

Legislative History for Connecticut Act

<u>SB548</u>	<u>(PA822)</u>	<u>1971</u>
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2874-3413

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Classes would go to museums or etc, but, here, we're setting up an entire program where children do not have to go to school. Do not have to get a formal education. And those of us who have been in school and seem to recall when you do take these trips, to museums and so forth, children learn something, yes. Because exposure to a museum does teach something. But, it doesn't teach you a heck of a lot.

Without the formal education, I think that we're just loosing the education of our children. I oppose this bill.

THE CHAIR:

Question is on passage of the bill, as amended. Will you remark further? If not, all those in favor of passage of this bill signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 1027. File 1421. Favorable report of the joint committee on General Law. Substitute for Senate Bill 317. An Act To Grant Full Rights and Privileges to Eighteen Year Olds.

SENATOR STRADA AVAILABLE.

SENATOR CALDWELL:

MAY this be passed temporarily?

THE CHAIR:

So ordered.

THE CLERK:

CAL. NO. 1080. File No. 1518. Favorable report of the joint committee on Judiciary. Substitute for Senate Bill 548. An Act Concerning a Code of Ethics.

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SENATOR JACKSON:

Mr. President, through you, to the Clerk, did we pass on page 4, Cal. 976?

THE CHAIR:

I have no marking on that. Do you wish to take that up at this time?

SENATOR JACKSON:

NO. We'll take the one that was just called out.

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This is a most important bill. It sets up a code of ethics for members of the general assembly, all the employees of the general assembly, members of the Executive Department and all employees of the Executive Department and it also covers employees of the Judicial Department. It spells out as clearly as I believe can be spelled out in written language. Some of the things which constitute a conflict of interest for any member of the General Assembly or the others who are covered under this bill.

Specifically it covers any member of the General Assembly or anyone in partnership or associated with him, either in incorporated or corporated business entity. And it provides that no such person shall appear before various State Agencies, such as the Banking Commission, Insurance Department, Liquor Control Commission, Motor Vehicle Department and several others which are spelled out in the bill.

The bill also states that, no legislator shall vote on any matter in which he has a personal interest. The bill also provides to spell out the fact that not necessarily a conflict of interest where the legislator or member or person subject to this bill, has an interest which would be

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effective the same as any other member of the profession or organization.

If a person feels that he cannot vote and this referring to the members of the legislature, they can so note and be excused by presiding officer in much the same way as you can at the present time, under Rule 15.

We have a joint legislative ethics committee, which is set up, which is bi-partisan. And the bill provides that at least six out of the eight members of that commission, shall have to take affirmative action, on any complaint before the matter is referred to the General Assembly.

The General Assembly is given the power of impeachment by the Constitution and this bill, provides that in addition to impeachment proceedings, people can be removed from office, they can be censured.

I would point out that the committee, on written complaint has investigatory power, with the power to compel production and attendance to take evidence under oath. If in the opinion of the committee, facts do not warrant the complaint will be dismissed. However, if there is after an investigation and a probable cause exists, it shall hold a hearing not later than 30 days after the finding.

One other very important part of this bill, is the fact that, everyone subject to the bill with the exception of those under the State Personnel Act are required to file a sealed disclosure on any matters where there might possibly be a conflict of interest.

And lastly, I think and this is a very important facet of the bill. In paragraph or section 13, advisory committees, advisory opinions of the committee can be obtained by any member of any person covered under this bill, who has doubt as to the consequences as far as the bill is concerned of any action or any financial holdings, which might constitute a conflict.

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I think this is a very important bill. It provides a code of ethics, really for the first time, in written form. And I would also point out that it takes effect on January 3, 1973, which is the date of the next general assembly sworn in. This will not take effect until that date.

Mr. President, I urge passage of this bill.

THE CHAIR:

Will you remark further?

SENATOR DOWD:

Mr. President, I rise to support this bill and to associate myself, with the remarks of the distinguished Senator from the fifth. I agree wholeheartedly, this is a very important bill. Important in a number of ways. It's important to each one of us, who invariably, confront difficult situations where using the best method of ethics, we are not quite sure what is, in fact, or more than likely regarded as conflicts. This is why, I'm particularly pleased with the section about advisory. I'm pleased with this bill because I think it's important from the public viewpoint. This is another bill, whose time has come. I think the confidence of the General Assembly on the line and this is a very real step in that direction.

