



House of Representatives

General Assembly

File No. 391

February Session, 2008

Substitute House Bill No. 5507

House of Representatives, April 3, 2008

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ETHICS.

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

1 Section 1. Subsection (e) of section 1-79 of the 2008 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2008*):

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

7 (1) A political contribution otherwise reported as required by law or
8 a donation or payment as described in subdivision (9) or (10) of
9 subsection (b) of section 9-601a;

10 (2) Services provided by persons volunteering their time, if
11 provided to aid or promote the success or defeat of any political party,
12 any candidate or candidates for public office or the position of

13 convention delegate or town committee member or any referendum
14 question;

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

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

20 (5) Goods or services (A) which are provided to a state agency or
21 quasi-public agency (i) for use on state or quasi-public agency
22 property, or (ii) that support an event, and (B) which facilitate state or
23 quasi-public agency action or functions. As used in this subdivision,
24 "state property" means (i) property owned by the state or a quasi-
25 public agency, or (ii) property leased to a state agency or quasi-public
26 agency;

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

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

31 (8) Printed or recorded informational material germane to state
32 action or functions;

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

38 (10) Food or beverage or both, costing less than fifty dollars per
39 person and consumed at a publicly noticed legislative reception to
40 which all members of the General Assembly are invited and which is
41 hosted not more than once in any calendar year by a lobbyist or
42 business organization. For the purposes of such limit, (A) a reception

43 hosted by a lobbyist who is an individual shall be deemed to have also
44 been hosted by the business organization which he owns or is
45 employed by, and (B) a reception hosted by a business organization
46 shall be deemed to have also been hosted by all owners and employees
47 of the business organization who are lobbyists. In making the
48 calculation for the purposes of such fifty-dollar limit, the donor shall
49 divide the amount spent on food and beverage by the number of
50 persons whom the donor reasonably expects to attend the reception;

51 (11) Food or beverage or both, costing less than fifty dollars per
52 person and consumed at a publicly noticed reception to which all
53 members of the General Assembly from a region of the state are
54 invited and which is hosted not more than once in any calendar year
55 by a lobbyist or business organization. For the purposes of such limit,
56 (A) a reception hosted by a lobbyist who is an individual shall be
57 deemed to have also been hosted by the business organization which
58 he owns or is employed by, and (B) a reception hosted by a business
59 organization shall be deemed to have also been hosted by all owners
60 and employees of the business organization who are lobbyists. In
61 making the calculation for the purposes of such fifty-dollar limit, the
62 donor shall divide the amount spent on food and beverage by the
63 number of persons whom the donor reasonably expects to attend the
64 reception. As used in this subdivision, "region of the state" means the
65 established geographic service area of the organization hosting the
66 reception;

67 (12) A gift that does not exceed one thousand dollars in value,
68 including, but not limited to, food or beverage or both, provided by an
69 individual for the celebration of a major life event;

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

74 [(14) Admission to a charitable or civic event, including food and
75 beverage provided at such event, but excluding lodging or travel

76 expenses, at which a public official or state employee participates in
77 his official capacity, provided such admission is provided by the
78 primary sponsoring entity;]

79 [(15)] (14) Anything of value provided by an employer of (A) a
80 public official, (B) a state employee, or (C) a spouse of a public official
81 or state employee, to such official, employee or spouse, provided such
82 benefits are customarily and ordinarily provided to others in similar
83 circumstances;

84 [(16)] (15) Anything having a value of not more than ten dollars,
85 provided the aggregate value of all things provided by a donor to a
86 recipient under this subdivision in any calendar year shall not exceed
87 fifty dollars; or

88 [(17)] (16) Training that is provided by a vendor for a product
89 purchased by a state or quasi-public agency which is offered to all
90 customers of such vendor.

91 Sec. 2. Subsection (k) of section 1-79 of the 2008 supplement to the
92 general statutes is repealed and the following is substituted in lieu
93 thereof (*Effective July 1, 2008*):

94 (k) "Public official" means any state-wide elected officer, any
95 member or member-elect of the General Assembly, any person
96 appointed to any office of the legislative, judicial or executive branch
97 of state government by the Governor or an appointee of the Governor,
98 with or without the advice and consent of the General Assembly, any
99 public member or representative of the teachers' unions or state
100 employees' unions appointed to the Investment Advisory Council
101 pursuant to subsection (a) of section 3-13b, any person appointed or
102 elected by the General Assembly or by any member of either house
103 thereof, the spouse of the Governor and any member or director of a
104 quasi-public agency, but shall not include a member of an advisory
105 board, a judge of any court either elected or appointed or a senator or
106 representative in Congress.

107 Sec. 3. Subsections (a) and (b) of section 1-82 of the general statutes
108 are repealed and the following is substituted in lieu thereof (*Effective*
109 *from passage*):

110 (a) (1) Upon the complaint of any person on a form prescribed by
111 the board, signed under penalty of false statement, or upon its own
112 complaint, the ethics enforcement officer of the Office of State Ethics
113 shall investigate any alleged violation of this part or section 1-101nn of
114 the 2008 supplement to the general statutes. Not later than five days
115 after the receipt or issuance of such complaint, the board shall provide
116 notice of such receipt or issuance and a copy of the complaint by
117 registered or certified mail to any respondent against whom such
118 complaint is filed and shall provide notice of the receipt of such
119 complaint to the complainant. When the ethics enforcement officer of
120 the Office of State Ethics undertakes an evaluation of a possible
121 violation of this part or section 1-101nn of the 2008 supplement to the
122 general statutes prior to the filing of a complaint, the subject of the
123 evaluation shall be notified not later than five business days after an
124 Office of State Ethics staff member's first contact with a third party
125 concerning the matter.

