2023	1-122
Sec. 5	July 1, 2023	1-123(a)
Sec. 6	July 1, 2023	2-46
Sec. 7	July 1, 2023	2-47
Sec. 8	July 1, 2023	2-90(c) to (e)
Sec. 9	July 1, 2023	17a-28(g)(11)
Sec. 10	July 1, 2023	51-51l
Sec. 11	July 1, 2023	2-53m(a)

Statement of Legislative Commissioners:

In Section 6(a), a reference to "the Legislative Program Review and Investigations Committee" was added for consistency.

GAE Joint Favorable Subst. -LCO

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 24 \$	FY 25 \$
Legislative Mgmt.	GF - Cost	1,133,591	1,146,181
State Comptroller - Fringe Benefits ¹	GF - Cost	472,558	484,372

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill re-establishes the Legislative Program Review and Investigations (PRI) Committee resulting in a cost to Legislative Management of \$1.1 million in FY 24 and FY 25, and a corresponding fringe benefit cost of \$472,558 in FY 24 and \$484,372 in FY 25.

To meet the requirements of the bill, the PRI committee will have to hire 12 staff. These staff will include one director, two chief analysts, 8 analysts, and one administrative assistant. The bill requires the PRI committee to examine state agencies to determine if they are effective, receive study requests from legislative staff and elected officials, and to undertake studies at its own initiative.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to state employee wages and benefits and inflation.

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 42.82% of payroll in FY 24.

OLR Bill Analysis**sHB 5720*****AN ACT REESTABLISHING THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE.*****SUMMARY**

This bill re-establishes the legislative Program Review and Investigations (PRI) Committee as a 12-member permanent standing committee beginning with the 2024 legislative session. The committee previously existed from 1973 through 2016 (see BACKGROUND).

The bill generally restores the committee's previous powers and duties (e.g., the authority to access state agencies' records and files, including by subpoena). 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.

EFFECTIVE DATE: July 1, 2023

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. It requires the leaders to make initial appointments by February 7, 2024 (i.e., the start of the 2024 session), and then make subsequent appointments 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

The bill generally 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 adds the PRI Committee to the list of committees to which DCF must disclose records without a subject's consent upon a majority vote of the committee. (Under existing law, it must disclose records to the Children's, Human Services, and Judiciary committees upon a majority vote.) As under

existing law, DCF may not disclose any names or identifying information unless essential to a legislative purpose.

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 may not 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.

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

Yea 19 Nay 0 (03/15/2023)