



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 91-17

Interpretation Of The Term "Members" As Used In Connecticut General Statutes §1-83(a)

Pursuant to Connecticut General Statutes §1-83(a), certain specifically enumerated state servants are required to file annual Statements of Financial Interests with the Ethics Commission. Additionally, this section grants the Governor the authority to designate "...such members of the executive department..." who also shall be required to file the annual disclosure statements with the Commission.

Under this statute, Governor Weicker has designated those positions which: 1. have an annual base salary of more than \$60,000 and/or 2. involve the exercise of significant policy-making authority. As a result of the Governor's decision, several hundred Executive Branch employees have been added to the list of those required to file §1-83 statements. Certain of these state employees have objected to the requirement, claiming that the Governor's authority to designate "...members of the executive department..." encompasses only public officials, not state employees. In order to resolve this question, Ethics Commission Supervising Attorney Rachel Rubin has asked the Commission to issue an advisory opinion interpreting the language at issue.

It is a fundamental rule of statutory construction that "...words and phrases shall be construed according to the commonly approved usage of the language..." Conn. Gen. Stat. §1-1(a). In the relevant context, "member" is commonly understood to mean "...one of the individuals composing a society, community, association, or other group..." Webster's Third New International Dictionary at p. 1408, G. and C. Merriam Co. (1971). Given this unambiguous definition, there exists no basis, under the rules of statutory construction, for accepting the claim that the unmodified term "members" extends only to the public official members, not the state employee members, of the Executive Branch.

This conclusion is further compelled by the legislative history, which makes clear that the drafters of the Code of

Ethics for Public Officials intended for the Code's financial disclosure requirements to encompass state employees. See, 20 H.R. Proc., part 16, 1977 Sess., p. 6448 (Representative Hendel, floor leader of the debate, in introducing the legislation stated "The Bill also requires open financial disclosure of financial interest by public officials, state officers and certain state employees...")

Based on the foregoing, the Ethics Commission concludes, without question, that the term "members" as used in §1-83(a) encompasses both public officials and state employees. The Governor's designation of certain Executive Branch state employees under this section is, therefore, within his statutory authority; and these individuals are hereby notified to file Statements of Financial Interests as required.

By order of the Commission,

Rabbi Michael Menitoff

Rabbi Michael Menitoff
Chairperson

Dated 5-6-91