



House of Representatives

General Assembly

File No. 534

February Session, 2014

Substitute House Bill No. 5547

House of Representatives, April 14, 2014

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE GOVERNMENT ADMINISTRATION AND ELECTIONS STATUTES.

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

1 Section 1. Subsection (a) of section 1-2a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) For purposes of sections 1-206, [3-114e, 3-114f,] 3-114i, 4-147, 9-
5 23g, [9-65,] 9-153b, 9-311, 9-608, 10-183g, 12-146, 20-429, 31-241, 31-248,
6 31-249a, 33-603, 33-663, 33-929, 33-1003, 33-1053, 33-1219, 38a-716 and
7 42-243 (1) any reference to the United States mail or a postmark shall
8 be treated as including a reference to any delivery service designated
9 by the Secretary of the Treasury of the United States pursuant to
10 Section 7502 of the Internal Revenue Code of 1986, or any subsequent
11 corresponding internal revenue code of the United States, as from time
12 to time amended, (2) any reference to a postmark made by the United

13 States Postal Service shall be treated as including a reference to any
14 date recorded or marked in the manner described in said Section 7502
15 of said Internal Revenue Code by a designated delivery service, and (3)
16 any equivalent of registered or certified mail designated by the
17 Secretary of the Treasury of the United States pursuant to said Section
18 7502 of said Internal Revenue Code shall be included within the
19 meaning of registered or certified mail.

20 Sec. 2. Subdivision (5) of section 1-79 of the 2014 supplement to the
21 general statutes is repealed and the following is substituted in lieu
22 thereof (*Effective from passage*):

23 (5) "Gift" means anything of value, which is directly and personally
24 received, unless consideration of equal or greater value is given in
25 return. "Gift" does not include:

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

29 (B) Services provided by persons volunteering their time, if
30 provided to aid or promote the success or defeat of any political party,
31 any candidate or candidates for public office or the position of
32 convention delegate or town committee member or any referendum
33 question;

34 (C) A commercially reasonable loan made on terms not more
35 favorable than loans made in the ordinary course of business;

36 (D) A gift received from (i) an individual's spouse, fiance or fiancée,
37 (ii) the parent, brother or sister of such spouse or such individual, or
38 (iii) the child of such individual or the spouse of such child;

39 (E) Goods or services (i) that are provided to a state agency or quasi-
40 public agency (I) for use on state or quasi-public agency property, or
41 (II) that support an event or the participation by a public official or
42 state employee at an event, and (ii) that facilitate state or quasi-public
43 agency action or functions. As used in this subparagraph, "state

44 property" means property owned by the state or a quasi-public agency
45 or property leased to a state agency or quasi-public agency;

46 (F) A certificate, plaque or other ceremonial award costing less than
47 one hundred dollars;

48 (G) A rebate, discount or promotional item available to the general
49 public;

50 (H) Printed or recorded informational material germane to state
51 action or functions;

52 (I) Food or beverage or both, costing less than fifty dollars in the
53 aggregate per recipient in a calendar year, and consumed on an
54 occasion or occasions at which the person paying, directly or
55 indirectly, for the food or beverage, or his representative, is in
56 attendance;

57 (J) Food or beverage or both, costing less than fifty dollars per
58 person and consumed at a publicly noticed legislative reception to
59 which all members of the General Assembly are invited and which is
60 hosted not more than once in any calendar year by a lobbyist or
61 business organization. For the purposes of such limit, (i) a reception
62 hosted by a lobbyist who is an individual shall be deemed to have also
63 been hosted by the business organization which such lobbyist owns or
64 is employed by, and (ii) a reception hosted by a business organization
65 shall be deemed to have also been hosted by all owners and employees
66 of the business organization who are lobbyists. In making the
67 calculation for the purposes of such fifty-dollar limit, the donor shall
68 divide the amount spent on food and beverage by the number of
69 persons whom the donor reasonably expects to attend the reception;

70 (K) Food or beverage or both, costing less than fifty dollars per
71 person and consumed at a publicly noticed reception to which all
72 members of the General Assembly from a region of the state are
73 invited and which is hosted not more than once in any calendar year
74 by a lobbyist or business organization. For the purposes of such limit,

75 (i) a reception hosted by a lobbyist who is an individual shall be
76 deemed to have also been hosted by the business organization which
77 such lobbyist owns or is employed by, and (ii) a reception hosted by a
78 business organization shall be deemed to have also been hosted by all
79 owners and employees of the business organization who are lobbyists.
80 In making the calculation for the purposes of such fifty-dollar limit, the
81 donor shall divide the amount spent on food and beverage by the
82 number of persons whom the donor reasonably expects to attend the
83 reception. As used in this subparagraph, "region of the state" means
84 the established geographic service area of the organization hosting the
85 reception;

