



General Assembly

January Session, 2011

Governor's Bill No. 1009

LCO No. 3599

*03599 _____ *

Referred to Committee on Government Administration and Elections

Introduced by:

SEN. WILLIAMS, 29th Dist.

SEN. LOONEY, 11th Dist.

REP. DONOVAN, 84th Dist.

REP. SHARKEY, 88th Dist.

AN ACT CREATING THE OFFICE OF GOVERNMENTAL ACCOUNTABILITY.

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

1 Section 1. (NEW) (*Effective July 1, 2011*) (a) There is established the
2 Office of Governmental Accountability. The department head shall be
3 the executive director, who shall be appointed by the Governor in
4 accordance with the provisions of sections 4-5 to 4-8, inclusive, of the
5 general statutes, as amended by this act, with the powers and duties as
6 prescribed in said section 4-8.

7 (b) The Office of Governmental Accountability shall constitute a
8 successor department to the Office of State Ethics, and within said
9 office shall be the State Elections Enforcement Commission, the
10 Freedom of Information Commission, Judicial Review Council and
11 State Contracting Standards Board. The transfer of functions,
12 personnel powers, duties, obligations, including, but not limited to,

13 contract obligations, the continuance of orders and regulations, the
14 effect upon pending actions and proceedings, the completion of
15 unfinished business, and the transfer of records and property between
16 the entities of (1) Office of State Ethics, State Elections Enforcement
17 Commission, Freedom of Information Commission, Judicial Review
18 Council and State Contracting Standards Board as such entities existed
19 immediately prior to July 1, 2011, and (2) the Office of Governmental
20 Accountability shall be governed by the provisions of sections 4-38d, 4-
21 38e and 4-39 of the general statutes.

22 (c) The Office of Governmental Accountability is the designated
23 agency to administer and enforce the code of state ethics, freedom of
24 information requirements and campaign and election law
25 requirements, to ensure that state contracting and procurement
26 processes reflect the highest standards of integrity and efficiency and
27 to investigate and resolve complaints alleging misconduct, disability,
28 or substance abuse of state judges, family support magistrates and
29 workers' compensation commissioners.

30 (d) The Office of Governmental Accountability shall adopt
31 regulations in accordance with chapter 54 of the general statutes to
32 carry out the provisions of sections 1, 2 and 21 of this act, sections 9-7a
33 and 9-7b of the general statutes, as amended by this act, and chapters
34 10, 14, 26, 155 to 157, inclusive, and 872a of the general statutes.

35 (e) The executive director may employ necessary staff, within
36 available appropriations. Such necessary staff of the Office of
37 Governmental Accountability shall be in classified state service.

38 (f) The executive director may enter into contracts for the furnishing
39 by any person or agency, public or private, of services necessary for
40 the proper execution of the duties of the department subject to the
41 approval of the Attorney General in accordance with law.

42 (g) Except as otherwise limited by the provisions of chapter 10 of the
43 general statutes, the executive director may accept contributions,

44 grants, gifts, donations, services or other financial assistance from any
45 governmental unit, any public agency or the private sector. The
46 director is authorized to apply for, receive and distribute any federal
47 or private funds or contributions available for training and education
48 of personnel.

49 (h) The executive director may perform any other acts that may be
50 necessary and appropriate to carry out the functions of the department
51 as set forth in sections 1, 2 and 21 of this act, sections 9-7a and 9-7b of
52 the general statutes, as amended by this act, and chapters 10, 14, 26,
53 155 to 157, inclusive, and 872a of the general statutes.

54 (i) The executive director shall submit to the Governor and the
55 General Assembly an annual report relating to the activities,
56 recommendations and accomplishments of the department, in
57 accordance with the provisions of section 11-4a of the general statutes.

58 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) Within the Office of
59 Governmental Accountability there shall be a legal affairs and
60 enforcement division, a public affairs and services division and a
61 business operations division.

62 (b) The legal affairs and enforcement division shall consist of such
63 staff as hired by the executive director of the Office of General
64 Accountability. The legal affairs and enforcement division shall
65 investigate all complaints, provide advisory opinions and provide staff
66 assistance to the Citizen's Ethics Advisory Board created pursuant to
67 subsection (a) of section 1-80 of the general statutes, as amended by
68 this act, the Judicial Review Council established under 51-51k of the
69 general statutes, as amended by this act, and the State Elections
70 Enforcement Commission established under section 9-7a of the general
71 statutes, as amended by this act.

72 (c) The public affairs and services division shall consist of such staff
73 as hired by the executive director and shall be responsible for contract
74 management, providing staff support to the State Contracting

75 Standards Board established under section 4e-2 of the general statutes,
76 as amended by this act, and education on the code of ethics under
77 chapter 10 of the general statutes, the Freedom of Information Act
78 under chapter 14 of the general statutes, procurement practices and
79 codes adopted under sections 4e-11 and 4e-12 of the general statutes,
80 campaign finance disclosures under chapters 155 and 157 of the
81 general statutes, and the Citizens' Election Program established under
82 section 9-702 of the general statutes.

83 (d) The business operations division shall perform the
84 administrative and business functions of the Office of Governmental
85 Accountability.

86 Sec. 3. Subsection (a) of section 1-80 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective July*
88 *1, 2011*):

89 (a) [There shall be an Office of State Ethics that shall be an
90 independent state agency and shall constitute a successor agency to the
91 State Ethics Commission, in accordance with the provisions of sections
92 4-38d and 4-39. Said office shall consist of an executive director,
93 general counsel, ethics enforcement officer and such other staff as
94 hired by the executive director. Within the Office of State Ethics,]
95 Within the Office of Governmental Accountability, there shall be the
96 Citizen's Ethics Advisory Board that shall consist of nine members,
97 appointed as follows: One member shall be appointed by the speaker
98 of the House of Representatives, one member by the president pro
99 tempore of the Senate, one member by the majority leader of the
100 Senate, one member by the minority leader of the Senate, one member
101 by the majority leader of the House of Representatives, one member by
102 the minority leader of the House of Representatives, and three
103 members by the Governor. Members of the board shall serve for four-
104 year terms which shall commence on October 1, 2005, except that
105 members first appointed shall have the following terms: The Governor
106 shall appoint two members for a term of three years and one member

107 for a term of four years; the majority leader of the House of
108 Representatives, minority leader of the House of Representatives and
109 the speaker of the House of Representatives shall each appoint one
110 member for a term of two years; the president pro tempore of the
111 Senate, the majority leader of the Senate and the minority leader of the
112 Senate shall each appoint one member for a term of four years. No
113 individual shall be appointed to more than one four-year term as a
114 member of the board, provided, members may not continue in office
115 once their term has expired and members first appointed may not be
116 reappointed. No more than five members shall be members of the
117 same political party. The members appointed by the majority leader of
118 the Senate and the majority leader of the House of Representatives
119 shall be selected from a list of nominees proposed by a citizen group
120 having an interest in ethical government. The majority leader of the
121 Senate and the majority leader of the House of Representatives shall
122 each determine the citizen group from which each will accept such
123 nominations. One member appointed by the Governor shall be
124 selected from a list of nominees proposed by a citizen group having an
125 interest in ethical government. The Governor shall determine the
126 citizen group from which the Governor will accept such nominations.

127 Sec. 4. Subsections (h) and (i) of section 1-80 of the general statutes
128 are repealed and the following is substituted in lieu thereof (*Effective*
129 *July 1, 2011*):

130 (h) The members and employees of the Citizen's Ethics Advisory
131 Board and the Office of [State Ethics] Governmental Accountability
132 shall adhere to the following code of ethics under which the members
133 and employees shall: (1) Observe high standards of conduct so that the
134 integrity and independence of the Citizen's Ethics Advisory Board and
135 the Office of [State Ethics] Governmental Accountability may be
136 preserved; (2) respect and comply with the law and conduct
137 themselves at all times in a manner which promotes public confidence
138 in the integrity and impartiality of the board and the Office of [State
139 Ethics] Governmental Accountability; (3) be faithful to the law and

140 maintain professional competence in the law; (4) be unswayed by
141 partisan interests, public clamor or fear of criticism; (5) maintain order
142 and decorum in proceedings of the board and Office of [State Ethics]
143 Governmental Accountability; (6) be patient, dignified and courteous
144 to all persons who appear [in] before the board or in the Office of [State
145 Ethics] Governmental Accountability proceedings and with other
146 persons with whom the members and employees deal in their official
147 capacities; (7) refrain from making any statement outside of a board or
148 Office of [State Ethics] Governmental Accountability proceeding,
149 which would have a likelihood of prejudicing a board or Office of
150 [State Ethics] Governmental Accountability proceeding; (8) refrain
151 from making any statement outside of a board or Office of [State
152 Ethics] Governmental Accountability proceeding that a reasonable
153 person would expect to be disseminated by means of public
154 communication if the member or employee should know that such
155 statement would have a likelihood of materially prejudicing or
156 embarrassing a complainant or a respondent; (9) preserve confidences
157 of complainants and respondents; (10) exercise independent
158 professional judgment on behalf of the board and Office of [State
159 Ethics] Governmental Accountability; and (11) represent the board and
160 Office of [State Ethics] Governmental Accountability competently.

161 (i) No member or employee of the board or Office of [State Ethics]
162 Governmental Accountability may make a contribution, as defined in
163 section 9-601a, to any person subject to the provisions of this part.

164 Sec. 5. Section 1-80e of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective July 1, 2011*):

166 The Chief Court Administrator shall designate ten judge trial
167 referees who shall be available to the Office of [State Ethics]
168 Governmental Accountability to: (1) Preside over and rule at any
169 hearing of the Office of [State Ethics] Governmental Accountability;
170 and (2) make findings as to probable cause following any investigation
171 conducted by the [ethics enforcement officer of the] Office of [State

172 Ethics] Governmental Accountability.

173 Sec. 6. Section 1-81 of the general statutes is repealed and the
174 following is substituted in lieu thereof (*Effective July 1, 2011*):

175 (a) The [board and general counsel and staff] legal affairs and
176 enforcement division of the Office of [State Ethics] Governmental
177 Accountability shall:

178 (1) Compile and maintain an index of all reports, advisory opinions,
179 informal staff letters, memoranda issued in accordance with subsection
180 (b) of section 1-82, as amended by this act, and statements filed by and
181 with the [Office of State Ethics] office to facilitate public access to such
182 reports and advisory opinions, informal staff letters, memoranda
183 statements as provided by this part;

184 (2) Preserve advisory opinions and informal staff letters,
185 permanently; preserve memoranda issued in accordance with
186 subsection (b) of section 1-82, as amended by this act, and statements
187 and reports filed by and with the [board] Citizen's Ethics Advisory
188 Board for a period of five years from the date of receipt;

189 (3) Upon the concurring vote of a majority of the [board] Citizen's
190 Ethics Advisory Board present and voting, issue advisory opinions
191 with regard to the requirements of this part, upon the request of any
192 person subject to the provisions of this part, and publish such advisory
193 opinions in the Connecticut Law Journal. Advisory opinions rendered
194 by the board, until amended or revoked, shall be binding on the board
195 and shall be deemed to be final decisions of the board for purposes of
196 appeal to the superior court, in accordance with the provisions of
197 section 4-175 or 4-183. Any advisory opinion concerning the person
198 who requested the opinion and who acted in reliance thereon, in good
199 faith, shall be binding upon the board, and it shall be an absolute
200 defense in any criminal action brought under the provisions of this
201 part, that the accused acted in reliance upon such advisory opinion;

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

204 (5) Provide yearly training to all state employees regarding the code
205 of ethics. [;]

206 [(6) Make legislative recommendations to the General Assembly and
207 report annually, prior to April fifteenth, to the Governor summarizing
208 the activities of the commission;

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

211 (8) The commission may enter into such contractual agreements as
212 may be necessary for the discharge of its duties, within the limits of its
213 appropriated funds and in accordance with established procedures.]

214 (b) The Office of [State Ethics shall employ an executive director,
215 general counsel and ethics enforcement officer, each of whom shall be
216 exempt from classified state service. The salary for the executive
217 director, general counsel and the ethics enforcement officer shall be
218 determined by the Commissioner of Administrative Services in
219 accordance with accepted personnel practices. No one person may
220 serve in more than one of the positions described in this subsection.
221 The Office of State Ethics] Governmental Accountability may employ
222 necessary staff within available appropriations. Such necessary staff of
223 the Office of [State Ethics] Governmental Accountability shall be in
224 classified state service.

225 [(c) The executive director, described in subsection (b) of this
226 section, shall be appointed by the Citizen's Ethics Advisory Board for
227 an open-ended term. Such appointment shall not be made until all the
228 initial board members appointed to terms commencing on October 1,
229 2005, are appointed by their respective appointing authorities,
230 pursuant to subsection (a) of section 1-80. The board shall annually
231 evaluate the performance of the executive director, in writing, and may

232 remove the executive director, in accordance with the provisions of
233 chapter 67.

234 (d) The general counsel and ethics enforcement officer described in
235 subsection (b) of this section, and other staff of the Office of State
236 Ethics shall be appointed by the executive director of the Office of State
237 Ethics. The executive director shall annually evaluate the performance
238 of the general counsel, ethics enforcement officer and such other staff,
239 in writing, and may remove the general counsel or ethics enforcement
240 officer, in accordance with the provisions of chapter 67, or such other
241 staff, in accordance with any applicable collective bargaining
242 agreement.]

243 [(e)] (c) There shall be a legal unit within the legal and enforcement
244 division within the Office of [State Ethics] Governmental
245 Accountability. The legal [division] unit shall provide the [board]
246 Citizen's Ethics Advisory Board with legal advice on matters before
247 said board and shall represent the board in all matters in which the
248 board is a party, without the assistance of the Attorney General unless
249 the board requests such assistance. The legal [division] unit shall [,
250 under the direction of the general counsel,] provide information and
251 written and verbal opinions to persons subject to the ethics code and to
252 the general public. [The general counsel, described in subsection (b) of
253 this section, shall supervise such division.] The investigation or
254 instigation of a complaint may not occur solely because of information
255 received by the legal [division] unit.

256 [(f)] (d) There shall be an enforcement unit within the legal and
257 enforcement division within the Office of [State Ethics] Governmental
258 Accountability. The enforcement [division] unit shall be responsible
259 for investigating complaints brought to or by the [board] Citizen's
260 Ethics Advisory Board. [The ethics enforcement officer, described in
261 subsection (b) of this section, shall supervise the enforcement division.]
262 The enforcement [division] unit shall employ such attorneys and
263 investigators, as necessary, within available appropriations, and may

264 refer matters to the office of the Chief State's Attorney, as appropriate.

265 [(g)] (e) The [Citizen's Ethics Advisory Board] Office of
266 Governmental Accountability shall adopt regulations in accordance
267 with chapter 54 to carry out the purposes of this part. Such regulations
268 shall not be deemed to govern the conduct of any judge trial referee in
269 the performance of such judge trial referee's duties pursuant to this
270 chapter.

