



General Assembly

Substitute Bill No. 1038

January Session, 2019



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 Section 1-85 of the general statutes is repealed and the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, 2019*):

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

19 or such official's or employee's spouse, [a] dependent child, employer
20 other than the state, spouse's employer or a business with which [he,
21 his] such official or employee or such official's or employee's spouse or
22 [such] dependent child is associated as a member of a profession,
23 occupation or group to no greater extent than any other member of
24 such profession, occupation or group. [A] Except as provided in
25 subsection (b) of this section, a public official, including an elected
26 state official, or state employee who has a substantial conflict may not
27 take official action on the matter.

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

42 Sec. 2. Subsection (a) of section 1-86 of the general statutes is
43 repealed and the following is substituted in lieu thereof (*Effective*
44 *October 1, 2019*):

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

52 is associated, other than an interest of a de minimis nature, an interest
 53 that is not distinct from that of a substantial segment of the general
 54 public or an interest in substantial conflict with the performance of
 55 official duties as defined in section 1-85, as amended by this act, has a
 56 potential conflict of interest. Under such circumstances, such official or
 57 employee shall, if such official or employee is a member of a state
 58 regulatory agency, either excuse himself or herself from the matter or, z
 59 prior to taking official action on the matter, prepare a written
 60 statement signed under penalty of false statement describing the
 61 matter requiring action and the nature of the potential conflict and
 62 explaining why despite the potential conflict, such official or employee
 63 is able to vote and otherwise participate fairly, objectively and in the
 64 public interest. Such public official or state employee shall [deliver]
 65 submit a copy of the statement to the Office of State Ethics and enter a
 66 copy of the statement in the journal or minutes of the agency or, if such
 67 agency does not have a journal or minutes, submit the copy to such
 68 agency. If such official or employee is not a member of a state
 69 regulatory agency, such official or employee shall, in the case of either
 70 a substantial or potential conflict, prepare a written statement signed
 71 under penalty of false statement describing the matter requiring action
 72 and the nature of the conflict and deliver a copy of the statement to
 73 such official's or employee's immediate superior, if any, who shall
 74 assign the matter to another employee, or if such official or employee
 75 has no immediate superior, such official or employee shall take such
 76 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, 2019	1-85
Sec. 2	October 1, 2019	1-86(a)

Statement of Legislative Commissioners:

In Section 2(a) "spouse of a child" was changed to "child's spouse" for clarity and consistency.

GAE *Joint Favorable Subst. -LCO*