



General Assembly

February Session, 2008

**Amendment**

LCO No. 4627

\*HB0532104627HRO\*

Offered by:

REP. CAFERO, 142<sup>nd</sup> Dist.

REP. KLARIDES, 114<sup>th</sup> Dist.

REP. HAMZY, 78<sup>th</sup> Dist.

REP. HETHERINGTON, 125<sup>th</sup> Dist.

To: House Bill No. 5321

File No. 9

Cal. No. 27

**"AN ACT ESTABLISHING AN ASIAN PACIFIC AMERICAN  
AFFAIRS COMMISSION."**

1 In line 35, after "shall" insert "be public servants, as defined in  
2 section 53a-146 of the general statutes, as amended by section 505 of  
3 this act, and shall"

4 In line 39, after "commission" insert "and such meetings shall  
5 comply with the provisions of section 1-225 of the general statutes, as  
6 amended by section 508 of this act"

7 After the last section, add the following and renumber sections and  
8 internal references accordingly:

9 "Sec. 501. (NEW) (*Effective from passage*) As used in sections 501 to  
10 503, inclusive, of this act:

11 (1) "Public official" means public official, as defined in section 1-79

12 of the 2008 supplement to the general statutes, a judge of any court  
13 either elected or appointed, and any elected or appointed municipal  
14 official;

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

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

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

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

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

30 (D) The committing of any felony by such person who, wilfully and  
31 with the intent to defraud, realizes or obtains, or attempts to realize or  
32 obtain, a profit, gain or advantage for himself or herself or for some  
33 other person, through the use or attempted use of the power, rights,  
34 privileges or duties of his or her position as a public official or state or  
35 municipal employee.

36 Sec. 502. (NEW) (*Effective from passage*) (a) Notwithstanding any  
37 provision of the general statutes, on or after the effective date of this  
38 section, if any person is convicted of or pleads guilty or nolo  
39 contendere to any crime related to state or municipal office in state  
40 criminal or federal criminal court, the Attorney General shall apply to  
41 the Superior Court for an order to revoke or reduce the pension of any

42 kind to which such person is otherwise entitled under the general  
43 statutes for service as a public official or state or municipal employee.

44 (b) If any public official or state or municipal employee is convicted  
45 of or pleads guilty or nolo contendere to any crime related to state or  
46 municipal office, in either federal criminal or state criminal court, the  
47 value of any reduction or revocation ordered by the Superior Court  
48 pursuant to subsection (c) shall not exceed the amount necessary to  
49 satisfy any fine, restitution or other monetary order made by the  
50 criminal court in addition to the amount necessary to pay the cost of  
51 such public official or state or municipal employee's incarceration, as  
52 determined pursuant to section 18-85a of the general statutes unless  
53 the court determines that the severity of the crime, the amount of  
54 monetary loss suffered by the state, municipality or quasi-public  
55 agency or the nature of the fraudulent scheme against the state,  
56 municipality or quasi-public agency or any combination of such factors  
57 is such that the public interest requires that the amount of the  
58 reduction be greater than such amount or that the pension be revoked  
59 in full.

60 (c) In determining whether the pension shall be revoked or reduced,  
61 the Superior Court shall consider and make findings on the following  
62 factors:

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

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

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

71 (4) If the crime related to state or municipal office was part of a  
72 fraudulent scheme against the state or a municipality, the role of the

73 person in the fraudulent scheme against the state or a municipality;  
74 and

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

77 (d) If the court determines, or the Attorney General certifies, that a  
78 public official or state or municipal employee, who was convicted of or  
79 pled guilty or nolo contendere to a crime related to state or municipal  
80 office, voluntarily provided information to the Attorney General, the  
81 Auditors of Public Accounts or any state, federal or local law  
82 enforcement official concerning the commission of such crime related  
83 to state or municipal office by another public official or state or  
84 municipal employee who had a greater degree of culpability for such  
85 crime than the public official or state or municipal employee providing  
86 such information, the court shall not reduce or revoke the pension of  
87 such public official or state or municipal employee, provided such  
88 public official or state or municipal employee voluntarily provided  
89 such information prior to learning of a criminal investigation into such  
90 crime related to state or municipal office.

91 (e) If the Superior Court determines that the pension of a person  
92 should be reduced, it may, after taking into consideration the financial  
93 needs and resources of any innocent spouse, dependents and  
94 designated beneficiaries of the person, order that some or all of the  
95 reduced pension be paid to any such innocent spouse, dependent or  
96 beneficiary as justice may require.

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

100 (g) In all criminal proceedings in state or federal court in which the  
101 defendant is a public official or a state or municipal employee who is  
102 charged with a crime related to state or municipal office, the Attorney  
103 General shall notify the prosecutor of the existence of the pension  
104 revocation statute and the possibility that any fine, restitution or other

105 monetary order made by the court may be paid from such official's or  
106 employee's pension.

107 (h) If any provision, clause or phrase of this section or of any order  
108 or any action of the Attorney General hereunder is adjudged by any  
109 court of competent jurisdiction to be invalid, or if the applicability  
110 thereof to any person or circumstance is held invalid, such judgment  
111 shall not invalidate the remainder of this section or such order or  
112 action, and the applicability thereof to other persons and  
113 circumstances shall not be affected thereby.