86 (L) A gift, including, but not limited to, food or beverage or both,
87 provided by an individual for the celebration of a major life event,
88 provided any such gift provided by an individual who is not a
89 member of the family of the recipient does not exceed one thousand
90 dollars in value;

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

95 (N) Admission to a charitable or civic event, including food and
96 beverage provided at such event, but excluding lodging or travel
97 expenses, at which a public official or state employee participates in
98 his or her official capacity, provided such admission is provided by the
99 primary sponsoring entity;

100 (O) Anything of value provided by an employer of (i) a public
101 official, (ii) a state employee, or (iii) a spouse of a public official or state
102 employee, to such official, employee or spouse, provided such benefits
103 are customarily and ordinarily provided to others in similar
104 circumstances;

105 (P) Anything having a value of not more than ten dollars, provided
106 the aggregate value of all things provided by a donor to a recipient

107 under this subdivision in any calendar year does not exceed fifty
108 dollars;

109 (Q) Training that is provided by a vendor for a product purchased
110 by a state or quasi-public agency that is offered to all customers of
111 such vendor;

112 (R) Travel expenses, lodging, food, beverage and other benefits
113 customarily provided by a prospective employer, when provided to a
114 student at a public institution of higher education whose employment
115 is derived from such student's status as a student at such institution, in
116 connection with bona fide employment discussions; or

117 (S) Expenses of a public official, paid by the party committee of
118 which party such official is a member, for the purpose of
119 accomplishing the lawful purposes of the committee. As used in this
120 [subdivision] subparagraph, "party committee" has the same meaning
121 as provided in subdivision (2) of section 9-601 and "lawful purposes of
122 the committee" has the same meaning as provided in subsection (g) of
123 section 9-607.

124 Sec. 3. Subsection (c) of section 1-84b of the 2014 supplement to the
125 general statutes is repealed and the following is substituted in lieu
126 thereof (*Effective from passage*):

127 (c) The provisions of this subsection apply to present or former
128 executive branch public officials or state employees who hold or
129 formerly held positions which involve significant decision-making or
130 supervisory responsibility and are designated as such by the Office of
131 State Ethics in consultation with the agency concerned except that such
132 provisions shall not apply to members or former members of the
133 boards or commissions who serve ex officio, who are required by
134 statute to represent the regulated industry or who are permitted by
135 statute to have a past or present affiliation with the regulated industry.
136 Designation of positions subject to the provisions of this subsection
137 shall be by regulations adopted by the Citizen's Ethics Advisory Board
138 in accordance with chapter 54. As used in this subsection, "agency"

139 means the Office of Health Care Access division within the
140 Department of Public Health, the Connecticut Siting Council, the
141 Department of Banking, the Insurance Department, the Department of
142 Emergency Services and Public Protection, the office within the
143 Department of Consumer Protection that carries out the duties and
144 responsibilities of sections 30-2 to 30-68m, inclusive, the Public Utilities
145 Regulatory Authority, including the Office of Consumer Counsel, and
146 the Department of Consumer Protection and the term "employment"
147 means professional services or other services rendered as an employee
148 or as an independent contractor.

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

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

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

159 Sec. 4. Section 4-5 of the 2014 supplement to the general statutes is
160 repealed and the following is substituted in lieu thereof (*Effective from*
161 *passage*):

162 As used in sections 4-6, 4-7 and 4-8, the term "department head"
163 means Secretary of the Office of Policy and Management,
164 Commissioner of Administrative Services, Commissioner on Aging,
165 Commissioner of Revenue Services, Banking Commissioner,
166 Commissioner of Children and Families, Commissioner of Consumer
167 Protection, Commissioner of Correction, Commissioner of Economic
168 and Community Development, State Board of Education,
169 Commissioner of Emergency Services and Public Protection,
170 Commissioner of Energy and Environmental Protection,

171 Commissioner of Agriculture, Commissioner of Public Health,
172 Insurance Commissioner, Labor Commissioner, [Liquor Control
173 Commission,] Commissioner of Mental Health and Addiction Services,
174 Commissioner of Social Services, Commissioner of Developmental
175 Services, Commissioner of Motor Vehicles, Commissioner of
176 Transportation, Commissioner of Veterans' Affairs, Commissioner of
177 Housing, Commissioner of Rehabilitation Services and the executive
178 director of the Office of Military Affairs. As used in sections 4-6 and 4-
179 7, "department head" also means the Commissioner of Education.

