

Legislative History for Connecticut Act

SB 592

PA 302

1976

Senate : P. 2523 - 2533

House : P. 4230 - 4254

Leg. Mgmt. : P. 22-24, 28-30, 35-36, 47

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CONNECTICUT
GEN. ASSEMBLY

SENATE

PROCEEDINGS
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take up Cal. 768. Continuing on page ten, under the heading of Committee of Conference, we will take up Cal. 787. Under the heading of Unfavorable Reports, Petitions, we will take up Cal. 763. On page eleven, I would like to mark Cal. 873, pass temporarily, pending discussion with the parties involved.

THE CLERK:

Turning to page three of the Calendar, bottom item on the page. Cal. 552, File 569. Favorable report of the joint standing committee on Legislative Management. Substitute for Senate Bill 592, AN ACT CONCERNING THE ESTABLISHMENT OF AN OFFICE OF LEGISLATIVE LEGAL SERVICES AND THE ELIMINATION OF THE LEGISLATIVE COMMISSIONERS.

THE PRESIDENT:

Senator Strada.

SENATOR STRADA: (27th)

Mr. President, I believe the Clerk has an amendment.

THE CLERK:

The Clerk has Senate Amendment Schedule A, File 552, Substitute Senate Bill 592, LCO 2793, copies are on the desks of the senators, I believe.

THE PRESIDENT:

Senator, would you move the bill?

SENATOR STRADA:

I would first move for adoption of the bill, if I may

THE PRESIDENT:

Will you speak on the amendment?

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SENATOR STRADA:

Yes, I will, Mr. President. Mr. President, this amendment, I want to give a little history, if I may. All of us are aware of it. The Legislative Management Committee, back last May or so, appointed a subcommittee of legislative management to study the evaluation of the legislative commissioners office, the entire bill drafting process. There were two Senate members and two House members. It was a bipartisan commission. The Legislative Commissioners Office was studied by our committee. We held public hearings. We held hearings in executive session that dealt with personnel. And after several months, the committee made a recommendation to the Legislative Management Committee itself that the structure of the LCO office should be changed and that a full time, nonpartisan legislative commissioner should be appointed with a deputy. Mr. President, it was obvious last week, when we discussed this bill, that the votes for such a concept were not in this circle and after much caucusing a further recommendation was made, again recommending full time legislative commissioners, but appointed on a partisan basis. Without going into a lengthy discussion on it, I can just tell you that again the votes to pass that concept in this circle were not there, which leads us to the amendment that we have before us today, which would address the problem or, let me say, the alleged problems that have been cited with respect to the legislative commissioners office, in terms of some alleged conflicts of interest. This amendment would prohibit the legislative commissioner from

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representing anyone on the outside really who is lobbying here in the halls of the House and the Senate with respect to legislation. That's the concept. It addresses itself to the problems that were aired over the past several months which received much notoriety. The second part of the amendment states that when the legislature is not in session and there is a vacancy, then the vacancy will be filled by the joint standing committee on legislative management, that the act will take effect on passage. May I just say to you, speaking of the situation of the commission itself, that this is a compromise obviously, but we did want to address ourselves to the area and we feel that the amendment will do that. I would urge its adoption.

THE PRESIDENT:

Are there further remarks on Senate Amendment Schedule A? Senator Rome.

SENATOR ROME: (8th)

Mr. President, I don't know whether I should rise for or against the amendment, but I will save a lot of aggravation later by speaking about the bill and the amendment at this point. The amendment would lead us to believe that there were some specific problems dealing with the commissioner and only the commissioner that had to be addressed by this General Assembly and Senator Strada well knows, as a member of the commission that examined the LCO office, the legislative commissioners office, that the problems weren't with one

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commissioner or with both commissioners. The problem was with the LCO office completely. The problem was in that that office did not have a single leader that it could point to and suggest that's the chain of command, that's where the huck stops, that's where we report, that's where we get our information and that's how we ought to follow the direction of good legislation. We are the only partisan legislative drafting office that I know of in the United States and if you talk to those who have been in that office before, either those who promote the retention of the bi-partisan system or those who advocate a change, I am sure Senator Strada would indicate to you, as I felt very strongly, that as they talk they were more and more convincing for the need for a change to a single head of their office, nonpartisan, and the retention of all of the nonpartisan amenities that other states have in the bill-drafting process. The bill that we brought out was not a panacea. It would not have ended the problems of moral. It would not have ended the problems of draftsmanship, of inadequate pay to members of that office, but it would have addressed most of those problems and it would have created a more, professional staff with, I believe, less moral problems and less dissension in the future. I want to make it abundantly clear that this is one of those motherhood amendments. You can't vote against it, but if to vote for it suggests that I am going to blame one legislative commissioner or even both legislative commissioners and try to address ourselves to the problems that

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were complained of against a particular commissioner, then I want to disassociate myself with that kind of a situation. As far as I am concerned, the performance of any individual in the position of legislative commissioners office, either this year or in other years, has no relevancy, none whatsoever to my vote on the amendment and my vote on the bill. I am disappointed because I never worked on a committee which had less partisan concern than on the four-member committee, Senator Strada, myself, Representative Nevas and Representative Vicino. We never concerned ourselves with politics and never really concerned ourselves with personalities during the entire deliberations. I had a feeling but I didn't know that from time to time all of us felt, yes, we should go partisan, no, we shouldn't; but without ever discussing it, the more evidence we heard, the more confirmed we were that the LCO bill that we brought out, the original bill, calling for an end to the partisan office was the best way to proceed. It still is the best way to proceed. I have a lot of confidence in the other three members. I respect the kind of work they put in. I respect the fact that so many people who work in that office, who work downstairs, who complained about moral problems to us in confidence and in on the record put their heart and soul on the line really suggesting to us that there ought to be some changes. Sure there are some people who don't want change. Many people don't like change because they prefer to live with a system that they know is evil for fear that they may get

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something they can't work with by way of a substitution. Some people just oppose change because they fear change. I don't oppose change in this case because I don't fear change. I think the change suggested by the committee chaired by Senator Strada was the direction we ought to have headed in. I think it shows a lack of understanding of the problems, past, present and future, in the LCO office that we do not make the change at this time. I, again, abundantly clear, I do not have any concern that we have to pass an amendment or any legislation to correct a problem with any individual commissioner. As far as I am concerned, the problem is with the office and not with any particular commissioner. The amendment, unfortunately, doesn't recognize that. I'll vote for the amendment. It's a motherhood amendment but I wish it hadn't been here and I wish we would be voting on the bill.

THE PRESIDENT:

Senator Strada.

SENATOR STRADA:

Mr. President, if I may, I first want to associate myself with the further remarks of Senator Rome. Everything he says, in my mind, is true. I also want to publicly thank him for his service on this commission, along with the other members. I can tell you we spent seven months and we had numerous hearings and what he says is very true, because he knows it and I know it. It's difficult to convince other legislators, but it's true. WE would have made that recommendation to change the structure and

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to appoint a full-time nonpartisan director, irrespective of any publicity, irrespective of any allegations made with respect to any commissioner, we did it because we thought it would be moving in the direction of a professional office. We are the only state in the country that still retains the bipartisanship. There is a difference of opinion among our colleagues and, of course, we have to abide by the majority and that's why the amendment is here. It's the best that we are able to put before you that can be adopted but it is not what we wanted, but still I am for the amendment.

THE PRESIDENT:

Senator Schwartz.

