



General Assembly

**Substitute Bill No. 96**

January Session, 2005

\* SB00096GAE 032405 \*

**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19 repealed and the following is substituted in lieu thereof (*Effective July*  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25 repealed and the following is substituted in lieu thereof (*Effective July*  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. Subsection (b) of section 46a-13b of the general statutes is  
80 repealed and the following is substituted in lieu thereof (*Effective from*  
81 *passage*):

82 (b) The Office of the Victim Advocate shall be in the [Freedom of  
83 Information Commission] Department of Administrative Services for  
84 administrative purposes only.

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 Section 46a-68 of the general statutes is repealed and the  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

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

104 (b) (1) Each such state agency, department, board, joint committee  
105 or commission shall designate a full-time or part-time affirmative  
106 action officer. If such affirmative action officer is an employee of [the]  
107 such agency, department, board, joint committee or commission, the  
108 executive head or chairs of the agency, department, board, joint  
109 committee or commission shall be directly responsible for the  
110 supervision of the officer.

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

114 (3) The Commission on Human Rights and Opportunities and the  
115 Permanent Commission on the Status of Women shall provide a  
116 minimum of ten hours of training per year concerning state and

117 federal discrimination laws and techniques for conducting internal  
118 investigations of discrimination complaints to persons designated by  
119 such state agencies, departments, boards, joint committee or  
120 commissions as affirmative action officers and persons designated by  
121 the Attorney General or the Attorney General's designee to represent  
122 such agencies, boards, departments or commissions pursuant to  
123 subdivision (5) of this subsection.

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

137 (5) No person designated by a state agency, department, board or  
138 commission, the Joint Committee on Legislative Management of the  
139 General Assembly or the Judicial Department as an affirmative action  
140 officer shall represent such agency, department, board, joint committee  
141 or commission before the Commission on Human Rights and  
142 Opportunities or the Equal Employment Opportunity Commission. If  
143 a complaint of discrimination is filed with the Commission on Human  
144 Rights and Opportunities or the Equal Employment Opportunity  
145 Commission against a state agency, department, board, joint  
146 committee or commission, the Attorney General, or a designee of the  
147 Attorney General, other than the affirmative action officer for such  
148 agency, board, department, joint committee or commission, shall  
149 represent the state agency, board, department, joint committee or  
150 commission before the Commission on Human Rights and

151 Opportunities or the Equal Employment Opportunity Commission.

152 (c) Each such state agency, department, board, joint committee and  
153 commission shall file an affirmative action plan developed in  
154 accordance with subsection (a) of this section, with the Commission on  
155 Human Rights and Opportunities, [semiannually, except that any state  
156 agency, department, board or commission which has an affirmative  
157 action plan approved by the commission may be permitted to file its  
158 plan on an annual basis in a manner prescribed by the commission and  
159 any state agency, department, board or commission that employs  
160 twenty or fewer full-time employees shall file its affirmative action  
161 plan] biennially.

162 (d) The Commission on Human Rights and Opportunities shall  
163 review and formally approve, conditionally approve or disapprove the  
164 content of such affirmative action plans within ninety days of the  
165 submission of each plan to the commission. If the commissioners, by a  
166 majority vote of those present and voting, fail to approve,  
167 conditionally approve or disapprove a plan within that period, the  
168 plan shall be deemed to be approved.

169 (e) The Commissioner of Administrative Services and the Secretary  
170 of the Office of Policy and Management shall cooperate with the  
171 Commission on Human Rights and Opportunities to insure that the  
172 State Personnel Act and personnel regulations are administered, and  
173 that the process of collective bargaining is conducted by all parties in a  
174 manner consistent with the affirmative action responsibilities of the  
175 state.

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

181 (g) The Commission on Human Rights and Opportunities shall  
182 adopt regulations, in accordance with chapter 54, to carry out the

183 requirements of this section. Such regulations shall include a schedule  
184 for [semiannual, annual and] biennial filing of plans.

185 Sec. 9. Section 46a-68a of the general statutes is repealed and the  
186 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

214 (d) The commission shall adopt regulations in accordance with

215 chapter 54 to implement this section.

216 Sec. 10. Subdivision (1) of subsection (a) of section 4a-60g of the  
217 general statutes is repealed and the following is substituted in lieu  
218 thereof (*Effective January 1, 2006*):

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

236 Sec. 11. Subsection (f) of section 4a-60g of the general statutes is  
237 repealed and the following is substituted in lieu thereof (*Effective July*  
238 *1, 2005*):

239 (f) The awarding authority shall require that a contractor or  
240 subcontractor awarded a contract or a portion of a contract under this  
241 section perform not less than fifteen per cent of the work with the  
242 workforces of such contractor or subcontractor and shall require that  
243 not less than twenty-five per cent of the work be performed by  
244 contractors or subcontractors eligible for awards under this section. A  
245 contractor awarded a contract or a portion of a contract under this  
246 section shall not subcontract with any person with whom the

247 contractor is affiliated. No person who is affiliated with another person  
248 shall be eligible for awards under this section if both affiliated persons  
249 considered together would not qualify as a small contractor or a  
250 minority business enterprise under subsection (a) of this section. The  
251 awarding authority shall require that a contractor awarded a contract  
252 under this section submit, in writing, an explanation of any  
253 subcontract entered into with any person that is not eligible for awards  
254 under this section.

255 Sec. 12. Subsection (k) of section 4a-60g of the general statutes is  
256 repealed and the following is substituted in lieu thereof (*Effective July*  
257 *1, 2005*):

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

268 (2) The awarding agency shall hold a hearing on the violation  
269 asserted unless such contractor or subcontractor fails to appear. The  
270 hearing shall be held in accordance with the provisions of chapter 54.  
271 If, after the hearing, the awarding agency finds that the contractor or  
272 subcontractor has wilfully violated any provision of this section, the  
273 awarding agency shall suspend all set-aside contract payments to the  
274 contractor or subcontractor and may, in its discretion, order that a civil  
275 penalty not exceeding ten thousand dollars per violation be imposed  
276 on the contractor or subcontractor. If such contractor or subcontractor  
277 fails to appear for the hearing, the awarding agency may, as the facts  
278 require, order that a civil penalty not exceeding ten thousand dollars  
279 per violation be imposed on the contractor or subcontractor. The

280 awarding agency shall send a copy of any order issued pursuant to  
281 this subsection by certified mail, return receipt requested, to the  
282 contractor or subcontractor named in such order. The awarding agency  
283 may cause proceedings to be instituted by the Attorney General for the  
284 enforcement of any order imposing a civil penalty issued under this  
285 subsection.

286 Sec. 13. Section 4a-5a of the general statutes is repealed and the  
287 following is substituted in lieu thereof (*Effective from passage*):

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

300 Sec. 14. Section 4a-51 of the general statutes is repealed and the  
301 following is substituted in lieu thereof (*Effective from passage*):

302 (a) The Commissioner of Administrative Services shall: (1) Purchase,  
303 lease or contract for all supplies, materials, equipment and contractual  
304 services required by any state agency, except as provided in sections 4-  
305 98 and 4a-57; (2) enforce standard specifications established in  
306 accordance with section 4a-56; [(3) establish store rooms and  
307 warehouses for the storage of the state's property in such locations as  
308 may best serve the requirements of the state agencies; (4) operate such  
309 trucks and garages as are necessary to deliver supplies, materials and  
310 equipment from such central store rooms and warehouses to any state  
311 agency; (5)] (3) establish and operate a central duplicating and mailing

312 room for state agencies located in or near the city of Hartford and such  
313 other places as he deems practical; [, provided the State Library  
314 photostat and offset printing department and the duplicating facilities  
315 of the Department of Public Health shall remain as constituted; and  
316 (6)] and (4) establish and operate or have supervisory control over  
317 [central or regional bakeries, meat cutting establishments, laundries  
318 and] other central supply services in such locations as may best serve  
319 the requirements of the state agencies.

320 (b) The Commissioner of Administrative Services, when purchasing  
321 or contracting for the purchase of dairy products, poultry, eggs, fruits  
322 or vegetables pursuant to subsection (a) of this section, shall give  
323 preference to dairy products, poultry, eggs, fruits or vegetables grown  
324 or produced in this state, when such products, poultry, eggs, fruits or  
325 vegetables are comparable in cost to other dairy products, poultry,  
326 eggs, fruits or vegetables being considered for purchase by the  
327 commissioner that have not been grown or produced in this state.

328 Sec. 15. Subsection (a) of section 4b-91 of the general statutes is  
329 repealed and the following is substituted in lieu thereof (*Effective from*  
330 *passage*):

331 (a) Every contract for the construction, reconstruction, alteration,  
332 remodeling, repair or demolition of any public building for work by  
333 the state, which is estimated to cost more than five hundred thousand  
334 dollars, except (1) a contract awarded by the Commissioner of Public  
335 Works for (A) a community court project, as defined in subsection (j) of  
336 section 4b-55, [(B) the Connecticut Juvenile Training School project, as  
337 defined in subsection (k) of section 4b-55, (C)] (B) the downtown  
338 Hartford higher education center project, as defined in subsection (l) of  
339 section 4b-55, [(D) The University of Connecticut library project, as  
340 defined in subsection (d) of section 4b-55, (E)] (C) a correctional facility  
341 project, as defined in subsection (m) of section 4b-55, [(F)] (D) a  
342 juvenile detention center project, as defined in subsection (n) of section  
343 4b-55, or [(G)] (E) a student residential facility for the Connecticut State  
344 University system that is a priority higher education facility project, as

345 defined in subsection (f) of section 4b-55, or (2) a project, as defined in  
346 subdivision (16) of section 10a-109c, undertaken and controlled by The  
347 University of Connecticut in accordance with section 10a-109n, shall be  
348 awarded to the lowest responsible and qualified general bidder who is  
349 prequalified pursuant to section 4a-100 on the basis of competitive bids  
350 in accordance with the procedures set forth in this chapter, after the  
351 Commissioner of Public Works or, in the case of a contract for the  
352 construction of or work on a building under the supervision and  
353 control of the Joint Committee on Legislative Management of the  
354 General Assembly, the joint committee or, in the case of a contract for  
355 the construction of or work on a building under the supervision and  
356 control of one of the constituent units of the state system of higher  
357 education, the constituent unit, has invited such bids by  
358 advertisements inserted at least once in one or more newspapers  
359 having a circulation in each county in the state. The Commissioner of  
360 Public Works, the joint committee or the constituent unit, as the case  
361 may be, shall indicate the prequalification classification required for  
362 the contract in such advertisement. As used in this section,  
363 "prequalification classification" means the prequalification  
364 classifications established by the Commissioner of Administrative  
365 Services pursuant to section 4a-100.

366 Sec. 16. Subsection (g) of section 4b-91 of the general statutes is  
367 repealed and the following is substituted in lieu thereof (*Effective from*  
368 *passage*):

369 (g) Notwithstanding the provisions of this chapter regarding  
370 competitive bidding procedures, the commissioner may select and  
371 interview at least three responsible and qualified general contractors  
372 who are prequalified pursuant to section 4a-100 and submit the three  
373 selected contractors to the construction services award panels process  
374 described in section 4b-100a and any regulation adopted by the  
375 commissioner. The commissioner may negotiate with the successful  
376 bidder a contract which is both fair and reasonable to the state for a  
377 community court project, as defined in subsection (j) of section 4b-55,  
378 the downtown Hartford higher education center project, as defined in

379 subsection (l) of section 4b-55, [The University of Connecticut library  
380 project, as defined in subsection (d) of section 4b-55, the Connecticut  
381 Juvenile Training School project, as defined in subsection (k) of section  
382 4b-55,] a correctional facility project, as defined in subsection (m) of  
383 section 4b-55, a juvenile detention center project, as defined in  
384 subsection (n) of section 4b-55, or a student residential facility for the  
385 Connecticut State University system that is a priority higher education  
386 facility project, as defined in subsection (f) of section 4b-55. The  
387 Commissioner of Public Works, prior to entering any such contract or  
388 performing any work on such project, shall submit such contract to the  
389 State Properties Review Board for review and approval or disapproval  
390 by the board, pursuant to subsection (i) of this section. Any general  
391 contractor awarded a contract pursuant to this subsection shall be  
392 subject to the same requirements concerning the furnishing of bonds as  
393 a contractor awarded a contract pursuant to subsection (b) of this  
394 section.