126 (2) In the conduct of its investigation of an alleged violation of this
127 part or section 1-101nn of the 2008 supplement to the general statutes,
128 the Office of State Ethics shall have the power to hold hearings,
129 administer oaths, examine witnesses [,] and receive oral and
130 documentary evidence. [,] The Office of State Ethics may subpoena
131 witnesses under procedural rules adopted by the Citizen's Ethics
132 Advisory Board as regulations in accordance with the provisions of
133 chapter 54 to compel attendance before the Office of State Ethics and to
134 require the production for examination by the ethics enforcement
135 officer of the Office of State Ethics of any books and papers which the
136 Office of State Ethics deems relevant in any matter under investigation
137 or in question, provided any such subpoena is issued either pursuant
138 to a majority vote of the Citizen's Ethics Advisory Board or pursuant to
139 the signature of the chairperson of such board. The vice-chairperson of
140 such board may sign any such subpoena if the chairperson of such

141 board is unavailable. In the exercise of such powers, the Office of State
142 Ethics may use the services of the state police, who shall provide the
143 same upon the office's request. The Office of State Ethics shall make a
144 record of all proceedings conducted pursuant to this subsection. The
145 ethics enforcement officer of the Office of State Ethics may bring any
146 alleged violation of this part before a judge trial referee assigned by the
147 Chief Court Administrator for such purpose for a probable cause
148 hearing. Such judge trial referee shall be compensated in accordance
149 with the provisions of section 52-434 from such funds as may be
150 available to the Office of State Ethics. Any witness summoned before
151 the Office of State Ethics or a judge trial referee pursuant to this
152 subsection shall receive the witness fee paid to witnesses in the courts
153 of this state. During any investigation conducted pursuant to this
154 subsection or any probable cause hearing conducted pursuant to this
155 subsection, the respondent shall have the right to appear and be heard
156 and to offer any information which may tend to clear the respondent
157 of probable cause to believe the respondent has violated any provision
158 of this part or section 1-101nn of the 2008 supplement to the general
159 statutes. The respondent shall also have the right to be represented by
160 legal counsel and to examine and cross-examine witnesses. Not later
161 than ten days prior to the commencement of any hearing conducted
162 pursuant to this subsection, the Office of State Ethics shall provide the
163 respondent with a list of its intended witnesses. Any finding of
164 probable cause to believe the respondent is in violation of any
165 provisions of this part shall be made by a judge trial referee not later
166 than thirty days after the ethics enforcement officer brings such alleged
167 violation before such judge trial referee, except that such thirty-day
168 limitation period shall not apply if the judge trial referee determines
169 that good cause exists for extending such limitation period.

170 (b) If a judge trial referee determines that probable cause exists for
171 the violation of a provision of this part or section 1-101nn of the 2008
172 supplement to the general statutes, the board shall initiate hearings to
173 determine whether there has been a violation of this part or section 1-
174 101nn of the 2008 supplement to the general statutes. Any such
175 hearing shall be initiated by the board not later than thirty days after

176 the finding of probable cause by a judge trial referee and shall be
177 concluded not later than ninety days after its initiation, except that
178 such thirty or ninety-day limitation period shall not apply if the judge
179 trial referee determines that good cause exists for extending such
180 limitation period. A judge trial referee, who has not taken part in the
181 probable cause determination on the matter shall be assigned by the
182 Chief Court Administrator and shall be compensated in accordance
183 with section 52-434 out of funds available to the Office of State Ethics
184 and shall preside over such hearing and rule on all issues concerning
185 the application of the rules of evidence, which shall be the same as in
186 judicial proceedings. The trial referee shall have no vote in any
187 decision of the board. All hearings of the board held pursuant to this
188 subsection shall be open. At such hearing the board shall have the
189 same powers as the Office of State Ethics under subsection (a) of this
190 section and the respondent shall have the right to be represented by
191 legal counsel, the right to compel attendance of witnesses and the
192 production of books, documents, records and papers and to examine
193 and cross-examine witnesses. Not later than ten days prior to the
194 commencement of any hearing conducted pursuant to this subsection,
195 the Office of State Ethics shall provide the respondent with a list of its
196 intended witnesses. The judge trial referee shall, while engaged in the
197 discharge of the duties as provided in this subsection, have the same
198 authority as is provided in section 51-35 over witnesses who refuse to
199 obey a subpoena or to testify with respect to any matter upon which
200 such witness may be lawfully interrogated, and may commit any such
201 witness for contempt for a period no longer than thirty days. The
202 Office of State Ethics shall make a record of all proceedings pursuant
203 to this subsection. During the course of any such hearing, no ex-parte
204 communication shall occur between the board, or any of its members,
205 and: (1) The judge trial referee, or (2) any staff member of the Office of
206 State Ethics, concerning the complaint or the respondent. The board
207 shall find no person in violation of any provision of this part or section
208 1-101nn of the 2008 supplement to the general statutes except upon the
209 concurring vote of six of its members present and voting. No member
210 of the board shall vote on the question of whether a violation of any

211 provision of this part or section 1-101nn of the 2008 supplement to the
212 general statutes has occurred unless such member was physically
213 present for the duration of any hearing held pursuant to this
214 subsection. Not later than fifteen days after the public hearing
215 conducted in accordance with this subsection, the board shall publish
216 its finding and a memorandum of the reasons therefor. Such finding
217 and memorandum shall be deemed to be the final decision of the
218 board on the matter for the purposes of chapter 54. The respondent, if
219 aggrieved by the finding and memorandum, may appeal therefrom to
220 the Superior Court in accordance with the provisions of section 4-183.

221 Sec. 4. Subsection (f) of section 1-84b of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective July*
223 *1, 2008*):

224 (f) No former public official or state employee (1) who participated
225 substantially in the negotiation or award of (A) a state contract valued
226 at an amount of fifty thousand dollars or more, or (B) a written
227 agreement for the approval of a payroll deduction slot described in
228 section 3-123g, or (2) who supervised the negotiation or award of such
229 a contract or agreement, shall accept employment with a party to the
230 contract or agreement other than the state for a period of one year after
231 his resignation from his state office or position if his resignation occurs
232 less than one year after the contract or agreement is signed. No party
233 to such a contract or agreement other than the state shall employ a
234 former public official or state employee in violation of this subsection.