SENATOR SCHWARTZ: (28th)

Mr. President, while I was one of the people who gave testimony at some of the preliminary hearings suggesting a single nonpartisan director of the office of legislative commissioners or whatever it might become if such a change were made, I also made many other suggestions at the time that I felt were integral and to any change from a partisan to a nonpartisan leadership and I feel that without those other changes it is necessary to keep the partisan nature of the office as backward as that may seem in comparison to those of other states. My suggestions at the time that I gave testimony were that any committee business should be handled by partisan counsel, assigned specifically to each committee, and that the legislative commissioners office or their successor agency should merely

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be there to draft individual legislators bills before they are submitted and also to act as an expert in a particular field of legislation for purposes of assuring there were no flaws in the drafting of legislation; but I feel as long as the committee's business is going to be performed by the legislative commissioners office that we can't dismiss partisan politics from the office. And therefore, I feel that we have to maintain the two commissioners until such time as we have resources enough to have both an office of legislative legal assistance and partisan counsel for the committees. Therefore, I, too, am reluctant to keep the system, but I know that our fiscal resources don't enable us to do anything but to tighten up any conflict of interest provision that may be necessary to insure proper handling of the office. I do wish that we have the money to provide for partisan counsel to committees because I think they would be necessary and helpful both in terms of load and in terms of the ability of the committee to effect changes in proposed legislation before they were reported to the floor. But until that time does come, I think the two partisan commissinners are a necessity and I will support the amendment.

THE PRESIDENT:

Senator DeNardis.

SENATOR DENARDIS: (34th)

Mr. President, as a member of the Legislative Management Committee, I was involved in some of the activities that Senator Strada has described, at least in terms of authorizing the

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study and reviewing the work of the study from time to time. I find what Senator Strada describes as the best amendment at this time is not good enough, not by any manner or means is it good enough. This is a very serious, very important subject about how we conduct our business here. It goes to the very heart of the legislative process and this amendment, however, well-intentioned to represent something is a very weak, very poor cop-out. I'm sorry that it has come to this because I think that Senator Strada and Senator Rome have done a superb job in trying to analyze the defects that we have in our legislative commissioners office and came up with some very good recommendations. It is just too bad that politics is such that this is the best we can do, but this best we can do is not good enough at all.

THE PRESIDENT:

Senator Strada.

SENATOR STRADA:

Mr. President, you know the words cop-out always seem to stir me up a little. I don't know why, but, I would only suggest to you, to Senator DeNardis, that if he has eighteen votes right now that will vote for a full-time, nonpartisan legislative commissioner, I will withdraw this amendment and introduce the other one.

THE PRESIDENT:

Senator Rome.

SENATOR ROME:

Mr. President, I might have inartfully spoken and failed

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to suggest that there are some good things happening in that office too. One of my colleagues in the Senate indicated that I suggested that sometimes we resist change even when we know evil exists. That was a kind of a generality and I make no illusions that evil exists in the office but I do make the suggestion that there are changes that could have been made and should be made which won't be made that I think are important. What I did point out during the hearings, what Senator Strada and I both pointed out, is that there are some very good people in that office. There are some very well meaning people who do super work, but their work is not as effective as if, in fact, that office would be conducted, in our opinion, in at least, my opinion, with better direction from the top because it would be nonpartisan direction. I am not sure that bipartisan direction can any longer be the answer and in other states when we have gone to nonpartisan head of the office, single head, it has appeared to work. I am sure that there can be disagreement but that's my strong feeling and I believe it is the strong feeling of those persons who have thought and spent the hours considering this specific problem and most especially the members of the commission.

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THE PRESIDENT:

Will you remark further before voting on the amendment? The question then is on the adoption of Senate Amendment Schedule A. All in favor please say Aye. Opposed say Nay. The Ayes have it. AMENDMENT A IS ADOPTED.

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SENATOR STRADA:

I would then move that the bill, as amended, Mr. President, and it is a substitute bill also. I would just move its passage and if there are no objections, I would have it placed on the CONSENT CALENDAR.

THE PRESIDENT:

It has been moved to the Consent Calendar. Do you object? Hearing no objection, the matter is placed on the CONSENT CALENDAR.

THE CLERK:

Turning to page six of the Calendar, Cal. 835, Files 737 and 845. Favorable report of the joint standing committee on Appropriations. Substitute for House Bill 5020, AN ACT CONCERNING A GUARANTEED TAX BASE PROGRAM TO FINANCE PUBLIC ELEMENTARY AND SECONDARY EDUCATION AND A DAILY LOTTERY GAME, AS amended by House Amendment Schedules A and B,

THE PRESIDENT:

Senator Houley.

SENATOR HOULEY: (35th)

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill.

THE PRESIDENT:

Will you remark?

THE CLERK:

The Clerk has an amendment.

SENATOR HOULEY:

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THE SPEAKER:

Will you remark further? If not, will the members please be seated and the staff come to the well. The machine will be open. Have all the members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally.

The Clerk please announce the tally.

(record
15)

THE CLERK:

Total Number Voting.....	143
Necessary for Passage.....	72
Those Voting Yea.....	105
Those Voting Nay.....	38
Those Absent and Not Voting.....	8

THE SPEAKER:

The bill as amended is PASSED.

MR. O'NEILL (34th):

Mr. Speaker, I move for suspension of the rules for the immediate transmittal to the Senate.

THE SPEAKER:

Is there objection? If not, the rules are transmitted--the rules are suspended and the bill is transmitted forthwith.

THE CLERK:

Calendar No. 1091, substitute for S.B. No. 592, An Act Concerning the Establishment of an Office of Legislative Legal Services and the Elimination of the Legislative Commissioners, as amended by Senate Amendment Schedule "A", File No. 569.

MR. VICINO (78th):

Mr. Speaker, I move for suspension so that this body may consider this bill.

THE SPEAKER:

Is there objection? Hearing none, the rules are suspended for immediate consideration.

MR. VICINO (78th):

Mr. Speaker, I move acceptance of the committee's joint favorable report and passage of the bill as amended by Senate Amendment Schedule "A".

THE SPEAKER:

Question is on acceptance and passage in concurrence as amended.

MR. VICINO (78th):

Mr. Speaker, I move adoption of Senate Amendment "A".

THE SPEAKER:

The Clerk please call Senate "A".

THE CLERK:

Senate Amendment Schedule "A", LCO No. 2793.

MR. VICINO (78th):

Mr. Speaker, I request permission to summarize.

THE SPEAKER:

Is there objection to the gentleman from the 78th summarizing Senate "A" in lieu of reading? Hearing no objection, the gentleman from the 78th for that purpose.

MR. VICINO (78th):

Mr. Speaker, the bill--the amendment before us, Senate Amendment "A" is, in fact, the bill, and I bring this amendment to this House with mixed emotions. The bill in front of us is a bill that a subcommittee, a bipartisan subcommittee worked since last June and developed recommendations to

not only reform but to streamline the operation of the legislative commissioner's office. And one of our recommendations at that time, sir, was that we eliminate the partisan commissioners. The subcommittee was unanimous in its decision and as a result of that, a bill was drafted and passed by legislative management committee, sent to the Senate where it was amended. And the amendment is now before us.

Because of the lateness of the session and because we do need the little that is left in this amendment, I would suggest that we pass this amendment. But I would like to tell you a little bit about the amendment.

The amendment would prohibit legislative commissioners or any of their law partners, associates or employees from having a registered lobbyist as a client. Now, I don't think there's a member in this chamber that recognizes the reason that this language is before us. The other part of the amendment that is before us is that is important is that it allows this legislative body represented by the legislative management committee to appoint the legislative commissioner during the interim if a vacancy does exist. With those two provisions which I think are extremely important and because of the lateness of the session, we can salvage part of what we initially started off to do and that was way back in June after we adjourned from the last session. I would hope that this chamber would consider accepting this amendment and pass the bill.

