



# Senate

General Assembly

**File No. 757**

January Session, 2005

Substitute Senate Bill No. 96

*Senate, May 16, 2005*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING GOVERNMENT ADMINISTRATION.**

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

1 Section 1. (*Effective from passage*) The building known as the  
2 Department of Public Utility Control building in New Britain shall be  
3 named the "Joseph H. Harper, Jr. Building".

4 Sec. 2. (*Effective from passage*) Notwithstanding any provision of the  
5 general statutes or any special act, charter or ordinance, the vote cast  
6 by the electors and voters of the town of Enfield at the referendum  
7 held on November 2, 2004, relating to approval of and an  
8 appropriation for the reconstruction and repair of various town roads  
9 and roadside elements and the authorization of the issuance of bonds,  
10 notes and temporary notes and the acceptance of grants and other  
11 available funds to defray said appropriation, otherwise valid except  
12 for the failure to publish and post notice of said referendum, is  
13 validated. All acts, votes and proceedings of the officers and officials of  
14 the town of Enfield pertaining to or taken in reliance on said

15 referendum, otherwise valid except for the failure to publish and post  
16 notice of said referendum, are validated and effective as of the date  
17 taken.

18 Sec. 3. Subsection (b) of section 46a-13k of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective July*  
20 *1, 2005*):

21 (b) The Office of the Child Advocate shall be in the [Freedom of  
22 Information Commission] Department of Administrative Services for  
23 administrative purposes only.

24 Sec. 4. Subsection (e) of section 20-280 of the general statutes is  
25 repealed and the following is substituted in lieu thereof (*Effective July*  
26 *1, 2005*):

27 (e) The board, subject to the provisions of chapter 67, may employ  
28 an executive director and such other personnel as may be necessary to  
29 carry out the provisions of sections 20-279b to 20-281m, inclusive. The  
30 board may enter into such contractual agreements as may be necessary  
31 for the discharge of its duties, within the limit of its appropriated  
32 funds and in accordance with established procedures, as it deems  
33 necessary in its administration and enforcement of said sections. It  
34 may appoint committees or persons to advise or assist the board in  
35 such administration and enforcement as it may see fit. Said board shall  
36 be within the [office of the Secretary of the State] Office of Policy and  
37 Management for administrative purposes only.

38 Sec. 5. Subsection (a) of section 28-1a of the general statutes is  
39 repealed and the following is substituted in lieu thereof (*Effective from*  
40 *passage*):

41 (a) There is established a Department of Emergency Management  
42 and Homeland Security. [, which shall be within the Office of Policy  
43 and Management for administrative purposes only.] Said department  
44 shall be the designated emergency management and homeland  
45 security agency for the state. The department head shall be the

46 commissioner, who shall be appointed by the Governor in accordance  
47 with the provisions of sections 4-5, 4-6, 4-7 and 4-8 with the powers  
48 and duties prescribed in said sections. The commissioner shall possess  
49 professional training and knowledge consisting of not less than five  
50 years of managerial or strategic planning experience in matters relating  
51 to public safety, security, emergency services and emergency response.  
52 No person possessing a record of any criminal, unlawful or unethical  
53 conduct shall be eligible for or hold such position. Any person with  
54 any present or past political activities or financial interests that may  
55 substantially conflict with the duties of the commissioner or expose  
56 such person to potential undue influence or compromise such person's  
57 ability to be entrusted with necessary state or federal security  
58 clearances or information shall be deemed unqualified for such  
59 position and shall not be eligible to hold such position. The  
60 commissioner shall be the chief administrative officer of the  
61 department and shall have the responsibility for providing a  
62 coordinated, integrated program for state-wide emergency  
63 management and homeland security. The commissioner may do all  
64 things necessary to apply for, qualify for and accept any federal funds  
65 made available or allotted under any federal act relative to emergency  
66 management or homeland security.

67 Sec. 6. (NEW) (*Effective July 1, 2005*) The State Comptroller, the  
68 Commissioner of Administrative Services and the Chief Information  
69 Officer of the Department of Information Technology shall report, on a  
70 quarterly basis, to the Governor and the General Assembly, on the  
71 CORE-CT system. Such reports shall include, but not be limited to, the  
72 status of the implementation of the system, the anticipated completion  
73 date, the total cost to date and projected costs for the next three fiscal  
74 years, other required software or hardware necessary for successful  
75 implementation and any associated costs, the date and costs of future  
76 upgrades, the level of cooperation from vendors and state agencies,  
77 any administrative or legislative obstacles to implementation, and any  
78 other issues surrounding the CORE-CT system.

79 Sec. 7. Section 46a-68 of the general statutes is repealed and the

80 following is substituted in lieu thereof (*Effective from passage*):

81 (a) Each state agency, department, board, [and] commission and the  
82 Joint Committee on Legislative Management of the General Assembly  
83 shall develop and implement, in cooperation with the Commission on  
84 Human Rights and Opportunities, an affirmative action plan that  
85 commits the agency, department, board or commission to a program of  
86 affirmative action in all aspects of personnel and administration. Such  
87 plan shall be developed pursuant to regulations adopted by the  
88 Commission on Human Rights and Opportunities in accordance with  
89 chapter 54 to ensure that affirmative action is undertaken as required  
90 by state and federal law to provide equal employment opportunities  
91 and to comply with all responsibilities under the provisions of sections  
92 4-61u to 4-61w, inclusive, sections 46a-54 to 46a-64, inclusive, section  
93 46a-64c and sections 46a-70 to 46a-78, inclusive. The executive head or  
94 chairs of each such agency, department, board, joint committee or  
95 commission shall be directly responsible for the development, filing  
96 and implementation of such affirmative action plan.

97 (b) (1) Each such state agency, department, board, joint committee  
98 or commission shall designate a full-time or part-time affirmative  
99 action officer. If such affirmative action officer is an employee of [the]  
100 such agency, department, board, joint committee or commission, the  
101 executive head or chairs of the agency, department, board, joint  
102 committee or commission shall be directly responsible for the  
103 supervision of the officer.

104 (2) The Commission on Human Rights and Opportunities shall  
105 provide training and technical assistance to affirmative action officers  
106 in plan development and implementation.

107 (3) The Commission on Human Rights and Opportunities and the  
108 Permanent Commission on the Status of Women shall provide a  
109 minimum of ten hours of training per year concerning state and  
110 federal discrimination laws and techniques for conducting internal  
111 investigations of discrimination complaints to persons designated by  
112 such state agencies, departments, boards, joint committee or

113 commissions as affirmative action officers and persons designated by  
114 the Attorney General or the Attorney General's designee to represent  
115 such agencies, boards, departments or commissions pursuant to  
116 subdivision (5) of this subsection.

117 (4) Each person designated by [a] such state agency, department,  
118 board, joint committee or commission as an affirmative action officer  
119 shall (A) be responsible for mitigating any discriminatory conduct  
120 within [the] such agency, department, board, joint committee or  
121 commission, (B) investigate all complaints of discrimination made  
122 against [the] such state agency, department, board, joint committee or  
123 commission, (C) report all findings and recommendations upon the  
124 conclusion of an investigation to the commissioner or director of [the]  
125 such state agency, department, board, joint committee or commission  
126 for proper action, and (D) complete ten hours of training provided by  
127 the Commission on Human Rights and Opportunities and the  
128 Permanent Commission on the Status of Women pursuant to  
129 subdivision (3) of this subsection.

130 (5) No person designated by a state agency, department, board, [or]  
131 commission or the Joint Committee on Legislative Management of the  
132 General Assembly as an affirmative action officer shall represent such  
133 agency, department, board, joint committee or commission before the  
134 Commission on Human Rights and Opportunities or the Equal  
135 Employment Opportunity Commission. If a complaint of  
136 discrimination is filed with the Commission on Human Rights and  
137 Opportunities or the Equal Employment Opportunity Commission  
138 against a state agency, department, board, joint committee or  
139 commission, the Attorney General, or a designee of the Attorney  
140 General, other than the affirmative action officer for such agency,  
141 board, department, joint committee or commission, shall represent the  
142 state agency, board, department, joint committee or commission before  
143 the Commission on Human Rights and Opportunities or the Equal  
144 Employment Opportunity Commission.

145 (c) Each such state agency, department, board, joint committee and

146 commission shall file an affirmative action plan developed in  
147 accordance with subsection (a) of this section, with the Commission on  
148 Human Rights and Opportunities, [semiannually, except that any state  
149 agency, department, board or commission which has an affirmative  
150 action plan approved by the commission may be permitted to file its  
151 plan on an annual basis in a manner prescribed by the commission and  
152 any state agency, department, board or commission that employs  
153 twenty or fewer full-time employees shall file its affirmative action  
154 plan] biennially.

155 (d) The Commission on Human Rights and Opportunities shall  
156 review and formally approve, conditionally approve or disapprove the  
157 content of such affirmative action plans [within] not later than ninety  
158 days [of] after the submission of each plan to the commission. If the  
159 commissioners, by a majority vote of those present and voting, fail to  
160 approve, conditionally approve or disapprove a plan within that  
161 period, the plan shall be deemed to be approved.

162 (e) The Commissioner of Administrative Services and the Secretary  
163 of the Office of Policy and Management shall cooperate with the  
164 Commission on Human Rights and Opportunities to insure that the  
165 State Personnel Act and personnel regulations are administered, and  
166 that the process of collective bargaining is conducted by all parties in a  
167 manner consistent with the affirmative action responsibilities of the  
168 state.

169 (f) The Commission on Human Rights and Opportunities shall  
170 monitor the activity of such plans within each such state agency,  
171 department, board, joint committee and commission and report to the  
172 Governor and the General Assembly on or before April first of each  
173 year concerning the results of such plans.

174 (g) The Commission on Human Rights and Opportunities shall  
175 adopt regulations, in accordance with chapter 54, to carry out the  
176 requirements of this section. Such regulations shall include a schedule  
177 for [semiannual, annual and] biennial filing of plans.

178 Sec. 8. Section 46a-68a of the general statutes is repealed and the  
179 following is substituted in lieu thereof (*Effective from passage*):

180 (a) The commission may issue a certificate of noncompliance if the  
181 affirmative action plan required by section 46a-68 is disapproved.

182 (b) The issuance of a certificate of noncompliance shall bar [the]  
183 such agency, department, board, joint committee or commission in  
184 noncompliance with section 46a-68 from filling a position or position  
185 classification by hire or promotion upon receipt of the certificate, the  
186 provisions of any state law or regulation to the contrary  
187 notwithstanding, until: (1) The commission determines that [the] such  
188 agency, department, board, joint committee or commission has  
189 achieved compliance with section 46a-68 and withdraws the certificate;  
190 or (2) the commission, at a hearing requested by [the] such agency,  
191 department, board, joint committee or commission receiving the  
192 certificate and conducted by a presiding officer appointed by the  
193 chairperson of the commission, is unable to show cause why the  
194 certificate of noncompliance should not be rescinded or a court, upon  
195 appeal, so determines; or (3) the Commissioner of Administrative  
196 Services and the Secretary of the Office of Policy and Management  
197 certify to the commission that the agency in noncompliance with  
198 section 46a-68 requires immediate filling of the vacancy because failure  
199 to fill the position or position classification will cause an emergency  
200 situation to exist jeopardizing the public welfare. A separate certificate  
201 of exemption shall be required for each vacancy in a position or  
202 position classification with respect to which the Commissioner of  
203 Administrative Services and the Secretary of the Office of Policy and  
204 Management certify that an emergency situation exists.

205 (c) Hearings under this section shall be conducted in accordance  
206 with sections 4-176e to 4-182, inclusive.

207 (d) The commission shall adopt regulations in accordance with  
208 chapter 54 to implement this section.

209 Sec. 9. Subdivision (1) of subsection (a) of section 4a-60g of the

210 general statutes is repealed and the following is substituted in lieu  
211 thereof (*Effective January 1, 2006*):

212 (1) "Small contractor" means any contractor, subcontractor,  
213 manufacturer or service company (A) which has been doing business  
214 under the same ownership and management and has maintained its  
215 principal place of business in the state, for a period of at least one year  
216 immediately prior to the date of application for certification under this  
217 section, (B) which [had gross revenues not exceeding ten million  
218 dollars in the most recently completed fiscal year prior to such  
219 application] meets the size standard established by the Department of  
220 Administrative Services for the business sector in which such  
221 contractor, subcontractor, manufacturer or service company primarily  
222 operates, and (C) at least fifty-one per cent of the ownership of which  
223 is held by a person or persons who exercise operational authority over  
224 the daily affairs of the business and have the power to direct the  
225 management and policies and receive the beneficial interests of the  
226 business, except that a nonprofit corporation shall be construed to be a  
227 small contractor if such nonprofit corporation meets the requirements  
228 of subparagraphs (A) and (B) of this subdivision.

229 Sec. 10. Subsection (f) of section 4a-60g of the general statutes is  
230 repealed and the following is substituted in lieu thereof (*Effective July*  
231 *1, 2005*):

232 (f) The awarding authority shall require that a contractor or  
233 subcontractor awarded a contract or a portion of a contract under this  
234 section perform not less than fifteen per cent of the work with the  
235 workforces of such contractor or subcontractor and shall require that  
236 not less than twenty-five per cent of the work be performed by  
237 contractors or subcontractors eligible for awards under this section. A  
238 contractor awarded a contract or a portion of a contract under this  
239 section shall not subcontract with any person with whom the  
240 contractor is affiliated. No person who is affiliated with another person  
241 shall be eligible for awards under this section if both affiliated persons  
242 considered together would not qualify as a small contractor or a

243 minority business enterprise under subsection (a) of this section. The  
244 awarding authority shall require that a contractor awarded a contract  
245 under this section submit, in writing, an explanation of any  
246 subcontract entered into with any person that is not eligible for awards  
247 under this section.

248 Sec. 11. Subsection (k) of section 4a-60g of the general statutes is  
249 repealed and the following is substituted in lieu thereof (*Effective July*  
250 *1, 2005*):

251 (k) (1) Whenever the awarding agency has reason to believe that any  
252 contractor or subcontractor awarded a set-aside contract has wilfully  
253 violated any provision of this section, the awarding agency [may] shall  
254 send a notice to such contractor or subcontractor by certified mail,  
255 return receipt requested. Such notice shall include: (A) A reference to  
256 the provision alleged to be violated; (B) a short and plain statement of  
257 the matter asserted; (C) the maximum civil penalty that may be  
258 imposed for such violation; and (D) the time and place for the hearing.  
259 Such hearing shall be fixed for a date not earlier than fourteen days  
260 after the notice is mailed.

261 (2) The awarding agency shall hold a hearing on the violation  
262 asserted unless such contractor or subcontractor fails to appear. The  
263 hearing shall be held in accordance with the provisions of chapter 54.  
264 If, after the hearing, the awarding agency finds that the contractor or  
265 subcontractor has wilfully violated any provision of this section, the  
266 awarding agency shall suspend all set-aside contract payments to the  
267 contractor or subcontractor and may, in its discretion, order that a civil  
268 penalty not exceeding ten thousand dollars per violation be imposed  
269 on the contractor or subcontractor. If such contractor or subcontractor  
270 fails to appear for the hearing, the awarding agency may, as the facts  
271 require, order that a civil penalty not exceeding ten thousand dollars  
272 per violation be imposed on the contractor or subcontractor. The  
273 awarding agency shall send a copy of any order issued pursuant to  
274 this subsection by certified mail, return receipt requested, to the  
275 contractor or subcontractor named in such order. The awarding agency

276 may cause proceedings to be instituted by the Attorney General for the  
277 enforcement of any order imposing a civil penalty issued under this  
278 subsection.

279 Sec. 12. Section 4a-5a of the general statutes is repealed and the  
280 following is substituted in lieu thereof (*Effective from passage*):

281 Notwithstanding any provision of the general statutes, each state  
282 agency, except (1) the agencies within the Legislative Department, (2)  
283 the Judicial Department, and (3) the constituent units of the state  
284 system of higher education, shall use the services of the [state regional  
285 laundry system, the facilities of the Central State Warehouse, the State  
286 Data Center and the Office of Administrative Support,] Department of  
287 Administrative Services if the Department of Administrative Services  
288 can: (A) Provide the particular goods or services requested by such  
289 state agency, (B) comply with the delivery schedule set forth by such  
290 state agency, and (C) provide such goods or services at a cost which is  
291 not more than three per cent greater than the price quoted to such state  
292 agency by any private vendor.

293 Sec. 13. Section 4a-51 of the general statutes is repealed and the  
294 following is substituted in lieu thereof (*Effective from passage*):

295 (a) The Commissioner of Administrative Services shall: (1) Purchase,  
296 lease or contract for all supplies, materials, equipment and contractual  
297 services required by any state agency, except as provided in sections 4-  
298 98 and 4a-57; (2) enforce standard specifications established in  
299 accordance with section 4a-56; [(3) establish store rooms and  
300 warehouses for the storage of the state's property in such locations as  
301 may best serve the requirements of the state agencies; (4) operate such  
302 trucks and garages as are necessary to deliver supplies, materials and  
303 equipment from such central store rooms and warehouses to any state  
304 agency; (5)] (3) establish and operate a central duplicating and mailing  
305 room for state agencies located in or near the city of Hartford and such  
306 other places as he deems practical; [, provided the State Library  
307 photostat and offset printing department and the duplicating facilities  
308 of the Department of Public Health shall remain as constituted; and

309 (6)] (4) establish and operate or have supervisory control over  
310 [central or regional bakeries, meat cutting establishments, laundries  
311 and] other central supply services in such locations as may best serve  
312 the requirements of the state agencies.

313 (b) The Commissioner of Administrative Services, when purchasing  
314 or contracting for the purchase of dairy products, poultry, eggs, fruits  
315 or vegetables pursuant to subsection (a) of this section, shall give  
316 preference to dairy products, poultry, eggs, fruits or vegetables grown  
317 or produced in this state, when such products, poultry, eggs, fruits or  
318 vegetables are comparable in cost to other dairy products, poultry,  
319 eggs, fruits or vegetables being considered for purchase by the  
320 commissioner that have not been grown or produced in this state.

321 Sec. 14. Subsection (a) of section 4b-91 of the general statutes is  
322 repealed and the following is substituted in lieu thereof (*Effective from*  
323 *passage*):

324 (a) Every contract for the construction, reconstruction, alteration,  
325 remodeling, repair or demolition of any public building for work by  
326 the state, which is estimated to cost more than five hundred thousand  
327 dollars, except (1) a contract awarded by the Commissioner of Public  
328 Works for (A) a community court project, as defined in subsection (j) of  
329 section 4b-55, [(B) the Connecticut Juvenile Training School project, as  
330 defined in subsection (k) of section 4b-55, (C)] (B) the downtown  
331 Hartford higher education center project, as defined in subsection (l) of  
332 section 4b-55, [(D) The University of Connecticut library project, as  
333 defined in subsection (d) of section 4b-55, (E)] (C) a correctional facility  
334 project, as defined in subsection (m) of section 4b-55, [(F)] (D) a  
335 juvenile detention center project, as defined in subsection (n) of section  
336 4b-55, or [(G)] (E) a student residential facility for the Connecticut State  
337 University system that is a priority higher education facility project, as  
338 defined in subsection (f) of section 4b-55, or (2) a project, as defined in  
339 subdivision (16) of section 10a-109c, undertaken and controlled by The  
340 University of Connecticut in accordance with section 10a-109n, shall be  
341 awarded to the lowest responsible and qualified general bidder who is

342 prequalified pursuant to section 4a-100 on the basis of competitive bids  
343 in accordance with the procedures set forth in this chapter, after the  
344 Commissioner of Public Works or, in the case of a contract for the  
345 construction of or work on a building under the supervision and  
346 control of the Joint Committee on Legislative Management of the  
347 General Assembly, the joint committee or, in the case of a contract for  
348 the construction of or work on a building under the supervision and  
349 control of one of the constituent units of the state system of higher  
350 education, the constituent unit, has invited such bids by  
351 advertisements inserted at least once in one or more newspapers  
352 having a circulation in each county in the state. The Commissioner of  
353 Public Works, the joint committee or the constituent unit, as the case  
354 may be, shall indicate the prequalification classification required for  
355 the contract in such advertisement. As used in this section,  
356 "prequalification classification" means the prequalification  
357 classifications established by the Commissioner of Administrative  
358 Services pursuant to section 4a-100.