395 Sec. 17. Section 4b-58 of the general statutes is repealed and the  
396 following is substituted in lieu thereof (*Effective from passage*):

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

413 documenting the reasons for such inability, negotiate with those firms  
414 which the commissioner determines to be most qualified, at fair and  
415 reasonable compensation, to render the particular consultant services  
416 under consideration. (3) Whenever consultant services are required for  
417 [The University of Connecticut library project,] a priority higher  
418 education facility project, a community court project, a correctional  
419 facility project, a juvenile detention center project, [the Connecticut  
420 Juvenile Training School project,] or the downtown Hartford higher  
421 education center project, the commissioner shall select and interview at  
422 least three consultants or firms and shall negotiate a contract for  
423 consultant services with the firm most qualified, in the commissioner's  
424 judgment, at compensation which the commissioner determines is  
425 both fair and reasonable to the state, except that if, in the opinion of the  
426 commissioner, the Connecticut Juvenile Training School project needs  
427 to be expedited in order to meet the needs of the Department of  
428 Children and Families, the commissioner may waive such selection  
429 requirement. Except for the downtown Hartford higher education  
430 center project, the commissioner shall notify the State Properties  
431 Review Board of the commissioner's action within five business days,  
432 for its approval or disapproval in accordance with subsection (i) of  
433 section 4b-23, except that if, within fifteen days of such notice, a  
434 decision has not been made, the board shall be deemed to have  
435 approved such contract. [The Connecticut Juvenile Training School  
436 project shall be exempt from the State Properties Review Board  
437 approval process.]

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

445 Sec. 18. Section 12-94a of the general statutes is repealed and the  
446 following is substituted in lieu thereof (*Effective from passage*):

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

482 section shall be reduced proportionately in the event that the total  
483 amount of the grants payable to all municipalities exceeds the amount  
484 appropriated.

485 Sec. 19. Section 32-9s of the general statutes is repealed and the  
486 following is substituted in lieu thereof (*Effective from passage*):

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

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

531 Sec. 20. Subsection (g) of section 12-170aa of the general statutes is  
532 repealed and the following is substituted in lieu thereof (*Effective from*  
533 *passage*):

534 (g) On or before July first, annually, each municipality shall submit  
535 to the secretary, a claim for the tax reductions approved under this  
536 section in relation to the assessment list of October first immediately  
537 preceding. On or after December 1, 1987, any municipality which  
538 neglects to transmit to the secretary the claim as required by this  
539 section shall forfeit two hundred fifty dollars to the state provided the  
540 secretary may waive such forfeiture in accordance with procedures  
541 and standards established by regulations adopted in accordance with  
542 chapter 54. Subject to procedures for review and approval of such data  
543 pursuant to section 12-120b, said secretary shall, on or before  
544 December [first] fifteenth next following, certify to the Comptroller the  
545 amount due each municipality as reimbursement for loss of property  
546 tax revenue related to the tax reductions allowed under this section.  
547 The Comptroller shall draw an order on the Treasurer on or before the  
548 [fifteenth day of December] fifth business day following December  
549 fifteenth and the Treasurer shall pay the amount due each

550 municipality not later than the thirty-first day of December. Any  
551 claimant aggrieved by the results of the secretary's review shall have  
552 the rights of appeal as set forth in section 12-120b. The amount of the  
553 grant payable to each municipality in any year in accordance with this  
554 section shall be reduced proportionately in the event that the total of  
555 such grants in such year exceeds the amount appropriated for the  
556 purposes of this section with respect to such year.

557 Sec. 21. Subsection (j) of section 12-170aa of the general statutes is  
558 repealed and the following is substituted in lieu thereof (*Effective from*  
559 *passage*):

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

584 complex, or occupancy by such resident [(1)] (i) confers upon such  
585 resident any ownership interest in the dwelling unit occupied or in  
586 such complex, or [(2)] (ii) establishes a contract of lease of any type for  
587 the dwelling unit occupied by such resident.

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

618 subsections (a) to (i), inclusive, of this section if such resident were the  
619 owner of such dwelling unit and qualified for tax reduction benefits  
620 under said subsections (a) to (i), inclusive.

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

649 Sec. 22. Section 12-129d of the general statutes is repealed and the  
650 following is substituted in lieu thereof (*Effective from passage*):

651 (a) On or before January first, annually, the tax collector of each  
652 municipality shall certify to the Secretary of the Office of Policy and  
653 Management, on a form furnished by the secretary, the amount of tax  
654 revenue which such municipality, except for the provisions of section  
655 12-129b, would have received, together with such supporting  
656 information as said secretary may require. On or after December 1,  
657 1989, any municipality which neglects to transmit the claim and  
658 supporting information as required by this section shall forfeit two  
659 hundred fifty dollars to the state, provided said secretary may waive  
660 such forfeiture in accordance with procedures and standards adopted  
661 by regulation in accordance with chapter 54. Said secretary shall  
662 review each such claim in accordance with the procedure set forth in  
663 section 12-120b. Any claimant aggrieved by the results of the  
664 secretary's review shall have the rights of appeal as set forth in section  
665 12-120b.

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

681 Sec. 23. Section 12-20b of the general statutes is repealed and the  
682 following is substituted in lieu thereof (*Effective from passage*):

683 (a) Not later than April first in each year, any municipality to which

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

719 such municipality on or before the thirtieth day of September  
720 following. If any recomputation is effected as the result of the  
721 provisions of this section on or after the January first following the  
722 date on which the municipality has provided the assessed valuation in  
723 question, any adjustments to the amount due to any municipality for  
724 the period for which such adjustments were made shall be made in the  
725 next payment the Treasurer shall make to such municipality pursuant  
726 to this section.

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

734 Sec. 24. Section 3-55i of the general statutes is repealed and the  
735 following is substituted in lieu thereof (*Effective from passage*):

736 There is established the "Mashantucket Pequot and Mohegan Fund"  
737 which shall be a separate nonlapsing fund. All funds received by the  
738 state of Connecticut from the Mashantucket Pequot Tribe pursuant to  
739 the joint memorandum of understanding entered into by and between  
740 the state and the tribe on January 13, 1993, as amended on April 30,  
741 1993, and any successor thereto, shall be deposited in the General  
742 Fund. During the fiscal year ending June 30, 2000, and each fiscal year  
743 thereafter, one hundred thirty-five million dollars, received by the  
744 state from the tribe pursuant to said joint memorandum of  
745 understanding, as amended, and any successor thereto, shall be  
746 transferred to the Mashantucket Pequot and Mohegan Fund and shall  
747 be distributed by the Office of Policy and Management, during said  
748 fiscal year, in accordance with the provisions of section 3-55j. The  
749 amount of the grant payable to each municipality during any fiscal  
750 year, in accordance with said section, shall be reduced proportionately  
751 if the total of such grants exceeds the amount of funds available for

752 such year. The grant shall be paid in three installments as follows: The  
753 Secretary of the Office of Policy and Management shall, annually, not  
754 later than the [first] fifteenth day of December, the [first] fifteenth day  
755 of March and the [first] fifteenth day of June certify to the Comptroller  
756 the amount due each municipality under the provisions of section 3-55j  
757 and the Comptroller shall draw an order on the Treasurer on or before  
758 the fifth business day following the fifteenth day of December, the fifth  
759 business day following the fifteenth day of March and the fifth  
760 business day following the fifteenth day of June and the Treasurer  
761 shall pay the amount thereof to such municipality on or before the first  
762 day of January, the first day of April and the thirtieth day of June.

763 Sec. 25. Section 12-19c of the general statutes is repealed and the  
764 following is substituted in lieu thereof (*Effective from passage*):

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

781 Sec. 26. Subsection (d) of section 20-281d of the general statutes is  
782 repealed and the following is substituted in lieu thereof (*Effective from*  
783 *passage*):

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

786 (1) The applicant passed the examination required for issuance of  
787 his certificate with grades that would have been passing grades at the  
788 time in this state; and

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

800 Sec. 27. Subsection (g) of section 20-280 of the general statutes is  
801 repealed and the following is substituted in lieu thereof (*Effective from*  
802 *passage*):

803 (g) The board may adopt rules, in accordance with chapter 54,  
804 governing its administration and enforcement of sections 20-279b to  
805 20-281m, inclusive, and the conduct of licensees and registrants,  
806 including, but not limited to:

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

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

811 (3) Regulations specifying the educational qualifications required  
812 for the issuance of certificates under section 20-281c, the experience  
813 required for initial issuance of certificates under section 20-281c and

814 the continuing professional education required for renewal of licenses  
815 under subsection (e) of section 20-281d;

816 (4) Regulations concerning professional conduct directed to  
817 controlling the quality and probity of the practice of public  
818 accountancy by licensees, and dealing among other things with  
819 independence, integrity, objectivity, competence, technical standards,  
820 responsibilities to the public and responsibilities to clients;

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

824 (6) Regulations governing the manner and circumstances of use by  
825 holders of certificates who do not also hold licenses under sections 20-  
826 279b to 20-281m, inclusive, of the titles "certified public accountant"  
827 and "CPA";

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

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

843 (9) Regulations establishing the due date for any fee charged  
844 pursuant to sections 20-281c, 20-281d, as amended by this act, and 20-

845 281e. Such regulations may establish the amount and due date of a late  
846 fee charged for the failure to remit payment of any fee charged  
847 pursuant to sections 20-281c, 20-281d, as amended by this act, and 20-  
848 281e; and

849 [(9)] (10) Such other regulations as the board may deem necessary or  
850 appropriate for implementing the provisions and the purposes of  
851 sections 20-279b to 20-281m, inclusive.

852 Sec. 28. Section 4a-59a of the general statutes is repealed and the  
853 following is substituted in lieu thereof (*Effective from passage*):

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

872 (b) Notwithstanding the provisions of subsection (a) of this section,  
873 the Commissioner of Administrative Services may, for a period of one  
874 year from the date such contract would otherwise expire, extend any  
875 contract in effect on May 1, [2004] 2005, to perform any of the  
876 following services for the state: Janitorial, building maintenance,

877 security and food and beverage.

878       Sec. 29. (*Effective from passage*) There is established a Disabled and  
879 Disadvantaged Employment Security Policy Group. Such group shall  
880 consist of members appointed as follows: One member by the speaker  
881 of the House of Representatives, one member by the minority leader of  
882 the House of Representatives, one member by the president pro  
883 tempore of the Senate, one member by the minority leader of the  
884 Senate, two members by the executive director of the Connecticut  
885 Community Providers Association, two representatives by the  
886 executive director of the S. E. I. U., Local 32BJ, one representative from  
887 the Labor Department, as appointed by the commissioner, one  
888 representative of the Department of Administrative Services, as  
889 appointed by the commissioner, one disabled worker, as appointed by  
890 the executive director of the Connecticut Community Providers  
891 Association, one disadvantaged worker, as appointed by the executive  
892 director of the S. E. I. U., Local 32BJ and one member from higher  
893 education, as appointed by the chancellor of the Connecticut State  
894 University System. Not later than February 1, 2006, such group shall  
895 make recommendations to the joint standing committee of the General  
896 Assembly having cognizance of matters relating to government  
897 administration and elections concerning policies that can best achieve  
898 the goal of implementing mutually beneficial methods and procedures  
899 by which disabled and disadvantaged workers employed by state  
900 contractors can cooperatively expand long-term employment  
901 opportunities, preserve existing employment, create supportive work  
902 environments, establish meaningful career ladders and maximize  
903 cooperation between agencies and companies employing  
904 disadvantaged and disabled workers.

