



General Assembly

Amendment

January Session, 2009

LCO No. 8152

HB0629408152HDO

Offered by:

REP. SPALLONE, 36th Dist.

SEN. SLOSSBERG, 14th Dist.

To: Subst. House Bill No. 6294

File No. 159

Cal. No. 159

**"AN ACT CONCERNING CONTRACTING RELATED MATTERS
AND THE STATE CODES OF ETHICS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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4 repealed and the following is substituted in lieu thereof (*Effective*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

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

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

12 (2) Services provided by persons volunteering their time, if
13 provided to aid or promote the success or defeat of any political party,

14 any candidate or candidates for public office or the position of
15 convention delegate or town committee member or any referendum
16 question;

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

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

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

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

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

33 (8) Printed or recorded informational material germane to state
34 action or functions;

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

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

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

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

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

74 (13) Gifts costing less than one hundred dollars in the aggregate or
75 food or beverage provided at a hospitality suite at a meeting or
76 conference of an interstate legislative association, by a person who is

77 not a registrant or is not doing business with the state of Connecticut;

78 (14) Admission to a charitable or civic event, including food and
79 beverage provided at such event, but excluding lodging or travel
80 expenses, at which a public official or state employee participates in
81 his or her official capacity, or at which a candidate for public office
82 participates in his or her capacity as a candidate, provided such
83 admission is provided by the primary sponsoring entity;

84 (15) Anything of value provided by an employer of (A) a public
85 official, (B) a state employee, (C) a candidate for public office, or ~~[(C)]~~
86 (D) a spouse of a public official, a candidate for public office or state
87 employee, to such official, candidate, employee or spouse, provided
88 such benefits are customarily and ordinarily provided to others in
89 similar circumstances;

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

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

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

100 (l) "Quasi-public agency" means the Connecticut Development
101 Authority, Connecticut Innovations, Incorporated, Connecticut Health
102 and Education Facilities Authority, Connecticut Higher Education
103 Supplemental Loan Authority, Connecticut Housing Finance
104 Authority, ~~[Connecticut Housing Authority]~~ State Housing Authority,
105 Connecticut Resources Recovery Authority, Lower Fairfield County
106 Convention Center Authority, Capital City Economic Development
107 Authority, Bradley Board of Directors, Connecticut Transportation

108 Strategy Board, University of Connecticut Health Center Finance
109 Corporation, Tweed-New Haven Airport Authority and Connecticut
110 Lottery Corporation.

111 Sec. 3. Section 1-80 of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective from passage*):

113 (a) There shall be an Office of State Ethics that shall be an
114 independent state agency and shall constitute a successor agency to the
115 State Ethics Commission, in accordance with the provisions of sections
116 4-38d and 4-39. Said office shall consist of an executive director,
117 general counsel, ethics enforcement officer and such other staff as
118 hired by the executive director. Within the Office of State Ethics, there
119 shall be the Citizen's Ethics Advisory Board that shall consist of nine
120 members, appointed as follows: One member shall be appointed by the
121 speaker of the House of Representatives, one member by the president
122 pro tempore of the Senate, one member by the majority leader of the
123 Senate, one member by the minority leader of the Senate, one member
124 by the majority leader of the House of Representatives, one member by
125 the minority leader of the House of Representatives, and three
126 members by the Governor. [Members] Each member of the board shall
127 serve for a four-year [terms which shall commence on October 1, 2005]
128 term, except that (1) members first appointed for terms commencing
129 on October 1, 2005, shall have the following terms: The Governor shall
130 appoint two members for a term of three years and one member for a
131 term of four years; the majority leader of the House of Representatives,
132 minority leader of the House of Representatives and the speaker of the
133 House of Representatives shall each appoint one member for a term of
134 two years; the president pro tempore of the Senate, the majority leader
135 of the Senate and the minority leader of the Senate shall each appoint
136 one member for a term of four years, and (2) the term commencing
137 October 1, 2009, for the member appointed by the Governor and the
138 member appointed by the president pro tempore of the Senate, shall be
139 five years. No individual shall be appointed to more than one four-
140 year term as a member of the board. [, provided, members] Upon the
141 expiration of such members' five-year terms any subsequent

142 appointment to the board by said appointing authorities shall be for a
143 four-year term. Members may not continue in office once their term
144 has expired and members first appointed may not be reappointed. No
145 more than five members shall be members of the same political party.
146 The members appointed by the majority leader of the Senate and the
147 majority leader of the House of Representatives shall be selected from
148 a list of nominees proposed by a citizen group having an interest in
149 ethical government. The majority leader of the Senate and the majority
150 leader of the House of Representatives shall each determine the citizen
151 group from which each will accept such nominations. One member
152 appointed by the Governor shall be selected from a list of nominees
153 proposed by a citizen group having an interest in ethical government.
154 The Governor shall determine the citizen group from which the
155 Governor will accept such nominations.

156 (b) All members shall be electors of the state. No member shall be a
157 state employee. No member or employee of such board shall (1) hold
158 or campaign for any public office; (2) have held public office or have
159 been a candidate for public office for a three-year period prior to
160 appointment; (3) hold office in any political party or political
161 committee or be a member of any organization or association
162 organized primarily for the purpose of influencing legislation or
163 decisions of public agencies; or (4) be an individual who is a registrant
164 as defined in subsection (q) of section 1-91. For the purposes of this
165 subsection, the term "public office" shall not include the offices of
166 justice of the peace or notary public.

