



General Assembly

**Amendment**

January Session, 2009

LCO No. 7197

\*SB0095307197SR0\*

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. Senate Bill No. 953

File No. 171

Cal. No. 180

**"AN ACT CONCERNING HEDGE FUNDS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) In addition to its inherent  
4 power as a branch of the legislature, the Connecticut state Senate has  
5 the constitutional authority under the Constitution of the state, Article  
6 III, Section 13, to punish members for disorderly conduct, and, with  
7 the consent of two-thirds of its members, expel a member. While the  
8 constitution does not specify the grounds for expulsion or other  
9 disciplinary action, such grounds may include conduct that impugns  
10 the integrity of the Senate, reflects adversely on the Senate or  
11 otherwise undermines public confidence in the institution of the  
12 Senate. Although the constitutional power to discipline members may  
13 be exercised summarily, it is the sentiment of the Senate that  
14 disciplinary action should ordinarily be imposed only after a full

15 investigation and opportunity for a hearing. For the public to have  
16 confidence in the Senate, it must have confidence in its members as  
17 well as its procedures and institutional mechanisms. The public  
18 interest, the interests of accused members and the interests of the  
19 Senate as an institution require that the extraordinary power to expel  
20 or publicly discipline a member be exercised in a fair and consistent  
21 manner.

22 (b) There is established a Bipartisan Senate Committee on Standards  
23 of Official Conduct that shall consist of six members, appointed as  
24 follows: Three majority caucus senators by the president pro tempore  
25 of the Senate, and three minority caucus senators by the president pro  
26 tempore of the Senate upon the recommendation of the Senate  
27 minority leader. The president pro tempore of the Senate shall appoint  
28 two cochairpersons of the committee, one of whom shall be appointed  
29 upon the recommendation of the Senate minority leader. Such  
30 appointments shall be made not later than ten days after the effective  
31 date of this section.

32 (c) Said committee shall have cognizance of any official Senate  
33 action in response to any misconduct by any member of the Senate.  
34 "Misconduct" shall include any violation of state or federal election  
35 laws, any violation of the state code of ethics, including, but not  
36 limited to, a violation of the conflict of interest provision contained in  
37 subsection (a) of section 1-84 of the general statutes, any misuse of  
38 state property including the submission of a false claim for  
39 compensation or reimbursement, any legal or ethical wrong or other  
40 conduct that materially impairs the ability of the member to perform  
41 the duties of his or her office, or any conduct that impugns the  
42 integrity of the Senate or undermines public trust and confidence in  
43 the Senate. Nothing in this rule shall be construed to affect the powers  
44 and duties of the Office of State Ethics or the Citizen's Ethics Advisory  
45 Board.

46 (d) A quorum, consisting of not less than two members of each  
47 caucus, shall be required to conduct any official business of the

48 committee. All committee decisions shall require four affirmative  
49 votes.

50 (e) Upon the complaint of any person, signed under penalty of false  
51 statement, or upon its own complaint, the committee shall conduct a  
52 preliminary investigation into claims of any misconduct by any  
53 member of the Senate. Any committee member who is the subject of  
54 such a complaint shall recuse himself or herself from any committee  
55 action pertaining to such complaint. Such member shall be replaced,  
56 for purposes of committee action on such complaint, in the same  
57 manner in which such member was appointed.

58 (f) Any such preliminary investigation shall be confidential and not  
59 subject to disclosure. Upon the conclusion of any preliminary  
60 investigation, the committee shall vote to either (1) dismiss the  
61 complaint, or (2) make a finding of probable cause that misconduct has  
62 occurred. Upon a finding of probable cause by the committee, all  
63 information relating to the preliminary investigation shall, to the  
64 extent allowed by state and federal law, be made available to the  
65 public.

66 (g) The committee shall undertake a full investigation only after a  
67 finding of probable cause. All information relating to a full  
68 investigation shall, to the extent allowed by state and federal law, be  
69 made available to the public. All proceedings relating to a full  
70 investigation shall be open to the public. Upon the completion of a full  
71 investigation, the committee shall report its findings and  
72 recommendation in the form of a resolution to be voted upon by the  
73 Senate. Such recommendation shall include one of the following: (1)  
74 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate  
75 shall vote on any such resolution not later than ten days after the  
76 committee reports out any such resolution.

77 (h) The subject of any such complaint or investigation may be  
78 represented by counsel.

79 (i) Not later than ninety days after the effective date of this section,

80 the committee shall adopt rules and procedures to govern its  
81 proceedings. Such proposed rules shall include, but not be limited to:  
82 (1) Standards, rules and methodology for conducting preliminary and  
83 full investigations, respectively, and (2) criteria for the making of a  
84 recommendation of expulsion, censure, reprimand and no action,  
85 respectively."