905       Sec. 30. Section 1-231 of the general statutes is amended by adding  
906 subsection (c) as follows (*Effective from passage*):

907       (NEW) (c) Every public agency shall make a tape recording of any  
908 such executive session. Such tape recording shall not be subject to  
909 disclosure unless: (1) Following an appeal, in accordance with section

910 1-206, the Freedom of Information Commission determines that such  
911 session did not meet the requirements for an executive session, as  
912 defined in subdivision (6) of section 1-200, or (2) such session was held  
913 in violation of the provisions of section 1-225. Such tape recordings  
914 shall be retained by such public agency until such time as the Public  
915 Records Administrator determines, in accordance with section 11-8a,  
916 that such recording is of no historical value to the state.

917 Sec. 31. Subsection (a) of section 1-212 of the general statutes is  
918 repealed and the following is substituted in lieu thereof (*Effective from*  
919 *passage*):

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

923 (1) By an executive, administrative or legislative office of the state, a  
924 state agency or a department, institution, bureau, board, commission,  
925 authority or official of the state, including a committee of, or created  
926 by, such an office, agency, department, institution, bureau, board,  
927 commission, authority or official, and also including any judicial office,  
928 official or body or committee thereof but only in respect to its or their  
929 administrative functions, shall not exceed twenty-five cents per page;  
930 and

931 (2) By all other public agencies, as defined in section 1-200, shall not  
932 exceed fifty cents per page. If any copy provided in accordance with  
933 said Freedom of Information Act requires a transcription, or if any  
934 person applies for a transcription of a public record, the fee for such  
935 transcription shall not exceed the cost thereof to the public agency. The  
936 Freedom of Information Commission shall study the need to change  
937 the per page fee established in this subdivision and on or before  
938 January 1, 2006, provide the joint standing committee of the General  
939 Assembly having cognizance of matters relating to government  
940 administration with any recommendations for such change.

941 Sec. 32. Subsection (c) of section 1-225 of the general statutes is

942 repealed and the following is substituted in lieu thereof (*Effective from*  
943 *passage*):

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

956 Sec. 33. Subsections (a) and (b) of section 1-210 of the general  
957 statutes are repealed and the following is substituted in lieu thereof  
958 (*Effective from passage*):

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

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

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

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

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

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

1005 (4) Records pertaining to strategy and negotiations with respect to  
1006 pending claims or pending litigation to which the public agency is a

1007 party until such litigation or claim has been finally adjudicated or  
1008 otherwise settled;

1009 (5) (A) Trade secrets, which for purposes of the Freedom of  
1010 Information Act, are defined as information, including formulas,  
1011 patterns, compilations, programs, devices, methods, techniques,  
1012 processes, drawings, cost data, or customer lists that (i) derive  
1013 independent economic value, actual or potential, from not being  
1014 generally known to, and not being readily ascertainable by proper  
1015 means by, other persons who can obtain economic value from their  
1016 disclosure or use, and (ii) are the subject of efforts that are reasonable  
1017 under the circumstances to maintain secrecy; and

1018 (B) Commercial or financial information given in confidence, not  
1019 required by statute;

1020 (6) Test questions, scoring keys and other examination data used to  
1021 administer a licensing examination, examination for employment or  
1022 academic examinations;

1023 (7) The contents of real estate appraisals, engineering or feasibility  
1024 estimates and evaluations made for or by an agency relative to the  
1025 acquisition of property or to prospective public supply and  
1026 construction contracts, until such time as all of the property has been  
1027 acquired or all proceedings or transactions have been terminated or  
1028 abandoned, provided the law of eminent domain shall not be affected  
1029 by this provision;

1030 (8) Statements of personal worth or personal financial data required  
1031 by a licensing agency and filed by an applicant with such licensing  
1032 agency to establish the applicant's personal qualification for the  
1033 license, certificate or permit applied for;

1034 (9) Records, reports and statements of strategy or negotiations with  
1035 respect to collective bargaining;

1036 (10) Records, tax returns, reports and statements exempted by

1037 federal law or state statutes or communications privileged by the  
1038 attorney-client relationship;

1039 (11) Names or addresses of students enrolled in any public school or  
1040 college without the consent of each student whose name or address is  
1041 to be disclosed who is eighteen years of age or older and a parent or  
1042 guardian of each such student who is younger than eighteen years of  
1043 age, provided this subdivision shall not be construed as prohibiting the  
1044 disclosure of the names or addresses of students enrolled in any public  
1045 school in a regional school district to the board of selectmen or town  
1046 board of finance, as the case may be, of the town wherein the student  
1047 resides for the purpose of verifying tuition payments made to such  
1048 school;

1049 (12) Any information obtained by the use of illegal means;

1050 (13) Records of an investigation or the name of an employee  
1051 providing information under the provisions of section 4-61dd;

1052 (14) Adoption records and information provided for in sections 45a-  
1053 746, 45a-750 and 45a-751;

1054 (15) Any page of a primary petition, nominating petition,  
1055 referendum petition or petition for a town meeting submitted under  
1056 any provision of the general statutes or of any special act, municipal  
1057 charter or ordinance, until the required processing and certification of  
1058 such page has been completed by the official or officials charged with  
1059 such duty after which time disclosure of such page shall be required;

1060 (16) Records of complaints, including information compiled in the  
1061 investigation thereof, brought to a municipal health authority pursuant  
1062 to chapter 368e or a district department of health pursuant to chapter  
1063 368f, until such time as the investigation is concluded or thirty days  
1064 from the date of receipt of the complaint, whichever occurs first;

1065 (17) Educational records which are not subject to disclosure under  
1066 the Family Educational Rights and Privacy Act, 20 USC 1232g;

1067 (18) Records, the disclosure of which the Commissioner of  
1068 Correction, or as it applies to Whiting Forensic Division facilities of the  
1069 Connecticut Valley Hospital, the Commissioner of Mental Health and  
1070 Addiction Services, has reasonable grounds to believe may result in a  
1071 safety risk, including the risk of harm to any person or the risk of an  
1072 escape from, or a disorder in, a correctional institution or facility under  
1073 the supervision of the Department of Correction or Whiting Forensic  
1074 Division facilities. Such records shall include, but are not limited to:

1075 (A) Security manuals, including emergency plans contained or  
1076 referred to in such security manuals;

1077 (B) Engineering and architectural drawings of correctional  
1078 institutions or facilities or Whiting Forensic Division facilities;

1079 (C) Operational specifications of security systems utilized by the  
1080 Department of Correction at any correctional institution or facility or  
1081 Whiting Forensic Division facilities, except that a general description  
1082 of any such security system and the cost and quality of such system  
1083 may be disclosed;

1084 (D) Training manuals prepared for correctional institutions and  
1085 facilities or Whiting Forensic Division facilities that describe, in any  
1086 manner, security procedures, emergency plans or security equipment;

1087 (E) Internal security audits of correctional institutions and facilities  
1088 or Whiting Forensic Division facilities;

1089 (F) Minutes or recordings of staff meetings of the Department of  
1090 Correction or Whiting Forensic Division facilities, or portions of such  
1091 minutes or recordings, that contain or reveal information relating to  
1092 security or other records otherwise exempt from disclosure under this  
1093 subdivision;

1094 (G) Logs or other documents that contain information on the  
1095 movement or assignment of inmates or staff at correctional institutions  
1096 or facilities; and

1097 (H) Records that contain information on contacts between inmates,  
1098 as defined in section 18-84, and law enforcement officers;

1099 (19) Records when there are reasonable grounds to believe  
1100 disclosure may result in a safety risk, including the risk of harm to any  
1101 person, any government-owned or leased institution or facility or any  
1102 fixture or appurtenance and equipment attached to, or contained in,  
1103 such institution or facility, except that such records shall be disclosed  
1104 to a law enforcement agency upon the request of the law enforcement  
1105 agency. Such reasonable grounds shall be determined (A) with respect  
1106 to records concerning any executive branch agency of the state or any  
1107 municipal, district or regional agency, by the Commissioner of Public  
1108 Works, after consultation with the chief executive officer of the agency;  
1109 (B) with respect to records concerning Judicial Department facilities,  
1110 by the Chief Court Administrator; and (C) with respect to records  
1111 concerning the Legislative Department, by the executive director of the  
1112 Joint Committee on Legislative Management. As used in this section,  
1113 "government-owned or leased institution or facility" includes, but is  
1114 not limited to, an institution or facility owned or leased by a public  
1115 service company, as defined in section 16-1, a certified  
1116 telecommunications provider, as defined in section 16-1, a water  
1117 company, as defined in section 25-32a, or a municipal utility that  
1118 furnishes electric, gas or water service, but does not include an  
1119 institution or facility owned or leased by the federal government, and  
1120 "chief executive officer" includes, but is not limited to, an agency head,  
1121 department head, executive director or chief executive officer. Such  
1122 records include, but are not limited to:

1123 (i) Security manuals or reports;

1124 (ii) Engineering and architectural drawings of government-owned  
1125 or leased institutions or facilities;

1126 (iii) Operational specifications of security systems utilized at any  
1127 government-owned or leased institution or facility, except that a  
1128 general description of any such security system and the cost and

1129 quality of such system, may be disclosed;

1130 (iv) Training manuals prepared for government-owned or leased  
1131 institutions or facilities that describe, in any manner, security  
1132 procedures, emergency plans or security equipment;

1133 (v) Internal security audits of government-owned or leased  
1134 institutions or facilities;

1135 (vi) Minutes or records of meetings, or portions of such minutes or  
1136 records, that contain or reveal information relating to security or other  
1137 records otherwise exempt from disclosure under this subdivision;

1138 (vii) Logs or other documents that contain information on the  
1139 movement or assignment of security personnel at government-owned  
1140 or leased institutions or facilities;

1141 (viii) Emergency plans and emergency recovery or response plans;  
1142 and

1143 (ix) With respect to a water company, as defined in section 25-32a,  
1144 that provides water service: Vulnerability assessments and risk  
1145 management plans, operational plans, portions of water supply plans  
1146 submitted pursuant to section 25-32d that contain or reveal  
1147 information the disclosure of which may result in a security risk to a  
1148 water company, inspection reports, technical specifications and other  
1149 materials that depict or specifically describe critical water company  
1150 operating facilities, collection and distribution systems or sources of  
1151 supply;

1152 (20) Records of standards, procedures, processes, software and  
1153 codes, not otherwise available to the public, the disclosure of which  
1154 would compromise the security or integrity of an information  
1155 technology system;

1156 (21) The residential, work or school address of any participant in the  
1157 address confidentiality program established pursuant to sections 54-  
1158 240 to 54-240o, inclusive;

1159       (22) The electronic mail address of any person that is obtained by  
1160 the Department of Transportation in connection with the  
1161 implementation or administration of any plan to inform individuals  
1162 about significant highway or railway incidents.

1163       Sec. 34. (NEW) (*Effective from passage*) In the development and  
1164 administration of any plan for individuals to receive notification of  
1165 significant highway or railway incidents, the Department of  
1166 Transportation shall not permanently retain or enter in a permanent  
1167 database any personal information including, but not limited to, the  
1168 electronic mail address of any person who receives information  
1169 through the use of such plan. Nothing in this section shall be construed  
1170 to prohibit the Department of Transportation from entering the  
1171 electronic mail address of any person who wishes to receive such  
1172 information in a computer program used by the department solely for  
1173 the purpose of sending such person electronic mail that contains  
1174 notification of a significant highway or railway incident.

