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Mr. President, if I am not mistaken, an omnibus amendment on the Ethics Bill has not yet arrived and is in processing and we would like to follow Rome's rule number one a on this one and begin debate on the substance prior to the arrival of the actual text of the amendment.

THE PRESIDENT:

Was Senator Rome in attendance at your caucus? He apparently parleyed with your personally. All right. Let's get going on the Order of the Day.

THE CLERK:

Turning to page one of the Calendar under the title Order of the Day, Cal. 987, File 1085. Favorable report of the joint standing Committee on Appropriations. Substitute for Senate Bill 1265. AN ACT CONCERNING A CODE OF ETHICS FOR PUBLIC OFFICIALS.

THE PRESIDENT:

Senator Beck.

SENATOR BECK: (29th)

Mr. President, we have an amendment which will be filed with you, substitute for the present bill, and with your permission, we would like to summarize the basic thrust of the ethics bill and then to invite further comment until the proper file copy is available to all the members around the circle.

THE PRESIDENT:

Is there any objection to following this procedure? Hearing none, go right ahead Senator Beck.

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SENATOR BECK:

Mr. President, the basic thrust of the legislation is to substitute for the present legislative ethics committee, ah, commission an independent ethics commission which will be composed of seven members including three to be appointed by the governor, one to be appointed by the president pro tem of the Senate, one by the Speaker of the House, one by the minority leader of the Senate and one by the minority leader of the House. This independent ethics commission to have so severed its ties with the political process that no member may serve who has been a member, ah, has held public office or been a candidate for the three preceding years, nor may that member hold simultaneously with his position on the ethics commission office on a political committee or political party, be in an organization or association primarily organized to influence legislation, or decisions of public agencies. The most important aspect of this commission, therefore, is that it has no ties with the public process in terms of tenure of its membership.

Secondly, this body will be given the right to initiate investigations into possible conflicts of interest which it does not possess at present time.

Thirdly, it would respond to requests for investigation. This to be spelled out more fully as we proceed.

In the legislation, there is provision that no candidate for political office can accept, nor any individual

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offer anything of value including gifts, loans, political contributions or promise of future employment based upon an understanding that the vote, official action or judgment of that candidate will be influenced when holding public office. So that the significance of this is that this applies from the candidate phase on through the electoral role.

Next, the public officials at the state level in the executive and the legislature, including state employees, administration and legislators will be required to list the businesses which they are a member of, they or a member of their immediate family are directors, officers, owners, partners or stockholders holding securities worth five percent or more of the value of that corporation. Secondly, will be required to file the source of income by type or category over one thousand dollars annually. Thirdly, to list those clients with which that individual does business on the basis of five thousand dollar value or more on an annual basis. This to be placed in a sealed envelope to be available to the ethics commission in the event that probable cause of conflict of interest is believed to be the case. Fourthly that there be a listing of securities held with the fair market value of five thousand dollars or more by specific securities but not in any case in all of these listings the actual dollar amounts, this to be filed on an annual basis. the major elements comprising a conflict of interest are drawn

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from the present statute which is a broadly-phrased wording and in addition to a general conflict of interest statement as now specified in the law, the legislation provides that the individual in the case of legislator is not to appear before the Department of Environmental Protection nor the Commission on Special Revenue in addition to the boards presently listed. In addition, in line 304, I beg your pardon, not line 304, on line 326 onward, the public official or state employee or member of his immediate family or a business with which he is associated shall enter into any contract valued at one hundred dollars or more other than through the public process and this is not however to be interpreted as exclusion of the right of a spouse to be a state employee. The broad conflict of interest provisions in the legislation are made more specific and more narrow by requiring that the legislator or the state employee not use the public information or the public office held in such a way as to obtain financial gain for him or for herself nor for the financial gain of the spouse, parent, brother, sister, child or spouse of such child or business with which he is associated. And the ability to make a decision which is independent of the possible conflicting role which an individual plays as a member of a partnership or corporation when voting on the floor of the House will be determined in such a way that his interest is not to be separate from that of the total group with which

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he is associated. If the individual determines that he can make such a judgment, and we all have done this on occasions, he is to file a statement with the Ethics Commission explaining why he can make that independent judgment and why, in spite of a potential conflict, he is able to "vote and otherwise participate fairly, objectively and in the public interest." In the event that a potential conflict of interest is found there are provisions made for one, the issuance of advisory opinions by the Ethics Commission which are not now issued, the law requires these opinions be issued and published and that the advisory opinions rendered be considered absolute defense in any criminal actions brought under the provisions of this act when the accused acted in reliance upon such opinion. In the event that the commission is given a complaint or initiates a complaint, the individual concerned is notified, the person who has made the complaint is notified within five days and an investigation, not to be public, is made to determine whether or not there is probably cause that a violation of this act has occurred. This confidential investigation permits the respondent to appear to be heard to offer information and to request the appearances of witnesses or information on his or her behalf and the commission upon determination that there is or is not probable cause must inform the respondent within three days the determination of that investigation. If the preliminary investigation indicates

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a probable cause does exist of the violation of this act, the commission is to initiate hearings which will be public which will be chaired by a state trial referee or a senior judge who shall be assigned by the chief court administrator and who shall rule on all matters concerning the application of rules of evidence and which shall be the same as in judicial proceedings. At the termination of this trial, this hearing, and at this time, witnesses may be subpoenaed by the commission and the respondent has the right to appear and to request witnesses and documentation. At the conclusion of this hearing, the commission is to make a record of all proceedings which have taken place. If it finds that a person is likely to have been guilty under this act, this requires a concurring vote of five of the members and these findings are to be published together with a memorandum of reasons thereof. If any complaint has been made under the provisions of this act with the knowledge that it is made without foundation, respondent has the right to take action against the complainant for double the amount of damage.