114 Sec. 503. (NEW) (*Effective from passage*) (a) Any person whose  
115 pension is revoked pursuant to section 502 of this act shall be entitled  
116 to a return of his or her contribution paid into the relevant pension  
117 fund, without interest.

118 (b) Notwithstanding the provisions of subsection (a) of this section,  
119 no payments in return of contributions shall be made or ordered  
120 unless and until the Superior Court determines that the person whose  
121 pension has been revoked pursuant to section 502 of this act has  
122 satisfied in full any judgments or orders rendered by any court of  
123 competent jurisdiction for the payment of restitution to the state or a  
124 municipality for losses incurred as a result of the crime related to state  
125 or municipal office. If the Superior Court determines that the person  
126 whose pension has been revoked under section 502 of this act has  
127 failed to satisfy any outstanding judgment or order of restitution  
128 rendered by any court of competent jurisdiction, it may order that any  
129 funds otherwise due to such person as a return of contribution, or any  
130 portion thereof, be paid in satisfaction of the judgment or order.

131 (c) No provision of section 502 of this act or this section shall be  
132 construed to prohibit or limit any payment made pursuant to a  
133 qualified domestic relations order issued prior to any such conviction  
134 or plea by: (1) Any public official or state or municipal employee who  
135 is convicted of or pleads guilty or nolo contendere to any crime related  
136 to state or municipal office; or (2) any state or municipal agency

137 responsible for the administration of such payment on behalf of such  
138 public official or state or municipal employee.

139 (d) Notwithstanding the provisions of section 502 of this act, no  
140 pension shall be reduced or revoked if the Internal Revenue Service  
141 determines that such reduction or revocation will negatively affect or  
142 invalidate the status of the state's government retirement plans or a  
143 municipality's government retirement plans under Section 401(a) of  
144 the Internal Revenue Code of 1986, or any subsequent corresponding  
145 internal revenue code of the United States, as from time to time  
146 amended.

147 Sec. 504. (NEW) (*Effective October 1, 2008*) (a) A public servant, as  
148 defined in section 53a-146 of the general statutes, as amended by this  
149 act, is guilty of failure to report bribery when the public servant: (1)  
150 Knows that (A) another person has attempted to bribe such public  
151 servant, as defined in section 53a-147 of the general statutes, or (B)  
152 such public servant has witnessed either (i) a person attempting to  
153 bribe another public servant, as defined in section 53a-147 of the  
154 general statutes, or (ii) another public servant commit the crime of  
155 bribe receiving, as defined in section 53a-148 of the general statutes;  
156 and (2) does not, as soon as reasonably practicable, report such crime  
157 to a law enforcement agency.

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

159 Sec. 505. Section 53a-146 of the general statutes is repealed and the  
160 following is substituted in lieu thereof (*Effective October 1, 2008*):

161 For purposes of this part:

162 (1) An "official proceeding" is any proceeding held or which may be  
163 held before any legislative, judicial, administrative or other agency or  
164 official authorized to take evidence under oath, including any referee,  
165 hearing examiner, commissioner or notary or other person taking  
166 evidence in connection with any proceeding.

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

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

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

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

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

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

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

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

188 Sec. 506. (NEW) (*Effective from passage*) Not later than December 31,  
189 2010, the Office of State Ethics shall establish and administer a  
190 program of mandatory training on the code of ethics for public officials  
191 as set forth in chapter 10 of the general statutes. Such program shall  
192 provide such training to members of the General Assembly upon first  
193 election to the General Assembly, and for all members of the General  
194 Assembly every four years beginning in 2011, except that, in the event  
195 there is a significant revision of the code of ethics for public officials, as  
196 determined by the Joint Committee on Legislative Management, said

197 committee shall request that the Office of State Ethics conduct a  
198 training for all members of the General Assembly before the date of the  
199 next regularly scheduled training.

200 Sec. 507. Subsection (k) of section 1-79 of the 2008 supplement to the  
201 general statutes is repealed and the following is substituted in lieu  
202 thereof (*Effective July 1, 2008*):

203 (k) "Public official" means any state-wide elected officer, any  
204 member or member-elect of the General Assembly, any person  
205 appointed to any office of the legislative, judicial or executive branch  
206 of state government by the Governor or an appointee of the Governor,  
207 with or without the advice and consent of the General Assembly, any  
208 public member or representative of the teachers' unions or state  
209 employees' unions appointed to the Investment Advisory Council  
210 pursuant to subsection (a) of section 3-13b, any person appointed or  
211 elected by the General Assembly or by any member of either house  
212 thereof, [and] any member or director of a quasi-public agency and the  
213 spouse of the Governor, but shall not include a member of an advisory  
214 board, a judge of any court either elected or appointed or a senator or  
215 representative in Congress.

216 Sec. 508. Section 1-225 of the 2008 supplement to the general statutes  
217 is repealed and the following is substituted in lieu thereof (*Effective July*  
218 *1, 2008*):

219 (a) The meetings of all public agencies, except executive sessions, as  
220 defined in subdivision (6) of section 1-200, shall be open to the public.  
221 The votes of each member of any such public agency upon any issue  
222 before such public agency shall be reduced to writing and made  
223 available for public inspection within forty-eight hours and shall also  
224 be recorded in the minutes of the session at which taken. [, which]  
225 Within seven days of the session to which such minutes refer, such  
226 minutes shall be available for public inspection [within seven days of  
227 the session to which they refer] and posted on such public agency's  
228 Internet web site, if available.