271 [(h) In consultation with the] (f) The executive director of the Office
272 of [State Ethics, the general counsel] Governmental Accountability
273 shall oversee yearly training of all state personnel in the code of ethics,
274 provide training on the code of ethics to other individuals or entities
275 subject to the code and shall make recommendations as to public
276 education regarding ethics.

277 Sec. 7. Section 1-82 of the general statutes is repealed and the
278 following is substituted in lieu thereof (*Effective July 1, 2011*):

279 (a) (1) Upon the complaint of any person on a form prescribed by
280 the [board] Office of Governmental Accountability, signed under
281 penalty of false statement, or upon its own complaint, the [ethics
282 enforcement officer of] legal and enforcement division within the
283 Office of [State Ethics] Governmental Accountability shall investigate
284 any alleged violation of this part or section 1-101nn. Not later than five
285 days after the receipt or issuance of such complaint, the [board] office
286 shall provide notice of such receipt or issuance and a copy of the
287 complaint by registered or certified mail to any respondent against
288 whom such complaint is filed and shall provide notice of the receipt of
289 such complaint to the complainant. When the [ethics enforcement
290 officer of the Office of State Ethics] office undertakes an evaluation of a
291 possible violation of this part or section 1-101nn prior to the filing of a
292 complaint, the subject of the evaluation shall be notified not later than
293 five business days after an Office of [State Ethics] Governmental
294 Accountability staff member's first contact with a third party
295 concerning the matter.

296 (2) In the conduct of its investigation of an alleged violation of this
297 part or section 1-101nn, the Office of [State Ethics] Governmental
298 Accountability shall have the power to hold hearings, administer
299 oaths, examine witnesses and receive oral and documentary evidence.
300 The Office of [State Ethics] Governmental Accountability may
301 subpoena witnesses under procedural rules adopted by the Citizen's
302 Ethics Advisory Board as regulations in accordance with the
303 provisions of chapter 54 to compel attendance before the Office of
304 [State Ethics] Governmental Accountability and to require the
305 production for examination by the [ethics enforcement officer of the]
306 Office of [State Ethics] Governmental Accountability of any books and
307 papers which the Office of [State Ethics] Governmental Accountability
308 deems relevant in any matter under investigation or in question,
309 provided any such subpoena is issued either pursuant to a majority
310 vote of the Citizen's Ethics Advisory Board or pursuant to the
311 signature of the chairperson of such board. The vice-chairperson of
312 such board may sign any such subpoena if the chairperson of such
313 board is unavailable. In the exercise of such powers, the Office of [State
314 Ethics] Governmental Accountability may use the services of the state
315 police, who shall provide the same upon the office's request. The Office
316 of [State Ethics] Governmental Accountability shall make a record of
317 all proceedings conducted pursuant to this subsection. The [ethics
318 enforcement officer of the] Office of [State Ethics] Governmental
319 Accountability may bring any alleged violation of this part before a
320 judge trial referee assigned by the Chief Court Administrator for such
321 purpose for a probable cause hearing. Such judge trial referee shall be
322 compensated in accordance with the provisions of section 52-434 from
323 such funds as may be available to the Office of [State Ethics]
324 Governmental Accountability. Any witness summoned before the
325 Office of [State Ethics] Governmental Accountability or a judge trial
326 referee pursuant to this subsection shall receive the witness fee paid to
327 witnesses in the courts of this state. During any investigation
328 conducted pursuant to this subsection or any probable cause hearing
329 conducted pursuant to this subsection, the respondent shall have the

330 right to appear and be heard and to offer any information which may
331 tend to clear the respondent of probable cause to believe the
332 respondent has violated any provision of this part or section 1-101nn.
333 The respondent shall also have the right to be represented by legal
334 counsel and to examine and cross-examine witnesses. Not later than
335 ten days prior to the commencement of any hearing conducted
336 pursuant to this subsection, the Office of [State Ethics] Governmental
337 Accountability shall provide the respondent with a list of its intended
338 witnesses. Any finding of probable cause to believe the respondent is
339 in violation of any provisions of this part shall be made by a judge trial
340 referee not later than thirty days after the [ethics enforcement officer]
341 office brings such alleged violation before such judge trial referee,
342 except that such thirty-day limitation period shall not apply if the
343 judge trial referee determines that good cause exists for extending such
344 limitation period.

345 (b) If a judge trial referee determines that probable cause exists for
346 the violation of a provision of this part or section 1-101nn, the board
347 shall initiate hearings to determine whether there has been a violation
348 of this part or section 1-101nn. Any such hearing shall be initiated by
349 the board not later than thirty days after the finding of probable cause
350 by a judge trial referee and shall be concluded not later than ninety
351 days after its initiation, except that such thirty or ninety-day limitation
352 period shall not apply if the judge trial referee determines that good
353 cause exists for extending such limitation period. A judge trial referee,
354 who has not taken part in the probable cause determination on the
355 matter shall be assigned by the Chief Court Administrator and shall be
356 compensated in accordance with section 52-434 out of funds available
357 to the Office of [State Ethics] Governmental Accountability and shall
358 preside over such hearing and rule on all issues concerning the
359 application of the rules of evidence, which shall be the same as in
360 judicial proceedings. The trial referee shall have no vote in any
361 decision of the board. All hearings of the board held pursuant to this
362 subsection shall be open. At such hearing the [board] Citizen's Ethics
363 Advisory Board shall have the same powers as the Office of [State

364 Ethics] Governmental Accountability under subsection (a) of this
365 section and the respondent shall have the right to be represented by
366 legal counsel, the right to compel attendance of witnesses and the
367 production of books, documents, records and papers and to examine
368 and cross-examine witnesses. Not later than ten days prior to the
369 commencement of any hearing conducted pursuant to this subsection,
370 the Office of [State Ethics] Governmental Accountability shall provide
371 the respondent with a list of its intended witnesses. The judge trial
372 referee shall, while engaged in the discharge of the duties as provided
373 in this subsection, have the same authority as is provided in section 51-
374 35 over witnesses who refuse to obey a subpoena or to testify with
375 respect to any matter upon which such witness may be lawfully
376 interrogated, and may commit any such witness for contempt for a
377 period no longer than thirty days. The Office of [State Ethics]
378 Governmental Accountability shall make a record of all proceedings
379 pursuant to this subsection. During the course of any such hearing, no
380 ex-parte communication shall occur between the board, or any of its
381 members, and: (1) The judge trial referee, or (2) any staff member of
382 the [Enforcement Division] legal affairs and enforcement division of
383 the Office of [State Ethics] Governmental Accountability, concerning
384 the complaint or the respondent. The board shall find no person in
385 violation of any provision of this part or section 1-101nn except upon
386 the concurring vote of six of its members present and voting. No
387 member of the [board] Citizen's Ethics Advisory Board shall vote on
388 the question of whether a violation of any provision of this part has
389 occurred unless such member was physically present for the duration
390 of any hearing held pursuant to this subsection. Not later than fifteen
391 days after the public hearing conducted in accordance with this
392 subsection, the board shall publish its finding and a memorandum of
393 the reasons therefor. Such finding and memorandum shall be deemed
394 to be the final decision of the board on the matter for the purposes of
395 chapter 54. The respondent, if aggrieved by the finding and
396 memorandum, may appeal therefrom to the Superior Court in
397 accordance with the provisions of section 4-183.

398 (c) If a judge trial referee finds, after a hearing pursuant to this
399 section, that there is no probable cause to believe that a public official
400 or state employee has violated a provision of this part or section 1-
401 101nn, or if the [board] Citizen's Ethics Advisory Board determines
402 that a public official or state employee has not violated any such
403 provision, or if a court of competent jurisdiction overturns a finding by
404 the board of a violation by such a respondent, the state shall pay the
405 reasonable legal expenses of the respondent as determined by the
406 Attorney General or by the court if appropriate. If any complaint
407 brought under the provisions of this part or section 1-101nn is made
408 with the knowledge that it is made without foundation in fact, the
409 respondent shall have a cause of action against the complainant for
410 double the amount of damage caused thereby and if the respondent
411 prevails in such action, he may be awarded by the court the costs of
412 such action together with reasonable attorneys' fees.

413 (d) No complaint may be made under this section later than five
414 years after the violation alleged in the complaint has been committed.

415 (e) No person shall take or threaten to take official action against an
416 individual for such individual's disclosure of information to the board
417 or [the general counsel, ethics enforcement officer or] staff of the Office
418 of [State Ethics] Governmental Accountability under the provisions of
419 this part or section 1-101nn. After receipt of information from an
420 individual under the provisions of this part or section 1-101nn, the
421 Office of [State Ethics] Governmental Accountability shall not disclose
422 the identity of such individual without such individual's consent
423 unless the Office of [State Ethics] Governmental Accountability
424 determines that such disclosure is unavoidable during the course of an
425 investigation. No person shall be subject to civil liability for any good
426 faith disclosure that such person makes to the [commission] office.

427 Sec. 8. Section 1-81b of the general statutes is repealed and the
428 following is substituted in lieu thereof (*Effective July 1, 2011*):

429 The Office of [State Ethics] Governmental Accountability shall

430 develop a plain language summary of state ethics laws concerning (1)
431 persons, firms and corporations submitting bids or proposals for state
432 contracts, and (2) state contractors. The Office of [State Ethics]
433 Governmental Accountability shall publish said summary on the
434 Office of [State Ethics'] Governmental Accountability's web site.

435 Sec. 9. Section 1-81c of the general statutes is repealed and the
436 following is substituted in lieu thereof (*Effective July 1, 2011*):

437 Not later than December 31, 2010, the Office of [State Ethics]
438 Governmental Accountability shall [establish and] administer a
439 program of mandatory training on the code of ethics for public officials
440 as set forth in chapter 10. Such program shall provide such training to
441 members of the General Assembly upon first election to the General
442 Assembly, and for all members of the General Assembly every four
443 years beginning in 2011, except that, in the event there is a significant
444 revision of the code of ethics for public officials, as determined by the
445 Joint Committee on Legislative Management, said committee shall
446 request that the Office of [State Ethics] Governmental Accountability
447 conduct a training for all members of the General Assembly before the
448 date of the next regularly scheduled training.

449 Sec. 10. Section 1-82a of the general statutes is repealed and the
450 following is substituted in lieu thereof (*Effective July 1, 2011*):

451 (a) Unless a judge trial referee makes a finding of probable cause, a
452 complaint alleging a violation of this part or section 1-101nn shall be
453 confidential except upon the request of the respondent. An evaluation
454 of a possible violation of this part or section 1-101nn by the Office of
455 [State Ethics] Governmental Accountability prior to the filing of a
456 complaint shall be confidential except upon the request of the subject
457 of the evaluation. If the evaluation is confidential, any information
458 supplied to or received from the Office of [State Ethics] Governmental
459 Accountability shall not be disclosed to any third party by a subject of
460 the evaluation, a person contacted for the purpose of obtaining
461 information or by the [ethics enforcement officer or staff of the] Office

462 of [State Ethics] Governmental Accountability. No provision of this
463 subsection shall prevent the Office of [State Ethics] Governmental
464 Accountability from reporting the possible commission of a crime to
465 the Chief State's Attorney or other prosecutorial authority.

466 (b) An investigation conducted prior to a probable cause finding
467 shall be confidential except upon the request of the respondent. If the
468 investigation is confidential, the allegations in the complaint and any
469 information supplied to or received from the Office of [State Ethics]
470 Governmental Accountability shall not be disclosed during the
471 investigation to any third party by a complainant, respondent, witness,
472 designated party, or board or staff member of the Office of [State
473 Ethics] Governmental Accountability.

474 (c) Not later than three business days after the termination of the
475 investigation, the Office of [State Ethics] Governmental Accountability
476 shall inform the complainant and the respondent of its finding and
477 provide them a summary of its reasons for making that finding. The
478 Office of [State Ethics] Governmental Accountability shall publish its
479 finding upon the respondent's request and may also publish a
480 summary of its reasons for making such finding.

481 (d) If a judge trial referee makes a finding of no probable cause, the
482 complaint and the record of the Office of [State Ethics'] Governmental
483 Accountability's investigation shall remain confidential, except upon
484 the request of the respondent and except that some or all of the record
485 may be used in subsequent proceedings. No complainant, respondent,
486 witness, designated party, or board or staff member of the Office of
487 [State Ethics] Governmental Accountability shall disclose to any third
488 party any information learned from the investigation, including
489 knowledge of the existence of a complaint, which the disclosing party
490 would not otherwise have known. If such a disclosure is made, the
491 judge trial referee may, after consultation with the respondent if the
492 respondent is not the source of the disclosure, publish the judge trial
493 referee's finding and a summary of the judge trial referee's reasons

494 therefor.

495 (e) The judge trial referee shall make public a finding of probable
496 cause not later than five business days after any such finding. At such
497 time the entire record of the investigation shall become public, except
498 that the Office of [State Ethics] Governmental Accountability may
499 postpone examination or release of such public records for a period not
500 to exceed fourteen days for the purpose of reaching a stipulation
501 agreement pursuant to subsection (c) of section 4-177. Any such
502 stipulation agreement or settlement shall be approved by a majority of
503 those members present and voting.

504 Sec. 11. Section 1-88 of the general statutes is repealed and the
505 following is substituted in lieu thereof (*Effective July 1, 2011*):

506 (a) The [board] Citizen's Ethics Advisory Board, upon a finding
507 made pursuant to section 1-82, as amended by this act, that there has
508 been a violation of any provision of this part or section 1-101nn, shall
509 have the authority to order the violator to do any or all of the
510 following: (1) Cease and desist the violation of this part or section 1-
511 101nn; (2) file any report, statement or other information as required
512 by this part or section 1-101nn; and (3) pay a civil penalty of not more
513 than ten thousand dollars for each violation of this part or section 1-
514 101nn.

515 (b) Notwithstanding the provisions of subsection (a) of this section,
516 the [board] Citizen's Ethics Advisory Board may, after a hearing
517 conducted in accordance with sections 4-176e to 4-184, inclusive, upon
518 the concurring vote of six of its members, present and voting impose a
519 civil penalty not to exceed ten dollars per day upon any individual
520 who fails to file any report, statement or other information as required
521 by this part or section 1-101nn. Each distinct violation of this
522 subsection shall be a separate offense and in case of a continued
523 violation, each day thereof shall be deemed a separate offense. In no
524 event shall the aggregate penalty imposed for such failure to file
525 exceed ten thousand dollars.

526 (c) The [board] Citizen's Ethics Advisory Board may also report its
527 finding to the Chief State's Attorney for any action deemed necessary.
528 The board, upon a finding made pursuant to section 1-82, as amended
529 by this act, that a member or member-elect of the General Assembly
530 has violated any provision of this part or section 1-101nn, shall notify
531 the appropriate house of the General Assembly, in writing, of such
532 finding and the basis for such finding.