167 (c) Any vacancy on the board shall be filled by the appointing
168 authority having the power to make the original appointment. An
169 individual selected by the appointing authority to fill a vacancy shall
170 be eligible for appointment to one full four-year term thereafter. Any
171 vacancy occurring on the board shall be filled within thirty days.

172 (d) The board shall elect a chairperson who shall, except as
173 provided in subsection (b) of section 1-82 and subsection (b) of section
174 1-93, preside at meetings of the board and a vice-chairperson to

175 preside in the absence of the chairperson. Six members of the board
176 shall constitute a quorum. Except as provided in subdivision (3) of
177 subsection (a) of section 1-81, as amended by this act, subsections (a)
178 and (b) of section 1-82, subsection (b) of section 1-88, as amended by
179 this act, subdivision (5) of section 1-92, as amended by this act,
180 subsections (a) and (b) of section 1-93 and subsection (b) of section 1-
181 99, a majority vote of the members shall be required for action of the
182 board. The chairperson or any three members may call a meeting.

183 (e) Any matter before the board, except hearings held pursuant to
184 the provisions of subsection (b) of section 1-82 or subsection (b) of
185 section 1-93, may be assigned by the board to two of its members to
186 conduct an investigation or hearing, as the case may be, to ascertain
187 the facts and report thereon to the board with a recommendation for
188 action.

189 (f) Members of the board shall be compensated at the rate of two
190 hundred dollars per day for each day they attend a meeting or hearing
191 and shall receive reimbursement for their necessary expenses incurred
192 in the discharge of their official duties.

193 (g) The board shall not be construed to be a board or commission
194 within the meaning of section 4-9a.

195 (h) The members and employees of the Citizen's Ethics Advisory
196 Board and the Office of State Ethics shall adhere to the following code
197 of ethics under which the members and employees shall: (1) Observe
198 high standards of conduct so that the integrity and independence of
199 the Citizen's Ethics Advisory Board and the Office of State Ethics may
200 be preserved; (2) respect and comply with the law and conduct
201 themselves at all times in a manner which promotes public confidence
202 in the integrity and impartiality of the board and the Office of State
203 Ethics; (3) be faithful to the law and maintain professional competence
204 in the law; (4) be unswayed by partisan interests, public clamor or fear
205 of criticism; (5) maintain order and decorum in proceedings of the
206 board and Office of State Ethics; (6) be patient, dignified and courteous

207 to all persons who appear in board or Office of State Ethics
208 proceedings and with other persons with whom the members and
209 employees deal in their official capacities; (7) refrain from making any
210 statement outside of a board or Office of State Ethics proceeding,
211 which would have a likelihood of prejudicing a board or Office of State
212 Ethics proceeding; (8) refrain from making any statement outside of a
213 board or Office of State Ethics proceeding that a reasonable person
214 would expect to be disseminated by means of public communication if
215 the member or employee should know that such statement would
216 have a likelihood of materially prejudicing or embarrassing a
217 complainant or a respondent; (9) preserve confidences of complainants
218 and respondents; (10) exercise independent professional judgment on
219 behalf of the board and Office of State Ethics; and (11) represent the
220 board and Office of State Ethics competently.

221 (i) No member or employee of the board or Office of State Ethics
222 may make a contribution, as defined in section 9-601a, to any person
223 subject to the provisions of this part.

224 (j) Members of the board shall recuse themselves from participating
225 in any proceeding or matter undertaken pursuant to this chapter that
226 involves the person who appointed such member to the board.

227 (k) No former member of the board may represent any business or
228 person, other than himself or herself, before the board for a period of
229 one year following the end of such former member's service on the
230 board. No business or person that appears before the board shall
231 employ or otherwise engage the services of a former member of the
232 board for a period of one year following the end of such former
233 member's service on the board.

234 (l) No former member of the board may hold any other position in
235 state employment for a period of one year following the end of such
236 former member's service on the board, including, but not limited to,
237 service as a member on a state board or commission, service as a judge
238 of the Superior Court or service as a state agency commissioner.

239 (m) Upon request of any aggrieved party, the board shall delay the
240 effect of any decision rendered by the board for a period not to exceed
241 more than seven days following the rendering of such decision.

242 (n) Notwithstanding the provisions of subsection (a) of this section,
243 each person, prior to appointment as a member of the board, shall sign
244 a certification indicating that such person is aware of the provisions
245 contained in subsections (b), (h), (i), (j), (k) and (l) of this section. Each
246 person shall file such certification with the Office of State Ethics prior
247 to taking the oath of office as a member of the board.