229 (b) Each such public agency of the state shall file not later than  
230 January thirty-first of each year in the office of the Secretary of the  
231 State the schedule of the regular meetings of such public agency for the  
232 ensuing year and shall post such schedule on such public agency's  
233 Internet web site, if available, except that such [provision]  
234 requirements shall not apply to the General Assembly, either house  
235 thereof or to any committee thereof. Any other provision of the  
236 Freedom of Information Act notwithstanding, the General Assembly at  
237 the commencement of each regular session in the odd-numbered years,  
238 shall adopt, as part of its joint rules, rules to provide notice to the  
239 public of its regular, special, emergency or interim committee  
240 meetings. The chairperson or secretary of any such public agency of  
241 any political subdivision of the state shall file, not later than January  
242 thirty-first of each year, with the clerk of such subdivision the schedule  
243 of regular meetings of such public agency for the ensuing year, and no  
244 such meeting of any such public agency shall be held sooner than  
245 thirty days after such schedule has been filed. The chief executive  
246 officer of any multitown district or agency shall file, not later than  
247 January thirty-first of each year, with the clerk of each municipal  
248 member of such district or agency, the schedule of regular meetings of  
249 such public agency for the ensuing year, and no such meeting of any  
250 such public agency shall be held sooner than thirty days after such  
251 schedule has been filed.

252 (c) The agenda of the regular meetings of every public agency,  
253 except for the General Assembly, shall be available to the public and  
254 shall be filed, not less than twenty-four hours before the meetings to  
255 which they refer, (1) in such agency's regular office or place of  
256 business, and (2) in the office of the Secretary of the State for any such  
257 public agency of the state, in the office of the clerk of such subdivision  
258 for any public agency of a political subdivision of the state or in the  
259 office of the clerk of each municipal member of any multitown district  
260 or agency. For any such public agency of the state, such agenda shall  
261 be posted on the public agency's and the Secretary of the State's web  
262 sites. Upon the affirmative vote of two-thirds of the members of a

263 public agency present and voting, any subsequent business not  
264 included in such filed agendas may be considered and acted upon at  
265 such meetings.

266 (d) Notice of each special meeting of every public agency, except for  
267 the General Assembly, either house thereof or any committee thereof,  
268 shall be posted not less than twenty-four hours before the meeting to  
269 which such notice refers on the public agency's Internet web site, if  
270 available, and given not less than twenty-four hours prior to the time  
271 of such meeting by filing a notice of the time and place thereof in the  
272 office of the Secretary of the State for any such public agency of the  
273 state, in the office of the clerk of such subdivision for any public  
274 agency of a political subdivision of the state and in the office of the  
275 clerk of each municipal member for any multitown district or agency.  
276 The secretary or clerk shall cause any notice received under this section  
277 to be posted in his office. Such notice shall be given not less than  
278 twenty-four hours prior to the time of the special meeting; provided, in  
279 case of emergency, except for the General Assembly, either house  
280 thereof or any committee thereof, any such special meeting may be  
281 held without complying with the foregoing requirement for the filing  
282 of notice but a copy of the minutes of every such emergency special  
283 meeting adequately setting forth the nature of the emergency and the  
284 proceedings occurring at such meeting shall be filed with the Secretary  
285 of the State, the clerk of such political subdivision, or the clerk of each  
286 municipal member of such multitown district or agency, as the case  
287 may be, not later than seventy-two hours following the holding of such  
288 meeting. The notice shall specify the time and place of the special  
289 meeting and the business to be transacted. No other business shall be  
290 considered at such meetings by such public agency. In addition, such  
291 written notice shall be delivered to the usual place of abode of each  
292 member of the public agency so that the same is received prior to such  
293 special meeting. The requirement of delivery of such written notice  
294 may be dispensed with as to any member who at or prior to the time  
295 the meeting convenes files with the clerk or secretary of the public  
296 agency a written waiver of delivery of such notice. Such waiver may be

297 given by telegram. The requirement of delivery of such written notice  
298 may also be dispensed with as to any member who is actually present  
299 at the meeting at the time it convenes. Nothing in this section shall be  
300 construed to prohibit any agency from adopting more stringent notice  
301 requirements.

302 (e) No member of the public shall be required, as a condition to  
303 attendance at a meeting of any such body, to register the member's  
304 name, or furnish other information, or complete a questionnaire or  
305 otherwise fulfill any condition precedent to the member's attendance.

306 (f) A public agency may hold an executive session, as defined in  
307 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds  
308 of the members of such body present and voting, taken at a public  
309 meeting and stating the reasons for such executive session, as defined  
310 in section 1-200.

311 (g) In determining the time within which or by when a notice,  
312 agenda, record of votes or minutes of a special meeting or an  
313 emergency special meeting are required to be filed under this section,  
314 Saturdays, Sundays, legal holidays and any day on which the office of  
315 the agency, the Secretary of the State or the clerk of the applicable  
316 political subdivision or the clerk of each municipal member of any  
317 multitown district or agency, as the case may be, is closed, shall be  
318 excluded.