533 (d) Any person who knowingly acts in such person's financial
534 interest in violation of section 1-84, 1-85, 1-86 or 1-86d or any person
535 who knowingly receives a financial advantage resulting from a
536 violation of any of said sections shall be liable for damages in the
537 amount of such advantage. If the board determines that any person
538 may be so liable, it shall immediately inform the Attorney General of
539 that possibility.

540 (e) Any employee of the Office of [State Ethics] Governmental
541 Accountability or member of the Citizen's Ethics Advisory Board who,
542 in violation of this part or section 1-101nn, discloses information filed
543 in accordance with subparagraph (F) of subdivision (1) of subsection
544 (b) of section 1-83, shall be dismissed, if an employee, or removed from
545 the board, if a member.

546 Sec. 12. Section 1-92 of the general statutes is repealed and the
547 following is substituted in lieu thereof (*Effective July 1, 2011*):

548 (a) The [Citizen's Ethics Advisory Board] Office of Governmental
549 Accountability shall adopt regulations, in accordance with chapter 54,
550 to carry out the purposes of this part. Such regulations shall not be
551 deemed to govern the conduct of any judge trial referee in the
552 performance of such judge trial referee's duties pursuant to this
553 chapter. Not later than January 1, 1992, the board shall adopt
554 regulations which further clarify the meaning of the terms "directly
555 and personally received" and "major life event", as used in subsection
556 (e) of section 1-79 and subsection (g) of section 1-91.

557 (b) The [general counsel and staff of the] Office of [State Ethics]
558 Governmental Accountability shall compile and maintain an index of
559 all reports and statements filed with the [Office of State Ethics] office
560 under the provisions of this part and advisory opinions and informal
561 staff letters issued by the board with regard to the requirements of this
562 part, to facilitate public access to such reports, statements, letters and
563 advisory opinions promptly upon the filing or issuance thereof.

564 (c) The [general counsel and staff of the] Office of [State Ethics]
565 Governmental Accountability shall prepare quarterly and annual
566 summaries of statements and reports filed with the [Office of State
567 Ethics] office and advisory opinions and informal staff letters issued by
568 the [Office of State Ethics] office.

569 (d) The [general counsel and staff of the] Office of [State Ethics]
570 Governmental Accountability shall preserve advisory opinions and
571 informal staff letters permanently and shall preserve memoranda,
572 statements and reports filed by and with the [Office of State Ethics]
573 office for a period of five years from the date of receipt.

574 (e) Upon the concurring vote of a majority of its members present
575 and voting, the board shall issue advisory opinions with regard to the
576 requirements of this part, upon the request of any person, subject to
577 the provisions of this part, and publish such advisory opinions in the
578 Connecticut Law Journal. Advisory opinions rendered by the board,
579 until amended or revoked, shall be binding on the board and shall be
580 deemed to be final decisions of the board for purposes of appeal to the
581 superior court, in accordance with the provisions of section 4-175 or 4-
582 183. Any advisory opinion concerning any person subject to the
583 provisions of this part who requested the opinion and who acted in
584 reliance thereon, in good faith, shall be binding upon the board, and it
585 shall be an absolute defense in any criminal action brought under the
586 provisions of this part that the accused acted in reliance upon such
587 advisory opinion.

588 [(f) The Office of State Ethics shall report annually, prior to February

589 fifteenth, to the Governor summarizing the activities of the Office of
590 State Ethics.

591 (g) The Office of State Ethics shall employ necessary staff within
592 available appropriations.]

593 Sec. 13. Section 1-93 of the general statutes is repealed and the
594 following is substituted in lieu thereof (*Effective July 1, 2011*):

595 (a) (1) Upon the complaint of any person on a form prescribed by
596 the Office of [State Ethics] Governmental Accountability, signed under
597 penalty of false statement, or upon its own complaint, the [ethics
598 enforcement officer of the] Office of [State Ethics] Governmental
599 Accountability shall investigate any alleged violation of this part. Not
600 later than five days after the receipt or issuance of such complaint, the
601 Office of [State Ethics] Governmental Accountability shall provide
602 notice of such receipt or issuance and a copy of the complaint by
603 registered or certified mail to any respondent against whom such
604 complaint is filed and shall provide notice of the receipt of such
605 complaint to the complainant. When the Office of [State Ethics]
606 Governmental Accountability undertakes an evaluation of a possible
607 violation of this part prior to the filing of a complaint, the subject of the
608 evaluation shall be notified not later than five business days after a
609 staff member of the Office of [State Ethics] Governmental
610 Accountability undertakes the first contact with a third party
611 concerning the matter.

612 (2) In the conduct of its investigation of an alleged violation of this
613 part, the Office of [State Ethics] Governmental Accountability shall
614 have the power to hold hearings, administer oaths, examine witnesses
615 and receive oral and documentary evidence. The Office of [State
616 Ethics] Governmental Accountability may subpoena witnesses under
617 procedural rules adopted [by the Citizen's Ethics Advisory Board] as
618 regulations in accordance with the provisions of chapter 54 to compel
619 attendance before the Office of [State Ethics] Governmental
620 Accountability and to require the production for examination by the

621 [ethics enforcement officer of the] Office of [State Ethics]
622 Governmental Accountability of any books and papers which the
623 [ethics enforcement officer of the Office of State Ethics] office deems
624 relevant in any matter under investigation or in question, provided
625 any such subpoena is issued either pursuant to a majority vote of the
626 Citizen's Ethics Advisory Board or pursuant to the signature of the
627 chairperson of such board. The vice-chairperson of such board may
628 sign any such subpoena if the chairperson of such board is unavailable.
629 In the exercise of such powers, the Office of [State Ethics]
630 Governmental Accountability may use the services of the state police,
631 who shall provide the same upon the office's request. The Office of
632 [State Ethics] Governmental Accountability shall make a record of all
633 proceedings conducted pursuant to this subsection. Any witness
634 summoned before the Office of [State Ethics] Governmental
635 Accountability or a judge trial referee pursuant to this subsection shall
636 receive the witness fee paid to witnesses in the courts of this state. The
637 [ethics enforcement officer of the] Office of [State Ethics]
638 Governmental Accountability may bring any alleged violation of this
639 part before a judge trial referee assigned by the Chief Court
640 Administrator for such purpose for a probable cause hearing. Such
641 judge trial referee shall be compensated in accordance with the
642 provisions of section 52-434 from such funds as may be available to the
643 Office of [State Ethics] Governmental Accountability. The respondent
644 shall have the right to appear at any hearing held pursuant to this
645 subsection and be heard and to offer any information which may tend
646 to clear the respondent of probable cause to believe the respondent has
647 violated any provision of this part. The respondent shall also have the
648 right to be represented by legal counsel and to examine and cross-
649 examine witnesses. Not later than ten days prior to the commencement
650 of any hearing conducted pursuant to this subsection, the Office of
651 [State Ethics] Governmental Accountability shall provide the
652 respondent with a list of its intended witnesses. Any finding of
653 probable cause to believe the respondent is in violation of any
654 provision of this part shall be made by a judge trial referee not later

655 than thirty days after the [ethics enforcement officer] office brings such
656 alleged violation before such judge trial referee, except that such thirty-
657 day limitation period shall not apply if the judge trial referee
658 determines that good cause exists for extending such limitation period.

659 (b) If a judge trial referee indicates that probable cause exists for the
660 violation of a provision of this part, the board shall initiate hearings to
661 determine whether there has been a violation of this part. Any such
662 hearing shall be initiated by the board not later than thirty days after
663 the finding of probable cause by a judge trial referee and shall be
664 concluded not later than ninety days after its initiation, except that
665 such thirty-day or ninety-day limitation period shall not apply if the
666 judge trial referee determines that good cause exists for extending such
667 limitation period. A judge trial referee, who has not taken part in the
668 probable cause determination on the matter shall be assigned by the
669 Chief Court Administrator and shall be compensated in accordance
670 with section 52-434 out of funds available to the board and shall
671 preside over such hearing and rule on all issues concerning the
672 application of the rules of evidence, which shall be the same as in
673 judicial proceedings. The trial referee shall have no vote in any
674 decision of the board. All hearings of the board held pursuant to this
675 subsection shall be open. At such hearing the board shall have the
676 same powers as the Office of [State Ethics] Governmental
677 Accountability under subsection (a) of this section and the respondent
678 shall have the right to be represented by legal counsel, the right to
679 compel attendance of witnesses and the production of books,
680 documents, records and papers and to examine and cross-examine
681 witnesses. Not later than ten days prior to the commencement of any
682 hearing conducted pursuant to this subsection, the Office of [State
683 Ethics] Governmental Accountability shall provide the respondent
684 with a list of its intended witnesses. The judge trial referee shall, while
685 engaged in the discharge of the duties as provided in this subsection,
686 have the same authority as is provided in section 51-35 over witnesses
687 who refuse to obey a subpoena or to testify with respect to any matter
688 upon which such witness may be lawfully interrogated, and may

689 commit any such witness for contempt for a period no longer than
690 thirty days. The Office of [State Ethics] Governmental Accountability
691 shall make a record of all proceedings pursuant to this subsection.
692 During the course of any such hearing, no ex-parte communication
693 shall occur between the board, or any of its members, and: (1) The
694 judge trial referee, or (2) any staff member of the [Enforcement
695 Division] enforcement unit of the Office of [State Ethics] Governmental
696 Accountability, concerning the complaint or the respondent. The board
697 shall find no person in violation of any provision of this part except
698 upon the concurring vote of six of its members present and voting. No
699 member of the board shall vote on the question of whether a violation
700 of any provision of this part has occurred unless such member was
701 physically present for the duration of any hearing held pursuant to this
702 subsection. Not later than fifteen days after the public hearing
703 conducted in accordance with this subsection, the board shall publish
704 its finding and a memorandum of the reasons therefor. Such finding
705 and memorandum shall be deemed to be the final decision of the
706 board on the matter for the purposes of chapter 54. The respondent, if
707 aggrieved by the finding and memorandum, may appeal therefrom to
708 the Superior Court in accordance with the provisions of section 4-183.

709 (c) If any complaint brought under the provisions of this part is
710 made with the knowledge that it is made without foundation in fact,
711 the respondent shall have a cause of action against the complainant for
712 double the amount of damage caused thereby and if the respondent
713 prevails in such action, the respondent may be awarded by the court
714 the costs of such action together with reasonable attorneys' fees.

715 (d) No complaint may be made under this section except within five
716 years next after the violation alleged in the complaint has been
717 committed.

718 (e) No person shall take or threaten to take official action against an
719 individual for such individual's disclosure of information to the board
720 or [the general counsel, ethics enforcement officer or] staff of the Office

721 of [State Ethics] Governmental Accountability under the provisions of
722 this part. After receipt of information from an individual under the
723 provisions of this part, the Office of [State Ethics] Governmental
724 Accountability shall not disclose the identity of such individual
725 without such person's consent unless the Office of [State Ethics]
726 Governmental Accountability determines that such disclosure is
727 unavoidable during the course of an investigation.

728 Sec. 14. Section 1-96 of the general statutes is repealed and the
729 following is substituted in lieu thereof (*Effective July 1, 2011*):

730 (a) Each client lobbyist registrant shall file with the Office of [State
731 Ethics] Governmental Accountability between the first and tenth day
732 of April, July and January a financial report, signed under penalty of
733 false statement. The April and July reports shall cover its lobbying
734 activities during the previous calendar quarter and the January report
735 shall cover its lobbying activities during the previous two calendar
736 quarters. In addition to such reports, each client lobbyist registrant
737 which attempts to influence legislative action shall file, under penalty
738 of false statement, interim monthly reports of its lobbying activities for
739 each month the General Assembly is in regular session, except that no
740 monthly report shall be required for any month in which it neither
741 expends nor agrees to expend one hundred dollars or more in
742 furtherance of lobbying. Such interim monthly reports shall be filed
743 with the Office of [State Ethics] Governmental Accountability no later
744 than the tenth day of the month following the last day of the month
745 reported. If the client lobbyist registrant is not an individual, an
746 authorized officer or agent of the client lobbyist registrant shall sign
747 the form. A communicator lobbyist for a municipality or any
748 subdivision of a municipality, a branch of state government or any
749 subdivision of state government or a quasi-public agency shall file the
750 reports described in this subsection utilizing the client lobbyist
751 reporting schedule.

752 (b) Each individual communicator lobbyist registrant and each

753 business organization communicator lobbyist registrant shall file with
754 the Office of [State Ethics] Governmental Accountability between the
755 first and tenth day of January a report or reports, signed under penalty
756 of false statement, reporting the amounts of compensation and
757 reimbursement received from each of his clients during the previous
758 year. In addition, each individual communicator lobbyist registrant
759 and each business organization communicator lobbyist registrant shall:
760 (1) Report the fundamental terms of contracts, agreements or promises
761 to pay or receive compensation or reimbursement or to make
762 expenditures in furtherance of lobbying, including the categories of
763 work to be performed and the dollar value or compensation rate of the
764 contract, at the time of registration; (2) report, in accordance with the
765 schedule set forth in subsection (a) of this section, any amendments to
766 these fundamental terms, including any agreements to subcontract
767 lobbying work; and (3) report, in accordance with the provisions of
768 subsection (a) of this section, any expenditures for the benefit of a
769 public official in the legislative or executive branch or a member of the
770 staff or immediate family of such official which are unreimbursed and
771 required to be itemized. Such report shall not include the disclosure of
772 food and beverage provided by a communicator lobbyist registrant to
773 a public official in the legislative or executive branch or a member of
774 his staff or immediate family at a major life event, as defined by the
775 Citizen's Ethics Advisory Board, of the registrant. All such information
776 shall be reported under penalty of false statement.

777 (c) An individual communicator lobbyist registrant shall file a
778 separate report for each person from whom he received compensation
779 or reimbursement. Notwithstanding any provision of this subsection to
780 the contrary, a business organization to which one or more individual
781 communicator lobbyist registrants belong may file a single report for
782 each client lobbyist in lieu of any separate reports that individual
783 registrants are required to file pursuant to this subsection.

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

786 Governmental Accountability a financial report, under penalty of false
787 statement, between the first and tenth day of January of the year
788 following termination.