248 Sec. 4. Subsection (a) of section 1-81 of the general statutes is
249 repealed and the following is substituted in lieu thereof (*Effective*
250 *October 1, 2009*):

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

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

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

262 (3) Upon the concurring vote of a majority of the board present and
263 voting, issue advisory opinions with regard to the requirements of this
264 part or part IV of this chapter, upon the request of any person subject
265 to the provisions of this part or part IV of this chapter, and publish
266 such advisory opinions in the Connecticut Law Journal. Advisory
267 opinions rendered by the board, until amended or revoked, shall be
268 binding on the board and shall be deemed to be final decisions of the
269 board for purposes of appeal to the superior court, in accordance with

270 the provisions of section 4-175 or 4-183. Any advisory opinion
271 concerning the person who requested the opinion and who acted in
272 reliance thereon, in good faith, shall be binding upon the board, and it
273 shall be an absolute defense in any criminal action brought under the
274 provisions of this part or part IV of this chapter, that the accused acted
275 in reliance upon such advisory opinion;

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

278 (5) Provide yearly training to all state employees regarding the code
279 of ethics;

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

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

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

289 Sec. 5. Subsection (e) of section 1-82 of the general statutes is
290 repealed and the following is substituted in lieu thereof (*Effective*
291 *October 1, 2009*):

292 (e) No person shall take or threaten to take official action against an
293 individual for such individual's disclosure of information to the board
294 or the general counsel, ethics enforcement officer or staff of the Office
295 of State Ethics under the provisions of this part or section 1-101nn, as
296 amended by this act. After receipt of information from an individual
297 under the provisions of this part or section 1-101nn, as amended by
298 this act, the Office of State Ethics shall not disclose the identity of such
299 individual without such individual's consent unless the Office of State

300 Ethics determines that such disclosure is unavoidable during the
301 course of an investigation. No person shall be subject to civil liability
302 for any good faith disclosure that such person makes to the
303 [commission] Office of State Ethics.

304 Sec. 6. Subsection (a) of section 1-83 of the general statutes is
305 repealed and the following is substituted in lieu thereof (*Effective*
306 *October 1, 2009*):

307 (a) (1) All state-wide elected officers, members of the General
308 Assembly, department heads and their deputies, members of the
309 Gaming Policy Board, the executive director of the Division of Special
310 Revenue within the Department of Revenue Services, members or
311 directors of each quasi-public agency, members of the Investment
312 Advisory Council, state marshals and such members of the Executive
313 Department and such employees of quasi-public agencies as the
314 Governor shall require, shall file, under penalty of false statement, a
315 statement of financial interests for the preceding calendar year with the
316 Office of State Ethics on or before [the] May first [next in] following
317 any year in which they hold such a position. Any such individual who
318 leaves his or her office or position shall file a statement of financial
319 interests covering that portion of the year during which such
320 individual held his or her office or position. The Office of State Ethics
321 shall notify such individuals of the requirements of this subsection not
322 later than thirty days after their departure from such office or position.
323 Such individuals shall file such statement within sixty days after
324 receipt of the notification.

325 (2) Each state agency, department, board and commission shall
326 develop and implement, in cooperation with the Office of State Ethics,
327 an ethics statement as it relates to the mission of the agency,
328 department, board or commission. The executive head of each such
329 agency, department, board or commission shall be directly responsible
330 for the development and enforcement of such ethics statement and
331 shall file a copy of such ethics statement with the Department of
332 Administrative Services and the Office of State Ethics.

333 Sec. 7. Section 1-84b of the general statutes is repealed and the
334 following is substituted in lieu thereof (*Effective from passage*):

335 (a) No former executive branch or quasi-public agency public
336 official or state employee shall represent anyone other than the state,
337 concerning any particular matter (1) in which he participated
338 personally and substantially while in state service, and (2) in which the
339 state has a substantial interest.

340 (b) No former executive branch or quasi-public agency public
341 official or state employee shall, for one year after leaving state service,
342 represent anyone, other than the state, for compensation before the
343 department, agency, board, commission, council or office in which he
344 served at the time of his termination of service, concerning any matter
345 in which the state has a substantial interest. The provisions of this
346 subsection shall not apply to an attorney who is a former employee of
347 the Division of Criminal Justice, with respect to any representation in a
348 matter under the jurisdiction of a court.

349 (c) The provisions of this subsection apply to present or former
350 executive branch public officials or state employees who hold or
351 formerly held positions which involve significant decision-making or
352 supervisory responsibility and are designated as such by the Office of
353 State Ethics in consultation with the agency concerned except that such
354 provisions shall not apply to members or former members of the
355 boards or commissions who serve ex officio, who are required by
356 statute to represent the regulated industry or who are permitted by
357 statute to have a past or present affiliation with the regulated industry.
358 Designation of positions subject to the provisions of this subsection
359 shall be by regulations adopted by the Citizen's Ethics Advisory Board
360 in accordance with chapter 54. As used in this subsection, "agency"
361 means the Office of Health Care Access, the Connecticut Siting
362 Council, the Department of Banking, the Insurance Department, the
363 Department of Public Safety, the office within the Department of
364 Consumer Protection that carries out the duties and responsibilities of
365 sections 30-2 to 30-68m, inclusive, the Department of Public Utility

366 Control, including the Office of Consumer Counsel, the Division of
367 Special Revenue and the Gaming Policy Board and the term
368 "employment" means professional services or other services rendered
369 as an employee or as an independent contractor.

370 (1) No public official or state employee, in an executive branch
371 position designated by the Office of State Ethics shall negotiate for,
372 seek or accept employment with any business subject to regulation by
373 his agency.

374 (2) No former public official or state employee who held such a
375 position in the executive branch shall within one year after leaving an
376 agency, accept employment with a business subject to regulation by
377 that agency.

