



General Assembly

February Session, 2016

Raised Bill No. 361

LCO No. 2533



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

AN ACT REVISING THE STATE CODES OF ETHICS.

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

1 Section 1. Subdivision (2) of section 1-79 of the 2016 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2016*):

4 (2) "Business with which he is associated" means any sole
5 proprietorship, partnership, firm, corporation, trust or other entity
6 through which business for profit or not for profit is conducted in
7 which the public official or state employee or member of his or her
8 immediate family is a director, officer, owner, limited or general
9 partner, beneficiary of a trust or holder of stock constituting five per
10 cent or more of the total outstanding stock of any class, provided, a
11 public official or state employee, or member of his or her immediate
12 family, shall not be deemed to be associated with a not for profit entity
13 solely by virtue of the fact that the public official or state employee or
14 member of his or her immediate family is an unpaid director or officer
15 of the not for profit entity. ["Officer"] "Business with which he is

16 associated" also includes a second business held by the business with
17 which he is associated, if the business with which he is associated is a
18 director, officer, owner, limited or general partner, beneficiary of a
19 trust or holder of stock constituting five per cent or more of the total
20 outstanding stock of any class of such second business. For purposes of
21 this subsection, "officer" refers only to the president, executive or
22 senior vice president or treasurer of such business and to any person
23 who exercises exclusive control over such business.

24 Sec. 2. Subdivision (11) of section 1-79 of the 2016 supplement to the
25 general statutes is repealed and the following is substituted in lieu
26 thereof (*Effective October 1, 2016*):

27 (11) "Public official" means (A) any state-wide elected officer; [] (B)
28 any member or member-elect of the General Assembly; [] (C) any
29 person appointed to any office of the legislative, judicial or executive
30 branch of state government by the Governor, [or] any other state-wide
31 elected officer or an appointee of the Governor, with or without the
32 advice and consent of the General Assembly; [] (D) any public
33 member or representative of the teachers' unions or state employees'
34 unions appointed to the Investment Advisory Council pursuant to
35 subsection (a) of section 3-13b; [] (E) any person appointed or elected
36 by the General Assembly or by any member of either house thereof; []
37 (F) any member or director of a quasi-public agency; and (G) the
38 spouse of the Governor, but does not include a member of an advisory
39 board, a judge of any court either elected or appointed, any person
40 appointed by a judge in the exercise of the judge's authority in a
41 judicial matter or a senator or representative in Congress.

42 Sec. 3. Section 1-79 of the 2016 supplement to the general statutes is
43 amended by adding subdivision (21) as follows (*Effective October 1,*
44 *2016*):

45 (NEW) (21) "Confidential information" means any information in
46 the possession of the state, a state employee or a public official,

47 whatever its form, which (A) is required not to be disclosed to the
48 general public (i) under any state or federal statute, regulation, policy
49 or provision, or (ii) pursuant to a state contract or the order of any
50 court of competent jurisdiction; or (B) falls within a category of
51 permissibly nondisclosable information under the Freedom of
52 Information Act, as defined in section 1-200, and which the
53 appropriate agency, state employee or public official has decided not
54 to disclose to the general public.

55 Sec. 4. Subsection (i) of section 1-80 of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective*
57 *October 1, 2016*):

58 (i) No member or employee of the board or Office of State Ethics
59 may make a contribution, as defined in section 9-601a, to any [person
60 subject to the provisions of this part] state employee, public official or
61 candidate for state-wide office or the General Assembly.

62 Sec. 5. Subsections (l) and (m) of section 1-80 of the general statutes
63 are repealed and the following is substituted in lieu thereof (*Effective*
64 *October 1, 2016*):

65 (l) No member of the board may hold any other paid position in
66 state [employment] government for a period of one year following the
67 end of such member's service on the board, including, but not limited
68 to, service as a member on a state board or commission, service as a
69 judge of the Superior Court or service as a state agency commissioner.

70 (m) Upon request of any aggrieved party, the board [shall] may
71 delay the effect of any decision rendered by the board for a period not
72 to exceed more than seven days following the rendering of such
73 decision.

74 Sec. 6. Subsection (g) of section 1-81 of the general statutes is
75 repealed and the following is substituted in lieu thereof (*Effective*
76 *October 1, 2016*):

77 (g) There shall be an enforcement division within the Office of State
78 Ethics. The enforcement division shall be responsible for investigating
79 complaints brought to or by the board. The ethics enforcement officer,
80 described in subsection (c) of this section, shall supervise the
81 enforcement division. The ethics enforcement officer may represent the
82 Office of State Ethics before the Superior Court in an appeal of any
83 ruling or finding pursuant to, or any matter arising under, section 1-82,
84 as amended by this act, 1-93, as amended by this act, or 1-101nn,
85 provided the board is not a party in any such appeal. The enforcement
86 division shall employ such attorneys and investigators, as necessary,
87 within available appropriations, and may refer matters to the office of
88 the Chief State's Attorney, as appropriate.