789 (e) Each client lobbyist registrant financial report shall be on a form
790 prescribed by the board and shall state expenditures made and the
791 fundamental terms of contracts, agreements or promises to pay
792 compensation or reimbursement or to make expenditures in
793 furtherance of lobbying. Any such fundamental terms shall be
794 reported once in the monthly, quarterly or post-termination report
795 next following the entering into of such contract. Such financial report
796 shall include an itemized statement of each expenditure of ten dollars
797 or more per person for each occasion made by the reporting registrant
798 or a group of registrants which includes the reporting registrant for the
799 benefit of a public official in the legislative or executive branch, a
800 member of his staff or immediate family, itemized by date, beneficiary,
801 amount and circumstances of the transaction. The requirement of an
802 itemized statement shall not apply to an expenditure made by a
803 reporting registrant or a group of registrants which includes the
804 reporting registrant for (1) the benefit of the members of the General
805 Assembly at an event that is a reception to which all such members are
806 invited or all members of a region of the state, as such term is used in
807 subdivision (11) of subsection (g) of section 1-91, are invited, unless the
808 expenditure is thirty dollars or more per person, or (2) benefits
809 personally and directly received by a public official or state employee
810 at a charitable or civic event at which the public official or state
811 employee participates in his official capacity, unless the expenditure is
812 thirty dollars or more per person, per event. If the compensation is
813 required to be reported for an individual whose lobbying is incidental
814 to his regular employment, it shall be sufficient to report a prorated
815 amount based on the value of the time devoted to lobbying. On the
816 first financial report following registration each client lobbyist
817 registrant shall include any expenditures incident to lobbying activities
818 which were received or expended prior to registration and not
819 previously reported to the Office of [State Ethics] Governmental

820 Accountability.

821 (f) The [Citizen's Ethics Advisory Board] Office of Governmental
822 Accountability shall, by regulations adopted in accordance with
823 chapter 54, establish minimum amounts for each item required to be
824 reported, below which reporting may be made in the aggregate. The
825 provisions of this subsection shall not apply to expenditures made for
826 the benefit of a public official or a member of such person's staff or
827 immediate family.

828 (g) Each former registrant shall (1) report receipts or expenditures
829 incident to lobbying activities during his period of registration which
830 are received or expended following termination of registration and (2)
831 report each expenditure of ten dollars or more per person for each
832 occasion made by him for the benefit of a public official or a member
833 of such official's immediate family or staff which occurs within six
834 months after termination of registration.

835 (h) The Office of [State Ethics] Governmental Accountability shall,
836 within thirty days after receipt of a financial report which contains the
837 name of a public official in the legislative or executive branch or a
838 member of such official's staff or immediate family, send a written
839 notice to such public official, of the filing of the report and the name of
840 the person who filed it.

841 Sec. 15. Section 1-101 of the general statutes is repealed and the
842 following is substituted in lieu thereof (*Effective July 1, 2011*):

843 Each individual who is a lobbyist shall, while engaged in lobbying,
844 wear a distinguishing badge which shall identify him as a lobbyist.
845 The size, color, material and other requirements of such badge shall be
846 prescribed by regulation of the [Citizen's Ethics Advisory Board]
847 Office of Governmental Accountability.

848 Sec. 16. Section 1-205 of the general statutes is repealed and the
849 following is substituted in lieu thereof (*Effective July 1, 2011*):

850 (a) [There] Within the Office of Governmental Accountability, there
851 shall be a Freedom of Information Commission consisting of five
852 members appointed by the Governor, with the advice and consent of
853 either house of the General Assembly, who shall serve for terms of
854 four years from the July first of the year of their appointment, except
855 that of the members appointed prior to and serving on July 1, 1977, one
856 shall serve for a period of six years from July 1, 1975, one shall serve
857 for a period of four years from July 1, 1975, and one shall serve for a
858 period of six years from July 1, 1977. Of the two new members first
859 appointed after July 1, 1977, one shall serve from the date of such
860 appointment until June 30, 1980, and one shall serve from the date of
861 such appointment until June 30, 1982. No more than three members
862 shall be members of the same political party.

863 (b) Each member shall receive two hundred dollars per day for each
864 day such member is present at a commission hearing or meeting, and
865 shall be entitled to reimbursement for actual and necessary expenses
866 incurred in connection therewith, in accordance with the provisions of
867 section 4-1.

868 (c) The Governor shall select one of its members as a chairman. The
869 commission shall maintain a permanent office [at Hartford] in such
870 suitable space as the Commissioner of Public Works provides. All
871 papers required to be filed with the commission shall be delivered to
872 such office.

873 (d) The commission shall, subject to the provisions of the Freedom
874 of Information Act promptly review the alleged violation of said
875 Freedom of Information Act and issue an order pertaining to the same.
876 [Said commission] The legal affairs and enforcement division of the
877 Office of Governmental Accountability shall have the power to
878 investigate all alleged violations of said Freedom of Information Act
879 and may for the purpose of investigating any violation hold a hearing,
880 administer oaths, examine witnesses, receive oral and documentary
881 evidence, have the power to subpoena witnesses under procedural

882 rules adopted by the commission to compel attendance and to require
883 the production for examination of any books and papers which the
884 commission deems relevant in any matter under investigation or in
885 question. In case of a refusal to comply with any such subpoena or to
886 testify with respect to any matter upon which that person may be
887 lawfully interrogated, the superior court for the judicial district of
888 Hartford, on application of the commission, may issue an order
889 requiring such person to comply with such subpoena and to testify;
890 failure to obey any such order of the court may be punished by the
891 court as a contempt thereof.

892 (e) The [Freedom of Information Commission] Office of
893 Governmental Accountability, and the Department of Information
894 Technology with respect to access to and disclosure of computer-
895 stored public records, shall conduct training sessions, at least annually,
896 for members of public agencies for the purpose of educating such
897 members as to the requirements of sections 1-7 to 1-14, inclusive, 1-16
898 to 1-18, inclusive, 1-200 to 1-202, inclusive, 1-205, 1-206, 1-210 to 1-217,
899 inclusive, 1-225 to 1-232, inclusive, 1-240, 1-241 and 19a-342.

900 (f) Not later than December 31, [2001] 2010, the [Freedom of
901 Information Commission] Office of Governmental Accountability shall
902 create, publish and provide to the chief elected official of each
903 municipality a model ordinance concerning the establishment by any
904 municipality of a municipal freedom of information advisory board to
905 facilitate the informed and efficient exchange of information between
906 the commission and such municipality. The commission may amend
907 the model ordinance from time to time.

908 (g) When the General Assembly is in session, the Governor shall
909 have the authority to fill any vacancy on the commission, with the
910 advice and consent of either house of the General Assembly. When the
911 General Assembly is not in session any vacancy shall be filled
912 pursuant to the provisions of section 4-19. A vacancy in the
913 commission shall not impair the right of the remaining members to

914 exercise all the powers of the commission and three members of the
915 commission shall constitute a quorum.

916 [(h) The commission shall, subject to the provisions of chapter 67,
917 employ such employees as may be necessary to carry out the
918 provisions of this chapter. The commission may enter into such
919 contractual agreements as may be necessary for the discharge of its
920 duties, within the limits of its appropriated funds and in accordance
921 with established procedures.]

922 [(i) (h) The Freedom of Information Commission shall not be
923 construed to be a commission or board within the meaning of section
924 4-9a.

925 Sec. 17. Subsection (b) of section 1-206 of the general statutes is
926 repealed and the following is substituted in lieu thereof (*Effective July*
927 *1, 2011*):

928 (b) (1) Any person denied the right to inspect or copy records under
929 section 1-210 or wrongfully denied the right to attend any meeting of a
930 public agency or denied any other right conferred by the Freedom of
931 Information Act may appeal therefrom to the [Freedom of Information
932 Commission] Office of Governmental Accountability, by filing a notice
933 of appeal with said [commission] office. A notice of appeal shall be
934 filed not later than thirty days after such denial, except in the case of
935 an unnoticed or secret meeting, in which case the appeal shall be filed
936 not later than thirty days after the person filing the appeal receives
937 notice in fact that such meeting was held. For purposes of this
938 subsection, such notice of appeal shall be deemed to be filed on the
939 date it is received by said [commission] office or on the date it is
940 postmarked, if received more than thirty days after the date of the
941 denial from which such appeal is taken. Upon receipt of such notice,
942 the [commission] office shall serve upon all parties, by certified or
943 registered mail, a copy of such notice together with any other notice or
944 order of such [commission] office. In the case of the denial of a request
945 to inspect or copy records contained in a public employee's personnel

946 or medical file or similar file under subsection (c) of section 1-214, the
947 [commission] office shall include with its notice or order an order
948 requiring the public agency to notify any employee whose records are
949 the subject of an appeal, and the employee's collective bargaining
950 representative, if any, of the commission's proceedings and, if any such
951 employee or collective bargaining representative has filed an objection
952 under said subsection (c), the agency shall provide the required notice
953 to such employee and collective bargaining representative by certified
954 mail, return receipt requested or by hand delivery with a signed
955 receipt. A public employee whose personnel or medical file or similar
956 file is the subject of an appeal under this subsection may intervene as a
957 party in the proceedings on the matter before the commission. [Said
958 commission] The Freedom of Information Commission shall, after due
959 notice to the parties, hear and decide the appeal within one year after
960 the filing of the notice of appeal. The [commission] Office of
961 Governmental Accountability shall adopt regulations in accordance
962 with chapter 54, establishing criteria for those appeals which shall be
963 privileged in their assignment for hearing. Any such appeal shall be
964 heard not later than thirty days after receipt of a notice of appeal and
965 decided not later than sixty days after the hearing. If a notice of appeal
966 concerns an announced agency decision to meet in executive session or
967 an ongoing agency practice of meeting in executive sessions, for a
968 stated purpose, the [commission] office or a member or members of
969 the [commission] Freedom of Information Commission designated by
970 its chairperson shall serve notice upon the parties in accordance with
971 this section and hold a preliminary hearing on the appeal not later
972 than seventy-two hours after receipt of the notice, provided such
973 notice shall be given to the parties at least forty-eight hours prior to
974 such hearing. During such preliminary hearing, the commission shall
975 take evidence and receive testimony from the parties. If after the
976 preliminary hearing the commission finds probable cause to believe
977 that the agency decision or practice is in violation of sections 1-200 and
978 1-225, the agency shall not meet in executive session for such purpose
979 until the commission decides the appeal. If probable cause is found by

980 the commission, it shall conduct a final hearing on the appeal and
981 render its decision not later than five days after the completion of the
982 preliminary hearing. Such decision shall specify the commission's
983 findings of fact and conclusions of law.

984 (2) In any appeal to the Freedom of Information Commission under
985 subdivision (1) of this subsection or subsection (c) of this section, the
986 commission may confirm the action of the agency or order the agency
987 to provide relief that the commission, in its discretion, believes
988 appropriate to rectify the denial of any right conferred by the Freedom
989 of Information Act. The commission may declare null and void any
990 action taken at any meeting which a person was denied the right to
991 attend and may require the production or copying of any public
992 record. In addition, upon the finding that a denial of any right created
993 by the Freedom of Information Act was without reasonable grounds
994 and after the custodian or other official directly responsible for the
995 denial has been given an opportunity to be heard at a hearing
996 conducted in accordance with sections 4-176e to 4-184, inclusive, the
997 commission may, in its discretion, impose against the custodian or
998 other official a civil penalty of not less than twenty dollars nor more
999 than one thousand dollars. If the commission finds that a person has
1000 taken an appeal under this subsection frivolously, without reasonable
1001 grounds and solely for the purpose of harassing the agency from
1002 which the appeal has been taken, after such person has been given an
1003 opportunity to be heard at a hearing conducted in accordance with
1004 sections 4-176e to 4-184, inclusive, the commission may, in its
1005 discretion, impose against that person a civil penalty of not less than
1006 twenty dollars nor more than one thousand dollars. The commission
1007 shall notify a person of a penalty levied against him pursuant to this
1008 subsection by written notice sent by certified or registered mail. If a
1009 person fails to pay the penalty within thirty days of receiving such
1010 notice, the superior court for the judicial district of Hartford shall, on
1011 application of the commission, issue an order requiring the person to
1012 pay the penalty imposed. If the executive director of the [commission]
1013 office has reason to believe an appeal under subdivision (1) of this

1014 subsection or subsection (c) of this section (A) presents a claim beyond
1015 the commission's jurisdiction; (B) would perpetrate an injustice; or (C)
1016 would constitute an abuse of the commission's administrative process,
1017 the executive director shall not schedule the appeal for hearing
1018 without first seeking and obtaining leave of the commission. The
1019 commission shall provide due notice to the parties and review
1020 affidavits and written argument that the parties may submit and grant
1021 or deny such leave summarily at its next regular meeting. The
1022 commission shall grant such leave unless it finds that the appeal: (i)
1023 Does not present a claim within the commission's jurisdiction; (ii)
1024 would perpetrate an injustice; or (iii) would constitute an abuse of the
1025 commission's administrative process. Any party aggrieved by the
1026 commission's denial of such leave may apply to the superior court for
1027 the judicial district of Hartford, within fifteen days of the commission
1028 meeting at which such leave was denied, for an order requiring the
1029 commission to hear such appeal.

1030 (3) In making the findings and determination under subdivision (2)
1031 of this subsection the commission shall consider the nature of any
1032 injustice or abuse of administrative process, including but not limited
1033 to: (A) The nature, content, language or subject matter of the request or
1034 the appeal; (B) the nature, content, language or subject matter of prior
1035 or contemporaneous requests or appeals by the person making the
1036 request or taking the appeal; and (C) the nature, content, language or
1037 subject matter of other verbal and written communications to any
1038 agency or any official of any agency from the person making the
1039 request or taking the appeal.

1040 (4) Notwithstanding any provision of this subsection to the
1041 contrary, in the case of an appeal to the commission of a denial by a
1042 public agency, the commission may, upon motion of such agency,
1043 confirm the action of the agency and dismiss the appeal without a
1044 hearing if it finds, after examining the notice of appeal and construing
1045 all allegations most favorably to the appellant, that (A) the agency has
1046 not violated the Freedom of Information Act, or (B) the agency has

1047 committed a technical violation of the Freedom of Information Act that
1048 constitutes a harmless error that does not infringe the appellant's rights
1049 under said act.

1050 Sec. 18. Subsection (f) of section 1-212 of the general statutes is
1051 repealed and the following is substituted in lieu thereof (*Effective July*
1052 *1, 2011*):

1053 (f) The Secretary of the State, after consulting with the [chairperson
1054 of the Freedom of Information Commission] executive director of the
1055 Office of Governmental Accountability, the Commissioner of
1056 Correction and a representative of the Judicial Department, shall
1057 propose a fee structure for copies of public records provided to an
1058 inmate, as defined in section 18-84, in accordance with subsection (a) of
1059 this section. The Secretary of the State shall submit such proposed fee
1060 structure to the joint standing committee of the General Assembly
1061 having cognizance of matters relating to government administration,
1062 not later than January 15, 2000.