378 (3) No business shall employ a present or former public official or
379 state employee in violation of this subsection.

380 (d) The provisions of subsection (e) of this section apply to (1)
381 present or former Gaming Policy Board or Division of Special Revenue
382 public officials or state employees who hold or formerly held positions
383 which involve significant decision-making or supervisory
384 responsibility and are designated as such by the Office of State Ethics,
385 in consultation with the agency concerned, and (2) present or former
386 public officials or state employees of other agencies who hold or
387 formerly held positions which involve significant decision-making or
388 supervisory responsibility concerning the regulation or investigation
389 of (A) any business entity (i) engaged in Indian gaming operations in
390 the state, and (ii) in which a federally-recognized Indian tribe in the
391 state owns a controlling interest, or (B) a governmental agency of a
392 federally-recognized Indian tribe engaged in Indian gaming operations
393 in the state, which positions are designated as such by the Office of
394 State Ethics, in consultation with the agency concerned. Designation of
395 positions subject to the provisions of this subsection shall be by
396 regulations adopted by the Citizen's Ethics Advisory Board in
397 accordance with chapter 54. As used in subsection (e) of this section,

398 the term "employment" means professional services or other services
399 rendered as an employee or as an independent contractor.

400 (e) (1) No Gaming Policy Board or Division of Special Revenue
401 public official or state employee or other public official or state
402 employee described in subdivision (2) of subsection (d) of this section,
403 in a position designated by the Office of State Ethics, shall negotiate
404 for, seek or accept employment with (A) a business entity (i) engaged
405 in Indian gaming operations in the state, and (ii) in which a federally-
406 recognized Indian tribe in the state owns a controlling interest, or (B) a
407 governmental agency of a federally-recognized Indian tribe engaged in
408 Indian gaming operations in the state.

409 (2) No former Gaming Policy Board or Division of Special Revenue
410 public official or state employee or other former public official or state
411 employee described in subdivision (2) of subsection (d) of this section,
412 who held such a position shall, within two years after leaving such
413 agency, accept employment with (A) a business entity (i) engaged in
414 Indian gaming operations in the state, and (ii) in which a federally-
415 recognized Indian tribe in the state owns a controlling interest, or (B) a
416 governmental agency of a federally-recognized Indian tribe engaged in
417 Indian gaming operations in the state.

418 (f) No former public official or state employee (1) who participated
419 substantially in the negotiation or award of (A) a state contract valued
420 at an amount of fifty thousand dollars or more, or (B) a written
421 agreement for the approval of a payroll deduction slot described in
422 section 3-123g, or (2) who supervised the negotiation or award of such
423 a contract or agreement, shall accept employment with a party to the
424 contract or agreement other than the state for a period of one year after
425 his resignation from his state office or position if his resignation occurs
426 less than one year after the contract or agreement is signed. No party
427 to such a contract or agreement other than the state shall employ any
428 such former public official or state employee in violation of this
429 subsection.

430 (g) No member or director of a quasi-public agency who
431 participates substantially in the negotiation or award of a contract
432 valued at an amount of fifty thousand dollars or more, or who
433 supervised the negotiation or award of such a contract, shall seek,
434 accept, or hold employment with a party to the contract for a period of
435 one year after the signing of the contract.

436 (h) The provisions of subsections (a), (b) and (f) of this section shall
437 not apply to any employee of a quasi-public agency who leaves such
438 agency before July 1, 1989.

439 (i) No Treasurer who authorizes, negotiates or renegotiates a
440 contract for investment services valued at an amount of fifty thousand
441 dollars or more shall negotiate for, seek or accept employment with a
442 party to the contract prior to one year after the end of the Treasurer's
443 term of office within which such contract for investment services was
444 authorized, negotiated or renegotiated by such Treasurer.

445 (j) No former executive, judicial or legislative branch or quasi-public
446 agency official or state employee convicted of any felony involving
447 corrupt practices, abuse of office or breach of the public trust shall seek
448 or accept employment as a lobbyist or act as a registrant pursuant to
449 this chapter.

450 (k) No former Governor shall accept employment or act as a
451 registrant pursuant to the provisions of this chapter, for one year after
452 leaving state service, on behalf of any business that received a contract
453 with any department or agency of the state during such Governor's
454 term. No business shall employ a former Governor in violation of this
455 subsection.

456 (l) Each executive branch or quasi-public agency official or
457 employee, prior to entering such service or employment, respectively,
458 shall be provided a copy of the prohibitions contained in subsections
459 (a) to (f), inclusive, of this section and shall sign a certification
460 indicating that such official or employee is aware of the prohibitions
461 contained in subsections (a) to (f), inclusive, of this section.

462 Sec. 8. Subsection (d) of section 1-88 of the general statutes is
463 repealed and the following is substituted in lieu thereof (*Effective*
464 *October 1, 2009*):

465 (d) Any person who knowingly acts in such person's financial
466 interest in violation of section 1-84, as amended by this act, 1-85, as
467 amended by this act, 1-86, as amended by this act, [or] 1-86d, 1-86e or
468 1-101nn, as amended by this act, or any person who knowingly
469 receives a financial advantage resulting from a violation of any of said
470 sections shall be liable for damages in the amount of such advantage. If
471 the board determines that any person may be so liable, it shall
472 immediately inform the Attorney General of that possibility.