89 Sec. 7. Section 1-82 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2016*):

91 (a) (1) Upon the complaint of any person on a form prescribed by
92 the board, signed under penalty of false statement, or upon its own
93 complaint, the ethics enforcement officer of the Office of State Ethics
94 shall investigate any alleged violation of this part or [section 1-101nn]
95 part IV of this chapter. Not later than five days after the receipt or
96 issuance of such complaint, the board shall provide notice of such
97 receipt or issuance and a copy of the complaint by registered or
98 certified mail to any respondent against whom such complaint is filed
99 and shall provide notice of the receipt of such complaint to the
100 complainant. When the ethics enforcement officer of the Office of State
101 Ethics undertakes an evaluation of a possible violation of this part or
102 [section 1-101nn] part IV of this chapter prior to the filing of a
103 complaint, the subject of the evaluation shall be notified not later than
104 five business days after an Office of State Ethics staff member's first
105 contact with a third party concerning the matter.

106 (2) In the conduct of its investigation of an alleged violation of this
107 part or [section 1-101nn] part IV of this chapter, the Office of State
108 Ethics shall have the power to hold hearings, administer oaths,

109 examine witnesses and receive oral and documentary evidence. The
110 Office of State Ethics may subpoena witnesses under procedural rules
111 adopted by the Citizen's Ethics Advisory Board as regulations in
112 accordance with the provisions of chapter 54 to compel attendance
113 before the Office of State Ethics and to require the production for
114 examination by the ethics enforcement officer of the Office of State
115 Ethics of any books and papers which the Office of State Ethics deems
116 relevant in any matter under investigation or in question, provided
117 any such subpoena is issued either pursuant to a majority vote of the
118 Citizen's Ethics Advisory Board or pursuant to the signature of the
119 chairperson of such board. The vice-chairperson of such board may
120 sign any such subpoena if the chairperson of such board is unavailable.
121 In the exercise of such powers, the Office of State Ethics may use the
122 services of the state police, who shall provide the same upon the
123 office's request. The Office of State Ethics shall make a record of all
124 proceedings conducted pursuant to this subsection. The ethics
125 enforcement officer of the Office of State Ethics may bring any alleged
126 violation of this part or part IV of this chapter before a judge trial
127 referee assigned by the Chief Court Administrator for such purpose for
128 a probable cause hearing. Such judge trial referee shall be compensated
129 in accordance with the provisions of section 52-434 from such funds as
130 may be available to the Office of State Ethics. Any witness summoned
131 before the Office of State Ethics or a judge trial referee pursuant to this
132 subsection shall receive the witness fee paid to witnesses in the courts
133 of this state. During any investigation conducted pursuant to this
134 subsection or any probable cause hearing conducted pursuant to this
135 subsection, the respondent shall have the right to appear and be heard
136 and to offer any information which may tend to clear the respondent
137 of probable cause to believe the respondent has violated any provision
138 of this part or [section 1-101nn] part IV of this chapter. The respondent
139 shall also have the right to be represented by legal counsel and to
140 examine and cross-examine witnesses. Not later than ten days prior to
141 the commencement of any hearing conducted pursuant to this
142 subsection, the Office of State Ethics shall provide the respondent with

143 a list of its intended witnesses. Any finding of probable cause to
144 believe the respondent is in violation of any provisions of this part or
145 part IV of this chapter shall be made by a judge trial referee not later
146 than thirty days after the ethics enforcement officer brings such alleged
147 violation before such judge trial referee, except that such thirty-day
148 limitation period shall not apply if the judge trial referee determines
149 that good cause exists for extending such limitation period.

150 (b) If a judge trial referee determines that probable cause exists for
151 the violation of a provision of this part or [section 1-101nn] part IV of
152 this chapter, the board shall initiate hearings to determine whether
153 there has been a violation of this part or [section 1-101nn] part IV of
154 this chapter. Any such hearing shall be initiated by the board not later
155 than thirty days after the finding of probable cause by a judge trial
156 referee and shall be concluded not later than ninety days after its
157 initiation, except that such thirty or ninety-day limitation period shall
158 not apply if the judge trial referee determines that good cause exists for
159 extending such limitation period. A judge trial referee, who has not
160 taken part in the probable cause determination on the matter shall be
161 assigned by the Chief Court Administrator and shall be compensated
162 in accordance with section 52-434 out of funds available to the Office of
163 State Ethics and shall preside over such hearing and rule on all issues
164 concerning the application of the rules of evidence, which shall be the
165 same as in judicial proceedings. The trial referee shall have no vote in
166 any decision of the board. All hearings of the board held pursuant to
167 this subsection shall be open. At such hearing the board shall have the
168 same powers as the Office of State Ethics under subsection (a) of this
169 section and the respondent shall have the right to be represented by
170 legal counsel, the right to compel attendance of witnesses and the
171 production of books, documents, records and papers and to examine
172 and cross-examine witnesses. Not later than ten days prior to the
173 commencement of any hearing conducted pursuant to this subsection,
174 the Office of State Ethics shall provide the respondent with a list of its
175 intended witnesses. The judge trial referee shall, while engaged in the