SENATOR HAMMER:

Mr. President, I rise to support this bill. I've had for a number of years, a bill in, which never went anywhere, that would have taken care of one section of this code of ethics. And that was the one that, prohibits members of the General Assembly from appearing in legal capacity before a certain commission or agencies of the Executive Branch, which have to do with licensing. I'm delighted to see a section here, which covers this portion. I have a question, I would like to ask Senator Jackson, it's in section 4,

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where the joint legislative ethics committee is discussed. I see here, that said committee shall serve until the next session of the General Assembly, is convened. This is very short period. We're used to thinking of committees of this sort, being set up on the basis of our legislative sessions being held every two years. Does this really mean that such a committee, will only endure until the February of the coming year or was this an oversight?

SENATOR JACKSON:

Mr. President, through you to Senator Hammer. I believe that the legislative intent on this section, line 102 and 103 is that the committee will serve once you inaugurate the system, this will take effect on January 3, 1973 and it is my opinion, that this will cover the period from January 3, 1973 until January, 1975. So that you're going to have a committee which is going to cover the legislative two year period.

SENATOR HAMMER:

Mr. President, it doesn't seem to say that. It says, said committee shall serve until the next session of the General Assembly convened. That looks to me like a one year tenure.

THE CHAIR:

Will you remark further? If not, all those in favor of passage of the bill signify

SENATOR HOULEY:

Mr. President, very briefly, I intend to support this and certainly vote for it. But, I do want to point out that it's a very stern bill upon any number of us. And that probably is an understatement. I think it ought to be identified. For example, as you may know, I'm in the jewelry business. And in 1958, I developed a very small piece of business with the State of

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Connecticut, with the Motor Vehicle Department about a 350 dollar order. Every year, they order or every other year they order 50 or 60 type r's that says motor vehicle with the State of Connecticut seal on it.

Now, this is not, in this particular instance, going to make or break me, nor the income to my family. But, I think I will certainly not indulge in that particular order in the future because of this bill. It's a very small matter and I could go on and on. But, the hour is late and the point I wish to make, Mr. President, while I support the bill, it's a very, very strict bill. And I think in all fairness, I can say this where perhaps many members of this circle, cannot say it. Because they are, indeed, members of the law profession. It makes it extremely difficult to serve in this General Assembly if you are, in fact, in the law profession and still maintain a economy for your own family. I think that ought to be identified. I think passage of this bill which is very self-evident, is above and beyond the call of duty for many members of the General Assembly, Mr. President. I think I have the privelege of making that remark in that, noone can point the finger and say, therefore, that it's a conflict of interest on my part.

THE CHAIR:

Question is on passage of the bill. Will you remark further? If not, all those in favor of passage signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 1027. File No. 1421. Favorable report of the joint committee on General Law. Substitute Senate Bill 317. An Act To Grant Full Rights and Privileges to Eighteen Year Olds.

SENATOR STRADA:

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THE CLERK:

Page 13, Cal. 1622, Sub. for S.B. 548. AN ACT CONCERN-
ING A CODE OF ETHICS.

THE SPEAKER:

Representative Carrozzella of the 81st.

MR. CARROZZELLA: (81st)

I move acceptance of the Joint Committee's favorable
report and passage of the bill.

THE SPEAKER:

Would you remark.

MR. CARROZZELLA: (81st)

Mr. Speaker, it has been a long time getting to the bill.
But here it is, quarter after eleven, the last night and we are
now about to debate one of the most important bills that faces
this session. The Judiciary Committee has brought out a Code
of Ethics which I submit to you, Mr. Speaker, is one of the
most comprehensive code of ethics in the country. It seeks not
only to prohibit conflicts of interest but any appearance of
conflicts of interest. It recognizes, Mr. Speaker, that we
as elected public officials and that public employees have the
highest fiduciary duty. A public office is truly a public trust.
Mr. Speaker, the integrity of public officials in this Legis-
lature is only applicable if there is public confidence in us the
General Assembly and all other public officials. Now Mr. Speaker,
I am not going into the bill at all because I am sure that every
member of this House has read the contents of the bill form page

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one to the end. They know what the bill does. I know what the bill does. The people of this State know what this bill does. Very briefly, Mr. Speaker, what it does it sets in statutory form Rule 18 of this House of Representatives. I submit to you, Mr. Speaker, that this is a bi-partisan effort because the subcommittee of two Republican members of this House, Rep. Sullivan and Rep. Smyth worked long and hard on this bill. They have fulfilled their responsibilities to the people of this State in drafting the bill and I submit to you, Mr. Speaker, that we now fulfill our responsibilities by voting in favor of this bill to fulfill our responsibilities to the people of this State. Mr. Speaker, I move acceptance and passage of the bill.

THE SPEAKER:

Representative Sullivan of the 130th.

