



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-24

Application of Conn. Gen. Stat. §1-84(i) to
Contracts Specifically Awarded by the Legislature

The Honorable Brian Lensink, Commissioner of the Department of Mental Retardation, has asked the Commission to issue an advisory opinion on whether Conn. Gen. Stat. §1-84(i) applies in the following situation.

On occasion, the legislature identifies within the Department's appropriations act specific private agencies which are to receive funding for particular programs. Since the legislature specifically designates these agencies to receive funding, their contracts with the State are not awarded through an open and public bid process. Occasionally, one of these designated agencies is a business with which a state employee, public official or member of his or her immediate family is associated.

Conn. Gen. Stat. §1-84(i) states:

"No public official or state employee or member of his immediate family or a business with which he is associated shall enter into any contract with the state, valued at one hundred dollars or more, other than a contract of employment as a state employee or pursuant to a court appointment, unless the contract has been awarded through an open and public process, including prior public offer and subsequent public disclosure of all proposals considered and the contract awarded. Nothing in this subsection shall be construed as applying to any public official who is appointed as a member of the executive branch or as a member or director of a quasi-public agency and who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of his duties unless such public official has authority or control over the subject matter of the contract."

Conn. Gen. Stat. §1-84(i) delineates several situations to which it does not apply, i.e., court appointments, contracts under \$100, etc. There is no exemption in the statute for contracts awarded by the legislature to a specific private agency. "The careful delineation of the bounds of-[an] exemption gives unusual force to the principle that the express mention in a statute of one exemption precludes reading others into it." Connecticut Light & Power Company v. Walsh, 134 Conn. 295, 301 (1948).

Contracts which are specifically awarded to private agencies by the legislature are not exempt from Conn. Gen. Stat. §1-84(i). Therefore, if the legislature chooses to award a contract to a business with which a state employee or public official is associated, either the state employee, public official or member of his or her immediate family may not remain associated with the private agency or the organization cannot accept the contract.

By order of the Commission,



William A. Elrick
Chairperson

Dated 9/11/89