176 discharge of the duties as provided in this subsection, have the same
177 authority as is provided in section 51-35 over witnesses who refuse to
178 obey a subpoena or to testify with respect to any matter upon which
179 such witness may be lawfully interrogated, and may commit any such
180 witness for contempt for a period no longer than thirty days. The
181 Office of State Ethics shall make a record of all proceedings pursuant
182 to this subsection. During the course of any such hearing, no ex-parte
183 communication shall occur between the board, or any of its members,
184 and: (1) The judge trial referee, or (2) any staff member of the
185 Enforcement Division of the Office of State Ethics, concerning the
186 complaint or the respondent. The board shall find no person in
187 violation of any provision of this part or [section 1-101nn] part IV of
188 this chapter except upon the concurring vote of six of its members
189 present and voting. No member of the board shall vote on the question
190 of whether a violation of any provision of this part or part IV of this
191 chapter has occurred unless such member was physically present for
192 the duration of any hearing held pursuant to this subsection or such
193 member has reviewed the record of the hearing and the judge trial
194 referee determines that such member has been sufficiently informed on
195 the matter and is competent to render judgment. Not later than fifteen
196 days after the public hearing conducted in accordance with this
197 subsection, the board shall publish its finding and a memorandum of
198 the reasons therefor. Such finding and memorandum shall be deemed
199 to be the final decision of the board on the matter for the purposes of
200 chapter 54. The respondent, if aggrieved by the finding and
201 memorandum, may appeal therefrom to the Superior Court in
202 accordance with the provisions of section 4-183.

203 (c) If a judge trial referee finds, after a hearing pursuant to this
204 section, that there is no probable cause to believe that a public official
205 or state employee has violated a provision of this part or [section 1-
206 101nn] part IV of this chapter, or if the board determines that a public
207 official or state employee has not violated any such provision, or if a
208 court of competent jurisdiction [overturns a finding by the board of a]

209 rules that no violation was committed by such a respondent, the state
210 shall pay the reasonable legal expenses of the respondent as
211 determined by the Attorney General or by the court if appropriate. If
212 any complaint brought under the provisions of this part or [section 1-
213 101nn] part IV of this chapter is made with the knowledge that it is
214 made without foundation in fact, the respondent shall have a cause of
215 action against the complainant for double the amount of damage
216 caused thereby and if the respondent prevails in such action, he may
217 be awarded by the court the costs of such action together with
218 reasonable attorneys' fees.

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

221 (e) No person shall take or threaten to take official action against an
222 individual for such individual's disclosure of information to the board
223 or the general counsel, ethics enforcement officer or staff of the Office
224 of State Ethics under the provisions of this part or [section 1-101nn]
225 part IV of this chapter. After receipt of information from an individual
226 under the provisions of this part or [section 1-101nn] part IV of this
227 chapter, the Office of State Ethics shall not disclose the identity of such
228 individual without such individual's consent unless the Office of State
229 Ethics determines that such disclosure is unavoidable during the
230 course of an investigation. No person shall be subject to civil liability
231 for any good faith disclosure that such person makes to the Office of
232 State Ethics.

233 Sec. 8. Subsection (a) of section 1-82a of the general statutes is
234 repealed and the following is substituted in lieu thereof (*Effective*
235 *October 1, 2016*):

236 (a) Unless a judge trial referee makes a finding of probable cause, a
237 complaint alleging a violation of this part or [section 1-101nn] part IV
238 of this chapter shall be confidential except upon the request of the
239 respondent. An evaluation of a possible violation of this part or

240 [section 1-101nn] part IV of this chapter by the Office of State Ethics
241 prior to the filing of a complaint shall be confidential except upon the
242 request of the subject of the evaluation. If the evaluation is
243 confidential, any information supplied to or received from the Office of
244 State Ethics shall not be disclosed to any third party by a subject of the
245 evaluation, a person contacted for the purpose of obtaining
246 information or by the ethics enforcement officer or staff of the Office of
247 State Ethics. No provision of this subsection shall prevent the Office of
248 State Ethics from reporting the possible commission of a crime to the
249 Chief State's Attorney or other prosecutorial authority.