473 Sec. 9. Subsection (g) of section 1-91 of the general statutes is
474 repealed and the following is substituted in lieu thereof (*Effective*
475 *October 1, 2009*):

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

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

482 (2) Services provided by persons volunteering their time, if
483 provided to aid or promote the success or defeat of any political party,
484 any candidate or candidates for public office or the position of
485 convention delegate or town committee member or any referendum
486 question;

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

489 (4) A gift received from (A) the individual's spouse, fiance or
490 fiancee, (B) the parent, brother or sister of such spouse or such
491 individual, or (C) the child of such individual or the spouse of such

492 child;

493 (5) Goods or services (A) which are provided to a state agency or
494 quasi-public agency (i) for use on state or quasi-public agency
495 property, or (ii) that support an event, and (B) which facilitate state or
496 quasi-public agency action or functions. As used in this subdivision,
497 "state property" means (i) property owned by the state or a quasi-
498 public agency, or (ii) property leased to a state or quasi-public agency;

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

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

503 (8) Printed or recorded informational material germane to state
504 action or functions;

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

510 (10) Food or beverage or both, costing less than fifty dollars per
511 person and consumed at a publicly noticed legislative reception to
512 which all members of the General Assembly are invited and which is
513 hosted not more than once in any calendar year by a lobbyist or
514 business organization. For the purposes of such limit, (A) a reception
515 hosted by a lobbyist who is an individual shall be deemed to have also
516 been hosted by the business organization which he owns or is
517 employed by, and (B) a reception hosted by a business organization
518 shall be deemed to have also been hosted by all owners and employees
519 of the business organization who are lobbyists. In making the
520 calculation for the purposes of such fifty-dollar limit, the donor shall
521 divide the amount spent on food and beverage by the number of
522 persons whom the donor reasonably expects to attend the reception;

523 (11) Food or beverage or both, costing less than fifty dollars per
524 person and consumed at a publicly noticed reception to which all
525 members of the General Assembly from a region of the state are
526 invited and which is hosted not more than once in any calendar year
527 by a lobbyist or business organization. For the purposes of such limit,
528 (A) a reception hosted by a lobbyist who is an individual shall be
529 deemed to have also been hosted by the business organization which
530 he owns or is employed by, and (B) a reception hosted by a business
531 organization shall be deemed to have also been hosted by all owners
532 and employees of the business organization who are lobbyists. In
533 making the calculation for the purposes of such fifty-dollar limit, the
534 donor shall divide the amount spent on food and beverage by the
535 number of persons whom the donor reasonably expects to attend the
536 reception. As used in this subdivision, "region of the state" means the
537 established geographic service area of the organization hosting the
538 reception;

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

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

548 (14) Admission to a charitable or civic event, including food and
549 beverage provided at such event, but excluding lodging or travel
550 expenses, at which a public official or state employee participates in
551 his or her official capacity, or at which a candidate for public office
552 participates in his or her capacity as a candidate, provided such
553 admission is provided by the primary sponsoring entity;

554 (15) Anything of value provided by an employer of (A) a public

555 official, (B) a state employee, (C) a candidate for public office, or ~~[(C)]~~
556 (D) a spouse of a public official, a candidate for public office or state
557 employee, to such official, candidate, employee or spouse, provided
558 such benefits are customarily and ordinarily provided to others in
559 similar circumstances;

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

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

567 Sec. 10. Subsection (l) of section 1-91 of the general statutes is
568 repealed and the following is substituted in lieu thereof (*Effective July*
569 *1, 2009*):

570 (l) "Lobbyist" means a person who in lobbying and in furtherance of
571 lobbying makes or agrees to make expenditures, or receives or agrees
572 to receive compensation, reimbursement, or both, and such
573 compensation, reimbursement or expenditures are ~~[two]~~ three
574 thousand dollars or more in any calendar year or the combined
575 amount thereof is ~~[two]~~ three thousand dollars or more in any such
576 calendar year. Lobbyist shall not include:

577 (1) A public official, employee of a branch of state government or a
578 subdivision thereof, or elected or appointed official of a municipality
579 or his designee other than an independent contractor, who is acting
580 within the scope of his authority or employment;

581 (2) A publisher, owner or an employee of the press, radio or
582 television while disseminating news or editorial comment to the
583 general public in the ordinary course of business;

584 (3) An individual representing himself or another person before the

585 legislature or a state agency other than for the purpose of influencing
586 legislative or administrative action;

587 (4) Any individual or employee who receives no compensation or
588 reimbursement specifically for lobbying and who limits his activities
589 solely to formal appearances to give testimony before public sessions
590 of committees of the General Assembly or public hearings of state
591 agencies and who, if he testifies, registers his appearance in the records
592 of such committees or agencies;

593 (5) A member of an advisory board acting within the scope of his
594 appointment;

595 (6) A senator or representative in Congress acting within the scope
596 of his office;

597 (7) Any person who receives no compensation or reimbursement
598 specifically for lobbying and who spends no more than five hours in
599 furtherance of lobbying unless such person (A) exclusive of salary,
600 receives compensation or makes expenditures, or both, of [two] three
601 thousand dollars or more in any calendar year for lobbying or the
602 combined amount thereof is [two] three thousand dollars or more in
603 any such calendar year, or (B) expends fifty dollars or more for the
604 benefit of a public official in the legislative or executive branch, a
605 member of his staff or immediate family;

606 (8) A communicator lobbyist who receives or agrees to receive
607 compensation, reimbursement, or both, the aggregate amount of which
608 is less than [two] three thousand dollars from each client in any
609 calendar year.

