

CONNECTICUT STATE ETHICS COMMISSION
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ADVISORY OPINION NUMBER 78-12

Branch or Subdivision of State Government

A person working for the Capitol Region Council of Governments has asked the State Ethics Commission whether she is subject to the provisions of Public Act Number 77-605. The person's duties include working with State administrative agencies, activity which could meet the definition of "lobbying" in section 1(k) of that Act. The pro rata value of her compensation for this portion of her assigned tasks could exceed the financial threshold for lobbyists established by section 1(1) of the Act. Therefore, she may be a lobbyist unless she is exempted by one of the statutory exclusions from that term.

Her relationship with the Capitol Region Council of Governments is clearly that of an employee. As an employee of the Council, she would be excluded from the definition of "lobbyist", despite any lobbying, if the Council is "a branch of state government or a subdivision thereof" and she is acting within the scope of her employment when she lobbies. Section 1(1)(1), Public Act Number 77-605.

The Capitol Region Council of Governments has been established under sections 4-124i through 4-124p, Connecticut General Statutes. As provided by section 4-124l, it is the regional planning agency, Chapter 127, for the Capitol planning region and has the rights, duties, and obligations of a regional council of elected officials, sections 4-124c through 4-124g, Connecticut General Statutes. It has also been directed to carry out, for the Capitol planning region, the State's responsibility to review applications for Federal aid in accordance with Office of Management and Budget Circular A-95, "Evaluation, Review, Coordination of Federal Assistance Programs and Projects," November 13, 1973, as amended. Additionally, it has been designated by the State as the metropolitan planning organization for the region. As such it is responsible, with the State, for urban transportation planning as set forth in 23 Code of Federal Regulations Part 450.

The responsibilities which the Capitol Region Council of Governments fulfills under State legislation, and those assigned it by the State to carry out under Federal legislation, along with the concomitant rights and powers, appear to make the Council a branch of State Government, as that term is used in section 1(1)(1), Public Act Number 77-605. Cf. Evans v. Water Commissioners, 102 Conn. 218, 228-229 (1925). Further the

Council, at least in its role as a regional planning agency, is a subdivision of State government. Although it does not have the attributes normally associated with a political subdivision, it is for some purposes, at least, a political subdivision of its member municipalities by legislative fiat. Section 7-391, Connecticut General Statutes.

As an employee of a branch of State Government or a subdivision thereof whose lobbying activity is within the scope of her employment, the person requesting this advisory opinion is not a lobbyist and therefore need not register with the Ethics Commission. Sections 1(1)(1) and 5, Public Act Number 77-605.

By order of the Commission,



Rev. Thomas J. Lynch
Chairman

Dated August 4, 1978