



General Assembly

February Session, 2012

Raised Bill No. 433

LCO No. 2276

02276 _____ GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING TECHNICAL REVISIONS TO THE CODE OF ETHICS.

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

1 Section 1. Subsection (d) of section 1-80 of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2012*):

4 (d) The board shall elect a chairperson who shall, except as
5 provided in subsection (b) of section 1-82 and subsection (b) of section
6 1-93, preside at meetings of the board and a vice-chairperson to
7 preside in the absence of the chairperson. Six members of the board
8 shall constitute a quorum. Except as provided in subdivision (3) of
9 subsection (a) of section 1-81, as amended by this act, subsections (a)
10 and (b) of section 1-82, subsection (b) of section 1-88, [subdivision (5)]
11 subsection (e) of section 1-92, subsections (a) and (b) of section 1-93
12 and subsection (b) of section 1-99, a majority vote of the members shall
13 be required for action of the board. The chairperson or any three
14 members may call a meeting.

15 Sec. 2. Section 1-81 of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2012*):

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

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

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

28 (3) Upon the concurring vote of a majority of the board present and
29 voting, issue advisory opinions with regard to the requirements of this
30 part, upon the request of any person subject to the provisions of this
31 part, and publish such advisory opinions in the Connecticut Law
32 Journal. Advisory opinions rendered by the board, until amended or
33 revoked, shall be binding on the board and shall be deemed to be final
34 decisions of the board for purposes of appeal to the superior court, in
35 accordance with the provisions of section 4-175 or 4-183. Any advisory
36 opinion concerning the person who requested the opinion and who
37 acted in reliance thereon, in good faith, shall be binding upon the
38 board, and it shall be an absolute defense in any criminal action
39 brought under the provisions of this part, that the accused acted in
40 reliance upon such advisory opinion;

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

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

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

48 (7) Meet not less than once per month with the office's executive
49 director and ethics enforcement officer. [; and]

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

54 [(b)] (c) The Office of State Ethics shall employ an executive director,
55 general counsel and ethics enforcement officer, each of whom shall be
56 exempt from classified state service. The salary for the executive
57 director, general counsel and the ethics enforcement officer shall be
58 determined by the Commissioner of Administrative Services in
59 accordance with accepted personnel practices. No one person may
60 serve in more than one of the positions described in this subsection.
61 The Office of State Ethics may employ necessary staff within available
62 appropriations. Such necessary staff of the Office of State Ethics shall
63 be in classified state service.

64 [(c)] (d) The executive director, described in subsection (b) of this
65 section, shall be appointed by the Citizen's Ethics Advisory Board for
66 an open-ended term. Such appointment shall not be made until all the
67 initial board members appointed to terms commencing on October 1,
68 2005, are appointed by their respective appointing authorities,
69 pursuant to subsection (a) of section 1-80. The board shall annually
70 evaluate the performance of the executive director, in writing, and may
71 remove the executive director, in accordance with the provisions of
72 chapter 67.

73 [(d)] (e) The general counsel and ethics enforcement officer
74 described in subsection [(b)] (c) of this section, and other staff of the
75 Office of State Ethics shall be appointed by the executive director of the

76 Office of State Ethics. The executive director shall annually evaluate
77 the performance of the general counsel, ethics enforcement officer and
78 such other staff, in writing, and may remove the general counsel or
79 ethics enforcement officer, in accordance with the provisions of
80 chapter 67, or such other staff, in accordance with any applicable
81 collective bargaining agreement.

82 ~~[(e)]~~ (f) There shall be a legal division within the Office of State
83 Ethics. The legal division shall provide the board with legal advice on
84 matters before said board and shall represent the board in all matters
85 in which the board is a party, without the assistance of the Attorney
86 General unless the board requests such assistance. The legal division
87 shall, under the direction of the general counsel, provide information
88 and written and verbal opinions to persons subject to the code and to
89 the general public. The general counsel, described in subsection ~~[(b)]~~
90 (c) of this section, shall supervise such division. The investigation or
91 instigation of a complaint may not occur solely because of information
92 received by the legal division.

93 ~~[(f)]~~ (g) There shall be an enforcement division within the Office of
94 State Ethics. The enforcement division shall be responsible for
95 investigating complaints brought to or by the board. The ethics
96 enforcement officer, described in subsection ~~[(b)]~~ (c) of this section,
97 shall supervise the enforcement division. The enforcement division
98 shall employ such attorneys and investigators, as necessary, within
99 available appropriations, and may refer matters to the office of the
100 Chief State's Attorney, as appropriate.

101 ~~[(g)]~~ (h) The Citizen's Ethics Advisory Board shall adopt regulations
102 in accordance with chapter 54 to carry out the purposes of this part.
103 Such regulations shall not be deemed to govern the conduct of any
104 judge trial referee in the performance of such judge trial referee's
105 duties pursuant to this chapter.

106 ~~[(h)]~~ In (i) The general counsel shall, in consultation with the
107 executive director of the Office of State Ethics, ~~[the general counsel~~

108 shall] oversee yearly training of all state personnel in the code of ethics,
109 provide training on the code of ethics to other individuals or entities
110 subject to the code and shall make recommendations as to public
111 education regarding ethics.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	1-80(d)
Sec. 2	<i>October 1, 2012</i>	1-81

Statement of Purpose:

To make technical changes to the Code of Ethics for Public Officials.

[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.]