



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 86-5

Contributions to Fund a Legislator's Fact-Finding Trip

A legislator wishes to visit the other 49 state capitals in order to study state laws on marital dissolutions and their effects. He will be traveling with his family. He has asked whether he may, with propriety, solicit goods and services from corporations or individuals for the trip. The donor corporations and individuals would be ones having no interest in the issue of marital dissolution and its effects.

The response to the legislator's question depends to some extent upon whether the donors are registered as lobbyists under the Code of Ethics for Lobbyists, Chapter 10, Part II, General Statutes.

A public official or a member of his immediate family may not accept from someone known to be a registered lobbyist, or acting on behalf of one, a gift or gifts known to amount to \$50 or more in value in a calendar year. Subsection 1-84(j), General Statutes. (There is a corresponding ban on a registrant making such a gift or gifts valued at \$50 or more in a year. Subsection 1-97(a), General Statutes.) A legislator is a public official. Subsection 1-79(j), General Statutes. "Immediate family" includes spouse, dependent children, or dependent relatives residing in the public official's household. Subsection 1-79(e), General Statutes. There is a separate ceiling for each family member. Therefore, it would not be a violation of subsection 1-84(j) if the legislator, his spouse, and each of his children were to receive in a calendar year a gift or gifts valued at up to \$49.99 each from a single registrant or someone representing that registrant. Similar gifts could be accepted from other registered lobbyists without breaching the subsection.

The Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes, does not address the specific issue of receipt of gifts by public officials and their family members from other than registered lobbyists or their representatives.

It cannot be inferred that the prohibition against gifts aggregating \$50 or more by a lobbyist in a year permits any gift or gifts aggregating less than \$50, or that there is no limit on gifts which those who are not registered as lobbyists may make to a public official or member of his family.

No registered lobbyist may, for example, do anything with the purpose of placing any public official under personal obligation. Subdivision 1-97(c)(1), General Statutes. Cash or other gifts amounting to \$49.99 per parent and child could amount to a considerable sum for a family with several children. By soliciting contributions the legislator might encourage lobbyists to make donations in the hope that the legislator would feel placed under personal obligation, a violation by the lobbyists of the cited subdivision of the Code of Ethics for Lobbyists.

An analogous problem exists for any donor, whether registered as a lobbyist or not. It is stated that prospective donors, corporate and individual, would have no interest in the issue of the laws of marital dissolutions and their effects. The question arises as to why they would contribute to the legislator's fact-finding trip. It could be out of a pure sense of civic duty. On the other hand, donors might be expecting something in return. It is a violation of the Code of Ethics for Public Officials for anyone to offer or give to a legislator, his spouse, or child, or for a legislator to solicit or accept, anything of value based on the understanding that the official action or judgment of the legislator would be or had been influenced thereby. Subsections 1-84(f), 1-84(g), General Statutes. There could well be the appearance of a violation of one or both of these Code provisions if persons in Connecticut with no interest in the subject of the fact-finding trip were to help support it. The suspicion could be especially strong if the donors were concerned about legislation other than that affecting dissolution of marriages.

Section 1-92-51, Regulations of Connecticut State Agencies, does provide that the limitation on gifts by registered lobbyists to public officials and others does not prohibit 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. It is questionable, however, whether a donation to a single legislator, in support of a study which might result in a legislative proposal, could be construed to be a gift to the "legislature". Furthermore, the language of the section suggests that the exception is established because such a gift is not for the personal use or benefit of the public officials, or others listed in subsection 1-97(a), General Statutes. Certainly, donations to the travel expenses of a legislator's wife and children could not be considered gifts to the legislature to facilitate State action or functions.

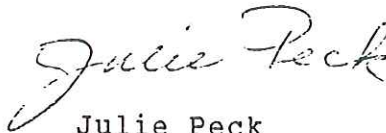
Finally, no matter how cautiously and carefully the legislator might express his interest in receiving support for a

study which could lead to improvement of some provisions of Connecticut statutes, there are likely to be corporations and individuals who feel that the legislator is using the power of his office to accomplish the financing of a family vacation. There could be the appearance of multiple violations of subsection 1-84(c), General Statutes, which forbids use of public office for the financial benefit of the public official or members of his family.

In summary, there appear to be few, if any, Connecticut individuals or corporations, or registered lobbyists from any state, that could contribute to the trip expenses of the legislator without creating the appearance, at the least, of conflicts of interests. Fewer still could contribute to the trip expenses of the legislator's family, for in their case there could not be any justification of facilitating legislative action or functions.

An unexceptionable source of funding for the legislator's expenses would be the General Assembly's appropriation. If the legislator is fulfilling a legislative purpose, then it would seem that the legislature, not the individual member, ought to pay his expenses. In the State Budget there is a line item for out-of-state travel by legislators. Alternatively, an acceptable source of outside funding would be a foundation which had no legislative concerns in Connecticut and no strong position regarding the issue of marital dissolutions and their effects. The former criterion avoids the ethical questions which contributions from most Connecticut corporations and individuals would raise. The latter criterion would help to prevent any concern about the legislator's independence of judgment being affected by what presumably would have to be a substantial grant. Some foundations undoubtedly would be willing to pay the travel expenses of the legislator's family, as well as his, if an acceptable grant proposal were submitted.

By order of the Commission,



Julie Peck
Chairperson

Dated May 8, 1986

