



General Assembly

February Session, 2020

Raised Bill No. 237

LCO No. 1571



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING CONFLICTS OF INTEREST DUE TO AN
EMPLOYER OTHER THAN THE STATE UNDER THE STATE CODE OF
ETHICS.***

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

1 Section 1. Section 1-85 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2020*):

3 (a) A public official, including an elected state official, or state
4 employee has an interest which is in substantial conflict with the proper
5 discharge of his or her duties or employment in the public interest and
6 of his or her responsibilities as prescribed in the laws of this state, if [he]
7 such official or employee has reason to believe or expect that [he, his]
8 such official or employee or such official's or employee's spouse, [a]
9 dependent child, or a business with which [he] such official or employee
10 or such official's or employee's spouse or dependent child is associated
11 will derive a direct monetary gain or suffer a direct monetary loss, as
12 the case may be, by reason of his or her official activity. A public official,
13 including an elected state official, or state employee does not have an
14 interest which is in substantial conflict with the proper discharge of his

15 or her duties in the public interest and of his or her responsibilities as
16 prescribed by the laws of this state, if any benefit or detriment accrues
17 to [him, his] such official or employee or such official's or employee's
18 spouse, [a] dependent child, employer other than the state, spouse's
19 employer or a business with which [he, his] such official or employee or
20 such official's or employee's spouse or [such] dependent child is
21 associated as a member of a profession, occupation or group to no
22 greater extent than any other member of such profession, occupation or
23 group. [A] Except as provided in subsection (b) of this section, a public
24 official, including an elected state official or state employee who has a
25 substantial conflict may not take official action on the matter.

26 (b) If an elected state official has a substantial conflict regarding a
27 matter that concerns a direct monetary gain or direct monetary loss for
28 the other employer of such official or the employer of such official's
29 spouse, such official shall either excuse himself or herself from the
30 matter or, prior to taking official action on the matter, prepare a written
31 statement signed under penalty of false statement describing the matter
32 requiring action, the nature of the conflict and explaining why, despite
33 the conflict, such official is able to vote or otherwise participate fairly,
34 objectively and in the public interest in such matter. Such official shall
35 submit a copy of such statement to the Office of State Ethics and enter a
36 copy of the statement in the journal or minutes of the state agency to
37 which such official has been elected, or, if such agency does not have a
38 journal or minutes, submit the copy to such agency.

39 Sec. 2. Subsection (a) of section 1-86 of the general statutes is repealed
40 and the following is substituted in lieu thereof (*Effective October 1, 2020*):

41 (a) Any public official or state employee, other than an elected state
42 official, who, in the discharge of such official's or employee's official
43 duties, would be required to take an action that would affect a financial
44 interest of such official or employee, such official's or employee's
45 spouse, parent, brother, sister, child, [or] the spouse of a child, employer
46 other than the state, employer of the official's or employee's spouse or a
47 business with which such official or employee is associated, other than

48 an interest of a de minimis nature, an interest that is not distinct from
 49 that of a substantial segment of the general public or an interest in
 50 substantial conflict with the performance of official duties as defined in
 51 section 1-85, as amended by this act, has a potential conflict of interest.
 52 Under such circumstances, such official or employee shall, if such
 53 official or employee is a member of a state regulatory agency, either
 54 excuse himself or herself from the matter, or, prior to taking official
 55 action on the matter, prepare a written statement signed under penalty
 56 of false statement describing the matter requiring action and the nature
 57 of the potential conflict and explaining why despite the potential
 58 conflict, such official or employee is able to vote [and] or otherwise
 59 participate fairly, objectively and in the public interest in such matter.
 60 Such public official or state employee shall [deliver] submit a copy of
 61 the statement to the Office of State Ethics and enter a copy of the
 62 statement in the journal or minutes of the agency. If such official or
 63 employee is not a member of a state regulatory agency, such official or
 64 employee shall, in the case of either a substantial or potential conflict,
 65 prepare a written statement signed under penalty of false statement
 66 describing the matter requiring action and the nature of the conflict and
 67 deliver a copy of the statement to such official's or employee's
 68 immediate superior, if any, who shall assign the matter to another
 69 employee, or if such official or employee has no immediate superior,
 70 such official or employee shall take such steps as the Office of State
 71 Ethics shall prescribe or advise.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	1-85
Sec. 2	<i>October 1, 2020</i>	1-86(a)

Statement of Purpose:

To apply substantial conflict of interest provisions in the state code of ethics for public officials and state employees to conflicts involving the public official's or state employee's nonstate employer or spouse's employer.

[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.]