319 Sec. 509. Section 9-622 of the general statutes is repealed and the  
320 following is substituted in lieu thereof (*Effective July 1, 2008*):

321 The following persons shall be guilty of illegal practices and shall be  
322 punished in accordance with the provisions of section 9-623:

323 (1) Any person who, directly or indirectly, individually or by  
324 another person, gives or offers or promises to any person any money,  
325 gift, advantage, preferment, entertainment, aid, emolument or other  
326 valuable thing for the purpose of inducing or procuring any person to  
327 sign a nominating, primary or referendum petition or to vote or refrain

328 from voting for or against any person or for or against any measure at  
329 any election, caucus, convention, primary or referendum;

330 (2) Any person who, directly or indirectly, receives, accepts,  
331 requests or solicits from any person, committee, association,  
332 organization or corporation, any money, gift, advantage, preferment,  
333 aid, emolument or other valuable thing for the purpose of inducing or  
334 procuring any person to sign a nominating, primary or referendum  
335 petition or to vote or refrain from voting for or against any person or  
336 for or against any measure at any such election, caucus, primary or  
337 referendum;

338 (3) Any person who, in consideration of any money, gift, advantage,  
339 preferment, aid, emolument or other valuable thing paid, received,  
340 accepted or promised to the person's advantage or any other person's  
341 advantage, votes or refrains from voting for or against any person or  
342 for or against any measure at any such election, caucus, primary or  
343 referendum;

344 (4) Any person who solicits from any candidate any money, gift,  
345 contribution, emolument or other valuable thing for the purpose of  
346 using the same for the support, assistance, benefit or expenses of any  
347 club, company or organization, or for the purpose of defraying the cost  
348 or expenses of any political campaign, primary, referendum or  
349 election;

350 (5) Any person who, directly or indirectly, pays, gives, contributes  
351 or promises any money or other valuable thing to defray or towards  
352 defraying the cost or expenses of any campaign, primary, referendum  
353 or election to any person, committee, company, club, organization or  
354 association, other than to a campaign treasurer, except that this  
355 subdivision shall not apply to any expenses for postage, telegrams,  
356 telephoning, stationery, express charges, traveling, meals, lodging or  
357 photocopying incurred by any candidate for office or for nomination to  
358 office, so far as may be permitted under the provisions of this chapter;

359 (6) Any person who, in order to secure or promote the person's own

360 nomination or election as a candidate, or that of any other person,  
361 directly or indirectly, promises to appoint, or promises to secure or  
362 assist in securing the appointment, nomination or election of any other  
363 person to any public position, or to any position of honor, trust or  
364 emolument; but any person may publicly announce the person's own  
365 choice or purpose in relation to any appointment, nomination or  
366 election in which the person may be called to take part, if the person is  
367 nominated for or elected to such office;

368 (7) Any person who, directly or indirectly, individually or through  
369 another person, makes a payment or promise of payment to a  
370 campaign treasurer in a name other than the person's own, and any  
371 campaign treasurer who knowingly receives a payment or promise of  
372 payment, or enters or causes the same to be entered in the person's  
373 accounts in any other name than that of the person by whom such  
374 payment or promise of payment is made;

375 (8) Any person who knowingly and wilfully violates any provision  
376 of this chapter;

377 (9) Any person who offers or receives a cash contribution in excess  
378 of one hundred dollars to promote the success or defeat of any political  
379 party, candidate or referendum question;

380 (10) Any person who solicits, makes or receives a contribution that  
381 is otherwise prohibited by any provision of this chapter;

382 (11) Any department head or deputy department head of a state  
383 department who solicits a contribution on behalf of, or for the benefit  
384 of, any candidate for state, district or municipal office or any political  
385 party;

386 (12) Any municipal employee who solicits a contribution on behalf  
387 of, or for the benefit of, any candidate for state, district or municipal  
388 office, any political committee or any political party, from (A) an  
389 individual under the supervision of such employee, or (B) the spouse  
390 or a dependent child of such individual; [or]

391 (13) Any person who makes a coordinated expenditure for a  
392 candidate without the knowledge of said candidate. No candidate  
393 shall be civilly or criminally liable with regard to any such coordinated  
394 expenditure;

395 (14) Any chief of staff of a legislative caucus who solicits a  
396 contribution on behalf of or for the benefit of any candidate for state,  
397 district or municipal office from an employee of the legislative caucus;

398 (15) Any chief of staff for a state-wide elected official who solicits a  
399 contribution on behalf of or for the benefit of any candidate for state,  
400 district or municipal office from a member of such official's staff; or

401 (16) Any chief of staff for the Governor or Lieutenant Governor who  
402 solicits a contribution on behalf of or for the benefit of any candidate  
403 for state, district or municipal office from a member of the staff of the  
404 Governor or Lieutenant Governor, or from any commissioner or  
405 deputy commissioner of any state agency.

