



General Assembly

January Session, 2023

Substitute Bill No. 5720



**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
2 and 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
14 the 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
18 of 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
22 shall 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
39 committee to conduct program reviews and investigations to assist the
40 General 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
47 may request and shall be given access to and copies of, by all public
48 officers, departments, agencies and authorities of the state and its
49 political subdivisions, such public records, data and other information
50 and given such assistance as the committee determines it needs to

51 fulfill its duties;

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

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

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

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

75 (8) Originate, and report to the General Assembly, any bill it deems
76 necessary concerning a program, department or other matter under
77 review or investigation by the committee, in the same manner as is
78 prescribed by rule for joint standing committees of the General
79 Assembly;

80 (9) Review audit reports after issuance by the Auditors of Public
81 Accounts, evaluate and sponsor new or revised legislation based on

82 audit findings, provide means to determine compliance with audit
83 recommendations and receive facts concerning any unauthorized,
84 illegal, irregular or unsafe handling or expenditures of state funds
85 under the provisions of section 2-90 of the general statutes, as
86 amended by this act;

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

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

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

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

111 Sec. 3. (NEW) (*Effective July 1, 2023*) (a) In any instance in which a
112 program review cites inadequate operating or administrative system

113 controls or procedures, inaccuracies, waste, extravagance,
114 unauthorized or unintended activities or programs, or other
115 deficiencies, the department head of or agency head of or the
116 appropriate program officer or official to which the report pertained
117 shall take the necessary corrective actions and, when the committee
118 deems the action taken to be not suitable, the committee shall report
119 the matter to the General Assembly together with its
120 recommendations.

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

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

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

146 matters relating to the quasi-public agency. Each quasi-public agency
147 shall pay the cost of conducting such biennial compliance audit of the
148 agency.

149 Sec. 5. Subsection (a) of section 1-123 of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective July*
151 *1, 2023*):

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

179 agency.

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

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

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

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

209 No witness shall be privileged to refuse to testify to any fact, or to

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

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

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

243 (d) The Auditors of Public Accounts may enter into such contractual
244 agreements as may be necessary for the discharge of their duties. Any
245 audit or report which is prepared by a person, firm or corporation
246 pursuant to any contract with the Auditors of Public Accounts shall
247 bear the signature of the person primarily responsible for the
248 preparation of such audit or report. As used in this subsection, the
249 term "person" means a natural person.

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

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

275 (11) The Governor, when requested in writing in the course of the

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

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

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

309 such investigation and disclosure be open, provided information
310 known or obtained independently of any such investigation shall not
311 be confidential. The judge, administrative law judge or family support
312 magistrate shall have the right to appear and be heard and to offer any
313 information which may tend to clear him of probable cause to believe
314 he is guilty of conduct under section 51-51i. The judge, administrative
315 law judge or family support magistrate shall also have the right to be
316 represented by legal counsel and examine and cross-examine
317 witnesses. In conducting its investigation under this subsection, the
318 council may request that a court furnish to the council a record or
319 transcript of court proceedings, including records and transcripts of
320 juvenile matters pursuant to section 46b-124 and records and
321 transcripts of cases involving youthful offenders pursuant to section
322 54-76l, made or prepared by a court reporter, assistant court reporter
323 or monitor and the court shall, upon such request, furnish such record
324 or transcript.

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

343 subdivision (1) of this subsection, the substance of the admonishment
344 shall not be disclosed to any person or organization.

345 (c) If a preliminary investigation indicates that probable cause exists
346 that the judge, administrative law judge or family support magistrate
347 is guilty of conduct under section 51-51i, the council shall hold a
348 hearing concerning the conduct or complaint. All hearings held
349 pursuant to this subsection shall be open. A judge, an administrative
350 law judge or a family support magistrate appearing before such a
351 hearing shall be entitled to counsel, to present evidence and to cross-
352 examine witnesses. The council shall make a record of all proceedings
353 pursuant to this subsection. The council shall not later than thirty days
354 after the close of such hearing publish its findings together with a
355 memorandum of its reasons therefor.

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

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

371 [(e)] (f) On and after December 19, 1991, any judge, administrative
372 law judge or family support magistrate who has been the subject of an
373 investigation by the Judicial Review Council as a result of a complaint
374 brought before such council may request that such complaint,

375 investigation and the disposition of such complaint be open to public
376 inspection.

377 [(f)] (g) Whenever a complaint against a judge, an administrative
378 law judge or a family support magistrate is pending before the Judicial
379 Review Council within the final year of the term of office of such
380 judge, administrative law judge or family support magistrate, the
381 Judicial Review Council shall designate such complaint as privileged
382 and shall conduct an expedited investigation and hearing so that its
383 duties with respect to such complaint are completed in sufficient time
384 to enable the Judicial Review Council to make its recommendation
385 concerning any such judge to the Judicial Selection Commission and
386 the Governor under section 51-51q in a timely manner.

387 Sec. 11. Subsection (a) of section 2-53m of the general statutes is
388 repealed and the following is substituted in lieu thereof (*Effective July*
389 *1, 2023*):

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

408 shall prepare the report card on or before January 15, 2018, and
 409 annually thereafter. On or before January 15, 2018, and annually
 410 thereafter, said committee shall make the report card available to the
 411 public on the Internet and on the web site of the General Assembly and
 412 shall transmit the report card electronically to (1) members of the joint
 413 standing committees of the General Assembly having cognizance of
 414 matters relating to appropriations and the budgets of state agencies
 415 and human services, (2) the Commissioners of Children and Families,
 416 Education and Public Health, (3) the Child Advocate, (4) the Secretary
 417 of the Office of Policy and Management, and (5) the Chief Court
 418 Administrator.

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