MR. DICE (89th):

Mr. Speaker, I'm definitely in favor of the bill as submitted here but I have a question to the gentleman who brought out the bill.

THE DEPUTY SPEAKER IN THE CHAIR

THE DEPUTY SPEAKER:

Please frame your question.

MR. DICE (89th):

As I understand it, Mr. Vicino, what it says is that the commissioner cannot represent the lobbyist, the person who registers with the Secretary of State to represent an organization. Can the legislative commissioner represent the organization, the company or the employer of the lobbyist?

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

MR. VICINO (78th):

Would you repeat the question, please.

THE DEPUTY SPEAKER:

The gentleman from the 89th, would you please repeat your question.

MR. DICE (89th):

Through you, again, it's my understanding that the bill says that the legislative commissioner, his partner or associate cannot represent the lobbyist, the person that registers with the secretary of state in and becomes a lobbyist. Can the legislative commissioner, the partner or associate represent the lobbyist employer that is the corporation, the association, the person who employs the lobbyist.

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

MR. VICINO (78th):

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No sir. It is my understanding that they cannot and I believe that's section 2-45 which addresses itself to legislative appearances would clarify that.

THE DEPUTY SPEAKER:

The gentleman from the 89th has the floor.

MR. DICE (89th):

Mr. Speaker, through you, I have 2-45 in front of me and I also have the bill. I would respectfully request the gentleman to point out where in 2-45 or the bill it says the legislative commissioner cannot represent the employer of the lobbyist?

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

MR. VICINO (78th):

Would you be, if I may through you sir, would you clarify the definition of the employer of the lobbyist?

THE DEPUTY SPEAKER:

The gentleman from the 89th, please clarify.

MR. DICE (89th):

Well, under the section 2-48, it indicates that the individual who is going to promote business or promote legislation is to register and point out what organization he represents and what particular piece of legislation he is opposed to or going to promote. And I would say that the individual who pays the compensaion for lobbyist under that definition is clearly the employer.

MR. VICINO (78th):

Through you sir, if the gentleman would clarify the point he is trying to make, I would try to respond.

MR. DICE (89th):

I'm not trying to clarify it. I asked a question.

MR. VICINO (78th):

Well, I'm asking, through you sir, I'd ask you sir if you would clarify it to me.

THE DEPUTY SPEAKER:

The gentleman from the 89th has the floor.

MR. DICE (89th):

Mr. Speaker, again through you, I'm asking whether or not the person or the organization, the corporation that employs the lobbyist, meaning the one that pays the lobbyist's salary, gives him the compensation, is--excuse me, the legislative commissioner is prevented by this statute from employing or being employed by the employer of the lobbyist?

MR. VICINO (78th):

The answer is no, through you sir.

MR. DICE (89th):

I'm sorry, may I hear the response. I don't quite understand what your no means. Could you elaborate on that please, a little bit?

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to elaborate.

MR. VICINO (78th):

Through you, sir, it's my interpretation that no would mean that he would not be able to represent the employer of the lobbyist.

THE DEPUTY SPEAKER:

The gentleman from the 89th has the floor.

MR. DICE (89th):

Again, could I respectfully request where in either the amendment or 2-48 it says that the commissioner cannot be employed by the employer or the employer of the lobbyist?

MR. VICINO (78th):

Yes sir, I would, through you sir. I think beginning in the middle of line 26, after the word "assembly", "or accept any employment which includes an agreement or understanding to influence or which is inconsistent with the performance of his official duties". Obviously, sir, if he was representing the employer of a lobbyist, it would be in conflict with the language that I have just read to you.

MR. DICE (89th):

Mr. Speaker through you, does not refer, however, to the lobbyist. In other words, those individuals that are subject to 2-45, are they not the lobbyist, not the employers of the lobbyist?

MR. VICINO (78th):

I'm sorry sir, through you, and I apologize, would he repeat that again.

THE DEPUTY SPEAKER:

The gentleman from the 89th, please repeat.

MR. DICE (89th):

As I read the amendment, it says that the--no legislative commissioner or his partner, associates, employee shall represent any person subject to the provisions of section 2-45 of the general statutes concerning, and so forth. Now are not the people subject to 2-45 the lobbyists not the

employers. Do not the lobbyists are the ones that have to be registered and pay the fees, not the employers?

MR. VICINO(78th):

Mr. Speaker, on that point, I would ask to yield to my colleague who served on this committee and who worked in this area of the report, Rep. Nevas, if I may.

THE DEPUTY SPEAKER:

Rep. Nevas, do you accept the yield?

MR. NEVAS (136th):

Yes, Mr. Speaker, I do. Mr. Speaker, I understand the question that the gentleman from the 89th is raising and if I may, I'd like to point out if we could look at section 2-45, later on in the reading of that statute is language which makes subject to the lobbying sections of the general statutes persons, not only persons who are registered lobbyists but persons who employ those registered lobbyists and if one will look on page 152 of Volume 1 of the blue soft covered copy, about a third of the way down, there is language which begins, "each person, firm, corporation or association in whose behalf a person has been employed or authorized" etc. etc. and it goes on to make them subject to the provisions of the statutes. And in response to the gentleman's question, I would say that the use of the word "person" in the Senate Amendment would, in my opinion and certainly I think it's the intention of that amendment, to include in the definition of the word person not only persons who are registered but persons who employ persons who are registered.

THE DEPUTY SPEAKER:

The gentleman from the 89th has the floor.

MR. DICE (89th):

Mr. Speaker, if that is the clear intent and I think through this questioning we have established it, then I'm satisfied but I want to make sure that we're not only covering the lobbyist but the employer of the lobbyist and if that language is covered and that's the intent, clear intent, from what we've said, I'm satisfied. Thank you.

THE DEPUTY SPEAKER:

Will you remark further on Senate "A"?

MR. SHAYS (147th):

Thank you, Mr. Speaker. Mr. Speaker, we've had two years of legislative sessions and we've seen a lot of things happen and one thing we haven't seen happen is reform of the Legislative Commissioner's Office. And if we adopt this amendment, we will still have no reform to that office. I sincerely hope that this general assembly will defeat this amendment and we can debate the full file, the bill as it should be passed, with fulltime legislative commissioners who care to look into how the office runs and to work with the people in that office to reform it. As long as we have part-time legislative commissioners, we're going to have an office that doesn't perform the way it should.

THE DEPUTY SPEAKER:

Will you remark further on Senate "A"? Will you remark? If not, all those in favor of Senate "A".

MR. VICINO (78th):

Mr. Speaker, I agree with Rep. Shays in the concept but practically speaking, if this amendment is not passed or any other amendment is offered and passed, there's a good possibility that the entire bill will be lost and we will end up in the same posture as you did prior to any

legislation which makes an attempt such as the legislation we have before us to correct, I do not like to use the word "reform", but to correct and to streamline or reorganize the commissioner's office. So, I would hope that this amendment would be passed.

THE DEPUTY SPEAKER:

Will you remark further on Senate "A"?

MR. COLLINS (140th):

Mr. Speaker, I'm a little unclear on the appointment powers of the commissioners and I would like to ask Rep. Vicino, through you Mr. Speaker, Rep. Vicino, presently who appoints the legislative commissioners under our existing statute? (record 16)

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

MR. VICINO (78th):

Through you, Mr. Speaker, the general assembly.