We hope, Mr. President, that this legislation will further extend the concept of the responsibility of state officials to be very careful about the use of their high office and power in such a way as to obtain gain either for themselves or for their close family members or close associates, we do not by the introduction and passage of this legislation imply

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that anyone here or in the past has, in fact, been guilty of such actions or has been even contemplating such actions. But we all know that at the time the legislation was drawn it was new, it was untried and that there are substantial areas where improvement can be made. We hope very much that in the course of the next year, this legislation will not be put into effect until the next session, that in the course of this time, if there are areas which can be improved upon, that we will certainly act upon it. I move, therefore, the acceptance of the amendment when it is before us in completed copy.

THE PRESIDENT:

Senator Rome.

SENATOR ROME: (8th)

Mr. President, the amendment is the bill and when it does appear before us, I intend to support it, if it is everything that was explained both by Senator Beck who explained it in accordance with our understanding and which we went over in our caucus. There are a number of changes from the amendment that we saw last Friday and those changes, I think make the bill more workable and I think the bill, therefore, will be better legislation. There is one amendment that I understand is still to come, a separate amendment, dealing with which officers of a corporation we are concerned with. I am not concerned with the small corporations because

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they don't have very many officers but the bill as it presently reads (machine malfunctioned on next few lines)... amendment as being submitted by Senator Beck and Senator Barry, provides that all officers of corporations are likened to directors in that they are implied or inferred to have some control and therefore should be held accountable. As a practical matter we know in a major corporation that's not so. We have as an example one of the largest corporations in the United States, the largest financial institution, I believe in the world, Aetna, right here in Hartford has assistant vice presidents and assistant treasurers, even full vice presidents that do not participate in management decisions. I think it would be an unfortunate burden to classify them and place them in the same category as directors or others of having management responsibilities. One of the members of our caucus indicated that he happened to have been a vice president of his firm because of his sales ability, he does not have any management functions or management responsibilities. I think it would be an unfortunate circumstance. What we want to make sure is that the chairman of the board, the executive vice president, the senior vice president, the president, most of whom in most circumstances would have some executive board control or authority or responsibility are included. So the amendment, as I understand it is being drafted will provide that that is how

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we define officer, and I hope that all of you can support that modest change. All of the other changes that have been requested by members of the minority party in consultation with Senator Beck and Senator Barry and other members of your caucus, Democrat caucus, I think will improve the legislation. I hope that we will all therefore be able to support this legislation because one of the reasons for legislation such as this in the face of the argument that you can't legislate morality is that the public perception of what we do and who we are and why we act is a perception which has been clouded by unfortunate events, not in this legislative body or in the legislative body downstairs, but in other national legislative bodies including the Congress and the public has a right, more importantly we have a responsibility to make certain that the perception begins to change; because only then will we move away, in my opinion, from the present circumstances where too many of us pull-vote. We are sensitive and intimidated by what we perceive the public is thinking about us and in trying to change that image and being overly sensitive about that image, we tend to find out what the public is answering complex questions about. As an example of the most complex nature, they must ask or be asked in a very simple phrase or phrases, are you for or against or do not answer. And I think that's an unfortunate way that the public is asked to respond but if they are cynical about our process, their response will have a

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cynical taint and our intimidated response to them will be to vote not on the basis of our education and experience and the basis of all the knowledge we can command to do the right thing on the merits, but we will be voting, as I have said many times, we will be pull-voting. We will be voting our perceptions of their perceptions. That's an unfortunate circumstance. The quicker we can strengthen the public's interest in our process and removal of their apathy and heighten their understanding of what we do and who we are. Someone in our caucus, I think it was Senator Guidera, today said and I absolutely agree with him, not only on this but on other things, he said that if you look around and interact with people who are part of the Senate, you find them as ethical, as honest, as hard-working, as reliable and I think I have gone beyond some of the things he said, but I think, in effect, he said that they are as good as everyone you would want to find out in the public as your friends. And I -think that is true, but we must, unfortunately, again convince and again and again convince the public that we merit that consideration. That's the reason for ethics legislation. And that's the reason some of you should vote for it even though you say that this really doesn't change the nature of how human beings will act up here and the honest ones will continue to be very honest and the dishonest ones in other bodies or even if we find them here will find away around it.

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The public has to be told that we again stand up and want to be counted and believe that this ought to be a moral body passing legislation on the merits that they needn't be cynical or skeptical about and that the process will be improved. I think that it's an awful lot of work that Senator Beck and Senator Barry and Senator Madden, a number of senators, Senator Guidera, Senator DeNardis and a number of people on both sides of the aisle have put an extraordinary amount of work. I know Bonnie Barnes from the House has literally put her year into this kind of legislation and I think deserves our thanks and appreciation.

Mr. President looks at me and says Rome never talks this long. I am waiting for the bill, Mr. President. Thank you.

THE PRESIDENT:

I think Senator Morano wants to sing some songs. Yes, Mike, go ahead.

SENATOR MORANO: (36th)

Mr. President, I intend to support this legislation but if I were to give it a name, I would call it the "chameleon bill". There have been changes every hour on the hour since I arrived here this morning. And I am sure that the proof of that is we are still waiting for it to come before us to act on it. And the unfortunate part about acting on this piece of legislation is that we really haven't had time to put it all

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together and study it and look at it. And we are going to act on something that perhaps we are going to be in doubt on, perhaps we are going to wish that we had a chance to study it more, but I realize we are getting down towards the end of the session and the opinion I guess is that one bill is better than no bill at all. I am sure that when we come back next time we will be correcting it, but I would hope that some time in the future we can see a piece of legislation before us, as such an important piece of legislation, so that we can study it and then make our decision.

THE PRESIDENT:

Senator Reimers.

SENATOR REIMERS: (12th)

Through you, sir, to the Chairman of The Finance Committee, is it in order to ask a question about specific language in the last draft we saw?

THE PRESIDENT:

Senator Beck.

SENATOR BECK:

It certainly is.

SENATOR REIMERS:

In section five, subsection (a) where you list the people who must file a statement, a financial statement, and the date, which involves April fifteenth, and the report for the preceding year, it contains the words candidates for public office, does this require defeated candidates to report?

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SENATOR BECK:

No, it doesn't, Senator Reimers, that language was to have been omitted and will be omitted in your final copy. It applies only to public officials.

THE PRESIDENT:

Senator Barry.