MR. SULLIVAN: (130th)

Mr. Speaker, I rise in support of this bill and echo the remarks made by the distinguished House Chairman of the Judiciary Committee. More than a month ago, Mr. Smyth and I were appointed to the task of preparing legislation to present on the floor of this House concerning the question of ethics and conflict of interest. When that task was given to us, we began a comprehensive survey of the 26 states within this United States that have legislation in this area. This bill was refined, discussed, torn apart and rewritten within the Judiciary Committee and I would be remiss as I stand here now if I did not pay tribute to leadership of the distinguished representative from Walling-

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ford, Mr. Carrozzella, and the distinguished senator from West Hartford, Jay Jackson, who with their patience and understanding helped to form this legislation which is now pending before us. I can quite readily say that this is not a perfect bill but Mr. Speaker, this is probably the most difficult field in which to prepare legislation that is facing us in this House. This bill does represent a conscientious attempt on the part of the Judiciary Committee to present a workable solution within a very difficult field. We have heard during this session of the General Assembly much talk about upgrading the Legislature to make it a co-equal branch with the Executive. Prior to the time and I have been privileged to be a member of this august body, other legislation was enacted which created the Office of Legislative Management. We have done much during this session to upgrade the technical operation of handling legislation. I submit to you, sir, and to the members of this body that this legislation is just as important to upgrade our public image in the State of Connecticut. I do not believe that there is really any serious conflict of interest existing in this Body at the present time but that is not really the purpose of this legislation. The purpose is to avoid the appearance or semblance of any conflict of interest or breach of ethics. I think the public expects that of us and we have a duty to give it to them. There is no way that we can avoid completely conflict of interest unless we are willing to go into the Republic of Plato where the philosopher kings were allowed to run the republic and they were forbidden to accumu-

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late wealth. But in a Democratic and free enterprise society each of us earns his living, each of us is a consumer and most of the items if not all of them that present themselves to us here for our action present a conflict in one way or another. We have to rise above those and I think, sir, in the main, we do. But this bill, I submit is a fair and reasonable bill. It will well signify to the people of Connecticut that this Legislature has come of age, and it is quite ready and willing to take action to keep its own house in order and to prevent an appearance of any unorderlies in here. I urge passage of the bill.

THE SPEAKER:

Further remarks on the bill. Representative Dooley.

MR. DOOLEY: (47th)

Mr. Speaker, I rise in support of this bill. This proposed legislation is a product of weeks of effort by the Judiciary Committee and represents a high water mark in legislation of this type. This bill is setting forth guidelines for the conduct of not only members of the General Assembly but for members of all three branches of government, is by no means a substitute for the personal integrity and honesty on the part of our public servants. There is not now nor shall there ever be a substitute for those thousands of citizens who every day place the interest of our state and our towns above personal gain. But by enacting this legislation, we are underscoring the need, a very pressing necessity, to establish a framework, a guideline if you will for the conduct of our public servants. Mr. Speaker, I believe tonight

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we should face a fact and that fact is that this bill has been debated and discussed, drafted and redrafted and any attempt to amend this bill tonight is to seal its death certificate. Unless this bill is passed in its entirety without amendment, it is dead and that is tragic for our citizens. I believe it is very fitting and very proper that on the final night of our session we establish these criteria and embark on the road to self-regulation. This is good law, the very best of law and deserves our unanimous support, without amendment. I urge its passage.

THE SPEAKER:

Further remarks on the bill. Representative Spiegel.

MR. SPIEGEL: (126th)

Mr. Speaker, I rise in support of this bill. I think it is a matter which is long overdue. I think it is an excellent piece of legislation and I also would commend the gentlemen who spent innumerable hours in putting it together. But before acting upon it, sir, I feel that there are some glaring deficiencies in the bill and for this reason I must offer an amendment. I believe the Clerk has an amendment.

THE SPEAKER:

The Clerk is in possession of seven amendments.

MR. SPIEGEL: (126th)

Mine, number one.

THE CLERK:

House Amendment Schedule A offered by Mr. Spiegel of the 126th. In line 3, delete the word and. In line 4 after the word

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department, insert a comma and add the following language:
and no officer or member of the state central committee or town
committee of any political party.

THE SPEAKER:

Question is on adoption of House Amendment Schedule A.
Representative Spiegel.

MR. SPIEGEL: (126th)

I urge adoption of this amendment and so that you will understand what it does - it adds those persons who are prohibited from exercising or attempting to exercise undue influence members of state central committees and members of local town committees or officers thereof. Now all of you, I know, are very proud to be members of this General Assembly and all of you like myself have one vote on this particular subject. However, when we go to our state central committeemen who may have as many as 10 or 12 representatives in their district who go to state conventions with many more

THE SPEAKER:

Will members give their attention to Representative Spiegel. Will the aisles be cleared. The aisleway near the doorway be cleared. The gentleman from the 126th.

