



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION 81-6

Attendance by a Legislator at a Meeting  
of a Lobbying Organization

The General Assembly's Environment Committee has been considering a bill which regulates the siting of hazardous waste facilities. A group of citizens concerned about hazardous waste facility siting has formed an organization to attempt to make the bill consistent with the views of the citizens. The organization has registered as a lobbyist in compliance with the Code of Ethics for Lobbyists, Chapter 10, Part II, General Statutes. Membership in the organization includes a large number of constituents of a legislator who is a member of the Environment Committee. His assembly district includes a portion of a town in which a hazardous waste facility may be established. The lobbying organization invited the legislator to one of its meetings. It was his understanding that the meeting was intended to be a strategy session at which preparation and management of amendments to the hazardous waste facility siting bill would be considered. After informal discussion with the Ethics Commission staff, the legislator declined the invitation. He was uncertain whether it was proper for him to participate in a lobbying organization's meeting at which amendments to a bill which had been before the Environment Committee would be the subject. Of particular concern to him was the fact that he had previously advised the Committee of his intention to offer some amendments of his own to the bill. The legislator has asked whether it would be in violation of the Code of Ethics for Public Officials or the Code of Ethics for Lobbyists, Chapter 10, General Statutes, of section 2-16, General Statutes, or of any other provision of law for a legislator to meet in a strategy session with a registered lobbying organization in order to conceive and develop strategy to affect a bill which is before the General Assembly or one of its committees.

Any statutory provisions applicable to the situation described above must be read with a couple of basic principles in mind. First, one of the duties of a legislator under our system of government is to represent in the General Assembly the interests of his or her constituents. Second, it is not only unobjectionable but appropriate and frequently useful for a legislator to discuss legislative matters with registered lobbyists.

The ethical provisions of the Code of Ethics for Public Officials, sections 1-81 through 1-86, General Statutes establish a violation of their terms only when some financial gain accrues to the public

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official or State employee, a member of the immediate family, or a business with which associated, as a result of action on the part of the official or employee. For example, disclosure or use of confidential information acquired by the legislator in the course of and by reason of his official duties would not, whatever other kind of offense it might represent, be a violation of the Code of Ethics for Public Officials unless the legislator were to expect as a result of the use or disclosure some financial benefit to himself, his immediate family, or a business with which he is associated. Because it does not seem possible in the case at hand for there to be the private financial benefit which is essential, under the Code, for a violation, there seems to be no problem under the Code of Ethics for Public Officials if the legislator were to attend a strategy session of a lobbying group. There is no reason under the Code why he cannot confer regarding any issue with any registered lobbyist, including a group registered as a lobbyist. When the group includes a substantial number of his constituents who are exercised about an issue, it seems not only ethical but politically wise for him to hear the views of the group and perhaps provide them his own. Thereafter, he may represent in the legislature the views of his constituents or of anyone else, so far as the Code of Ethics for Public Officials is concerned, provided he accepts nothing of value but his legislative salary for his legislative services.

Section 2-16, General Statutes provides that, with exceptions not pertinent, no member of the General Assembly shall appear as an attorney before that body, one of its houses, or one of its committees. This may well be a predecessor of the broader provisions, formerly contained in Chapter 9 and now in Chapter 10, Part I, General Statutes, aimed at preventing conflicts of interest on the part of legislators. The Ethics Commission, however, may interpret and enforce only a part, Chapter 10, of Title I, General Statutes. Subsections 1-81(a)(3), and 1-92(5), General Statutes. It is not empowered to determine the application, if any, of section 2-16 to the situation in question. Section 2-16 is within the jurisdiction of the General Assembly. If it requires interpretation the Attorney General, pursuant to section 3-125, General Statutes, would determine its meaning.

By order of the Commission,



Rev. Thomas J. Lynch  
Chairman

Dated

May 6, 1981