1063 Sec. 19. Section 4e-2 of the general statutes is repealed and the
1064 following is substituted in lieu thereof (*Effective July 1, 2011*):

1065 (a) [There] Within the Office of Governmental Accountability there
1066 is established a State Contracting Standards Board that shall consist of
1067 fourteen members appointed as follows: Eight members by the
1068 Governor, two members by the speaker of the House of
1069 Representatives, two members by the president pro tempore of the
1070 Senate, one member by the majority leader of the Senate and one
1071 member by the majority leader of the House of Representatives. In the
1072 event that the party of the Governor also controls both houses of the
1073 General Assembly, the board shall be appointed as follows: Eight
1074 members by the Governor, one member by the president pro tempore
1075 of the Senate, one member by the speaker of the House of
1076 Representatives, one member by the majority leader of the Senate, one
1077 member of the majority leader of the House of Representatives, one
1078 member by the minority leader of the Senate and one member by the

1079 minority leader of the House of Representatives.

1080 (b) Each member shall have demonstrated sufficient knowledge by
1081 education, training or experience in one or more of the following
1082 enumerated areas: (1) Procurement; (2) contract negotiation, selection
1083 and drafting; (3) contract risk assessment; (4) competitive bidding and
1084 proposal procedures; (5) real estate transactions, including the
1085 purchase, sale and lease of real estate and buildings; (6) building
1086 construction and architecture; (7) business insurance and bonding; (8)
1087 ethics in public contracting; (9) federal and state statutes, procurement
1088 policies and regulations; (10) outsourcing and privatization analysis;
1089 (11) small and minority business enterprise development; (12)
1090 engineering and information technologies; (13) human services; and
1091 (14) personnel and labor relations, provided such education, training
1092 or experience was acquired over not less than a continuous five-year
1093 period within the ten-year period preceding such appointment.

1094 (c) The chairperson of the board shall be appointed by the
1095 Governor. The terms of the members shall be coterminous with the
1096 terms of the appointing authority for each member and subject to the
1097 provisions of section 4-1a. If any vacancy occurs on the board, the
1098 appointing authority having the power to make the appointment
1099 under the provisions of this section shall appoint a person in
1100 accordance with the provisions of this section.

1101 (d) The State Contracting Standards Board shall be an independent
1102 body within the [Executive Department] public affairs and services
1103 division of the Office of Governmental Accountability.

1104 (e) The chairperson of the board and other members of the board
1105 shall be compensated two hundred dollars per diem. No person shall
1106 serve on the board who is a state or municipal employee. No board
1107 member or any spouse, child, stepchild, parent or sibling of such board
1108 member shall be directly involved in any enterprise that does business
1109 with the state.

1110 (f) The [Governor shall appoint an] executive director of the [board
1111 who] Office of Governmental Accountability shall serve as an ex-
1112 officio, nonvoting member of the [board. The executive director shall
1113 be appointed in accordance with the provisions of section 4-7 and may
1114 be removed from office for reasonable cause, in accordance with
1115 chapter 67. The board shall, annually, conduct a performance
1116 evaluation of such executive director.] State Contracting Standards
1117 Board. The executive director shall [report to the chairperson of the
1118 board and, in consultation with the Chief Procurement Officer,] (1)
1119 conduct comprehensive planning with respect to the administrative
1120 functions of the board; (2) coordinate the budget and personnel
1121 activities of the board; (3) cause the administrative organization of the
1122 board to be examined with a view to promoting economy and
1123 efficiency; (4) act as the external liaison for the board; and (5) execute
1124 such other duties as may be assigned by the chairperson of the board
1125 or the board, as applicable. [The executive director may enter into such
1126 contractual agreements as may be necessary for the discharge of the
1127 director's duties.]

1128 [(g) The board shall appoint a Chief Procurement Officer for a term
1129 not to exceed six years, unless reappointed pursuant to the provisions
1130 of this subsection. The Chief Procurement Officer shall report to the
1131 board and annually be evaluated by, and serve at the pleasure of, the
1132 board. For administrative purposes only, the Chief Procurement
1133 Officer shall be supervised by the executive director.

1134 (1) The Chief Procurement Officer shall be responsible for carrying
1135 out the policies of the board relating to procurement including, but not
1136 limited to, oversight, investigation, auditing, agency procurement
1137 certification and procurement and project management training and
1138 enforcement of said policies as well as the application of such policies
1139 to the screening and evaluation of current and prospective contractors.
1140 The Chief Procurement Officer may enter into such contractual
1141 agreements as may be necessary for the discharge of the duties as set
1142 forth in this subsection and by the board, including, but not limited to,

1143 recommending best practices and providing operational and
1144 administrative assistance to state agencies determined, by the board, to
1145 be in violation of sections 4e-16 to 4e-47, inclusive.]

1146 [(2) In addition to the duties set forth by the board, the Chief
1147 Procurement Officer] (g) The Office of Governmental Accountability
1148 shall [(A)] (1) oversee state contracting agency compliance with the
1149 provisions of statutes and regulations concerning procurement; [(B)]
1150 (2) monitor and assess the performance of the procurement duties of
1151 each agency procurement officer; [(C)] (3) administer the certification
1152 system and monitor the level of agency compliance with the
1153 requirements of statutes and regulations concerning procurement,
1154 including, but not limited to, the education and training, performance
1155 and qualifications of agency procurement officers; [(D)] (4) review and
1156 monitor the procurement processes of each state contracting agency,
1157 quasi-public agencies and institutions of higher education; and [(E)] (5)
1158 serve as chairperson of the Contracting Standards Advisory Council
1159 and an ex-officio member of the Vendor and Citizen Advisory Panel.

1160 (h) The [board] State Contracting Standards Board may contract
1161 with consultants and professionals on a temporary or project by
1162 project basis and may employ, subject to the provisions of chapter 67,
1163 such employees as may be necessary to carry out the provisions of this
1164 section.

1165 [(i) The reasonable expenses of the State Contracting Standards
1166 Board and its employees shall be paid from the budget of the board,
1167 upon the approval of the board.]

1168 [(j)] (i) No employee of the [State Contracting Standards Board]
1169 Office of Governmental Accountability public affairs and services
1170 division shall hold another state or municipal position. No nonclerical
1171 employee of the board or any spouse, child, stepchild, parent or sibling
1172 of such employee, shall be associated with an enterprise that does
1173 business with the state. For purposes of this subsection, "associated
1174 with" means "business with which he is associated", as defined in

1175 section 1-79. Each member and employee of the [State Contracting
1176 Standards Board] public affairs and services division shall file [, with
1177 the board and with the Office of State Ethics,] with the executive
1178 director of the Office of Governmental Accountability a statement of
1179 financial interests, as described in section 1-83. Such statement shall be
1180 a public record. [Such statements for the preceding calendar year shall
1181 be filed with the Office of State Ethics, as required by law, if such
1182 employee or member held such a position during the preceding
1183 calendar year.]

1184 [(k)] (j) Any violation of the provisions of subsection (j) of this
1185 section shall constitute a violation of part I of chapter 10 and may be
1186 the subject of a complaint and investigation filed and conducted in
1187 accordance with the provisions of section 1-82, as amended by this act.

1188 [(l)] The board shall adopt such rules as it deems necessary for the
1189 conduct of its internal affairs, in accordance with section 4-167,
1190 including, but not limited to, rules of procedure for any audit
1191 undertaken pursuant to section 4e-6.]

1192 [(m)] (k) Eight members of the board, including not less than one
1193 member appointed by a legislative leader, shall constitute a quorum
1194 which shall be required for the transaction of business by the [board]
1195 State Contracting Standards Board.

1196 Sec. 20. Section 4e-4 of the general statutes is repealed and the
1197 following is substituted in lieu thereof (*Effective July 1, 2011*):

1198 Except as otherwise provided in the general statutes, the [board]
1199 State Contracting Standards Board shall have the following authority
1200 and responsibilities with respect to procurements by state contracting
1201 agencies:

1202 (a) Recommend the repeal of repetitive, conflicting or obsolete
1203 statutes concerning state procurement;

1204 (b) Review and make recommendations concerning proposed

1205 legislation and regulations concerning procurement, management,
1206 control, and disposal of any and all supplies, services, and construction
1207 to be procured by the state, including, but not limited to:

1208 (1) Conditions and procedures for delegation of procurement
1209 authority;

1210 (2) Prequalification, suspension, debarment and reinstatement of
1211 prospective bidders and contractors;

1212 (3) Small purchase procedures;

1213 (4) Conditions and procedures for the procurement of perishables
1214 and items for resale;

1215 (5) Conditions and procedures for the use of source selection
1216 methods authorized by statutes and regulations concerning
1217 procurement;

1218 (6) Conditions and procedures for the use of emergency
1219 procurements;

1220 (7) Conditions and procedures for the selection of contractors by
1221 processes or methods that restrict full and open competition;

1222 (8) The opening or rejection of bids and offers, and waiver of errors
1223 in bids and offers;

1224 (9) Confidentiality of technical data and trade secrets submitted by
1225 actual or prospective bidders;

1226 (10) Partial, progressive and multiple awards;

1227 (11) Supervision of storerooms and inventories, including
1228 determination of appropriate stock levels and the management,
1229 transfer, sale or other disposal of publicly-owned supplies;

1230 (12) Definitions and classes of contractual services and procedures

- 1231 for acquiring such services;
- 1232 (13) Regulations providing for conducting cost and price analysis;
- 1233 (14) Use of payment and performance bonds;
- 1234 (15) Guidelines for use of cost principles in negotiations,
1235 adjustments and settlements; and
- 1236 (16) Identification of procurement best practices;
- 1237 (c) [Adopt] Recommend to the Office of Governmental
1238 Accountability the adoption of regulations, pursuant to chapter 54, to
1239 carry out the provisions of statutes concerning procurement, in order
1240 to facilitate consistent application of the law and require the
1241 implementation of procurement best practices;
- 1242 (d) Make recommendations with regard to information systems for
1243 state procurement including, but not limited to, data element and
1244 design and the State Contracting Portal;
- 1245 (e) [Develop a guide] Approve the guide developed by the Office of
1246 Governmental Accountability to state statutes and regulations
1247 concerning procurement, for use by all state contracting agencies;
- 1248 [(f) Assist state contracting agencies in complying with the statutes
1249 and regulations concerning procurement by providing guidance,
1250 models, advice and practical assistance to state contracting agency staff
1251 relating to: (1) Buying the best service at the best price, (2) properly
1252 selecting contractors, and (3) drafting contracts that achieve state goals
1253 of accountability, transparency and results based outcomes and to
1254 protect taxpayers' interest;
- 1255 (g) Train and oversee the agency procurement officer of each state
1256 contracting agency and any contracting officers thereunder;
- 1257 (h) Review and certify, on or after January 1, 2009, that a state
1258 contracting agency's procurement processes are in compliance with

1259 statutes and regulations concerning procurement by:

1260 (1) Establishing procurement and project management education
1261 and training criteria and certification procedures for agency
1262 procurement officers and contracting officers. All agency procurement
1263 officers and contracting officers designated under this provision shall
1264 be required to maintain the certification in good standing at all times
1265 while performing procurement functions;

1266 (2) Approving an ethics training course, in consultation with the
1267 Office of State Ethics, including, but not limited to, state employees
1268 involved in procurement and for state contractors and substantial
1269 subcontractors who are prequalified pursuant to chapter 58a. Such
1270 ethics training course may be developed and provided by the Office of
1271 State Ethics or by any person, firm or corporation provided such
1272 course is approved by the State Contracting Standards Board;

1273 (i) Recertify each state contracting agency's procurement processes,
1274 triennially, and provide agencies with notice of any certification
1275 deficiency and exercise those powers authorized by section 4e-34, 4e-
1276 39 or 4e-40, as applicable, if a determination of noncompliance is made;

1277 (j) Define the contract data reporting requirements to the board for
1278 state agencies concerning information on: (1) The number and type of
1279 state contracts of each state contracting agency currently in effect state-
1280 wide; (2) the term and dollar value of such contracts; (3) a list of client
1281 agencies; (4) a description of services purchased under such contracts;
1282 (5) contractor names; (6) an evaluation of contractor performance,
1283 including, but not limited to records pertaining to the suspension or
1284 disqualification of contractors, and assuring such information is
1285 available on the State Contracting Portal; and (7) a list of contracts and
1286 contractors awarded without full and open competition stating the
1287 reasons for and identifying the approving authority; and

1288 (k) Provide the Governor and the joint standing committee of the
1289 General Assembly having cognizance of matters relating to

1290 government administration with recommendations concerning the
1291 statutes and regulations concerning procurement.]

1292 Sec. 21. (NEW) (*Effective July 1, 2011*) The Office of Governmental
1293 Accountability public affairs and services division shall:

1294 (1) (A) Assist state contracting agencies in complying with the
1295 statutes and regulations concerning procurement by providing
1296 guidance, models, advice and practical assistance to state contracting
1297 agency staff relating to: (i) Buying the best service at the best price, (ii)
1298 properly selecting contractors, and (iii) drafting contracts that achieve
1299 state goals of accountability, transparency and results based outcomes
1300 and to protect taxpayers' interest;

1301 (B) Train and oversee the agency procurement officer of each state
1302 contracting agency and any contracting officers under such agencies;

1303 (C) Review and certify, on or after January 1, 2012, that a state
1304 contracting agency's procurement processes are in compliance with
1305 statutes and regulations concerning procurement by:

1306 (2) Establish procurement and project management education and
1307 training criteria and certification procedures for agency procurement
1308 officers and contracting officers. All agency procurement officers and
1309 contracting officers designated under this provision shall be required
1310 to maintain the certification in good standing at all times while
1311 performing procurement functions;

1312 (3) Approving an ethics training course, in consultation with the
1313 legal affairs and enforcement division, including, but not limited to,
1314 state employees involved in procurement and for state contractors and
1315 substantial subcontractors who are prequalified pursuant to chapter
1316 58a of the general statutes. Such ethics training course may be
1317 developed and provided by the Office of Governmental Accountability
1318 or by any person, firm or corporation provided such course is
1319 approved by the State Contracting Standards Board;

1320 (4) Recertify each state contracting agency's procurement processes,
1321 triennially, and provide agencies with notice of any certification
1322 deficiency and exercise powers authorized by section 4e-34 of the
1323 general statutes, 4e-39 of the general statutes or 4e-40 of the general
1324 statutes, as applicable, if a determination of noncompliance is made;

1325 (5) Define the contract data reporting requirements to the board for
1326 state agencies concerning information on: (A) The number and type of
1327 state contracts of each state contracting agency currently in effect state-
1328 wide; (B) the term and dollar value of such contracts; (C) a list of client
1329 agencies; (D) a description of services purchased under such contracts;
1330 (E) contractor names; (F) an evaluation of contractor performance,
1331 including, but not limited to, records pertaining to the suspension or
1332 disqualification of contractors, and assuring such information is
1333 available on the State Contracting Portal; and (G) a list of contracts and
1334 contractors awarded without full and open competition stating the
1335 reasons for and identifying the approving authority.