SENATOR BARRY: (4th)

Mr. President, I rise to support the amendment and I am sympathetic to Senator Morano's comment that this bill has gone through many mutations in the last few days and that perhaps the worse thing is that there isn't a complete final copy before all of you. I think I will always be reminded of what Bismark said when I think of this bill, Mr. President, that if you want to retain your respect for laws and sausages, you shouldn't learn too much about either are made. And that's what has gone on the last few days in this bill, but I think the end product is reasonably good. I have here on my desk and think that Senator Beck has perhaps on hers the basic bill that the rest of you have plus a printout of the changes plus Attorney Marcia Smith of the LCO her penciled insertions so that we can answer any questions that you may have. I look at this as being one of the most important bills of the session. It will not make the guilty innocent. It won't make the dishonest honest among the public employees or among public officials, elected or appointed, if there are any. But I do think it sets up

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some guidelines which we don't have now and I think it provides a very definite and responsible forum for complaints against public officials and against us if need be. I also think it balances as well the rights of a respondent to a complaint. We have tried in this bill in both the probable cause hearing aspect and in the final investigatory complaint hearing to protect all of the constitutional statutory rights of a person who is complained against, while at the same time not denying the public the right to know as it should have when probable cause has been found. I think another important aspect of this bill which Senator Beck touched upon is the matter of the advisory opinions. Many times, all of us have found ourselves in a gray area and I think we will continue to particularly perhaps as we read this bill we are not sure whether we are within its purview or not. And this commission must give us an advisory opinion and it must retain that opinion for all time as the reports of the Supreme Court are retained and I should add that in the event that anyone is prosecuted, having obtained a advisory opinion, that advisory opinion is an absolute defense to any prosecution. Reference also has been made by Senator Rome to the amendment which spells out the officers which would be covered under this bill. I support this amendment. It delineates very clearly the type of officer who should be responsible and that very brief amendment will be before you

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shortly. In any event, I think that Senator Beck has touched upon the basic provisions of this bill. It's main features being the public disclosure aspect and the complaint process and investigatory process of the Ethics Commission itself. It is most significant and I would hope that it would enjoy the overwhelming support of this circle and if there are any specific questions, we would try to answer them. Thank you, Mr. President.

THE PRESIDENT:

Sen~~at~~or Gunther.

SENATOR GUNTHER: (21st)

Mr. President, as long as we are eating up time waiting for a bill, I think this is a heck of a way to run a show on this particular bill, ^{because} /you have had so many amendments, we've had so many bills, we have to look at the LCO number to find out what one we are relating to. And I see no reason in the world why we don't defer this and even come in early tomorrow morning, if you have to, so that we can sit down and do this in an orderly fashion. I think it's an important piece of legislation. I don't think it's the best in the world. I think anything could be an improvement over what we have right now, because what we have right now is a farce. I think everyone of us knows it, and has known it since we passed that bill. I take it that what we are going to be talking about is the open hearing on the ethics committee where it is not going to be a closed

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hearing except in the preliminary stages. Is this correct in the final bill? Well, that's one good thing. But there is one area that I have an amendment that's going to come in if we can ever get that thing drafted too, and we might see that coming up, as well as the bill itself, which is an amendment to the amendments to the amendments, but one of the amendments that I want to introduce is to put the judges back into this. I don't know why the judges were taken out of the ethics bill. Apparently in the original draft they were in this bill. They came out of the committee basically with them in it, and I believe they should be in it because we have covered every other phase of government and if it's unconstitutional that we have the separation of the three branches of government, then what the devil have we got the executive branch of government in this bill for. Then we should have nothing but the legislative branch. But if we can put the executive branch into this, certainly there is no reason that we can't put the judicial branch into it. Because if we are talking about government, we are talking about all government. And why the judges should be excluded, the employees are all set, but the judges themselves as far as I am concerned should be out there just like every one of us is. I will have that amendment come in and we will have an opportunity, maybe, I don't know if you want to debate that too at this time, but apparently we've got a whole ballgame here waiting for some amendments to be drafted

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so there is no sense sitting around and looking at each other. This is one area that I feel very strongly should be included.

The other one, and I think that Senator Barry said it, this is the main part of this bill is public disclosure and I'll say I agree a thousand percent on this. The only thing is, the only part of the disclosure we are going to is one portion of the disclosure of the interests of individuals that are serving up here, or in government, and that is the business, the corporations they might be involved in, the stock they might have and that sort of thing. That isn't where the ballgame is played, when a man is a little out of line up here; and incidentally, let's say categorically, right now, I think ninety-nine and probably ninety-nine one hundreds of the members of this assembly and the assemblies in the past have been all honest people. But I think the only way we are going to end this cynicism of the public towards any level of government is to open it wide open and let it all hang out. And the only way I know how to do that is public disclosure. I don't know how many fellas and gals in this circle or in the House have clients that pay them five thousand dollars or more per year, but I don't care how many of us are around here, I am sure that that would make a major impact on the income of any one of us. To take and not make public disclosure of those few accounts and I daresay I am not looking at just lawyers

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we know darn right well that there are people around here that have accounts that might well, whether they be real estate men, whether they might be insurance men, no matter what they might be, will have an income of five thousand or greater per year; but I am willing to bet that nobody is going to list a hundred clients. I think it's a minimal thing you are asking of people. You are asking five thousand. I can just see a fella taking four hundred nine hundred and, ah, four thousand four hundred and ninety-nine dollars from a client that might be a little bit gray and that sort of thing. He doesn't need to disclose that. We are putting a cap on it at five thousand dollars or up. I think full public disclosure should be made of these clients. Do we want to take only part of the ballgame or do we want to open up the whole ballgame. I've said it in the past with the ethics bill we have presently, those people that mouth about disclosure and that during election time when they are out running for office and when we come up here, and if you aren't out there pushing it, fine; but those that are out pushing open disclosure to the public, let them put their money where their mouth is and lay it on the deck right now by having by having open filing. I know that. But I think that should be part of this bill that there should be an open filing of all those clients of five thousand or greater. If we wait here long enough that amendment will be up here. But Mr. President, I

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don't think that there is anybody that can actually go against this bill because anything is an improvement over what we have. But I do think it would be smart for us to either recess and come back tomorrow and do it in an orderly fashion than it is to sit here and wait for amendments to come up here and then go into the discussion of this amendment, especially when this called for a two o'clock time today. It really makes us look pretty stupid.