1175       Sec. 35. Section 3-14b of the general statutes is repealed and the  
1176 following is substituted in lieu thereof (*Effective from passage*):

1177       Prior to the sale of any parcel of land, or a portion thereof owned by  
1178 the state, except a transfer or conveyance to the party against whom  
1179 foreclosure was taken or who conveyed to the state in lieu of  
1180 foreclosure under the provisions of section 17b-138, the state agency,  
1181 department or institution responsible for the sale of such land shall  
1182 first notify, in writing, the chief executive officer or officers of the  
1183 municipality in which such land is situated and the affected state  
1184 representative and state senator for such municipality of the state's  
1185 intention to sell such land, and no agreement to sell such land may be  
1186 entered into or sale may be made by the state except as follows:

1187       (a) [Within] Not later than forty-five days after such notice has been  
1188 [so] given, such chief executive officer or officers may give written  
1189 notice to the state of the municipality's desire to purchase such land  
1190 and shall have the right to purchase the interest in the land which the

1191 state has declared its intent to sell, subject to conditions of sale  
1192 acceptable to the state.

1193 (b) If the chief executive officer or officers of the municipality fail to  
1194 give notice, as provided in subsection (a) of this section, or give notice  
1195 to the state of the municipality's desire not to purchase such land, such  
1196 municipality shall have waived its right to purchase the land in  
1197 accordance with the terms of this section.

1198 (c) [Within] Not later than sixty days after [notice has been given by  
1199 the] the latter of: (1) The municipality giving notice of its desire to  
1200 purchase such land, as provided in subsection (a) of this section, or (2)  
1201 the satisfaction of all of the requirements of the property transfer act,  
1202 as established in chapter 445, the state acting through the state agency,  
1203 department or institution shall sell such land to the municipality,  
1204 provided the state and the municipality agree upon the conditions of  
1205 sale and the amount to be paid therefor.

1206 (d) If the municipality fails to purchase such land [within] not later  
1207 than sixty days after [notice has been given by the municipality of its  
1208 desire to purchase the land, as provided in subsection (a) of this  
1209 section] the latter occurring event, as described in subsection (c) of this  
1210 section, such municipality shall have waived rights to purchase the  
1211 land in accordance with the terms of this section, subject to the  
1212 provisions of subsection (e) of this section. Nothing in this subsection  
1213 shall be deemed to waive the rights of the towns of Preston and  
1214 Norwich with regard to the transfer of the Norwich State Hospital  
1215 property provided such towns have made good faith efforts to  
1216 purchase such property not later than sixty days after providing notice  
1217 of its desire to purchase such property.

1218 (e) Notwithstanding the provisions of subsections (b) and (d) of this  
1219 section, if the state thereafter proposes to sell such land to any person  
1220 upon terms different than those offered to the municipality, the state  
1221 shall first notify the municipality of such proposal, in the manner  
1222 provided in subsection (a) of this section, and of the terms of such

1223 proposed sale, and such municipality shall have the option to purchase  
1224 such land upon such terms and may thereupon, in the same manner  
1225 and within the same time limitations as are provided in subsections (a)  
1226 and (c) [, inclusive,] of this section, proceed to purchase such land.

1227 Sec. 36. 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, one of the criteria to be considered by such panel in selecting  
1244 a list of the most qualified firms shall be the geographic location of  
1245 such firm in relation to the geographic location of the proposed project.  
1246 The selection panel shall submit a list of the most qualified firms to the  
1247 commissioner for his consideration unless fewer than three responses  
1248 for a particular project have been received, in which case, the panel  
1249 shall submit the names of all firms who have submitted responses.

1250 Sec. 37. Subsection (b) of section 29-252a of the general statutes is  
1251 repealed and the following is substituted in lieu thereof (*Effective from*  
1252 *passage*):

1253 (b) (1) No state building or structure or addition to a state building  
1254 or structure; [, that] (1) That exceeds the threshold limits contained in

1255 section 29-276b and requires an independent structural review under  
1256 said section, or (2) that includes residential occupancies for twenty-five  
1257 or more persons shall be constructed or altered until an application has  
1258 been filed by the commissioner of an agency authorized to contract for  
1259 the construction of buildings under the provisions of section 4b-1 or  
1260 4b-51 with the State Building Inspector and a building permit issued  
1261 by the State Building Inspector. Two copies of the plans and  
1262 specifications for the building, structure or addition to be constructed  
1263 or altered shall accompany the application. The commissioner of any  
1264 such agency shall certify that such plans and specifications are in  
1265 substantial compliance with the provisions of the State Building Code  
1266 and, where applicable, with the provisions of the State Fire Safety  
1267 Code. The State Building Inspector shall review the plans and  
1268 specifications for the building, structure or addition to be constructed  
1269 or altered to verify their compliance with the requirements of the State  
1270 Building Code and, within thirty days of the date of application, shall  
1271 issue or refuse to issue the building permit, in whole or in part. The  
1272 State Building Inspector may request that the State Fire Marshal  
1273 review such plans to verify their compliance with the State Fire Safety  
1274 Code.

1275 (2) On and after July 1, 1999, the State Building Inspector shall  
1276 assess an education fee on each building permit application. During  
1277 the fiscal year commencing July 1, 1999, the amount of such fee shall be  
1278 sixteen cents per one thousand dollars of construction value as  
1279 declared on the building permit application, and the State Building  
1280 Inspector shall remit such fees, quarterly, to the Department of Public  
1281 Safety, for deposit in the General Fund. Upon deposit in the General  
1282 Fund, the amount of such fees shall be credited to the appropriation to  
1283 the Department of Public Safety and shall be used for the code training  
1284 and educational programs established pursuant to section 29-251c. On  
1285 and after July 1, 2000, the assessment shall be made in accordance with  
1286 regulations adopted pursuant to subsection (d) of section 29-251c.

1287 Sec. 38. Subsection (e) of section 1-88 of the general statutes is  
1288 repealed and the following is substituted in lieu thereof (*Effective from*

1289 *passage*):

1290 (e) Any employee or member of the commission who, in violation of  
1291 this part, discloses information filed in accordance with [subparagraph  
1292 (B) or] subparagraph (F) of subdivision (1) of subsection (b) of section  
1293 1-83, shall be dismissed, if an employee, or removed from the  
1294 commission, if a member.

1295 Sec. 39. Section 1-81 of the general statutes is repealed and the  
1296 following is substituted in lieu thereof (*Effective from passage*):

1297 (a) The commission shall:

1298 (1) Compile and maintain an index of all reports, advisory opinions,  
1299 memoranda filed under the provisions of subsection (f) of section 1-82a  
1300 and statements filed by and with the commission to facilitate public  
1301 access to such reports and statements as provided by this part;

1302 (2) Preserve advisory opinions permanently; preserve memoranda  
1303 filed under subsection (f) of section 1-82a, and statements and reports  
1304 filed by and with the commission for a period of five years from the  
1305 date of receipt;

1306 (3) Upon the concurring vote of five of its members, issue advisory  
1307 opinions with regard to the requirements of this part, upon the request  
1308 of any person subject to the provisions of this part, and publish such  
1309 advisory opinions in the Connecticut Law Journal. Advisory opinions  
1310 rendered by the commission, until amended or revoked, shall be  
1311 binding on the commission and shall be deemed to be final decisions  
1312 of the commission for purposes of section 1-87. Any advisory opinion  
1313 concerning the person who requested the opinion and who acted in  
1314 reliance thereon, in good faith, shall be binding upon the commission,  
1315 and it shall be an absolute defense in any criminal action brought  
1316 under the provisions of this part, that the accused acted in reliance  
1317 upon such advisory opinion;

1318 (4) Report annually, prior to April fifteenth, to the Governor

1319 summarizing the activities of the commission; [and]

1320 (5) Adopt regulations in accordance with chapter 54 to carry out the  
1321 purposes of this part; and

1322 (6) The commission may enter into such contractual agreements as  
1323 may be necessary for the discharge of its duties, within the limits of its  
1324 appropriated funds and in accordance with established procedures.

1325 (b) The commission may, within its discretion, employ both an  
1326 executive director and a general counsel and any necessary staff,  
1327 within available appropriations.

1328 Sec. 40. (NEW) (*Effective July 1, 2005*) As used in this section and  
1329 sections 41 to 45, inclusive, of this act:

1330 (1) "Business with which the person is associated" means any sole  
1331 proprietorship, partnership, firm, corporation, trust or other entity  
1332 through which business for-profit or not-for-profit is conducted in  
1333 which the person or member of the immediate family of any person  
1334 who is an individual is a director, officer, owner, limited or general  
1335 partner, beneficiary of a trust or holder of stock constituting five per  
1336 cent or more of the total outstanding stock of any class, provided, a  
1337 person who is an individual or a member of the immediate family of  
1338 such individual shall not be deemed to be associated with a not-for-  
1339 profit entity solely by virtue of the fact that such individual or  
1340 immediate family member is an unpaid director or officer of the not-  
1341 for-profit entity. "Officer" refers only to the president, executive or  
1342 senior vice president or treasurer of such business.

1343 (2) "Immediate family" means any spouse, children or dependent  
1344 relatives who reside in an individual's household.

1345 (3) "Large state construction or procurement contract" means any  
1346 contract, having a cost of more than five hundred thousand dollars, for  
1347 (A) the remodeling, alteration, repair or enlargement of any real asset,  
1348 (B) the construction, alteration, reconstruction, improvement,

1349 relocation, widening or changing of the grade of a section of a state  
1350 highway or a bridge, (C) the purchase or lease of supplies, materials or  
1351 equipment, as defined in section 4a-50 of the general statutes, or (D)  
1352 the construction, reconstruction, alteration, remodeling, repair or  
1353 demolition of any public building.

1354 (4) "Person" has the same meaning as provided in section 1-79 of the  
1355 general statutes, as amended by this act.

1356 (5) "Public official" has the same meaning as provided in section 1-  
1357 79 of the general statutes, as amended by this act.

1358 (6) "Quasi-public agency" has the same meaning as provided in  
1359 section 1-79 of the general statutes, as amended by this act.

1360 (7) "State employee" has the same meaning as provided in section 1-  
1361 79 of the general statutes, as amended by this act.

1362 Sec. 41. (NEW) (*Effective July 1, 2005*) (a) Notwithstanding any  
1363 provision of the general statutes, no person who (1) is, or is seeking to  
1364 be, prequalified under section 4a-100 of the general statutes, (2) is a  
1365 party to a large state construction or procurement contract or seeking  
1366 to enter into such a contract with a state agency, board, commission or  
1367 institution or a quasi-public agency, or (3) is a party to a consultant  
1368 services contract or seeking to enter into such a contract with a state  
1369 agency, board, commission or institution or a quasi-public agency,  
1370 shall:

1371 (A) With the intent to obtain a competitive advantage over other  
1372 bidders, solicit any information from a public official or state employee  
1373 that the contractor knows is not and will not be available to other  
1374 bidders for a large state construction or procurement contract that the  
1375 contractor is seeking;

1376 (B) Intentionally, wilfully or with reckless disregard for the truth,  
1377 charge a state agency, board, commission or institution or quasi-public  
1378 agency for work not performed or goods not provided, including

1379 submitting change orders in bad faith with the sole intention of  
1380 increasing the contract price, falsifying invoices or bills or charging  
1381 unreasonable rates for services or unreasonable prices for goods to a  
1382 state agency, board, commission or institution or quasi-public agency;  
1383 or

1384 (C) Intentionally or wilfully violate or attempt to circumvent state  
1385 competitive bidding and ethics laws.