1336 Sec. 22. Section 4e-5 of the general statutes is repealed and the
1337 following is substituted in lieu thereof (*Effective July 1, 2011*):

1338 (a) (1) The head of each state contracting agency shall appoint an
1339 agency procurement officer. Such officer shall serve as the liaison
1340 between the agency and the [Chief Procurement Officer] executive
1341 director of the Office of Governmental Accountability on all matters
1342 relating to the agency's procurement activity, including, but not
1343 limited to, implementation and compliance with the provisions of
1344 statutes and regulations concerning procurement and any policies or
1345 regulations adopted by the board, coordination of the training and
1346 education of agency procurement employees and any person serving
1347 on the Contracting Standards Advisory Council;

1348 (2) The agency procurement officer shall be responsible for assuring
1349 that contractors are properly screened prior to the award of a contract,
1350 evaluating contractor performance during and at the conclusion of a
1351 contract, submitting written evaluations to a central data repository to

1352 be designated by the board and creating a project management plan
1353 for the agency with annual reports to the board pertaining to
1354 procurement projects within the agency.

1355 (b) The [State Contracting Standards Board] Office of Governmental
1356 Accountability, with the advice and assistance of the Commissioner of
1357 Administrative Services, shall develop a standardized state
1358 procurement and project management education and training
1359 program. Such education and training program shall develop
1360 education, training and professional development opportunities for
1361 employees of state contracting agencies charged with procurement
1362 responsibilities. The program shall educate such employees in general
1363 business acumen and on proper purchasing procedures as established
1364 in statutes and regulations concerning procurement with an emphasis
1365 on ethics, fairness, consistency and project management. Participation
1366 in the program shall be required of any supervisory and
1367 nonsupervisory state employees in state contracting agencies with
1368 responsibility for buying, purchasing, renting, leasing or otherwise
1369 acquiring any supplies, service or construction, including the
1370 preparation of the description of requirements, selection and
1371 solicitation of sources, preparation and award of contracts and all
1372 phases of contract administration.

1373 (c) The program shall include, but shall not be limited to (1) training
1374 and education concerning federal, state and municipal procurement
1375 processes, including the statutes and regulations concerning
1376 procurement; (2) training and education courses developed in
1377 cooperation with [the Office of State Ethics, the Freedom of
1378 Information Commission, the State Elections Enforcement
1379 Commission,] the Commission on Human Rights and Opportunities,
1380 the office of the Attorney General and any other state agency the board
1381 determines is necessary in carrying out statutes and regulations
1382 concerning procurement; (3) providing technical assistance to state
1383 contracting agencies and municipalities for implementing statutes and
1384 regulations concerning procurement, regulations, policies and

1385 standards developed by the board; (4) training to current and
1386 prospective contractors and vendors and others seeking to do business
1387 with the state; and (5) training and education of state employees in the
1388 area of best procurement practices in state purchasing with the goal of
1389 achieving the level of acumen necessary to achieve the objectives of
1390 statutes and regulations concerning procurement.

1391 (d) Any employee who completes the program established under
1392 subsection (b) of this section shall be issued documentation by the
1393 board acknowledging such employee's participation in the program.
1394 The board shall submit an annual report to the Governor and the
1395 General Assembly on the status of such program in accordance with
1396 section 11-4a.

1397 [(e) The board shall adopt regulations, in accordance with the
1398 provisions of chapter 54, to develop and implement the training and
1399 education program established under subsection (b) of this section.]

1400 Sec. 23. Subsections (a) and (b) of section 4e-7 of the general statutes
1401 are repealed and the following is substituted in lieu thereof (*Effective*
1402 *October 1, 2011*):

1403 (a) For cause, the [State Contracting Standards Board] Office of
1404 Governmental Accountability may review, terminate or recommend to
1405 a state contracting agency the termination of any contract or
1406 procurement agreement undertaken by any state contracting agency
1407 after providing fifteen days' notice to the state contracting agency and
1408 the applicable contractor, and consulting with the Attorney General.
1409 Such termination of a contract or procurement agreement by the
1410 [board] State Contracting Standards Board may occur only after (1) the
1411 board has consulted with the contracting agency to determine the
1412 impact of an immediate termination of the contract, (2) a determination
1413 has been made jointly by the board and the contracting agency that an
1414 immediate termination of the contract will not create imminent peril to
1415 the public health, safety or welfare, (3) a vote of two-thirds of the
1416 members of the board present and voting for that purpose, and (4) the

1417 board has provided the state contracting agency and the contractor
1418 with opportunity for a hearing conducted pursuant to the provisions
1419 of chapter 54. Such action shall be accompanied by notice to the state
1420 contracting agency and any other affected party. For the purpose of
1421 this section, "for cause" means: (A) A violation of section 1-84 or 1-86e,
1422 as determined by the Citizen's Ethics Advisory Board; (B) wanton or
1423 reckless disregard of any state contracting and procurement process by
1424 any person substantially involved in such contract or state contracting
1425 agency; or (C) notification from the Attorney General to the state
1426 contracting agency that an investigation pursuant to section 4-61dd has
1427 concluded that the process by which such contract was awarded was
1428 compromised by fraud, collusion or any other criminal violation.
1429 Nothing in this section shall be construed to limit the authority of the
1430 [board] State Contracting Standards Board as described in section 4e-6.

1431 (b) Following consultation with the state contracting agency and
1432 upon providing fifteen days' notice and the opportunity for a hearing,
1433 the [State Contracting Standards Board] Office of Governmental
1434 Accountability may restrict or terminate the authority of any state
1435 contracting agency to enter into any contract or procurement
1436 agreement if: (1) The board, upon a vote of two-thirds of the members
1437 of the [board] State Contracting Standards Board present and voting
1438 for such purpose, determines that such state contracting agency failed
1439 to comply with statutory contracting and procurement requirements
1440 and evidenced a reckless disregard for applicable procedures and
1441 policy; and (2) such limitation, restriction or termination of authority is
1442 in the state's best interest, provided the board has made arrangements
1443 for the exercise of the contracting power of such agency during the
1444 period of limitation, restriction or termination. Such limitation,
1445 restriction or termination of authority shall remain in effect until such
1446 time as the board determines that such state contracting agency has
1447 implemented corrective measures and demonstrated compliance with
1448 statutes and regulations concerning procurement.

1449 Sec. 24. Section 4e-8 of the general statutes is repealed and the

1450 following is substituted in lieu thereof (*Effective July 1, 2011*):

1451 There is established a Contracting Standards Advisory Council,
1452 which shall consist of representatives from the Office of Governmental
1453 Accountability, the Office of Policy and Management, Departments of
1454 Administrative Services, Transportation, Public Works and
1455 Information Technology and representatives of at least three additional
1456 contracting agencies, including at least one human services related
1457 state agency, designated by the Governor. The [Chief Procurement
1458 Officer] executive director of the Office of Governmental
1459 Accountability shall be a member of the council and serve as
1460 chairperson. The advisory council shall meet at least four times per
1461 year to discuss state procurement issues and to make
1462 recommendations for improvement of the procurement processes to
1463 the State Contracting Standards Board. The advisory council may
1464 conduct studies, research and analyses and make reports and
1465 recommendations with respect to subjects or matters within the
1466 jurisdiction of the [State Contracting Standards Board] Office of
1467 Governmental Accountability.

1468 Sec. 25. Subsection (a) of section 4e-16 of the general statutes is
1469 repealed and the following is substituted in lieu thereof (*Effective July*
1470 *1, 2011*):

1471 (a) Prior to entering any privatization contract for the privatization
1472 of a state service that is not currently privatized, the state contracting
1473 agency shall develop a cost-benefit analysis in accordance with the
1474 provisions of subsection (b) of this section. Such requirement shall not
1475 apply to a privatization contract for a service currently provided, in
1476 whole or in part, by a non-state entity. Any affected party may petition
1477 the [State Contracting Standards Board] Office of Governmental
1478 Accountability for review of such privatization contract, in accordance
1479 with the provisions of subsections (f) to (h), inclusive, of this section.

1480 Sec. 26. Subsection (e) of section 4e-16 of the general statutes is
1481 repealed and the following is substituted in lieu thereof (*Effective July*

1482 1, 2011):

1483 (e) Upon the completion of such business case, the state contracting
1484 agency shall submit the business case to the [State Contracting
1485 Standards Board] Office of Governmental Accountability. For any
1486 privatization contract with a projected cost that exceeds one hundred
1487 fifty million dollars annually or six hundred million dollars over the
1488 life of such contract, the state contracting agency shall also submit such
1489 business case to the Governor, the president pro tempore of the Senate,
1490 the speaker of the House of Representatives, and any collective
1491 bargaining unit affected by the proposed privatization contract.

1492 Sec. 27. Subsections (m) and (n) of section 4e-16 of the general
1493 statutes are repealed and the following is substituted in lieu thereof
1494 (*Effective July 1, 2011*):

1495 (m) The Office of Policy and Management, in consultation with the
1496 [State Contracting Standards Board] Office of Governmental
1497 Accountability, shall: (1) Develop policies and procedures, including
1498 templates for use by state contracting agencies for the development of
1499 a cost-benefit analysis, as described in subsection (b) of this section,
1500 and (2) review with each state contracting agency the budgetary
1501 impact of any such privatization contract and the need to request
1502 budget adjustments in connection with any such privatization contract.

1503 (n) The [State Contracting Standards Board] Office of Governmental
1504 Accountability, in consultation with the Department of Administrative
1505 Services, shall: (1) Recommend and implement standards and
1506 procedures for state contracting agencies to develop business cases in
1507 connection with privatization contracts, including templates for use by
1508 state contracting agencies when submitting business cases to the
1509 board, and policies and procedures to guide state contracting agencies
1510 to complete such business cases, and (2) develop guidelines and
1511 procedures for assisting state employees whose jobs are affected by a
1512 privatization contract.

1513 Sec. 28. Section 4e-38 of the general statutes is repealed and the
1514 following is substituted in lieu thereof (*Effective July 1, 2011*):

1515 The State Contracting Standards Board shall issue a decision in
1516 writing or take other appropriate action on each appeal submitted
1517 pursuant to section 4e-37. [A copy of any decision shall be provided to
1518 all parties, the department head of the state contracting agency and the
1519 Chief Procurement Officer.]

1520 Sec. 29. Section 9-7a of the general statutes are repealed and the
1521 following is substituted in lieu thereof (*Effective July 1, 2011*):

1522 (a) [There] Within the Office of Governmental Accountability, there
1523 is established a State Elections Enforcement Commission to consist of
1524 five members, not more than two of whom shall be members of the
1525 same political party and at least one of whom shall not be affiliated
1526 with any political party. Of the members first appointed hereunder,
1527 one shall be appointed by the minority leader of the House of
1528 Representatives and shall hold office for a term of one year from July 1,
1529 1974; one shall be appointed by the minority leader of the Senate and
1530 shall hold office for a term of three years from said July first; one shall
1531 be appointed by the speaker of the House of Representatives and shall
1532 hold office for a term of one year from said July first; one shall be
1533 appointed by the president pro tempore of the Senate and shall hold
1534 office for a term of three years from said July first, and one shall be
1535 appointed by the Governor, provided that such member shall not be
1536 affiliated with any political party, and shall hold office for a term of
1537 five years from said July first. Thereafter, members shall be appointed
1538 for terms of five years from July first in the year of their appointment
1539 and shall be appointed by the person holding the same office as was
1540 held by the person making the original appointment, provided any
1541 person chosen to fill a vacancy shall be appointed only for the
1542 unexpired term of the member whom he shall succeed. All
1543 appointments shall be made with the consent of the state Senate and
1544 House of Representatives, provided the initial appointees may serve

1545 without confirmation from July 1, 1974, subject to approval at the next
1546 regular session of the General Assembly. No person who has served
1547 within the previous three years as a public official, other than a
1548 member of the State Elections Enforcement Commission, or who has
1549 served within the previous three years as a political party officer, shall
1550 be appointed to membership on the commission. For purposes of this
1551 subsection the term "public official" means an individual who holds or
1552 has held a state, district or municipal office as defined in section 9-372
1553 but shall not include a justice of the peace or a notary public and the
1554 term "political party officer" means an officer or member of a national
1555 committee of a political party, state central or town committee, or any
1556 person employed by any such committee for compensation. The
1557 commission shall elect one of its members to serve as chairperson and
1558 another member to serve as vice-chairperson. Each member of the
1559 commission shall be compensated at the rate of two hundred dollars
1560 per day for any day on which [he] the member participates in a regular
1561 commission meeting or hearing, and shall be paid by the state for [his]
1562 the member's reasonable expenses, [, including necessary stenographic
1563 and clerical help.]

1564 (b) A vacancy in the commission shall not impair the right of the
1565 remaining members to exercise all the powers of the commission, and
1566 three members of said commission shall constitute a quorum.

1567 [(c) The commission shall at the close of each fiscal year report to the
1568 General Assembly and the Governor concerning the action it has taken
1569 including, but not limited to, a list of all complaints investigated by the
1570 commission and the disposition of each such complaint, by voting
1571 districts, where the alleged violation occurred; the names, salaries and
1572 duties of the individuals in its employ and the money it has disbursed;
1573 and shall make such further reports on the matters within its
1574 jurisdiction and such recommendations for further legislation as may
1575 appear desirable.]

1576 [(d) The commission shall, subject] (c) Subject to the provisions of

1577 chapter 67, [employ such employees as may be] the Office of
1578 Governmental Accountability may, when necessary to carry out the
1579 provisions of this section, section 9-7b and section 9-623, [and may]
1580 apply to the Commissioner of Public Safety or to the Chief State's
1581 Attorney for necessary investigatory personnel, which the same are
1582 hereby authorized to provide.

1583 [(e)] (d) Notwithstanding the provisions of sections 5-266a and 5-
1584 266b, no member or employee [of the commission] shall (1) be a
1585 candidate in any primary or election, (2) hold any elected public office,
1586 provided a member or employee of the commission who holds an
1587 elected public office as of October 1, 1994, may continue to hold such
1588 office prior to April 1, 1995, (3) be a political party officer, as defined in
1589 subsection (a) of this section, or (4) hold any office of any committee, as
1590 defined in section 9-601. The members and employees [of the
1591 commission] shall otherwise be subject to the provisions of sections 5-
1592 266a and 5-266b.

1593 [(f)] (e) The commission shall not be construed to be a board or
1594 commission within the meaning of section 4-9a.

