



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-15

Lobbyist Gifts to the State

The Minority Leader of the Senate, Reginald J. Smith, has asked the Ethics Commission for advice on how the provisions of the Ethics Code, Conn. Gen. Stat., Chapter 10, Parts I and II, apply to lobbyist funding of certain legislative activities.

The genesis of Senator Smith's question was a "Senate Leadership Forum on the Economy" which was held at the Legislative Office Building in February of this year. The conference was funded by eleven private businesses and organizations, all of which are registered lobbyists. The elected officials who served as moderators at the forum were all Democratic members of the Senate. Participants in the panels included Democratic members of the Senate, other elected or appointed Democratic officials, and a cross section of business, labor, and academic representatives.

Specifically, Senator Smith has asked whether a different standard applies under the Ethics Code to a purely informational program as opposed to a program of a partisan nature. He further wishes to know under what circumstances registered lobbyists may contribute to such programs, whether there are limits on the amount they may contribute, and if they must report these expenditures.

Under the Code of Ethics no lobbyist may give, and no public official may knowingly receive, any gift or gifts amounting to fifty dollars or more in value in any calendar year. Conn. Gen. Stat. §§1-84(j) and 1-97(a). The Ethics Commission, however, has exempted by regulation "...gifts of goods and services to the state, to the legislature, or to executive agencies, which gifts facilitate the execution of state action or functions." Regulations of Conn. State Agencies, §1-92-51.

The Senate Leadership Forum on the Economy was conducted under the auspices of the General Assembly's Joint Committee on

Legislative Management. The Forum's stated purpose was a discussion of economic issues facing Connecticut, including tax policy, the future of manufacturing in the State, and the business climate. Regardless of its unquestionably partisan aspects, such a conference facilitates the execution of state functions. Therefore, lobbyist contributions to the Forum were proper under the Ethics Code and Regulations. The same would, of course, be true in the case of a similar conference organized by the minority party.

The Ethics Code and Regulations set no limit on lobbyist gifts to the State, except when those gifts incidentally benefit a state official or employee, or member of his or her staff or immediate family (e.g., the provision of food and drink at a conference). In that instance, the Code's fifty dollar gift and food and drink limitations apply. Conn. Gen. Stat. §§1-79(e), 1-84(j), 1-91(g), and 1-97(a).

Lobbyist reporting of gifts to the State is not now specifically required under the Code and Commission Regulations, except when these expenditures benefit a public official or a member of the official's staff or immediate family. Conn. Gen. Stat. §1-96(b); Regulations of Conn. State Agencies §1-92-48(b), . As lobbyist gifts to the legislature and the executive agencies have increased in recent years, the Ethics Commission has become increasingly concerned over this lack of mandated disclosure. Whenever a lobbyist funds an activity of the General Assembly or an agency that regulates the lobbyist's area of concern, the lobbyist's status with the State and its decision-makers is enhanced. Thus, in a real sense, the gift, however benevolent, functions as an expenditure in furtherance of the lobbyist's goals. As a consequence, the Ethics Commission believes these gifts should be disclosed on lobbyists' periodic financial reports, and the Commission intends to seek a regulatory amendment to require this disclosure.

By order of the Commission,



William A. Elrick
Chairperson

Dated 6-5-89