235 Sec. 5. Subsection (g) of section 1-91 of the 2008 supplement to the
236 general statutes is repealed and the following is substituted in lieu
237 thereof (*Effective July 1, 2008*):

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

241 (1) A political contribution otherwise reported as required by law or
242 a donation or payment described in subdivision (9) or (10) of

243 subsection (b) of section 9-601a;

244 (2) Services provided by persons volunteering their time, if
245 provided to aid or promote the success or defeat of any political party,
246 any candidate or candidates for public office or the position of
247 convention delegate or town committee member or any referendum
248 question;

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

251 (4) A gift received from (A) the individual's spouse, fiance or
252 fiancée, (B) the parent, brother or sister of such spouse or such
253 individual, or (C) the child of such individual or the spouse of such
254 child;

255 (5) Goods or services (A) which are provided to a state agency or
256 quasi-public agency (i) for use on state or quasi-public agency
257 property, or (ii) that support an event, and (B) which facilitate state or
258 quasi-public agency action or functions. As used in this subdivision,
259 "state property" means (i) property owned by the state or a quasi-
260 public agency, or (ii) property leased to a state or quasi-public agency;

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

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

265 (8) Printed or recorded informational material germane to state
266 action or functions;

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

272 (10) Food or beverage or both, costing less than fifty dollars per
273 person and consumed at a publicly noticed legislative reception to
274 which all members of the General Assembly are invited and which is
275 hosted not more than once in any calendar year by a lobbyist or
276 business organization. For the purposes of such limit, (A) a reception
277 hosted by a lobbyist who is an individual shall be deemed to have also
278 been hosted by the business organization which he owns or is
279 employed by, and (B) a reception hosted by a business organization
280 shall be deemed to have also been hosted by all owners and employees
281 of the business organization who are lobbyists. In making the
282 calculation for the purposes of such fifty-dollar limit, the donor shall
283 divide the amount spent on food and beverage by the number of
284 persons whom the donor reasonably expects to attend the reception;

285 (11) Food or beverage or both, costing less than fifty dollars per
286 person and consumed at a publicly noticed reception to which all
287 members of the General Assembly from a region of the state are
288 invited and which is hosted not more than once in any calendar year
289 by a lobbyist or business organization. For the purposes of such limit,
290 (A) a reception hosted by a lobbyist who is an individual shall be
291 deemed to have also been hosted by the business organization which
292 he owns or is employed by, and (B) a reception hosted by a business
293 organization shall be deemed to have also been hosted by all owners
294 and employees of the business organization who are lobbyists. In
295 making the calculation for the purposes of such fifty-dollar limit, the
296 donor shall divide the amount spent on food and beverage by the
297 number of persons whom the donor reasonably expects to attend the
298 reception. As used in this subdivision, "region of the state" means the
299 established geographic service area of the organization hosting the
300 reception;

301 (12) A gift that does not exceed one thousand dollars in value,
302 including, but not limited to, food or beverage or both, provided by an
303 individual for the celebration of a major life event;

304 (13) Gifts costing less than one hundred dollars in the aggregate or

305 food or beverage provided at a hospitality suite at a meeting or
306 conference of an interstate legislative association, by a person who is
307 not a registrant or is not doing business with the state of Connecticut;

308 [(14) Admission to a charitable or civic event, including food and
309 beverage provided at such event, but excluding lodging or travel
310 expenses, at which a public official or state employee participates in
311 his official capacity, provided such admission is provided by the
312 primary sponsoring entity;]

313 [(15)] ~~(14)~~ Anything of value provided by an employer of (A) a
314 public official, (B) a state employee, or (C) a spouse of a public official
315 or state employee, to such official, employee or spouse, provided such
316 benefits are customarily and ordinarily provided to others in similar
317 circumstances;

318 [(16)] ~~(15)~~ Anything having a value of not more than ten dollars,
319 provided the aggregate value of all things provided by a donor to a
320 recipient under this subdivision in any calendar year shall not exceed
321 fifty dollars; or

322 [(17)] ~~(16)~~ Training that is provided by a vendor for a product
323 purchased by a state or quasi-public agency which is offered to all
324 customers of such vendor.

325 Sec. 6. Subsections (a) and (b) of section 1-93 of the general statutes
326 are repealed and the following is substituted in lieu thereof (*Effective*
327 *from passage*):

328 (a) (1) Upon the complaint of any person on a form prescribed by
329 the Office of State Ethics, signed under penalty of false statement, or
330 upon its own complaint, the ethics enforcement officer of the Office of
331 State Ethics shall investigate any alleged violation of this part. Not
332 later than five days after the receipt or issuance of such complaint, the
333 Office of State Ethics shall provide notice of such receipt or issuance
334 and a copy of the complaint by registered or certified mail to any
335 respondent against whom such complaint is filed and shall provide

336 notice of the receipt of such complaint to the complainant. When the
337 Office of State Ethics undertakes an evaluation of a possible violation
338 of this part prior to the filing of a complaint, the subject of the
339 evaluation shall be notified not later than five business days after a
340 staff member of the Office of State Ethics undertakes the first contact
341 with a third party concerning the matter.

342 (2) In the conduct of its investigation of an alleged violation of this
343 part, the Office of State Ethics shall have the power to hold hearings,
344 administer oaths, examine witnesses [,] and receive oral and
345 documentary evidence. [,] The Office of State Ethics may subpoena
346 witnesses under procedural rules adopted by the Citizen's Ethics
347 Advisory Board as regulations in accordance with the provisions of
348 chapter 54 to compel attendance before the Office of State Ethics and to
349 require the production for examination by the ethics enforcement
350 officer of the Office of State Ethics of any books and papers which the
351 ethics enforcement officer of the Office of State Ethics deems relevant
352 in any matter under investigation or in question, provided any such
353 subpoena is issued either pursuant to a majority vote of the Citizen's
354 Ethics Advisory Board or pursuant to the signature of the chairperson
355 of such board. The vice-chairperson of such board may sign any such
356 subpoena if the chairperson of such board is unavailable. In the
357 exercise of such powers, the Office of State Ethics may use the services
358 of the state police, who shall provide the same upon the office's
359 request. The Office of State Ethics shall make a record of all
360 proceedings conducted pursuant to this subsection. Any witness
361 summoned before the Office of State Ethics or a judge trial referee
362 pursuant to this subsection shall receive the witness fee paid to
363 witnesses in the courts of this state. The ethics enforcement officer of
364 the Office of State Ethics may bring any alleged violation of this part
365 before a judge trial referee assigned by the Chief Court Administrator
366 for such purpose for a probable cause hearing. Such judge trial referee
367 shall be compensated in accordance with the provisions of section 52-
368 434 from such funds as may be available to the Office of State Ethics.
369 The respondent shall have the right to appear at any hearing held
370 pursuant to this subsection and be heard and to offer any information

371 which may tend to clear the respondent of probable cause to believe
372 the respondent has violated any provision of this part. The respondent
373 shall also have the right to be represented by legal counsel and to
374 examine and cross-examine witnesses. Not later than ten days prior to
375 the commencement of any hearing conducted pursuant to this
376 subsection, the Office of State Ethics shall provide the respondent with
377 a list of its intended witnesses. Any finding of probable cause to
378 believe the respondent is in violation of any provision of this part shall
379 be made by a judge trial referee not later than thirty days after the
380 ethics enforcement officer brings such alleged violation before such
381 judge trial referee, except that such thirty-day limitation period shall
382 not apply if the judge trial referee determines that good cause exists for
383 extending such limitation period.