610 Sec. 11. Subsection (u) of section 1-91 of the general statutes is
611 repealed and the following is substituted in lieu thereof (*Effective*
612 *October 1, 2009*):

613 (u) "Client lobbyist" means a [lobbyist] person on behalf of whom
614 lobbying takes place and who makes expenditures for lobbying and in

615 furtherance of lobbying.

616 Sec. 12. Subsection (e) of section 1-92 of the general statutes is
617 repealed and the following is substituted in lieu thereof (*Effective*
618 *October 1, 2009*):

619 (e) Upon the concurring vote of a majority of its members present
620 and voting, the board shall issue advisory opinions with regard to the
621 requirements of this part, or part III of this chapter upon the request of
622 any person, subject to the provisions of this part, or part III of this
623 chapter and publish such advisory opinions in the Connecticut Law
624 Journal. Advisory opinions rendered by the board, until amended or
625 revoked, shall be binding on the board and shall be deemed to be final
626 decisions of the board for purposes of appeal to the superior court, in
627 accordance with the provisions of section 4-175 or 4-183. Any advisory
628 opinion concerning any person subject to the provisions of this part
629 who requested the opinion and who acted in reliance thereon, in good
630 faith, shall be binding upon the board, and it shall be an absolute
631 defense in any criminal action brought under the provisions of this
632 part or part III of this chapter that the accused acted in reliance upon
633 such advisory opinion.

634 Sec. 13. Section 1-94 of the general statutes is repealed and the
635 following is substituted in lieu thereof (*Effective July 1, 2009*):

636 (a) A lobbyist shall register with the Office of State Ethics pursuant
637 to this part if it or he:

638 (1) Receives or agrees to receive compensation or reimbursement for
639 actual expenses, or both, in a combined amount of [two] three
640 thousand dollars or more in a calendar year for lobbying, whether that
641 receipt of compensation or reimbursement or agreement to receive
642 such compensation or reimbursement is solely for lobbying or the
643 lobbying is [incidental to] within the scope of that person's [regular]
644 employment; or

645 (2) Makes or incurs an obligation to make expenditures of [two]

646 three thousand dollars or more in a calendar year for lobbying.

647 (b) If lobbying is within the scope of a person's employment, such
648 person shall be required to track his or her time and expenditures in
649 furtherance of lobbying for the purpose of reporting and potential
650 registration with the Office of State Ethics.

651 Sec. 14. Section 1-96 of the general statutes is repealed and the
652 following is substituted in lieu thereof (*Effective October 1, 2009*):

653 (a) Each client lobbyist registrant shall file with the Office of State
654 Ethics between the first and tenth day of April, July and January a
655 financial report, signed under penalty of false statement. The April and
656 July reports shall cover its lobbying activities during the previous
657 calendar quarter and the January report shall cover its lobbying
658 activities during the previous two calendar quarters. In addition to
659 such reports, each client lobbyist registrant which attempts to
660 influence legislative action shall file, under penalty of false statement,
661 interim monthly reports of its lobbying activities for each month the
662 General Assembly is in regular session, except that no monthly report
663 shall be required for any month in which it neither expends nor agrees
664 to expend one hundred dollars or more in furtherance of lobbying.
665 Such interim monthly reports shall be filed with the Office of State
666 Ethics no later than the tenth day of the month following the last day
667 of the month reported. If the client lobbyist registrant is not an
668 individual, an authorized officer or agent of the client lobbyist
669 registrant shall sign the form. A communicator lobbyist for a
670 municipality or any subdivision of a municipality, a branch of state
671 government or any subdivision of state government or a quasi-public
672 agency shall file the reports described in this subsection utilizing the
673 client lobbyist reporting schedule.

674 (b) Each individual communicator lobbyist registrant and each
675 business organization communicator lobbyist registrant shall file with
676 the Office of State Ethics between the first and tenth day of January a
677 report or reports, signed under penalty of false statement, reporting

678 the amounts of compensation and reimbursement received from each
679 of his clients during the previous year. In addition, each individual
680 communicator lobbyist registrant and each business organization
681 communicator lobbyist registrant shall: (1) Report the fundamental
682 terms of contracts, agreements or promises to pay or receive
683 compensation or reimbursement or to make expenditures in
684 furtherance of lobbying, including the categories of work to be
685 performed and the dollar value or compensation rate of the contract, at
686 the time of registration; (2) report, in accordance with the schedule set
687 forth in subsection (a) of this section, any amendments to these
688 fundamental terms, including any agreements to subcontract lobbying
689 work; and (3) report, in accordance with the provisions of subsection
690 (a) of this section, any expenditures for the benefit of a public official in
691 the legislative or executive branch, [or] a member of the staff or
692 immediate family of such official, or a candidate for public office or
693 immediate family of such candidate which are unreimbursed and
694 required to be itemized. Such report shall not include the disclosure of
695 food and beverage provided by a communicator lobbyist registrant to
696 a public official in the legislative or executive branch or a member of
697 his staff or immediate family at a major life event, as defined by the
698 Citizen's Ethics Advisory Board, of the registrant. All such information
699 shall be reported under penalty of false statement.