359 Sec. 15. Subsection (g) of section 4b-91 of the general statutes is  
360 repealed and the following is substituted in lieu thereof (*Effective from*  
361 *passage*):

362 (g) Notwithstanding the provisions of this chapter regarding  
363 competitive bidding procedures, the commissioner may select and  
364 interview at least three responsible and qualified general contractors  
365 who are prequalified pursuant to section 4a-100 and submit the three  
366 selected contractors to the construction services award panels process  
367 described in section 4b-100a and any regulation adopted by the  
368 commissioner. The commissioner may negotiate with the successful  
369 bidder a contract which is both fair and reasonable to the state for a  
370 community court project, as defined in subsection (j) of section 4b-55,  
371 the downtown Hartford higher education center project, as defined in  
372 subsection (l) of section 4b-55, [The University of Connecticut library  
373 project, as defined in subsection (d) of section 4b-55, the Connecticut  
374 Juvenile Training School project, as defined in subsection (k) of section  
375 4b-55,] a correctional facility project, as defined in subsection (m) of

376 section 4b-55, a juvenile detention center project, as defined in  
377 subsection (n) of section 4b-55, or a student residential facility for the  
378 Connecticut State University system that is a priority higher education  
379 facility project, as defined in subsection (f) of section 4b-55. The  
380 Commissioner of Public Works, prior to entering any such contract or  
381 performing any work on such project, shall submit such contract to the  
382 State Properties Review Board for review and approval or disapproval  
383 by the board, pursuant to subsection (i) of this section. Any general  
384 contractor awarded a contract pursuant to this subsection shall be  
385 subject to the same requirements concerning the furnishing of bonds as  
386 a contractor awarded a contract pursuant to subsection (b) of this  
387 section.

388 Sec. 16. Section 4b-58 of the general statutes is repealed and the  
389 following is substituted in lieu thereof (*Effective from passage*):

390 (a) (1) Except in the case of a project, [The University of Connecticut  
391 library project,] a priority higher education facility project, a project, as  
392 defined in subdivision (16) of section 10a-109c, undertaken by The  
393 University of Connecticut, a community court project, a correctional  
394 facility project, a juvenile detention center project, [the Connecticut  
395 Juvenile Training School project,] and the downtown Hartford higher  
396 education center project, the commissioner shall negotiate a contract  
397 for consultant services with the firm most qualified, in the  
398 commissioner's judgment, at compensation which the commissioner  
399 determines is both fair and reasonable to the state. (2) In the case of a  
400 project, the commissioner shall negotiate a contract for such services  
401 with the most qualified firm from among the list of firms submitted by  
402 the panel at compensation which the commissioner determines in  
403 writing to be fair and reasonable to the state. If the commissioner is  
404 unable to conclude a contract with any of the firms recommended by  
405 the panel, the commissioner shall, after issuing written findings of fact  
406 documenting the reasons for such inability, negotiate with those firms  
407 which the commissioner determines to be most qualified, at fair and  
408 reasonable compensation, to render the particular consultant services  
409 under consideration. (3) Whenever consultant services are required for

410 [The University of Connecticut library project,] a priority higher  
411 education facility project, a community court project, a correctional  
412 facility project, a juvenile detention center project, [the Connecticut  
413 Juvenile Training School project,] or the downtown Hartford higher  
414 education center project, the commissioner shall select and interview at  
415 least three consultants or firms and shall negotiate a contract for  
416 consultant services with the firm most qualified, in the commissioner's  
417 judgment, at compensation which the commissioner determines is  
418 both fair and reasonable to the state, except that if, in the opinion of the  
419 commissioner, the Connecticut Juvenile Training School project needs  
420 to be expedited in order to meet the needs of the Department of  
421 Children and Families, the commissioner may waive such selection  
422 requirement. Except for the downtown Hartford higher education  
423 center project, the commissioner shall notify the State Properties  
424 Review Board of the commissioner's action [within five business days,]  
425 not later than five business days after such action for its approval or  
426 disapproval in accordance with subsection (i) of section 4b-23, except  
427 that if, [within] not later than fifteen days [of] after such notice, a  
428 decision has not been made, the board shall be deemed to have  
429 approved such contract. [The Connecticut Juvenile Training School  
430 project shall be exempt from the State Properties Review Board  
431 approval process.]

432 (b) In determining fair and reasonable compensation to be paid in  
433 accordance with subsection (a) of this section, the commissioner shall  
434 consider, in the following order of importance, the professional  
435 competence of the consultant, the technical merits of the proposal, the  
436 ability of the firm to perform the required services within the time and  
437 budgetary limits of the contract and the price for which the services are  
438 to be rendered.

439 Sec. 17. Section 12-94a of the general statutes is repealed and the  
440 following is substituted in lieu thereof (*Effective from passage*):

441 On or before July first, annually, the tax collector of each  
442 municipality shall certify to the Secretary of the Office of Policy and

443 Management, on a form furnished by said secretary, the amount of tax  
444 revenue which such municipality, except for the provisions of  
445 subdivision (55) of section 12-81, would have received, together with  
446 such supporting information as said secretary may require, except that  
447 for the assessment year commencing October 1, 2003, such certification  
448 shall be made to the secretary on or before August 1, 2004. Any  
449 municipality which neglects to transmit to said secretary such claim  
450 and supporting documentation as required by this section shall forfeit  
451 two hundred fifty dollars to the state, provided said secretary may  
452 waive such forfeiture in accordance with procedures and standards  
453 adopted by regulation in accordance with chapter 54. Said secretary  
454 shall review each such claim as provided in section 12-120b. Any  
455 claimant aggrieved by the results of the secretary's review shall have  
456 the rights of appeal as set forth in section 12-120b. The secretary shall,  
457 on or before December [first] fifteenth, annually, certify to the  
458 Comptroller the amount due each municipality under the provisions of  
459 this section, including any modification of such claim made prior to  
460 December [first] fifteenth, and the Comptroller shall draw an order on  
461 the Treasurer on [or before the fifteenth day of December] the fifth  
462 business day following and the Treasurer shall pay the amount thereof  
463 to such municipality on or before the thirty-first day of December  
464 following. If any modification is made as the result of the provisions of  
465 this section on or after the December [first] fifteenth following the date  
466 on which the tax collector has provided the amount of tax revenue in  
467 question, any adjustments to the amount due to any municipality for  
468 the period for which such modification was made shall be made in the  
469 next payment the Treasurer shall make to such municipality pursuant  
470 to this section. For the purposes of this section, "municipality" means a  
471 town, city, borough, consolidated town and city or consolidated town  
472 and borough. The provisions of this section shall not apply to the  
473 assessment year commencing on October 1, 2002. In the fiscal year  
474 commencing July 1, 2004, and in each fiscal year thereafter, the amount  
475 of the grant payable to each municipality in accordance with this  
476 section shall be reduced proportionately in the event that the total  
477 amount of the grants payable to all municipalities exceeds the amount

478 appropriated.

479 Sec. 18. Section 32-9s of the general statutes is repealed and the  
480 following is substituted in lieu thereof (*Effective from passage*):

481 The state shall make an annual grant payment to each municipality,  
482 to each district, as defined in section 7-325, which is located in a  
483 distressed municipality, targeted investment community or enterprise  
484 zone and to each special services district created pursuant to chapter  
485 105a which is located in a distressed municipality, targeted investment  
486 community or enterprise zone in the amount of fifty per cent of the  
487 amount of that tax revenue which the municipality or district would  
488 have received except for the provisions of subdivisions (59), (60) and  
489 (70) of section 12-81. On or before the first day of August of each year,  
490 each municipality and district shall file a claim with the Secretary of  
491 the Office of Policy and Management for the amount of such grant  
492 payment to which such municipality or district is entitled under this  
493 section. The claim shall be made on forms prescribed by the secretary  
494 and shall be accompanied by such supporting information as the  
495 secretary may require. Any municipality or district which neglects to  
496 transmit to the secretary such claim and supporting documentation as  
497 required by this section shall forfeit two hundred fifty dollars to the  
498 state, provided the secretary may waive such forfeiture in accordance  
499 with procedures and standards adopted by regulation in accordance  
500 with chapter 54. The secretary shall review each such claim as  
501 provided in section 12-120b. Any claimant aggrieved by the results of  
502 the secretary's review shall have the rights of appeal as set forth in  
503 section 12-120b. The secretary shall, on or before the December [first]  
504 fifteenth next succeeding the deadline for the receipt of such claims,  
505 certify to the Comptroller the amount due under this section, including  
506 any modification of such claim made prior to December [first]  
507 fifteenth, to each municipality or district which has made a claim  
508 under the provisions of this section. The Comptroller shall draw an  
509 order on the Treasurer on or before the [following December fifteenth]  
510 fifth business day following December fifteenth, and the Treasurer  
511 shall pay the amount thereof to each such municipality or district on or

512 before the following December thirty-first. If any modification is made  
513 as the result of the provisions of this section on or after the December  
514 first following the date on which the municipality or district has  
515 provided the amount of tax revenue in question, any adjustment to the  
516 amount due to any municipality or district for the period for which  
517 such modification was made shall be made in the next payment the  
518 Treasurer shall make to such municipality or district pursuant to this  
519 section. In the fiscal year commencing July 1, 2003, and in each fiscal  
520 year thereafter, the amount of the grant payable to each municipality  
521 and district in accordance with this section shall be reduced  
522 proportionately in the event that the total amount of the grants  
523 payable to all municipalities and districts exceeds the amount  
524 appropriated.

525       Sec. 19. Subsection (g) of section 12-170aa of the general statutes is  
526 repealed and the following is substituted in lieu thereof (*Effective from*  
527 *passage*):

528       (g) On or before July first, annually, each municipality shall submit  
529 to the secretary, a claim for the tax reductions approved under this  
530 section in relation to the assessment list of October first immediately  
531 preceding. On or after December 1, 1987, any municipality which  
532 neglects to transmit to the secretary the claim as required by this  
533 section shall forfeit two hundred fifty dollars to the state provided the  
534 secretary may waive such forfeiture in accordance with procedures  
535 and standards established by regulations adopted in accordance with  
536 chapter 54. Subject to procedures for review and approval of such data  
537 pursuant to section 12-120b, said secretary shall, on or before  
538 December [first] fifteenth next following, certify to the Comptroller the  
539 amount due each municipality as reimbursement for loss of property  
540 tax revenue related to the tax reductions allowed under this section.  
541 The Comptroller shall draw an order on the Treasurer on or before the  
542 [fifteenth day of December] fifth business day following December  
543 fifteenth and the Treasurer shall pay the amount due each  
544 municipality not later than the thirty-first day of December. Any  
545 claimant aggrieved by the results of the secretary's review shall have

546 the rights of appeal as set forth in section 12-120b. The amount of the  
547 grant payable to each municipality in any year in accordance with this  
548 section shall be reduced proportionately in the event that the total of  
549 such grants in such year exceeds the amount appropriated for the  
550 purposes of this section with respect to such year.

551 Sec. 20. Subsection (j) of section 12-170aa of the general statutes is  
552 repealed and the following is substituted in lieu thereof (*Effective from*  
553 *passage*):

554 (j) (1) Notwithstanding the intent in subsections (a) to (i), inclusive,  
555 of this section to provide for benefits in the form of property tax  
556 reduction applicable to persons liable for payment of such property tax  
557 and qualified in accordance with requirements related to age and  
558 income as provided in subsection (b) of this section, a certain annual  
559 benefit, determined in amount under the provisions of subsections (c)  
560 and (d) of this section but payable in a manner as prescribed in this  
561 subsection, shall be provided with respect to any person who (A) is  
562 qualified in accordance with said requirements related to age and  
563 income as provided in subsection (b) of this section, including  
564 provisions concerning such person's spouse, and (B) is a resident of a  
565 dwelling unit within a multiple-dwelling complex containing dwelling  
566 units for occupancy by certain elderly persons under terms of a  
567 contract between such resident and the owner of such complex, in  
568 accordance with which contract such resident occupies a certain  
569 dwelling unit subject to the express provision that such resident has no  
570 legal title, interest or leasehold estate in the real or personal property  
571 of such complex, and under the terms of which contract such resident  
572 agrees to pay the owner of the complex a fee, as a condition precedent  
573 to occupancy and a monthly or other such periodic fee thereafter as a  
574 condition of continued occupancy. In no event shall any such resident  
575 be qualified for benefits payable in accordance with this subsection if,  
576 as determined by the assessor in the municipality in which such  
577 complex is situated, such resident's contract with the owner of such  
578 complex, or occupancy by such resident [(1)] (i) confers upon such  
579 resident any ownership interest in the dwelling unit occupied or in

580 such complex, or [(2)] (ii) establishes a contract of lease of any type for  
581 the dwelling unit occupied by such resident.

582 (2) The amount of annual benefit payable in accordance with this  
583 subsection to any such resident, qualified as provided in subdivision  
584 (1) of this subsection, shall be determined in relation to an assumed  
585 amount of property tax liability applicable to the assessed value for the  
586 dwelling unit which such resident occupies, as determined by the  
587 assessor in the municipality in which such complex is situated.  
588 Annually, not later than the first day of June, the assessor in such  
589 municipality, upon receipt of an application for such benefit submitted  
590 in accordance with this subsection by any such resident, shall  
591 determine, with respect to the assessment list in such municipality for  
592 the assessment year commencing October first immediately preceding,  
593 the portion of the assessed value of the entire complex, as included in  
594 such assessment list, attributable to the dwelling unit occupied by such  
595 resident. The assumed property tax liability for purposes of this  
596 subsection shall be the product of such assessed value and the mill rate  
597 in such municipality as determined for purposes of property tax  
598 imposed on said assessment list for the assessment year commencing  
599 October first immediately preceding. The amount of benefit to which  
600 such resident shall be entitled for such assessment year shall be  
601 equivalent to the amount of tax reduction for which such resident  
602 would qualify, considering such assumed property tax liability to be  
603 the actual property tax applicable to such resident's dwelling unit and  
604 such resident as liable for the payment of such tax, in accordance with  
605 the schedule of qualifying income and tax reduction as provided in  
606 subsection (c) of this section, subject to provisions concerning  
607 maximum allowable benefit for any assessment year under subsections  
608 (c) and (d) of this section. The amount of benefit as determined for  
609 such resident in respect to any assessment year shall be payable by the  
610 state as a grant to such resident equivalent to the amount of property  
611 tax reduction to which such resident would be entitled under  
612 subsections (a) to (i), inclusive, of this section if such resident were the  
613 owner of such dwelling unit and qualified for tax reduction benefits  
614 under said subsections (a) to (i), inclusive.

615 (3) Any such resident entitled to a grant as provided in subdivision  
616 (2) of this subsection shall be required to submit application for such  
617 grant to the assessor in the municipality in which such resident resides  
618 at any time from February first to and including the fifteenth day of  
619 May in the year in which such grant is claimed, on a form prescribed  
620 and furnished for such purpose by the Secretary of the Office of Policy  
621 and Management. Any such resident submitting application for such  
622 grant shall be required to present to the assessor, in substantiation of  
623 such application, a copy of such resident's federal income tax return,  
624 and if not required to file a federal income tax return, such other  
625 evidence of qualifying income, receipts for money received or  
626 cancelled checks, or copies thereof, and any other evidence the  
627 assessor may require. Not later than the first day of July in such year  
628 the assessor shall submit to the Secretary of the Office of Policy and  
629 Management (A) a copy of the application prepared by such resident,  
630 together with such resident's federal income tax return, if required to  
631 file such a return, and any other information submitted in relation  
632 thereto, (B) determinations of the assessor concerning the assessed  
633 value of the dwelling unit in such complex occupied by such resident,  
634 and (C) the amount of such grant approved by the assessor. Said  
635 secretary, upon approving such grant, shall certify the amount thereof  
636 and not later than the [first] fifteenth day of September immediately  
637 following submit approval for payment of such grant to the State  
638 Comptroller. Not later than [fifteen] five business days immediately  
639 following receipt of such approval for payment, the State Comptroller  
640 shall draw his order upon the State Treasurer and the Treasurer shall  
641 pay the amount of the grant to such resident not later than the first day  
642 of October immediately following.

643 Sec. 21. Section 12-129d of the general statutes is repealed and the  
644 following is substituted in lieu thereof (*Effective from passage*):

645 (a) On or before January first, annually, the tax collector of each  
646 municipality shall certify to the Secretary of the Office of Policy and  
647 Management, on a form furnished by the secretary, the amount of tax  
648 revenue which such municipality, except for the provisions of section

649 12-129b, would have received, together with such supporting  
650 information as said secretary may require. On or after December 1,  
651 1989, any municipality which neglects to transmit the claim and  
652 supporting information as required by this section shall forfeit two  
653 hundred fifty dollars to the state, provided said secretary may waive  
654 such forfeiture in accordance with procedures and standards adopted  
655 by regulation in accordance with chapter 54. Said secretary shall  
656 review each such claim in accordance with the procedure set forth in  
657 section 12-120b. Any claimant aggrieved by the results of the  
658 secretary's review shall have the rights of appeal as set forth in section  
659 12-120b.

660 (b) The Secretary of the Office of Policy and Management shall, on  
661 or before [~~August fifteenth~~] September first, annually, certify to the  
662 Comptroller the amount due each municipality under the provisions of  
663 subsection (a) of this section, including any modification of such claim  
664 made prior to [~~August fifteenth~~] September first, and the Comptroller  
665 shall draw an order on the Treasurer on or before the [~~first day of~~  
666 September following] fifth business day following September first and  
667 the Treasurer shall pay the amount thereof to such municipality on or  
668 before the fifteenth day of September following. If any modification is  
669 made as the result of the provisions of subsection (a) of this section on  
670 or after the August fifteenth following the date on which the tax  
671 collector has provided the amount of tax revenue in question, any  
672 adjustments to the amount due to any municipality for the period for  
673 which such modification was made shall be made in the next payment  
674 the Treasurer shall make to such municipality pursuant to this section.

675 Sec. 22. Section 12-20b of the general statutes is repealed and the  
676 following is substituted in lieu thereof (*Effective from passage*):

677 (a) Not later than April first in each year, any municipality to which  
678 a grant is payable under the provisions of section 12-20a shall provide  
679 the Secretary of the Office of Policy and Management with the assessed  
680 valuation of the tax-exempt real property as of the immediately  
681 preceding October first, adjusted in accordance with any gradual

682 increase in or deferment of assessed values of real property  
683 implemented in accordance with section 12-62c or subsection (e) of  
684 section 12-62a, which is required for computation of such grant. Any  
685 municipality which neglects to transmit to the Secretary of the Office of  
686 Policy and Management the assessed valuation as required by this  
687 section shall forfeit two hundred fifty dollars to the state, provided the  
688 secretary may waive such forfeiture in accordance with procedures  
689 and standards adopted by regulation in accordance with chapter 54.  
690 Said secretary may, on or before the first day of August of the state  
691 fiscal year in which such grant is payable, reevaluate any such  
692 property when, in his judgment, the valuation is inaccurate and shall  
693 notify such municipality of such reevaluation. Any municipality  
694 aggrieved by the action of said secretary under the provisions of this  
695 section may, not later than ten business days following receipt of such  
696 notice, appeal to the secretary for a hearing concerning such  
697 reevaluation, provided such appeal shall be in writing and shall  
698 include a statement as to the reasons for such appeal. The secretary  
699 shall, not later than ten business days following receipt of such appeal,  
700 grant or deny such hearing by notification in writing, including in the  
701 event of a denial, a statement as to the reasons for such denial. If any  
702 municipality is aggrieved by the action of the secretary following such  
703 hearing or in denying any such hearing, the municipality may [within]  
704 not later than two weeks [of] after such notice, appeal to the superior  
705 court for the judicial district in which the municipality is located. Any  
706 such appeal shall be privileged. Said secretary shall certify to the  
707 Comptroller the amount due each municipality under the provisions of  
708 section 12-20a, or under any recomputation occurring prior to  
709 September [first] fifteenth which may be effected as the result of the  
710 provisions of this section, and the Comptroller shall draw his order on  
711 the Treasurer on or before the [fifteenth day of September following]  
712 fifth business day following September fifteenth and the Treasurer  
713 shall pay the amount thereof to such municipality on or before the  
714 thirtieth day of September following. If any recomputation is effected  
715 as the result of the provisions of this section on or after the January  
716 first following the date on which the municipality has provided the

717 assessed valuation in question, any adjustments to the amount due to  
718 any municipality for the period for which such adjustments were made  
719 shall be made in the next payment the Treasurer shall make to such  
720 municipality pursuant to this section.

721 (b) Notwithstanding the provisions of section 12-20a or subsection  
722 (a) of this section, the amount due the municipality of Branford, on or  
723 before the thirtieth day of September, annually, with respect to the  
724 Connecticut Hospice, in Branford, shall be one hundred thousand  
725 dollars, which amount shall be paid from the annual appropriation,  
726 from the General Fund, for reimbursement to towns for loss of taxes on  
727 private tax-exempt property.