384 (b) If a judge trial referee indicates that probable cause exists for the
385 violation of a provision of this part, the board shall initiate hearings to
386 determine whether there has been a violation of this part. Any such
387 hearing shall be initiated by the board not later than thirty days after
388 the finding of probable cause by a judge trial referee and shall be
389 concluded not later than ninety days after its initiation, except that
390 such thirty-day or ninety-day limitation period shall not apply if the
391 judge trial referee determines that good cause exists for extending such
392 limitation period. A judge trial referee, who has not taken part in the
393 probable cause determination on the matter shall be assigned by the
394 Chief Court Administrator and shall be compensated in accordance
395 with section 52-434 out of funds available to the board and shall
396 preside over such hearing and rule on all issues concerning the
397 application of the rules of evidence, which shall be the same as in
398 judicial proceedings. The trial referee shall have no vote in any
399 decision of the board. All hearings of the board held pursuant to this
400 subsection shall be open. At such hearing the board shall have the
401 same powers as the Office of State Ethics under subsection (a) of this
402 section and the respondent shall have the right to be represented by
403 legal counsel, the right to compel attendance of witnesses and the
404 production of books, documents, records and papers and to examine
405 and cross-examine witnesses. Not later than ten days prior to the

406 commencement of any hearing conducted pursuant to this subsection,
407 the Office of State Ethics shall provide the respondent with a list of its
408 intended witnesses. The judge trial referee shall, while engaged in the
409 discharge of the duties as provided in this subsection, have the same
410 authority as is provided in section 51-35 over witnesses who refuse to
411 obey a subpoena or to testify with respect to any matter upon which
412 such witness may be lawfully interrogated, and may commit any such
413 witness for contempt for a period no longer than thirty days. The
414 Office of State Ethics shall make a record of all proceedings pursuant
415 to this subsection. During the course of any such hearing, no ex-parte
416 communication shall occur between the board, or any of its members,
417 and: (1) The judge trial referee, or (2) any staff member of the Office of
418 State Ethics, concerning the complaint or the respondent. The board
419 shall find no person in violation of any provision of this part except
420 upon the concurring vote of [two-thirds] six of its members present
421 and voting. No member of the board shall vote on the question of
422 whether a violation of any provision of this part has occurred unless
423 such member was physically present for the duration of any hearing
424 held pursuant to this subsection. Not later than fifteen days after the
425 public hearing conducted in accordance with this subsection, the board
426 shall publish its finding and a memorandum of the reasons therefor.
427 Such finding and memorandum shall be deemed to be the final
428 decision of the board on the matter for the purposes of chapter 54. The
429 respondent, if aggrieved by the finding and memorandum, may
430 appeal therefrom to the Superior Court in accordance with the
431 provisions of section 4-183.

432 Sec. 7. Section 7-10 of the general statutes is repealed and the
433 following is substituted in lieu thereof (*Effective July 1, 2008*):

434 Selectmen, before entering upon the duties of their office, shall be
435 sworn, and the authority administering the oath shall file a certificate
436 thereof with the [town clerk] Secretary of the State, who shall record
437 the same.

438 Sec. 8 Section 7-17 of the general statutes is repealed and the

439 following is substituted in lieu thereof (*Effective July 1, 2008*):

440 Town clerks, before entering upon the duties of their office, shall be
441 sworn, and the authority administering the oath shall file a certificate
442 thereof with the [town clerk] Secretary of the State, who shall record
443 the same. The moderator of any town election at which a town clerk
444 has been elected may administer to such town clerk the oath required
445 by law.

446 Sec. 9. Section 7-39 of the general statutes is repealed and the
447 following is substituted in lieu thereof (*Effective July 1, 2008*):

448 The moderator of any town election at which a registrar of vital
449 statistics elected under special law has been elected may administer to
450 such registrar the oath required by law. A certificate of such oath shall
451 be filed with the Secretary of the State.

452 Sec. 10. Section 7-88 of the general statutes is repealed and the
453 following is substituted in lieu thereof (*Effective July 1, 2008*):

454 Each person elected to the office of constable in any town shall,
455 before the commencement of his term of office, or within thirty days
456 thereafter, take the oath of office before some proper officer, who shall
457 certify in writing to that fact and deliver the certificate to the person by
458 whom the oath was taken; and such person shall, without delay, lodge
459 such certificate for record [in the office of the town clerk of the town in
460 which he was elected constable, and such clerk shall record the same]
461 with the Secretary of the State. If any person elected to the office of
462 constable does not comply with the requirements of this section, his
463 office shall be vacant and shall be filled in the manner provided in
464 section 9-220.

465 Sec. 11. Section 7-105 of the general statutes is repealed and the
466 following is substituted in lieu thereof (*Effective July 1, 2008*):

467 Each person elected or appointed an assessor or a member of the
468 board of assessment appeals or a collector of town taxes in any town
469 shall be sworn before entering upon the duties of the office to which he

470 has been elected or appointed. A certification of such oath shall be filed
471 with the Secretary of the State.

472 Sec. 12. Section 9-193 of the general statutes is repealed and the
473 following is substituted in lieu thereof (*Effective July 1, 2008*):

474 Each registrar of voters, deputy registrar and assistant, before
475 entering upon the duties of his office, shall be sworn. A certification of
476 such oath shall be filed with the Secretary of the State.

