



House of Representatives

File No. 689

General Assembly

February Session, 2000

(Reprint of File No. 272)

Substitute House Bill No. 5595
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 29, 2000

An Act Implementing Recommendations Of The State Ethics Commission To Amend Certain Provisions Of The Codes Of Ethics.

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

1 Section 1. Subsection (d) of section 1-82 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (d) No complaint may be made under this section except within
4 [three] five years next after the violation alleged in the complaint has
5 been committed.

6 Sec. 2. (NEW) (a) In addition to its jurisdiction over persons who are
7 residents of this state, the State Ethics Commission may exercise
8 personal jurisdiction over any nonresident person, or the agent of such
9 person, who is a witness who either individually or whose employer
10 transacts or seeks to transact any business with the state, is regulated
11 by the state or is a lobbyist.

12 (b) Where personal jurisdiction is based solely upon this section, an

13 appearance does not confer personal jurisdiction with respect to causes
14 of action not arising from an act enumerated in this section.

15 (c) Any nonresident person or the agent of such person over whom
16 the State Ethics Commission may exercise personal jurisdiction as
17 provided in subsection (a) of this section shall be deemed to have
18 appointed the Secretary of the State as the person's or agent's attorney
19 and to have agreed that any process in any complaint, investigation or
20 other matter conducted pursuant to section 1-82 or 1-93 of the general
21 statutes brought against the nonresident person, or said person's agent,
22 may be served upon the Secretary of the State and shall have the same
23 validity as if served upon such nonresident person or agent personally.
24 The process shall be served by the officer to whom the same is directed
25 upon the Secretary of the State by leaving with or at the office of the
26 Secretary of the State, at least twelve days before any required
27 appearance day of such process, a true and attested copy of such
28 process, and by sending to the nonresident person or agent so served,
29 at the person's or agent's last-known address, by registered or certified
30 mail, postage prepaid, a like and attested copy with an endorsement
31 thereon of the service upon the Secretary of the State. The Secretary of
32 the State shall keep a record of each such process and the day and hour
33 of service.

34 Sec. 3. Subsection (d) of section 1-93 of the general statutes is
35 repealed and the following is substituted in lieu thereof:

36 (d) No complaint may be made under this section except within
37 [three] five years next after the violation alleged in the complaint has
38 been committed.

39 Sec. 4 Section 1-81 of the general statutes is amended by adding
40 subsection (c) as follows:

41 (NEW) (c) Notwithstanding the provisions of section 4a-51 or 4a-52,
42 the commission may purchase supplies, materials, equipment and
43 contractual services, as defined in section 4a-50.

44 Sec. 5. This act shall take effect from its passage.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: State Ethics Commission

Municipal Impact: None

Explanation

State Impact:

The bill makes several changes in the State Code of Ethics, which have no fiscal impact on the State Ethics Commission. Additionally, the bill provides the State Ethics Commission with the authority to purchase goods and services directly, rather than through the administrative services commissioner. This change will have no fiscal impact.

House "A" makes certain changes which have no fiscal impact.

OLR Amended Bill Analysis

sHB 5595 (as amended by House "A")*

AN ACT IMPLEMENTING RECOMMENDATIONS OF THE STATE ETHICS COMMISSION TO AMEND CERTAIN PROVISIONS OF THE CODE OF ETHICS RELATING TO THE STATE TREASURER AND OTHER MATTERS.**SUMMARY:**

This bill makes several changes to the State Codes of Ethics. Specifically, it:

1. increases, from three to five years after an ethics violation occurs, the statute of limitations for filing a complaint with the State Ethics Commission;
2. gives the commission long arm jurisdiction over certain witnesses; and
3. permits the commission to purchase goods and services.

*House Amendment "A" eliminates (1) all campaign finance contributions, revolving door, and contracting provisions that relate to the treasurer (2) the clarification of the reporting exception for admission to, and food and drink consumed at, an in-state event. It also changes the bill's effective date from July 1, 2000 to upon passage.

EFFECTIVE DATE: Upon passage

LONG ARM JURISDICTION

The bill authorizes the commission to exercise personal jurisdiction over nonresident witnesses or their agents who individually or through their employer transact, or seek to transact, business with the state, are state-regulated, or are lobbyists. (The bill does not appear to require the person to be a registered lobbyist in this state even though long arm jurisdiction statutes apply to nonresidents who have some

state contact.)

The bill limits the jurisdiction to causes of actions arising from acts it identifies, but it does not list any such acts.

The witness or his agent is deemed to have (1) appointed the secretary of the state as his attorney and (2) agreed that service of process on the secretary of the state has the same validity as if served upon the nonresident or his agent personally.

The commission may have process served on the secretary of the state by leaving a true and attested copy of it at her office at least 12 days before any required appearance and by sending a similar attested copy with proof of service on the secretary to the person's or agent's last known address. The copy must be sent by registered or certified mail, postage prepaid. The secretary must keep a record of each process and the day and hour of service.

COMMISSION AUTHORITY TO PURCHASE GOODS AND SERVICES

The bill permits the commission to (1) purchase all of the personal property it uses, including all printing, binding, stationery, forms, and reports; (2) rent, repair, or maintain equipment, machinery and other state-owned personal property; and (3) contract for laundry, cleaning, pest control, janitorial, security, advertising, mimeographing, photostating, and other services that are not provided by state employees. Currently, the administrative services commissioner must purchase these goods and services for state agencies or authorize them to purchase their own under prescribed conditions and procedures.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute
Yea 21 Nay 0