250 Sec. 9. Subsections (i) to (k), inclusive, of section 1-84 of the general
251 statutes are repealed and the following is substituted in lieu thereof
252 (*Effective October 1, 2016*):

253 (i) (1) No public official or state employee or member of the official
254 or employee's immediate family or a business with which he is
255 associated shall enter into any contract with the state or a quasi-public
256 agency, valued at one hundred dollars or more, other than a contract
257 (A) of employment as a state employee, (B) with the technical high
258 school system for students enrolled in a school in the system to
259 perform services in conjunction with vocational, technical or
260 technological education and training any such student is receiving at a
261 school in the system, subject to the review process under subdivision
262 (2) of this subsection, (C) with a public institution of higher education
263 to support a collaboration with such institution to develop and
264 commercialize any invention or discovery, or (D) pursuant to a court
265 appointment, unless the contract has been awarded through an open
266 and public process, including prior public offer and subsequent public
267 disclosure of all proposals considered and the contract awarded. In no
268 event shall an executive head of an agency, as defined in section 4-166,
269 including a commissioner of a department, or an executive head of a
270 quasi-public agency, as defined in section 1-79, as amended by this act,
271 or the executive head's immediate family or a business with which he
272 is associated enter into any contract with that agency or quasi-public

273 agency. Nothing in this subsection shall be construed as applying to
274 any public official who is appointed as a member of the executive
275 branch or as a member or director of a quasi-public agency and who
276 receives no compensation other than per diem payments or
277 reimbursement for actual or necessary expenses, or both, incurred in
278 the performance of the public official's duties unless such public
279 official has authority or control over the subject matter of the contract.
280 Any contract made in violation of this subsection shall be voidable by
281 a court of competent jurisdiction if the suit is commenced not later
282 than one hundred eighty days after the making of the contract.

283 (2) The superintendent of the technical high school system shall
284 establish an open and transparent process to review any contract
285 entered into under subparagraph (B) of subdivision (1) of this
286 subsection.

287 (j) No public official, state employee or candidate for public office,
288 or a member of any such person's staff or immediate family shall
289 knowingly solicit or accept any gift, as defined in subdivision (5) of
290 section 1-79, from a person known to be a registrant or anyone known
291 to be acting on behalf of a registrant.

292 (k) No public official, spouse of the Governor or state employee
293 shall accept a fee or honorarium for an article, appearance or speech, or
294 for participation at an event, in the public official's, spouse's or state
295 employee's official capacity, provided a public official, Governor's
296 spouse or state employee may receive payment or reimbursement for
297 necessary expenses for any such activity in his or her official capacity
298 from a sponsor of the event. If a public official, Governor's spouse or
299 state employee receives such a payment or reimbursement for lodging
300 or out-of-state travel, or both, the public official, Governor's spouse or
301 state employee shall, not later than thirty days thereafter, file a report
302 of the payment or reimbursement with the Office of State Ethics,
303 unless the payment or reimbursement is provided by the federal
304 government or another state government. If a public official,

305 Governor's spouse or state employee does not file such report within
306 such period, either intentionally or due to gross negligence on the
307 public official's, Governor's spouse's or state employee's part, the
308 public official, Governor's spouse or state employee shall return the
309 payment or reimbursement. If any failure to file such report is not
310 intentional or due to gross negligence on the part of the public official,
311 Governor's spouse or state employee, the public official, Governor's
312 spouse or state employee shall not be subject to any penalty under this
313 chapter. When a public official, Governor's spouse or state employee
314 attends an event in this state in the public official's, Governor's
315 spouse's or state employee's official capacity and as [a principal
316 speaker] an active participant at such event and receives admission to
317 or food or beverage at such event from the sponsor of the event, such
318 admission or food or beverage shall not be considered a gift and no
319 report shall be required from such public official, spouse or state
320 employee or from the sponsor of the event. As used in this subsection,
321 "active participant" means a speaker, panelist, moderator of a panel or
322 presenter of an award who provides substantive official service to the
323 sponsor of the event.

324 Sec. 10. Subsection (m) of section 1-84 of the general statutes is
325 repealed and the following is substituted in lieu thereof (*Effective*
326 *October 1, 2016*):

327 (m) No public official or state employee shall knowingly solicit or
328 accept, directly or indirectly, any gift, as defined in subdivision (5) of
329 section 1-79, from any person the public official or state employee
330 knows or has reason to know: (1) Is doing business with or seeking to
331 do business with the department or agency in which the public official
332 or state employee is employed; (2) is engaged in activities which are
333 directly regulated by such department or agency; or (3) is prequalified
334 under section 4a-100. No person shall knowingly give, directly or
335 indirectly, any gift or gifts in violation of this provision. For the
336 purposes of this subsection, the exclusion to the term "gift" in
337 subparagraph (L) of subdivision (5) of section 1-79 for a gift for the

338 celebration of a major life event shall not apply. Any person prohibited
339 from making a gift under this subsection shall report to the Office of
340 State Ethics any solicitation of a gift from such person by a state
341 employee or public official.