477 Sec. 13. Section 9-231 of the general statutes is repealed and the
478 following is substituted in lieu thereof (*Effective July 1, 2008*):

479 All election officials shall be sworn to the faithful performance of
480 their duties, and the several moderators and registrars may administer
481 such oaths. A certification of such oath shall be filed with the Secretary
482 of the State.

483 Sec. 14. Section 10-218a of the general statutes is repealed and the
484 following is substituted in lieu thereof (*Effective July 1, 2008*):

485 Members of boards of education shall, before entering upon their
486 official duties, take the oath of office provided in section 1-25. A
487 certification of such oath shall be filed with the Secretary of the State.

488 Sec. 15. Section 53a-146 of the general statutes is repealed and the
489 following is substituted in lieu thereof (*Effective from passage*):

490 For purposes of this part:

491 (1) An "official proceeding" is any proceeding held or which may be
492 held before any legislative, judicial, administrative or other agency or
493 official authorized to take evidence under oath, including any referee,
494 hearing examiner, commissioner or notary or other person taking
495 evidence in connection with any proceeding.

496 (2) "Benefit" means monetary advantage, or anything regarded by
497 the beneficiary as a monetary advantage, including benefit to any
498 person or entity in whose welfare the beneficiary is interested.

499 (3) "Public servant" is an officer or employee of government or a
500 quasi-public agency, as defined in section 1-120, elected or appointed,
501 and any person participating as advisor, consultant or otherwise, paid
502 or unpaid, in performing a governmental function.

503 (4) "Government" includes any branch, subdivision or agency of the
504 state or any locality within it.

505 (5) "Labor official" means any duly appointed or elected
506 representative of a labor organization or any duly appointed or elected
507 trustee or representative of an employee welfare trust fund.

508 (6) "Witness" is any person summoned, or who may be summoned,
509 to give testimony in an official proceeding.

510 (7) "Juror" is any person who has been drawn or summoned to serve
511 or act as a juror in any court.

512 (8) "Physical evidence" means any article, object, document, record
513 or other thing of physical substance which is or is about to be
514 produced or used as evidence in an official proceeding.

515 (9) "Person selected to be a public servant" means any person who
516 has been nominated or appointed to be a public servant.

517 Sec. 16. (NEW) (*Effective July 1, 2008*) No member of the General
518 Assembly shall, during the term for which the member is elected, serve
519 as an employee or member of the board of directors of a quasi-public
520 agency, as defined in section 1-120 of the general statutes. The
521 provisions of this section shall not apply to any person who is a
522 member of the General Assembly and an employee or a member of the
523 board of directors of a quasi-public agency on the effective date of this
524 section.

525 Sec. 17. (NEW) (*Effective July 1, 2008*) Notwithstanding any
526 provision of the general statutes, no member of the General Assembly
527 shall introduce legislation which shall provide any benefit to such
528 member's employer.

529 Sec. 18. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding any
530 provision of the general statutes, no person employed in the
531 unclassified service, as defined in section 5-196 of the general statutes,
532 while on duty or within any period of time during which such
533 employee is expected to perform services for which such employee
534 receives compensation from the state shall participate actively in
535 political management and campaigns, including, but not limited to,
536 engaging in any of the following activities: (1) Making speeches, (2)
537 writing on behalf of a candidate, (3) distributing campaign literature,
538 (4) soliciting campaign contributions on behalf of a candidate, (5)
539 soliciting votes in support of or in opposition to a candidate, or (6)
540 making contributions of time and money to political parties.

541 (b) No employee described in subsection (a) of this section shall
542 utilize state funds, supplies, vehicles or facilities to secure support for
543 or oppose any candidate, party or issue in a political partisan election.

544 Sec. 19. (NEW) (*Effective July 1, 2008*) Not later than October 1, 2008,
545 the Governor shall establish a committee that shall have the authority
546 to recommend disciplinary action against any commissioner or deputy
547 commissioner of a state agency who is found by the Office of State
548 Ethics to have violated any provision of the state code of ethics for
549 public officials or who is found by a court of competent jurisdiction to
550 have engaged in criminal conduct. Such committee shall be bi-partisan
551 in nature.

552 Sec. 20. (NEW) (*Effective from passage*) (a) A public servant, as
553 defined in section 53a-146 of the general statutes, as amended by this
554 act, is guilty of failure to report bribery when the public servant: (1)
555 Witnesses what the public servant knows or reasonably should know
556 is the promise, offer, conferring or agreement to confer upon a public
557 servant any benefit as consideration for such public servant's decision,
558 opinion, recommendation or vote; and (2) does not, as soon as
559 reasonably practicable, report such crime to a law enforcement agency.

560 (b) Failure to report bribery is a class A misdemeanor.

561 Sec. 21. (NEW) (*Effective from passage*) The Office of State Ethics shall
562 administer biennial mandatory training on the state code of ethics for
563 public officials, as set forth in chapter 10 of the general statutes, to each
564 member of the General Assembly.

565 Sec. 22. (NEW) (*Effective July 1, 2008*) As used in sections 22 to 24,
566 inclusive, of this act:

567 (1) "Public official" means public official, as defined in section 1-79
568 of the 2008 supplement to the general statutes, as amended by this act,
569 a judge of any court either elected or appointed, and any elected or
570 appointed municipal official. "Public official" includes public officials,
571 as defined in section 1-79 of the 2008 supplement to the general
572 statutes, as amended by this act, who are removed from office by
573 impeachment or expulsion;

574 (2) "State or municipal employee" means state employee, as defined
575 in section 5-154 of the general statutes, and includes an employee of
576 any quasi-public agency, as defined in section 1-120 of the general
577 statutes, or any person, whether appointed or under contract, who
578 provides services for a city, town or other political subdivision of the
579 state for which a pension is provided; and

580 (3) "Crime related to state or municipal office" means any of the
581 following criminal offenses committed by a person while serving as a
582 public official or state or municipal employee:

583 (A) The committing, aiding or abetting of an embezzlement of
584 public funds from the state, a municipality or a quasi-public agency;

585 (B) The committing, aiding or abetting of any felonious theft from
586 the state, a municipality or a quasi-public agency;

587 (C) Bribery in connection with service as a public official or state or
588 municipal employee; or

589 (D) The committing of any felony by such person who, wilfully and
590 with the intent to defraud, realizes or obtains, or attempts to realize or

591 obtain, a profit, gain or advantage for himself or herself or for some
592 other person, through the use or attempted use of the power, rights,
593 privileges or duties of his or her position as a public official or state or
594 municipal employee.