THE PRESIDENT:

You're not going to let me down now are you? Is there anybody in the gallery or in the adjoining rooms that would like to say something? O.K. I understand that the Clerk assures me that it is a matter of seconds. Edwina, would you like to say something while we are waiting? Mike and I decided that if the little red light was on we wouldn't be able to keep you in your seats.

THE CLERK:

The Clerk has received Senate Amendment Schedule A. LCO 8579 offered by Senators Beck, Barry and Schneller. Copies are quickly coming around. Senator Owens.

SENATOR OWENS: (22nd)

I wonder if we could reserve comment on it until actually the amendments have been passed out to at least give us an opportunity to look at it.

THE PRESIDENT:

It's on the road now.

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SENATOR MADDEN: (14th)

Mr. President, we have before us an amendment LCO No. 8580 and I would like to address myself to that.

THE PRESIDENT:

All right. Will the senators be in their chairs, we have started to work on the Ethics Bill and Senator Madden is going to speak to Senate Amendment Schedule A. LCO 8580. Senator Madden.

SENATOR MADDEN:

Thank you, Mr. President. This amendment addresses the definition of the term officer in Section, ah.

THE PRESIDENT:

Senator Madden, I gave some bad information out. I said LCO 8580. You must have two amendments, because you are speaking now on 8579.

SENATOR MADDEN:

No sir, 8580.

THE CLERK:

That's going to be Senate B.

SENATOR MADDEN:

Mr. President, 8579 is now before us. I will yield to whoever is going to bring that out and take mine in proper order. Thank you.

THE PRESIDENT:

Senator Lieberman.

SENATOR LIEBERMAN:

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Mr. President, LCO 8579 which is Senate Amendment A is before the members of the circle now. It is substantially the same amendment which was passed out earlier in the day as LCO 8578, has been on the desks of the members. During the day, there was a continuing attempt to involve as many members of the circle as possible, both majority and minority, in the drafting of the bill and that is what has resulted in the current amendment before us. It is the amendment that has been substantially commented upon already in the circle and I would move its adoption at this time and ask that when the vote be taken, it be taken by roll call.

THE PRESIDENT:

All right. We are ready to go then. Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, for a matter of the legislative record because in my opinion Section 5(b) is not entirely clear, I would, through you, ask Senator Barry, when we are referring to in Section (b), starting with line 223, that the category or type of all sources of income in excess of one thousand dollars, amounts shall not be specified and the names and addresses of specific clients and customers who provide more than five thousand dollars of income amounts of income not to be specified, we are, in fact, specifying that the names and addresses of specific clients and customers who provide more than five thousand dollars of income will be specified. Through you, Mr. President, is that the intent of lines 226½ and 227.

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THE PRESIDENT:

Senator Barry, do you care to respond?

SENATOR BARRY: (4th)

Mr. President, through you in response to Senator Schneller, it is the intent of Section 5(b) that subsection (b) - let me correct that so that the record is clear. It is Sec. 5, small b (1), subsection(B), from lines 224½ to the end of that sentence on line 228. The intent is that all income in excess of one thousand dollars be denoted by category or type and that all income received from one client or one customer in excess of five thousand dollars be enumerated by the name and address of the specific client or customer without the actual amount of that fee or charge ascribed to that particular client. So that what Senator Schneller is saying is true.

THE PRESIDENT:

Senator Schneller.

SENATOR SCHNELLER:

Thank you, very much for the clarification.

THE PRESIDENT:

Further remarks? If not, please call the senators together.

SENATOR BECK:

I move the vote be my roll call, Mr. President.

THE CLERK:

An immediate roll call has been requested in the Senate. Would all senators please take their seats. An immediate roll

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call has been ordered in the Senate. Would all senators please be seated.

SENATOR OWENS: (22nd)

Mr. President, I wonder if I may comment briefly. I assume that what we are going to be taking is the main bill now, the omnibus bill.

THE PRESIDENT:

Senate Amendment A, Howard, which is the main bill.

SENATOR OWENS:

Right, and then we will take the amendments as they come along after that. Is that correct?

THE PRESIDENT:

Right.

SENATOR OWENS:

I just want to comment briefly on Senate Amendment A. LCO 8579. I have had an opportunity to look at it before and I want to commend those that have worked on it. This has been through the Committee on Appropriations. It has been through the Committee on Judiciary, so that an awful lot of people have had a great deal of input. It is unfortunate for all of us that at this late time in the session there has been so many different changes in it because so many interests have arisen. It's rather complicated and there was nothing really to draft. But I think in essence it's a good bill and I feel that we can support it reserving my rights as each amendment comes along. I think the concept of an Ethics Commission is an excellent one and I think that the way they set forth the

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members of it is a good idea also. I think that the bill could probably be more stringent, but I think that when we consider the fact that we are still a part-time legislature that we cannot be as stringent as if we had full-time legislators and paying the salaries as they are in New York State and Massachusetts and in many of our neighboring states. I think the most important thing is that we do have up here a definition of conflict of interest and I am sure that none of us have been guilty of this and none of us probably will be in the future. In view of the difficulties that we have had and the ethical considerations that have been upon us in the last few years in this country and the general feeling by many of the politicians that are not doing what they should be doing, it is important that we convey to the public not only that we are free from a conflict of interest which I feel that we do not have and none of us will have, but it's important in the definition that we make certain that there is no appearance of impropriety. And I think that this bill does this or the amendment certainly does this and certainly it goes a long way to proving this. I was a little bit concerned with Senator Gunther's remarks about why the Judiciary has been left out of this bill and why the Judiciary has been left out and I am not so sure that I buy the distinction that because of a separation of powers that no action by this Legislation can, in fact, bind the judiciary. Because if we are going to do that then the same argument would apply to the