342 Sec. 11. Section 1-84c of the general statutes is repealed and the
343 following is substituted in lieu thereof (*Effective October 1, 2016*):

344 (a) Nothing in this chapter shall prohibit the donation of goods or
345 services, as described in subparagraph (E) of subdivision (5) of section
346 1-79, to a state agency or quasi-public agency, the donation of the use
347 of facilities to facilitate state agency or quasi-public agency action or
348 functions or the donation of real property to a state agency or quasi-
349 public agency. As used in this section, "state agency" and "quasi-public
350 agency" have the same meanings as provided in section 1-79, as
351 amended by this act.

352 (b) If a public official or state employee receives goods or services to
353 support such official's or employee's participation at an event as
354 described in subparagraph (E) of subdivision (5) of section 1-79, and
355 such goods or services (1) include lodging or out-of-state travel, or
356 both, and (2) are not provided by the federal government or another
357 state government, such official or employee shall, not later than thirty
358 days after receipt of such goods or services, file a report with the Office
359 of State Ethics. Such report shall be on an electronic form prescribed by
360 the board and shall certify to the Office of State Ethics, under penalty
361 of false statement, that the goods or services received in support of
362 such official's or employee's participation at an event facilitated state
363 action or functions. If a public official or state employee does not file a
364 report within such thirty-day period, either intentionally or due to
365 gross negligence on the official's or employee's part, the official or
366 employee shall return to the donor the value of the goods or services
367 received. If any failure to file such report is not intentional or due to
368 gross negligence, the public official or state employee shall not be
369 subject to any penalty under this chapter.

370 Sec. 12. Section 1-86e of the general statutes is repealed and the
371 following is substituted in lieu thereof (*Effective October 1, 2016*):

372 (a) No person hired by the state or a quasi-public agency as a
373 consultant or independent contractor, and no person employed by
374 such consultant or independent contractor, shall:

375 (1) Use the authority provided [to the person] under the contract, or
376 any confidential information acquired in the performance of the
377 contract, to obtain financial gain for the [person] consultant or
378 independent contractor, an employee of the [person] consultant or
379 independent contractor or a member of the immediate family of any
380 such [person] consultant, contractor or employee;

381 (2) Accept another state or quasi-public agency contract which
382 would impair the independent judgment of the person in the
383 performance of the existing contract; or

384 (3) Accept anything of value based on an understanding that the
385 actions of the person on behalf of the state or quasi-public agency
386 would be influenced.

387 (b) No person shall give anything of value to a person hired by the
388 state or a quasi-public agency as a consultant or independent
389 contractor or a person employed by such consultant or independent
390 contractor, based on an understanding that the actions of the
391 consultant, [or] independent contractor or employee on behalf of the
392 state or quasi-public agency would be influenced.

393 Sec. 13. Section 1-88 of the general statutes is repealed and the
394 following is substituted in lieu thereof (*Effective October 1, 2016*):

395 (a) The board, upon a finding made pursuant to section 1-82, as
396 amended by this act, that there has been a violation of any provision of
397 this part or [section 1-101nn] part IV of this chapter, shall have the
398 authority to order the violator to do any or all of the following: (1)

399 Cease and desist the violation of this part or [section 1-101nn] part IV
400 of this chapter; (2) file any report, statement or other information as
401 required by this part or [section 1-101nn] part IV of this chapter; and
402 (3) pay a civil penalty of not more than ten thousand dollars for each
403 violation of this part or [section 1-101nn] part IV of this chapter.

404 (b) Notwithstanding the provisions of subsection (a) of this section,
405 the board may, after a hearing conducted in accordance with sections
406 4-176e to 4-184, inclusive, upon the concurring vote of six of its
407 members, present and voting impose a civil penalty not to exceed ten
408 dollars per day upon any individual who fails to file any report,
409 statement or other information as required by this part or [section 1-
410 101nn] part IV of this chapter. Each distinct violation of this subsection
411 shall be a separate offense and in case of a continued violation, each
412 day thereof shall be deemed a separate offense. In no event shall the
413 aggregate penalty imposed for such failure to file exceed ten thousand
414 dollars.

415 (c) The board may also report its finding to the Chief State's
416 Attorney for any action deemed necessary. The board, upon a finding
417 made pursuant to section 1-82, as amended by this act, that a member
418 or member-elect of the General Assembly has violated any provision of
419 this part or [section 1-101nn] part IV of this chapter, shall notify the
420 appropriate house of the General Assembly, in writing, of such finding
421 and the basis for such finding.