406 Sec. 510. Subsection (e) of section 1-79 of the 2008 supplement to the  
407 general statutes is repealed and the following is substituted in lieu  
408 thereof (*Effective July 1, 2008*):

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

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

415 (2) Services provided by persons volunteering their time, if  
416 provided to aid or promote the success or defeat of any political party,  
417 any candidate or candidates for public office or the position of  
418 convention delegate or town committee member or any referendum  
419 question;

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

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

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

425 (5) Goods or services (A) which are provided to a state agency or  
426 quasi-public agency (i) for use on state or quasi-public agency  
427 property, or (ii) that support an event, and (B) which facilitate state or  
428 quasi-public agency action or functions. As used in this subdivision,  
429 "state property" means (i) property owned by the state or a quasi-  
430 public agency, or (ii) property leased to a state agency or quasi-public  
431 agency;

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

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

436 (8) Printed or recorded informational material germane to state  
437 action or functions;

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

443 (10) Food or beverage or both, costing less than fifty dollars per  
444 person and consumed at a publicly noticed legislative reception to  
445 which all members of the General Assembly are invited and which is  
446 hosted not more than once in any calendar year by a lobbyist or  
447 business organization. For the purposes of such limit, (A) a reception  
448 hosted by a lobbyist who is an individual shall be deemed to have also  
449 been hosted by the business organization which he owns or is  
450 employed by, and (B) a reception hosted by a business organization

451 shall be deemed to have also been hosted by all owners and employees  
452 of the business organization who are lobbyists. In making the  
453 calculation for the purposes of such fifty-dollar limit, the donor shall  
454 divide the amount spent on food and beverage by the number of  
455 persons whom the donor reasonably expects to attend the reception;

456 (11) Food or beverage or both, costing less than fifty dollars per  
457 person and consumed at a publicly noticed reception to which all  
458 members of the General Assembly from a region of the state are  
459 invited and which is hosted not more than once in any calendar year  
460 by a lobbyist or business organization. For the purposes of such limit,  
461 (A) a reception hosted by a lobbyist who is an individual shall be  
462 deemed to have also been hosted by the business organization which  
463 he owns or is employed by, and (B) a reception hosted by a business  
464 organization shall be deemed to have also been hosted by all owners  
465 and employees of the business organization who are lobbyists. In  
466 making the calculation for the purposes of such fifty-dollar limit, the  
467 donor shall divide the amount spent on food and beverage by the  
468 number of persons whom the donor reasonably expects to attend the  
469 reception. As used in this subdivision, "region of the state" means the  
470 established geographic service area of the organization hosting the  
471 reception;

472 (12) A gift, including but not limited to, food or beverage or both,  
473 provided by an individual for the celebration of a major life event,  
474 provided any such gift provided by an individual who is not a  
475 member of the family of the recipient shall not exceed one thousand  
476 dollars in value;

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

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

483 expenses, at which a public official or state employee participates in  
484 his official capacity, provided such admission is provided by the  
485 primary sponsoring entity;

486 (15) Anything of value provided by an employer of (A) a public  
487 official, (B) a state employee, or (C) a spouse of a public official or state  
488 employee, to such official, employee or spouse, provided such benefits  
489 are customarily and ordinarily provided to others in similar  
490 circumstances;

491 (16) Anything having a value of not more than ten dollars, provided  
492 the aggregate value of all things provided by a donor to a recipient  
493 under this subdivision in any calendar year shall not exceed fifty  
494 dollars; or

495 (17) Training that is provided by a vendor for a product purchased  
496 by a state or quasi-public agency which is offered to all customers of  
497 such vendor.

498 Sec. 511. Subsection (g) of section 1-91 of the 2008 supplement to the  
499 general statutes is repealed and the following is substituted in lieu  
500 thereof (*Effective July 1, 2008*):

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

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

507 (2) Services provided by persons volunteering their time, if  
508 provided to aid or promote the success or defeat of any political party,  
509 any candidate or candidates for public office or the position of  
510 convention delegate or town committee member or any referendum  
511 question;

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

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

514 (4) A gift received from (A) the individual's spouse, fiance or  
515 fiancee, (B) the parent, brother or sister of such spouse or such  
516 individual, or (C) the child of such individual or the spouse of such  
517 child;

518 (5) Goods or services (A) which are provided to a state agency or  
519 quasi-public agency (i) for use on state or quasi-public agency  
520 property, or (ii) that support an event, and (B) which facilitate state or  
521 quasi-public agency action or functions. As used in this subdivision,  
522 "state property" means (i) property owned by the state or a quasi-  
523 public agency, or (ii) property leased to a state or quasi-public agency;

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

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

528 (8) Printed or recorded informational material germane to state  
529 action or functions;

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

535 (10) Food or beverage or both, costing less than fifty dollars per  
536 person and consumed at a publicly noticed legislative reception to  
537 which all members of the General Assembly are invited and which is  
538 hosted not more than once in any calendar year by a lobbyist or  
539 business organization. For the purposes of such limit, (A) a reception  
540 hosted by a lobbyist who is an individual shall be deemed to have also  
541 been hosted by the business organization which he owns or is  
542 employed by, and (B) a reception hosted by a business organization

543 shall be deemed to have also been hosted by all owners and employees  
544 of the business organization who are lobbyists. In making the  
545 calculation for the purposes of such fifty-dollar limit, the donor shall  
546 divide the amount spent on food and beverage by the number of  
547 persons whom the donor reasonably expects to attend the reception;