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executive branch of the government. We should not require those in the executive branch of the government to be bound by this. But I would say that with respect to the reason that there might be a distinction on the part of the judiciary that could be advanced, and I think it would be more tenable that the one that is being advanced now, because as I said before, if you are saying if it is not good for the judiciary then it shouldn't be good for the executive because we have no more power with respect to the judiciary than with respect to the executive. But the judges that serve in the state are governed by a canon of professional ethics and they are supposed to be scrutinized with respect to outside interests, ah, income, and they are very, very careful of this or I assume that they are. The canons of ethics provide that they are required to be very careful with respect to outside income and they also have an added distinction that with the many judges, the large number of judges that serve on the judiciary in this state, whether it be the Court of Common Pleas or the Superiour Court, that if, in fact, they own stock in a bank that they will disqualify themselves because there are ample numbers of judges who would be able to sit in under those circumstances. And I know that the judges in this state have been careful to disqualify themselves when the need arises. So I think that the distinction can be made on that basis that the canons might govern them more closely, that they are more closely scrutinized. As you know, in every decision

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that a judge makes in the State of Connecticut, there are usually two sides of the litigation and the side that does not prevail, that is the losing side, will be quick to pick up if, in fact, there are conflicts of interest and will raise those and raise them to the judicial council. Taking into consideration, we've raised the bill and we passed it unanimously and we sent it to the floor of the House, a bill that will allow

I wonder if I could have a just a little bit of quiet. I realize it might sound boring to some people but I would like to make my comments for the record anyway.

We have already passed in this Senate a bill and we sent it to the House providing for the removal of judges and we have set up a stringent judicial council that can take care of many of these problems, so I think that that might be a distinction that could be made and a distinction that is a valid one that would be made. I, too, share the concerns of Senator Gunther that maybe we should go a little bit further with respect to open filing and lay it out a little bit more clearly. One of the things that concerns me in the filings that we make despite the fact that they conceal that they are still complicated because they don't ask for enough information and there are questions as to whether or not certain items should be included or not. That's one of the aspects of this bill that makes it very feasible and makes it a likable bill that we will be able to get opinions from the Ethics Commission

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as to what should be included and what should not be included. Now I should also point out that this bill is not a panacea for all that ails us although it's a, it goes a long way, and we will have some time before the effective date to come back to the legislature and if there are areas that need ironing out or clarification, I am sure that we can spell them out. I do rise to speak and I support this amendment, reserving my right to look at each amendment as they are presented to us in the course of this evening. Thank you, Mr. President.

THE PRESIDENT:

The machine is open. Please cast your vote. This is on Amendment A. Senator Madden.

SENATOR MADDEN: (14th)

Mr. President, while the roll call is under way, I have a technical question. On line 271, Sec. 6, Subsection (c), where there is a bracket on line 276, a closing bracket, but there is no opening bracket, could someone please clear up the intent.

SENATOR BECK: (29th)

Yes. The intent is not to have that closing bracket. That had previously been omitted language in the present law and we decided in negotiations before the session to put that back and keep the new language. That should be omitted.

SENATOR MADDEN:

Thank you.

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All right. Is that satisfactory? The machine is now closed and locked.

Total Number Voting	33
Necessary for Passage	17
Voting Yea	33
Voting Nay	0
Absent and Not Voting	3

senate AMENDMENT SCHEDULE A HAS BEEN PASSED.

THE CLERK:

The Clerk has Senate Amendment Schedule B, File 1085, Substitute Senate Bill 1265. LCO 8580 offered by Senator Madden.

THE PRESIDENT:

Senator Madden.

SENATOR MADDEN: (14th)

Thank you, Mr. President. This amendment addresses itself to Subsection (a) of Section 1 - definition of officer, when used with respect to business with which he is associated. It defines officer as president, executive vice president or senior vice presidents of any such business. I believe Senator Rome has spoken to the amendment during his general remarks. The idea is to have those people who have management authority within the business falling within the scope of this legislation, not members of the corporation who may be at a very junior level and therefore impact that business in its contract-making abilities referred to in later sections of the bill. I would ask for favorable consideration of the amendment.

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THE PRESIDENT:

Further remarks? Senator Barry.

SENATOR BARRY: (4th)

Mr. President, very briefly, simply to associate myself with Senator Madden and to urge adoption of the amendment.

THE PRESIDENT:

Because of the nature of the legislation, I am going to ask for a roll call. Will you please announce it. We are now on Senate Amendment Schedule B.

THE CLERK:

An immediate roll call has been ordered in the Senate. Would all senators please be seated. An immediate roll call has been ordered in the Senate. Would all senators please take their seats.

THE PRESIDENT:

The machine is open. Please cast your votes on Senate B. The machine is closed and locked.

Total Number Voting	33
Necessary for Passage	17
Voting Yea	33
Voting Nay	0
Absent and Not Voting	3

SENATE AMENDMENT SCHEDULE B HAS BEEN ADOPTED.

THE CLERK:

The Clerk has Senate Amendment Schedule C, File 1085, Substitute for Senate Bill 1265. LCO 7765 offered by Senator Morano.

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THE PRESIDENT:

Senator Morano.

SENATOR MORANO: (36th)

Mr. President, with your permission, may I summarize the amendment. Mr. President, members of the circle.

SENATOR OWENS:

Point of order, Mr. President, do we have Senate Amendment C that he is talking about on our desks. I haven't gotten one. I really want to see it before

SENATOR MORANO:

I believe they were circulated.

SENATOR CUTILLO: (15th)

Mr. President, point of order.

THE PRESIDENT:

Sure.

SENATOR CUTILLO:

You know, we talked about the whole substance of the bill without an amendment in front of us. And now we can't talk about an amendment that Senator Morano is putting in?

THE PRESIDENT:

We're looking for Senate Amendment C.

SENATOR MORANO:

Mr. President, if they want to fight, I'll hold their coats.

THE PRESIDENT:

I didn't know that you had "C". I guess I'm the only one that doesn't. Senator Morano, will you please explain "C"?