THE DEPUTY SPEAKER:

The gentleman from the 140th has the floor.

MR. COLLINS (140th):

Mr. Speaker, who appoints the commissioners when the general assembly is not in session?

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

MR. VICINO (78th):

Through you sir, the Governor.

THE DEPUTY SPEAKER:

The gentleman from the 140th has the floor.

MR. COLLINS (140th):

And then, through you Mr. Speaker, I gather from what you said earlier, Mr. Vicino, that one change made in this amendment is that instead of the Governor having the appointment power during an interim, that the Legislative Management Committee will have the appointing power during the interim. Is that correct?

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

MR. VICINO (78th):

Through you, sir, that is correct.

MR. COLLINS (140th):

Another question. As I understand it, Mr. Vicino, we have a vacancy now in the legislative commissioner's office and I haven't seen any appointments coming before this body and we are in session. We go out of session tomorrow and if the bill is passed, I would assume that that would give the Legislative Management Committee the power to make the appointments. What does this legislature have to do in order to implement the power that it has to make these appointments? I can foresee that a continuation of our present circumstance where nothing happens during the session, no initiative is taken and really what we're doing is giving the power fulltime to the Legislative Management Committee. How was the legislature to overcome this happening?

MR. VICINO (78th):

The legislative commissioners that are appointed must be confirmed by the general assembly or rejected and this amendment would allow the Legislative Management Committee during the interim to appoint.

MR. COLLINS (140th):

Mr. Speaker, would the appointment by the Legislative Management Committee also be subject to the confirmation by the general assembly when we come back into session?

MR. VICINO (78th):

Through you sir, yes it would, the sixth Wednesday of the next session.

MR. COLLINS (140th):

That's pinning it down pretty close, I must say. But to repeat an earlier question, to the gentleman, we have a vacancy now and we as 187 or however many of us there are, have the power, I gather under existing law or under this amendment, to make an appointment but we're here and we haven't made an appointment. How do we go about making that appointment, Mr. Vicino?

MR. VICINO (78th):

I think if you're referring to the situation that now exists that we do have a vacancy, one of the reasons that I believe many leaders in the general assembly were not willing to move forward to fill the vacancy because we did not know what the position of this bill would be in the final analysis and as you can see at the present time, it is somewhat different than we had anticipated it being. Had it passed in its original form without the amendment, we would have acted by July 1st, so we did not anticipate, at least I as one who worked on the committee, that there would have been any changes to the original intent, the non-partisan commissioners.

MR. COLLINS (140th):

Thank you Mr. Vicino. Your answers have been very clear and helpful.

Mr. Speaker, I'm perplexed by the amendment. It doesn't do what many in this assembly had hoped to do in reform of the Legislative Commissioner's Office and my inclination is to agree with Rep. Shays that we're probably better off by defeating the amendment and starting over from scratch next year with a clean slate than going with a bill that only goes maybe 10% of the way and which will be argument against our taking any action next year. So, I think I would encourage the assembly to vote against this amendment.

THE DEPUTY SPEAKER:

Are you prepared to vote on Senate "A"?

MR. DICE (89th):

Mr. Speaker, as the result of the response of the previous question, I'd like to ask Mr. Vicino some further questions concerning the interpretation of the Senate Amendment. Through you, Mr. Speaker.

THE DEPUTY SPEAKER:

Please frame your question.

MR. DICE (89th):

Mr. Vicino, does this mean that a legislative commissioner cannot represent an insurance company, a bank, a trade association or any of those organizations that have lobbyists up here?

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

MR. VICINO (78th):

Through you sir, it's my understanding that if those lobbyists or those organizations have specific interests in legislation pending before

the legislature that yes, they could not.

MR. DICE (89th):

Mr. Speaker through you, a further question. Does that mean that if an organization or a bank is part of a trade association or say a manufacturing company is part of the CBIA that that individual firm cannot be represented by a legislative commissioner?

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

MR. VICINO (78th):

Yes sir, through you, I don't think I can answer that. It's a matter of interpretation, sir.

MR. DICE (89th):

Mr. Speaker, through you, it seems to me we're trying to make legislative interpretation here and we're trying to write statutes so that we do not have interpretations outside of this body. Again, so that we do make some legislative intent, does a member--is a legislative commissioner unable to represent a member of the CBIA?

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

MR. VICINO (78th):

Through you, I can't answer that, Mr. Speaker.

THE DEPUTY SPEAKER:

The gentleman from the 89th has the floor.

MR. DICE (89th):

Mr. Speaker, through you, does that mean that if an individual bank is a member of the Banker's Association, that is represented by a

lobbyist here that no legislative commissioner can represent an individual bank?

THE DEPUTY SPEAKER:

Is that question directed to the gentleman from the 78th?

MR. DICE (89th):

It is.

THE DEPUTY SPEAKER:

The gentleman from the 78th, if he cares to respond.

The gentleman from the 89th has the floor.

MR. VICINO (78th):

Mr. Speaker, I would yield to Rep. Nevas.

MR. NEVAS (136th):

Would the gentleman repeat the question please?

THE DEPUTY SPEAKER:

The gentleman from the 89th, please repeat.

MR. DICE (89th):

Does this statute, the interpretation of this statute mean that a legislative commissioner cannot represent a component part of an organization that is represented by lobbyists in this House?

THE DEPUTY SPEAKER:

The gentleman from the 136th, if he cares to respond.

MR. NEVAS (136th):

Yes, Mr. Speaker. In response to the gentleman's inquiry, I would say that in my opinion, and obviously it's my opinion only, I think the answer to the gentleman's question is that they could not because if one looks once more to the language that I quoted earlier, when it talks about

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persons, firms, corporations or associations in whose behalf a person has been employed or authorized and I think clearly that within the definition of the word "person" in the Senate Amendment comes both the person who actually signs up as a lobbyist and the person for whom he is employed, that if within the broad definition of the employer, we include a trade association, I think you have to do that, then clearly any member of that trade association who retains a legislative commissioner to represent them is in--would be in violation of the statute. And I would also cite section 1-1 of the general statutes which contains various definitions and in 1-1, sub-section k, the words "person" are defined and say that the word "person" may extend and be applied to communities, companies, corporations, public or private, societies and associations. So that in my opinion, the response to the gentleman's question is in the affirmative.

THE DEPUTY SPEAKER:

The gentleman from the 89th has the floor.

MR. DICE (89th):

So that we get back clearly to the question, the affirmative meaning that the legislative commissioner cannot represent a component part of an association?

MR. NEVAS (136th):

In my opinion, that is correct.

THE DEPUTY SPEAKER:

The gentleman from the 89th still has the floor.

MR. DICE (89th):

Thank you, Mr. Speaker. I think that did make the legislation clear and I would like to make a further comment.

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I would point out to the House then, although I am in favor of this, I point out to the House this is going to limit rather severely and I mean rather severely the kinds of individuals that can be legislative commissioners because any one that has--is in the general practice of law is going to do a real estate closing at one time or another and would be represented by a bank or will represent a bank in the process. It seems to me that any corporation that you represent, you better be very careful because they, in turn, could well be a member of the CBIA and would not--and you wouldn't be familiar with that. So it does seem to me that we are putting rather severe restrictions on the Legislative Commissioner's Office and I think we ought to recognize that we're doing that and meaning that we will probably for all intents and purposes, as was pointed out before, we may well make the office a single purpose office where a gentleman cannot practice the general law because he is so severely restricted in who he can represent.