548 (11) Food or beverage or both, costing less than fifty dollars per  
549 person and consumed at a publicly noticed reception to which all  
550 members of the General Assembly from a region of the state are  
551 invited and which is hosted not more than once in any calendar year  
552 by a lobbyist or business organization. For the purposes of such limit,  
553 (A) a reception hosted by a lobbyist who is an individual shall be  
554 deemed to have also been hosted by the business organization which  
555 he owns or is employed by, and (B) a reception hosted by a business  
556 organization shall be deemed to have also been hosted by all owners  
557 and employees of the business organization who are lobbyists. In  
558 making the calculation for the purposes of such fifty-dollar limit, the  
559 donor shall divide the amount spent on food and beverage by the  
560 number of persons whom the donor reasonably expects to attend the  
561 reception. As used in this subdivision, "region of the state" means the  
562 established geographic service area of the organization hosting the  
563 reception;

564 (12) A gift, including, but not limited to, food or beverage or both,  
565 provided by an individual for the celebration of a major life event,  
566 provided any such gift provided by an individual who is not a  
567 member of the family of the recipient shall not exceed one thousand  
568 dollars in value;

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

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

575 expenses, at which a public official or state employee participates in  
576 his official capacity, provided such admission is provided by the  
577 primary sponsoring entity;

578 (15) Anything of value provided by an employer of (A) a public  
579 official, (B) a state employee, or (C) a spouse of a public official or state  
580 employee, to such official, employee or spouse, provided such benefits  
581 are customarily and ordinarily provided to others in similar  
582 circumstances;

583 (16) Anything having a value of not more than ten dollars, provided  
584 the aggregate value of all things provided by a donor to a recipient  
585 under this subdivision in any calendar year shall not exceed fifty  
586 dollars; or

587 (17) Training that is provided by a vendor for a product purchased  
588 by a state or quasi-public agency which is offered to all customers of  
589 such vendor.

590 Sec. 512. Subsection (f) of section 1-84b of the general statutes is  
591 repealed and the following is substituted in lieu thereof (*Effective July*  
592 *1, 2008*):

593 (f) No former public official or state employee (1) who participated  
594 substantially in the negotiation or award of (A) a state contract valued  
595 at an amount of fifty thousand dollars or more, or (B) a written  
596 agreement for the approval of a payroll deduction slot described in  
597 section 3-123g, or (2) who supervised the negotiation or award of such  
598 a contract or agreement, shall accept employment with a party to the  
599 contract or agreement other than the state for a period of one year after  
600 his resignation from his state office or position if his resignation occurs  
601 less than one year after the contract or agreement is signed. No party  
602 to such a contract or agreement other than the state shall employ any  
603 such former public official or state employee in violation of this  
604 subsection.

605 Sec. 513. Subsections (a) and (b) of section 1-82 of the general

606 statutes are repealed and the following is substituted in lieu thereof  
607 (*Effective from passage*):

608 (a) (1) Upon the complaint of any person on a form prescribed by  
609 the board, signed under penalty of false statement, or upon its own  
610 complaint, the ethics enforcement officer of the Office of State Ethics  
611 shall investigate any alleged violation of this part or section 1-101nn of  
612 the 2008 supplement to the general statutes. Not later than five days  
613 after the receipt or issuance of such complaint, the board shall provide  
614 notice of such receipt or issuance and a copy of the complaint by  
615 registered or certified mail to any respondent against whom such  
616 complaint is filed and shall provide notice of the receipt of such  
617 complaint to the complainant. When the ethics enforcement officer of  
618 the Office of State Ethics undertakes an evaluation of a possible  
619 violation of this part or section 1-101nn of the 2008 supplement to the  
620 general statutes prior to the filing of a complaint, the subject of the  
621 evaluation shall be notified not later than five business days after an  
622 Office of State Ethics staff member's first contact with a third party  
623 concerning the matter.

624 (2) In the conduct of its investigation of an alleged violation of this  
625 part or section 1-101nn of the 2008 supplement to the general statutes,  
626 the Office of State Ethics shall have the power to hold hearings,  
627 administer oaths, examine witnesses [,] and receive oral and  
628 documentary evidence. [,] The Office of State Ethics may subpoena  
629 witnesses under procedural rules adopted by the Citizen's Ethics  
630 Advisory Board as regulations in accordance with the provisions of  
631 chapter 54 to compel attendance before the Office of State Ethics and to  
632 require the production for examination by the ethics enforcement  
633 officer of the Office of State Ethics of any books and papers which the  
634 Office of State Ethics deems relevant in any matter under investigation  
635 or in question, provided any such subpoena is issued either pursuant  
636 to a majority vote of the Citizen's Ethics Advisory Board or pursuant to  
637 the signature of the chairperson of such board. The vice-chairperson of  
638 such board may sign any such subpoena if the chairperson of such  
639 board is unavailable. In the exercise of such powers, the Office of State