422 (d) Any person who knowingly acts in such person's financial
423 interest in violation of section 1-84, as amended by this act, 1-85, 1-86,
424 1-86d, 1-86e, as amended by this act, or 1-101nn or any person who
425 knowingly receives a financial advantage resulting from a violation of
426 any of said sections shall be liable for damages in the amount of such
427 advantage. If the board determines that any person may be so liable, it
428 shall immediately inform the Attorney General of that possibility.

429 (e) Any employee of the Office of State Ethics or member of the

430 Citizen's Ethics Advisory Board who, in violation of this part or
431 [section 1-101nn] part IV of this chapter, discloses information filed in
432 accordance with subparagraph (F) of subdivision (1) of subsection (b)
433 of section 1-83, shall be dismissed, if an employee, or removed from
434 the board, if a member.

435 (f) Any civil penalty imposed by the board pursuant to this section
436 may be enforced by the Office of State Ethics as a money judgment in
437 accordance with chapter 906.

438 Sec. 14. Section 1-89 of the general statutes is repealed and the
439 following is substituted in lieu thereof (*Effective October 1, 2016*):

440 (a) Any person who intentionally violates any provision of this part
441 or [section 1-101nn] part IV of this chapter shall (1) for a first violation,
442 be guilty of a class A misdemeanor, except that, if such person derives
443 a financial benefit of one thousand dollars or more as a result of such
444 violation, such person shall be guilty of a class D felony, and (2) for a
445 second or subsequent violation, be guilty of a class D felony, provided
446 no person may be found guilty of a violation of subsection (f) or (g) of
447 section 1-84 and bribery or bribe receiving under section 53a-147 or
448 53a-148 upon the same incident, but such person may be charged and
449 prosecuted for all or any of such offenses upon the same information.

450 (b) The penalties prescribed in this part or [section 1-101nn] part IV
451 of this chapter shall not limit the power of either house of the
452 legislature to discipline its own members or impeach a public official,
453 and shall not limit the power of agencies or commissions to discipline
454 their officials or employees.

455 (c) The Attorney General may bring a civil action against any person
456 who knowingly acts in the person's financial interest in, or knowingly
457 receives a financial advantage resulting from, a violation of section 1-
458 84, as amended by this act, 1-85, 1-86 or 1-101nn. In any such action,
459 the Attorney General may, in the discretion of the court, recover any
460 financial benefit that accrued to the person as a result of such violation

461 and additional damages in an amount not exceeding twice the amount
462 of the actual damages.

463 (d) Any fines, penalties or damages paid, collected or recovered
464 under section 1-88, as amended by this act, or this section for a
465 violation of any provision of this part or [section 1-101nn] part IV of
466 this chapter applying to the office of the Treasurer shall be deposited
467 on a pro rata basis in any trust funds, as defined in section 3-13c,
468 affected by such violation.

469 Sec. 15. Subdivision (16) of section 1-91 of the 2016 supplement to
470 the general statutes is repealed and the following is substituted in lieu
471 thereof (*Effective October 1, 2016*):

472 (16) "Public official" means any (A) state-wide elected state officer,
473 (B) any member or member-elect of the General Assembly, (C) any
474 person appointed to any office of the legislative, judicial or executive
475 branch of state government by the Governor or any other state-wide
476 elected officer, with or without the advice and consent of the General
477 Assembly, (D) the spouse of the Governor, and (E) any person
478 appointed or elected by the General Assembly or any member of either
479 house thereof; but does not include a member of an advisory board or
480 a senator or representative in Congress.

481 Sec. 16. Section 1-93 of the general statutes is repealed and the
482 following is substituted in lieu thereof (*Effective October 1, 2016*):

483 (a) (1) Upon the complaint of any person on a form prescribed by
484 the Office of State Ethics, signed under penalty of false statement, or
485 upon its own complaint, the ethics enforcement officer of the Office of
486 State Ethics shall investigate any alleged violation of this part or part
487 III of this chapter. Not later than five days after the receipt or issuance
488 of such complaint, the Office of State Ethics shall provide notice of
489 such receipt or issuance and a copy of the complaint by registered or
490 certified mail to any respondent against whom such complaint is filed
491 and shall provide notice of the receipt of such complaint to the

492 complainant. When the Office of State Ethics undertakes an evaluation
493 of a possible violation of this part or part III of this chapter prior to the
494 filing of a complaint, the subject of the evaluation shall be notified not
495 later than five business days after a staff member of the Office of State
496 Ethics undertakes the first contact with a third party concerning the
497 matter.

