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## **OLR Bill Analysis**

### **sSB 1197**

#### ***AN ACT ESTABLISHING A LEGISLATIVE CODE OF CONDUCT AND HOUSE OF REPRESENTATIVES AND SENATE BIPARTISAN COMMITTEES ON ETHICS.***

#### **SUMMARY:**

This bill establishes a (1) legislative code of conduct and (2) procedure for convening a legislative ethics committee to decide complaints by a General Assembly member alleging misconduct by another member. The procedure is the same in the Senate and House of Representatives. If the committee makes a probable cause finding and proceeds to a full investigation, it must issue a resolution recommending (1) expulsion, (2) censure, (3) reprimand, or (4) no action (see BACKGROUND). The full Senate or House, whichever applies, must vote on the resolution.

Under the bill, "misconduct" means any (1) conviction or finding by a state agency of a substantial violation of state or federal election laws, or of the state Code of Ethics or (2) legal wrong that materially impairs the member's ability to perform his or her duties or that substantially undermines public trust and confidence in the Senate or House.

The bill specifies that its legislative ethics committee provisions do not affect the powers or duties of the Office of State Ethics or the Citizen's Ethics Advisory Board to enforce the Ethics Code.

**EFFECTIVE DATE:** Upon passage, except the provision on the legislative code of conduct is effective October 1, 2011.

#### **LEGISLATIVE CODE OF CONDUCT**

The bill establishes a legislative code of conduct. It requires each member of the General Assembly to:

1. be familiar with and abide by the Code of Ethics for Public Officials;
2. provide energetic and diligent constituent representation and be accessible to all constituents;
3. fairly characterize issues confronting the General Assembly and accurately inform the public about proceedings in his or her office;
4. act with due regard for the general welfare of the public when confirming executive and legislative nominations;
5. be informed, prepared, and recognize all sides of an issue;
6. be informed about, and abide by, the rules that govern the proceedings of the General Assembly, including the Joint Rules, the Senate Rules, and the House Rules;
7. uphold the Connecticut and U.S. Constitutions;
8. adhere to the spirit and the letter of any state laws, rules, or regulations governing official conduct;
9. conduct himself or herself in the performance of his or her duties in a manner that does not discredit the General Assembly;
10. treat fellow members, staff, and the general public with fairness, respect, and courtesy regardless of political or religious beliefs, age, race, ethnicity, sex, sexual orientation, or physical disability;
11. give every person who wants to participate in the legislative process the opportunity to be heard according to established procedures; and
12. consider at all times whether his or her conduct would create in reasonable minds the perception that his or her ability to carry out legislative responsibilities with integrity and independence is impaired.

## **LEGISLATIVE ETHICS COMMITTEES**

The bill requires the Senate president and Senate minority leader or House speaker and House minority leader, whichever applies, to appoint a bipartisan ethics committee no later than seven days after receiving a member's complaint alleging misconduct by another member. The member who submits the complaint must do so under penalty of false statement, which is punishable by up to one year in prison, a \$2,000 fine, or both. The subject of a complaint or investigation may be represented by counsel or appear before the committee on his or her own behalf.

### ***Committee Composition and Cognizance***

The legislative ethics committee consists of six members whom Senate president or House speaker, whichever applies, appoints. Three members must be appointed in concurrence with the corresponding minority leader. The president or speaker must appoint two co-chairpersons from among the six members, one upon the recommendation of the minority leader.

If the complaint alleges misconduct by the Senate president or House speaker, his or her duties with respect to the committee transfer to the corresponding majority leader. Likewise, if the complaint concerns alleged misconduct of either Senate or House minority leader, his or her duties transfer to the Senate minority leader pro tempore or one of the House minority leaders, respectively.

The bill gives the ethics committee cognizance over any official Senate or House action in response to a complaint or misconduct by a member.

### ***Rules Governing Proceedings and Quorum***

The committee must adopt rules and procedures governing its proceedings. The rules must include standards and a methodology for conducting a preliminary and full investigation.

The committee must have a quorum of at least two members of each caucus to conduct any official business. All committee decisions

require four affirmative votes.

***Preliminary Investigation to Determine Probable Cause***

After it convenes, the committee must conduct a preliminary investigation. The preliminary investigation is confidential and not subject to disclosure. After the preliminary investigation, the committee must vote to (1) dismiss the complaint or (2) make a probable cause finding. Upon a finding of probable cause, all information relating to the preliminary investigation becomes public, unless state or federal law exempts it from disclosure.

***Full Investigation***

The committee must initiate a full investigation after a probable cause finding. All information relating to a full investigation is public, unless state or federal law exempts it from disclosure. Similarly, all proceedings must be open to the public.

When the committee completes a full investigation, it must report its findings and recommendation in the form of a resolution to the Senate or House, whichever applies, for a vote. The resolution must contain a recommendation for (1) expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate or House whichever applies, must vote no later than 10 days after the committee reports out any resolution.

**BACKGROUND**

***Powers of Each House***

The Connecticut Constitution gives each house of the General Assembly the power to punish its members for disorderly conduct and requires a two-thirds vote for expulsion (Ct. Const. Art. III, § 13).

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 1 (04/01/2011)