640 Ethics may use the services of the state police, who shall provide the  
641 same upon the office's request. The Office of State Ethics shall make a  
642 record of all proceedings conducted pursuant to this subsection. The  
643 ethics enforcement officer of the Office of State Ethics may bring any  
644 alleged violation of this part before a judge trial referee assigned by the  
645 Chief Court Administrator for such purpose for a probable cause  
646 hearing. Such judge trial referee shall be compensated in accordance  
647 with the provisions of section 52-434 from such funds as may be  
648 available to the Office of State Ethics. Any witness summoned before  
649 the Office of State Ethics or a judge trial referee pursuant to this  
650 subsection shall receive the witness fee paid to witnesses in the courts  
651 of this state. During any investigation conducted pursuant to this  
652 subsection or any probable cause hearing conducted pursuant to this  
653 subsection, the respondent shall have the right to appear and be heard  
654 and to offer any information which may tend to clear the respondent  
655 of probable cause to believe the respondent has violated any provision  
656 of this part or section 1-101nn of the 2008 supplement to the general  
657 statutes. The respondent shall also have the right to be represented by  
658 legal counsel and to examine and cross-examine witnesses. Not later  
659 than ten days prior to the commencement of any hearing conducted  
660 pursuant to this subsection, the Office of State Ethics shall provide the  
661 respondent with a list of its intended witnesses. Any finding of  
662 probable cause to believe the respondent is in violation of any  
663 provisions of this part shall be made by a judge trial referee not later  
664 than thirty days after the ethics enforcement officer brings such alleged  
665 violation before such judge trial referee, except that such thirty-day  
666 limitation period shall not apply if the judge trial referee determines  
667 that good cause exists for extending such limitation period.

668 (b) If a judge trial referee determines that probable cause exists for  
669 the violation of a provision of this part or section 1-101nn of the 2008  
670 supplement to the general statutes, the board shall initiate hearings to  
671 determine whether there has been a violation of this part or section 1-  
672 101nn of the 2008 supplement to the general statutes. Any such  
673 hearing shall be initiated by the board not later than thirty days after

674 the finding of probable cause by a judge trial referee and shall be  
675 concluded not later than ninety days after its initiation, except that  
676 such thirty or ninety-day limitation period shall not apply if the judge  
677 trial referee determines that good cause exists for extending such  
678 limitation period. A judge trial referee, who has not taken part in the  
679 probable cause determination on the matter shall be assigned by the  
680 Chief Court Administrator and shall be compensated in accordance  
681 with section 52-434 out of funds available to the Office of State Ethics  
682 and shall preside over such hearing and rule on all issues concerning  
683 the application of the rules of evidence, which shall be the same as in  
684 judicial proceedings. The trial referee shall have no vote in any  
685 decision of the board. All hearings of the board held pursuant to this  
686 subsection shall be open. At such hearing the board shall have the  
687 same powers as the Office of State Ethics under subsection (a) of this  
688 section and the respondent shall have the right to be represented by  
689 legal counsel, the right to compel attendance of witnesses and the  
690 production of books, documents, records and papers and to examine  
691 and cross-examine witnesses. Not later than ten days prior to the  
692 commencement of any hearing conducted pursuant to this subsection,  
693 the Office of State Ethics shall provide the respondent with a list of its  
694 intended witnesses. The judge trial referee shall, while engaged in the  
695 discharge of the duties as provided in this subsection, have the same  
696 authority as is provided in section 51-35 over witnesses who refuse to  
697 obey a subpoena or to testify with respect to any matter upon which  
698 such witness may be lawfully interrogated, and may commit any such  
699 witness for contempt for a period no longer than thirty days. The  
700 Office of State Ethics shall make a record of all proceedings pursuant  
701 to this subsection. During the course of any such hearing, no ex-parte  
702 communication shall occur between the board, or any of its members,  
703 and: (1) The judge trial referee, or (2) any staff member of the  
704 Enforcement Division of the Office of State Ethics, concerning the  
705 complaint or the respondent. The board shall find no person in  
706 violation of any provision of this part or section 1-101nn of the 2008  
707 supplement to the general statutes except upon the concurring vote of  
708 six of its members present and voting. No member of the board shall

709 vote on the question of whether a violation of any provision of this  
710 part has occurred unless such member was physically present for the  
711 duration of any hearing held pursuant to this subsection. Not later  
712 than fifteen days after the public hearing conducted in accordance with  
713 this subsection, the board shall publish its finding and a memorandum  
714 of the reasons therefor. Such finding and memorandum shall be  
715 deemed to be the final decision of the board on the matter for the  
716 purposes of chapter 54. The respondent, if aggrieved by the finding  
717 and memorandum, may appeal therefrom to the Superior Court in  
718 accordance with the provisions of section 4-183.

719 Sec. 514. Subsections (a) and (b) of section 1-93 of the general  
720 statutes are repealed and the following is substituted in lieu thereof  
721 (*Effective from passage*):

722 (a) (1) Upon the complaint of any person on a form prescribed by  
723 the Office of State Ethics, signed under penalty of false statement, or  
724 upon its own complaint, the ethics enforcement officer of the Office of  
725 State Ethics shall investigate any alleged violation of this part. Not  
726 later than five days after the receipt or issuance of such complaint, the  
727 Office of State Ethics shall provide notice of such receipt or issuance  
728 and a copy of the complaint by registered or certified mail to any  
729 respondent against whom such complaint is filed and shall provide  
730 notice of the receipt of such complaint to the complainant. When the  
731 Office of State Ethics undertakes an evaluation of a possible violation  
732 of this part prior to the filing of a complaint, the subject of the  
733 evaluation shall be notified not later than five business days after a  
734 staff member of the Office of State Ethics undertakes the first contact  
735 with a third party concerning the matter.