498 (2) In the conduct of its investigation of an alleged violation of this
499 part or part III of this chapter, the Office of State Ethics shall have the
500 power to hold hearings, administer oaths, examine witnesses and
501 receive oral and documentary evidence. The Office of State Ethics may
502 subpoena witnesses under procedural rules adopted by the Citizen's
503 Ethics Advisory Board as regulations in accordance with the
504 provisions of chapter 54 to compel attendance before the Office of State
505 Ethics and to require the production for examination by the ethics
506 enforcement officer of the Office of State Ethics of any books and
507 papers which the ethics enforcement officer of the Office of State Ethics
508 deems relevant in any matter under investigation or in question,
509 provided any such subpoena is issued either pursuant to a majority
510 vote of the Citizen's Ethics Advisory Board or pursuant to the
511 signature of the chairperson of such board. The vice-chairperson of
512 such board may sign any such subpoena if the chairperson of such
513 board is unavailable. In the exercise of such powers, the Office of State
514 Ethics may use the services of the state police, who shall provide the
515 same upon the office's request. The Office of State Ethics shall make a
516 record of all proceedings conducted pursuant to this subsection. Any
517 witness summoned before the Office of State Ethics or a judge trial
518 referee pursuant to this subsection shall receive the witness fee paid to
519 witnesses in the courts of this state. The ethics enforcement officer of
520 the Office of State Ethics may bring any alleged violation of this part or
521 part III of this chapter before a judge trial referee assigned by the Chief
522 Court Administrator for such purpose for a probable cause hearing.
523 Such judge trial referee shall be compensated in accordance with the
524 provisions of section 52-434 from such funds as may be available to the

525 Office of State Ethics. The respondent shall have the right to appear at
526 any hearing held pursuant to this subsection and be heard and to offer
527 any information which may tend to clear the respondent of probable
528 cause to believe the respondent has violated any provision of this part
529 or part III of this chapter. The respondent shall also have the right to be
530 represented by legal counsel and to examine and cross-examine
531 witnesses. Not later than ten days prior to the commencement of any
532 hearing conducted pursuant to this subsection, the Office of State
533 Ethics shall provide the respondent with a list of its intended
534 witnesses. Any finding of probable cause to believe the respondent is
535 in violation of any provision of this part shall be made by a judge trial
536 referee not later than thirty days after the ethics enforcement officer
537 brings such alleged violation before such judge trial referee, except that
538 such thirty-day limitation period shall not apply if the judge trial
539 referee determines that good cause exists for extending such limitation
540 period.

541 (b) If a judge trial referee indicates that probable cause exists for the
542 violation of a provision of this part or part III of this chapter, the board
543 shall initiate hearings to determine whether there has been a violation
544 of this part or part III of this chapter. Any such hearing shall be
545 initiated by the board not later than thirty days after the finding of
546 probable cause by a judge trial referee and shall be concluded not later
547 than ninety days after its initiation, except that such thirty-day or
548 ninety-day limitation period shall not apply if the judge trial referee
549 determines that good cause exists for extending such limitation period.
550 A judge trial referee, who has not taken part in the probable cause
551 determination on the matter shall be assigned by the Chief Court
552 Administrator and shall be compensated in accordance with section
553 52-434 out of funds available to the board and shall preside over such
554 hearing and rule on all issues concerning the application of the rules of
555 evidence, which shall be the same as in judicial proceedings. The trial
556 referee shall have no vote in any decision of the board. All hearings of
557 the board held pursuant to this subsection shall be open. At such

558 hearing the board shall have the same powers as the Office of State
559 Ethics under subsection (a) of this section and the respondent shall
560 have the right to be represented by legal counsel, the right to compel
561 attendance of witnesses and the production of books, documents,
562 records and papers and to examine and cross-examine witnesses. Not
563 later than ten days prior to the commencement of any hearing
564 conducted pursuant to this subsection, the Office of State Ethics shall
565 provide the respondent with a list of its intended witnesses. The judge
566 trial referee shall, while engaged in the discharge of the duties as
567 provided in this subsection, have the same authority as is provided in
568 section 51-35 over witnesses who refuse to obey a subpoena or to
569 testify with respect to any matter upon which such witness may be
570 lawfully interrogated, and may commit any such witness for contempt
571 for a period no longer than thirty days. The Office of State Ethics shall
572 make a record of all proceedings pursuant to this subsection. During
573 the course of any such hearing, no ex-parte communication shall occur
574 between the board, or any of its members, and: (1) The judge trial
575 referee, or (2) any staff member of the Enforcement Division of the
576 Office of State Ethics, concerning the complaint or the respondent. The
577 board shall find no person in violation of any provision of this part or
578 part III of this chapter except upon the concurring vote of six of its
579 members present and voting. No member of the board shall vote on
580 the question of whether a violation of any provision of this part or part
581 III of this chapter has occurred unless such member was physically
582 present for the duration of any hearing held pursuant to this
583 subsection or such member has reviewed the record of the hearing and
584 the judge trial referee determines that such member is sufficiently
585 informed on the matter and is competent to render judgment. Not later
586 than fifteen days after the public hearing conducted in accordance with
587 this subsection, the board shall publish its finding and a memorandum
588 of the reasons therefor. Such finding and memorandum shall be
589 deemed to be the final decision of the board on the matter for the
590 purposes of chapter 54. The respondent, if aggrieved by the finding
591 and memorandum, may appeal therefrom to the Superior Court in

592 accordance with the provisions of section 4-183.