180 Sec. 5. Subsection (d) of section 4-168a of the general statutes is
181 repealed and the following is substituted in lieu thereof (*Effective from*
182 *passage*):

183 (d) The requirements contained in this section shall not apply to
184 emergency regulations issued pursuant to subsection [(c)] (f) of section
185 4-168; regulations that do not affect small businesses directly,
186 including, but not limited to, regulations concerning the
187 administration of federal programs; regulations concerning costs and
188 standards for service businesses such as nursing homes, long-term care
189 facilities, medical care providers, day care facilities, water companies,
190 nonprofit 501(c)(3) agencies, group homes and residential care
191 facilities; and regulations adopted to implement the provisions of
192 sections 4a-60g to 4a-60i, inclusive.

193 Sec. 6. Subdivision (2) of subsection (k) of section 4a-100 of the 2014
194 supplement to the general statutes is repealed and the following is
195 substituted in lieu thereof (*Effective from passage*):

196 (2) The commissioner shall deny or revoke the prequalification of
197 any contractor or substantial subcontractor if the commissioner finds
198 that the contractor or substantial subcontractor, or a principal or key
199 personnel of such contractor or substantial [contractor] subcontractor,
200 within the past five years (A) has included any materially false
201 statement in a prequalification application, update statement or update
202 bid statement, (B) has been convicted of, entered a plea of guilty or
203 nolo contendere for, or admitted to, a crime related to the procurement

204 or performance of any public or private construction contract, or (C)
205 has otherwise engaged in fraud in obtaining or maintaining
206 prequalification. Any revocation made pursuant to this subsection
207 shall be made only after an opportunity for a hearing. Any contractor
208 or substantial subcontractor whose prequalification has been revoked
209 pursuant to this subsection shall be disqualified for a period of two
210 years after which the contractor or substantial subcontractor may
211 reapply for prequalification, except that a contractor or substantial
212 subcontractor whose prequalification has been revoked on the basis of
213 conviction of a crime or engaging in fraud shall be disqualified for a
214 period of five years after which the contractor or substantial
215 subcontractor may reapply for prequalification. The commissioner
216 shall not prequalify a contractor or substantial subcontractor whose
217 prequalification has been revoked pursuant to this subdivision until
218 the expiration of said two-year, five-year, or other applicable
219 disqualification period and the commissioner is satisfied that the
220 matters that gave rise to the revocation have been eliminated or
221 remedied.

222 Sec. 7. Subsection (i) of section 4b-23 of the 2014 supplement to the
223 general statutes is repealed and the following is substituted in lieu
224 thereof (*Effective from passage*):

225 (i) As used in this subsection, (1) "project" means any state program,
226 except the downtown Hartford higher education center project, as
227 defined in subsection (l) of section 4b-55, requiring consultant services
228 if the cost of such services is estimated to exceed one hundred
229 thousand dollars or, in the case of a constituent unit of the state system
230 of higher education, the cost of such services is estimated to exceed
231 three hundred thousand dollars, or in the case of a building or
232 premises under the supervision of the Office of the Chief Court
233 Administrator or property where the Judicial Department is the
234 primary occupant, the cost of such services is estimated to exceed three
235 hundred thousand dollars; (2) "consultant" means "consultant" as
236 defined in section 4b-55; and (3) "consultant services" means
237 "consultant services" as defined in section 4b-55. Any contracts entered

238 into by the Commissioner of Administrative Services with any
239 consultants for employment (A) for any project under the provisions of
240 this section, (B) in connection with a list established under subsection
241 (d) of section 4b-51, or (C) by task letter issued by the Commissioner of
242 Administrative Services to any consultant on such list pursuant to
243 which the consultant will provide services valued in excess of one
244 hundred thousand dollars, shall be subject to the approval of the
245 Properties Review Board prior to the employment of such consultant
246 or consultants by the commissioner. The Properties Review Board
247 shall, not later than thirty days after receipt of such selection of or
248 contract with any consultant, approve or disapprove the selection of or
249 contract with any consultant made by the Commissioner of
250 [Construction] Administrative Services pursuant to sections 4b-1 and
251 4b-55 to 4b-59, inclusive. If upon the expiration of the thirty-day period
252 a decision has not been made, the Properties Review Board shall be
253 deemed to have approved such selection or contract.