MR. NEVAS (136th):

Yes, Mr. Speaker, in response to the latter remarks of the gentleman from the 89th, I'd just like to comment. He mentioned that a lawyer, for example, who handles a real estate closing and may represent a bank in connection with a mortgage, when I said that in my opinion an attorney would be ineligible if he represented a component part of an association, I did not intend to convey the fact that in that situation, that is to say an isolated situation where an attorney handles an occasional mortgage closing for a bank, that that would be considered. It was my intent that where an attorney represented a bank on a continuing basis as counsel for that institution on a retainer basis or on some kind of continuing relationship, that,

in my opinion, would be prohibited. But, in my opinion, it would not prohibit an attorney holding the position of legislative commissioner from handling occasional mortgage closings for various banking institutions.

THE DEPUTY SPEAKER:

Are you prepared to vote on Senate "A".

MR. DICE (89th):

Mr. Speaker, through you, could I inquire of the gentleman who just spoke then, where does occasional stop and continuing begin, if the gentleman--if the commissioner would represent, say in a particular town, five mortgage closings, ten mortgage closings, all the mortgage closings, half of them, I wonder where we draw the line as whether he represents the bank or whether he doesn't represent the bank.

THE DEPUTY SPEAKER:

The gentleman from the 136th, if he cares to respond.

MR. NEVAS (136th):

Yes, Mr. Speaker. I think that's easy to establish. I think any one who has any knowledge in this area certainly knows when an attorney represents a client on a regular continuing basis. There is a basis for a fee arrangement made perhaps on a retainer basis, whether it be monthly, quarterly, semi-annually or annually and I think that distinction is easily made and if, in fact, the question is ever raised about anyone holding this office or during the course of interviewing a person who might aspire to this office, I think those questions can be asked of that person and the--and if, in fact, if this area presents a problem, it can be resolved at that time.

THE DEPUTY SPEAKER:

The gentleman from the 89th, for what purpose does the gentleman rise?

MR. DICE (89th):

To make a second statement.

THE DEPUTY SPEAKER:

A statement or a question?

MR. DICE (89th):

Statement. I've asked a question before.

THE DEPUTY SPEAKER:

If you make a statement, you'll have to ask leave of the House. This will be your third time.

MR. DICE (89th):

Mr. Speaker, may I have leave of the House for one short statement?

THE DEPUTY SPEAKER:

Is there objection? Is there objection? Hearing none, the gentleman for that purpose.

MR. DICE (89th):

Thank you, Mr. Speaker. I hope that does not get us in the little pregnant problem. Thank you.

MR. SHAYS (147th):

Mr. Speaker, thank you Mr. Speaker, speaking for the second time, if we adopt this amendment the file copy 569 will be substantially changed. What this general assembly would have done in effect is to adopt two small sections. One section is the Senate Amendment "A", I

believe. One section defines in a little stronger terms what's a conflict of interest, because this general assembly has a very difficult time deciding what is a conflict of interest. And the second section takes away from the Governor during the interim period the right to choose a legislative commissioner. This isn't reform of the process and if any people--and if any of you have been paying any attention to the last two years, you would recognize that we need reform. This is not reform. We need fulltime legislators, legislative commissioners who are professionals, who have no other outside interests. They devote completely all their attention to the legislative process. Right now, we have a system where if the Democrats are in control, the Democratic legislative commissioner works and the Republican doesn't have as difficult a time except for this year, when the Democratic legislative commissioner didn't work. When the Republicans are in control, the Democratic legislative commissioner did nothing. He earned \$17,000 each year. He earned more than that, in fact. This system, as we have it now, is a disgrace and what I see now is a group of disinterested people who act like they haven't been here for the last two years.

(record
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THE DEPUTY SPEAKER:

Are you prepared to vote on Senate "A"? Are you prepared to vote? All those in favor of Senate "A", signify by saying aye. Those that are opposed? Senate "A" is ADOPTED.

MR. SHAYS (147th):

Thank you, Mr. Speaker. I have an amendment I'd like to offer to the House, it's LCO 3150.

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The Clerk please call LCO 3150, the Chair will designate House "A".

THE CLERK:

House Amendment Schedule "A", LCO 3150, Mr. Shays of the 147th.

MR. SHAYS (147th):

Mr. Speaker, I request leave to summarize.

THE DEPUTY SPEAKER:

Is there objection? Is there objection? Hearing none, the gentleman for that purpose.

MR. SHAYS (147th):

Thank you, Mr. Speaker. To summarize this amendment, it does one thing. It says that all legislative--our two legislative commissioners will be fulltime and that their salary will be determined by the joint committee on legislative management. That's the amendment, as summarized.

THE DEPUTY SPEAKER:

The gentleman may proceed.

MR. SHAYS (147th):

Thank you, Mr. Speaker. I'd like to--

THE DEPUTY SPEAKER:

Would the gentleman move adoption?

MR. SHAYS (147th):

Yes, I move adoption of this amendment.

THE DEPUTY SPEAKER:

Question is on adoption of House "A".

MR. SHAYS (147th):

Thank you Mr. Speaker. I would like to speak on it. I'm being somewhat redundant but I would like to point out that presently, excuse me, Mr. Speaker, could I have sense of order please?

THE DEPUTY SPEAKER:

Please give your attention to the gentleman from the 147th.

MR. SHAYS (147th):

Thank you, I appreciate it. The general assembly now pays our legislative commissioners approximately \$17,000 and \$20,000 for part-time work. During the legislative session, really one one legislative commissioner really puts out fulltime. The other legislative commissioner, if he's not in power, does nothing. The main problem with the legislative commissioner's office is that no one really is formally in control. The legislative commissioners have the authority to make change but they spend parttime at it. They don't know all the problems. They're not there all the time. We have a Director, Norma Klotten who's there full time but she doesn't have the power to make changes and she knows a lot of changes and if you were to go down there now, I assure you she could recommend many. What we need are fulltime legislative commissioners who have no other outside interests, who devote their lives to making the process work properly.

THE DEPUTY SPEAKER:

Will you remark on House "A"?

MR. VICINO (78th):

Mr. Speaker, the Senate, and I know we should probably not addresses ourselves to what the Senate does in the form of rejection or

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passage of legislation, but I think as practical people, we should be concerned as to what might happen to the bill, if in fact this amendment is accepted. It would put us in a posture of a committee of conference and I believe the Senate voted overwhelmingly against the original file and I would suggest that if this does pass, we might find ourselves once again in a posture without any semblance of legislative reform, little as there is in the present amendment before us.

MR. MARTIN (39th):

Mr. Speaker, yes Mr. Speaker, for information for the members of the House. I think we ought to point out in the event this amendment passes, there will be additional cost to the State of Connecticut of approximately \$25,000, depending upon the salary level that the positions are set at. In so far as I know, this additional \$25,000 is not in the budget.

MR. DICE (89th):

Mr. Speaker, I'm going to speak against this amendment and the reason I'm going to speak against it is because I don't think that if you have a good legislative commissioner, he has to be there all the time. I think the legislative commissioners, from what I understand it, are busy during the session and they are paid commensurate with their abilities during the session but when we're out of session, there is not the kind of work that we have during the session. If we have good legislative commissioners, they don't have to be there all the time to operate an office. They can operate an office by being here one day a week and making sure that they hire the kind of person in the administrative office to run the rest of the office and make it work properly. I don't think we have to go to the expense to take two fulltime lawyers, who should be paid the kind of salaries put forth in this fiscal note, somewhere around the Attorney General or at least

the auditors of public accounts. I don't think we need fulltime lawyers to do that. I think we need two good commissioners who know how to administer an office, know how to hire someone, give that person authority to make the office operate. If we do that, I think the system we have will work. I don't think we have to pay the extra amount to make fulltime lawyers who will be sitting around to administer an office of about seven people for the whole year. Thank you.