593 (c) If any complaint brought under the provisions of this part or part
594 III of this chapter is made with the knowledge that it is made without
595 foundation in fact, the respondent shall have a cause of action against
596 the complainant for double the amount of damage caused thereby and
597 if the respondent prevails in such action, the respondent may be
598 awarded by the court the costs of such action together with reasonable
599 attorneys' fees.

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

603 (e) No person shall take or threaten to take official action against an
604 individual for such individual's disclosure of information to the board
605 or the general counsel, ethics enforcement officer or staff of the Office
606 of State Ethics under the provisions of this part or part III of this
607 chapter. After receipt of information from an individual under the
608 provisions of this part or part III of this chapter, the Office of State
609 Ethics shall not disclose the identity of such individual without such
610 person's consent unless the Office of State Ethics determines that such
611 disclosure is unavoidable during the course of an investigation.

612 Sec. 17. Section 1-96e of the general statutes is repealed and the
613 following is substituted in lieu thereof (*Effective October 1, 2016*):

614 Each registrant who pays or reimburses a public official or state
615 employee ten dollars or more for necessary expenses, as defined in
616 section 1-79, as amended by this act, shall, within [thirty] forty-five
617 days, file a statement with the Office of State Ethics indicating the
618 name of such individual and the amount of the expenses.

619 Sec. 18. Section 1-99 of the general statutes is amended by adding
620 subsection (d) as follows (*Effective October 1, 2016*):

621 (NEW) (d) Any civil penalty imposed by the board pursuant to this
622 section may be enforced by the Office of State Ethics as a money
623 judgment in accordance with chapter 906.

624 Sec. 19. Subdivision (1) of section 1-101mm of the general statutes is
625 repealed and the following is substituted in lieu thereof (*Effective*
626 *October 1, 2016*):

627 (1) "Business with which the person is associated" means any sole
628 proprietorship, partnership, firm, corporation, trust or other entity
629 through which business for-profit or not-for-profit is conducted in
630 which the person or member of the immediate family of any person
631 who is an individual is a director, officer, owner, limited or general
632 partner, beneficiary of a trust or holder of stock constituting five per
633 cent or more of the total outstanding stock of any class, provided, a
634 person who is an individual or a member of the immediate family of
635 such individual shall not be deemed to be associated with a not-for-
636 profit entity solely by virtue of the fact that such individual or
637 immediate family member is an unpaid director or officer of the not-
638 for-profit entity. ["Officer"] "Business with which he is associated" also
639 includes a second business held by the business with which he is
640 associated, if the business with which he is associated is a director,
641 officer, owner, limited or general partner, beneficiary of a trust or
642 holder of stock constituting five per cent or more of the total
643 outstanding stock of any class of such second business. For purposes of
644 this subsection, "officer" refers only to the president, executive or
645 senior vice president or treasurer of such business and to any person
646 who exercises exclusive control over such business.

647 Sec. 20. Sections 1-80b to 1-80d, inclusive, of the general statutes are
648 repealed. (*Effective October 1, 2016*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	1-79(2)

Sec. 2	October 1, 2016	1-79(11)
Sec. 3	October 1, 2016	1-79
Sec. 4	October 1, 2016	1-80(i)
Sec. 5	October 1, 2016	1-80(l) and (m)
Sec. 6	October 1, 2016	1-81(g)
Sec. 7	October 1, 2016	1-82
Sec. 8	October 1, 2016	1-82a(a)
Sec. 9	October 1, 2016	1-84(i) to (k)
Sec. 10	October 1, 2016	1-84(m)
Sec. 11	October 1, 2016	1-84c
Sec. 12	October 1, 2016	1-86e
Sec. 13	October 1, 2016	1-88
Sec. 14	October 1, 2016	1-89
Sec. 15	October 1, 2016	1-91(16)
Sec. 16	October 1, 2016	1-93
Sec. 17	October 1, 2016	1-96e
Sec. 18	October 1, 2016	1-99
Sec. 19	October 1, 2016	1-101mm(1)
Sec. 20	October 1, 2016	Repealer section

Statement of Purpose:

To redefine certain terms, remove certain restrictions imposed on Citizen's Ethics Advisory Board members and increase the authority of the board, to extend certain restrictions on state contracts to quasi-public agency contracts, to revise provisions concerning payment and reimbursement of necessary expenses and to extend certain prohibitions on independent contractors and consultants to their employees.

[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.]