254 Sec. 8. Subsection (c) of section 4b-52 of the 2014 supplement to the
255 general statutes is repealed and the following is substituted in lieu
256 thereof (*Effective from passage*):

257 (c) Whenever the Commissioner of Administrative Services declares
258 that an emergency condition exists at any state facility, other than a
259 building under the supervision and control of the Joint Committee on
260 Legislative Management, and that the condition would adversely
261 affect public safety or the proper conduct of essential state government
262 operations, or said joint committee declares that such an emergency
263 exists at a building under its supervision and control, the
264 commissioner or the joint committee may employ such assistance as
265 may be required to restore facilities under their control and
266 management, or the commissioner may so act upon the request of a
267 state agency, to restore facilities under the control and management of
268 such agency, without inviting bids as required in subsection (b) of this
269 section. The commissioner shall take no action requiring the
270 expenditure of more than five hundred thousand dollars to restore any
271 facility under this subsection (1) without the written consent of the

272 Governor, and (2) until the commissioner has certified to the [joint
273 committee of the General Assembly having cognizance of matters
274 relating to legislative management] Joint Committee on Legislative
275 Management that the project is of such an emergency nature that an
276 exception to subsection (b) of this section is required. Such certification
277 shall include input from all affected agencies, detail the need for the
278 exception and include any relevant documentation. The provisions of
279 this subsection shall not apply if any person is obligated under the
280 terms of an existing contract with the state to render such assistance.
281 The annual report of the commissioner shall include a detailed
282 statement of all expenditures made under this subsection.

283 Sec. 9. Subdivision (19) of section 4e-1 of the 2014 supplement to the
284 general statutes is repealed and the following is substituted in lieu
285 thereof (*Effective from passage*):

286 (19) "Nonprofit agency" means any organization that is not a for-
287 profit business under Section 501(c)(3) of the Internal Revenue Code of
288 1986, or any subsequent corresponding internal revenue code of the
289 United States, as from time to time amended, makes no distribution to
290 its members, directors or officers and provides services contracted for
291 by (A) the state, or (B) a nonstate entity;

292 Sec. 10. Subsection (a) of section 9-453t of the 2014 supplement to
293 the general statutes is repealed and the following is substituted in lieu
294 thereof (*Effective from passage*):

295 (a) Notwithstanding any other provision of the general statutes or
296 any special act, and except as provided in subsection (b) of this section,
297 the nomination of a candidate by a major or minor party under this
298 chapter [] for any office shall disqualify such candidate from
299 appearing on the ballot by nominating petition for the same office.

300 Sec. 11. Subdivision (1) of subsection (g) of section 9-612 of the 2014
301 supplement to the general statutes is repealed and the following is
302 substituted in lieu thereof (*Effective from passage*):

303 (g) (1) Not later than thirty days after February 8, 2007, each state
304 agency and quasi-public agency shall prepare and forward to the State
305 Elections Enforcement Commission, on a form prescribed by said
306 commission, a list of the names of the state contractors and prospective
307 state contractors with which such agency is a party to a contract, and
308 any state contract solicitations or prequalification certificates issued by
309 the agency. Not less than once per month, each state agency and quasi-
310 public agency shall forward to said commission, on a form prescribed
311 by the commission, any changes, additions or deletions to said lists,
312 not later than the fifteenth day of the month.

313 Sec. 12. Subsection (e) of section 9-615 of the 2014 supplement to the
314 general statutes is repealed and the following is substituted in lieu
315 thereof (*Effective from passage*):

316 (e) Contributions to a political committee established by an
317 organization shall [also] be subject to the provisions of section 9-618 in
318 the case of a committee formed for ongoing political activity or section
319 9-619 in the case of a committee formed for a single election or
320 primary.

321 Sec. 13. Subsection (d) of section 12-572 of the 2014 supplement to
322 the general statutes is repealed and the following is substituted in lieu
323 thereof (*Effective from passage*):

324 (d) (1) If the multiple forms of wagering known as daily double,
325 exacta and quinella are permitted, [by] the department or any person
326 or business organization operating the off-track betting system shall
327 distribute all sums deposited in the pari-mutuel pool for any such
328 event to the holders of winning tickets therein, less nineteen per cent of
329 the total deposits in such pool plus the breakage to the dime.

330 (2) If multiple forms of wagering on three or more animals are
331 permitted, [by] the department or such person or business
332 organization operating an off-track betting system [] shall retain
333 twenty-four and one-half per cent of the total sums deposited in the
334 pool for such event, plus the breakage to the dime.