595 Sec. 23. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding any
596 provision of the general statutes, on or after January 1, 1998, if any
597 person is convicted or pleads guilty or nolo contendere to any crime
598 related to state or municipal office in state or federal court, the
599 Attorney General shall apply to the Superior Court for an order to
600 revoke or reduce the pension of any kind to which such person is
601 otherwise entitled under the general statutes for service as a public
602 official or state or municipal employee.

603 (b) In determining whether the pension shall be revoked or reduced,
604 the Superior Court shall consider and make findings on the following
605 factors:

606 (1) The severity of the crime related to state or municipal office for
607 which the person has been convicted or to which the person has pled
608 guilty or nolo contendere;

609 (2) The amount of monetary loss suffered by the state, a
610 municipality or a quasi-public agency or by any other person as a
611 result of the crime related to state or municipal office;

612 (3) The degree of public trust reposed in the person by virtue of the
613 person's position as a public official or state or municipal employee;

614 (4) If the crime related to state or municipal office was part of a
615 fraudulent scheme against the state or a municipality, the role of the
616 person in the fraudulent scheme against the state or a municipality;
617 and

618 (5) Any such other factors as, in the judgment of the Superior Court,
619 justice may require.

620 (c) If the court determines, or the Attorney General certifies, that a

621 public official or state or municipal employee, who was convicted or
622 pled guilty or nolo contendere to a crime related to state or municipal
623 office, voluntarily provided information to the Attorney General, the
624 Auditors of Public Accounts or any state, federal or local law
625 enforcement official concerning the commission of such crime related
626 to state or municipal office by another public official or state or
627 municipal employee, who had a greater degree of culpability for such
628 crime than the public official or state or municipal employee providing
629 such information, the court shall not reduce or revoke the pension of
630 such public official or state or municipal employee, provided such
631 public official or state or municipal employee voluntarily provided
632 such information prior to learning of a criminal investigation into such
633 crime related to state or municipal office.

634 (d) If the Superior Court determines that the pension of a person
635 should be reduced, it may, after taking into consideration the financial
636 needs and resources of any innocent spouse, dependents and
637 designated beneficiaries of the person, order that some or all of the
638 reduced pension be paid to any such innocent spouse, dependent or
639 beneficiary as justice may require.

640 (e) If the Superior Court determines that the pension of such person
641 should be revoked or reduced, such reduction or revocation shall occur
642 from the date of the commission of the crime related to state or
643 municipal office.

644 (f) If the Superior Court determines that the pension of such person
645 should not be revoked or reduced, it shall order that the pension or
646 other benefit or payment be made to such person.

647 Sec. 24. (NEW) (*Effective July 1, 2008*) (a) Any person whose pension
648 is revoked pursuant to section 23 of this act shall be entitled to a return
649 of his or her contribution paid into the relevant pension fund, without
650 interest.

651 (b) Notwithstanding the provisions of subsection (a) of this section,
652 no payments in return of contributions shall be made or ordered

653 unless and until the Superior Court determines that the person whose
654 pension has been revoked pursuant to section 23 of this act has
655 satisfied in full any judgments or orders rendered by any court of
656 competent jurisdiction for the payment of restitution to the state or a
657 municipality for losses incurred as a result of the crime related to state
658 or municipal office. If the Superior Court determines that the person
659 whose pension has been revoked under section 23 of this act has failed
660 to satisfy any outstanding judgment or order of restitution rendered by
661 any court of competent jurisdiction, it may order that any funds
662 otherwise due to such person as a return of contribution, or any
663 portion thereof, be paid in satisfaction of the judgment or order.

664 (c) No provision of section 23 of this act or this section shall be
665 construed to prohibit or limit any payment made pursuant to a
666 qualified domestic relations order issued prior to any such conviction
667 or plea by: (1) Any public official or state or municipal employee who
668 is convicted or pleads guilty or nolo contendere to any crime related to
669 state or municipal office; or (2) any state or municipal agency
670 responsible for the administration of such payment on behalf of such
671 public official or state or municipal employee.

672 (d) Notwithstanding the provisions of section 23 of this act, no
673 pension shall be reduced or revoked if the Internal Revenue Service
674 determines that such reduction or revocation will negatively affect or
675 invalidate the status of the state's government retirement plans or a
676 municipality's government retirement plans under Section 401(a) of
677 the Internal Revenue Code of 1986, or any subsequent corresponding
678 internal revenue code of the United States, as from time to time
679 amended.

680 Sec. 25. (NEW) (*Effective July 1, 2008*) Notwithstanding any
681 provision of the general statutes or any special act or charter, each
682 chief executive officer of a municipality shall be sworn to the faithful
683 performance of their duties and a certificate of such oath shall be filed
684 with the Secretary of the State.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	1-79(e)
Sec. 2	<i>July 1, 2008</i>	1-79(k)
Sec. 3	<i>from passage</i>	1-82(a) and (b)
Sec. 4	<i>July 1, 2008</i>	1-84b(f)
Sec. 5	<i>July 1, 2008</i>	1-91(g)
Sec. 6	<i>from passage</i>	1-93(a) and (b)
Sec. 7	<i>July 1, 2008</i>	7-10
Sec. 8	<i>July 1, 2008</i>	New section
Sec. 9	<i>July 1, 2008</i>	7-39
Sec. 10	<i>July 1, 2008</i>	7-88
Sec. 11	<i>July 1, 2008</i>	7-105
Sec. 12	<i>July 1, 2008</i>	9-193
Sec. 13	<i>July 1, 2008</i>	9-231
Sec. 14	<i>July 1, 2008</i>	10-218a
Sec. 15	<i>from passage</i>	53a-146
Sec. 16	<i>July 1, 2008</i>	New section
Sec. 17	<i>July 1, 2008</i>	New section
Sec. 18	<i>July 1, 2008</i>	New section
Sec. 19	<i>July 1, 2008</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>July 1, 2008</i>	New section
Sec. 23	<i>July 1, 2008</i>	New section
Sec. 24	<i>July 1, 2008</i>	New section
Sec. 25	<i>July 1, 2008</i>	New section

GAE *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential
Office of State Ethics	GF - Cost	Minimal	Minimal
Comptroller Misc. Accounts (Fringe Benefits)	GF, State Employees Retirement Fund - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect
Various Municipalities	See Below

Explanation

The Citizens’ Advisory Board has 9 members, of which 6 must be present to vote on the determination of a violation and impose penalties at the conclusion of a hearing. The bill requires at least 6 voting members of the board be physically present for the duration of a hearing. The members are compensated \$200 per hearing. To the extent that this provision increases the number of members at hearings, a minimal cost would be incurred.