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SENATOR MORANO:

I would be delighted to, Mr. President. Senate Amendment C would extend the code of ethics to the local level. Any municipal chief executive officer, municipal administrative official or elected member of any legislative body, board or commission of any municipality, whether elected or appointed. Now if we are concerned about unethical misconduct, where is the greater opportunity? I think on the local level. There isn't three or four months that go by that we don't read in the paper where a local tax collector or a local highway commissioner and yes, sometimes a selectman, that hasn't been caught with his hand in the cookie jar. So I think that if we are going to put honesty in government, we have got to put it in government not only in the legislature, not only in or on the state level, but in the local level. I learned with a great deal of happiness today that Washington State has one of the broadest financial disclosure laws in the Nation and it applies to every elected official at every level of government. The State of California in 1974 requires that state and local elected officials, candidates and chief administration officers and city managers to file annual disclosure statements with the Fair Political Practices Commission. The State of Maryland is now working on such a bill. You know, up here in Hartford, we are under the guiding eye, the watchful eye rather of the press and other forms of the media, we are monitored by them. We have an Elections Commission.

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We have a legislative ethics committee. The committees themselves can censure a member. And this body or the House can censure a member for misconduct. So why not have the same rules throughout the state down on a local level. You know when the Midget League plays the game of baseball, they use the same baseball rules as the big leaguers do because those are the rules. So if we are going to establish a code of ethics, we are going to set down guidelines and rules, let's extend it to the municipal level. Thank you.

THE PRESIDENT:

Senator Mortensen.

SENATOR MORTENSEN: (9th)

Mr. President, I rise to oppose this amendment especially the parts taking care of municipalities. We have trouble enough getting candidates to run for office without putting another obligation in. Also, we can do this under our own charter. WE do have some ethic rules in the town. I say this is unnecessary and I think that we have problems enough trying to run the state without running the municipalities too. I oppose the amendment.

THE PRESIDENT:

Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, briefly, I rise to oppose the amendment. I think conceptually the idea has merit and I think some day we might wish to extend this code of ethics for public officials

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to municipal officials. But I think we ought to get the Commission on board and live with this legislation for a year or more, see what the problems are, see that it is functioning efficiently at the state level before we try to apply it to all municipal officials in the 169 towns of the state. I just think it would be too much for us to try and take on at this time, and therefore, I would oppose the amendment.

THE PRESIDENT:

Howard Owens.

SENATOR OWENS: (22nd)

Mr. President, I rise to oppose the amendment, also, but not for the reasons Senator Mortensen gave, because I think that maybe at a local level it might be good to have a code of ethics that would apply and that they could get people to run despite the fact that they have a code of ethics. But I would like to associate myself with Senator Schneller's remarks and add further that what we have done here is we have hassled with this bill, we have had public hearings on it, it has been through all these committees, we have spent a great deal of time in these legislative halls, starting last Thursday or last Wednesday, a great many legislators have had input, we've changed language around and so forth, and one of the main things is we haven't given the municipal officials an opportunity to really be heard. And to come around at the last minute and pass laws that would affect them without

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giving them notice and an opportunity to be heard at a public hearing would seem to be running against the grain. And for those reasons, I would oppose the amendment.

THE PRESIDENT:

Senator Reimers.

SENATOR REIMERS: (12th)

Mr. President, just briefly, I also oppose the amendment because it seems totally unworkable. In line 23, it calls for these financial statements from any member of any legislative body locally. In a small town where that's the town meeting, I would guess that that would be everybody.

THE PRESIDENT:

We are going to vote by roll call. The Clerk will say so, right now.

THE CLERK:

An immediate roll call in the Senate. Would all senators please be seated. An immediate roll call in the Senate. Would all senators please take their seats.

THE PRESIDENT:

This is Senate C. The machine is open. Please cast your votes. The machine is closed and locked.

Total Number Voting	33
Necessary for Passage	17
Voting Yea	6
Voting Nay	27
Absent and Not Voting	3

senate AMENDMENT SCHEDULE C HAS BEEN DEFEATED.

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THE CLERK:

The Clerk has Senate Amendment Schedule D, File 1085, Substitute for Senate Bill 1265. LCO 8581 offered by Senator Gunther.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER: (21st)

Mr. President, I'd like to waive the reading, move adoption of the amendment.

THE PRESIDENT:

Will you explain it, Senator?

SENATOR GUNTHER:

I will explain it. I'll make this, as my great leader says, mercifully short. You have heard the comments that I made. This is quite a simple amendment. It would merely include the judges into the whole package. And as I said before, I think we are including the Executive and there is no reason in the world that we shouldn't take and include the Judiciary in this particular Ethics Bill. Now if the judges feel that this is unconstitutional, well, God Bless them, I am sure they are capable to bring action and challenge it in court.

SENATOR ROME: (8th)

Mr. President, I rise to oppose the amendment. I think for reasons that members of the Judiciary Committee of this General Assembly have addressed. We passed a constitutional amendment dealing with the problems of ethical

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conduct of the judicial department and I believe they ought to be addressed separately. I urge that we defeat the amendment.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER:

Just one little correction, Mr. President. I think that when the Judiciary passed this bill in the original draft, the judges were included in the Ethics Bill. So I don't like to question my leader, with the exception that in this point, it's not so. The Judiciary put that bill out with the judges include in it. They have been deleted since then. So if we are voting on this, let's know what we are voting on. If we want to vote on the bill as it came out, let's vote this amendment.

THE PRESIDENT:

All right. Let's vote it by roll call right now. Please announce it.

THE CLERK:

An immediate roll call in the Senate. All senators please take their seats. An immediate roll call in the Senate. Would all senators be seated.

THE PRESIDENT:

The machine is open. Please cast your vote. The machine is closed and locked.

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Total Number Voting	33
Necessary for Passage	17
Voting Yea	17
Voting Nay	16
Absent and Not Voting	3

senate AMENDMENT SCHEDULE D HAS BEEN PASSED.

THE PRESIDENT:

Quit while you are ahead, George, sit down.