1595 [(g)] (f) In the case of a written complaint filed with the commission
1596 pursuant to section 9-7b, as amended by this act, on or after January 1,
1597 1988, if the commission does not, by the sixtieth day following receipt
1598 of the complaint, either issue a decision or render its determination
1599 that probable cause or no probable cause exists for one or more
1600 violations of state election laws, the complainant or respondent may
1601 apply to the superior court for the judicial district of Hartford for an
1602 order to show cause why the commission has not acted upon the
1603 complaint and to provide evidence that the commission has
1604 unreasonably delayed action. Such proceeding shall be privileged with
1605 respect to assignment for trial. The commission shall appear and give
1606 appropriate explanation in the matter. The court may, in its discretion,
1607 order the commission to: (1) Continue to proceed pursuant to section
1608 9-7b, as amended by this act, (2) act by a date certain or (3) refer the

1609 complaint to the Chief State's Attorney. Nothing in this subsection
1610 shall require the commission, in any proceeding brought pursuant to
1611 this subsection, to disclose records or documents which are not
1612 required to be disclosed pursuant to subsection (b) of section 1-210.
1613 Nothing in this subsection shall preclude the commission from
1614 continuing its investigation or taking any action permitted by section
1615 9-7b, as amended by this act, unless otherwise ordered by the court.
1616 The commission or any other party may, within seven days after a
1617 decision by the court under this subsection, file an appeal of the
1618 decision with the Appellate Court.

1619 Sec. 30. Section 9-7b of the general statutes is repealed and the
1620 following is substituted in lieu thereof (*Effective July 1, 2011*):

1621 (a) The State Elections Enforcement Commission shall have the
1622 following duties and powers:

1623 [(1) To make investigations on its own initiative or with respect to
1624 statements filed with the commission by the Secretary of the State or
1625 any town clerk, or upon written complaint under oath by any
1626 individual, with respect to alleged violations of any provision of the
1627 general statutes relating to any election or referendum, any primary
1628 held pursuant to section 9-423, 9-425 or 9-464 or any primary held
1629 pursuant to a special act, and to hold hearings when the commission
1630 deems necessary to investigate violations of any provisions of the
1631 general statutes relating to any such election, primary or referendum,
1632 and for the purpose of such hearings the commission may administer
1633 oaths, examine witnesses and receive oral and documentary evidence,
1634 and shall have the power to subpoena witnesses under procedural
1635 rules the commission shall adopt, to compel their attendance and to
1636 require the production for examination of any books and papers which
1637 the commission deems relevant to any matter under investigation or in
1638 question. In connection with its investigation of any alleged violation
1639 of any provision of chapter 145, or of any provision of section 9-359 or
1640 section 9-359a, the commission shall also have the power to subpoena

1641 any municipal clerk and to require the production for examination of
1642 any absentee ballot, inner and outer envelope from which any such
1643 ballot has been removed, depository envelope containing any such
1644 ballot or inner or outer envelope as provided in sections 9-150a and 9-
1645 150b and any other record, form or document as provided in section 9-
1646 150b, in connection with the election, primary or referendum to which
1647 the investigation relates. In case of a refusal to comply with any
1648 subpoena issued pursuant to this subsection or to testify with respect
1649 to any matter upon which that person may be lawfully interrogated,
1650 the superior court for the judicial district of Hartford, on application of
1651 the commission, may issue an order requiring such person to comply
1652 with such subpoena and to testify; failure to obey any such order of the
1653 court may be punished by the court as a contempt thereof. In any
1654 matter under investigation which concerns the operation or inspection
1655 of or outcome recorded on any voting machine, the commission may
1656 issue an order to the municipal clerk to impound such machine until
1657 the investigation is completed;]

1658 [(2)] (1) To levy a civil penalty not to exceed (A) two thousand
1659 dollars per offense against any person the commission finds to be in
1660 violation of any provision of chapter 145, part V of chapter 146, part I
1661 of chapter 147, chapter 148, section 7-9, section 9-12, subsection (a) of
1662 section 9-17, section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-
1663 23g, 9-23h, 9-23j to 9-23o, inclusive, 9-23r, 9-26, 9-31a, 9-32, 9-35, 9-35b,
1664 9-35c, 9-40a, 9-42, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172, 9-
1665 232i to 9-232o, inclusive, 9-404a to 9-404c, inclusive, 9-409, 9-410, 9-412,
1666 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k or 9-453o, (B) two
1667 thousand dollars per offense against any town clerk, registrar of
1668 voters, an appointee or designee of a town clerk or registrar of voters,
1669 or any other election or primary official whom the commission finds to
1670 have failed to discharge a duty imposed by any provision of chapter
1671 146 or 147, (C) two thousand dollars per offense against any person the
1672 commission finds to have (i) improperly voted in any election, primary
1673 or referendum, and (ii) not been legally qualified to vote in such
1674 election, primary or referendum, or (D) two thousand dollars per

1675 offense or twice the amount of any improper payment or contribution,
1676 whichever is greater, against any person the commission finds to be in
1677 violation of any provision of chapter 155 or 157. The commission may
1678 levy a civil penalty against any person under subparagraph (A), (B),
1679 (C) or (D) of this subdivision only after giving the person an
1680 opportunity to be heard at a hearing conducted in accordance with
1681 sections 4-176e to 4-184, inclusive. In the case of failure to pay any such
1682 penalty levied pursuant to this subsection within thirty days of written
1683 notice sent by certified or registered mail to such person, the superior
1684 court for the judicial district of Hartford, on application of the
1685 commission, may issue an order requiring such person to pay the
1686 penalty imposed and such court costs, state marshal's fees and
1687 attorney's fees incurred by the commission as the court may
1688 determine. Any civil penalties paid, collected or recovered under
1689 subparagraph (D) of this subdivision for a violation of any provision of
1690 chapter 155 applying to the office of the Treasurer shall be deposited
1691 on a pro rata basis in any trust funds, as defined in section 3-13c,
1692 affected by such violation;

1693 [(3)] (2) (A) To issue an order requiring any person the commission
1694 finds to have received any contribution or payment which is
1695 prohibited by any of the provisions of chapter 155 or 157, after an
1696 opportunity to be heard at a hearing conducted in accordance with the
1697 provisions of sections 4-176e to 4-184, inclusive, to return such
1698 contribution or payment to the donor or payor, or to remit such
1699 contribution or payment to the state for deposit in the General Fund or
1700 the Citizens' Election Fund, whichever is deemed necessary to
1701 effectuate the purposes of chapter 155 or 157, as the case may be;

1702 (B) To issue an order when the commission finds that an intentional
1703 violation of any provision of chapter 155 or 157 has been committed,
1704 after an opportunity to be heard at a hearing conducted in accordance
1705 with sections 4-176e to 4-184, inclusive, which order may contain one
1706 or more of the following sanctions: (i) Removal of a campaign
1707 treasurer, deputy campaign treasurer or solicitor; (ii) prohibition on

1708 serving as a campaign treasurer, deputy campaign treasurer or
1709 solicitor, for a period not to exceed four years; and (iii) in the case of a
1710 party committee or a political committee, suspension of all political
1711 activities, including, but not limited to, the receipt of contributions and
1712 the making of expenditures, provided the commission may not order
1713 such a suspension unless the commission has previously ordered the
1714 removal of the campaign treasurer and notifies the officers of the
1715 committee that the commission is considering such suspension;

1716 (C) To issue an order revoking any person's eligibility to be
1717 appointed or serve as an election, primary or referendum official or
1718 unofficial checker or in any capacity at the polls on the day of an
1719 election, primary or referendum, when the commission finds such
1720 person has intentionally violated any provision of the general statutes
1721 relating to the conduct of an election, primary or referendum, after an
1722 opportunity to be heard at a hearing conducted in accordance with
1723 sections 4-176e to 4-184, inclusive;

1724 (D) To issue an order to enforce the provisions of the Help America
1725 Vote Act, P.L. 107-252, as amended from time to time, as the
1726 commission deems appropriate;

1727 (E) To issue an order following the commission's determination of
1728 the right of an individual to be or remain an elector when such
1729 determination is made (i) pursuant to an appeal taken to the
1730 commission from a decision of the registrars of voters or board of
1731 admission of electors under section 9-31l, or (ii) following the
1732 commission's investigation pursuant to subdivision (1) of this
1733 subsection;

1734 (F) To issue a cease and desist order for violation of any general
1735 statute or regulation under the commission's jurisdiction and to take
1736 reasonable actions necessary to compel compliance with such statute
1737 or regulation;

1738 ~~[(4)]~~ (3) To issue an order to a candidate committee that receives

1739 moneys from the Citizens' Election Fund pursuant to chapter 157, to
1740 comply with the provisions of chapter 157, after an opportunity to be
1741 heard at a hearing conducted in accordance with the provisions of
1742 sections 4-176e to 4-184, inclusive;

1743 [(5) To inspect or audit at any reasonable time and upon reasonable
1744 notice the accounts or records of any campaign treasurer or principal
1745 campaign treasurer, as required by chapter 155 or 157 and to audit any
1746 such election, primary or referendum held within the state; provided,
1747 (A) (i) not later than two months preceding the day of an election at
1748 which a candidate is seeking election, the commission shall complete
1749 any audit it has initiated in the absence of a complaint that involves a
1750 committee of the same candidate from a previous election, and (ii)
1751 during the two-month period preceding the day of an election at
1752 which a candidate is seeking election, the commission shall not initiate
1753 an audit in the absence of a complaint that involves a committee of the
1754 same candidate from a previous election, and (B) the commission shall
1755 not audit any caucus, as defined in subdivision (1) of section 9-372;

1756 (6) To attempt to secure voluntary compliance, by informal methods
1757 of conference, conciliation and persuasion, with any provision of
1758 chapter 149, 151 to 153, inclusive, 155, 156 or 157 or any other
1759 provision of the general statutes relating to any such election, primary
1760 or referendum;]

1761 [(7)] (4) To consult with the Secretary of the State, the Chief State's
1762 Attorney or the Attorney General on any matter which the commission
1763 deems appropriate;

1764 [(8)] (5) To refer to the Chief State's Attorney evidence bearing upon
1765 violation of any provision of chapter 149, 151 to 153, inclusive, 155, 156
1766 or 157 or any other provision of the general statutes pertaining to or
1767 relating to any such election, primary or referendum;

1768 [(9)] (6) To refer to the Attorney General evidence for injunctive
1769 relief and any other ancillary equitable relief in the circumstances of

1770 subdivision (8) of this subsection. Nothing in this subdivision shall
1771 preclude a person who claims that he is aggrieved by a violation of any
1772 provision of chapter 152 or any other provision of the general statutes
1773 relating to referenda from pursuing injunctive and any other ancillary
1774 equitable relief directly from the Superior Court by the filing of a
1775 complaint;

1776 [(10)] (7) To refer to the Attorney General evidence pertaining to any
1777 ruling which the commission finds to be in error made by election
1778 officials in connection with any election, primary or referendum. Those
1779 remedies and procedures available to parties claiming to be aggrieved
1780 under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall
1781 apply to any complaint brought by the Attorney General as a result of
1782 the provisions of this subdivision;

1783 [(11)] (8) To consult with the United States Department of Justice
1784 and the United States Attorney for Connecticut on any investigation
1785 pertaining to a violation of this section, section 9-12, subsection (a) of
1786 section 9-17 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a,
1787 9-23g, 9-23h, 9-23j to 9-23o, inclusive, 9-26, 9-31a, 9-32, 9-35, 9-35b, 9-
1788 35c, 9-40a, 9-42, 9-43, 9-50a, 9-56 or 9-59 and to refer to said department
1789 and attorney evidence bearing upon any such violation for prosecution
1790 under the provisions of the National Voter Registration Act of 1993,
1791 P.L. 103-31, as amended from time to time;

1792 [(12)] (9) To inspect reports filed with town clerks pursuant to
1793 chapter 155 and refer to the Chief State's Attorney evidence bearing
1794 upon any violation of law therein if such violation was committed
1795 knowingly and wilfully;

1796 [(13)] (10) To intervene in any action brought pursuant to the
1797 provisions of sections 9-323, 9-324, 9-328 and 9-329a upon application
1798 to the court in which such action is brought when in the opinion of the
1799 court it is necessary to preserve evidence of possible criminal violation
1800 of the election laws;

1801 [(14)] (11) To [adopt and publish] recommend to the executive
1802 director of the Office of Governmental Accountability the adoption
1803 and publication of regulations pursuant to chapter 54 to carry out the
1804 provisions of section 9-7a, this section, and chapters 155 and 157; to
1805 issue upon request and publish advisory opinions in the Connecticut
1806 Law Journal upon the requirements of chapters 155 and 157, and to
1807 make recommendations to the General Assembly concerning
1808 suggested revisions of the election laws;

1809 [(15)] (12) To the extent that the Elections Enforcement Commission
1810 is involved in the investigation of alleged or suspected criminal
1811 violations of any provision of the general statutes pertaining to or
1812 relating to any such election, primary or referendum and is engaged in
1813 such investigation for the purpose of presenting evidence to the Chief
1814 State's Attorney, the executive director of Office of Governmental
1815 Accountability in conjunction with the Elections Enforcement
1816 Commission shall be deemed a law enforcement agency for purposes
1817 of subdivision (3) of subsection (b) of section 1-210, provided nothing
1818 in this section shall be construed to exempt the Elections Enforcement
1819 Commission in any other respect from the requirements of the
1820 Freedom of Information Act, as defined in section 1-200;

1821 [(16) To enter into such contractual agreements as may be necessary
1822 for the discharge of its duties, within the limits of its appropriated
1823 funds and in accordance with established procedures;

1824 (17) To provide the Secretary of the State with notice and copies of
1825 all decisions rendered by the commission in contested cases, advisory
1826 opinions and declaratory judgments, at the time such decisions,
1827 judgments and opinions are made or issued;]

1828 [(18)] (13) To receive and determine complaints filed under the Help
1829 America Vote Act, P.L. 107-252, as amended from time to time, by any
1830 person who believes there is a violation of any provision of Title III of
1831 P.L. 107-252, as amended. Any complaint filed under this subdivision
1832 shall be in writing, notarized and signed and sworn by the person

1833 filing the complaint. At the request of the complainant, there shall be a
1834 hearing on the record, conducted in accordance with sections 4-167e to
1835 4-184, inclusive. The commission shall make a final determination with
1836 respect to a complaint prior to the expiration of the ninety-day period
1837 beginning on the date the complaint is filed, unless the complainant
1838 consents to a longer period for making such determination. If the
1839 commission fails to meet the applicable deadline under this
1840 subdivision with respect to a complaint, the commission shall resolve
1841 the complaint within sixty days after the expiration of such ninety-day
1842 period under an alternative dispute resolution procedure established
1843 by the commission.

