



General Assembly

Amendment

January Session, 2009

LCO No. 8782

HB0629408782HDO

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4 repealed and the following is substituted in lieu thereof (*Effective*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. Upon the expiration of such members' five-year terms such
140 members may not be reappointed and any subsequent appointment to
141 the board by said appointing authorities shall be for a four-year term.

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

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

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

173 (d) The board shall elect a chairperson who shall, except as
174 provided in subsection (b) of section 1-82 and subsection (b) of section

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

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

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

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

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

207 board and Office of State Ethics; (6) be patient, dignified and courteous
208 to all persons who appear in board or Office of State Ethics
209 proceedings and with other persons with whom the members and
210 employees deal in their official capacities; (7) refrain from making any
211 statement outside of a board or Office of State Ethics proceeding,
212 which would have a likelihood of prejudicing a board or Office of State
213 Ethics proceeding; (8) refrain from making any statement outside of a
214 board or Office of State Ethics proceeding that a reasonable person
215 would expect to be disseminated by means of public communication if
216 the member or employee should know that such statement would
217 have a likelihood of materially prejudicing or embarrassing a
218 complainant or a respondent; (9) preserve confidences of complainants
219 and respondents; (10) exercise independent professional judgment on
220 behalf of the board and Office of State Ethics; and (11) represent the
221 board and Office of State Ethics competently.

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

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

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

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

239 of the Superior Court or service as a state agency commissioner.

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

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

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

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

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

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

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

269 binding on the board and shall be deemed to be final decisions of the
270 board for purposes of appeal to the superior court, in accordance with
271 the provisions of section 4-175 or 4-183. Any advisory opinion
272 concerning the person who requested the opinion and who acted in
273 reliance thereon, in good faith, shall be binding upon the board, and it
274 shall be an absolute defense in any criminal action brought under the
275 provisions of this part or part IV of this chapter, that the accused acted
276 in reliance upon such advisory opinion;

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

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

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

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

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

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

293 (e) No person shall take or threaten to take official action against an
294 individual for such individual's disclosure of information to the board
295 or the general counsel, ethics enforcement officer or staff of the Office
296 of State Ethics under the provisions of this part or section 1-101nn, as
297 amended by this act. After receipt of information from an individual
298 under the provisions of this part or section 1-101nn, as amended by

299 this act, the Office of State Ethics shall not disclose the identity of such
300 individual without such individual's consent unless the Office of State
301 Ethics determines that such disclosure is unavoidable during the
302 course of an investigation. No person shall be subject to civil liability
303 for any good faith disclosure that such person makes to the
304 [commission] Office of State Ethics.

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

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

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

332 shall file a copy of such ethics statement with the Department of
333 Administrative Services and the Office of State Ethics.

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

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

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

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

364 Department of Public Safety, the office within the Department of
365 Consumer Protection that carries out the duties and responsibilities of
366 sections 30-2 to 30-68m, inclusive, the Department of Public Utility
367 Control, including the Office of Consumer Counsel, the Division of
368 Special Revenue and the Gaming Policy Board and the term
369 "employment" means professional services or other services rendered
370 as an employee or as an independent contractor.

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

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

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

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

396 positions subject to the provisions of this subsection shall be by
397 regulations adopted by the Citizen's Ethics Advisory Board in
398 accordance with chapter 54. As used in subsection (e) of this section,
399 the term "employment" means professional services or other services
400 rendered as an employee or as an independent contractor.

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

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

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

429 such former public official or state employee in violation of this
430 subsection.