THE DEPUTY SPEAKER:

Are you prepared to vote on House "A". All those in favor of House "A" signify by saying aye. Those that are opposed? House "A" is
LOST.

Will you remark further on the bill as amended by Senate "A"?
Will you remark? If not, will the members please take their seats.

MR. DE MERELL (35th):

Mr. Speaker, I'd like to speak in opposition to the bill as amended by Senate "A", just for the fact that I'd like to see the entire matter defeated and I think this legislature get down to the problem that faces us in terms of getting a more efficient legislative commissioner's office. I don't think this bill does it. I think it's a very artificial attempt. Quite frankly, I think it's going to be difficult to enforce and I think you're going to have difficulty possibly getting the people of the quality that you want. No matter how you work this system, the quality of the legislative commissioner really rests in his first selection, what kind of a person he is. You're not going to achieve maturity through some artificial method. Indeed, one question that crosses my mind as you put these type of limitations on them, what stops this man, if he's one who is prone to

abuse his office from simply making an arrangement with another firm to the extent where he represents on behalf of another firm, under the table, a client on the basis that that firm would throw some business his way. Now I'd like to know what would stop that. Certainly nothing in this bill. Indeed, what you're dealing with is the character of the individual involved and it seems to me the only way you solve that is in the original selection. And under our present system, that's up to us. It seems to me if we're all concerned with getting a highly ethical individual to be a legislative commissioner then it's up to us to do a better job selecting. I think this bill is a sham.

THE DEPUTY SPEAKER:

Are you prepared to vote? Would the members please take their seats, the staff come to the well. The machine will be open. Has every member voted? Is your vote recorded in the manner in which you wish to have it recorded? If so, the machine will be closed. The Clerk will please take a tally.

The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....	142
Necessary for Passage.....	72
Those Voting Yea.....	127
Those Voting Nay.....	15
Those Absent and Not Voting.....	9

THE DEPUTY SPEAKER:

The bill is PASSED, as amended.

THE CLERK:

Page 3, Calendar No. 982, H.B. No. 5815, An Act Concerning Sales of Petroleum Products, File No. 849.

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COMMITTEE
HEARINGS

LABOR

LEGISLATIVE
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I think good legislation can come out of it. I think it should be set up so it's there both ways because if you put through legislation just to pick a certain group in agriculture and pin that on the rest of agriculture, in a few years you won't have any agriculture in the state to pin any laws on and you won't have any people that will have a job to work there. People that work in agriculture to some extent are people that just don't fit into some other segment of our economy in the state. They know agriculture. They've worked at agriculture. Their pay has been brought over the years so you can't go back to what it was fifteen or twenty years ago. In our case, we have people who are taking home \$200 a week. Now, that was unheard of ten years ago because we get more for our product and we pay more to our employees and they're satisfied. But in the fall of the year, if there is something set up where they can strike, they refuse to drive my trucks and I have 300 plus acres of corn to put in and one fellow is dissatisfied for something, we all go on strike - you get a hurricane in the middle of September and at \$200 an acre, you got a few thousand dollars in the feed for all your cattle, you're out of business.

There are many, many facets to this legislation. I feel sure that your committee will work with both sides to come up with something that is fair and equitable and we can all live with it and be satisfied. Thank you.

REP. COATSWORTH: The next speaker is Diane Dadiscos.

DIANE DADISCOS: Thank you. My name is Diane Dadiscos and I've lived in this area for the last 28 years. I first became involved with the agricultural workers in the state of Connecticut because my great grandfather had a tobacco plantation in Windsor Locks.

For the last two year, I have worked as a suburban school teacher in Glastonbury and I worked at that time with my students and the United Farm Workers on this issue.

I'd like to say that I would sincerely like to see the agricultural workers in this area carry a guaranteed pay protection under the law as other workers. I spent a lot of time and a lot of effort. I've researched, I've picketed and I've been involved in mass mailing and I would sincerely like to see some equitable solution worked out for both sides. However, I believe that HB-3550 and HB-5557 are not the answers and the very shortcomings have been sighted and enumerated by people who have spoken before me.

One aspect in particular though that I would like to address myself to is the right to strike. I don't think that it's very easy to mobilize people and organize people to strike. Let us just pretend for one minute that we are a worker, any kind of worker, in some situation injustice and oppression exists. It takes a lot of time and a lot of effort to convince co-workers and to make a strike successful. I don't think people strike for a lark. People strike as a last resort. And so, if you have successfully put

through a strike, and then, I ask you, who will vote for the improvements - the man who is poorer than I or poorer than you who came in to take your job?

In the way of concrete suggestion, Mr. Coatsworth, I'd like to suggest that various references have been made to the California bill, the California Farm Workers bill. Also, there has been published on that bill, a critique, a very lengthy and substantial critique, by both the growers and the farm workers as I understand it, and I would like to say that perhaps as a starting point for both sides that this bill and its critique be submitted into the House record or for the consideration for members of the committee to be studied. I think that might be a constructive starting point.

In conclusion, I would just like to say that I feel that a bad bill is worse than having no bill at all. Thank you.

REP. COATSWORTH: Thank you very much. I'm having difficulty with the next name, the Reverend of the Connecticut Council of Churches.

REVEREND CHARLES MACDONALD, STAFF FOR THE MINISTRY OF THE FARM WORKERS FOR OUR COUNCIL OF CHURCHES, ALSO DIRECTOR OF COMMUNICATIONS: Sorry, my handwriting is that bad. We're opposed to the two bills as they are presented because of some weaknesses. I think No. 1, the thing that we're concerned about is the funding for the on-going panel - what we're concerned about there is this panel could be set up and with the kind of funding that is mentioned in this bill, the same thing would happen to this panel that has happened to the one in California. They've run out of money and things could be right back where they started from. So, we're concerned on that basis.

No. 2 - We feel that the setting up of that panel should have specific membership mentioned in the bill so that it is equally distributed, that there should be representatives from the workers as well as the employers on that panel to work out their problems, and to give a fair hearing to whatever is before it.

We feel that the right to strike should be allowed. I just can't see why one group of labor can have the right to strike and another group not.

Also, there should be equal penalties on unfair practices on either side. So, we're opposed basically because we feel that the bill has some real weaknesses that do not care of both sides of the story. Thank you.

REP. COATSWORTH: Reverend MacDonald, may I just point out one thing to clarify with respect to the panel on the State Labor Relations Board. When we drafted this legislation, we were asked to originally to create a bill putting agricultural workers under/ ^{the} State Labor Relations Board, and that meant just incorporating the agricultural workers under the terms of the State Labor Relations Act.

The State Labor Relations Act which is repeated in this bill, 5556, says exactly what the bill says, "there shall be in the Labor Department the Connecticut state board of labor relations, shall be composed of three members, appointed by the Governor, confirmed by the General Assembly, and etc." It does not say any experience in anything, so, if you can understand our point of view, you ask us to put agricultural workers under the Labor Relations Act and we do that in this section, and I've heard objections to this all morning, all afternoon now, perhaps it would be a good idea if we understood if you want certain people on that panel with a certain bias because the original Labor Relations Act now in effect, Title XXXI-102 of Connecticut General Statutes, doesn't have any biased membership that are appointed by the Governor, confirmed by the General Assembly, and I haven't heard one reason today why it should be different under this act.

The next speaker is Patrick Joseph Smyth.