700 (c) An individual communicator lobbyist registrant shall file a
701 separate report for each person from whom he received compensation
702 or reimbursement. Notwithstanding any provision of this subsection to
703 the contrary, a business organization to which one or more individual
704 communicator lobbyist registrants belong may file a single report for
705 each client lobbyist in lieu of any separate reports that individual
706 registrants are required to file pursuant to this subsection.

707 (d) Each registrant who files a notice of termination under
708 subsection (c) of section 1-95 shall file with the Office of State Ethics a
709 financial report, under penalty of false statement, between the first and
710 tenth day of January of the year following termination.

711 (e) Each client lobbyist registrant financial report shall be on a form
712 prescribed by the board and shall state expenditures made and the
713 fundamental terms of contracts, agreements or promises to pay
714 compensation or reimbursement or to make expenditures in
715 furtherance of lobbying. Any such fundamental terms shall be
716 reported once in the monthly, quarterly or post-termination report
717 next following the entering into of such contract. Such financial report
718 shall include an itemized statement of each expenditure of ten dollars
719 or more per person for each occasion made by the reporting registrant
720 or a group of registrants which includes the reporting registrant for the
721 benefit of a public official in the legislative or executive branch, a
722 member of his staff or immediate family or a candidate for public
723 office or immediate family member of such candidate, itemized by
724 date, beneficiary, amount and circumstances of the transaction. The
725 requirement of an itemized statement shall not apply to an
726 expenditure made by a reporting registrant or a group of registrants
727 which includes the reporting registrant for (1) the benefit of the
728 members of the General Assembly at an event that is a reception to
729 which all such members are invited or all members of a region of the
730 state, as such term is used in subdivision (11) of subsection (g) of
731 section 1-91, as amended by this act, are invited, unless the
732 expenditure is thirty dollars or more per person, or (2) benefits
733 personally and directly received by a public official, a candidate for
734 public office, or state employee at a charitable or civic event at which
735 the public official or state employee participates in his official capacity,
736 or at which a candidate for public office participates in his or her
737 capacity as a candidate unless the expenditure is thirty dollars or more
738 per person, per event. If the compensation is required to be reported
739 for an individual whose lobbying is [incidental to his regular] within
740 the scope of such person's employment, it shall be sufficient to report a
741 prorated amount based on the value of the time devoted to lobbying.
742 On the first financial report following registration each client lobbyist
743 registrant shall include any expenditures incident to lobbying activities
744 which were received or expended prior to registration and not
745 previously reported to the Office of State Ethics.

746 (f) The Citizen's Ethics Advisory Board shall, by regulations
747 adopted in accordance with chapter 54, establish minimum amounts
748 for each item required to be reported, below which reporting may be
749 made in the aggregate. The provisions of this subsection shall not
750 apply to expenditures made for the benefit of a public official or a
751 member of such person's staff or immediate family.

752 (g) Each former registrant shall (1) report receipts or expenditures
753 incident to lobbying activities during his period of registration which
754 are received or expended following termination of registration, and (2)
755 report each expenditure of ten dollars or more per person for each
756 occasion made by him for the benefit of a public official or a member
757 of such official's immediate family or staff which occurs within six
758 months after termination of registration.

759 (h) The Office of State Ethics shall, within thirty days after receipt of
760 a financial report which contains the name of a public official in the
761 legislative or executive branch or a member of such official's staff or
762 immediate family, or a candidate for public office or immediate family
763 of such candidate send a written notice to such public official or
764 candidate, of the filing of the report and the name of the person who
765 filed it.

766 Sec. 15. Section 1-100b of the general statutes is repealed and the
767 following is substituted in lieu thereof (*Effective October 1, 2009*):

768 (a) The Office of State Ethics, upon a finding that a communicator
769 lobbyist has violated the provisions of subsection [(i)] (h) of section 9-
770 610, may suspend said lobbyist's registration for a period of not more
771 than the remainder of the term of such registration and may prohibit
772 said lobbyist from engaging in the profession of lobbyist for a period
773 of not more than three years.

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

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

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

785 Sec. 16. Subsection (c) of section 1-101nn of the general statutes is
786 repealed and the following is substituted in lieu thereof (*Effective*
787 *October 1, 2009*):

788 (c) Any person who [violates] is found in violation of any provision
789 of this section by the Office of State Ethics pursuant to section 1-82, as
790 amended by this act, may be deemed a nonresponsible bidder by a
791 state agency, board, commission or institution or quasi-public agency.