THE CLERK:

The Clerk has Senate Amendment Schedule E, File 1085, Substitute Senate Bill 1265. LCO 8582 offered by the victorious Senator Gunther.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER: (21st)

Mr. President, I'll waive the reading again, and move adoption.

THE PRESIDENT:

Don't change anything, George.

SENATOR GUNTHER:

I'll be more merciful than I was before. This is plain and simple. This calls for full public disclosure. And I'll let it go at that and see if we can get seventeen more up there. That would be beautiful.

THE PRESIDENT:

Senator Madden.

SENATOR MADDEN: (14th)

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Thank you, Mr. President. Very briefly, I rise to oppose the amendment. While I strongly support this piece of legislation, I also believe that we have to be practical. We have a part-time legislature on our hands and until such time as we have something different to deal with, I really believe that we should not have the request that is in Senate Amendment Schedule E. I therefore oppose the amendment.

THE PRESIDENT:

Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, I rise to oppose this amendment. And again, I think, conceptually we have a good idea but I think for the practical purposes that we are trying to achieve here in the end it could cause more harm than good. I think we have set up a procedure in Amendment A that will require disclosure of information dealing with clients and customers but we have further provided in that process that that information be kept secret unless and until a violation has occurred and the portion of that information that the Commission deems necessary will then be turned over to the state's attorney. And I think that protects everyone involved without making undue public disclosure through the media of the specific customers and clients and in many cases, particularly in the legal profession and the medical profession, we want to preserve the confidentiality of clients. So I think that

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the Amendment A has worked out a practical aspect for handling this matter and I think that the amendment before us would do damage to it and consequently, I'll oppose it.

THE PRESIDENT:

If there are no further remarks, let's get on with the voting. Senator Morano.

SENATOR MORANO: (36th)

Mr. President, I have asked in questionnaires in the past and discussed legislation here in the past in regard to full disclosure and have always opposed it, but I think as long as we are passing some monumental legislation, I am going to change my mind today and support this amendment. I think the time has come where you have got a fish and if you want to fish, you have got to cut bait and if you are going to go along with all this honesty and ethics, we are voting on today, you should support this amendment.

THE PRESIDENT:

Please announce the roll call, Madame Clerk. Ms. Clerk, I should say.

THE CLERK:

An immediate roll call in the Senate. Would all senators please be seated. An immediate roll call in the Senate. Would all senators please take their seats.

THE PRESIDENT:

This is on Senate Amendment E. The machine is open.

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Please cast your vote. The machine is closed and locked.

Total Number Voting	33
Necessary for Passage	17
Voting Yea	11
Voting Nay	22
Absent and Not Voting	3

SENATE AMENDMENT SCHEDULE E HAS BEEN DEFEATED.

THE CLERK:

The Clerk has no further amendments.

THE PRESIDENT:

Senator Lieberman.

SENATOR LIEBERMAN: (10th)

Mr. President, I think there is nothing more to do than move the bill as amended.

THE PRESIDENT:

Well, the amendment was the bill. A was the bill. Where do we go now. O.K. now we will vote the bill as amended. Are you ready? Call it, just to be sure.

THE CLERK:

A roll call has been ordered in the Senate. Would all senators please take their seats. A roll call in the Senate. All senators please be seated.

THE PRESIDENT:

The machine is open. We are voting the bill as amended. Yes, Senator.

SENATOR OWENS: (22nd)

Before we adjourn, I would like an opportunity to

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move for reconsideration on one aspect of this bill.

SENATOR HANNON: (3rd)

Mr. President, point of order, sir.

THE PRESIDENT:

Senator Hannon.

SENATOR HANNON:

Mr. President, there is a vote in process and there is no other business before the chamber until the vote has been tallied.

THE PRESIDENT:

Senator Rome.

SENATOR ROME: (8th)

I believe he raised a proper point of order before the vote is announced and the vote was in process, but he raised a question as to whether he could move to reconsider and I think that's a motion that is properly before us and as you recall, both proponents and opponents of a particular matter before you last week indicated that we are here to expedite the process and I believe that's what he was trying to do.

THE PRESIDENT:

Yes, Howard.

SENATOR OWENS:

I'm sorry, I didn't mean to interrupt you.

THE PRESIDENT:

Go ahead if you've got something to say.

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SENATOR OWENS:

I was just going to point out that I would move to, I want it so that the record is clear, reconsider Amendment LCO 8581 offered by Senator Gunther and I would assume that I would have to move to reconsider the whole bill because the amendment passed. That's the amendment of Senator Gunther carried by a vote, I believe of 17 to 16. I would briefly like to state my reasons for reconsideration at this time. Very briefly, and I was looking for someone from the Ethics Committee who worked on this to give us the distinction on what the, on why the Judicial was left out and the Executive was left in, and I did speak to some of the others on the floor

SENATOR HANNON:

Mr. President, point of order.

THE PRESIDENT:

Senator Hannon.

SENATOR HANNON:

Mr. President, where I agree that the gentleman is entitled to reconsideration of a matter previously passed, the bill has not been passed until the Chair calls the vote. It would be improper before the Chair calls the vote or that there be any discussion on reconsideration of the bill which, in fact, has not passed this chamber. The gentleman's remarks are untimely.

THE PRESIDENT:

In order to reconsider, there will have to be a passed bill before this Senate which we do not have at this time.

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The motion to reconsider is premature. Let me announce the vote and then do as you will.

Total Number Voting	33
Necessary for Passage	17
Voting Yea	33
Voting Nay	0
Absent and Not Voting	3

SO THE BILL AS AMENDED BY A, B AND D IS PASSED.

THE PRESIDENT:

Now. Senator Owens.

SENATOR OWENS: (22nd)

I would move at this time to Reconsider the bill, and more particularly that aspect of the bill, LCO 8581, that amendment offered by Senator Gunther. As I said before, I was really looking for an explanation of that, why, in fact, the Judicial was kept in or it was kept out and the Executive was kept in. And I did some research on it and I spent some time talking to others who are familiar with it and it seems to me that the distinction is very valid that all statewide elected officials, those would be encompassed by the Executive and that they are responsive, at least, to the electorate; whereby the Judicial is not necessarily so and would not be so. So for those reasons, I was on the prevailing side, I would move reconsideration, Mr. President.