1386 (b) No person with whom a state agency, board, commission or  
1387 institution or quasi-public agency has contracted to provide consulting  
1388 services to plan specifications for any contract and no business with  
1389 which the person is associated may serve as a contractor for such  
1390 contract or as a subcontractor or consultant to the person awarded  
1391 such contract.

1392 (c) Any person who violates any provision of this section may be  
1393 deemed a nonresponsible bidder by a state agency, board, commission  
1394 or institution or quasi-public agency.

1395 Sec. 42. (NEW) (*Effective July 1, 2005*) (a) In addition to its  
1396 jurisdiction over persons who are residents of this state, the State  
1397 Ethics Commission may exercise personal jurisdiction over any  
1398 nonresident person, or the agent of such nonresident person, who  
1399 makes a payment of money or gives anything of value to a public  
1400 official or state employee in violation of section 41 of this act, or who  
1401 is, or is seeking to be, prequalified under section 4a-100 of the general  
1402 statutes.

1403 (b) Where personal jurisdiction is based solely upon this section, an  
1404 appearance does not confer personal jurisdiction with respect to causes  
1405 of action not arising from an act enumerated in this section.

1406 (c) Any nonresident person or the agent of such person over whom  
1407 the State Ethics Commission may exercise personal jurisdiction, as  
1408 provided in subsection (a) of this section, shall be deemed to have  
1409 appointed the Secretary of the State as the person's or agent's attorney

1410 and to have agreed that any process in any complaint, investigation or  
1411 other matter conducted pursuant to section 1-82 or 1-82a of the general  
1412 statutes, as amended by this act, concerning an alleged violation of  
1413 section 41 of this act and brought against the nonresident person, or  
1414 said person's agent, may be served upon the Secretary of the State and  
1415 shall have the same validity as if served upon such nonresident person  
1416 or agent personally. The process shall be served upon the Secretary of  
1417 the State by the officer to whom the same is directed by leaving with or  
1418 at the office of the Secretary of the State, at least twelve days before  
1419 any required appearance day of such process, a true and attested copy  
1420 of such process, and by sending to the nonresident person or agent so  
1421 served, at the person's or agent's last-known address, by registered or  
1422 certified mail, postage prepaid, return receipt requested, a like and  
1423 attested copy with an endorsement thereon of the service upon the  
1424 Secretary of the State. The Secretary of the State shall keep a record of  
1425 each such process and the day and hour of service.

1426       Sec. 43. (NEW) (*Effective July 1, 2005*) (a) Each state agency,  
1427 institution and quasi-public agency that is a party to a large state  
1428 construction or procurement contract or is planning such a contract  
1429 shall appoint an ethics compliance officer. Such officer shall be  
1430 responsible for the development of the ethics policies of the agency's or  
1431 institution's ethics policies, coordination of ethics training programs  
1432 and monitoring of programs of the agency or institution for  
1433 compliance with the ethics policies of the agency or institution and the  
1434 Code of Ethics for Public Officials set forth in part I of chapter 10 of the  
1435 general statutes. At least annually, each ethics compliance officer shall  
1436 provide ethics training to agency or institution personnel involved in  
1437 contractor selection, evaluation and supervision. Such training shall  
1438 include a review of current ethics laws and regulations and discussion  
1439 of ethics issues concerning contracting. Any contractor and employee  
1440 of such agency or institution shall provide any requested information  
1441 to such ethics compliance officer.

1442       (b) Each other state agency and quasi-public agency shall designate  
1443 an agency officer or employee as a liaison to the State Ethics

1444 Commission. The liaison shall coordinate the development of ethics  
1445 policies for the agency and work with the State Ethics Commission on  
1446 training on ethical issues for agency personnel involved in contracting.

1447 Sec. 44. (NEW) (*Effective July 1, 2005*) Any commissioner, deputy  
1448 commissioner, state agency or quasi-public agency head or deputy,  
1449 person in charge of state agency procurement and contracting, ethics  
1450 compliance officer or designated liaison to the State Ethics  
1451 Commission who has reasonable cause to believe that a person has  
1452 violated the provisions of the Code of Ethics for Public Officials set  
1453 forth in part I of chapter 10 of the general statutes or any law or  
1454 regulation concerning ethics in state contracting shall report such belief  
1455 to the State Ethics Commission, which may further report such  
1456 information to the Auditor of Public Accounts, Chief State's Attorney  
1457 or the Attorney General.

1458 Sec. 45. (NEW) (*Effective July 1, 2005*) (a) A state agency or institution  
1459 or quasi-public agency that is seeking a contractor for a large state  
1460 construction or procurement contract shall provide the summary of  
1461 state ethics laws developed by the State Ethics Commission pursuant  
1462 to section 1-81b of the general statutes to any person seeking a large  
1463 state construction or procurement contract. Such person shall  
1464 promptly affirm to the agency or institution, in writing, (1) receipt of  
1465 such summary, and (2) that key employees of such person have read  
1466 and understand the summary and agree to comply with the provisions  
1467 of state ethics law. No state agency or institution or quasi-public  
1468 agency shall accept a bid for a large state construction or procurement  
1469 contract without such affirmation.

1470 (b) Each large state construction or procurement contractor shall  
1471 provide the summary of state ethics laws described in subsection (a) of  
1472 this section to all subcontractors and consultants and obtain an  
1473 affirmation from each subcontractor and consultant that such  
1474 subcontractor and consultant has received such summary and key  
1475 employees of such subcontractor and consultant have read and  
1476 understand the summary and agree to comply with its provisions. The

1477 contractor shall provide such affirmations to the state agency. Failure  
1478 to submit such affirmations in a timely manner shall be cause for  
1479 termination of the large state construction or procurement contract.

1480 (c) Each contract with a contractor, subcontractor or consultant  
1481 described in subsection (a) or (b) of this section shall incorporate such  
1482 summary by reference as a part of the contract terms.

1483 Sec. 46. Subsection (e) of section 1-79 of the general statutes is  
1484 repealed and the following is substituted in lieu thereof (*Effective July*  
1485 *1, 2005*):

1486 (e) "Gift" means anything of value, which is directly and personally  
1487 received, unless consideration of equal or greater value is given in  
1488 return. "Gift" shall not include:

1489 (1) A political contribution otherwise reported as required by law or  
1490 a donation or payment as described in subdivision (9) or (10) of  
1491 subsection (b) of section 9-333b;

1492 (2) Services provided by persons volunteering their time, if  
1493 provided to aid or promote the success or defeat of any political party,  
1494 any candidate or candidates for public office or the position of  
1495 convention delegate or town committee member or any referendum  
1496 question;

1497 (3) A commercially reasonable loan made on terms not more  
1498 favorable than loans made in the ordinary course of business;

1499 (4) A gift received from (A) an individual's spouse, fiance or fiancée,  
1500 (B) the parent, brother or sister of such spouse or such individual, or  
1501 (C) the child of such individual or the spouse of such child;

1502 (5) Goods or services (A) which are provided to the state (i) for use  
1503 on state property, or (ii) to support an event or the participation by a  
1504 public official or state employee at an event, and (B) which facilitate  
1505 state action or functions. As used in this subdivision, "state property"  
1506 means (i) property owned by the state, or (ii) property leased to an

1507 agency in the Executive or Judicial Department of the state;

1508 (6) A certificate, plaque or other ceremonial award costing less than  
1509 one hundred dollars;

1510 (7) A rebate, discount or promotional item available to the general  
1511 public;

1512 (8) Printed or recorded informational material germane to state  
1513 action or functions;

1514 (9) Food or beverage or both, costing less than fifty dollars in the  
1515 aggregate per recipient in a calendar year, and consumed on an  
1516 occasion or occasions at which the person paying, directly or  
1517 indirectly, for the food or beverage, or his representative, is in  
1518 attendance;

1519 (10) Food or beverage or both, costing less than fifty dollars per  
1520 person and consumed at a publicly noticed legislative reception to  
1521 which all members of the General Assembly are invited and which is  
1522 hosted not more than once in any calendar year by a lobbyist or  
1523 business organization. For the purposes of such limit, (A) a reception  
1524 hosted by a lobbyist who is an individual shall be deemed to have also  
1525 been hosted by the business organization which he owns or is  
1526 employed by, and (B) a reception hosted by a business organization  
1527 shall be deemed to have also been hosted by all owners and employees  
1528 of the business organization who are lobbyists. In making the  
1529 calculation for the purposes of such fifty-dollar limit, the donor shall  
1530 divide the amount spent on food and beverage by the number of  
1531 persons whom the donor reasonably expects to attend the reception;

1532 (11) Food or beverage or both, costing less than fifty dollars per  
1533 person and consumed at a publicly noticed reception to which all  
1534 members of the General Assembly from a region of the state are  
1535 invited and which is hosted not more than once in any calendar year  
1536 by a lobbyist or business organization. For the purposes of such limit,  
1537 (A) a reception hosted by a lobbyist who is an individual shall be

1538 deemed to have also been hosted by the business organization which  
1539 he owns or is employed by, and (B) a reception hosted by a business  
1540 organization shall be deemed to have also been hosted by all owners  
1541 and employees of the business organization who are lobbyists. In  
1542 making the calculation for the purposes of such fifty-dollar limit, the  
1543 donor shall divide the amount spent on food and beverage by the  
1544 number of persons whom the donor reasonably expects to attend the  
1545 reception. As used in this subdivision, "region of the state" means the  
1546 established geographic service area of the organization hosting the  
1547 reception;

1548 (12) A gift, including but not limited to, food or beverage or both,  
1549 provided by an individual for the celebration of a major life event;

1550 (13) Gifts costing less than one hundred dollars in the aggregate or  
1551 food or beverage provided at a hospitality suite at a meeting or  
1552 conference of an interstate legislative association, by a person who is  
1553 not a registrant or is not doing business with the state of Connecticut;

1554 (14) Admission to a charitable or civic event, including food and  
1555 beverage provided at such event, but excluding lodging or travel  
1556 expenses, at which a public official or state employee participates in  
1557 his official capacity, provided such admission is provided by the  
1558 primary sponsoring entity;

1559 (15) Anything of value provided by an employer of (A) a public  
1560 official, (B) a state employee, or (C) a spouse of a public official or state  
1561 employee, to such official, employee or spouse, provided such benefits  
1562 are customarily and ordinarily provided to others in similar  
1563 circumstances; or

1564 (16) Anything having a value of not more than ten dollars, provided  
1565 the aggregate value of all things provided by a donor to a recipient  
1566 under this subdivision in any calendar year shall not exceed fifty  
1567 dollars.

1568 Sec. 47. Section 1-82 of the general statutes is repealed and the

1569 following is substituted in lieu thereof (*Effective July 1, 2005*):

1570 (a) (1) Upon the complaint of any person on a form prescribed by  
1571 the commission, signed under penalty of false statement, or upon its  
1572 own complaint, the commission shall investigate any alleged violation  
1573 of this part or section 41 of this act. Not later than five days after the  
1574 receipt or issuance of such complaint, the commission shall provide  
1575 notice of such receipt or issuance and a copy of the complaint by  
1576 registered or certified mail to any respondent against whom such  
1577 complaint is filed and shall provide notice of the receipt of such  
1578 complaint to the complainant. When the commission undertakes an  
1579 evaluation of a possible violation of this part or section 41 of this act  
1580 prior to the filing of a complaint by the commission, the subject of the  
1581 evaluation shall be notified within five business days after a  
1582 commission staff member's first contact with a third party concerning  
1583 the matter.