792 Sec. 17. Section 4b-4 of the general statutes is repealed and the
793 following is substituted in lieu thereof (*Effective October 1, 2009*):

794 (a) No employee of the Properties Review Board shall hold another
795 state or municipal position, nor shall any such employee or any
796 nonclerical employee in the unit in the Department of Public Works
797 which is responsible for acquiring, leasing and selling real property on
798 behalf of the state, be directly involved in any enterprise which does
799 business with the state or be directly or indirectly involved in any
800 enterprise concerned with real estate acquisition or development. Each
801 member and employee of the State Properties Review Board shall file,
802 with the board and with the Office of State Ethics, and each such
803 employee of the department shall file, with the department and with
804 the Office of State Ethics, [a financial statement indicating all sources of
805 business income of such person in excess of one thousand dollars, and
806 the name of any business with which he is associated, which shall have
807 the same meaning as defined in section 1-79] a statement of financial
808 interests, as described in section 1-83, as amended by this act. [Such
809 statement shall be a public record. Financial statements for the

810 preceding calendar year shall be filed with the commission on or
811 before April fifteenth of each year if the employee or member held
812 such a position during the preceding calendar year] Such statements
813 for the preceding calendar year shall be filed with the Office of State
814 Ethics, in accordance with section 1-83, as amended by this act.

815 (b) The provisions of sections 1-82, as amended by this act, 1-82a
816 and 1-88, as amended by this act, shall apply to any alleged violation
817 of this section.

818 Sec. 18. Subsection (b) of section 4e-34 of the general statutes is
819 repealed and the following is substituted in lieu thereof (*Effective June*
820 *1, 2010*):

821 (b) Causes for such disqualification shall include the following:

822 (1) Conviction of, or entry of a plea of guilty or nolo contendere or
823 admission to, the commission of a criminal offense as an incident to
824 obtaining or attempting to obtain a public or private contract or
825 subcontract, or in the performance of such contract or subcontract;

826 (2) Conviction of, or entry of a plea of guilty or nolo contendere or
827 admission to, the violation of any state or federal law for
828 embezzlement, theft, forgery, bribery, falsification or destruction of
829 records, receiving stolen property or any other offense indicating a
830 lack of business integrity or business honesty which affects
831 responsibility as a state contractor;

832 (3) Conviction of, or entry of a plea of guilty or nolo contendere or
833 admission to, a violation of any state or federal antitrust, collusion or
834 conspiracy law arising out of the submission of bids or proposals on a
835 public or private contract or subcontract;

836 (4) Accumulation of two or more suspensions pursuant to section
837 4e-35 within a twenty-four-month period;

838 (5) A wilful, negligent or reckless failure to perform in accordance
839 with the terms of one or more contracts or subcontracts, agreements or

840 transactions with state contracting agencies;

841 (6) A history of failure to perform or of unsatisfactory performance
842 on one or more public contracts, agreements or transactions with state
843 contracting agencies;

844 (7) A wilful violation of a statutory or regulatory provision or
845 requirement applicable to a contract, agreement or transaction with
846 state contracting agencies;

847 (8) A wilful or egregious violation of the ethical standards set forth
848 in sections 1-84, as amended by this act, [and] 1-86e [,] and 1-101nn, as
849 amended by this act, as determined by the Citizen's Ethics Advisory
850 Board; or

851 (9) Any other cause or conduct the board determines to be so
852 serious and compelling as to affect responsibility as a state contractor,
853 including, but not limited to:

854 (A) Disqualification by another state for cause;

855 (B) The fraudulent or criminal conduct of any officer, director,
856 shareholder, partner, employee or other individual associated with a
857 contractor, bidder or proposer of such contractor, bidder or proposer,
858 provided such conduct occurred in connection with the individual's
859 performance of duties for or on behalf of such contractor, bidder or
860 proposer and such contractor, bidder or proposer knew or had reason
861 to know of such conduct;

862 (C) The existence of an informal or formal business relationship
863 with a contractor who has been disqualified from bidding or
864 proposing on state contracts of any state contracting agency.

865 Sec. 19. (NEW) (*Effective July 1, 2009*) The Office of State Ethics shall
866 adopt regulations, in accordance with the provisions of chapter 54 of
867 the general statutes, to establish guidelines for the determination of
868 when lobbying is "within the scope of a person's employment", as
869 described in sections 1-94 and 1-96 of the general statutes, as amended

870 by this act. Such regulations shall, at a minimum, address the
 871 distinction between a person who is specifically directed by such
 872 person's employer to lobby and a person who is not specifically
 873 directed by such person's employer to lobby."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	1-79(e)
Sec. 2	<i>October 1, 2009</i>	1-79(l)
Sec. 3	<i>from passage</i>	1-80
Sec. 4	<i>October 1, 2009</i>	1-81(a)
Sec. 5	<i>October 1, 2009</i>	1-82(e)
Sec. 6	<i>October 1, 2009</i>	1-83(a)
Sec. 7	<i>from passage</i>	1-84b
Sec. 8	<i>October 1, 2009</i>	1-88(d)
Sec. 9	<i>October 1, 2009</i>	1-91(g)
Sec. 10	<i>July 1, 2009</i>	1-91(l)
Sec. 11	<i>October 1, 2009</i>	1-91(u)
Sec. 12	<i>October 1, 2009</i>	1-92(e)
Sec. 13	<i>July 1, 2009</i>	1-94
Sec. 14	<i>October 1, 2009</i>	1-96
Sec. 15	<i>October 1, 2009</i>	1-100b
Sec. 16	<i>October 1, 2009</i>	1-101nn(c)
Sec. 17	<i>October 1, 2009</i>	4b-4
Sec. 18	<i>June 1, 2010</i>	4e-34(b)
Sec. 19	<i>July 1, 2009</i>	New section