



General Assembly

February Session, 2010

**Amendment**

LCO No. 5546

**\*HB0540305546HDO\***

Offered by:  
REP. SPALLONE, 36<sup>th</sup> Dist.

To: Subst. House Bill No. 5403      File No. 308      Cal. No. 181

**"AN ACT CONCERNING REVISIONS TO THE CODE OF ETHICS."**

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

3      "Section 1. Section 1-80 of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective October 1, 2010*):

5      (a) There shall be an Office of State Ethics that shall be an  
6      independent state agency and shall constitute a successor agency to the  
7      State Ethics Commission, in accordance with the provisions of sections  
8      4-38d and 4-39. Said office shall consist of an executive director,  
9      general counsel, ethics enforcement officer and such other staff as  
10     hired by the executive director. Within the Office of State Ethics, there  
11     shall be the Citizen's Ethics Advisory Board that shall consist of nine  
12     members, appointed as follows: One member shall be appointed by the  
13     speaker of the House of Representatives, one member by the president  
14     pro tempore of the Senate, one member by the majority leader of the  
15     Senate, one member by the minority leader of the Senate, one member

16 by the majority leader of the House of Representatives, one member by  
17 the minority leader of the House of Representatives, and three  
18 members by the Governor. [Members] Each member of the board shall  
19 serve for a four-year [terms which shall commence on October 1, 2005]  
20 term, except that (1) members first appointed for terms commencing  
21 on October 1, 2005, shall have the following terms: The Governor shall  
22 appoint two members for a term of three years and one member for a  
23 term of four years; the majority leader of the House of Representatives,  
24 minority leader of the House of Representatives and the speaker of the  
25 House of Representatives shall each appoint one member for a term of  
26 two years; the president pro tempore of the Senate, the majority leader  
27 of the Senate and the minority leader of the Senate shall each appoint  
28 one member for a term of four years, and (2) the term commencing  
29 October 1, 2009, for the member appointed by the Governor and the  
30 member appointed by the president pro tempore of the Senate, shall be  
31 five years. Upon the expiration of such members' five-year terms, such  
32 members may not be reappointed and any subsequent appointment to  
33 the board by the Governor or president pro tempore of the Senate shall  
34 be for a four-year term. No individual shall be appointed to more than  
35 one four-year term as a member of the board. [, provided, members]  
36 Members may not continue in office once their term has expired and  
37 members first appointed may not be reappointed, provided they may  
38 adjudicate at a hearing under subsection (b) of section 1-82 that  
39 commenced during such member's term of office. No more than five  
40 members shall be members of the same political party. The members  
41 appointed by the majority leader of the Senate and the majority leader  
42 of the House of Representatives shall be selected from a list of  
43 nominees proposed by a citizen group having an interest in ethical  
44 government. The majority leader of the Senate and the majority leader  
45 of the House of Representatives shall each determine the citizen group  
46 from which each will accept such nominations. One member  
47 appointed by the Governor shall be selected from a list of nominees  
48 proposed by a citizen group having an interest in ethical government.  
49 The Governor shall determine the citizen group from which the  
50 Governor will accept such nominations.

51 (b) All members shall be electors of the state. No member shall be a  
52 state employee. No member or employee of [such] said board shall (1)  
53 hold or campaign for any public office; (2) have held public office or  
54 have been a candidate for public office for a three-year period prior to  
55 appointment; (3) hold office in any political party or political  
56 committee or be a member of any organization or association  
57 organized primarily for the purpose of influencing legislation or  
58 decisions of public agencies; or (4) be an individual who is a registrant  
59 as defined in [subsection (q) of] section 1-91. For purposes of this  
60 subsection, "public office" does not include the offices of justice of the  
61 peace or notary public.

62 (c) Any vacancy on the board shall be filled by the appointing  
63 authority having the power to make the original appointment. An  
64 individual selected by the appointing authority to fill a vacancy shall  
65 be eligible for appointment to one full four-year term thereafter. Any  
66 vacancy occurring on the board shall be filled within thirty days.

67 (d) The board shall elect a chairperson who shall, except as  
68 provided in subsection (b) of section 1-82 and subsection (b) of section  
69 1-93, preside at meetings of the board and a vice-chairperson to  
70 preside in the absence of the chairperson. Six members of the board  
71 shall constitute a quorum. Except as provided in subdivision (3) of  
72 subsection (a) of section 1-81, subsections (a) and (b) of section 1-82,  
73 subsection (b) of section 1-88, subdivision (5) of section 1-92,  
74 subsections (a) and (b) of section 1-93 and subsection (b) of section 1-  
75 99, a majority vote of the members shall be required for action of the  
76 board. The chairperson or any three members may call a meeting.