PATRICK JOSEPH SMYTH, ASSISTANT TO THE EXECUTIVE DIRECTOR OF THE OFFICE OF URBAN AFFAIRS OF THE ARCHDIOCESE OF HARTFORD: I'm here to speak on behalf of the OFFICE OF URBAN AFFAIRS and the MINISTRY OF SOCIAL CONCERNS, DIOCESE OF BRIDGEPORT. Mr. Chairman, members of the Labor Committee, I come to speak HB-5556 and 5557, both bills concern collective bargaining rights for farm workers. However, they serve to strangle and crush the hopes the farm workers may have of building a union of their own in the state of Connecticut. These bills have been introduced without any input of farm workers. They serve only to protect the interests of agriculture in the state of Connecticut.

It is abundantly clear that throughout history, the history of labor in the United States that workers have certain basic rights if they are to bargain fairly and protectively. Farm workers should have the right to organize, to collective bargaining and the right to withhold their neighbor the right to strike.

The struggle of farm workers to organize over many years has shown that farm workers need protection. They need protection under the law, protection of these rights, the right to collective bargaining, the right to organize and the right to strike.

I urge the committee to reject these bills and bring justice to the fields of Connecticut with legislation developed with adequate representation of farm workers. Thank you very much.

REP. COATSWORTH: We have a question, sir, from a member of our committee. Representative Belden.

REP. BELDEN: If I understand you correctly, sir, what you're saying is that you would rather have no legislation at all in the start in the direction of allowing the farm workers to organize, to bargain, etc. Is that correct?

When you testify before this committee, please take the seat directly opposite me where the microphone is and state your name for our records. Are there any legislators here who would like to speak on bills before this committee? Seeing none -- Domenic Badolato, State Representative.

REP. DOMENIC BADOLATO, 23rd DISTRICT: Mr. Chairman, I would like to address myself to the three bills before you. First, Raised Committee Bill 5615. The bill deals with a definition of municipal employees or employees under the Municipal Employees Relations Act. This bill would grant to those employees that are working less than 20 hours a week the same protection provided for employees in the private sector under the National Labor Relations Act and also under the Connecticut State Labor Relations Act. There have been many of you citizens throughout the state of Connecticut insofar as part-time employees are concerned. The employers have been acting in recent years as though they were employers in the private sector who had no regard for their employees at all.

We find in many cases that employers have been reducing the hours of work of their employees below the 20 hour figure in order to exclude them from coverage under the Municipal Employee Relations Act. I think that this is uncalled for. It's an outrage on bills that are affected. I think that the General Assembly should correct this inequity. They should provide coverage under the Municipal Employees Relations Act for all employees who provide their labors for their employer whether they be in the public sector or in the private sector. We should put an end to the discrimination against those employees who are working less than 20 hours and give them this protection.

I would hope that the committee would give it a favorable report. It's something that is long overdue. The original intent of the law when it was passed in 1965 was that those employees that were working on a part-time basis, on an intermittent basis, would not be covered. We are talking about in this case employees that work less than 20 hours year round, long-term employees, and not employees that work on an intermittent basis. For some reason or other, the State Board of Labor Relations changed a ruling that gave these people coverage under the law.

In the Thompson case, they ruled that employees that work on a permanent basis, even though they work less than 20 hours, they ruled that they were covered under the law originally. And about three years after having coverage or after having provided coverage by the ruling, where they changed the makeup of the board, there was a change in direction that the board took and they reversed themselves and removed from coverage all employees who worked less than 20 hours a week which was contrary to the original intent of the law. In order to correct this inequity, this bill was introduced and I would urge the committee to give a favorable report and certainly assist passage of this bill.

The other bill, 5617 has to do with an area that deals with policemen and firemen. Attorney Flynn who had much to do with the police and firemen in

an area of concern to them - I will address you on this one but I certainly support it. It was clearly intended when we provided for collective bargaining for public employees that they would have the same rights as other employees and that they would have the right to negotiate disciplinary procedures.

They have, in fact, negotiated disciplinary procedures but there is some question in certain areas of the state that certain statutes remove that from the rights of collective bargaining. I don't agree with that thinking. The bill is before you to clear up the area and clear up a misunderstanding that they are not provided this same protection.

HB-5628 is a bill to correct a misinterpretation of the binding arbitration law that was passed in the 1975 session. When the binding arbitration law was passed last session, it was clear in the minds of all of us, at least, I believed it was - that the law applied to any impasse in negotiations under the Municipal Employees Relations Act. For some reason or other, there is a feeling that it does not apply in initial contracts, and the purpose of this bill is to clear that up and provide coverage for a means of resolving an impasse in negotiations under the Municipal Employee Relations Act for those people that are negotiating initial contract.

I would hope that this committee would carry for the intent of the 1975 General Assembly when they passed the binding arbitration law and pass 5628. Thank you very much.

REP. COATSWORTH: Any questions from members of the committee for Representative Badolato? If not, and there are no other legislators who wish to speak, the next speaker is Henry Fisher.

HENRY FISHER, DEPUTY CORPORATION COUNSEL FROM NEW HAVEN: Ladies and Gentlemen, members of the committee, as you notice Ted Baldwin is listed as the next speaker and I'm speaking on his behalf as well. I'd first like to make a comment that unfortunately the bills that you're hearing this morning were not available until this morning which didn't give us very much time to react to them. We cannot give the kind of measure, the kind of response that we would have liked to have given to these bills, but I would like to say on their face, all three of them are objectionable to the city of New Haven.

The bill that appears to me to be the most objectionable is Raised Committee Bill No. 5617 which is AN ACT CONCERNING THE INCLUSION OF DISCIPLINARY PROCEEDINGS FOR POLICEMEN AND FIREMEN IN COLLECTIVE BARGAINING AGREEMENTS. It seems to me that the essential thrust of this bill is to do away with the ability of the state or municipality to do away with the ability of elected officials to regulate their own police and fire departments, and there are some very important aspects of police and fire departments, particularly in the question of disciplinary proceedings and removal.

Now, while a number of matters are clearly - should be subjects of collective bargaining agreements, this act the way it's drafted specifically says that if anybody has done any legislating or regulating in any way to control this in a collective bargaining agreement, is at odds or at variance with illegally established procedures that illegally established procedures which by and large were voted on by elected people are done away with. It's up to simply the negotiators of a collective bargaining agreement. I can't imagine that this kind of legislation can be acceptable to the orderly business of government, particularly municipal government.

The question of disciplining what I would almost have to say of paramilitary groups such as police and firemen, I think, is something that legitimately belongs to the elected officials of the state and the municipalities.

Now, with respect to Raised Committee Bill No. 5615, AN ACT CONCERNING THE DEFINITION OF EMPLOYEE IN THE MUNICIPAL EMPLOYEES RELATIONS ACT, I haven't had time to estimate how many people are employed by the city of New Haven that work less than 20 hours a week. I do know that in my own sphere, we do have people who work less than 20 hours a week. By-and-large, they're college students and they perform some very important functions for the city. I can tell you that if this act were amended in the way this bill proposes to amend it, it would probably put a damper on our willingness to hire students who by-and-large make up the bulk of these kinds of part-time employees. I would say that in effect, it would have an adverse effect upon a number of people who need the income to finish their schooling.

With respect to Raised Committee Bill No. 5628, AN ACT CONCERNING BINDING ARBITRATION FOR INITIAL MUNICIPAL COLLECTIVE BARGAINING AGREEMENTS, as you know, municipalities of this state including the city of New Haven are strongly opposed to the binding arbitration statute in general and, of course, we'd be strongly opposed to any extension of it. Thank you.