MR. SPIEGEL: (126th)

I submit, sir, that when we go to a convention where the candidates are named, it is not you nor I, nor a Senator who controls the vote, it is the state central committeeman or the big city town committee chairman who has the number of votes

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which will enable him to make appointments, to control patronage, to see which candidates are on a ticket or off a ticket. And I submit, if you really want to get to the base of the problem of avoiding undue influence, the avenue to follow is to also prohibit members of political parties that hold office in that political party from also participating in any of these prohibited activities. I move adoption of the amendment and I ask you, sir, that when the vote is taken it be taken by roll call.

THE SPEAKER:

Question is on a roll call. All in favor indicate by saying AYE. Opposed. A roll call will be ordered.

The gentleman from the 43rd, speaking on Amendment A.

MR. LEARY: (43rd)

Mr. Speaker, very briefly. First of all, my good friend Mr. Spiegel, I would say this to you that nobody controls my vote at a state convention, including my town chairman, my state central committeeman who happens to be both and the same person. Mr. Speaker, let's not kid ourselves. We need an ethics bill for the General Assembly. The public demands it. And if we amend this bill, we are killing the bill because it is too late to get it passed. Time is running out. We have 35 minutes. I urge defeat of this amendment.

THE SPEAKER:

Further remarks on Amendment A. Rep. Carrozzella.

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MR. CARROZZELLA: (81st)

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Mr. Speaker, very briefly. I rise to oppose the amendment. I submit to you sir that the bill does not become effective until January 3, 1973. If there is any reason to amend the bill, it can be done next year. I submit that we should pass the bill tonight and if there are amendments needed we will make the amendments next February. If we vote in favor of the amendment, we kill the bill. I oppose the amendment.

THE SPEAKER:

I urge themembers to be seated so we can proceed with the vote on the amendment. There are six other amendments and other calendar business. The gentleman from the 6th.

MR. RITTER: (6th)

Mr. Speaker, I favored this as an amendment to the bill when this was in committee. I think it is a good amendment. However, I favored other amendments too which I think would have strengthened the bill but I can't support the amendment at 11:30 the night when we constitutionally close shop in a short time because it will only kill the bill. I urge Mr. Spiegel as a person who has a lot of faith in this House, who has demonstrated his concern for this House to withdraw this amendment as I urge anyone else who has introduced amendments to withdraw them so that we may take action tonight on this bill. Then we will have between now and the first of January of 1972, excuse me 1973, to amend this. We will have plenty of time to amend it. The bill does not become operative until January 1, 1973. I plead

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location assistance programs in the State of Connecticut. It's a good bill and it ought to pass. roc

THE SPEAKER:

Question is on acceptance and passage. All those in favor indicate by saying AYE. Opposed. THE BILL IS PASSED.

The gentleman from the 118th.

MR. AJELLO: (118th)

Mr. Speaker, I move that Cal. 1622, ^{sub. SB-548} the bill under debate be taken from the table and that we resume debate.

THE SPEAKER:

The gentleman from the 81st.

MR. CARROZZELLA: (81st)

Mr. Speaker, I would submit to you, sir, that these amendments that are being offered are delaying tactics. It is now five minutes to twelve. I think we have debated this bill long enough. I would point out respectfully to the members of this House that this bill does not go into effect until January 3, 1973 and the Judiciary Committee will be in session during the interim, we will be in session next year in February, we will take into account all of these amendments. Therefore, Mr. Speaker, I would move the previous question.

THE SPEAKER:

The question is not debatable. The question is to move the question. All those in favor indicate by saying Aye. The question is moved. Question now is on acceptance and passage. Will you remark further on the bill. Question is on acceptance

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and passage. All those in favor indicate by saying AYE. Opposed
THE BILL IS PASSED.

The gentleman from the 118th.

MR. AJELLO: (118th)

Mr. Speaker, the distinguished Chairman of the Committee on Education has a bill which he wishes to bring before us, if he would direct the Clerk's attention to the matter, we will take it up at this time.

THE SPEAKER:

Representative Klebanoff of the 9th.

MR. KLEBANOFF: (9th)

Mr. Speaker, I move suspension of the rules to consider a bill that was just passed by the Senate. Senate Bill 1839.

THE SPEAKER:

Is there objection to suspension of the rules. Hearing none, the rules are suspended. The gentleman from the 9th.

MR. KLEBANOFF: (9th)

Mr. Speaker, I urge acceptance and passage of this bill in concurrence with the senate.

THE SPEAKER:

Will you remark.

MR. KLEBANOFF: (9th)

Mr. Speaker this bill just sets the time limit of December 31, 1971 for a report to be filed by the Commission to Study Opportunities for Noncollege Bound Students and I urge its passage.