1844 (b) The Office of Governmental Accountability shall have the
1845 following duties and powers:

1846 (1) To make investigations on its own initiative or with respect to
1847 statements filed with the commission by the Secretary of the State or
1848 any town clerk, or upon written complaint under oath by any
1849 individual, with respect to alleged violations of any provision of the
1850 general statutes relating to any election or referendum, any primary
1851 held pursuant to section 9-423, 9-425 or 9-464 or any primary held
1852 pursuant to a special act, and to hold hearings when the commission
1853 deems necessary to investigate violations of any provisions of the
1854 general statutes relating to any such election, primary or referendum,
1855 and for the purpose of such hearings the commission may administer
1856 oaths, examine witnesses and receive oral and documentary evidence,
1857 and shall have the power to subpoena witnesses under procedural
1858 rules the commission shall adopt, to compel their attendance and to
1859 require the production for examination of any books and papers which
1860 the commission deems relevant to any matter under investigation or in
1861 question. In connection with its investigation of any alleged violation
1862 of any provision of chapter 145, or of any provision of section 9-359 or
1863 9-359a, the commission shall also have the power to subpoena any
1864 municipal clerk and to require the production for examination of any
1865 absentee ballot, inner and outer envelope from which any such ballot

1866 has been removed, depository envelope containing any such ballot or
1867 inner or outer envelope as provided in sections 9-150a and 9-150b and
1868 any other record, form or document as provided in section 9-150b, in
1869 connection with the election, primary or referendum to which the
1870 investigation relates. In case of a refusal to comply with any subpoena
1871 issued pursuant to this subsection or to testify with respect to any
1872 matter upon which that person may be lawfully interrogated, the
1873 superior court for the judicial district of Hartford, on application of the
1874 commission, may issue an order requiring such person to comply with
1875 such subpoena and to testify; failure to obey any such order of the
1876 court may be punished by the court as a contempt thereof. In any
1877 matter under investigation which concerns the operation or inspection
1878 of or outcome recorded on any voting machine, the commission may
1879 issue an order to the municipal clerk to impound such machine until
1880 the investigation is completed;

1881 (2) To assist in duties of the Elections Enforcement Commission as
1882 mandated by subsection (a) of this section;

1883 (3) To inspect or audit at any reasonable time and upon reasonable
1884 notice the accounts or records of any campaign treasurer or principal
1885 campaign treasurer, as required by chapter 155 or 157 and to audit any
1886 such election, primary or referendum held within the state, provided,
1887 (A) (i) not later than two months preceding the day of an election at
1888 which a candidate is seeking election, the commission shall complete
1889 any audit it has initiated in the absence of a complaint that involves a
1890 committee of the same candidate from a previous election, and (ii)
1891 during the two-month period preceding the day of an election at
1892 which a candidate is seeking election, the commission shall not initiate
1893 an audit in the absence of a complaint that involves a committee of the
1894 same candidate from a previous election, and (B) the commission shall
1895 not audit any caucus, as defined in subdivision (1) of section 9-372;

1896 (4) To attempt to secure voluntary compliance, by informal methods
1897 of conference, conciliation and persuasion, with any provision of

1898 chapter 149, 151 to 153, inclusive, 155, 156 or 157 or any other
1899 provision of the general statutes relating to any such election, primary
1900 or referendum;

1901 (5) To provide the Secretary of the State with notice and copies of all
1902 decisions rendered by the commission in contested cases, advisory
1903 opinions and declaratory judgments, at the time such decisions,
1904 judgments and opinions are made or issued; and

1905 (6) Shall at the close of each fiscal year report to the General
1906 Assembly and the Governor concerning the action it has taken
1907 including, but not limited to, a list of all complaints investigated by the
1908 commission and the disposition of each such complaint, by voting
1909 districts, where the alleged violation occurred; the names, salaries and
1910 duties of the individuals in its employ and the money it has disbursed;
1911 and shall make such further reports on the matters within its
1912 jurisdiction and such recommendations for further legislation as may
1913 appear desirable.

1914 [(b)] (c) In the case of a refusal to comply with an order of the
1915 commission issued pursuant to [subdivision (3) or (4) of] subsection (a)
1916 or (b) of this section, the superior court for the judicial district of
1917 Hartford, on application of the commission, may issue a further order
1918 to comply. Failure to obey such further order may be punished by the
1919 court as a contempt thereof.

1920 Sec. 31. Section 51-51k of the general statutes is repealed and the
1921 following is substituted in lieu thereof (*Effective July 1, 2011*):

1922 (a) [There is hereby] Within the Office of Governmental
1923 Accountability there is established a Judicial Review Council to be
1924 composed of the following members: (1) Three judges of the Superior
1925 Court, who are not also judges of the Supreme Court, who shall be
1926 appointed by the Governor, from a list of six judges selected by the
1927 members of the Superior Court, with the approval of the General
1928 Assembly, (2) three attorneys-at-law admitted to practice in this state,

1929 who shall be appointed by the Governor with the approval of the
1930 General Assembly, (3) six persons who are not judges or attorneys-at-
1931 law, who shall be appointed by the Governor with the approval of the
1932 General Assembly, and (4) thirteen alternate members who shall be
1933 appointed by the Governor with the approval of the General
1934 Assembly, as follows: (A) Two judges of the Superior Court who are
1935 not also judges of the Supreme Court, from a list of four judges
1936 selected by the members of the Superior Court, (B) two attorneys-at-
1937 law admitted to practice in this state, (C) three persons who are not
1938 judges or attorneys-at-law, (D) three compensation commissioners and
1939 (E) three family support magistrates.

1940 (b) An alternate member who is a judge, attorney-at-law or person
1941 who is not a judge or attorney-at-law shall serve at probable cause
1942 hearings and public hearings in lieu of a member who is a judge,
1943 attorney-at-law or person who is not a judge or attorney-at-law,
1944 respectively, when such member is absent or disqualified, as
1945 designated by the executive director of the [council] Office of
1946 Governmental Accountability. An alternate member who is a
1947 compensation commissioner shall serve as a member of the council in
1948 lieu of one of the members who is a judge of the Superior Court, as
1949 designated by the executive director, when the subject of a complaint
1950 or investigation is a compensation commissioner. An alternate member
1951 who is a family support magistrate shall serve as a member of the
1952 council in lieu of one of the members who is a judge of the Superior
1953 Court, as designated by the executive director, when the subject of a
1954 complaint or investigation is a family support magistrate. An alternate
1955 member shall have the same power as the member he or she is
1956 temporarily replacing during the absence or disqualification of the
1957 member.

1958 (c) On and after December 1, 1992, members shall be appointed in
1959 accordance with subsection (a) of this section as follows: One judge
1960 shall be appointed for a term of two years, one judge shall be
1961 appointed for a term of three years and one judge shall be appointed

1962 for a term of four years; one attorney shall be appointed for a term of
1963 two years, one attorney shall be appointed for a term of three years
1964 and one attorney shall be appointed for a term of four years; two lay
1965 members shall be appointed for terms of two years, two lay members
1966 shall be appointed for terms of three years, and two lay members shall
1967 be appointed for terms of four years. Thereafter, members shall serve
1968 for terms of four years. Members may continue in office until a
1969 successor is appointed and qualified. No member appointed on or
1970 after December 1, 1992, may serve consecutive terms, and if the
1971 member is an attorney, no member of his or her firm may serve a term
1972 consecutive to such member, provided no member may serve for more
1973 than two terms. Vacancies on the council shall be filled for the
1974 unexpired portion of any term in the same manner as the original
1975 appointment. Any member who is a judge, family support magistrate
1976 or compensation commissioner and retires from full-time active service
1977 as a judge, family support magistrate or compensation commissioner
1978 shall automatically cease to be a member of the council, and a vacancy
1979 shall be deemed to occur. Alternate members shall be appointed for
1980 terms of three years and shall not serve consecutive terms as alternate
1981 members.

1982 (d) No member of the council, except a judge, family support
1983 magistrate or compensation commissioner, may hold any elected or
1984 appointed position with compensation within the state or United
1985 States, or be a selectman or chief executive officer of any municipality,
1986 or a full or part-time employee of the Judicial Department or Workers'
1987 Compensation Commission, or a member of a national or state central
1988 committee, or a chairperson of any political party.

1989 [(e) (1) The Judicial Review Council shall employ an executive
1990 director and such other staff as is necessary for the performance of its
1991 functions and duties.

1992 (2) The executive director] (e) The legal affairs and enforcement
1993 division within the Office of Governmental Accountability may

1994 investigate any complaint filed pursuant to section 51-51l and present
1995 evidence obtained pursuant to any such investigation to the council.

1996 (f) The Judicial Review Council shall develop a concise brochure
1997 written in plain language to provide the public with information
1998 concerning the purpose, authority, jurisdiction and process of the
1999 Judicial Review Council. The [council] Office of Governmental
2000 Accountability shall distribute the brochure to all court administrative
2001 offices and to any person who files a complaint pursuant to section 51-
2002 51l.

2003 (g) The Judicial Review Council shall submit to the Governor, the
2004 Judicial Department, the joint standing committee of the General
2005 Assembly having cognizance of matters relating to the Judicial Review
2006 Council, and the judges of the Superior Court annually on or before
2007 September first, a report of its activities for the previous fiscal year,
2008 including the number of complaints received and the number of each
2009 type of complaint disposition, including the number of dismissals, the
2010 number of admonishments and the number of cases in which probable
2011 cause was found.

2012 (h) The [Commissioner of Public Works shall provide the] Judicial
2013 Review Council shall be provided with office space for the conduct of
2014 duties of the council.

2015 (i) The Judicial Review Council shall [adopt] recommend to the
2016 executive director of the Office of Governmental Accountability the
2017 adoption of regulations in accordance with the provisions of chapter 54
2018 to establish rules and procedures for the council in the discharge of its
2019 duties under this chapter and to provide standards for the
2020 identification of and procedures for the treatment of conflicts of
2021 interest for council members, which standards shall require that any
2022 professional or ethical codes of conduct shall apply to any professional
2023 member of the council subject to such codes of conduct.

2024 Sec. 32. Subsection (b) of section 51-51m of the general statutes is

2025 repealed and the following is substituted in lieu thereof (*Effective July*
2026 *1, 2011*):

2027 (b) The council shall make its findings in writing and all such
2028 findings shall be compiled and indexed by the Office of Governmental
2029 Accountability.

2030 Sec. 33. Section 4-5 of the general statutes is repealed and the
2031 following is substituted in lieu thereof (*Effective July 1, 2011*):

2032 As used in sections 4-6, 4-7 and 4-8, the term "department head"
2033 means Secretary of the Office of Policy and Management,
2034 Commissioner of Administrative Services, Commissioner of Revenue
2035 Services, Banking Commissioner, Commissioner of Children and
2036 Families, Commissioner of Consumer Protection, Commissioner of
2037 Correction, Commissioner of Economic and Community Development,
2038 State Board of Education, Commissioner of Emergency Management
2039 and Homeland Security, Commissioner of Environmental Protection,
2040 Commissioner of Agriculture, Commissioner of Public Health,
2041 Insurance Commissioner, Labor Commissioner, Liquor Control
2042 Commission, Commissioner of Mental Health and Addiction Services,
2043 Commissioner of Public Safety, Commissioner of Social Services,
2044 Commissioner of Developmental Services, Commissioner of Motor
2045 Vehicles, Commissioner of Transportation, Commissioner of Public
2046 Works, Commissioner of Veterans' Affairs, Chief Information Officer,
2047 the chairperson of the Public Utilities Control Authority, the executive
2048 director of the Board of Education and Services for the Blind, the
2049 executive director of the Connecticut Commission on Culture and
2050 Tourism, the executive director of the Office of Governmental
2051 Accountability and the executive director of the Office of Military
2052 Affairs. As used in sections 4-6 and 4-7, "department head" also means
2053 the Commissioner of Education.

2054 Sec. 34. (*Effective July 1, 2011*) (a) Whenever the words "Office of
2055 State Ethics" are used or referred to in the following general statutes,
2056 any public or special act of 2011 or 2012, or any general statute

2057 amended in 2011 or 2012, the words "Office of Governmental
 2058 Accountability" shall be substituted in lieu thereof: 1-81a, 1-83, 1-84, 1-
 2059 84b, 1-86, 1-86d, 1-89a, 1-93a, 1-94, 1-95, 1-96a, 1-96b, 1-96c, 1-96e, 1-
 2060 100b, 1-101oo, 1-101pp, subsection (a) of section 1-101qq, 1-101rr and
 2061 4b-4.

2062 (b) Whenever the words "State Contracting Standards Board" are
 2063 used or referred to in the following general statutes, any public or
 2064 special act of 2011 or 2012, or any general statute amended in 2011 or
 2065 2012, the words "Office of Governmental Accountability" shall be
 2066 substituted in lieu thereof: 4e-13, 4e-14, 4e-19 to 4e-28, inclusive, and
 2067 4e-44 to 4e-49, inclusive.

2068 Sec. 35. Sections 1-80b, 1-80c, 1-80d, 1-205a and 9-7c of the general
 2069 statutes are repealed. (*Effective July 1, 2011*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	1-80(a)
Sec. 4	<i>July 1, 2011</i>	1-80(h) and (i)
Sec. 5	<i>July 1, 2011</i>	1-80e
Sec. 6	<i>July 1, 2011</i>	1-81
Sec. 7	<i>July 1, 2011</i>	1-82
Sec. 8	<i>July 1, 2011</i>	1-81b
Sec. 9	<i>July 1, 2011</i>	1-81c
Sec. 10	<i>July 1, 2011</i>	1-82a
Sec. 11	<i>July 1, 2011</i>	1-88
Sec. 12	<i>July 1, 2011</i>	1-92
Sec. 13	<i>July 1, 2011</i>	1-93
Sec. 14	<i>July 1, 2011</i>	1-96
Sec. 15	<i>July 1, 2011</i>	1-101
Sec. 16	<i>July 1, 2011</i>	1-205
Sec. 17	<i>July 1, 2011</i>	1-206(b)
Sec. 18	<i>July 1, 2011</i>	1-212(f)
Sec. 19	<i>July 1, 2011</i>	4e-2

Sec. 20	<i>July 1, 2011</i>	4e-4
Sec. 21	<i>July 1, 2011</i>	New section
Sec. 22	<i>July 1, 2011</i>	4e-5
Sec. 23	<i>October 1, 2011</i>	4e-7(a) and (b)
Sec. 24	<i>July 1, 2011</i>	4e-8
Sec. 25	<i>July 1, 2011</i>	4e-16(a)
Sec. 26	<i>July 1, 2011</i>	4e-16(e)
Sec. 27	<i>July 1, 2011</i>	4e-16(m) and (n)
Sec. 28	<i>July 1, 2011</i>	4e-38
Sec. 29	<i>July 1, 2011</i>	9-7a
Sec. 30	<i>July 1, 2011</i>	9-7b
Sec. 31	<i>July 1, 2011</i>	51-51k
Sec. 32	<i>July 1, 2011</i>	51-51m(b)
Sec. 33	<i>July 1, 2011</i>	4-5
Sec. 34	<i>July 1, 2011</i>	New section
Sec. 35	<i>July 1, 2011</i>	Repealer section

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]