1584 (2) In the conduct of its investigation of an alleged violation of this  
1585 part or section 41 of this act, the commission shall have the power to  
1586 hold hearings, administer oaths, examine witnesses, receive oral and  
1587 documentary evidence, subpoena witnesses under procedural rules  
1588 adopted by the commission as regulations in accordance with the  
1589 provisions of chapter 54 to compel attendance before the commission  
1590 and to require the production for examination by the commission of  
1591 any books and papers which the commission deems relevant in any  
1592 matter under investigation or in question. In the exercise of such  
1593 powers, the commission may use the services of the state police, who  
1594 shall provide the same upon the commission's request. The  
1595 commission shall make a record of all proceedings conducted pursuant  
1596 to this subsection. Any witness summoned before the commission  
1597 shall receive the witness fee paid to witnesses in the courts of this state.  
1598 During the investigation the respondent shall have the right to appear  
1599 and be heard and to offer any information which may tend to clear  
1600 him of probable cause to believe he has violated any provision of this  
1601 part or section 41 of this act. The respondent shall also have the right to  
1602 be represented by legal counsel and to examine and cross-examine

1603 witnesses. Not later than ten days prior to the commencement of any  
1604 hearing conducted pursuant to this subsection, the commission shall  
1605 provide the respondent with a list of its intended witnesses. The  
1606 commission shall make no finding that there is probable cause to  
1607 believe the respondent is in violation of any provision of this part or  
1608 section 41 of this act except upon the concurring vote of five of its  
1609 members.

1610 (b) If a preliminary investigation indicates that probable cause exists  
1611 for the violation of a provision of this part or section 41 of this act, the  
1612 commission shall initiate hearings to determine whether there has been  
1613 a violation of this part or section 41 of this act. A judge trial referee,  
1614 who shall be assigned by the Chief Court Administrator and who shall  
1615 be compensated in accordance with section 52-434 out of funds  
1616 available to the commission, shall preside over such hearing and shall  
1617 rule on all matters concerning the application of the rules of evidence,  
1618 which shall be the same as in judicial proceedings. The trial referee  
1619 shall have no vote in any decision of the commission. All hearings of  
1620 the commission held pursuant to this subsection shall be open. At such  
1621 hearing the commission shall have the same powers as under  
1622 subsection (a) of this section and the respondent shall have the right to  
1623 be represented by legal counsel, the right to compel attendance of  
1624 witnesses and the production of books, documents, records and papers  
1625 and to examine and cross-examine witnesses. Not later than ten days  
1626 prior to the commencement of any hearing conducted pursuant to this  
1627 subsection, the commission shall provide the respondent with a list of  
1628 its intended witnesses. The judge trial referee shall, while engaged in  
1629 the discharge of his duties as provided in this subsection, have the  
1630 same authority as is provided in section 51-35 over witnesses who  
1631 refuse to obey a subpoena or to testify with respect to any matter upon  
1632 which such witness may be lawfully interrogated, and may commit  
1633 any such witness for contempt for a period no longer than thirty days.  
1634 The commission shall make a record of all proceedings pursuant to  
1635 this subsection. The commission shall find no person in violation of  
1636 any provision of this part or section 41 of this act except upon the

1637 concurring vote of [seven] six of its members. Not later than fifteen  
1638 days after the public hearing conducted in accordance with this  
1639 subsection, the commission shall publish its finding and a  
1640 memorandum of the reasons therefor. Such finding and memorandum  
1641 shall be deemed to be the final decision of the commission on the  
1642 matter for the purposes of chapter 54. The respondent, if aggrieved by  
1643 the finding and memorandum, may appeal therefrom to the Superior  
1644 Court in accordance with the provisions of section 4-183.

1645 (c) If the commission finds, after a hearing pursuant to this section,  
1646 that there is no probable cause to believe that a public official or state  
1647 employee has violated a provision of this part or section 41 of this act  
1648 or that a public official or state employee has not violated any such  
1649 provision, or if a court of competent jurisdiction overturns a finding by  
1650 the commission of a violation by such a respondent, the state shall pay  
1651 the reasonable legal expenses of the respondent as determined by the  
1652 Attorney General or by the court if appropriate. If any complaint  
1653 brought under the provisions of this part or section 41 of this act is  
1654 made with the knowledge that it is made without foundation in fact,  
1655 the respondent shall have a cause of action against the complainant for  
1656 double the amount of damage caused thereby and if the respondent  
1657 prevails in such action, he may be awarded by the court the costs of  
1658 such action together with reasonable attorneys' fees.

1659 (d) No complaint may be made under this section except within five  
1660 years next after the violation alleged in the complaint has been  
1661 committed.

1662 (e) No person shall take or threaten to take official action against an  
1663 individual for such individual's disclosure of information to the  
1664 commission under the provisions of this part or section 41 of this act.  
1665 After receipt of information from an individual under the provisions of  
1666 this part or section 41 of this act, the commission shall not disclose the  
1667 identity of such individual without his consent unless the commission  
1668 determines that such disclosure is unavoidable during the course of an  
1669 investigation. No person shall be subject to civil liability for any good

1670 faith disclosure that such person makes to the commission.

1671 Sec. 48. Subsection (a) of section 1-82a of the general statutes is  
1672 repealed and the following is substituted in lieu thereof (*Effective July*  
1673 *1, 2005*):

1674 (a) Unless the commission makes a finding of probable cause, a  
1675 complaint alleging a violation of this part or section 41 of this act shall  
1676 be confidential except upon the request of the respondent. A  
1677 commission evaluation of a possible violation of this part or section 41  
1678 of this act prior to the filing of a complaint by the commission shall be  
1679 confidential except upon the request of the subject of the evaluation. If  
1680 the evaluation is confidential, any information supplied to or received  
1681 from the commission shall not be disclosed to any third party by a  
1682 subject of the evaluation, a person contacted for the purpose of  
1683 obtaining information or by a commission or staff member. No  
1684 provision of this subsection shall prevent the Ethics Commission from  
1685 reporting the possible commission of a crime to the Chief State's  
1686 Attorney or other prosecutorial authority.

1687 Sec. 49. Section 1-84 of the general statutes is repealed and the  
1688 following is substituted in lieu thereof (*Effective July 1, 2005*):

1689 (a) No public official or state employee shall, while serving as such,  
1690 have any financial interest in, or engage in, any business, employment,  
1691 transaction or professional activity, which is in substantial conflict with  
1692 the proper discharge of his duties or employment in the public interest  
1693 and of his responsibilities as prescribed in the laws of this state, as  
1694 defined in section 1-85.

1695 (b) No public official or state employee shall accept other  
1696 employment which will either impair his independence of judgment as  
1697 to his official duties or employment or require him, or induce him, to  
1698 disclose confidential information acquired by him in the course of and  
1699 by reason of his official duties.

1700 (c) No public official or state employee shall wilfully and knowingly

1701 disclose, for financial gain, to any other person, confidential  
1702 information acquired by him in the course of and by reason of his  
1703 official duties or employment and no public official or state employee  
1704 shall use his public office or position or any confidential information  
1705 received through his holding such public office or position to obtain  
1706 financial gain for himself, his spouse, child, child's spouse, parent,  
1707 brother or sister or a business with which he is associated.

1708 (d) No public official or state employee or employee of such public  
1709 official or state employee shall agree to accept, or be a member or  
1710 employee of a partnership, association, professional corporation or  
1711 sole proprietorship which partnership, association, professional  
1712 corporation or sole proprietorship agrees to accept any employment,  
1713 fee or other thing of value, or portion thereof, for appearing, agreeing  
1714 to appear, or taking any other action on behalf of another person  
1715 before the Department of Banking, the Claims Commissioner, the  
1716 Office of Health Care Access, the Insurance Department, the office  
1717 within the Department of Consumer Protection that carries out the  
1718 duties and responsibilities of sections 30-2 to 30-68m, inclusive, the  
1719 Department of Motor Vehicles, the State Insurance and Risk  
1720 Management Board, the Department of Environmental Protection, the  
1721 Department of Public Utility Control, the Connecticut Siting Council,  
1722 the Division of Special Revenue within the Department of Revenue  
1723 Services, the Gaming Policy Board within the Department of Revenue  
1724 Services or the Connecticut Real Estate Commission; provided this  
1725 shall not prohibit any such person from making inquiry for  
1726 information on behalf of another before any of said commissions or  
1727 commissioners if no fee or reward is given or promised in consequence  
1728 thereof. For the purpose of this subsection, partnerships, associations,  
1729 professional corporations or sole proprietorships refer only to such  
1730 partnerships, associations, professional corporations or sole  
1731 proprietorships which have been formed to carry on the business or  
1732 profession directly relating to the employment, appearing, agreeing to  
1733 appear or taking of action provided for in this subsection. Nothing in  
1734 this subsection shall prohibit any employment, appearing, agreeing to

1735 appear or taking action before any municipal board, commission or  
1736 council. Nothing in this subsection shall be construed as applying (1)  
1737 to the actions of any teaching or research professional employee of a  
1738 public institution of higher education if such actions are not in  
1739 violation of any other provision of this chapter, (2) to the actions of any  
1740 other professional employee of a public institution of higher education  
1741 if such actions are not compensated and are not in violation of any  
1742 other provision of this chapter, (3) to any member of a board or  
1743 commission who receives no compensation other than per diem  
1744 payments or reimbursement for actual or necessary expenses, or both,  
1745 incurred in the performance of the member's duties, or (4) to any  
1746 member or director of a quasi-public agency. Notwithstanding the  
1747 provisions of this subsection to the contrary, a legislator, an officer of  
1748 the General Assembly or part-time legislative employee may be or  
1749 become a member or employee of a firm, partnership, association or  
1750 professional corporation which represents clients for compensation  
1751 before agencies listed in this subsection, provided the legislator, officer  
1752 of the General Assembly or part-time legislative employee shall take  
1753 no part in any matter involving the agency listed in this subsection and  
1754 shall not receive compensation from any such matter. Receipt of a  
1755 previously established salary, not based on the current or anticipated  
1756 business of the firm, partnership, association or professional  
1757 corporation involving the agencies listed in this subsection, shall be  
1758 permitted.

1759 (e) No legislative commissioner or his partners, employees or  
1760 associates shall represent any person subject to the provisions of part II  
1761 concerning the promotion of or opposition to legislation before the  
1762 General Assembly, or accept any employment which includes an  
1763 agreement or understanding to influence, or which is inconsistent  
1764 with, the performance of his official duties.

1765 (f) No person shall offer or give to a public official or state employee  
1766 or candidate for public office or his spouse, his parent, brother, sister  
1767 or child or spouse of such child or a business with which he is  
1768 associated, anything of value, including but not limited to, a gift, loan,

1769 political contribution, reward or promise of future employment based  
1770 on any understanding that the vote, official action or judgment of the  
1771 public official, state employee or candidate for public office would be  
1772 or had been influenced thereby.

1773 (g) No public official or state employee or candidate for public office  
1774 shall solicit or accept anything of value, including but not limited to, a  
1775 gift, loan, political contribution, reward or promise of future  
1776 employment based on any understanding that the vote, official action  
1777 or judgment of the public official or state employee or candidate for  
1778 public office would be or had been influenced thereby.

1779 (h) Nothing in subsection (f) or (g) of this section shall be construed  
1780 (1) to apply to any promise made in violation of subdivision (6) of  
1781 section 9-333x<sub>2</sub> or (2) to permit any activity otherwise prohibited in  
1782 section 53a-147 or 53a-148.

