
OLR BILL ANALYSIS

SB 1009

AN ACT CREATING THE OFFICE OF GOVERNMENTAL ACCOUNTABILITY.

SUMMARY:

This bill establishes an Office of Governmental Accountability (OGA). It becomes the successor department to the Office of State Ethics. The following agencies remain but not as independent, separate agencies. Rather, they are “within” the OGA. They are:

1. the Freedom of Information Commission,
2. the State Contracting Standards Board,
3. the State Elections Enforcement Commission, and
4. the Judicial Review Council.

The OGA must (1) administer and enforce the codes of state ethics, freedom of information requirements, and campaign and election law requirements; (2) oversee state contracting and procurement processes; and (3) resolve complaints regarding state judges, family support magistrates, and workers’ compensation commissioners. The OGA is responsible for adopting regulations for each of these agencies.

EFFECTIVE DATE: July 1, 2011, except for the change to the State Contracting Standards Board’s authority to review and terminate contracts or an agency’s authority to enter into contracts which is effective October 1, 2011 (the effective date of that provision under current law).

§ 2 — STRUCTURE

The OGA is composed of:

1. an executive director,
2. a legal affairs and enforcement division,
3. a public affairs and services division, and
4. a business operations division.

The bill makes the OGA's executive director a "department head" appointed by the governor and subject to the legislative confirmation, qualification requirements, and power and duties provisions that come with that designation. The executive director of the office assumes the responsibilities of the current executive directors of the commissions, board, and council (with the exception of one reference). The executive director has the authority to employ staff, who are to be in the classified state service.

§§ 3-15 & 34-35 — OFFICE OF STATE ETHICS

The bill eliminates the Office of State Ethics, replacing it with the OGA. The current Citizen's Ethics Advisory Board remains, with its existing membership criteria (appointed by the same appointing authorities) and most of its powers and duties. The board is within the OGA's legal affairs and enforcement division; the public affairs and services division provides education on the codes of ethics.

§§ 16-18 & 35 — FREEDOM OF INFORMATION COMMISSION

The bill puts the Freedom of Information Commission in the Office of Governmental Accountability and assigns its investigative and enforcement duties to the OGA's legal affairs and enforcement division. The public affairs and services division is responsible for education on the Freedom of Information Act.

§§ 19-28 & 34 — STATE CONTRACTING STANDARDS BOARD

The bill puts the State Contracting Standards Board within the public affairs and services division of the OGA. The OGA and its executive director assume the duties and responsibilities of the current Contracting Board's chief procurement officer. The bill transfers to the OGA's public affairs and services division the board's responsibilities

(1) for contract management and (2) to train and certify other state agency procurement and contracting processes and staff, adopt regulations, and review state contracts, among other things.

§§ 29-30 & 35 — STATE ELECTIONS ENFORCEMENT COMMISSION

The bill puts the State Elections Enforcement Commission (SEEC) within the OGA and transfers some but not all of the commission's authority. Under the bill, the OGA, rather than the SEEC, has the power to:

1. investigate complaints or alleged violations of specified election and campaign finance laws;
2. inspect or audit campaign finance statements or records;
3. attempt to secure voluntary compliance with election and campaign finance laws;
4. enter into contracts to discharge its duties;
5. provide the secretary of the state with copies of the commission's decisions; and
6. report to the governor and General Assembly annually on its activities with respect to investigations and the disposition of complaints, other matters within its jurisdiction, and recommendations for legislative changes.

In addition, the OGA must assist the SEEC with its remaining duties. The duty to investigate election and campaign finance complaints and provide advisory opinions becomes the responsibility of the legal affairs and enforcement division, while the public affairs and services division manages the commission's campaign finance disclosure duties and the Citizens' Election Program.

§§ 31-32 — JUDICIAL REVIEW COUNCIL

As with the other agencies described above, the bill places the Judicial Review Council in the Office of Governmental Accountability,

specifically in the legal affairs and enforcement division, and transfers the duties of the council's executive director to the OGA executive director.

PRELIMINARY