728 Sec. 23. Section 3-55i of the general statutes is repealed and the  
729 following is substituted in lieu thereof (*Effective from passage*):

730 There is established the "Mashantucket Pequot and Mohegan Fund"  
731 which shall be a separate nonlapsing fund. All funds received by the  
732 state of Connecticut from the Mashantucket Pequot Tribe pursuant to  
733 the joint memorandum of understanding entered into by and between  
734 the state and the tribe on January 13, 1993, as amended on April 30,  
735 1993, and any successor thereto, shall be deposited in the General  
736 Fund. During the fiscal year ending June 30, 2000, and each fiscal year  
737 thereafter, one hundred thirty-five million dollars, received by the  
738 state from the tribe pursuant to said joint memorandum of  
739 understanding, as amended, and any successor thereto, shall be  
740 transferred to the Mashantucket Pequot and Mohegan Fund and shall  
741 be distributed by the Office of Policy and Management, during said  
742 fiscal year, in accordance with the provisions of section 3-55j. The  
743 amount of the grant payable to each municipality during any fiscal  
744 year, in accordance with said section, shall be reduced proportionately  
745 if the total of such grants exceeds the amount of funds available for  
746 such year. The grant shall be paid in three installments as follows: The  
747 Secretary of the Office of Policy and Management shall, annually, not  
748 later than the [first] fifteenth day of December, the [first] fifteenth day  
749 of March and the [first] fifteenth day of June certify to the Comptroller

750 the amount due each municipality under the provisions of section 3-55j  
751 and the Comptroller shall draw an order on the Treasurer on or before  
752 the fifth business day following the fifteenth day of December, the fifth  
753 business day following the fifteenth day of March and the fifth  
754 business day following the fifteenth day of June and the Treasurer  
755 shall pay the amount thereof to such municipality on or before the first  
756 day of January, the first day of April and the thirtieth day of June.

757 Sec. 24. Section 12-19c of the general statutes is repealed and the  
758 following is substituted in lieu thereof (*Effective from passage*):

759 The Secretary of the Office of Policy and Management shall, not  
760 later than September [first] fifteenth, certify to the Comptroller the  
761 amount due each town or borough under the provisions of section 12-  
762 19a, or under any recomputation occurring prior to said September  
763 [first] fifteenth which may be effected as the result of the provisions of  
764 section 12-19b, and the Comptroller shall draw an order on the  
765 Treasurer on or before the [fifteenth day of September following] fifth  
766 business day following September fifteenth and the Treasurer shall  
767 pay the amount thereof to such town on or before the thirtieth day of  
768 September following. If any recomputation is effected as the result of  
769 the provisions of section 12-19b on or after the August first following  
770 the date on which the town has provided the assessed valuation in  
771 question, any adjustments to the amount due to any town for the  
772 period for which such adjustments were made shall be made in the  
773 next payment the Treasurer shall make to such town pursuant to this  
774 section.

775 Sec. 25. Subsection (d) of section 20-281d of the general statutes is  
776 repealed and the following is substituted in lieu thereof (*Effective from*  
777 *passage*):

778 (d) The board shall issue a certificate to a holder of a certificate  
779 issued by another state upon a showing that:

780 (1) The applicant passed the examination required for issuance of  
781 his certificate with grades that would have been passing grades at the

782 time in this state; and

783 (2) The applicant meets all current requirements in this state for  
784 issuance of a certificate at the time the application is made; or the  
785 applicant, at the time of the issuance of the applicant's certificate in the  
786 other state, met all such requirements then applicable in this state; or  
787 the applicant has had five years of experience in the practice of public  
788 accountancy [or meets equivalent requirements prescribed by the  
789 board by regulation, after passing the examination upon which his  
790 certificate was based and within the ten years immediately preceding  
791 his application] within the ten years immediately preceding the  
792 applicant's application or meets equivalent requirements prescribed by  
793 the board by regulation.

794 Sec. 26. Subsection (g) of section 20-280 of the general statutes is  
795 repealed and the following is substituted in lieu thereof (*Effective from*  
796 *passage*):

797 (g) The board may adopt rules, in accordance with chapter 54,  
798 governing its administration and enforcement of sections 20-279b to  
799 20-281m, inclusive, and the conduct of licensees and registrants,  
800 including, but not limited to:

801 (1) Regulations governing the board's meetings and the conduct of  
802 its business;

803 (2) Regulations concerning procedures governing the conduct of  
804 investigations and hearings by the board;

805 (3) Regulations specifying the educational qualifications required  
806 for the issuance of certificates under section 20-281c, the experience  
807 required for initial issuance of certificates under section 20-281c and  
808 the continuing professional education required for renewal of licenses  
809 under subsection (e) of section 20-281d;

810 (4) Regulations concerning professional conduct directed to  
811 controlling the quality and probity of the practice of public  
812 accountancy by licensees, and dealing among other things with

813 independence, integrity, objectivity, competence, technical standards,  
814 responsibilities to the public and responsibilities to clients;

815 (5) Regulations specifying actions and circumstances that shall be  
816 deemed to constitute holding oneself out as a licensee in connection  
817 with the practice of public accountancy;

818 (6) Regulations governing the manner and circumstances of use by  
819 holders of certificates who do not also hold licenses under sections 20-  
820 279b to 20-281m, inclusive, of the titles "certified public accountant"  
821 and "CPA";

822 (7) Regulations regarding quality reviews that may be required to  
823 be performed under the provisions of sections 20-279b to 20-281m,  
824 inclusive;

825 (8) Regulations implementing the provisions of section 20-281l,  
826 including, but not limited to, specifying the terms of any disclosure  
827 required by subsection (d) of said section 20-281l, the manner in which  
828 such disclosure is made and any other requirements the board imposes  
829 with regard to such disclosure. Such regulations shall require that any  
830 disclosure: (A) Be in writing and signed by the recipient of the product  
831 or service; (B) be clear and conspicuous; (C) state the amount of the  
832 commission or the basis on which the commission will be calculated;  
833 (D) identify the source of the payment of the commission and the  
834 relationship between such source and the person receiving payment;  
835 and (E) be presented to the client at or prior to the time the  
836 recommendation of the product or service is made; [and]

837 (9) Regulations establishing the due date for any fee charged  
838 pursuant to sections 20-281c, 20-281d, as amended by this act, and 20-  
839 281e. Such regulations may establish the amount and due date of a late  
840 fee charged for the failure to remit payment of any fee charged  
841 pursuant to sections 20-281c, 20-281d, as amended by this act, and 20-  
842 281e; and

843 ~~[(9)]~~ (10) Such other regulations as the board may deem necessary or

844 appropriate for implementing the provisions and the purposes of  
845 sections 20-279b to 20-281m, inclusive.

846 Sec. 27. Section 4a-59a of the general statutes is repealed and the  
847 following is substituted in lieu thereof (*Effective from passage*):

848 (a) No state agency may extend a contract for the purchase of  
849 supplies, materials, equipment or contractual services which expires  
850 on or after October 1, 1990, and is subject to the competitive bidding  
851 requirements of subsection (a) of section 4a-57, without complying  
852 with such requirements, unless (1) the Commissioner of  
853 Administrative Services makes a written determination, supported by  
854 documentation, that (A) soliciting competitive bids for such purchase  
855 would cause a hardship for the state, (B) such solicitation would result  
856 in a major increase in the cost of such supplies, materials, equipment  
857 or contractual services, or (C) the contractor is the sole source for such  
858 supplies, materials, equipment or contractual services, (2) such  
859 commissioner solicits at least three competitive quotations in addition  
860 to the contractor's quotation, and (3) the commissioner makes a written  
861 determination that no such competitive quotation which complies with  
862 the existing specifications for the contract is lower than or equal to the  
863 contractor's quotation. Any such contract extension shall be based on  
864 the contractor's quotation. No contract may be extended more than  
865 two times under this section.

866 (b) Notwithstanding the provisions of subsection (a) of this section,  
867 the Commissioner of Administrative Services, Public Works or Higher  
868 Education may, for a period of one year from the date such contract  
869 would otherwise expire, extend any contract with a value of fifty  
870 thousand dollars or less per year that is in effect on May 1, [2004] 2005,  
871 to perform any of the following services for the state: Janitorial,  
872 building maintenance, security and food and beverage. Any such  
873 extension shall include any applicable increase in the standard wage  
874 and the payroll burden to administer the standard wage as established  
875 by the Labor Department.

876 Sec. 28. (*Effective from passage*) There is established a Disabled and

877 Disadvantaged Employment Security Policy Group. Such group shall  
878 consist of members appointed as follows: One member by the speaker  
879 of the House of Representatives, one member by the minority leader of  
880 the House of Representatives, one member by the president pro  
881 tempore of the Senate, one member by the minority leader of the  
882 Senate, two members by the executive director of the Connecticut  
883 Community Providers Association, two representatives by the  
884 executive director of the S. E. I. U., Local 32BJ, one representative from  
885 the Labor Department, as appointed by the commissioner, one  
886 representative of the Department of Administrative Services, as  
887 appointed by the commissioner, one disabled worker, as appointed by  
888 the executive director of the Connecticut Community Providers  
889 Association, one disadvantaged worker, as appointed by the executive  
890 director of the S. E. I. U., Local 32BJ and one member from higher  
891 education, as appointed by the chancellor of the Connecticut State  
892 University System. Not later than February 1, 2006, such group shall  
893 make recommendations to the joint standing committee of the General  
894 Assembly having cognizance of matters relating to government  
895 administration and elections concerning policies that can best achieve  
896 the goal of implementing mutually beneficial methods and procedures  
897 by which disabled and disadvantaged workers employed by state  
898 contractors can cooperatively expand long-term employment  
899 opportunities, preserve existing employment, create supportive work  
900 environments, establish meaningful career ladders and maximize  
901 cooperation between agencies and companies employing  
902 disadvantaged and disabled workers.

903 Sec. 29. Subsection (a) of section 1-212 of the general statutes is  
904 repealed and the following is substituted in lieu thereof (*Effective from*  
905 *passage*):

906 (a) Any person applying in writing shall receive, promptly upon  
907 request, a plain or certified copy of any public record. The fee for any  
908 copy provided in accordance with the Freedom of Information Act:

909 (1) By an executive, administrative or legislative office of the state, a

910 state agency or a department, institution, bureau, board, commission,  
911 authority or official of the state, including a committee of, or created  
912 by, such an office, agency, department, institution, bureau, board,  
913 commission, authority or official, and also including any judicial office,  
914 official or body or committee thereof but only in respect to its or their  
915 administrative functions, shall not exceed twenty-five cents per page;  
916 and

917 (2) By all other public agencies, as defined in section 1-200, shall not  
918 exceed fifty cents per page. If any copy provided in accordance with  
919 said Freedom of Information Act requires a transcription, or if any  
920 person applies for a transcription of a public record, the fee for such  
921 transcription shall not exceed the cost thereof to the public agency. The  
922 Freedom of Information Commission shall study the need to change  
923 the per page fee established in this subdivision and on or before  
924 January 1, 2006, provide the joint standing committee of the general  
925 Assembly having cognizance of matters relating to government  
926 administration with any recommendations for such change.

927 Sec. 30. Subsection (c) of section 1-225 of the general statutes is  
928 repealed and the following is substituted in lieu thereof (*Effective from*  
929 *passage*):

930 [(c) The agenda of the regular meetings of every public agency,  
931 except for the General Assembly, shall be available to the public and  
932 shall be filed, not less than twenty-four hours before the meetings to  
933 which they refer, in such agency's regular office or place of business or,  
934 if there is no such office or place of business, in the office of the  
935 Secretary of the State for any such public agency of the state, in the  
936 office of the clerk of such subdivision for any public agency of a  
937 political subdivision of the state or in the office of the clerk of each  
938 municipal member of any multitown district or agency.]

939 (c) For any public agency of the state, except for the General  
940 Assembly, the agenda of the regular meetings of such public agency  
941 shall be available to the public and shall be filed, not less than twenty-  
942 four hours prior to the meetings to which they refer, in such agency's

943 regular office or place of business, or if there is no such office or place  
944 of business, in the office of the Secretary of the State. For any public  
945 agency of a political subdivision of the state or for any multitown  
946 district or agency, the agenda of the regular meetings of such public  
947 agency or multitown district or agency shall be available to the public  
948 and shall be filed, not less than twenty-four hours prior to the  
949 meetings to which they refer, in such agency's or district's regular  
950 office or place of business and in the office of the clerk of such  
951 subdivision for any such public agency of a political subdivision of the  
952 state or in the office of the clerk of each municipal member of such  
953 multitown district or agency. Upon the affirmative vote of two-thirds  
954 of the members of a public agency present and voting, any subsequent  
955 business not included in such filed agendas may be considered and  
956 acted upon at such meetings.

957 Sec. 31. Subsections (a) and (b) of section 1-210 of the general  
958 statutes are repealed and the following is substituted in lieu thereof  
959 (*Effective from passage*):

960 (a) Except as otherwise provided by any federal law or state statute,  
961 all records maintained or kept on file by any public agency, whether or  
962 not such records are required by any law or by any rule or regulation,  
963 shall be public records and every person shall have the right to (1)  
964 inspect such records promptly during regular office or business hours,  
965 (2) copy such records in accordance with subsection (g) of section 1-  
966 212, or (3) receive a copy of such records in accordance with section 1-  
967 212. Any agency rule or regulation, or part thereof, that conflicts with  
968 the provisions of this subsection or diminishes or curtails in any way  
969 the rights granted by this subsection shall be void. Each such agency  
970 shall keep and maintain all public records in its custody at its regular  
971 office or place of business in an accessible place and, if there is no such  
972 office or place of business, the public records pertaining to such agency  
973 shall be kept in the office of the clerk of the political subdivision in  
974 which such public agency is located or of the Secretary of the State, as  
975 the case may be. Any certified record hereunder attested as a true copy  
976 by the clerk, chief or deputy of such agency or by such other person

977 designated or empowered by law to so act, shall be competent  
978 evidence in any court of this state of the facts contained therein. Each  
979 such agency shall make, keep and maintain a record of the proceedings  
980 of its meetings.

981 (b) Nothing in the Freedom of Information Act shall be construed to  
982 require disclosure of:

983 (1) Preliminary drafts or notes provided the public agency has  
984 determined that the public interest in withholding such documents  
985 clearly outweighs the public interest in disclosure;

986 (2) Personnel or medical files and similar files the disclosure of  
987 which would constitute an invasion of personal privacy;

988 (3) Records of law enforcement agencies not otherwise available to  
989 the public which records were compiled in connection with the  
990 detection or investigation of crime, if the disclosure of said records  
991 would not be in the public interest because it would result in the  
992 disclosure of (A) the identity of informants not otherwise known or the  
993 identity of witnesses not otherwise known whose safety would be  
994 endangered or who would be subject to threat or intimidation if their  
995 identity was made known, (B) signed statements of witnesses, (C)  
996 information to be used in a prospective law enforcement action if  
997 prejudicial to such action, (D) investigatory techniques not otherwise  
998 known to the general public, (E) arrest records of a juvenile, which  
999 shall also include any investigatory files, concerning the arrest of such  
1000 juvenile, compiled for law enforcement purposes, (F) the name and  
1001 address of the victim of a sexual assault under section 53a-70, 53a-70a,  
1002 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
1003 impairing of morals under section 53-21, or of an attempt thereof, or  
1004 (G) uncorroborated allegations subject to destruction pursuant to  
1005 section 1-216;

1006 (4) Records pertaining to strategy and negotiations with respect to  
1007 pending claims or pending litigation to which the public agency is a  
1008 party until such litigation or claim has been finally adjudicated or

1009 otherwise settled;

1010 (5) (A) Trade secrets, which for purposes of the Freedom of  
1011 Information Act, are defined as information, including formulas,  
1012 patterns, compilations, programs, devices, methods, techniques,  
1013 processes, drawings, cost data, or customer lists that (i) derive  
1014 independent economic value, actual or potential, from not being  
1015 generally known to, and not being readily ascertainable by proper  
1016 means by, other persons who can obtain economic value from their  
1017 disclosure or use, and (ii) are the subject of efforts that are reasonable  
1018 under the circumstances to maintain secrecy; and

1019 (B) Commercial or financial information given in confidence, not  
1020 required by statute;

1021 (6) Test questions, scoring keys and other examination data used to  
1022 administer a licensing examination, examination for employment or  
1023 academic examinations;

1024 (7) The contents of real estate appraisals, engineering or feasibility  
1025 estimates and evaluations made for or by an agency relative to the  
1026 acquisition of property or to prospective public supply and  
1027 construction contracts, until such time as all of the property has been  
1028 acquired or all proceedings or transactions have been terminated or  
1029 abandoned, provided the law of eminent domain shall not be affected  
1030 by this provision;

1031 (8) Statements of personal worth or personal financial data required  
1032 by a licensing agency and filed by an applicant with such licensing  
1033 agency to establish the applicant's personal qualification for the  
1034 license, certificate or permit applied for;

1035 (9) Records, reports and statements of strategy or negotiations with  
1036 respect to collective bargaining;

1037 (10) Records, tax returns, reports and statements exempted by  
1038 federal law or state statutes or communications privileged by the  
1039 attorney-client relationship;

1040 (11) Names or addresses of students enrolled in any public school or  
1041 college without the consent of each student whose name or address is  
1042 to be disclosed who is eighteen years of age or older and a parent or  
1043 guardian of each such student who is younger than eighteen years of  
1044 age, provided this subdivision shall not be construed as prohibiting the  
1045 disclosure of the names or addresses of students enrolled in any public  
1046 school in a regional school district to the board of selectmen or town  
1047 board of finance, as the case may be, of the town wherein the student  
1048 resides for the purpose of verifying tuition payments made to such  
1049 school;

1050 (12) Any information obtained by the use of illegal means;

1051 (13) Records of an investigation or the name of an employee  
1052 providing information under the provisions of section 4-61dd;

1053 (14) Adoption records and information provided for in sections 45a-  
1054 746, 45a-750 and 45a-751;

1055 (15) Any page of a primary petition, nominating petition,  
1056 referendum petition or petition for a town meeting submitted under  
1057 any provision of the general statutes or of any special act, municipal  
1058 charter or ordinance, until the required processing and certification of  
1059 such page has been completed by the official or officials charged with  
1060 such duty after which time disclosure of such page shall be required;

1061 (16) Records of complaints, including information compiled in the  
1062 investigation thereof, brought to a municipal health authority pursuant  
1063 to chapter 368e or a district department of health pursuant to chapter  
1064 368f, until such time as the investigation is concluded or thirty days  
1065 from the date of receipt of the complaint, whichever occurs first;

1066 (17) Educational records which are not subject to disclosure under  
1067 the Family Educational Rights and Privacy Act, 20 USC 1232g;

1068 (18) Records, the disclosure of which the Commissioner of  
1069 Correction, or as it applies to Whiting Forensic Division facilities of the  
1070 Connecticut Valley Hospital, the Commissioner of Mental Health and

1071 Addiction Services, has reasonable grounds to believe may result in a  
1072 safety risk, including the risk of harm to any person or the risk of an  
1073 escape from, or a disorder in, a correctional institution or facility under  
1074 the supervision of the Department of Correction or Whiting Forensic  
1075 Division facilities. Such records shall include, but are not limited to:

1076 (A) Security manuals, including emergency plans contained or  
1077 referred to in such security manuals;

1078 (B) Engineering and architectural drawings of correctional  
1079 institutions or facilities or Whiting Forensic Division facilities;

1080 (C) Operational specifications of security systems utilized by the  
1081 Department of Correction at any correctional institution or facility or  
1082 Whiting Forensic Division facilities, except that a general description  
1083 of any such security system and the cost and quality of such system  
1084 may be disclosed;

1085 (D) Training manuals prepared for correctional institutions and  
1086 facilities or Whiting Forensic Division facilities that describe, in any  
1087 manner, security procedures, emergency plans or security equipment;

1088 (E) Internal security audits of correctional institutions and facilities  
1089 or Whiting Forensic Division facilities;

1090 (F) Minutes or recordings of staff meetings of the Department of  
1091 Correction or Whiting Forensic Division facilities, or portions of such  
1092 minutes or recordings, that contain or reveal information relating to  
1093 security or other records otherwise exempt from disclosure under this  
1094 subdivision;

1095 (G) Logs or other documents that contain information on the  
1096 movement or assignment of inmates or staff at correctional institutions  
1097 or facilities; and

1098 (H) Records that contain information on contacts between inmates,  
1099 as defined in section 18-84, and law enforcement officers;