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

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

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

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

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

457 (l) Each executive branch or quasi-public agency official or
458 employee, prior to entering such service or employment, respectively,
459 shall be provided a copy of the prohibitions contained in subsections

460 (a) to (f), inclusive, of this section and shall sign a certification
461 indicating that such official or employee is aware of the prohibitions
462 contained in subsections (a) to (f), inclusive, of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

521 calculation for the purposes of such fifty-dollar limit, the donor shall
522 divide the amount spent on food and beverage by the number of
523 persons whom the donor reasonably expects to attend the reception;

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

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

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

549 (14) Admission to a charitable or civic event, including food and
550 beverage provided at such event, but excluding lodging or travel
551 expenses, at which a public official or state employee participates in
552 his or her official capacity, or at which a candidate for public office

553 participates in his or her capacity as a candidate, provided such
554 admission is provided by the primary sponsoring entity;

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

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

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

568 Sec. 10. Subsection (l) of section 1-91 of the general statutes is
569 repealed and the following is substituted in lieu thereof (*Effective July*
570 *1, 2009*):

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

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

582 (2) A publisher, owner or an employee of the press, radio or

583 television while disseminating news or editorial comment to the
584 general public in the ordinary course of business;

585 (3) An individual representing himself or another person before the
586 legislature or a state agency other than for the purpose of influencing
587 legislative or administrative action;

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

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

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

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

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

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

613 October 1, 2009):

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

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

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

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

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

639 (1) Receives or agrees to receive compensation or reimbursement for
640 actual expenses, or both, in a combined amount of [two] three
641 thousand dollars or more in a calendar year for lobbying, whether that
642 receipt of compensation or reimbursement or agreement to receive
643 such compensation or reimbursement is solely for lobbying or the

644 lobbying is [incidental to] within the scope of that person's [regular]
645 employment; or

646 (2) Makes or incurs an obligation to make expenditures of [two]
647 three thousand dollars or more in a calendar year for lobbying.

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

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

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

675 (b) Each individual communicator lobbyist registrant and each

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

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

708 (d) Each registrant who files a notice of termination under
709 subsection (c) of section 1-95 shall file with the Office of State Ethics a

710 financial report, under penalty of false statement, between the first and
711 tenth day of January of the year following termination.

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

744 registrant shall include any expenditures incident to lobbying activities
745 which were received or expended prior to registration and not
746 previously reported to the Office of State Ethics.

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

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

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

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

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

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

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

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

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

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

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

795 (a) No employee of the Properties Review Board shall hold another
796 state or municipal position, nor shall any such employee or any
797 nonclerical employee in the unit in the Department of Public Works
798 which is responsible for acquiring, leasing and selling real property on
799 behalf of the state, be directly involved in any enterprise which does
800 business with the state or be directly or indirectly involved in any
801 enterprise concerned with real estate acquisition or development. Each
802 member and employee of the State Properties Review Board shall file,
803 with the board and with the Office of State Ethics, and each such
804 employee of the department shall file, with the department and with
805 the Office of State Ethics, [a financial statement indicating all sources of

806 business income of such person in excess of one thousand dollars, and
807 the name of any business with which he is associated, which shall have
808 the same meaning as defined in section 1-79] a statement of financial
809 interests, as described in section 1-83, as amended by this act. [Such
810 statement shall be a public record. Financial statements for the
811 preceding calendar year shall be filed with the commission on or
812 before April fifteenth of each year if the employee or member held
813 such a position during the preceding calendar year] Such statements
814 for the preceding calendar year shall be filed with the Office of State
815 Ethics, in accordance with section 1-83, as amended by this act.

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

819 Sec. 18. Subsection (b) of section 4e-34 of the general statutes is
820 repealed and the following is substituted in lieu thereof (*Effective June*
821 *1, 2010*):

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

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

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

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

837 (4) Accumulation of two or more suspensions pursuant to section
838 4e-35 within a twenty-four-month period;

839 (5) A wilful, negligent or reckless failure to perform in accordance
840 with the terms of one or more contracts or subcontracts, agreements or
841 transactions with state contracting agencies;

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

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

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

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

855 (A) Disqualification by another state for cause;

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

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

866 Sec. 19. (NEW) (*Effective July 1, 2009*) The Office of State Ethics shall
 867 adopt regulations, in accordance with the provisions of chapter 54 of
 868 the general statutes, to establish guidelines for the determination of
 869 when lobbying is "within the scope of a person's employment", as
 870 described in sections 1-94 and 1-96 of the general statutes, as amended
 871 by this act. Such regulations shall, at a minimum, address the
 872 distinction between a person who is specifically directed by such
 873 person's employer to lobby and a person who is not specifically
 874 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