1783 (i) No public official or state employee or member of the official or  
1784 employee's immediate family or a business with which he is associated  
1785 shall enter into any contract with the state, valued at one hundred  
1786 dollars or more, other than a contract of employment as a state  
1787 employee or pursuant to a court appointment, unless the contract has  
1788 been awarded through an open and public process, including prior  
1789 public offer and subsequent public disclosure of all proposals  
1790 considered and the contract awarded. In no event shall an executive  
1791 head of an agency, as defined in section 4-166, including a  
1792 commissioner of a department, or an executive head of a quasi-public  
1793 agency, as defined in section 1-79, or the executive head's immediate  
1794 family or a business with which he is associated enter into any contract  
1795 with that agency or quasi-public agency. Nothing in this subsection  
1796 shall be construed as applying to any public official who is appointed  
1797 as a member of the executive branch or as a member or director of a  
1798 quasi-public agency and who receives no compensation other than per  
1799 diem payments or reimbursement for actual or necessary expenses, or  
1800 both, incurred in the performance of the public official's duties unless  
1801 such public official has authority or control over the subject matter of

1802 the contract. Any contract made in violation of this subsection shall be  
1803 voidable by a court of competent jurisdiction if the suit is commenced  
1804 within one hundred eighty days of the making of the contract.

1805 (j) No public official, state employee or candidate for public office,  
1806 or a member of any such person's staff or immediate family shall  
1807 knowingly accept any gift, as defined in subsection (e) of section 1-79,  
1808 as amended by this act, from a person known to be a registrant or  
1809 anyone known to be acting on behalf of a registrant.

1810 (k) No public official or state employee shall accept a fee or  
1811 honorarium for an article, appearance or speech, or for participation at  
1812 an event, in the public official's or state employee's official capacity,  
1813 provided a public official or state employee may receive payment or  
1814 reimbursement for necessary expenses for any such activity in his  
1815 official capacity. If a public official or state employee receives such a  
1816 payment or reimbursement for lodging or out-of-state travel or both,  
1817 the official or employee shall, within thirty days, file a report of the  
1818 payment or reimbursement with the commission, unless the payment  
1819 or reimbursement is provided by the federal government or another  
1820 state government. If a public official or state employee does not file  
1821 such report within such period, either intentionally or due to gross  
1822 negligence on the public official's or state employee's part, the public  
1823 official or state employee shall return the payment or reimbursement.  
1824 If any failure to file such report is not intentional or due to gross  
1825 negligence on the part of the public official or state employee, the  
1826 public official or state employee shall not be subject to any penalty  
1827 under this chapter. When a public official or state employee attends an  
1828 event in this state in the public official's or state employee's official  
1829 capacity and as a principal speaker at such event and receives  
1830 admission to or food or beverage at such event from the sponsor of the  
1831 event, such admission or food or beverage shall not be considered a  
1832 gift and no report shall be required from such official or employee or  
1833 from the sponsor of the event.

1834 (l) No public official or state employee, or any person acting on

1835 behalf of a public official or state employee, shall wilfully and  
1836 knowingly interfere with, influence, direct or solicit existing or new  
1837 lobbying contracts, agreements or business relationships for or on  
1838 behalf of any person.

1839 (m) No public official or state employee shall knowingly accept,  
1840 directly or indirectly, any gift, as defined in subsection (e) of section 1-  
1841 79, as amended by this act, from any person the official or employee  
1842 knows or has reason to know: (1) Is doing business with or seeking to  
1843 do business with the department or agency in which the official or  
1844 employee is employed; (2) is engaged in activities which are directly  
1845 regulated by such department or agency; or (3) is prequalified under  
1846 section 4a-100. No person shall knowingly give, directly or indirectly,  
1847 any gift or gifts in violation of this provision. [For the purposes of this  
1848 subsection, the exclusion to the term "gift" in subdivision (12) of  
1849 subsection (e) of section 1-79 for a gift for the celebration of a major life  
1850 event shall not apply.] Any person prohibited from making a gift  
1851 under this subsection shall report to the State Ethics Commission any  
1852 solicitation of a gift from such person by a state employee or public  
1853 official.

1854 (n) (1) As used in this subsection, (A) "investment services" means  
1855 investment legal services, investment banking services, investment  
1856 advisory services, underwriting services, financial advisory services or  
1857 brokerage firm services, and (B) "principal of an investment services  
1858 firm" means (i) an individual who is a director of or has an ownership  
1859 interest in an investment services firm, except for an individual who  
1860 owns less than five per cent of the shares of an investment services  
1861 firm which is a publicly traded corporation, (ii) an individual who is  
1862 employed by an investment services firm as president, treasurer, or  
1863 executive or senior vice president, (iii) an employee of such an  
1864 investment services firm who has managerial or discretionary  
1865 responsibilities with respect to any investment services, (iv) the spouse  
1866 or dependent child of an individual described in this subparagraph, or  
1867 (v) a political committee established by or on behalf of an individual  
1868 described in this subparagraph.

1869 (2) The State Treasurer shall not pay any compensation, expenses or  
1870 fees or issue any contract to any firm which provides investment  
1871 services when (A) a political committee, as defined in section 9-333a,  
1872 established by such firm, or (B) a principal of the investment services  
1873 firm has made a contribution, as defined in section 9-333b, to, or  
1874 solicited contributions on behalf of, any exploratory committee or  
1875 candidate committee, as defined in section 9-333a, established by the  
1876 State Treasurer as a candidate for nomination or election to the office  
1877 of State Treasurer. The State Treasurer shall not pay any compensation,  
1878 expenses or fees or issue any contract to such firms or principals  
1879 during the term of office as State Treasurer, including, for an  
1880 incumbent State Treasurer seeking reelection, any remainder of the  
1881 current term of office.

1882 (o) [Any] If (1) any person [who (1)] (A) is doing business with or  
1883 seeking to do business with the department or agency in which a  
1884 public official or state employee is employed, or (B) is engaged in  
1885 activities which are directly regulated by such department or agency,  
1886 and (2) such person or a representative of said person gives to such  
1887 public official or state employee anything of value which is subject to  
1888 the reporting requirements pursuant to subsection (e) of section 1-96,  
1889 such person or representative shall, not later than ten days thereafter,  
1890 give such recipient and the executive head of the recipient's  
1891 department or agency a written report stating the name of the donor, a  
1892 description of the item or items given, the value of such items and the  
1893 cumulative value of all items given to such recipient during that  
1894 calendar year. The provisions of this subsection shall not apply to a  
1895 political contribution otherwise reported as required by law.

1896 (p) (1) No public official or state employee or member of the  
1897 immediate family of a public official or state employee shall knowingly  
1898 accept, directly or indirectly, any gift costing one hundred dollars or  
1899 more from a public official or state employee who is under the  
1900 supervision of such public official or state employee.

1901 (2) No public official or state employee or member of the immediate

1902 family of a public official or state employee shall knowingly accept,  
1903 directly or indirectly, any gift costing one hundred dollars or more  
1904 from a public official or state employee who is a supervisor of such  
1905 public official or state employee.

1906 (3) No public official or state employee shall knowingly give,  
1907 directly or indirectly, any gift in violation of subdivision (1) or (2) of  
1908 this subsection.

1909 (q) No public official or state employee shall knowingly accept,  
1910 directly or indirectly, any goods or services provided to the state under  
1911 subdivision (5) of subsection (e) of section 1-79, as amended by this act,  
1912 by a person prohibited from making gifts to public officials and state  
1913 employees under this section or section 1-97.

1914 (r) No public official or state employee shall counsel, authorize or  
1915 otherwise sanction action that violates any provision of this part.

1916 Sec. 50. Section 1-88 of the general statutes is repealed and the  
1917 following is substituted in lieu thereof (*Effective July 1, 2005*):

1918 (a) The commission, upon a finding made pursuant to section 1-82,  
1919 as amended by this act, that there has been a violation of any provision  
1920 of this part or section 41 of this act, shall have the authority to order  
1921 the violator to do any or all of the following: (1) Cease and desist the  
1922 violation of this part or section 41 of this act; (2) file any report,  
1923 statement or other information as required by this part or section 41 of  
1924 this act; and (3) pay a civil penalty of not more than ten thousand  
1925 dollars for each violation of this part or section 41 of this act.

1926 (b) Notwithstanding the provisions of subsection (a) of this section,  
1927 the commission may, after a hearing conducted in accordance with  
1928 sections 4-176e to 4-184, inclusive, upon the concurring vote of [seven]  
1929 six of its members, impose a civil penalty not to exceed ten dollars per  
1930 day upon any individual who fails to file any report, statement or  
1931 other information as required by this part or section 41 of this act. Each  
1932 distinct violation of this subsection shall be a separate offense and in

1933 case of a continued violation, each day thereof shall be deemed a  
1934 separate offense. In no event shall the aggregate penalty imposed for  
1935 such failure to file exceed ten thousand dollars.

1936 (c) The commission may also report its finding to the Chief State's  
1937 Attorney for any action deemed necessary. The commission, upon a  
1938 finding made pursuant to section 1-82, as amended by this act, that a  
1939 member or member-elect of the General Assembly has violated any  
1940 provision of this part or section 41 of this act, shall notify the  
1941 appropriate house of the General Assembly, in writing, of its finding  
1942 and the basis for such finding.

1943 (d) Any person who knowingly acts in his financial interest in  
1944 violation of section 1-84, 1-85, 1-86 or 1-86d or any person who  
1945 knowingly receives a financial advantage resulting from a violation of  
1946 any of said sections shall be liable for damages in the amount of such  
1947 advantage. If the commission determines that any person may be so  
1948 liable, it shall immediately inform the Attorney General of that  
1949 possibility.

1950 (e) Any employee or member of the commission who, in violation of  
1951 this part or section 41 of this act, discloses information filed in  
1952 accordance with subparagraph (B) or subparagraph (F) of subdivision  
1953 (1) of subsection (b) of section 1-83, shall be dismissed, if an employee,  
1954 or removed from the commission, if a member.

1955 Sec. 51. Section 1-89 of the general statutes is repealed and the  
1956 following is substituted in lieu thereof (*Effective July 1, 2005*):

1957 (a) Any person who intentionally violates any provision of this part  
1958 or section 41 of this act shall (1) for a first violation, be guilty of a class  
1959 A misdemeanor, except that, if such person derives a financial benefit  
1960 of one thousand dollars or more as a result of such violation, such  
1961 person shall be guilty of a class D felony, and (2) for a second or  
1962 subsequent violation, be guilty of a class D felony, provided no person  
1963 may be found guilty of a violation of subsection (f) or (g) of section 1-  
1964 84, as amended by this act, and bribery or bribe receiving under

1965 section 53a-147 or 53a-148 upon the same incident, but such person  
1966 may be charged and prosecuted for all or any of such offenses upon  
1967 the same information.

1968 (b) The penalties prescribed in this part or section 41 of this act shall  
1969 not limit the power of either house of the legislature to discipline its  
1970 own members or impeach a public official, and shall not limit the  
1971 power of agencies or commissions to discipline their officials or  
1972 employees.

1973 (c) [The] Notwithstanding the provisions of subsection (d) of section  
1974 1-82, as amended by this act, the Attorney General may bring a civil  
1975 action against any person who [may be liable for damages under the  
1976 provisions of subsection (d) of section 1-88] knowingly acts in the  
1977 person's financial interest in, or knowingly receives a financial  
1978 advantage resulting from, a violation of section 1-84, as amended by  
1979 this act, 1-85 or 1-86 or section 41 of this act. In any such action, the  
1980 Attorney General may, in the discretion of the court, recover any  
1981 financial benefit that accrued to the person as a result of such violation  
1982 and additional damages in an amount not exceeding twice the amount  
1983 of the actual damages.