1100 (19) Records when there are reasonable grounds to believe  
1101 disclosure may result in a safety risk, including the risk of harm to any  
1102 person, any government-owned or leased institution or facility or any  
1103 fixture or appurtenance and equipment attached to, or contained in,  
1104 such institution or facility, except that such records shall be disclosed  
1105 to a law enforcement agency upon the request of the law enforcement  
1106 agency. Such reasonable grounds shall be determined (A) with respect  
1107 to records concerning any executive branch agency of the state or any  
1108 municipal, district or regional agency, by the Commissioner of Public  
1109 Works, after consultation with the chief executive officer of the agency;  
1110 (B) with respect to records concerning Judicial Department facilities,  
1111 by the Chief Court Administrator; and (C) with respect to records  
1112 concerning the Legislative Department, by the executive director of the  
1113 Joint Committee on Legislative Management. As used in this section,  
1114 "government-owned or leased institution or facility" includes, but is  
1115 not limited to, an institution or facility owned or leased by a public  
1116 service company, as defined in section 16-1, a certified  
1117 telecommunications provider, as defined in section 16-1, a water  
1118 company, as defined in section 25-32a, or a municipal utility that  
1119 furnishes electric, gas or water service, but does not include an  
1120 institution or facility owned or leased by the federal government, and  
1121 "chief executive officer" includes, but is not limited to, an agency head,  
1122 department head, executive director or chief executive officer. Such  
1123 records include, but are not limited to:

1124 (i) Security manuals or reports;

1125 (ii) Engineering and architectural drawings of government-owned  
1126 or leased institutions or facilities;

1127 (iii) Operational specifications of security systems utilized at any  
1128 government-owned or leased institution or facility, except that a  
1129 general description of any such security system and the cost and  
1130 quality of such system, may be disclosed;

1131 (iv) Training manuals prepared for government-owned or leased  
1132 institutions or facilities that describe, in any manner, security

1133 procedures, emergency plans or security equipment;

1134 (v) Internal security audits of government-owned or leased  
1135 institutions or facilities;

1136 (vi) Minutes or records of meetings, or portions of such minutes or  
1137 records, that contain or reveal information relating to security or other  
1138 records otherwise exempt from disclosure under this subdivision;

1139 (vii) Logs or other documents that contain information on the  
1140 movement or assignment of security personnel at government-owned  
1141 or leased institutions or facilities;

1142 (viii) Emergency plans and emergency recovery or response plans;  
1143 and

1144 (ix) With respect to a water company, as defined in section 25-32a,  
1145 that provides water service: Vulnerability assessments and risk  
1146 management plans, operational plans, portions of water supply plans  
1147 submitted pursuant to section 25-32d that contain or reveal  
1148 information the disclosure of which may result in a security risk to a  
1149 water company, inspection reports, technical specifications and other  
1150 materials that depict or specifically describe critical water company  
1151 operating facilities, collection and distribution systems or sources of  
1152 supply;

1153 (20) Records of standards, procedures, processes, software and  
1154 codes, not otherwise available to the public, the disclosure of which  
1155 would compromise the security or integrity of an information  
1156 technology system;

1157 (21) The residential, work or school address of any participant in the  
1158 address confidentiality program established pursuant to sections 54-  
1159 240 to 54-240o, inclusive;

1160 (22) The electronic mail address of any person that is obtained by  
1161 the Department of Transportation in connection with the  
1162 implementation or administration of any plan to inform individuals

1163 about significant highway or railway incidents.

1164 Sec. 32. (NEW) (*Effective from passage*) In the development and  
1165 administration of any plan for individuals to receive notification of  
1166 significant highway or railway incidents, the Department of  
1167 Transportation shall not permanently retain or enter in a permanent  
1168 database any personal information including, but not limited to, the  
1169 electronic mail address of any person who receives information  
1170 through the use of such plan. Nothing in this section shall be construed  
1171 to prohibit the Department of Transportation from entering the  
1172 electronic mail address of any person who wishes to receive such  
1173 information in a computer program used by the department solely for  
1174 the purpose of sending such person electronic mail that contains  
1175 notification of a significant highway or railway incident.

1176 Sec. 33. Section 3-14b of the general statutes is repealed and the  
1177 following is substituted in lieu thereof (*Effective from passage*):

1178 Prior to the sale of any parcel of land, or a portion thereof owned by  
1179 the state, except a transfer or conveyance to the party against whom  
1180 foreclosure was taken or who conveyed to the state in lieu of  
1181 foreclosure under the provisions of section 17b-138, the state agency,  
1182 department or institution responsible for the sale of such land shall  
1183 first notify, in writing, the chief executive officer or officers of the  
1184 municipality in which such land is situated and the affected state  
1185 representative and state senator for such municipality of the state's  
1186 intention to sell such land, and no agreement to sell such land may be  
1187 entered into or sale may be made by the state except as follows:

1188 (a) [Within] Not later than forty-five days after such notice has been  
1189 so given, such chief executive officer or officers may give written  
1190 notice to the state of the municipality's desire to purchase such land  
1191 and shall have the right to purchase the interest in the land which the  
1192 state has declared its intent to sell, subject to conditions of sale  
1193 acceptable to the state.

1194 (b) If the chief executive officer or officers of the municipality fail to

1195 give notice, as provided in subsection (a) of this section, or give notice  
1196 to the state of the municipality's desire not to purchase such land, such  
1197 municipality shall have waived its right to purchase the land in  
1198 accordance with the terms of this section.

1199 (c) [Within] Not later than sixty days after notice has been given by  
1200 the municipality of its desire to purchase such land, as provided in  
1201 subsection (a) of this section, the state acting through the state agency,  
1202 department or institution shall sell such land to the municipality,  
1203 provided the state and the municipality agree upon the conditions of  
1204 sale and the amount to be paid therefor.

1205 (d) If the municipality fails to purchase such land [within] not later  
1206 than sixty days after notice has been given by the municipality of its  
1207 desire to purchase the land, as provided in subsection (a) of this  
1208 section, such municipality shall have waived rights to purchase the  
1209 land in accordance with the terms of this section, subject to the  
1210 provisions of subsection (e) of this section.

1211 (e) Notwithstanding the provisions of subsections (b) and (d) of this  
1212 section, if the state thereafter proposes to sell such land to any person  
1213 upon terms different than those offered to the municipality, the state  
1214 shall first notify the municipality of such proposal, in the manner  
1215 provided in subsection (a) of this section, and of the terms of such  
1216 proposed sale, and such municipality shall have the option to purchase  
1217 such land upon such terms and may thereupon, in the same manner  
1218 and within the same time limitations as are provided in subsections (a)  
1219 and (c) [, inclusive,] of this section, proceed to purchase such land.

1220 (f) Notwithstanding the provisions of subsection (d) of this section,  
1221 the towns of Preston and Norwich shall retain any right provided for  
1222 by this section with regard to the property known as the Norwich State  
1223 Hospital property provided the Commissioner of Public Works  
1224 determines that such towns continue to make good faith efforts to  
1225 purchase such property and have otherwise complied with the  
1226 provisions of this section.

1227 Sec. 34. Section 4b-57 of the general statutes is repealed and the  
1228 following is substituted in lieu thereof (*Effective from passage*):

1229 (a) Whenever consultant services are required by the commissioner  
1230 in fulfilling his responsibilities under section 4b-1, and in the case of  
1231 each project, the commissioner shall invite responses from such firms  
1232 by advertisements inserted at least once in one or more newspapers  
1233 having a circulation in each county in the state. The commissioner shall  
1234 prescribe, by regulations adopted in accordance with chapter 54, the  
1235 advance notice required for, the manner of submission, and conditions  
1236 and requirements of, such responses.

1237 (b) In the case of a project, the responses received shall be  
1238 considered by the selection panel. The panel shall select from among  
1239 those responding no fewer than three firms, which it determines in  
1240 accordance with criteria established by the commissioner are most  
1241 qualified to perform the required consultant services. In the case of any  
1242 project that requires consultant services by an architect or professional  
1243 engineer, additional criteria to be considered by such panel in selecting  
1244 a list of the most qualified firms shall include: (1) Such firm's  
1245 knowledge of this state's building and fire codes, and (2) the  
1246 geographic location of such firm in relation to the geographic location  
1247 of the proposed project. The selection panel shall submit a list of the  
1248 most qualified firms to the commissioner for his consideration unless  
1249 fewer than three responses for a particular project have been received,  
1250 in which case, the panel shall submit the names of all firms who have  
1251 submitted responses.

1252 Sec. 35. Subsection (b) of section 29-252a of the general statutes is  
1253 repealed and the following is substituted in lieu thereof (*Effective from*  
1254 *passage*):

1255 (b) (1) No state building or structure or addition to a state building  
1256 or structure; [, that] (A) That exceeds the threshold limits contained in  
1257 section 29-276b and requires an independent structural review under  
1258 said section, or (B) that includes residential occupancies for twenty-five  
1259 or more persons shall be constructed [or altered] until an application

1260 has been filed by the commissioner of an agency authorized to contract  
1261 for the construction of buildings under the provisions of section 4b-1  
1262 or 4b-51 with the State Building Inspector and a building permit issued  
1263 by the State Building Inspector. Two copies of the plans and  
1264 specifications for the building, structure or addition to be constructed  
1265 [or altered] shall accompany the application. The commissioner of any  
1266 such agency shall certify that such plans and specifications are in  
1267 substantial compliance with the provisions of the State Building Code  
1268 and, where applicable, with the provisions of the State Fire Safety  
1269 Code. The State Building Inspector shall review the plans and  
1270 specifications for the building, structure or addition to be constructed  
1271 [or altered] to verify their compliance with the requirements of the  
1272 State Building Code and, [within] not later than thirty days [of] after  
1273 the date of application, shall issue or refuse to issue the building  
1274 permit, in whole or in part. The State Building Inspector may request  
1275 that the State Fire Marshal review such plans to verify their  
1276 compliance with the State Fire Safety Code.

1277 (2) On and after July 1, 1999, the State Building Inspector shall  
1278 assess an education fee on each building permit application. During  
1279 the fiscal year commencing July 1, 1999, the amount of such fee shall be  
1280 sixteen cents per one thousand dollars of construction value as  
1281 declared on the building permit application, and the State Building  
1282 Inspector shall remit such fees, quarterly, to the Department of Public  
1283 Safety, for deposit in the General Fund. Upon deposit in the General  
1284 Fund, the amount of such fees shall be credited to the appropriation to  
1285 the Department of Public Safety and shall be used for the code training  
1286 and educational programs established pursuant to section 29-251c. On  
1287 and after July 1, 2000, the assessment shall be made in accordance with  
1288 regulations adopted pursuant to subsection (d) of section 29-251c.

1289 Sec. 36. Subsection (e) of section 1-88 of the general statutes is  
1290 repealed and the following is substituted in lieu thereof (*Effective from*  
1291 *passage*):

1292 (e) Any employee or member of the commission who, in violation of

1293 this part, discloses information filed in accordance with [subparagraph  
1294 (B) or] subparagraph (F) of subdivision (1) of subsection (b) of section  
1295 1-83, shall be dismissed, if an employee, or removed from the  
1296 commission, if a member.

1297 Sec. 37. Section 1-81 of the general statutes is repealed and the  
1298 following is substituted in lieu thereof (*Effective from passage*):

1299 (a) The commission shall:

1300 (1) Compile and maintain an index of all reports, advisory opinions,  
1301 memoranda filed under the provisions of subsection (f) of section 1-82a  
1302 and statements filed by and with the commission to facilitate public  
1303 access to such reports and statements as provided by this part;

1304 (2) Preserve advisory opinions permanently; preserve memoranda  
1305 filed under subsection (f) of section 1-82a, and statements and reports  
1306 filed by and with the commission for a period of five years from the  
1307 date of receipt;

1308 (3) Upon the concurring vote of five of its members, issue advisory  
1309 opinions with regard to the requirements of this part, upon the request  
1310 of any person subject to the provisions of this part, and publish such  
1311 advisory opinions in the Connecticut Law Journal. Advisory opinions  
1312 rendered by the commission, until amended or revoked, shall be  
1313 binding on the commission and shall be deemed to be final decisions  
1314 of the commission for purposes of section 1-87. Any advisory opinion  
1315 concerning the person who requested the opinion and who acted in  
1316 reliance thereon, in good faith, shall be binding upon the commission,  
1317 and it shall be an absolute defense in any criminal action brought  
1318 under the provisions of this part, that the accused acted in reliance  
1319 upon such advisory opinion;

1320 (4) Report annually, prior to April fifteenth, to the Governor  
1321 summarizing the activities of the commission; [and]

1322 (5) Adopt regulations in accordance with chapter 54 to carry out the  
1323 purposes of this part; and

1324 (6) The commission may enter into such contractual agreements as  
1325 may be necessary for the discharge of its duties, within the limits of its  
1326 appropriated funds and in accordance with established procedures.

1327 (b) The commission may, within its discretion, employ both an  
1328 executive director and a general counsel and any necessary staff,  
1329 within available appropriations.

1330 Sec. 38. (NEW) (*Effective July 1, 2005*) As used in this section and  
1331 sections 41 to 45, inclusive, of this act:

1332 (1) "Business with which the person is associated" means any sole  
1333 proprietorship, partnership, firm, corporation, trust or other entity  
1334 through which business for-profit or not-for-profit is conducted in  
1335 which the person or member of the immediate family of any person  
1336 who is an individual is a director, officer, owner, limited or general  
1337 partner, beneficiary of a trust or holder of stock constituting five per  
1338 cent or more of the total outstanding stock of any class, provided, a  
1339 person who is an individual or a member of the immediate family of  
1340 such individual shall not be deemed to be associated with a not-for-  
1341 profit entity solely by virtue of the fact that such individual or  
1342 immediate family member is an unpaid director or officer of the not-  
1343 for-profit entity. "Officer" refers only to the president, executive or  
1344 senior vice president or treasurer of such business.

1345 (2) "Immediate family" means any spouse, children or dependent  
1346 relatives who reside in an individual's household.

1347 (3) "Large state construction or procurement contract" means any  
1348 contract, having a cost of more than five hundred thousand dollars, for  
1349 (A) the remodeling, alteration, repair or enlargement of any real asset,  
1350 (B) the construction, alteration, reconstruction, improvement,  
1351 relocation, widening or changing of the grade of a section of a state  
1352 highway or a bridge, (C) the purchase or lease of supplies, materials or  
1353 equipment, as defined in section 4a-50 of the general statutes, or (D)  
1354 the construction, reconstruction, alteration, remodeling, repair or  
1355 demolition of any public building.

1356 (4) "Person" has the same meaning as provided in section 1-79 of the  
1357 general statutes, as amended by this act.

1358 (5) "Public official" has the same meaning as provided in section 1-  
1359 79 of the general statutes, as amended by this act.

1360 (6) "Quasi-public agency" has the same meaning as provided in  
1361 section 1-79 of the general statutes, as amended by this act.

1362 (7) "State employee" has the same meaning as provided in section 1-  
1363 79 of the general statutes, as amended by this act.

1364 Sec. 39. (NEW) (*Effective July 1, 2005*) (a) Notwithstanding any  
1365 provision of the general statutes, no person who (1) is, or is seeking to  
1366 be, prequalified under section 4a-100 of the general statutes, (2) is a  
1367 party to a large state construction or procurement contract or seeking  
1368 to enter into such a contract with a state agency, board, commission or  
1369 institution or a quasi-public agency, or (3) is a party to a consultant  
1370 services contract or seeking to enter into such a contract with a state  
1371 agency, board, commission or institution or a quasi-public agency,  
1372 shall:

1373 (A) With the intent to obtain a competitive advantage over other  
1374 bidders, solicit any information from a public official or state employee  
1375 that the contractor knows is not and will not be available to other  
1376 bidders for a large state construction or procurement contract that the  
1377 contractor is seeking;

1378 (B) Intentionally, wilfully or with reckless disregard for the truth,  
1379 charge a state agency, board, commission or institution or quasi-public  
1380 agency for work not performed or goods not provided, including  
1381 submitting change orders in bad faith with the sole intention of  
1382 increasing the contract price, falsifying invoices or bills or charging  
1383 unreasonable rates for services or unreasonable prices for goods to a  
1384 state agency, board, commission or institution or quasi-public agency;  
1385 or

1386 (C) Intentionally or wilfully violate or attempt to circumvent state

1387 competitive bidding and ethics laws.

1388 (b) No person with whom a state agency, board, commission or  
1389 institution or quasi-public agency has contracted to provide consulting  
1390 services to plan specifications for any contract and no business with  
1391 which the person is associated may serve as a contractor for such  
1392 contract or as a subcontractor or consultant to the person awarded  
1393 such contract.

1394 (c) Any person who violates any provision of this section may be  
1395 deemed a nonresponsible bidder by a state agency, board, commission  
1396 or institution or quasi-public agency.

1397 Sec. 40. (NEW) (*Effective July 1, 2005*) (a) In addition to its  
1398 jurisdiction over persons who are residents of this state, the State  
1399 Ethics Commission may exercise personal jurisdiction over any  
1400 nonresident person, or the agent of such nonresident person, who  
1401 makes a payment of money or gives anything of value to a public  
1402 official or state employee in violation of section 39 of this act, or who  
1403 is, or is seeking to be, prequalified under section 4a-100 of the general  
1404 statutes.

1405 (b) Where personal jurisdiction is based solely upon this section, an  
1406 appearance does not confer personal jurisdiction with respect to causes  
1407 of action not arising from an act enumerated in this section.

1408 (c) Any nonresident person or the agent of such person over whom  
1409 the State Ethics Commission may exercise personal jurisdiction, as  
1410 provided in subsection (a) of this section, who does not otherwise have  
1411 a registered agent in this state for service of process, shall be deemed  
1412 to have appointed the Secretary of the State as the person's or agent's  
1413 attorney and to have agreed that any process in any complaint,  
1414 investigation or other matter conducted pursuant to section 1-82 or 1-  
1415 82a of the general statutes, as amended by this act, concerning an  
1416 alleged violation of section 39 of this act and brought against the  
1417 nonresident person, or said person's agent, may be served upon the  
1418 Secretary of the State and shall have the same validity as if served

1419 upon such nonresident person or agent personally. The process shall  
1420 be served upon the Secretary of the State by the officer to whom the  
1421 same is directed by leaving with or at the office of the Secretary of the  
1422 State, at least twelve days before any required appearance day of such  
1423 process, a true and attested copy of such process, and by sending to  
1424 the nonresident person or agent so served, at the person's or agent's  
1425 last-known address, by registered or certified mail, postage prepaid,  
1426 return receipt requested, a like and attested copy with an endorsement  
1427 thereon of the service upon the Secretary of the State. The Secretary of  
1428 the State shall keep a record of each such process and the day and hour  
1429 of service.

1430       Sec. 41. (NEW) (*Effective July 1, 2005*) (a) Each state agency,  
1431 institution and quasi-public agency that is a party to a large state  
1432 construction or procurement contract or is planning such a contract  
1433 shall appoint an ethics compliance officer. Such officer shall be  
1434 responsible for the development of the ethics policies of the agency's or  
1435 institution's ethics policies, coordination of ethics training programs  
1436 and monitoring of programs of the agency or institution for  
1437 compliance with the ethics policies of the agency or institution and the  
1438 Code of Ethics for Public Officials set forth in part I of chapter 10 of the  
1439 general statutes. At least annually, each ethics compliance officer shall  
1440 provide ethics training to agency or institution personnel involved in  
1441 contractor selection, evaluation and supervision. Such training shall  
1442 include a review of current ethics laws and regulations and discussion  
1443 of ethics issues concerning contracting. Any contractor and employee  
1444 of such agency or institution shall provide any requested information  
1445 to such ethics compliance officer.

1446       (b) Each other state agency and quasi-public agency shall designate  
1447 an agency officer or employee as a liaison to the State Ethics  
1448 Commission. The liaison shall coordinate the development of ethics  
1449 policies for the agency and work with the State Ethics Commission on  
1450 training on ethical issues for agency personnel involved in contracting.

1451       Sec. 42. (NEW) (*Effective July 1, 2005*) Any commissioner, deputy

1452 commissioner, state agency or quasi-public agency head or deputy,  
1453 person in charge of state agency procurement and contracting, ethics  
1454 compliance officer or designated liaison to the State Ethics  
1455 Commission who has reasonable cause to believe that a person has  
1456 violated the provisions of the Code of Ethics for Public Officials set  
1457 forth in part I of chapter 10 of the general statutes or any law or  
1458 regulation concerning ethics in state contracting shall report such belief  
1459 to the State Ethics Commission, which may further report such  
1460 information to the Auditor of Public Accounts, Chief State's Attorney  
1461 or the Attorney General.