736 (2) In the conduct of its investigation of an alleged violation of this  
737 part, the Office of State Ethics shall have the power to hold hearings,  
738 administer oaths, examine witnesses [,] and receive oral and  
739 documentary evidence. [,] The Office of State Ethics may subpoena  
740 witnesses under procedural rules adopted by the Citizen's Ethics  
741 Advisory Board as regulations in accordance with the provisions of

742 chapter 54 to compel attendance before the Office of State Ethics and to  
743 require the production for examination by the ethics enforcement  
744 officer of the Office of State Ethics of any books and papers which the  
745 ethics enforcement officer of the Office of State Ethics deems relevant  
746 in any matter under investigation or in question, provided any such  
747 subpoena is issued either pursuant to a majority vote of the Citizen's  
748 Ethics Advisory Board or pursuant to the signature of the chairperson  
749 of such board. The vice-chairperson of such board may sign any such  
750 subpoena if the chairperson of such board is unavailable. In the  
751 exercise of such powers, the Office of State Ethics may use the services  
752 of the state police, who shall provide the same upon the office's  
753 request. The Office of State Ethics shall make a record of all  
754 proceedings conducted pursuant to this subsection. Any witness  
755 summoned before the Office of State Ethics or a judge trial referee  
756 pursuant to this subsection shall receive the witness fee paid to  
757 witnesses in the courts of this state. The ethics enforcement officer of  
758 the Office of State Ethics may bring any alleged violation of this part  
759 before a judge trial referee assigned by the Chief Court Administrator  
760 for such purpose for a probable cause hearing. Such judge trial referee  
761 shall be compensated in accordance with the provisions of section 52-  
762 434 from such funds as may be available to the Office of State Ethics.  
763 The respondent shall have the right to appear at any hearing held  
764 pursuant to this subsection and be heard and to offer any information  
765 which may tend to clear the respondent of probable cause to believe  
766 the respondent has violated any provision of this part. The respondent  
767 shall also have the right to be represented by legal counsel and to  
768 examine and cross-examine witnesses. Not later than ten days prior to  
769 the commencement of any hearing conducted pursuant to this  
770 subsection, the Office of State Ethics shall provide the respondent with  
771 a list of its intended witnesses. Any finding of probable cause to  
772 believe the respondent is in violation of any provision of this part shall  
773 be made by a judge trial referee not later than thirty days after the  
774 ethics enforcement officer brings such alleged violation before such  
775 judge trail referee, except that such thirty-day limitation period shall  
776 not apply if the judge trial referee determines that good cause exists for

777 extending such limitation period.

778 (b) If a judge trial referee indicates that probable cause exists for the  
779 violation of a provision of this part, the board shall initiate hearings to  
780 determine whether there has been a violation of this part. Any such  
781 hearing shall be initiated by the board not later than thirty days after  
782 the finding of probable cause by a judge trial referee and shall be  
783 concluded not later than ninety days after its initiation, except that  
784 such thirty-day or ninety-day limitation period shall not apply if the  
785 judge trial referee determines that good cause exists for extending such  
786 limitation period. A judge trial referee, who has not taken part in the  
787 probable cause determination on the matter shall be assigned by the  
788 Chief Court Administrator and shall be compensated in accordance  
789 with section 52-434 out of funds available to the board and shall  
790 preside over such hearing and rule on all issues concerning the  
791 application of the rules of evidence, which shall be the same as in  
792 judicial proceedings. The trial referee shall have no vote in any  
793 decision of the board. All hearings of the board held pursuant to this  
794 subsection shall be open. At such hearing the board shall have the  
795 same powers as the Office of State Ethics under subsection (a) of this  
796 section and the respondent shall have the right to be represented by  
797 legal counsel, the right to compel attendance of witnesses and the  
798 production of books, documents, records and papers and to examine  
799 and cross-examine witnesses. Not later than ten days prior to the  
800 commencement of any hearing conducted pursuant to this subsection,  
801 the Office of State Ethics shall provide the respondent with a list of its  
802 intended witnesses. The judge trial referee shall, while engaged in the  
803 discharge of the duties as provided in this subsection, have the same  
804 authority as is provided in section 51-35 over witnesses who refuse to  
805 obey a subpoena or to testify with respect to any matter upon which  
806 such witness may be lawfully interrogated, and may commit any such  
807 witness for contempt for a period no longer than thirty days. The  
808 Office of State Ethics shall make a record of all proceedings pursuant  
809 to this subsection. During the course of any such hearing, no ex-parte  
810 communication shall occur between the board, or any of its members,

811 and: (1) The judge trial referee, or (2) any staff member of the  
812 Enforcement Division of the Office of State Ethics, concerning the  
813 complaint or the respondent. The board shall find no person in  
814 violation of any provision of this part except upon the concurring vote  
815 of [two-thirds] six of its members present and voting. No member of  
816 the board shall vote on the question of whether a violation of any  
817 provision of this part has occurred unless such member was physically  
818 present for the duration of any hearing held pursuant to this  
819 subsection. Not later than fifteen days after the public hearing  
820 conducted in accordance with this subsection, the board shall publish  
821 its finding and a memorandum of the reasons therefor. Such finding  
822 and memorandum shall be deemed to be the final decision of the  
823 board on the matter for the purposes of chapter 54. The respondent, if  
824 aggrieved by the finding and memorandum, may appeal therefrom to  
825 the Superior Court in accordance with the provisions of section 4-183."