1984 (d) Any fines, penalties or damages paid, collected or recovered  
1985 under section 1-88 or this section for a violation of any provision of this  
1986 part or section 41 of this act applying to the office of the Treasurer shall  
1987 be deposited on a pro rata basis in any trust funds, as defined in  
1988 section 3-13c, affected by such violation.

1989 Sec. 52. Subsection (g) of section 1-91 of the general statutes is  
1990 repealed and the following is substituted in lieu thereof (*Effective July*  
1991 *1, 2005*):

1992 (g) "Gift" means anything of value, which is directly and personally  
1993 received, unless consideration of equal or greater value is given in  
1994 return. "Gift" shall not include:

1995 (1) A political contribution otherwise reported as required by law or

1996 a donation or payment described in subdivision (9) or (10) of  
1997 subsection (b) of section 9-333b;

1998 (2) Services provided by persons volunteering their time, if  
1999 provided to aid or promote the success or defeat of any political party,  
2000 any candidate or candidates for public office or the position of  
2001 convention delegate or town committee member or any referendum  
2002 question;

2003 (3) A commercially reasonable loan made on terms not more  
2004 favorable than loans made in the ordinary course of business;

2005 (4) A gift received from (A) the individual's spouse, fiance or  
2006 fiancee, (B) the parent, brother or sister of such spouse or such  
2007 individual, or (C) the child of such individual or the spouse of such  
2008 child;

2009 (5) Goods or services (A) which are provided to the state (i) for use  
2010 on state property, or (ii) to support an event or the participation by a  
2011 public official or state employee at an event, and (B) which facilitate  
2012 state action or functions. As used in this subdivision, "state property"  
2013 means (i) property owned by the state, or (ii) property leased to an  
2014 agency in the Executive or Judicial Department of the state;

2015 (6) A certificate, plaque or other ceremonial award costing less than  
2016 one hundred dollars;

2017 (7) A rebate, discount or promotional item available to the general  
2018 public;

2019 (8) Printed or recorded informational material germane to state  
2020 action or functions;

2021 (9) Food or beverage or both, costing less than fifty dollars in the  
2022 aggregate per recipient in a calendar year, and consumed on an  
2023 occasion or occasions at which the person paying, directly or  
2024 indirectly, for the food or beverage, or his representative, is in  
2025 attendance;

2026 (10) Food or beverage or both, costing less than fifty dollars per  
2027 person and consumed at a publicly noticed legislative reception to  
2028 which all members of the General Assembly are invited and which is  
2029 hosted not more than once in any calendar year by a lobbyist or  
2030 business organization. For the purposes of such limit, (A) a reception  
2031 hosted by a lobbyist who is an individual shall be deemed to have also  
2032 been hosted by the business organization which he owns or is  
2033 employed by, and (B) a reception hosted by a business organization  
2034 shall be deemed to have also been hosted by all owners and employees  
2035 of the business organization who are lobbyists. In making the  
2036 calculation for the purposes of such fifty-dollar limit, the donor shall  
2037 divide the amount spent on food and beverage by the number of  
2038 persons whom the donor reasonably expects to attend the reception;

2039 (11) Food or beverage or both, costing less than fifty dollars per  
2040 person and consumed at a publicly noticed reception to which all  
2041 members of the General Assembly from a region of the state are  
2042 invited and which is hosted not more than once in any calendar year  
2043 by a lobbyist or business organization. For the purposes of such limit,  
2044 (A) a reception hosted by a lobbyist who is an individual shall be  
2045 deemed to have also been hosted by the business organization which  
2046 he owns or is employed by, and (B) a reception hosted by a business  
2047 organization shall be deemed to have also been hosted by all owners  
2048 and employees of the business organization who are lobbyists. In  
2049 making the calculation for the purposes of such fifty-dollar limit, the  
2050 donor shall divide the amount spent on food and beverage by the  
2051 number of persons whom the donor reasonably expects to attend the  
2052 reception. As used in this subdivision, "region of the state" means the  
2053 established geographic service area of the organization hosting the  
2054 reception;

2055 (12) A gift, including but not limited to, food or beverage or both,  
2056 provided by an individual for the celebration of a major life event;

2057 (13) Gifts costing less than one hundred dollars in the aggregate or  
2058 food or beverage provided at a hospitality suite at a meeting or

2059 conference of an interstate legislative association, by a person who is  
2060 not a registrant or is not doing business with the state of Connecticut;

2061 (14) Admission to a charitable or civic event, including food and  
2062 beverage provided at such event, but excluding lodging or travel  
2063 expenses, at which a public official or state employee participates in  
2064 his official capacity, provided such admission is provided by the  
2065 primary sponsoring entity;

2066 (15) Anything of value provided by an employer of (A) a public  
2067 official, (B) a state employee, or (C) a spouse of a public official or state  
2068 employee, to such official, employee or spouse, provided such benefits  
2069 are customarily and ordinarily provided to others in similar  
2070 circumstances; or

2071 (16) Anything having a value of not more than ten dollars, provided  
2072 the aggregate value of all things provided by a donor to a recipient  
2073 under this subdivision in any calendar year shall not exceed fifty  
2074 dollars.

2075 Sec. 53. Subdivision (1) of section 1-92 of the general statutes is  
2076 repealed and the following is substituted in lieu thereof (*Effective July*  
2077 *1, 2005*):

2078 (1) Adopt regulations in accordance with chapter 54 to carry out the  
2079 purposes of this part. Not later than January 1, 1992, the commission  
2080 shall adopt regulations which further clarify the meaning of the terms  
2081 "directly and personally received" and "major life event", as used in  
2082 subsection [(e) of section 1-79 and subsection (g) of section 1-91] (p) of  
2083 section 1-84, as amended by this act.

2084 Sec. 54. Subsection (a) of section 1-95 of the general statutes is  
2085 repealed and the following is substituted in lieu thereof (*Effective July*  
2086 *1, 2005*):

2087 (a) Each registrant shall file every two years with the commission on  
2088 a registration form signed under penalty of false statement on or

2089 before January fifteenth of odd-numbered years or prior to the  
2090 commencement of lobbying whichever is later. If the registrant is not  
2091 an individual, an authorized officer or agent of the registrant shall sign  
2092 the form. Such registration shall be on a form prescribed by the  
2093 commission and shall include:

2094 (1) If the registrant is an individual, the registrant's name,  
2095 permanent address and temporary address while lobbying and the  
2096 name, address and nature of business of any person who compensates  
2097 or reimburses, or agrees to compensate or reimburse the registrant and  
2098 the terms of the compensation, reimbursement or agreement, but shall  
2099 not include the compensation paid to an employee for his involvement  
2100 in activities other than lobbying;

2101 (2) If the registrant is a corporation, the name, address, place of  
2102 incorporation and the principal place of business of the corporation;

2103 (3) If the registrant is an association, group of persons or an  
2104 organization, the name and address of the principal officers and  
2105 directors of such association, group of persons or organization. If the  
2106 registrant is formed primarily for the purpose of lobbying, it shall  
2107 disclose the name and address of any person contributing two  
2108 thousand dollars or more to the registrant's lobbying activities in any  
2109 calendar year;

2110 (4) If the registrant is not an individual, the name and address of  
2111 each individual who will lobby on the registrant's behalf; and

2112 (5) The identification, with reasonable particularity, of areas of  
2113 legislative or administrative action on which the registrant expects to  
2114 lobby, including the names of executive agencies and quasi-public  
2115 agencies and, where applicable, solicitations for state contracts and  
2116 procurements.

2117 Sec. 55. Section 8-7a of the general statutes is repealed and the  
2118 following is substituted in lieu thereof (*Effective from passage*):

2119 The zoning commission, planning commission, planning and  
 2120 zoning commission and zoning board of appeals shall call in a  
 2121 competent stenographer to take the evidence, or shall cause the  
 2122 evidence to be recorded by a sound-recording device, in each hearing  
 2123 before such commission or board in which the right of appeal lies to  
 2124 the Superior Court and at each meeting in which such commission or  
 2125 board of appeals deliberates any formal petition, application, request  
 2126 or appeal.

2127 Sec. 56. The special law approved June 7th, 1858, found in Special  
 2128 Laws, Volume V, pages 186-187, incorporating the Ararat Widow and  
 2129 Orphan Fund, and special act 388, approved May 19th, 1917 are  
 2130 repealed. (*Effective from passage*)

2131 Sec. 57. Section 5-200d of the general statutes is repealed. (*Effective*  
 2132 *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	<i>July 1, 2005</i>	20-280(e)
Sec. 5	<i>from passage</i>	28-1a(a)
Sec. 6	<i>July 1, 2005</i>	New section
Sec. 7	<i>from passage</i>	46a-13b(b)
Sec. 8	<i>from passage</i>	46a-68
Sec. 9	<i>from passage</i>	46a-68a
Sec. 10	<i>January 1, 2006</i>	4a-60g(a)(1)
Sec. 11	<i>July 1, 2005</i>	4a-60g(f)
Sec. 12	<i>July 1, 2005</i>	4a-60g(k)
Sec. 13	<i>from passage</i>	4a-5a
Sec. 14	<i>from passage</i>	4a-51
Sec. 15	<i>from passage</i>	4b-91(a)
Sec. 16	<i>from passage</i>	4b-91(g)
Sec. 17	<i>from passage</i>	4b-58
Sec. 18	<i>from passage</i>	12-94a
Sec. 19	<i>from passage</i>	32-9s

Sec. 20	<i>from passage</i>	12-170aa(g)
Sec. 21	<i>from passage</i>	12-170aa(j)
Sec. 22	<i>from passage</i>	12-129d
Sec. 23	<i>from passage</i>	12-20b
Sec. 24	<i>from passage</i>	3-55i
Sec. 25	<i>from passage</i>	12-19c
Sec. 26	<i>from passage</i>	20-281d(d)
Sec. 27	<i>from passage</i>	20-280(g)
Sec. 28	<i>from passage</i>	4a-59a
Sec. 29	<i>from passage</i>	New section
Sec. 30	<i>from passage</i>	1-231
Sec. 31	<i>from passage</i>	1-212(a)
Sec. 32	<i>from passage</i>	1-225(c)
Sec. 33	<i>from passage</i>	1-210(a) and (b)
Sec. 34	<i>from passage</i>	New section
Sec. 35	<i>from passage</i>	3-14b
Sec. 36	<i>from passage</i>	4b-57
Sec. 37	<i>from passage</i>	29-252a(b)
Sec. 38	<i>from passage</i>	1-88(e)
Sec. 39	<i>from passage</i>	1-81
Sec. 40	<i>July 1, 2005</i>	New section
Sec. 41	<i>July 1, 2005</i>	New section
Sec. 42	<i>July 1, 2005</i>	New section
Sec. 43	<i>July 1, 2005</i>	New section
Sec. 44	<i>July 1, 2005</i>	New section
Sec. 45	<i>July 1, 2005</i>	New section
Sec. 46	<i>July 1, 2005</i>	1-79(e)
Sec. 47	<i>July 1, 2005</i>	1-82
Sec. 48	<i>July 1, 2005</i>	1-82a(a)
Sec. 49	<i>July 1, 2005</i>	1-84
Sec. 50	<i>July 1, 2005</i>	1-88
Sec. 51	<i>July 1, 2005</i>	1-89
Sec. 52	<i>July 1, 2005</i>	1-91(g)
Sec. 53	<i>July 1, 2005</i>	1-92(1)
Sec. 54	<i>July 1, 2005</i>	1-95(a)
Sec. 55	<i>from passage</i>	8-7a
Sec. 56	<i>from passage</i>	New section
Sec. 57	<i>from passage</i>	Repealer section

**Statement of Legislative Commissioners:**

In section 29, the word "twelve" was deleted for purposes of accuracy.

**GAE**      *Joint Favorable Subst.-LCO*