1462       Sec. 43. (NEW) (*Effective July 1, 2005*) (a) A state agency or institution  
1463 or quasi-public agency that is seeking a contractor for a large state  
1464 construction or procurement contract shall provide the summary of  
1465 state ethics laws developed by the State Ethics Commission pursuant  
1466 to section 1-81b of the general statutes to any person seeking a large  
1467 state construction or procurement contract. Such person shall  
1468 promptly affirm to the agency or institution, in writing, (1) receipt of  
1469 such summary, and (2) that key employees of such person have read  
1470 and understand the summary and agree to comply with the provisions  
1471 of state ethics law. No state agency or institution or quasi-public  
1472 agency shall accept a bid for a large state construction or procurement  
1473 contract without such affirmation.

1474       (b) Each large state construction or procurement contractor shall  
1475 provide the summary of state ethics laws described in subsection (a) of  
1476 this section to all subcontractors and consultants and obtain an  
1477 affirmation from each subcontractor and consultant that such  
1478 subcontractor and consultant has received such summary and key  
1479 employees of such subcontractor and consultant have read and  
1480 understand the summary and agree to comply with its provisions. The  
1481 contractor shall provide such affirmations to the state agency. Failure  
1482 to submit such affirmations in a timely manner shall be cause for  
1483 termination of the large state construction or procurement contract.

1484       (c) Each contract with a contractor, subcontractor or consultant

1485 described in subsection (a) or (b) of this section shall incorporate such  
1486 summary by reference as a part of the contract terms.

1487 Sec. 44. Subsection (e) of section 1-79 of the general statutes is  
1488 repealed and the following is substituted in lieu thereof (*Effective July*  
1489 *1, 2005*):

1490 (e) "Gift" means anything of value, which is directly and personally  
1491 received, unless consideration of equal or greater value is given in  
1492 return. "Gift" shall not include:

1493 (1) A political contribution otherwise reported as required by law or  
1494 a donation or payment as described in subdivision (9) or (10) of  
1495 subsection (b) of section 9-333b;

1496 (2) Services provided by persons volunteering their time, if  
1497 provided to aid or promote the success or defeat of any political party,  
1498 any candidate or candidates for public office or the position of  
1499 convention delegate or town committee member or any referendum  
1500 question;

1501 (3) A commercially reasonable loan made on terms not more  
1502 favorable than loans made in the ordinary course of business;

1503 (4) A gift received from (A) an individual's spouse, fiance or fiancée,  
1504 (B) the parent, brother or sister of such spouse or such individual, or  
1505 (C) the child of such individual or the spouse of such child;

1506 (5) Goods or services (A) which are provided to the state (i) for use  
1507 on state property, or (ii) to support an event or the participation by a  
1508 public official or state employee at an event, and (B) which facilitate  
1509 state action or functions. As used in this subdivision, "state property"  
1510 means (i) property owned by the state, or (ii) property leased to an  
1511 agency in the Executive or Judicial Department of the state;

1512 (6) A certificate, plaque or other ceremonial award costing less than  
1513 one hundred dollars;

1514 (7) A rebate, discount or promotional item available to the general  
1515 public;

1516 (8) Printed or recorded informational material germane to state  
1517 action or functions;

1518 (9) Food or beverage or both, costing less than fifty dollars in the  
1519 aggregate per recipient in a calendar year, and consumed on an  
1520 occasion or occasions at which the person paying, directly or  
1521 indirectly, for the food or beverage, or his representative, is in  
1522 attendance;

1523 (10) Food or beverage or both, costing less than fifty dollars per  
1524 person and consumed at a publicly noticed legislative reception to  
1525 which all members of the General Assembly are invited and which is  
1526 hosted not more than once in any calendar year by a lobbyist or  
1527 business organization. For the purposes of such limit, (A) a reception  
1528 hosted by a lobbyist who is an individual shall be deemed to have also  
1529 been hosted by the business organization which he owns or is  
1530 employed by, and (B) a reception hosted by a business organization  
1531 shall be deemed to have also been hosted by all owners and employees  
1532 of the business organization who are lobbyists. In making the  
1533 calculation for the purposes of such fifty-dollar limit, the donor shall  
1534 divide the amount spent on food and beverage by the number of  
1535 persons whom the donor reasonably expects to attend the reception;

1536 (11) Food or beverage or both, costing less than fifty dollars per  
1537 person and consumed at a publicly noticed reception to which all  
1538 members of the General Assembly from a region of the state are  
1539 invited and which is hosted not more than once in any calendar year  
1540 by a lobbyist or business organization. For the purposes of such limit,  
1541 (A) a reception hosted by a lobbyist who is an individual shall be  
1542 deemed to have also been hosted by the business organization which  
1543 he owns or is employed by, and (B) a reception hosted by a business  
1544 organization shall be deemed to have also been hosted by all owners  
1545 and employees of the business organization who are lobbyists. In  
1546 making the calculation for the purposes of such fifty-dollar limit, the

1547 donor shall divide the amount spent on food and beverage by the  
1548 number of persons whom the donor reasonably expects to attend the  
1549 reception. As used in this subdivision, "region of the state" means the  
1550 established geographic service area of the organization hosting the  
1551 reception;

1552 (12) A gift, including but not limited to, food or beverage or both,  
1553 provided by an individual for the celebration of a major life event;

1554 (13) Gifts costing less than one hundred dollars in the aggregate or  
1555 food or beverage provided at a hospitality suite at a meeting or  
1556 conference of an interstate legislative association, by a person who is  
1557 not a registrant or is not doing business with the state of Connecticut;

1558 (14) Admission to a charitable or civic event, including food and  
1559 beverage provided at such event, but excluding lodging or travel  
1560 expenses, at which a public official or state employee participates in  
1561 his official capacity, provided such admission is provided by the  
1562 primary sponsoring entity;

1563 (15) Anything of value provided by an employer of (A) a public  
1564 official, (B) a state employee, or (C) a spouse of a public official or state  
1565 employee, to such official, employee or spouse, provided such benefits  
1566 are customarily and ordinarily provided to others in similar  
1567 circumstances; or

1568 (16) Anything having a value of not more than ten dollars, provided  
1569 the aggregate value of all things provided by a donor to a recipient  
1570 under this subdivision in any calendar year shall not exceed fifty  
1571 dollars.

1572 Sec. 45. Section 1-82 of the general statutes is repealed and the  
1573 following is substituted in lieu thereof (*Effective July 1, 2005*):

1574 (a) (1) Upon the complaint of any person on a form prescribed by  
1575 the commission, signed under penalty of false statement, or upon its  
1576 own complaint, the commission shall investigate any alleged violation  
1577 of this part or section 39 of this act. Not later than five days after the

1578 receipt or issuance of such complaint, the commission shall provide  
1579 notice of such receipt or issuance and a copy of the complaint by  
1580 registered or certified mail to any respondent against whom such  
1581 complaint is filed and shall provide notice of the receipt of such  
1582 complaint to the complainant. When the commission undertakes an  
1583 evaluation of a possible violation of this part or section 39 of this act  
1584 prior to the filing of a complaint by the commission, the subject of the  
1585 evaluation shall be notified [within] not later than five business days  
1586 after a commission staff member's first contact with a third party  
1587 concerning the matter.

1588 (2) In the conduct of its investigation of an alleged violation of this  
1589 part or section 39 of this act, the commission shall have the power to  
1590 hold hearings, administer oaths, examine witnesses, receive oral and  
1591 documentary evidence, subpoena witnesses under procedural rules  
1592 adopted by the commission as regulations in accordance with the  
1593 provisions of chapter 54 to compel attendance before the commission  
1594 and to require the production for examination by the commission of  
1595 any books and papers which the commission deems relevant in any  
1596 matter under investigation or in question. In the exercise of such  
1597 powers, the commission may use the services of the state police, who  
1598 shall provide the same upon the commission's request. The  
1599 commission shall make a record of all proceedings conducted pursuant  
1600 to this subsection. Any witness summoned before the commission  
1601 shall receive the witness fee paid to witnesses in the courts of this state.  
1602 During the investigation the respondent shall have the right to appear  
1603 and be heard and to offer any information which may tend to clear  
1604 him of probable cause to believe he has violated any provision of this  
1605 part or section 39 of this act. The respondent shall also have the right to  
1606 be represented by legal counsel and to examine and cross-examine  
1607 witnesses. Not later than ten days prior to the commencement of any  
1608 hearing conducted pursuant to this subsection, the commission shall  
1609 provide the respondent with a list of its intended witnesses. The  
1610 commission shall make no finding that there is probable cause to  
1611 believe the respondent is in violation of any provision of this part or  
1612 section 39 of this act except upon the concurring vote of five of its

1613 members.

1614 (b) If a preliminary investigation indicates that probable cause exists  
1615 for the violation of a provision of this part or section 39 of this act, the  
1616 commission shall initiate hearings to determine whether there has been  
1617 a violation of this part or section 39 of this act. A judge trial referee,  
1618 who shall be assigned by the Chief Court Administrator and who shall  
1619 be compensated in accordance with section 52-434 out of funds  
1620 available to the commission, shall preside over such hearing and shall  
1621 rule on all matters concerning the application of the rules of evidence,  
1622 which shall be the same as in judicial proceedings. The trial referee  
1623 shall have no vote in any decision of the commission. All hearings of  
1624 the commission held pursuant to this subsection shall be open. At such  
1625 hearing the commission shall have the same powers as under  
1626 subsection (a) of this section and the respondent shall have the right to  
1627 be represented by legal counsel, the right to compel attendance of  
1628 witnesses and the production of books, documents, records and papers  
1629 and to examine and cross-examine witnesses. Not later than ten days  
1630 prior to the commencement of any hearing conducted pursuant to this  
1631 subsection, the commission shall provide the respondent with a list of  
1632 its intended witnesses. The judge trial referee shall, while engaged in  
1633 the discharge of his duties as provided in this subsection, have the  
1634 same authority as is provided in section 51-35 over witnesses who  
1635 refuse to obey a subpoena or to testify with respect to any matter upon  
1636 which such witness may be lawfully interrogated, and may commit  
1637 any such witness for contempt for a period no longer than thirty days.  
1638 The commission shall make a record of all proceedings pursuant to  
1639 this subsection. The commission shall find no person in violation of  
1640 any provision of this part or section 39 of this act except upon the  
1641 concurring vote of [seven] six of its members. Not later than fifteen  
1642 days after the public hearing conducted in accordance with this  
1643 subsection, the commission shall publish its finding and a  
1644 memorandum of the reasons therefor. Such finding and memorandum  
1645 shall be deemed to be the final decision of the commission on the  
1646 matter for the purposes of chapter 54. The respondent, if aggrieved by  
1647 the finding and memorandum, may appeal therefrom to the Superior

1648 Court in accordance with the provisions of section 4-183.

1649 (c) If the commission finds, after a hearing pursuant to this section,  
1650 that there is no probable cause to believe that a public official or state  
1651 employee has violated a provision of this part or section 39 of this act  
1652 or that a public official or state employee has not violated any such  
1653 provision, or if a court of competent jurisdiction overturns a finding by  
1654 the commission of a violation by such a respondent, the state shall pay  
1655 the reasonable legal expenses of the respondent as determined by the  
1656 Attorney General or by the court if appropriate. If any complaint  
1657 brought under the provisions of this part or section 39 of this act is  
1658 made with the knowledge that it is made without foundation in fact,  
1659 the respondent shall have a cause of action against the complainant for  
1660 double the amount of damage caused thereby and if the respondent  
1661 prevails in such action, he may be awarded by the court the costs of  
1662 such action together with reasonable attorneys' fees.

1663 (d) No complaint may be made under this section [except within]  
1664 later than five years [next] after the violation alleged in the complaint  
1665 has been committed.

1666 (e) No person shall take or threaten to take official action against an  
1667 individual for such individual's disclosure of information to the  
1668 commission under the provisions of this part or section 39 of this act.  
1669 After receipt of information from an individual under the provisions of  
1670 this part or section 39 of this act, the commission shall not disclose the  
1671 identity of such individual without his consent unless the commission  
1672 determines that such disclosure is unavoidable during the course of an  
1673 investigation. No person shall be subject to civil liability for any good  
1674 faith disclosure that such person makes to the commission.

1675 Sec. 46. Subsection (a) of section 1-82a of the general statutes is  
1676 repealed and the following is substituted in lieu thereof (*Effective July*  
1677 *1, 2005*):

1678 (a) Unless the commission makes a finding of probable cause, a  
1679 complaint alleging a violation of this part or section 39 of this act shall

1680 be confidential except upon the request of the respondent. A  
1681 commission evaluation of a possible violation of this part or section 39  
1682 of this act prior to the filing of a complaint by the commission shall be  
1683 confidential except upon the request of the subject of the evaluation. If  
1684 the evaluation is confidential, any information supplied to or received  
1685 from the commission shall not be disclosed to any third party by a  
1686 subject of the evaluation, a person contacted for the purpose of  
1687 obtaining information or by a commission or staff member. No  
1688 provision of this subsection shall prevent the Ethics Commission from  
1689 reporting the possible commission of a crime to the Chief State's  
1690 Attorney or other prosecutorial authority.

1691 Sec. 47. Section 1-84 of the general statutes is repealed and the  
1692 following is substituted in lieu thereof (*Effective July 1, 2005*):

1693 (a) No public official or state employee shall, while serving as such,  
1694 have any financial interest in, or engage in, any business, employment,  
1695 transaction or professional activity, which is in substantial conflict with  
1696 the proper discharge of his duties or employment in the public interest  
1697 and of his responsibilities as prescribed in the laws of this state, as  
1698 defined in section 1-85.

1699 (b) No public official or state employee shall accept other  
1700 employment which will either impair his independence of judgment as  
1701 to his official duties or employment or require him, or induce him, to  
1702 disclose confidential information acquired by him in the course of and  
1703 by reason of his official duties.

1704 (c) No public official or state employee shall wilfully and knowingly  
1705 disclose, for financial gain, to any other person, confidential  
1706 information acquired by him in the course of and by reason of his  
1707 official duties or employment and no public official or state employee  
1708 shall use his public office or position or any confidential information  
1709 received through his holding such public office or position to obtain  
1710 financial gain for himself, his spouse, child, child's spouse, parent,  
1711 brother or sister or a business with which he is associated.

1712 (d) No public official or state employee or employee of such public  
1713 official or state employee shall agree to accept, or be a member or  
1714 employee of a partnership, association, professional corporation or  
1715 sole proprietorship which partnership, association, professional  
1716 corporation or sole proprietorship agrees to accept any employment,  
1717 fee or other thing of value, or portion thereof, for appearing, agreeing  
1718 to appear, or taking any other action on behalf of another person  
1719 before the Department of Banking, the Claims Commissioner, the  
1720 Office of Health Care Access, the Insurance Department, the office  
1721 within the Department of Consumer Protection that carries out the  
1722 duties and responsibilities of sections 30-2 to 30-68m, inclusive, the  
1723 Department of Motor Vehicles, the State Insurance and Risk  
1724 Management Board, the Department of Environmental Protection, the  
1725 Department of Public Utility Control, the Connecticut Siting Council,  
1726 the Division of Special Revenue within the Department of Revenue  
1727 Services, the Gaming Policy Board within the Department of Revenue  
1728 Services or the Connecticut Real Estate Commission; provided this  
1729 shall not prohibit any such person from making inquiry for  
1730 information on behalf of another before any of said commissions or  
1731 commissioners if no fee or reward is given or promised in consequence  
1732 thereof. For the purpose of this subsection, partnerships, associations,  
1733 professional corporations or sole proprietorships refer only to such  
1734 partnerships, associations, professional corporations or sole  
1735 proprietorships which have been formed to carry on the business or  
1736 profession directly relating to the employment, appearing, agreeing to  
1737 appear or taking of action provided for in this subsection. Nothing in  
1738 this subsection shall prohibit any employment, appearing, agreeing to  
1739 appear or taking action before any municipal board, commission or  
1740 council. Nothing in this subsection shall be construed as applying (1)  
1741 to the actions of any teaching or research professional employee of a  
1742 public institution of higher education if such actions are not in  
1743 violation of any other provision of this chapter, (2) to the actions of any  
1744 other professional employee of a public institution of higher education  
1745 if such actions are not compensated and are not in violation of any  
1746 other provision of this chapter, (3) to any member of a board or

1747 commission who receives no compensation other than per diem  
1748 payments or reimbursement for actual or necessary expenses, or both,  
1749 incurred in the performance of the member's duties, or (4) to any  
1750 member or director of a quasi-public agency. Notwithstanding the  
1751 provisions of this subsection to the contrary, a legislator, an officer of  
1752 the General Assembly or part-time legislative employee may be or  
1753 become a member or employee of a firm, partnership, association or  
1754 professional corporation which represents clients for compensation  
1755 before agencies listed in this subsection, provided the legislator, officer  
1756 of the General Assembly or part-time legislative employee shall take  
1757 no part in any matter involving the agency listed in this subsection and  
1758 shall not receive compensation from any such matter. Receipt of a  
1759 previously established salary, not based on the current or anticipated  
1760 business of the firm, partnership, association or professional  
1761 corporation involving the agencies listed in this subsection, shall be  
1762 permitted.

1763 (e) No legislative commissioner or his partners, employees or  
1764 associates shall represent any person subject to the provisions of part II  
1765 concerning the promotion of or opposition to legislation before the  
1766 General Assembly, or accept any employment which includes an  
1767 agreement or understanding to influence, or which is inconsistent  
1768 with, the performance of his official duties.

1769 (f) No person shall offer or give to a public official or state employee  
1770 or candidate for public office or his spouse, his parent, brother, sister  
1771 or child or spouse of such child or a business with which he is  
1772 associated, anything of value, including but not limited to, a gift, loan,  
1773 political contribution, reward or promise of future employment based  
1774 on any understanding that the vote, official action or judgment of the  
1775 public official, state employee or candidate for public office would be  
1776 or had been influenced thereby.

1777 (g) No public official or state employee or candidate for public office  
1778 shall solicit or accept anything of value, including but not limited to, a  
1779 gift, loan, political contribution, reward or promise of future

1780 employment based on any understanding that the vote, official action  
1781 or judgment of the public official or state employee or candidate for  
1782 public office would be or had been influenced thereby.

1783 (h) Nothing in subsection (f) or (g) of this section shall be construed  
1784 (1) to apply to any promise made in violation of subdivision (6) of  
1785 section 9-333x<sub>2</sub> or (2) to permit any activity otherwise prohibited in  
1786 section 53a-147 or 53a-148.

1787 (i) No public official or state employee or member of the official or  
1788 employee's immediate family or a business with which he is associated  
1789 shall enter into any contract with the state, valued at one hundred  
1790 dollars or more, other than a contract of employment as a state  
1791 employee or pursuant to a court appointment, unless the contract has  
1792 been awarded through an open and public process, including prior  
1793 public offer and subsequent public disclosure of all proposals  
1794 considered and the contract awarded. In no event shall an executive  
1795 head of an agency, as defined in section 4-166, including a  
1796 commissioner of a department, or an executive head of a quasi-public  
1797 agency, as defined in section 1-79, or the executive head's immediate  
1798 family or a business with which he is associated enter into any contract  
1799 with that agency or quasi-public agency. Nothing in this subsection  
1800 shall be construed as applying to any public official who is appointed  
1801 as a member of the executive branch or as a member or director of a  
1802 quasi-public agency and who receives no compensation other than per  
1803 diem payments or reimbursement for actual or necessary expenses, or  
1804 both, incurred in the performance of the public official's duties unless  
1805 such public official has authority or control over the subject matter of  
1806 the contract. Any contract made in violation of this subsection shall be  
1807 voidable by a court of competent jurisdiction if the suit is commenced  
1808 [within] not later than one hundred eighty days [of] after the making  
1809 of the contract.

1810 (j) No public official, state employee or candidate for public office,  
1811 or a member of any such person's staff or immediate family shall  
1812 knowingly accept any gift, as defined in subsection (e) of section 1-79,

1813 as amended by this act, from a person known to be a registrant or  
1814 anyone known to be acting on behalf of a registrant.

