



General Assembly

February Session, 2022

Raised Bill No. 5377

LCO No. 2307



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 Section 1-85 of the general statutes is repealed and the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, 2022*):

3 (a) For purposes of this section, "business with which the public
4 official or state employee is associated" has the same meaning as
5 "business with which he is associated", as provided in section 1-79. A
6 public official, including an elected state official, or state employee has
7 an interest which is in substantial conflict with the proper discharge of
8 [his] such official's or employee's duties or employment in the public
9 interest and of [his] such official's or employee's responsibilities as
10 prescribed in the laws of this state, if [he] such official or employee has
11 reason to believe or expect that [he, his] such official or employee or
12 such official's or employee's spouse, [a] dependent child, employer
13 other than the state, spouse's employer or a business with which [he] the
14 public official or state employee is associated will derive a direct

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

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

44 Sec. 2. Subsection (a) of section 1-86 of the general statutes is repealed
45 and the following is substituted in lieu thereof (*Effective October 1, 2022*):

46 (a) For purposes of this section, "business with which the public
47 official or state employee is associated" has the same meaning as

48 "business with which he is associated", as provided in section 1-79. Any
49 public official or state employee, other than an elected state official, who,
50 in the discharge of such official's or employee's official duties, would be
51 required to take an action that would affect a financial interest of such
52 official or employee, such official's or employee's spouse, parent,
53 brother, sister, child, [or] the spouse of a child, employer other than the
54 state, employer of the official's or employee's spouse or a business with
55 which [such] the public official or state employee is associated, other
56 than an interest of a de minimis nature, an interest that is not distinct
57 from that of a substantial segment of the general public or an interest in
58 substantial conflict with the performance of official duties as defined in
59 section 1-85, as amended by this act, has a potential conflict of interest.
60 Under such circumstances, such official or employee shall, if such
61 official or employee is a member of a state regulatory agency, either
62 excuse himself or herself from the matter or, prior to taking official
63 action on the matter, prepare a written statement signed under penalty
64 of false statement describing the matter requiring action and the nature
65 of the potential conflict and explaining why despite the potential
66 conflict, such official or employee is able to vote and otherwise
67 participate fairly, objectively and in the public interest. Such public
68 official or state employee shall deliver a copy of the statement to the
69 Office of State Ethics and enter a copy of the statement in the journal or
70 minutes of the agency. If such official or employee is not a member of a
71 state regulatory agency, such official or employee shall, in the case of
72 either a substantial or potential conflict, prepare a written statement
73 signed under penalty of false statement describing the matter requiring
74 action and the nature of the conflict and deliver a copy of the statement
75 to such official's or employee's immediate superior, if any, who shall
76 assign the matter to another employee, or if such official or employee
77 has no immediate superior, such official or employee shall take such
78 steps as the Office of State Ethics shall prescribe or advise.

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

Section 1	October 1, 2022	1-85
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Sec. 2	October 1, 2022	1-86(a)
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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.]