



Senate

General Assembly

File No. 137

January Session, 2009

Substitute Senate Bill No. 773

Senate, March 23, 2009

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL AMENDMENTS TO THE CODES OF ETHICS.

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

1 Section 1. Subsection (l) of section 1-79 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (l) "Quasi-public agency" means the Connecticut Development
5 Authority, Connecticut Innovations, Incorporated, Connecticut Health
6 and Education Facilities Authority, Connecticut Higher Education
7 Supplemental Loan Authority, Connecticut Housing Finance
8 Authority, [Connecticut Housing Authority] State Housing Authority,
9 Connecticut Resources Recovery Authority, Lower Fairfield County
10 Convention Center Authority, Capital City Economic Development
11 Authority, Bradley Board of Directors, Connecticut Transportation
12 Strategy Board, University of Connecticut Health Center Finance
13 Corporation, Tweed-New Haven Airport Authority and Connecticut

14 Lottery Corporation.

15 Sec. 2. Subsection (a) of section 1-81 of the general statutes is
16 repealed and the following is substituted in lieu thereof (*Effective*
17 *October 1, 2009*):

18 (a) The board and general counsel and staff of the Office of State
19 Ethics shall:

20 (1) Compile and maintain an index of all reports, advisory opinions,
21 informal staff letters, memoranda issued in accordance with subsection
22 (b) of section 1-82 and statements filed by and with the Office of State
23 Ethics to facilitate public access to such reports and advisory opinions,
24 informal staff letters, memoranda statements as provided by this part;

25 (2) Preserve advisory opinions and informal staff letters,
26 permanently; preserve memoranda issued in accordance with
27 subsection (b) of section 1-82 and statements and reports filed by and
28 with the board for a period of five years from the date of receipt;

29 (3) Upon the concurring vote of a majority of the board present and
30 voting, issue advisory opinions with regard to the requirements of this
31 part, upon the request of any person subject to the provisions of this
32 part, and publish such advisory opinions in the Connecticut Law
33 Journal. Advisory opinions rendered by the board, until amended or
34 revoked, shall be binding on the board and shall be deemed to be final
35 decisions of the board for purposes of appeal to the superior court, in
36 accordance with the provisions of section 4-175 or 4-183. Any advisory
37 opinion concerning the person who requested the opinion and who
38 acted in reliance thereon, in good faith, shall be binding upon the
39 board, and it shall be an absolute defense in any criminal action
40 brought under the provisions of this part, that the accused acted in
41 reliance upon such advisory opinion;

42 (4) Respond to inquiries and provide advice regarding the code of
43 ethics either verbally or through informal letters;

44 (5) Provide yearly training to all state employees regarding the code

45 of ethics;

46 (6) Make legislative recommendations to the General Assembly and
47 report annually, prior to [April] February fifteenth, to the Governor
48 summarizing the activities of the [commission] Office of State Ethics;

49 (7) Meet not less than once per month with the office's executive
50 director and ethics enforcement officer; and

51 (8) The [commission] Office of State Ethics may enter into such
52 contractual agreements as may be necessary for the discharge of its
53 duties, within the limits of its appropriated funds and in accordance
54 with established procedures.

55 Sec. 3. Subsection (e) of section 1-82 of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective*
57 *October 1, 2009*):

58 (e) No person shall take or threaten to take official action against an
59 individual for such individual's disclosure of information to the board
60 or the general counsel, ethics enforcement officer or staff of the Office
61 of State Ethics under the provisions of this part or section 1-101nn.
62 After receipt of information from an individual under the provisions of
63 this part or section 1-101nn, the Office of State Ethics shall not disclose
64 the identity of such individual without such individual's consent
65 unless the Office of State Ethics determines that such disclosure is
66 unavoidable during the course of an investigation. No person shall be
67 subject to civil liability for any good faith disclosure that such person
68 makes to the [commission] Office of State Ethics.