1815 (k) No public official or state employee shall accept a fee or  
1816 honorarium for an article, appearance or speech, or for participation at  
1817 an event, in the public official's or state employee's official capacity,  
1818 provided a public official or state employee may receive payment or  
1819 reimbursement for necessary expenses for any such activity in his  
1820 official capacity. If a public official or state employee receives such a  
1821 payment or reimbursement for lodging or out-of-state travel or both,  
1822 the official or employee shall, [within] not later than thirty days  
1823 thereafter, file a report of the payment or reimbursement with the  
1824 commission, unless the payment or reimbursement is provided by the  
1825 federal government or another state government. If a public official or  
1826 state employee does not file such report within such period, either  
1827 intentionally or due to gross negligence on the public official's or state  
1828 employee's part, the public official or state employee shall return the  
1829 payment or reimbursement. If any failure to file such report is not  
1830 intentional or due to gross negligence on the part of the public official  
1831 or state employee, the public official or state employee shall not be  
1832 subject to any penalty under this chapter. When a public official or  
1833 state employee attends an event in this state in the public official's or  
1834 state employee's official capacity and as a principal speaker at such  
1835 event and receives admission to or food or beverage at such event from  
1836 the sponsor of the event, such admission or food or beverage shall not  
1837 be considered a gift and no report shall be required from such official  
1838 or employee or from the sponsor of the event.

1839 (l) No public official or state employee, or any person acting on  
1840 behalf of a public official or state employee, shall wilfully and  
1841 knowingly interfere with, influence, direct or solicit existing or new  
1842 lobbying contracts, agreements or business relationships for or on  
1843 behalf of any person.

1844 (m) No public official or state employee shall knowingly accept,  
1845 directly or indirectly, any gift, as defined in subsection (e) of section 1-

1846 79, as amended by this act, from any person the official or employee  
1847 knows or has reason to know: (1) Is doing business with or seeking to  
1848 do business with the department or agency in which the official or  
1849 employee is employed; (2) is engaged in activities which are directly  
1850 regulated by such department or agency; or (3) is prequalified under  
1851 section 4a-100. No person shall knowingly give, directly or indirectly,  
1852 any gift or gifts in violation of this provision. [For the purposes of this  
1853 subsection, the exclusion to the term "gift" in subdivision (12) of  
1854 subsection (e) of section 1-79 for a gift for the celebration of a major life  
1855 event shall not apply.] Any person prohibited from making a gift  
1856 under this subsection shall report to the State Ethics Commission any  
1857 solicitation of a gift from such person by a state employee or public  
1858 official.

1859 (n) (1) As used in this subsection, (A) "investment services" means  
1860 investment legal services, investment banking services, investment  
1861 advisory services, underwriting services, financial advisory services or  
1862 brokerage firm services, and (B) "principal of an investment services  
1863 firm" means (i) an individual who is a director of or has an ownership  
1864 interest in an investment services firm, except for an individual who  
1865 owns less than five per cent of the shares of an investment services  
1866 firm which is a publicly traded corporation, (ii) an individual who is  
1867 employed by an investment services firm as president, treasurer, or  
1868 executive or senior vice president, (iii) an employee of such an  
1869 investment services firm who has managerial or discretionary  
1870 responsibilities with respect to any investment services, (iv) the spouse  
1871 or dependent child of an individual described in this subparagraph, or  
1872 (v) a political committee established by or on behalf of an individual  
1873 described in this subparagraph.

1874 (2) The State Treasurer shall not pay any compensation, expenses or  
1875 fees or issue any contract to any firm which provides investment  
1876 services when (A) a political committee, as defined in section 9-333a,  
1877 established by such firm, or (B) a principal of the investment services  
1878 firm has made a contribution, as defined in section 9-333b, to, or  
1879 solicited contributions on behalf of, any exploratory committee or

1880 candidate committee, as defined in section 9-333a, established by the  
1881 State Treasurer as a candidate for nomination or election to the office  
1882 of State Treasurer. The State Treasurer shall not pay any compensation,  
1883 expenses or fees or issue any contract to such firms or principals  
1884 during the term of office as State Treasurer, including, for an  
1885 incumbent State Treasurer seeking reelection, any remainder of the  
1886 current term of office.

1887 (o) [Any] If (1) any person [who (1)] (A) is doing business with or  
1888 seeking to do business with the department or agency in which a  
1889 public official or state employee is employed, or (B) is engaged in  
1890 activities which are directly regulated by such department or agency,  
1891 and (2) such person or a representative of said person gives to such  
1892 public official or state employee anything of value which is subject to  
1893 the reporting requirements pursuant to subsection (e) of section 1-96,  
1894 such person or representative shall, not later than ten days thereafter,  
1895 give such recipient and the executive head of the recipient's  
1896 department or agency a written report stating the name of the donor, a  
1897 description of the item or items given, the value of such items and the  
1898 cumulative value of all items given to such recipient during that  
1899 calendar year. The provisions of this subsection shall not apply to a  
1900 political contribution otherwise reported as required by law.

1901 (p) (1) No public official or state employee or member of the  
1902 immediate family of a public official or state employee shall knowingly  
1903 accept, directly or indirectly, any gift costing one hundred dollars or  
1904 more from a public official or state employee who is under the  
1905 supervision of such public official or state employee.

1906 (2) No public official or state employee or member of the immediate  
1907 family of a public official or state employee shall knowingly accept,  
1908 directly or indirectly, any gift costing one hundred dollars or more  
1909 from a public official or state employee who is a supervisor of such  
1910 public official or state employee.

1911 (3) No public official or state employee shall knowingly give,  
1912 directly or indirectly, any gift in violation of subdivision (1) or (2) of

1913 this subsection.

1914 (q) No public official or state employee shall knowingly accept,  
1915 directly or indirectly, any goods or services provided to the state under  
1916 subdivision (5) of subsection (e) of section 1-79, as amended by this act,  
1917 by a person prohibited from making gifts to public officials and state  
1918 employees under this section or section 1-97.

1919 (r) No public official or state employee shall counsel, authorize or  
1920 otherwise sanction action that violates any provision of this part.

1921 Sec. 48. Section 1-88 of the general statutes is repealed and the  
1922 following is substituted in lieu thereof (*Effective July 1, 2005*):

1923 (a) The commission, upon a finding made pursuant to section 1-82,  
1924 as amended by this act, that there has been a violation of any provision  
1925 of this part or section 39 of this act, shall have the authority to order  
1926 the violator to do any or all of the following: (1) Cease and desist the  
1927 violation of this part or section 39 of this act; (2) file any report,  
1928 statement or other information as required by this part or section 39 of  
1929 this act; and (3) pay a civil penalty of not more than ten thousand  
1930 dollars for each violation of this part or section 39 of this act.

1931 (b) Notwithstanding the provisions of subsection (a) of this section,  
1932 the commission may, after a hearing conducted in accordance with  
1933 sections 4-176e to 4-184, inclusive, upon the concurring vote of [seven]  
1934 six of its members, impose a civil penalty not to exceed ten dollars per  
1935 day upon any individual who fails to file any report, statement or  
1936 other information as required by this part or section 39 of this act. Each  
1937 distinct violation of this subsection shall be a separate offense and in  
1938 case of a continued violation, each day thereof shall be deemed a  
1939 separate offense. In no event shall the aggregate penalty imposed for  
1940 such failure to file exceed ten thousand dollars.

1941 (c) The commission may also report its finding to the Chief State's  
1942 Attorney for any action deemed necessary. The commission, upon a  
1943 finding made pursuant to section 1-82, as amended by this act, that a

1944 member or member-elect of the General Assembly has violated any  
1945 provision of this part or section 39 of this act, shall notify the  
1946 appropriate house of the General Assembly, in writing, of its finding  
1947 and the basis for such finding.

1948 (d) Any person who knowingly acts in his financial interest in  
1949 violation of section 1-84, 1-85, 1-86 or 1-86d or any person who  
1950 knowingly receives a financial advantage resulting from a violation of  
1951 any of said sections shall be liable for damages in the amount of such  
1952 advantage. If the commission determines that any person may be so  
1953 liable, it shall immediately inform the Attorney General of that  
1954 possibility.

1955 (e) Any employee or member of the commission who, in violation of  
1956 this part or section 39 of this act, discloses information filed in  
1957 accordance with subparagraph (B) or subparagraph (F) of subdivision  
1958 (1) of subsection (b) of section 1-83, shall be dismissed, if an employee,  
1959 or removed from the commission, if a member.

1960 Sec. 49. Section 1-89 of the general statutes is repealed and the  
1961 following is substituted in lieu thereof (*Effective July 1, 2005*):

1962 (a) Any person who intentionally violates any provision of this part  
1963 or section 39 of this act shall (1) for a first violation, be guilty of a class  
1964 A misdemeanor, except that, if such person derives a financial benefit  
1965 of one thousand dollars or more as a result of such violation, such  
1966 person shall be guilty of a class D felony, and (2) for a second or  
1967 subsequent violation, be guilty of a class D felony, provided no person  
1968 may be found guilty of a violation of subsection (f) or (g) of section 1-  
1969 84, as amended by this act, and bribery or bribe receiving under  
1970 section 53a-147 or 53a-148 upon the same incident, but such person  
1971 may be charged and prosecuted for all or any of such offenses upon  
1972 the same information.

1973 (b) The penalties prescribed in this part or section 39 of this act shall  
1974 not limit the power of either house of the legislature to discipline its  
1975 own members or impeach a public official, and shall not limit the

1976 power of agencies or commissions to discipline their officials or  
1977 employees.

1978 (c) The Attorney General may bring a civil action against any person  
1979 who [may be liable for damages under the provisions of subsection (d)  
1980 of section 1-88] knowingly acts in the person's financial interest in, or  
1981 knowingly receives a financial advantage resulting from, a violation of  
1982 section 1-84, as amended by this act, 1-85 or 1-86 or section 39 of this  
1983 act. In any such action, the Attorney General may, in the discretion of  
1984 the court, recover any financial benefit that accrued to the person as a  
1985 result of such violation and additional damages in an amount not  
1986 exceeding twice the amount of the actual damages.

1987 (d) Any fines, penalties or damages paid, collected or recovered  
1988 under section 1-88 or this section for a violation of any provision of this  
1989 part or section 39 of this act applying to the office of the Treasurer shall  
1990 be deposited on a pro rata basis in any trust funds, as defined in  
1991 section 3-13c, affected by such violation.

1992 Sec. 50. Subsection (g) of section 1-91 of the general statutes is  
1993 repealed and the following is substituted in lieu thereof (*Effective July*  
1994 *1, 2005*):

1995 (g) "Gift" means anything of value, which is directly and personally  
1996 received, unless consideration of equal or greater value is given in  
1997 return. "Gift" shall not include:

1998 (1) A political contribution otherwise reported as required by law or  
1999 a donation or payment described in subdivision (9) or (10) of  
2000 subsection (b) of section 9-333b;

2001 (2) Services provided by persons volunteering their time, if  
2002 provided to aid or promote the success or defeat of any political party,  
2003 any candidate or candidates for public office or the position of  
2004 convention delegate or town committee member or any referendum  
2005 question;

2006 (3) A commercially reasonable loan made on terms not more

2007 favorable than loans made in the ordinary course of business;

2008 (4) A gift received from (A) the individual's spouse, fiance or  
2009 fiancee, (B) the parent, brother or sister of such spouse or such  
2010 individual, or (C) the child of such individual or the spouse of such  
2011 child;

2012 (5) Goods or services (A) which are provided to the state (i) for use  
2013 on state property, or (ii) to support an event or the participation by a  
2014 public official or state employee at an event, and (B) which facilitate  
2015 state action or functions. As used in this subdivision, "state property"  
2016 means (i) property owned by the state, or (ii) property leased to an  
2017 agency in the Executive or Judicial Department of the state;

2018 (6) A certificate, plaque or other ceremonial award costing less than  
2019 one hundred dollars;

2020 (7) A rebate, discount or promotional item available to the general  
2021 public;

2022 (8) Printed or recorded informational material germane to state  
2023 action or functions;

2024 (9) Food or beverage or both, costing less than fifty dollars in the  
2025 aggregate per recipient in a calendar year, and consumed on an  
2026 occasion or occasions at which the person paying, directly or  
2027 indirectly, for the food or beverage, or his representative, is in  
2028 attendance;

2029 (10) Food or beverage or both, costing less than fifty dollars per  
2030 person and consumed at a publicly noticed legislative reception to  
2031 which all members of the General Assembly are invited and which is  
2032 hosted not more than once in any calendar year by a lobbyist or  
2033 business organization. For the purposes of such limit, (A) a reception  
2034 hosted by a lobbyist who is an individual shall be deemed to have also  
2035 been hosted by the business organization which he owns or is  
2036 employed by, and (B) a reception hosted by a business organization  
2037 shall be deemed to have also been hosted by all owners and employees

2038 of the business organization who are lobbyists. In making the  
2039 calculation for the purposes of such fifty-dollar limit, the donor shall  
2040 divide the amount spent on food and beverage by the number of  
2041 persons whom the donor reasonably expects to attend the reception;

2042 (11) Food or beverage or both, costing less than fifty dollars per  
2043 person and consumed at a publicly noticed reception to which all  
2044 members of the General Assembly from a region of the state are  
2045 invited and which is hosted not more than once in any calendar year  
2046 by a lobbyist or business organization. For the purposes of such limit,  
2047 (A) a reception hosted by a lobbyist who is an individual shall be  
2048 deemed to have also been hosted by the business organization which  
2049 he owns or is employed by, and (B) a reception hosted by a business  
2050 organization shall be deemed to have also been hosted by all owners  
2051 and employees of the business organization who are lobbyists. In  
2052 making the calculation for the purposes of such fifty-dollar limit, the  
2053 donor shall divide the amount spent on food and beverage by the  
2054 number of persons whom the donor reasonably expects to attend the  
2055 reception. As used in this subdivision, "region of the state" means the  
2056 established geographic service area of the organization hosting the  
2057 reception;

2058 (12) A gift, including but not limited to, food or beverage or both,  
2059 provided by an individual for the celebration of a major life event;

2060 (13) Gifts costing less than one hundred dollars in the aggregate or  
2061 food or beverage provided at a hospitality suite at a meeting or  
2062 conference of an interstate legislative association, by a person who is  
2063 not a registrant or is not doing business with the state of Connecticut;

2064 (14) Admission to a charitable or civic event, including food and  
2065 beverage provided at such event, but excluding lodging or travel  
2066 expenses, at which a public official or state employee participates in  
2067 his official capacity, provided such admission is provided by the  
2068 primary sponsoring entity;

2069 (15) Anything of value provided by an employer of (A) a public

2070 official, (B) a state employee, or (C) a spouse of a public official or state  
2071 employee, to such official, employee or spouse, provided such benefits  
2072 are customarily and ordinarily provided to others in similar  
2073 circumstances; or

2074 (16) Anything having a value of not more than ten dollars, provided  
2075 the aggregate value of all things provided by a donor to a recipient  
2076 under this subdivision in any calendar year shall not exceed fifty  
2077 dollars.

2078 Sec. 51. Subsection (a) of section 1-95 of the general statutes is  
2079 repealed and the following is substituted in lieu thereof (*Effective July*  
2080 *1, 2005*):

2081 (a) Each registrant shall file every two years with the commission on  
2082 a registration form signed under penalty of false statement on or  
2083 before January fifteenth of odd-numbered years or prior to the  
2084 commencement of lobbying whichever is later. If the registrant is not  
2085 an individual, an authorized officer or agent of the registrant shall sign  
2086 the form. Such registration shall be on a form prescribed by the  
2087 commission and shall include:

2088 (1) If the registrant is an individual, the registrant's name,  
2089 permanent address and temporary address while lobbying and the  
2090 name, address and nature of business of any person who compensates  
2091 or reimburses, or agrees to compensate or reimburse the registrant and  
2092 the terms of the compensation, reimbursement or agreement, but shall  
2093 not include the compensation paid to an employee for his involvement  
2094 in activities other than lobbying;

2095 (2) If the registrant is a corporation, the name, address, place of  
2096 incorporation and the principal place of business of the corporation;

2097 (3) If the registrant is an association, group of persons or an  
2098 organization, the name and address of the principal officers and  
2099 directors of such association, group of persons or organization. If the  
2100 registrant is formed primarily for the purpose of lobbying, it shall

2101 disclose the name and address of any person contributing two  
2102 thousand dollars or more to the registrant's lobbying activities in any  
2103 calendar year;

2104 (4) If the registrant is not an individual, the name and address of  
2105 each individual who will lobby on the registrant's behalf; and

2106 (5) The identification, with reasonable particularity, of areas of  
2107 legislative or administrative action on which the registrant expects to  
2108 lobby, including the names of executive agencies and quasi-public  
2109 agencies and, where applicable, solicitations for state contracts and  
2110 procurements.

2111 Sec. 52. Section 8-7a of the general statutes is repealed and the  
2112 following is substituted in lieu thereof (*Effective from passage*):

2113 The zoning commission, planning commission, planning and  
2114 zoning commission and zoning board of appeals shall call in a  
2115 competent stenographer to take the evidence, or shall cause the  
2116 evidence to be recorded by a sound-recording device, in each hearing  
2117 before such commission or board in which the right of appeal lies to  
2118 the Superior Court and at each meeting in which such commission or  
2119 board of appeals deliberates any formal petition, application, request  
2120 or appeal.

2121 Sec. 53. Section 4-61dd of the general statutes is repealed and the  
2122 following is substituted in lieu thereof (*Effective from passage*):

2123 (a) Any person having knowledge of any matter involving  
2124 corruption, unethical practices, violation of state laws or regulations,  
2125 mismanagement, gross waste of funds, abuse of authority or danger to  
2126 the public safety occurring in any state department or agency or any  
2127 quasi-public agency, as defined in section 1-120, or any person having  
2128 knowledge of any matter involving corruption, violation of state or  
2129 federal laws or regulations, gross waste of funds, abuse of authority or  
2130 danger to the public safety occurring in any large state contract, may  
2131 transmit all facts and information in [his] such person's possession

2132 concerning such matter to the Auditors of Public Accounts. The  
2133 Auditors of Public Accounts shall review such matter and report their  
2134 findings and any recommendations to the Attorney General. Upon  
2135 receiving such a report, the Attorney General shall make such  
2136 investigation as [he] the Attorney General deems proper regarding  
2137 such report and any other information that the Attorney General has  
2138 reasonable cause to believe is related to such report and concerns a  
2139 matter involving corruption, unethical practices, violations of state  
2140 laws or regulations, mismanagement, gross waste of funds, abuse of  
2141 authority or danger to the public safety. At the request of the Attorney  
2142 General or on their own initiative, the auditors shall assist in the  
2143 investigation. The Attorney General shall have power to summon  
2144 witnesses, require the production of any necessary books, papers or  
2145 other documents and administer oaths to witnesses, where necessary,  
2146 for the purpose of an investigation pursuant to this section. Upon the  
2147 conclusion of [his] the investigation, the Attorney General shall where  
2148 necessary, report [his] any findings to the Governor, or in matters  
2149 involving criminal activity, to the Chief State's Attorney. [The] In  
2150 addition to the exempt records provision of section 1-210, the Auditors  
2151 of Public Accounts and the Attorney General shall not, after receipt of  
2152 any information from a person under the provisions of this section,  
2153 disclose the identity of such person without [his] such person's consent  
2154 unless the Auditors of Public Accounts or the Attorney General  
2155 determines that such disclosure is unavoidable, and may withhold  
2156 records of such investigation, during the [course] pendency of the  
2157 investigation.

2158 (b) (1) No state officer or employee, as defined in section 4-141, no  
2159 quasi-public agency officer or employee, no officer or employee of a  
2160 large state contractor and no appointing authority shall take or  
2161 threaten to take any personnel action against any state or quasi-public  
2162 agency employee or any employee of a large state contractor in  
2163 retaliation for such employee's or contractor's disclosure of  
2164 information to an employee of (i) the Auditors of Public Accounts or  
2165 the Attorney General under the provisions of subsection (a) of this  
2166 section; (ii) the state agency or quasi-public agency where such state

2167 officer or employee is employed; (iii) a state agency pursuant to a  
2168 mandated reporter statutes; or (iv) in the case of a large state  
2169 contractor, to an employee of the contracting state agency concerning  
2170 information involving the large state contract.

