

# OSE NEWS

## August 2021

### 2021 Public Acts

**HB 6574**

**Public Act No. 21-164**

### REVISIONS TO THE STATE CODES OF ETHICS

#### SUMMARY

This act makes numerous changes to the state codes of ethics for public officials and lobbyists by:

1. adding the Paid Family and Medical Leave Insurance Authority to the list of quasi-public agencies subject to the ethics code for public officials (§ 2);
2. defining confidential information for the law's purposes as similarly defined in regulations (§ 3);
3. authorizing the Office of State Ethics (OSE) ethics enforcement officer (whom the act specifies must belong to the Connecticut bar) to represent the office in certain matters before the Superior Court (§§ 4 & 5);
4. requiring public officials and state employees who must file statements of financial interests with OSE to file them electronically using software the office creates (§ 7);
5. exempting certain gifts from the codes' gift prohibition (§§ 1 & 12) and clarifying who must report certain expenditures to a beneficiary public official or state employee (§ 8);
6. requiring certain state regulatory agencies, in consultation with OSE, to annually submit a statement designating the agency positions which are subject to the public officials code's revolving door provisions (§ 9);
7. extending the prohibited activities that apply to state-hired consultants and independent contractors to include persons they employ (§ 10);
8. exempting students serving as public officials from certain code provisions (§ 11);
9. extending the Citizen's Ethics Advisory Board's (CEAB) deadline for final hearing decisions on violations (§§ 6 & 13);
10. clarifying that both individuals employing lobbyists and those employed as lobbyists are subject to the Code of Ethics for Lobbyists' prohibition on contingency fee lobbying (§ 14).

The act repeals several obsolete provisions related to the 2005 transfer of OSE from the State Ethics Commission and extending deadlines for probable cause hearings in the same year. It also repeals a requirement that OSE conduct annual conferences on ethical issues (§ 15). Finally, the act makes numerous technical and conforming changes.

**EFFECTIVE DATE:** October 1, 2021, except the provision defining the Paid Family and Medical Leave Insurance Authority as a quasi-public agency is effective July 1, 2021.



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## THE MODERNIZATION OF STATE SERVICES AND THE MEMBERSHIP OF THE COMMISSION FOR EDUCATION TECHNOLOGY

### SUMMARY

#### §§ 1-7 — CONTRACTING AFFIDAVITS

The act modifies contract compliance requirements for certain state, municipal, and quasi-public agency contracts. It generally eliminates requirements that contractors submit documentation (e.g., affidavits and certifications) about their compliance with certain contracting laws and instead requires that they incorporate the applicable requirements into the contracts.

The act's provisions concern contractors' compliance with (1) state ethics laws; (2) restrictions on gifts, investments, political contributions and solicitations, and use of consultants; and (3) nondiscrimination and affirmative action requirements. It also codifies and expands upon provisions in an existing executive order that require certain state contractors to disclose any campaign contributions.

The act's provisions on ethics laws, gift restrictions, consultant use, and nondiscrimination and affirmative action requirements do not apply to qualifying UConn and Board of Regents for Higher Education contracts, as these contracts are subject to different requirements under existing law.

#### § 24 – ELIMINATED REPORTING REQUIREMENT

This act eliminates the requirement that the annual filing by state agencies of agency ethics statements be submitted to DAS (the act retains the requirement that they be filed with the Office of State Ethics.)

**EFFECTIVE DATE:** July 1, 2021

## THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS

### SUMMARY

This act makes various changes in statutes about state auditors, auditing, and other related topics.

#### § 12 — CONFLICTS OF INTEREST FOR CONSULTANTS AND INDEPENDENT CONTRACTORS

Currently, the law addressing conflicts of interest involving consultants and independent contractors is limited to those hired by state agencies. The act similarly extends these prohibitions to persons employed by these consultants and independent contractors. The prohibited activities include:



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1. using the person's contractual authority, or any confidential information acquired in the performance of the contract, to obtain financial gain for the person, their employee, or their immediate family member;
2. accepting another state contract that would impair the person's independent judgment in the performance of the existing contract; or
3. accepting anything of value based on an understanding that the actions of the person on behalf of the state would be influenced.

Current law similarly prohibits a person from giving anything of value to a consultant or independent contractor hired by the state based on an understanding that the actions of such consultant or independent contractor would be influenced. Under the act, this prohibition extends to giving anything of value to a consultant's or an independent contractor's employee under these circumstances.

**EFFECTIVE DATE:** October 1, 2021

## Ethics Liaisons – Required Action

The Office of State Ethics maintains a liaison/compliance officer list.

Consolidations, reorganizations and other changes at state agencies may have resulted in changes.

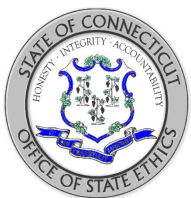
**Note: § 24 Public Act 21-76 –ELIMINATED REPORTING REQUIREMENT**

The act eliminates the requirement that the annual filing by state agencies of agency ethics statements be submitted to DAS (the act retains the requirement that they be filed with the Office of State Ethics.)

Please review the [Liaisons/Compliance Officers list](#) and send your agency ethics policy and any changes, additions or deletions to [nancy.nicolescu@ct.gov](mailto:nancy.nicolescu@ct.gov)

## Our Number One Rule: Always Get Advice!

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