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

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

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

89 (h) The members and employees of the Citizen's Ethics Advisory  
90 Board and the Office of State Ethics shall adhere to the following code  
91 of ethics under which the members and employees shall: (1) Observe  
92 high standards of conduct so that the integrity and independence of  
93 the Citizen's Ethics Advisory Board and the Office of State Ethics may  
94 be preserved; (2) respect and comply with the law and conduct  
95 themselves at all times in a manner which promotes public confidence  
96 in the integrity and impartiality of the board and the Office of State  
97 Ethics; (3) be faithful to the law and maintain professional competence  
98 in the law; (4) be unswayed by partisan interests, public clamor or fear  
99 of criticism; (5) maintain order and decorum in proceedings of the  
100 board and Office of State Ethics; (6) be patient, dignified and courteous  
101 to all persons who appear in board or Office of State Ethics  
102 proceedings and with other persons with whom the members and  
103 employees deal in their official capacities; (7) refrain from making any  
104 statement outside of a board or Office of State Ethics proceeding,  
105 which would have a likelihood of prejudicing a board or Office of State  
106 Ethics proceeding; (8) refrain from making any statement outside of a  
107 board or Office of State Ethics proceeding that a reasonable person  
108 would expect to be disseminated by means of public communication if  
109 the member or employee should know that such statement would  
110 have a likelihood of materially prejudicing or embarrassing a  
111 complainant or a respondent; (9) preserve confidences of complainants  
112 and respondents; (10) exercise independent professional judgment on  
113 behalf of the board and Office of State Ethics; and (11) represent the  
114 board and Office of State Ethics competently.

115 (i) No member or employee of the board or Office of State Ethics

116 may make a contribution, as defined in section 9-601a, to any person  
117 subject to the provisions of this part.

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

121 (k) No former member of the board may represent any business or  
122 person, other than himself or herself, before the board for a period of  
123 one year following the end of such former member's service on the  
124 board. No business or person that appears before the board shall  
125 employ or otherwise engage the services of a former member of the  
126 board for a period of one year following the end of such former  
127 member's service on the board.

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

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

136 (n) Each person appointed to the board shall sign a certification  
137 indicating that such person is aware of the provisions contained in  
138 subsections (b) and (h) to (l), inclusive, of this section. Each such  
139 person shall file such certification with the Office of State Ethics prior  
140 to taking the oath of office as a member of the board.

141 Sec. 2. Subsection (q) of section 1-84 of the 2010 supplement to the  
142 general statutes is repealed and the following is substituted in lieu  
143 thereof (*Effective October 1, 2010*):

144 (q) No public official or state employee shall knowingly counsel,  
145 authorize or otherwise sanction action that violates any provision of

146 this part.

147 Sec. 3. Subsection (d) of section 1-88 of the general statutes is  
148 repealed and the following is substituted in lieu thereof (*Effective*  
149 *October 1, 2010*):

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

157 Sec. 4. Subsection (a) of section 1-100b of the general statutes is  
158 repealed and the following is substituted in lieu thereof (*Effective*  
159 *October 1, 2010*):

160 (a) The Office of State Ethics, upon a finding that a communicator  
161 lobbyist has violated the provisions of subsection [(i)] (h) of section 9-  
162 610, may suspend [said] such lobbyist's registration for a period of not  
163 more than the remainder of the term of such registration and may  
164 prohibit [said] such lobbyist from engaging in the profession of  
165 lobbyist for a period of not more than three years.

166 Sec. 5. Subsection (c) of section 1-100b of the general statutes is  
167 repealed and the following is substituted in lieu thereof (*Effective from*  
168 *passage*):

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

173 Sec. 6. Subsection (c) of section 1-101nn of the general statutes is  
174 repealed and the following is substituted in lieu thereof (*Effective*  
175 *October 1, 2010*):

176 (c) Any person who [violates] is found in violation of any provision  
 177 of this section by the Office of State Ethics pursuant to section 1-82 may  
 178 be deemed a nonresponsible bidder by a state agency, board,  
 179 commission or institution or quasi-public agency."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	1-80
Sec. 2	<i>October 1, 2010</i>	1-84(q)
Sec. 3	<i>October 1, 2010</i>	1-88(d)
Sec. 4	<i>October 1, 2010</i>	1-100b(a)
Sec. 5	<i>from passage</i>	1-100b(c)
Sec. 6	<i>October 1, 2010</i>	1-101nn(c)