2171 (2) If a state or quasi-public agency employee or an employee of a  
2172 large state contractor alleges that a personnel action has been  
2173 threatened or taken in [retaliation for such employee's disclosure of  
2174 information to the Auditors of Public Accounts or the Attorney  
2175 General under the provisions of subsection (a) of this section,]  
2176 violation of subdivision (1) of this subsection the employee may notify  
2177 the Attorney General, who shall investigate pursuant to subsection (a)  
2178 of this section. [After the conclusion of such investigation, the Attorney  
2179 General, the employee or]

2180 (3) (A) Not later than thirty days after learning of the specific  
2181 incident giving rise to a claim that a personnel action has been  
2182 threatened or has occurred in violation of subdivision (1) of this  
2183 subsection, a state or quasi-public agency employee, an employee of a  
2184 large state contractor or the employee's attorney may file a complaint  
2185 concerning such personnel action with the Chief Human Rights  
2186 Referee designated under section 46a-57. The Chief Human Rights  
2187 Referee shall assign the complaint to a human rights referee appointed  
2188 under said section 46a-57, who shall conduct a hearing and issue a  
2189 decision concerning whether the officer or employee taking or  
2190 threatening to take the personnel action violated any provision of this  
2191 section. If the human rights referee finds such a violation, the referee  
2192 may award the aggrieved employee reinstatement to the employee's  
2193 former position, back pay and reestablishment of any employee  
2194 benefits to which the employee would otherwise have been eligible if  
2195 such violation had not occurred, reasonable attorneys' fees, and any  
2196 other damages. For the purposes of this subsection, such human rights  
2197 referee shall act as an independent hearing officer. The decision of a  
2198 human rights referee under this subsection may be appealed by any  
2199 person who was a party at such hearing, in accordance with the  
2200 provisions of section 4-183.

2201 [(3)] (B) The Chief Human Rights Referee shall adopt regulations, in  
2202 accordance with the provisions of chapter 54, establishing the  
2203 procedure for filing complaints and noticing and conducting hearings  
2204 under [subdivision (2) of this subsection] subparagraph (A) of this  
2205 subdivision.

2206 (4) As an alternative to the provisions of subdivisions (2) and (3) of  
2207 this subsection (A) a state or quasi-public agency employee who  
2208 alleges that a personnel action has been threatened or taken may file an  
2209 appeal [within] not later than thirty days [of knowledge] after learning  
2210 of the specific incident giving rise to such claim with the Employees'  
2211 Review Board under section 5-202, or, in the case of a state or quasi-  
2212 public agency employee covered by a collective bargaining contract, in  
2213 accordance with the procedure provided by such contract, or (B) an  
2214 employee of a large state contractor alleging that such action has been  
2215 threatened or taken may, after exhausting all available administrative  
2216 remedies, bring a civil action in accordance with the provisions of  
2217 subsection (c) of section 31-51m.

2218 (5) In any proceeding under subdivision (2), (3) or (4) of this  
2219 subsection concerning a personnel action taken or threatened against  
2220 any state or quasi-public agency employee or any employee of a large  
2221 state contractor, which personnel action occurs [within] not later than  
2222 one year after the employee first transmits facts and information  
2223 concerning a matter under subsection (a) of this section to the Auditors  
2224 of Public Accounts or the Attorney General, there shall be a rebuttable  
2225 presumption that the personnel action is in retaliation for the action  
2226 taken by the employee under subsection (a) of this section.

2227 (6) If a state officer or employee, as defined in section 4-141, a quasi-  
2228 public agency officer or employee, an officer or employee of a large  
2229 state contractor or an appointing authority takes or threatens to take  
2230 any action to impede, fail to renew or cancel a contract between a state  
2231 agency and a large state contractor, or between a large state contractor  
2232 and its subcontractor, in retaliation for the disclosure of information  
2233 pursuant to subsection (a) of this section to any agency listed in

2234 subdivision (1) of this subsection, such person may, not later than  
2235 ninety days from the date of such violation, bring a civil action in the  
2236 superior court for the judicial district of Hartford to recover damages,  
2237 attorney's fees and costs.

2238 (c) Any employee of a state or quasi-public agency or large state  
2239 contractor, who is found to have knowingly and maliciously made  
2240 false charges under subsection (a) of this section, shall be subject to  
2241 disciplinary action by [his] such employee's appointing authority up to  
2242 and including dismissal. In the case of a state or quasi-public agency  
2243 employee, such action shall be subject to appeal to the Employees'  
2244 Review Board in accordance with section 5-202, or in the case of state  
2245 or quasi-public agency employees included in collective bargaining  
2246 contracts, the procedure provided by such contracts.

2247 (d) On or before September first, annually, the Auditors of Public  
2248 Accounts shall submit to the clerk of each house of the General  
2249 Assembly a report indicating the number of matters for which facts  
2250 and information were transmitted to the auditors pursuant to this  
2251 section during the preceding state fiscal year and the disposition of  
2252 each such matter.

2253 (e) Each contract between a state or quasi-public agency and a large  
2254 state contractor shall provide that, if an officer, employee or  
2255 appointing authority of a large state contractor takes or threatens to  
2256 take any personnel action against any employee of the contractor in  
2257 retaliation for such employee's disclosure of information to any  
2258 employee of the contracting state or quasi-public agency or the  
2259 Auditors of Public Accounts or the Attorney General under the  
2260 provisions of subsection (a) of this section, the contractor shall be liable  
2261 for a civil penalty of not more than five thousand dollars for each  
2262 offense, up to a maximum of twenty per cent of the value of the  
2263 contract. Each violation shall be a separate and distinct offense and in  
2264 the case of a continuing violation each calendar day's continuance of  
2265 the violation shall be deemed to be a separate and distinct offense. The  
2266 executive head of the state or quasi-public agency may request the

2267 Attorney General to bring a civil action in the superior court for the  
 2268 judicial district of Hartford to seek imposition and recovery of such  
 2269 civil penalty.

2270 (f) Each large state contractor shall post a notice of the provisions of  
 2271 this section relating to large state contractors in a conspicuous place  
 2272 which is readily available for viewing by the employees of the  
 2273 contractor.

2274 (g) No person who, in good faith, discloses information to the  
 2275 Auditors of Public Accounts or the Attorney General in accordance  
 2276 with this section shall be liable for any civil damages resulting from  
 2277 such good faith disclosure.

2278 [(g)] (h) As used in this section:

2279 (1) "Large state contract" means a contract between an entity and a  
 2280 state or quasi-public agency, having a value of five million dollars or  
 2281 more; [ except for a contract for the construction, alteration or repair of  
 2282 any public building or public work;] and

2283 (2) "Large state contractor" means an entity that has entered into a  
 2284 large state contract with a state or quasi-public agency.

2285 Sec. 54. The resolution incorporating the Ararat Widow and Orphan  
 2286 Fund, approved June 7, 1858, and contained in Volume V of the Private  
 2287 and Special Laws of the State of Connecticut, pages 186 and 187, and  
 2288 number 388 of the special acts of 1917, approved May 19, 1917, are  
 2289 repealed. (*Effective from passage*)

2290 Sec. 55. Section 5-200d of the general statutes is repealed. (*Effective*  
 2291 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2005</i>	46a-13k(b)

Sec. 4	July 1, 2005	20-280(e)
Sec. 5	from passage	28-1a(a)
Sec. 6	July 1, 2005	New section
Sec. 7	from passage	46a-68
Sec. 8	from passage	46a-68a
Sec. 9	January 1, 2006	4a-60g(a)(1)
Sec. 10	July 1, 2005	4a-60g(f)
Sec. 11	July 1, 2005	4a-60g(k)
Sec. 12	from passage	4a-5a
Sec. 13	from passage	4a-51
Sec. 14	from passage	4b-91(a)
Sec. 15	from passage	4b-91(g)
Sec. 16	from passage	4b-58
Sec. 17	from passage	12-94a
Sec. 18	from passage	32-9s
Sec. 19	from passage	12-170aa(g)
Sec. 20	from passage	12-170aa(j)
Sec. 21	from passage	12-129d
Sec. 22	from passage	12-20b
Sec. 23	from passage	3-55i
Sec. 24	from passage	12-19c
Sec. 25	from passage	20-281d(d)
Sec. 26	from passage	20-280(g)
Sec. 27	from passage	4a-59a
Sec. 28	from passage	New section
Sec. 29	from passage	1-212(a)
Sec. 30	from passage	1-225(c)
Sec. 31	from passage	1-210(a) and (b)
Sec. 32	from passage	New section
Sec. 33	from passage	3-14b
Sec. 34	from passage	4b-57
Sec. 35	from passage	29-252a(b)
Sec. 36	from passage	1-88(e)
Sec. 37	from passage	1-81
Sec. 38	July 1, 2005	New section
Sec. 39	July 1, 2005	New section
Sec. 40	July 1, 2005	New section
Sec. 41	July 1, 2005	New section
Sec. 42	July 1, 2005	New section
Sec. 43	July 1, 2005	New section
Sec. 44	July 1, 2005	1-79(e)

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Sec. 45	<i>July 1, 2005</i>	1-82
Sec. 46	<i>July 1, 2005</i>	1-82a(a)
Sec. 47	<i>July 1, 2005</i>	1-84
Sec. 48	<i>July 1, 2005</i>	1-88
Sec. 49	<i>July 1, 2005</i>	1-89
Sec. 50	<i>July 1, 2005</i>	1-91(g)
Sec. 51	<i>July 1, 2005</i>	1-95(a)
Sec. 52	<i>from passage</i>	8-7a
Sec. 53	<i>from passage</i>	4-61dd
Sec. 54	<i>from passage</i>	Repealer section
Sec. 55	<i>from passage</i>	Repealer section

**JUD**      *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Human Rights & Opportunities, Com.	GF - Cost	Potential	Potential
Board of Accountancy	GF - Revenue Gain	Minimal	Minimal
Department of Public Safety - Office of the State Building Inspector	GF - Implements the Budget	See Below	See Below
Attorney General; Criminal Justice, Div.; Auditors; Ethics Com.	GF - Cost	Minimal	Minimal
Judicial Dept.	GF - Revenue Gain	Potential	Potential
Judicial Dept. (Probation); Correction, Dept.	GF - Cost	Potential	Potential
Pub. Works, Dept.; Constituent Units of Higher Education; Department of Administrative Services	GF - See Below	See Below	See Below

Note: GF=General Fund

### Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Various Municipalities	STATE MANDATE - Cost	Minimal	Minimal

### Explanation

**Section 1** of the bill names the Department of Public Utility Control building in New Britain the "Joseph H. Harper, Jr. Building." Any costs associated with this name change can be absorbed within existing appropriations.

**Section 2** of the bill validates the town of Enfield's November 2, 2004 referendum, of which the town failed to publish and post notice.

This validation will result in no fiscal impact to the state.

**Sections 3** transfers the administrative functions of the Office of Child Advocate from the Freedom of Information Commission (FOIC) to the Department of Administrative Services (DAS). DAS can handle this increased workload within available appropriations.

**Section 4** transfers the administrative functions of the Board of Accountancy from the Office of the Secretary of the State (SOTS) to the Office of Policy and Management (OPM). There is no fiscal impact resulting from this change.

**Section 5** of the bill removes the Department of Emergency Management and Homeland Security's designation as being within OPM for administrative purposes only. The transfer is not anticipated to have a fiscal impact on the state.

**Section 6** requires the Comptroller, DAS, and the Department of Information Technology to submit quarterly reports to the Governor and the General Assembly on CORE-CT. There is no fiscal impact to these agencies to comply with these reporting requirements.

**Sections 7 and 8** require the Joint Committee on Legislative Management to develop and implement, in cooperation with the Commission on Human Rights and Opportunities (CHRO), an affirmative action plan. The legislative branch employs approximately 400 permanent full-time employees and approximately 150 sessional employees. This bill will result in a workload increase for CHRO. Depending on the extent of the workload increase, CHRO may need one additional position to review affirmative action plans and to provide technical assistance. The annual salary for a Human Rights and Opportunities Representative is \$50,549, plus fringe benefits. CHRO may also require \$4,000 for equipment and supplies.

**Sections 9 - 11** make changes to the set-aside contract program. DAS can establish standards for small contractors within available appropriations.

**Sections 12 and 13** delete obsolete references to DAS services. These sections have no fiscal impact.

**Sections 14 - 16** remove the Connecticut Juvenile Training School project and the UConn library project from the list of public building fast track construction projects. This has no fiscal impact on the state.

**Sections 17 - 24** make changes regarding how certain grant payments to towns are made, which results in no fiscal impact to OPM, the Comptroller, or the Treasurer and does not change the amount of the grants that towns will receive.

**Section 25** changes the rules of reciprocity in granting out-of state CPAs a license in Connecticut. Current law states that you must have passed the CPA exam within the last 10 years preceding the application to obtain a license in Connecticut. This bill eliminates the time period in which you passed the examination and gives out-of state CPAs reciprocity in Connecticut if they have been practicing for at least 5 of the 10 years immediately preceding their application. The one-time reciprocal CPA certificate fee is \$75 and the initial CPA license fee in the first year only is an additional \$75. In 2004, 295 new certificates by reciprocity were issued in the state. The proposed change in the reciprocity rule is expected to increase the number of new certificate and license holders in the state, which will result in a minimal revenue gain.

**Section 26** allows the Board of Accountancy to establish due dates and a late fee schedule for certain license, permit, and registration fees that are not remitted on time. The Board has proposed late fees of \$100 for license renewal, \$20 for certificate registration renewal, and \$25 for a CPA firm permit to practice renewal. If this late fee schedule was in effect for the 2005 renewal season, \$15,000 would have been assessed, resulting in a minimal revenue gain to the state.

**Section 27** allows the Commissioners of DAS, Public Works, or Higher Education to extend for one year, on the date such contract would expire, any contract with a value of \$50,000 or less in effect on

May 1, 2005 to perform janitorial, building maintenance, security, and food and beverage services. As this section is permissive, it is expected that these agencies would only extend those contracts where it is determined that competitive bidding would not result in a lower contract cost to the state.

**Section 28** establishes a 12-member Disabled and Disadvantaged Employment Security Policy Group to recommend policies that can best achieve mutually beneficial procedures for disabled and disadvantaged workers and the state contractors who employ them.

The bill appoints representatives from DAS and the Department of Labor, as well as numerous private representatives, to the policy group. These state agencies can participate in the policy group, and report its recommendations to the GAE Committee by February 1, 2006, without requiring additional appropriations.

**Section 29** requires the FOIC to study the per-page fee that agencies charge for copies of public records and report any recommended changes to the GAE committee by January 1, 2006. The FOIC will be able to conduct this study and generate a report within its agency resources.

**Sections 31 and 32** are not anticipated to result in any fiscal impact to the Department of Transportation. These sections conform practice to statute.

**Section 35** implements the budget. This section introduces a new class of buildings that are not currently the responsibility of the State Building Inspector by requiring that any residential, state-owned building with twenty-five or more occupants be reviewed (the review process includes issuing a building permit, conducting a plan review, completing an inspection, and issuing a certificate of occupancy) by the State Building Inspector. The State Building Inspector does not charge a permit fee, nor are they reimbursed for the work that they complete on most state owned buildings. Funding in the amount of \$86,000 is included for each year of the biennium within sHB 6671, the

Appropriations Act for the 2005-2007 biennium, as passed by the Appropriations Committee for an additional building and fire safety inspector.

**Section 37** empowers the Ethics Commission (EC) to enter into contractual agreements as may be necessary for the discharge of its duties, such as expert witnesses to handle confidential investigations. The potential costs for these contracts can be absorbed within the agency resources.

**In Sections 38 - 40**, the EC's jurisdiction is expanded to include out-of-state residents and contractors. This limited "long-arm jurisdiction" provision would give the EC the ability to pursue investigations against any nonresident person who makes a payment of money or gives anything of value to a public official who currently is, or seeking to be, a prequalified contractor. The bill appoints the SOTS as the defendant's attorney in a long-arm jurisdiction case. This increased workload to the EC and the SOTS can be absorbed within agency resources.

**Section 39 and 49.** Section 39 prohibits certain activities by any person who is: (1) seeking to be prequalified under CGS Section 4a-100, (2) a party to a large state construction or procurement contract, or (3) a party to a consultant services contract with a state agency, board, commission, institution or quasi-public agency. Section 49 makes any violation of the provisions within Section 39 of the bill a criminal act. To the extent that this increases the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exists.

On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

**Sections 41 - 43** require each state agency or quasi-public agency involved in a large construction or procurement project to appoint an

ethics compliance officer responsible for coordinating annual ethics training to personnel involved with state contracts. The compliance officers are required to report suspected ethics violations by contractors or public officials to the EC, which may report such information to the Auditor of Public Accounts, Chief State's Attorney, or the Attorney General. The EC will train agency ethics liaisons in developing ethics policies and how to train their employees. This increased workload to the EC can be absorbed within agency resources.

**Section 42** provides that the EC may report to certain state agencies any information it receives with respect to a potential violation of the Code of Ethics for Public Officials as it relates to state agency procurement and contracting. The Auditors of Public Accounts, Office of the Attorney General and the Chief State's Attorney could accommodate any workload increase associated with this provision in the bill at minimal cost and within anticipated budgetary resources.

**Sections 45, 46, 48, 49** require each state agency to provide large state contractors with a summary of the state ethics code and affirm in writing that they have read, understand, and agree to comply with the provisions of state ethics law. Each large construction contractor shall provide the summary to all subcontractors and provide such affirmations that they also agree to comply to the state agency. Failure to submit these affirmations shall be cause for termination of the contract. This has no fiscal impact on the state.

**Section 51** requires lobbyists to include, with their registration fee, the names of executive and quasi-public agencies they plan to lobby, or solicit for state contracts, during the registration period. This will necessitate a programming change to the EC's electronic filing system which will require minimal additional resources.

**Section 52** requires that all planning and zoning commissions record, electronically or by transcription, all meetings during which they deliberate on formal petitions, applications, requests, or appeals. This state mandate will result in minimal equipment costs to those

state or town agencies that don't currently have recording equipment.

**Section 53** expands the authority of the Office of the Attorney General (OAG) to investigate complaints involving alleged corruption, unethical practices or other matters referred to it by the Auditors of Public Accounts. The OAG could accommodate said investigations without requiring additional appropriations.

**Section 54** dissolves the Ararat Widow and Orphan Fund as a body politic and corporate. This change would allow the corporation to use the fund for any purpose. This has no fiscal impact on the state.

**Section 55** repeals an obsolete statute requiring DAS to develop an automated personnel system. This has no fiscal impact.

**Sections 30, 33, 34, 36, 40, 44, 47, and 50** make several changes which have no fiscal impact on the state.

**OLR Bill Analysis**

sSB 96

**AN ACT CONCERNING GOVERNMENT ADMINISTRATION****SUMMARY:**

This bill makes several changes to laws affecting state contracts. It:

1. subjects certain contractors to state ethics laws and civil or criminal penalties for violating them,
2. modifies the process for awarding state contracts,
3. requires that additional contracts go through the competitive bidding process,
4. changes the definition of small contractor under the set-aside program, and
5. authorizes certain contract extensions.

The bill also makes changes to the state ethics codes. It:

1. tightens gift restrictions and reporting requirements,
2. expands the State Ethics Commission's (SEC's) jurisdiction to include out-of-state residents and contractors,
3. expands the attorney general's authority to bring civil actions against ethics violators,
4. expands lobbyists' reporting requirements, and
5. protects whistleblowers from civil liability for good faith disclosures made to the SEC about alleged ethics violations.

It requires (1) the appointment of agency ethics compliance officers

and liaisons and (2) certain public employees to report suspected ethics violations to the SEC.

This bill makes several changes to state whistleblower laws. Among other things, it (1) specifies the scope of the attorney general's investigation of state agency whistleblower complaints, (2) expands the whistleblower statutes' applicability to include retaliation for certain disclosures to state employees, (3) subjects large state contracts for public buildings or public works to the whistleblower provisions, and (4) bars civil liability for good faith disclosures made to the attorney general or auditors of public accounts.

The bill changes public access to records and meetings. It (1) expands agenda posting requirements, (2) exempts from disclosure certain e-mail addresses, (3) orders a study of the fee that local public agencies charge for copies of public records, and (4) expands recording requirements for planning and zoning commissions.

It establishes a Disabled and Disadvantaged Employment Security Policy Group to study and recommend policies to benefit those workers and the state contractors who employ such workers.

The bill subjects Legislative Management to the same affirmative action laws as other state agencies and decreases how frequently affirmative action plans must be filed.

The bill dissolves the Ararat Widow and Orphan Fund as a body politic and corporate, thus freeing the corporation to use the fund for any purpose, rather than just to benefit widows and orphans of deceased members.

It validates the town of Enfield's November 2, 2004 referendum. The electors (1) approved an appropriation for the reconstruction and repair of certain town roads and roadside elements; (2) authorized the issuance of bonds, notes, and temporary notes; and (3) agreed to accept grants and other funds to defray the cost of the appropriation.

It names the Department of Public Utility Control building in New Britain the "Joseph H. Harper, Jr. Building."

The bill:

1. changes reciprocity requirements for public accountants,
2. requires quarterly reports on Core-CT,
3. changes internal deadlines for certain grant payments to towns,
4. changes notification requirements for the transfer of state-owned property,
5. expands the types of state buildings requiring a building permit, and
6. reorganizes certain state agencies.