The bill makes it a crime, punishable by a fine of up to \$2,000 and/or a prison term of up to 1 year, for any public servant to fail to report bribery. Any revenue gain from criminal fines under the bill would be minimal. To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. On average, it costs the state \$3,736 to

supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

The revocation or reduction of retirement benefits permitted under the bill may result in a savings to the state employee retirement system and the municipal employee retirement system, which are administered by the Office of the State Comptroller (OSC). The potential savings to the retirement systems is dependent upon the degree to which retirement benefits are reduced or revoked.

In instances where a state retirement benefit is revoked, there would also be a savings to the state's retiree health insurance account since eligibility for retiree health insurance is tied to eligibility for a retirement benefit. Additionally, when a person's retirement benefit is revoked, the bill specifies that they are entitled to a refund of their contributions without interest. This would reduce the retirement fund savings for those employees who contributed to their pensions. It would not impact the savings associated with Tier II members of the state employees retirement system, since that tier is noncontributory.

There could potentially be actuarial consulting costs to the OSC, which would be dependent on the volume of cases associated with the implementation of any reductions or revocations of retirement benefits.

The Out Years

The annualized ongoing cost of incarceration and probation identified above would continue into the future subject to inflation; the annualized revenue gain from criminal fines would remain relatively stable since fine amounts are set by statute.

OLR Bill Analysis**sHB 5507*****AN ACT CONCERNING ETHICS.*****SUMMARY:**

This bill:

1. generally permits state courts to revoke or reduce any retirement or other benefits due to state or municipal officials or employees who commit certain crimes related to their employment;
2. makes it a class A misdemeanor for public servants to fail to report a bribe;
3. prohibits unclassified state employees from engaging in political activities during hours they are paid by the state;
4. makes several changes to state codes of ethics such as limiting gift exceptions, prohibiting state contractors from hiring certain former public officials and state employees, restricting the Office of State Ethics' (OSE) authority to issue subpoenas, prohibiting *ex parte* communications during OSE hearings on ethics complaints, limiting Citizens Advisory Board members who can act on ethics complaints, and subjecting the governor's spouse to the code;
5. by October 1, 2008, requires the governor to establish a bipartisan committee to recommend disciplinary action against commissioners and deputy commissioners who (a) OSE determines have violated the State Ethics Code or (b) have been convicted of or pled guilty or no contest to any crime;

6. requires OSE to provide mandatory biennial training to legislators on the Code of Ethics for Public Officials but does not state when it should begin;
7. requires that municipal chief executive officers (CEOs) take an oath of office before performing their duties; and
8. makes the Office of the Secretary of the State the repository for the CEO's oaths and the oaths of office that other municipal officials are required take before beginning their duties.

The bill also prohibits legislators from (1) introducing legislation that benefits their employer or (2) working for, or serving on the board of, a quasi-public agency during their term of office. The latter prohibition does not apply to legislators employed by, or serving on the board of, a quasi-public agency on July 1, 2008.

EFFECTIVE DATE: July 1, 2008, except for the provisions on bribery, ethics training, and ethics complaint enforcement, which are effective upon passage.

§§ 11-13 — CORRUPT OFFICIALS

With two exceptions, the bill permits state courts to revoke or reduce any retirement or other benefit due to state or municipal public officials or employees, or quasi-public agency employees, members, and directors who commit certain crimes related to their employment. Under the exceptions, (1) no revocation or reduction prohibits or limits benefits that are the subject of a qualified domestic relations order (e.g., child support) and (2) no pension may be reduced or revoked if the IRS determines that the action will negatively affect or invalidate the status of the state's government retirement plans or a municipality's government retirement plans under § 401 (a) of the Internal Revenue Code of 1986, as from time to time amended.

The bill requires the court to order payment of any benefit or payment that is not revoked or reduced.

Crimes Related to Office or Employment

The bill requires the attorney general to apply to the Superior Court for an order to revoke or reduce the benefits of a public official or employee who is convicted of or pleads guilty or *nolo contendere* (no contest) in federal or state court, on and after January 1, 1998, to:

1. committing or aiding or abetting the embezzlement of public funds from the state, a municipality, or a quasi-public agency;
2. committing or aiding or abetting any felonious theft from the state, a municipality, or a quasi-public agency;
3. bribery connected to his or her role as a public official or employee; or
4. felonies committed willfully and with intent to defraud to obtain or attempt to obtain an advantage for himself or herself or others through the use or attempted use of his or her office.

The period of any revocation or reduction begins from the date the crime was committed.

“Public officials” are current, impeached, or expelled (1) statewide elected officers, (2) legislators and legislators-elect, (3) judges, (4) gubernatorial appointees, (5) municipal elected and appointed officials, (6) public members and union representatives on the Investment Advisory Council, (7) quasi-public agency members and directors, and (8) people appointed or elected by the General Assembly or either chamber. The term does not include advisory board members or members of Congress.

“State employees” includes employees of quasi-public agencies.

Sentencing Considerations

When determining whether to revoke or reduce a public official’s or employee’s benefits or payments, the bill requires the court to consider:

1. the severity of the crime;

2. the amount of money the state, municipality, quasi-public agency, or anyone else lost as a result of the crime;
3. the degree of public trust reposed in the person by virtue of his position;
4. if the crime was part of a fraudulent scheme against the state or a municipality, the defendant's role in it; and
5. any other factors the court determines that justice requires.