335 Sec. 14. Subsection (f) of section 17b-420 of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective from*
337 *passage*):

338 (f) There shall be an executive director of the Commission on Aging.
339 There may be additional staff within available appropriations. [The
340 commission shall be within the Legislative Department.] The executive
341 director and any necessary staff shall be employed by the Joint
342 Committee on Legislative Management. The commission shall have no
343 authority over staffing or personnel matters.

344 Sec. 15. Subsection (a) of section 17b-751d of the 2014 supplement to
345 the general statutes is repealed and the following is substituted in lieu
346 thereof (*Effective from passage*):

347 (a) The Department of Social Services shall be the lead state agency
348 for community-based, prevention-focused programs and activities
349 designed to strengthen and support families to prevent child abuse
350 and neglect. The responsibilities of the department shall include, but
351 not be limited to, collaborating with state agencies, hospitals, clinics,
352 schools and community service organizations, to: (1) Initiate programs
353 to support families at risk for child abuse or neglect; (2) assist
354 organizations to recognize child abuse and neglect; (3) encourage
355 community safety; (4) increase broad-based efforts to prevent child
356 abuse and neglect; (5) create a network of agencies to advance child
357 abuse and neglect prevention; and (6) increase public awareness of
358 child abuse and neglect issues. The department, subject to available
359 state, federal and private funding, shall be responsible for
360 implementing and maintaining programs and services, including, but
361 not limited to: (A) The Nurturing Families Network, established
362 pursuant to subsection (a) of section 17b-751b; (B) Family
363 Empowerment Initiative programs; (C) Help Me Grow; (D) the
364 Kinship Fund and [Grandparent's] Grandparents and Relatives Respite
365 Fund; (E) Family School Connection; (F) support services for residents
366 of a respite group home for girls; (G) legal services on behalf of
367 indigent children; (H) volunteer services; (I) family development

368 training; (J) shaken baby syndrome prevention; and (K) child sexual
369 abuse prevention.

370 Sec. 16. Subsection (a) of section 52-259a of the 2014 supplement to
371 the general statutes is repealed and the following is substituted in lieu
372 thereof (*Effective from passage*):

373 (a) Any member of the Division of Criminal Justice or the Division
374 of Public Defender Services, any employee of the Judicial Department,
375 acting in the performance of such employee's duties, the Attorney
376 General, an assistant attorney general, the Consumer Counsel, any
377 attorney employed by the Office of Consumer Counsel within the
378 Department of Energy and Environmental Protection, the Department
379 of Revenue Services, the Commission on Human Rights and
380 Opportunities, the Freedom of Information Commission, the Board of
381 Labor Relations, the Office of Protection and Advocacy for Persons
382 with Disabilities, the Office of the Victim Advocate, the Department of
383 Social Services, [or] the Department of Children and Families [,] or the
384 Office of State Ethics, or any attorney appointed by the court to assist
385 any of them or to act for any of them in a special case or cases, while
386 acting in such attorney's official capacity or in the capacity for which
387 such attorney was appointed, shall not be required to pay the fees
388 specified in sections 52-258, 52-259, and 52-259c, subsection (a) of
389 section 52-356a, subsection (a) of section 52-361a, section 52-367a,
390 subsection (b) of section 52-367b and subsection (n) of section 46b-231.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	1-2a(a)
Sec. 2	<i>from passage</i>	1-79(5)
Sec. 3	<i>from passage</i>	1-84b(c)
Sec. 4	<i>from passage</i>	4-5
Sec. 5	<i>from passage</i>	4-168a(d)
Sec. 6	<i>from passage</i>	4a-100(k)(2)
Sec. 7	<i>from passage</i>	4b-23(i)
Sec. 8	<i>from passage</i>	4b-52(c)
Sec. 9	<i>from passage</i>	4e-1(19)

Sec. 10	<i>from passage</i>	9-453t(a)
Sec. 11	<i>from passage</i>	9-612(g)(1)
Sec. 12	<i>from passage</i>	9-615(e)
Sec. 13	<i>from passage</i>	12-572(d)
Sec. 14	<i>from passage</i>	17b-420(f)
Sec. 15	<i>from passage</i>	17b-751d(a)
Sec. 16	<i>from passage</i>	52-259a(a)

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which makes technical changes to the statutes concerning government administration and elections, has no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis

sHB 5547

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE GOVERNMENT ADMINISTRATION AND ELECTIONS STATUTES.

SUMMARY:

This bill makes technical and grammatical changes to the government administration and elections statutes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/24/2014)