69 Sec. 4. Subsection (a) of section 1-83 of the general statutes is
70 repealed and the following is substituted in lieu thereof (*Effective*
71 *October 1, 2009*):

72 (a) (1) All state-wide elected officers, members of the General
73 Assembly, department heads and their deputies, members of the
74 Gaming Policy Board, the executive director of the Division of Special
75 Revenue within the Department of Revenue Services, members or

76 directors of each quasi-public agency, members of the Investment
77 Advisory Council, state marshals and such members of the Executive
78 Department and such employees of quasi-public agencies as the
79 Governor shall require, shall file, under penalty of false statement, a
80 statement of financial interests for the preceding calendar year with the
81 Office of State Ethics on or before the May first [next in] following any
82 year in which they hold such a position. Any such individual who
83 leaves his or her office or position shall file a statement of financial
84 interests covering that portion of the year during which such
85 individual held his or her office or position. The Office of State Ethics
86 shall notify such individuals of the requirements of this subsection not
87 later than thirty days after their departure from such office or position.
88 Such individuals shall file such statement within sixty days after
89 receipt of the notification.

90 (2) Each state agency, department, board and commission shall
91 develop and implement, in cooperation with the Office of State Ethics,
92 an ethics statement as it relates to the mission of the agency,
93 department, board or commission. The executive head of each such
94 agency, department, board or commission shall be directly responsible
95 for the development and enforcement of such ethics statement and
96 shall file a copy of such ethics statement with the Department of
97 Administrative Services and the Office of State Ethics.

98 Sec. 5. Subsection (u) of section 1-91 of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective*
100 *October 1, 2009*):

101 (u) "Client lobbyist" means a [lobbyist] person on behalf of whom
102 lobbying takes place and who makes expenditures for lobbying and in
103 furtherance of lobbying.

104 Sec. 6. Section 1-100b of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective October 1, 2009*):

106 (a) The Office of State Ethics, upon a finding that a communicator
107 lobbyist has violated the provisions of subsection [(i)] (h) of section 9-

108 610, may suspend said lobbyist's registration for a period of not more
 109 than the remainder of the term of such registration and may prohibit
 110 said lobbyist from engaging in the profession of lobbyist for a period
 111 of not more than three years.

112 (b) The Office of State Ethics may revoke the registration of a
 113 communicator lobbyist upon a finding that the lobbyist has been
 114 convicted of a crime involving bribery, theft or moral turpitude, which
 115 the lobbyist committed in the course of lobbying.

116 (c) The Office of State Ethics shall make any finding under
 117 subsection (a) or (b) of this section in accordance with the same
 118 procedure set forth in section 1-93 for a finding by the [commission]
 119 board of a violation of part II of chapter 10.

120 (d) As used in this section, "communicator lobbyist", "lobbyist" and
 121 "lobbying" have the same meanings as provided in section 1-91, as
 122 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	1-79(l)
Sec. 2	October 1, 2009	1-81(a)
Sec. 3	October 1, 2009	1-82(e)
Sec. 4	October 1, 2009	1-83(a)
Sec. 5	October 1, 2009	1-91(u)
Sec. 6	October 1, 2009	1-100b

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

This bill makes certain technical changes to the Codes of Ethics for public officials, changes the date for the Office of State Ethics to file an annual report to the governor, and adds to the list of entities considered a quasi-public agency for the purposes of the Code of Ethics. The bill has no fiscal impact.

OLR Bill Analysis**sSB 773*****AN ACT CONCERNING TECHNICAL AMENDMENTS TO THE CODES OF ETHICS.*****SUMMARY:**

This bill subjects members and employees of the University of Connecticut Health Center Finance Corporation and Tweed-New Haven Airport Authority to the State Ethics Code. This means these people (1) must, among other things, comply with the code and (2) are prohibited from taking certain actions while employed by these entities and after they leave their employ. The Office of State Ethics has jurisdiction over them for the purpose of enforcing the code.

The bill also subjects them to (1) prohibitions against disclosing confidential information to bidders on state contracts, (2) gift affidavit and certification requirements under the law covering large state contracts, and (3) the law on pension revocations.

It requires the Office of State Ethics to submit its annual activity report to the governor two months earlier, by February 15 rather than April 15.

Lastly, the bill makes technical changes, including (1) adding the Bradley Board of Directors and the Transportation Strategy Board to the list of quasi-public agencies in CGS § 1-79 (CGS §§ 13b-57e and 15-101mm already make them quasi-public agencies by reference), (2) making statutory references that reflect the 2005 reconstitution of the State Ethics Commission as the Office of State Ethics, and (3) correcting an internal citation to the section of campaign finance law that prohibits communicator lobbyists from soliciting campaign contributions.

EFFECTIVE DATE: October 1, 2009

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/06/2009)