The court cannot revoke or reduce the pension benefits of a public official or employee who cooperated with the state as a whistleblower before learning of the criminal investigation. This prohibition applies only if the court determines or the attorney general certifies that the official or employee voluntarily provided information to the attorney general, state auditors, or a law enforcement agency against a person more blameworthy than the official or employee.

After determining to reduce pension benefits, the court must consider the needs of an innocent spouse or beneficiary and may order that all or part of the benefits be paid to the spouse or beneficiary.

Revoked Benefits

If an official's or employee's pension is revoked, the bill entitles him to the return of any contributions he made to it, without interest. But, the repayment cannot be made until the court determines that the official or employee has fully satisfied any judgment or court-ordered restitution related to crime against his office. If the court determines that he has not, it may deduct the unpaid amount from the individual's pension contributions.

§§ 8 & 9 — BRIBERY

The bill makes it a class A misdemeanor for public servants to fail to report a bribe. Public servants commit this crime when they (1) witness what they know or reasonably should know is a promise, offer, transfer, or agreement to transfer to a public servant any benefit

as consideration for his or her decision, opinion, recommendation, or vote; and (2) do not report the crime to a law enforcement agency as soon as reasonably practicable.

Under the bill, “public servant” has the same meaning as it has under existing bribery and bribe receiving crimes. The bill expands the public servants covered by these crimes to include quasi-public agency officers and employees. Elected and appointed government officers and employees and people performing a government function, including advisors and consultants, are already covered.

§ 5 — PROHIBITED ACTIVITIES BY STATE EMPLOYEES

By law, classified state employees and Judicial Department employees, who are unclassified employees, may not engage in political activities at work or during hours they are paid and expected to work. These activities specifically include:

1. making speeches;
2. writing on behalf of a candidate;
3. soliciting votes in support of or opposition to a candidate; and
4. contributing money or time to political parties, committees, or other agencies engaged in political action.

These employees are also prohibited from using state funds, supplies, vehicles, or facilities to get support for or oppose any candidate, party, or issue in a political partisan election. Violators may be dismissed or suspended without pay for 30 to 60 days. They may be sentenced to up to one year, fined up to \$2,000, or both if their actions are willful or negligent. Employees may appeal the civil or criminal penalty.

The bill extends this prohibition, but not the penalties, to unclassified state employees. Additionally, it specifically prohibits unclassified employees from distributing campaign literature or soliciting campaign contributions on state time.

STATE ETHICS CODE**Gifts**

With several exceptions, the law prohibits public officials, candidates for public office, and state employees from accepting gifts (generally anything of value over \$10) from lobbyists. It also prohibits public officials and state employees from accepting gifts from people doing, or seeking to do, business with their agency; people engaged in activities regulated by their agency; or prequalified state contractors. The law also prohibits these people from giving gifts to public officials and employees.

The bill caps at \$1,000 the gift exception for gifts provided at celebrations of major life events. Major life events include a ceremony commemorating an individual's induction into religious adulthood such as a confirmation or bar or bat mitzvah, a wedding, a funeral, and the birth or adoption of a child. It does not include any event that occurs on an annual basis such as an anniversary (State Agency Regulations § 1-92-53).

The bill eliminates the gift exception for the cost of admission to, and food and drinks consumed at, charitable or civic events that public officials or state employees attend in their official capacity.

Ethics Complaint Enforcement

By law, when an ethics complaint is filed with OSE, the office conducts probable cause investigations, including hearings. If probable cause is found, OSE's Citizens' Advisory Board initiates a hearing to determine whether there has been a violation. A judge trial referee conducts the hearing. Both OSE and its advisory board can subpoena witnesses and records during their respective proceedings.

Subpoenas. The bill restricts OSE's authority to issue subpoenas by requiring it to get (1) approval from a majority of the advisory board members or (2) the chairperson of the board to sign the subpoena. It authorizes the vice chair to sign the subpoena if the chair is unavailable.

Ex Parte Communications. During the hearing on whether a violation has occurred, the bill prohibits ex parte communications about the complaint or respondent between the board or any of its members and the judge trial referee conducting the hearing or a member of OSE's staff.

Voting on Existence of Violation. By law, the Citizens' Advisory Board, at the conclusion of the hearing, determines whether a violation occurred and, if so, imposes penalties. The bill restricts the board members who can vote on whether a violation occurred to those physically present during the entire violation hearing.

Employment Restrictions

The bill prohibits a party to a state contract or agreement from employing a former public official or state employee who substantially helped negotiate or award a contract valued at \$50,000 or more or an agreement for the approval of a payroll deduction. The prohibition applies to employees or officials who resign within one year after the contract or agreement is signed and ends one year after the resignation. The law already prohibits former officials and employees from accepting the job. The penalty for violations is a fine of up to \$10,000. First-time intentional violations are punishable by up to one year in prison, a \$2,000, or both. Subsequent intentional violations are punishable by up to five years in prison, a \$5,000 fine, or both.

Governor's Spouse

The bill makes the governor's spouse subject to the State Ethics Code for Public Officials by extending the definition of "public official" to include him or her. The bill does not similarly expand the definition under the State Code of Ethics for Lobbyists; therefore, lobbyists are not required to report expenditures that they make to benefit the governor's spouse in the financial reports they file with OSE.

Currently, "public officials" are statewide elected officers, legislators and legislators-elect, gubernatorial appointees, public

members and union representatives on the Investment Advisory Council, quasi-public agency members and directors, and people appointed or elected by the General Assembly or any house thereof. The term does not include judges, advisory board members, or members of Congress.

OATHS OF OFFICE

The bill requires that a certification of the oaths taken by the following municipal official be filed with the secretary of the state:

1. selectmen;
2. town clerks;
3. registrars of vital statistics;
4. constables;
5. assessors, members of boards of assessment, and tax collectors;
6. registrars of voters, deputy registrars, and assistant registrars;
7. election officials; and
8. members of boards of education.

With respect to town selectmen, town clerks, and constables, the bill shifts the responsibility for keeping the oaths from the town clerk to the secretary.

BACKGROUND

Related Bill

sSB 333, reported by the Government Administration and Elections Committee, permits courts to revoke or reduce pension benefits, makes failure to report a bribe a crime, and requires legislators to attend biennial ethics training.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/17/2008)