Lastly, the bill makes various minor and technical changes.

EFFECTIVE DATE: Upon passage, except for (1) the ban on unethical bidding and contracting procedures, changes to the codes of ethics, changes to the set-aside program, Core-CT reporting, and changes to the location of the child advocate and the board of accountancy for administrative purposes, which are effective on July 1, 2005 and (2) the change in the definition of small contractor as it pertains to the set-aside program, which is effective on January 1, 2006.

#### **CONTRACTING (§§ 14–16, 27, 34, 38–39, 43, 45, 48–49)**

The bill gives the SEC jurisdiction over prequalified contractors, large state construction or procurement contractors, consultants on state contracts, and people seeking those positions, who commit certain violations. It prohibits those contractors and consultants from (1) soliciting from public officials or state employees information that is not available to other bidders in order to gain a competitive advantage, (2) defrauding the state, and (3) violating or circumventing competitive bidding and ethics laws. It requires the SEC to handle alleged violations in the same way it handles ethics code violations and subjects violators to the same penalties, including a civil fine of up to \$10,000 or a class D felony (punishable by up to five years in prison, up to a \$5,000 fine, or both).

In addition, the bill authorizes a state agency, board, commission or institution, or quasi-public agency to deem a violator to be a nonresponsible bidder and thus ineligible to win a contract.

Under the bill, a “large state construction or procurement contract” is any state contract with a value greater than \$500,000 for (1) the remodeling, alteration, repair, or enlargement of any real asset; (2) the construction, alteration, reconstruction, improvement, relocation, widening, or changing of the grade of a section of a state highway or a bridge; (3) the purchase or lease of supplies, materials, or equipment; or (4) the construction, reconstruction, alteration, remodeling, repair, or demolition of any public building.

The bill makes several other changes to state contracting procedures. It:

1. prohibits a consultant who helps plan a state contract, and the businesses with which he is associated, from serving as the contractor, or as a subcontractor or consultant, on that project;
2. requires state agencies to provide large state construction or procurement contractors with the SEC’s most recent summary of the state ethics laws and, prior to accepting their bids, obtain written affirmation that their key employees read, understand, and agree to comply with them;
3. requires large state construction or procurement contractors to provide their subcontractors and consultants with the same summary of the state ethics laws and submit those written affirmations to the state agency with which they have the contract or face its termination;
4. requires the summary of the ethics laws to be included by reference in the contract itself;
5. removes the Connecticut Juvenile Training School project and the UConn library project from the list of public building fast-track construction projects, thereby subjecting them to competitive bidding and contracting procedures; and
6. requires selection panels to consider a prospective consultant’s (a) knowledge of Connecticut’s building and fire codes and (b) geographic location (i.e., proximity to the project site) when selecting the most qualified firms for state projects that require architectural or professional engineering services (see

BACKGROUND).

The bill allows the commissioners of the Departments of Administrative Services (DAS), Public Works (DPW), or Higher Education to extend for one year janitorial, building maintenance, security, and food and beverage services contracts valued at \$50,000 or less in effect on May 1, 2005.

It requires those extensions to include an increase, if applicable, in the workers' standard wage as established by the Labor Department. By law, the labor commissioner must determine the standard rate of wages for service worker employees based on the federal Register of Wage Determinations under the Service Contract Act of 1965 (41 USC § 351 et seq.) (CGS § 31-57f). Because the standard wage rates apply only to contracts valued at \$50,000 or more per year, this provision seems to have no effect.

## **STATE CODES OF ETHICS (§§ 37, 40, 44–51)**

### ***Gifts***

The bill tightens gift provisions under the State Codes of Ethics. For public officials and state employees, it prohibits the exchange of a gift valued at \$100 or more between supervisors and those who work under their supervision. The bill prohibits their family members from receiving such a gift but does not ban them from giving one to their family member's supervisor or subordinate. Additionally, it:

1. prohibits public officials and state employees from accepting goods or services on behalf of the state from people prohibited from giving gifts;
2. requires contractors doing or seeking to do business with the state, people engaged in activities regulated by an official's or employee's agency, and prequalified contractors to report to the SEC any gift solicitations by public officials or state employees;
3. requires these contractors and regulated individuals, or their agents, to provide a description of any gift they give, its value, and the name of the recipient to the recipient's department head, not just to the recipient as is required under current law; and

4. limits the volunteer services that constitute a gift exception under the ethics codes for public officials and lobbyists to volunteer work done to promote the success or defeat of a political party, candidate, or referendum.

### ***Related Changes to the Ethics Codes***

The bill also makes other changes to the codes of ethics. It:

1. prohibits public officials and state employees, acting in their official capacity, from advising or approving actions that violate the code and
2. requires lobbyists to include with their registration fee the names of executive and quasi-public agencies they plan to lobby or solicit for state contracts during the registration period.

### ***State Ethics Commission Powers***

***Long-Arm Jurisdiction.*** The bill expands the SEC's jurisdiction to include out-of-state residents. It gives the SEC long-arm jurisdiction over out-of-state residents and their agents who (1) give anything of value to public officials or state employees or (2) are, or are seeking to become, prequalified contractors.

The bill appoints the secretary of the state (SOTS) as the defendant's attorney in a long-arm jurisdiction case and as agent for service of process if the defendant does not have a registered agent for service of process in Connecticut. It requires that (1) the SOTS be served at least 12 days before a required appearance and (2) copies of the documents be sent, via registered or certified mail, to the defendant or his agent.

***Contractors.*** The bill expands the SEC's jurisdiction to include prequalified contractors, large state construction or procurement contractors, consultants on state contracts, and people seeking these positions. It requires the SEC to investigate allegations of unethical bidding and contracting practices by those contractors and consultants, and to follow the same procedures it uses for alleged ethics codes violations. The SEC must, among other things, make probable cause determinations and impose penalties for code violations.

**Contracting and Staff.** The bill authorizes the SEC, within available appropriations, to enter into contracts necessary for the discharge of its duties and to employ both an executive director and a general counsel. By law, the SEC can hire staff, including an executive director and a general counsel. The bill prohibits one person from serving as both.

**Imposing Penalties.** The bill decreases from seven to six the number of concurring votes by SEC members needed to fine a public official, state employee, or contractor in violation of the code or to impose a civil penalty against him. This is the same number of concurring votes required to find a lobbyist guilty of an ethics violation.

### ***The Attorney General's Authority to Impose Penalties for Ethics Violations***

The bill authorizes the attorney general to bring a civil action against a public official who realizes a financial gain from an ethics violation. It allows him, in addition to restitution plus up to twice the amount of damages, to also recover any financial benefit the person derived from the violation.

### **ETHICS COMPLIANCE OFFICERS AND LIAISONS (§§ 41–42)**

The bill requires each state agency, institution, and quasi-public agency involved in or planning a large state construction or procurement contract to appoint an ethics compliance officer. These officers must (1) develop their agency's ethics policies; (2) coordinate ethics training programs and monitor them for compliance; and (3) at least annually, provide ethics training to personnel involved with state contracts. Every other state agency and quasi-public agency must appoint an ethics liaison to work with the SEC to develop ethics policies and training for their agency.

It also requires ethics compliance officers and liaisons, commissioners and deputies, state and quasi-public agency heads and deputies, and people in charge of state procurement and contracting to report suspected ethics violations by public officials or contractors to the SEC. The SEC may report these violations to the auditors of public accounts, chief state's attorney, or attorney general.

### **WHISTLEBLOWERS (§ 53)**

#### ***Attorney General's Authority***

Under current law, the attorney general may investigate state agency whistleblower allegations or recommendations he receives from the auditors of public accounts. The bill specifies that the scope of those investigations can include any information that the attorney general has reason to believe is related to the report and concerns a matter involving corruption, unethical practices, violations of state laws or regulations, mismanagement, gross waste of funds, abuse of authority, or danger to the public safety. It allows the auditors or attorney general, in addition to the exempt records provision of the Freedom of Information Act, to withhold the investigation records while the investigation is pending.

### ***Whistleblower Protections***

The law prohibits appointing authorities and officers and employees of the state, quasi-public agencies, or large state contractors from taking or threatening to take personnel action against an agency or contractor employee in retaliation for his disclosure of information to the auditors of public accounts or the attorney general. The bill extends this safeguard to disclosures by a contractor and also protects disclosures to (1) the agency where the state officer or employee works; (2) a state agency pursuant to a mandated reporter statute; or (3) in the case of a large state contractor, an employee of the contracting state agency concerning information about the large state contract.

Current law defines a "large state contract" as a contract for at least \$5 million with a state or quasi-public agency, other than a contract to construct, alter, or repair a public building or public work, and a large state contractor as an entity that enters into such a contract. The bill eliminates the public building or public work exception.

### ***Complaints***

Current law allows the attorney general, the employee, or the employee's attorney to file a complaint about the personnel action with the chief human rights referee after the investigation concludes. The bill eliminates the attorney general's ability to file a complaint. It requires the employee or his attorney to file the complaint with the referee within 30 days after learning of the specific incident giving rise to a claim that a personnel action has occurred or been threatened.

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**Civil Actions and Damages**

If a state or quasi-public agency officer or employee, a large state contractor officer or employee, or an appointing authority takes or threatens to take action impeding, canceling, or failing to renew a contract between a state agency and a large state contractor, or a large state contractor and its subcontractor, in violation of the whistleblower statutes, the bill allows the person to bring a civil action in Hartford Superior Court within 90 days of the violation to recover damages, attorney's fees, and costs (see COMMENT).

The law requires contracts between a state or quasi-public agency and a large state contractor to provide for the contractor's civil liability for up to \$5,000 per offense, up to 20% of the contract value, for personnel actions the contractor's officer, employee, or appointing authority takes or threatens to take against its employees in retaliation for the employee's disclosure of information to the auditors of public accounts or the attorney general. The bill extends this monetary penalty to retaliations against the contractor's employees for disclosing information to the contracting state or quasi-public agency's employees.

The bill prohibits anyone from being held liable for civil damages as a result of his good faith disclosure of information to the auditors or the attorney general.

**PUBLIC ACCESS TO RECORDS AND MEETINGS (§§ 29–32, 52)**

The bill makes several changes to the public's access to records and meetings. Specifically, it:

1. increases the number of locations where certain public agencies must post their regular meeting agendas;
2. prohibits the Department of Transportation (DOT) from retaining permanently any personal information it collects, including e-mail addresses, to notify people of significant highway or railway incidents (see BACKGROUND);
3. exempts from disclosure individual e-mail addresses DOT obtains to administer such a notification plan (see BACKGROUND);

4. requires the Freedom of Information Commission (FOIC) to study the per-page fee, currently 50 cents, that local public agencies charge for copies of public records and by January 1, 2006, report to the Government Administration and Elections (GAE) Committee any recommended changes; and
5. requires planning and zoning commissions to record, electronically or by transcription, all meetings during which they deliberate on formal petitions, applications, requests, or appeals, rather than just those directly appealable to the courts.

### ***Regular Meeting Agendas***

By law, every public agency, except the General Assembly, must post its regular meeting agenda in its office at least 24 hours before a meeting. If an agency does not maintain its own office, it is required to post the agenda in the office of (1) the SOTS (for state agencies), (2) the clerk of its political subdivision (for any public agency of a political subdivision of the state), or (3) the clerk of each town (for a multi-town district or agency). The bill makes this posting mandatory for a public agency of a state political subdivision or a multi-town district or agency, even if it maintains its own office.

### **SET-ASIDE PROGRAM (§§ 9–11)**

By law, state and quasi-public agencies and political subdivisions, other than municipalities, must set aside 25% of the contracts they let for construction, goods, and services each year for small contractors. Set-aside contracts must be awarded based on competitive bids.

The bill changes the definition of small contractor as it pertains to the set-aside program. To qualify as a small contractor under current law, a business must, among other things, have grossed no more than \$10 million in its most recently completed fiscal year. The bill replaces this condition with a size standard that DAS establishes for the business sector in which a contractor, subcontractor, manufacturer, or service company operates.

It requires a state agency that awards a set-aside contract to obtain from that contractor a written explanation detailing any subcontract it has with a business that is not eligible under the set-aside program. By

law, a contractor that is awarded a set-aside contract, together with set-aside-eligible subcontractors, must perform at least 25% of the work done under such a contract. It also requires, rather than allows, awarding agencies to notify contractors via certified mail of hearings on their suspected set-aside program violations.

### **DISABLED AND DISADVANTAGED WORKERS (§ 28)**

The bill establishes a 12-member Disabled and Disadvantaged Employment Security Policy Group. The Senate president pro tempore, House speaker, Senate minority leader, and House minority leader appoint one member each. The executive director of the Connecticut Community Providers Association appoints two members and one disabled worker. The executive director of S.E.I.U., Local 32BJ appoints two members and one disadvantaged worker. The chancellor of the Connecticut State University System appoints one member from higher education. The labor and administrative services commissioners appoint one representative from each of their departments.

By February 1, 2006, the group must recommend to the GAE Committee policies that can best achieve mutually beneficial procedures for disabled and disadvantaged workers and the state contractors who employ them. Its goals are to:

1. expand long-term employment opportunities,
2. preserve existing employment,
3. create supportive work environments,
4. establish meaningful career ladders, and
5. maximize cooperation between agencies and companies employing disabled and disadvantaged workers.

### **AFFIRMATIVE ACTION (§§ 7–8)**

The bill requires the Legislative Management Committee to develop and implement affirmative action plans, pursuant to the Commission on Human Rights and Opportunities' (CHRO) regulations, and designate full- or part-time affirmative action officers. Every other state agency, department, board, and commission, except for the Judicial Department, is already required to do this (see

BACKGROUND).

By law, affirmative action officers must (1) undergo training by CHRO and the Permanent Commission on the Status of Women; (2) develop affirmative action plans; (3) mitigate discriminatory conduct in, and investigate complaints made against, their agency; and (4) report their findings and recommendations to the head of their agency after an investigation. They are also prohibited from representing their agency before CHRO or the Equal Employment Opportunity Commission.

The bill requires agencies, boards, joint committees, and commissions to file their affirmative action plans with CHRO every two years. Current law requires most agencies to file semiannually, unless the commission permits them to file annually; only those with 20 or fewer full-time employees file every two years. By law, if CHRO does not approve an agency's plan, it can issue a certificate of noncompliance prohibiting that agency from hiring or promoting anyone to fill a vacancy until it complies.

#### **BOARD OF ACCOUNTANCY (§§ 25–26)**

By law, an out-of-state certified public accountant (CPA) has several options for reciprocity. One is to show that he passed the certification examination in another state and has five years of experience or meets equivalent standards set by the Board of Accountancy after passing the examination and within the 10 years immediately preceding his application. The bill eliminates the requirement that a CPA must have passed the examination within the 10 years immediately preceding his application. It gives a CPA reciprocity if he has been practicing for at least five of the 10 years immediately preceding his application or meets equivalent standards set by the Board of Accountancy. (Thus, if a CPA took the examination 20 years ago, for example, he is still eligible for reciprocity provided he meets the other requirements.)

The bill also specifically allows the Board of Accountancy to adopt regulations establishing due dates for certain license, permit, and registration fees. It further allows the board to establish late fees for failure to remit these payments on time.

#### **CORE-CT (§ 6)**

The bill requires the state comptroller, the DAS commissioner, and the

chief information officer of the Department of Information Technology to submit quarterly reports to the governor and the General Assembly on Core-CT, the state's new integrated financial, human resources, and payroll system.

The reports must include

1. the system's implementation status,
2. the anticipated completion date,
3. total cost to date and projected costs for the next three fiscal years,
4. additional software or hardware needed for successful implementation and any associated costs,
5. date and cost of future upgrades,
6. level of cooperation from vendors and state agencies, and
7. any administrative or legislative obstacles to implementation.

#### **GRANT PAYMENTS TO TOWNS (§§ 17–24)**

The bill modifies the deadlines that the secretary of the Office of Policy and Management (OPM), the comptroller, and the treasurer must meet when processing certain grant payments to towns. It leaves unchanged when towns receive the payments. Generally, it (1) gives the secretary of OPM 15 additional calendar days to certify to the comptroller the amount due and (2) decreases from 15 calendar to five business days the time that the comptroller has to draw an order on the treasurer. The grant payments are for loss of property tax revenue due to property tax exemptions for:

1. up to \$1,000 of the assessed value of property owned by totally disabled persons;
2. low-income elderly and totally disabled homeowners and renters under the "circuit breaker" and tax freeze programs;
3. manufacturing facilities in distressed municipalities, targeted

investment communities or enterprise zones, and exempt property of service facilities;

4. the property of private colleges and general hospitals; and
5. state-owned real property, reservation land held in trust by the state for an Indian tribe, municipally owned airports, and land taken into trust by the federal government for the Mashantucket Pequot Tribal Nation.

The payments also include deposits to the Mashantucket Pequot and Mohegan Fund.

### **TRANSFER OF STATE-OWNED PROPERTY (§ 33)**

The bill requires a state agency, department, or institution that sells state-owned property to first notify in writing the state senator and state representative of the district in which the land is located of the state's intention to sell the land. By law, agencies must notify the chief executive officer of the municipality.

The bill authorizes the towns of Preston and Norwich to purchase Norwich State Hospital provided the towns (1) continue to make good faith efforts to do so as determined by the DPW commissioner and (2) comply with notification requirements required by law.

### **STATE BUILDING CODE (§ 35)**

By law, a state agency must obtain a building permit from the state building inspector before it constructs or alters any state building or structure exceeding one or more threshold limits and requiring an independent structural review. The bill eliminates the provisions for alterations but adds residential occupancies of 25 or more people to the types of buildings that must get a permit prior to construction. As is currently required for threshold buildings, the state building inspector must review the plans and specifications for the building or structure and verify their compliance with the State Building Code. Within 30 days, he must issue, or refuse to issue, the permit. He can also request that the state fire marshal review the plans for compliance with the State Fire Safety Code.

### **AGENCY REORGANIZATION (§§ 3–5)**

The bill transfers the budgeting and related administrative functions of the Office of the Child Advocate from the FOIC to DAS. It also transfers the budgeting and related administrative functions of the Board of Accountancy from the Office of the SOTS to OPM.

The bill makes the Department of Emergency Management and Homeland Security autonomous by transferring its budgeting and related administrative functions out of OPM, where they are currently located.

## **BACKGROUND**

### ***State Projects***

By law, “project” means any state program requiring consultant services if (1) the cost of those services is estimated to exceed \$50,000 or, in the case a state higher education system program, \$300,000, and (2) the construction costs are estimated to exceed \$500,000 or, in the case of a state higher education system program, \$2,000,000.

### ***E-mail Address Disclosure***

The Office of the Public Records Administrator and State Archives said in General Letter 98-1 that only permanent or permanent archival e-mail messages are public records subject to disclosure under FOI. DOT’s web site has a feature that allows visitors to sign-up for transportation updates via e-mail.

### ***Affirmative Action***

By law, the Judicial Branch’s personnel policies are set by the Connecticut Supreme Court. The Court adopted guidelines set by the federal Equal Employment Opportunity Commission with respect to affirmative action and employs an Equal Employment Opportunity Program Manager to ensure compliance.

### ***Related Bills***

sSB 1 (File 381), An Act Creating the Office of State Ethics and the Citizen’s Ethics Advisory Board, which the Government Administration and Elections Committee reported favorably on March 31, reorganizes the SEC and also prohibits one person from serving as

both executive director and general counsel of the new office.

sSB 94 (File 541), An Act Concerning Reform of the State Contracting Process, which the Government Administration and Elections Committee reported favorably on February 28, also establishes grounds for contractor disqualification, including violation of the state ethics code.

sHB 6613 (File No. 392), An Act Concerning the Procedures, Duties and Powers of the State Ethics Commission, which the Government Administration and Elections Committee reported favorably on March 31, reorganizes the SEC and also prohibits one person from serving as both executive director and general counsel of the new office.

### ***Legislative History***

The Senate referred the bill (File 226) to the Judiciary Committee on April 20. On April 29, Judiciary reported a substitute that, among other things, removed provisions (1) requiring the Judicial Department to develop Affirmative Action plans pursuant to CHRO regulations and (2) requiring public agencies to tape record executive sessions. It added the provisions changing state whistleblower laws. It also made several minor changes.

### **COMMENT**

#### ***Civil Action for Contract Impediment or Cancellation***

The bill inadvertently fails to identify the party entitled to bring a civil action when someone takes or threatens to take action to impede or cancel a state contract.

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Report

Yea 19    Nay 1

Judiciary Committee

Joint Favorable Substitute

Yea 34    Nay 0