REP. COATSWORTH: Mr. Fisher, would you mind answering a few questions about one of the bills?

MR. FISHER: Well, I'll do my best. You have to understand that I've had five minutes to look at this.

REP. COATSWORTH: We apologize for that. Part of the mechanical problem we have from time to time is when a committee raises a bill, and this committee, for example, raised 56 bills in one day, and then our support staff has to draft them all and all the rest of this business. This is really one of the first public hearings. Because of that, we haven't had the opportunity to have these bills printed up and out in circulation and that's our fault and we apologize for that.

Can you tell me though just off the top of your head what the objection is to allowing part-time employees who, say, are not college students

women, who are scheduled to work between three and five hours per day, or between 15 and 25 hours per week. Normally there are a few women working more hours per week than that and hardly ever anybody more than 35 hours per week, and normally, very few working less than 15 and occasionally you get a few less than that.

It is obvious what the 20-hour exclusion does, the employee group is artificially divided right down the middle. Now, I want to stress that these are women who are doing exactly the same kind of work. They're doing it side by side, the same work places, under the same conditions, usually for the same pay, wear the same kind of uniforms. Prior to their organizing into a union or an association or whatever they're organized into, they're inevitably treated the same by their employer with one exception which I'll get to in a moment is to their fringe benefits. So suddenly, because of the arbitrary statutory provision when these people decide to become represented by someone, the group is totally artificially divided, very often, right down the middle. Let me give you a specific example which occurred in Stratford. There, there about 68 school cafeteria workers employed by the Board of Education. Almost exactly half - 33 work less than four hours per day and therefore, when the school cafeteria workers in Stratford voted on the question of union representation in 1974, 33 out of 68 couldn't vote. When the certification issued after a favorable vote for representation, they were excluded.

Now, we have yet to settle our contract in Stratford. This is one of the major things preventing a settlement. Attorney David Weinstein of Bloomfield was appointed in 1975 by the State Board of Mediation and Arbitration to make recommendations as a fact finder for the settlement of that contract. In his decision, he conducted a lengthy analysis of the work force in this particular school cafeteria group and of the background in the exclusion of the statute. Since all the under-20 hour cafeteria workers in Stratford are regularly scheduled employees who work every day, we're not talking about substitutes or casuals or anything else, and since they clearly share a community interest with the 20-hour or over employees, and since there are only 6 people of the 68 who only work eight hours, all the other 62 work less than eight, for all these reasons, Atty. Weinstein concluded that it makes no sense at all to exclude the under-20 hour workers and he recommended their inclusion. Now, because of the statutory problem, that contract still hasn't been settled and that's the major issue.

We aren't going into details. We've submitted this very same question to other fact-finders appointed by the State Board of Mediation and Arbitration, once in the Amity Regional Board of Education with William Post of New Haven as a fact-finder, and once in the Branford Board of Education with Professor Amerzian of UConn as the fact-finder. In both those cases, the fact-finders found for the same kinds of reasons that the under-20 hour people were part and parcel of the cafeteria work force and they ought to be included. I sight those because they confirm that the statutes aside there are certain kinds of factual situations such as

some school cafeteria groups. They're not all in the school cafeteria area, by the way, where an impartial examination of the facts clearly dictate the inclusion of some of the under 20-hour workers.

There are some other extremely important I think compelling reasons to pass 5615 to remove this arbitrary exclusion. Number one, it may not have been a widely agreed upon priority of public policy in 1965, but it is today that here in Connecticut, we're not supposed to discriminate against females. Now, the fact is, I don't have precise statistics, I don't think they're available, the fact is that this exclusion operates in such a way as to discriminate against women. The overwhelming majority of under-20 hour municipal employees are women, and if you just recite the kinds of groups that they tend to occur in, you'll see that that's the case - school cafeteria workers, clerks, meter-maids, crossing guards - this is where these kinds of workers tend to be and they're almost universally women. So I think it's clear that the wholesale exclusion of these employees that operates so as to discriminate against females, and it's not an empty argument. There will be testimony in this hearing, I understand, on several substantial significant groups concerned with the rights of women in this state who have endorsed 5615 specifically for this reason.

A couple of other reasons I want to mention, briefly, as far as the State Labor Relations Boards has been able to ascertain, our municipal act is unique in the entire country among private sector bargaining laws and municipal bargaining laws in containing this exclusion. The National Labor Relations Act has no such exclusion. Our own State Labor Relations Act has no such exclusion. We know that the laws of none of our neighboring states governing municipal bargaining have such an exclusion and we don't believe anywhere in the country that there is such an exclusion.

Finally, while we know that the Legislature is a matter of public policy has made distinctions between the public sector and private sector bargaining with respect to the right to strike which is obviously an important issue in public policy, I believe and I think this committee believes, and I'm certain from reading the decisions of the State Board of Labor Relations, it believes that in other respects, particularly in administrative questions, questions of discretion such as this, the board ought to have the same standards and adjudicating problems under the private sector act as it does under the public sector act. It just is illogical and unfair as a matter of public policy that a part-time cafeteria worker in an industrial cafeteria who shares the community of interest with her fellow workers will be included with them, but the same worker in a public school cafeteria with exactly the same set of facts attending the situation will be excluded from her fellow employees. It doesn't make any sense.

Now, the last major area I would like to mention is this. In reading the debate which led to the rejection of this bill last year on the floor of the House after this committee had favorably reported it, it seems to

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category include primarily school clerks, school cafeteria workers and school crossing guards. The majority of these receive only the minimum wage level and generally have no benefits of any kind. Clearly, in the light of the economic hardship which are facing many people, it becomes crucial to extend the basic economic rights to such workers.

The concern of the PCSW in this matter, however, stems particularly from the fact that most of the workers who would be affected by this legislation are women because as we all know, the jobs often performed in this category are those traditionally done by women. In addition, many of these jobs are performed by women because the nature of the jobs makes them part-time. Women have traditionally been dependent on part-time jobs. Many women with young children who must earn a living aren't able to work fulltime or they must find jobs whose schedules matches that of their children.

The 1975 hand book on women workers produced by the women's bureau of the U. S. Department of Labor states that the responsibilities of children and home cause mothers to have limitations on the number of hours that they can work. Furthermore, some mothers of pre-school age children have greater restrictions on the specific hours they can work than do other mothers. Mothers accordingly seek jobs that are adaptable to their own schedules. Twenty-six percent of all married working women worked part-time in 1975.

We might add that although many women choose to work around the needs of their children, many have no choice because of the lack of adequate child care facilities.

Therefore, we have concluded that this legislation will significantly aid the substantial group of working women. In addition, this proposed legislation is particularly germane to the changing status of women. In the past, one of the reasons that part-time work was not compensated as the same rate as fulltime work was that it was done by women. It was argued that women were secondary wage earners and that they would receive benefits through their husbands. It was also argued on this basis that they did not, therefore, have a community of interest for fulltime workers.

Today, we are in a situation where these assumptions can no longer be entertained. Even when women workers are part of two part in a family, their incomes are providing a necessary contribution to the family. In addition, many of these women are, in fact, single parents. Ten percent of all the families in Connecticut are dependent on women parents only. Widespread unemployment among many families has led them to be even more dependent on women's earnings. Moreover, whatever their circumstances, women workers should not be treated differently from any other workers and should be accorded equal status.

The state of Connecticut has recorded its committment to such equality, the passage of sex discrimination legislation and the addition of the word sex to the state's equal protection clause in the constitution.