THE PRESIDENT:

You are going to reconsider D. Is that right?
Senate Amendment Schedule D.

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SENATOR GUNTHER: (21st)

No. Mr. President, I think that's wrong. I think he is reconsidering the whole bill at this time because it is not before us. And he cannot consider a single amendment of that bill. I believe the motion right now is reconsidering the entire bill. Am I correct?

SENATOR HANNON: (3rd)

Mr. President, does the Chair invite debate?

THE PRESIDENT:

Sure.

SENATOR HANNON:

Mr. President, it's untimely for the Chair to entertain a motion to reconsider a portion of the legislation without entertaining reconsideration of the entire bill as just passed. If reconsideration of the entire bill as amended passes, it would be timely for the member of the circle at that time to ask for a deletion or a rejection of any amendment previously passed.

THE PRESIDENT:

We will proceed on the basis of the reconsideration of the entire matter at this time. Senator Gunther.

SENATOR GUNTHER:

Mr. President, I oppose and I hope the reconsideration fails. Everybody in this circle knows that the research that he did is a bunch of gobblygook. We just have a bunch of heat going on here to take a pull that out and he knows damn right well that's the case because you have seen the activity

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around this circle. Now I would hope that seventeen people that voted to put that in there would show their guts and stand up there and leave it as it is because no research was done. There is just arm-twisting that was done in this circle and it is bipartisan. So by God, let's stand up and be counted and I say let's reconsider the, ah, let's defeat the reconsideration of the whole bill and send it down to the House where it belongs.

THE PRESIDENT:

Senator Hannon.

SENATOR HANNON:

Mr. President, I would yield to the gentleman, if he wishes to make a point of order.

SENATOR OWENS:

I just wanted to make a representation, Mr. President. That there has been no arm twisting. In fact, there has been research. I have discussed this with others in the Senate, other senators, with respect to the distinction and I am satisfied with the distinction. Thank you.

THE PRESIDENT:

Senator Rome.

SENATOR ROME: (8th)

Mr. President, I make no apologies for trying to suggest to, and I didn't speak to Senator Owens, other senators to reconsider this for reasons that Senator Owens suggested,

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but for the same reasons I opposed Senator Morano's inclusion of local municipal officials. I am not interested in punishing or penalizing anyone. I am interested in passing a good Ethics Bill dealing with parts of the process that we have appropriate control over and should exercise jurisdiction. For those reasons I have opposed Senator Morano's amendment to include local officials at this time and for those reasons I oppose and would continue to oppose Senator Gunther's amendment. I hope that we could proceed with the vote on the amendment having carefully considered that we are not out to punish anyone, we are interested in, in fact, passing legislation that would be appropriate to the statutes of the State of Connecticut, long term.

THE PRESIDENT:

Senator Hannon.

SENATOR HANNON: (3rd)

Mr. President, it is quite obvious ~~that~~ I rise in support of Senator Gunther's position on this bill and in total opposition to reconsideration. And lest you all forget, let's turn the clock back to last Thursday when somewhere around this hour we all voted to give, at least twenty-five of us all, pay raises to judges. Are there not twenty-five in this circle that don't think that we ought to have a finger on their pulse now? They look to us to raise their salaries. Well, I think it is about time they look to us to get some

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standards by which they should guide themselves. And I would hope that we would have twenty-five votes, the same twenty-five people that thought we ought to give them a pay raise. Let's now ask them to step up to the line and join us in an Ethics Bill. I am opposed to reconsideration.

THE PRESIDENT:

Senator Cutillo.

SENATOR CUTILLO: (15th)

Yes, Mr. President. I have done some research with Representative (unable to distinguish name because of laughter), and I will be brief because I -understand the Republicans have a party and I didn't know they did those things, you know. But, you know we have a bill in front of us that I think it has enough of the proper substance to start or feed a new mushroom factory in Franklin. And I wouldn't want to deprive Franklin of a new mushroom factory so I am against reconsideration.

THE PRESIDENT:

Senator Fauliso.

SENATOR FAULISO: (1st)

Mr. President, there comes a time when we have to be extremely careful and very rational. I think we can undermine everything that's good. Anyone who has an appreciation of the law even basic appreciation knows that the inclusion of the judiciary is in violation of the Constitution. There

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are three branches of government. You have been taught that. All of us have in a plain civics course. There is no way on God's good earth that we can encroach our powers or invade in any way the judiciary. The inclusion of the judiciary by amendment, the amendment that was offered by Senator Gunther, a well-motivated and well-intentioned that it is, really would only serve one purpose and in the end a defeat what we might all of us might consider a good bill. We ought not to take this lightly. This is a very serious moment in our deliberations. Senator Rome has articulated that. And I say those of you who are lawyers must understand that. And those of us who want to just meditate and reflect just for a single moment, putting aside some prejudices, putting aside some notions about what government ought to be or what the judiciary ought to be, the pay raises which is another issue, is really not relevant in this issue. The question is whether or not it is appropriate in an Ethics Bill which otherwise is good and which is going to be a violation of the Constitution if we insist on keeping it in this bill. It is wrong. It is improper. It's going to render this bill unconstitutional, clearly without any doubt and without any equivocation. That's where we are at right now at this point. And I think that's the reason why, Senator Owens has changed his mind and has reflected and has asked for reconsideration and that is why the distinguished minority leader has again stressed and

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emphasized the importance. Don't destroy this bill. Please. Keep it a good bill.

THE PRESIDENT:

Senator Madden.

SENATOR MADDEN: (14th)

Thank you, Mr. President. I rise to oppose reconsideration. I question our selectivity concerning the Judicial branch. I note that in the bill, under the term public official, we have members of the Judiciary branch of government except the judges in the original draft of the bill. I don't understand if the argument is there that we ah, there is a separation of three branches, how we can be so selective in who we choose to control or not control. If it's good for all the members of the Judicial branch of government except the judges then it is good for the judges as well.

THE PRESIDENT:

Senator DeNardis.

SENATOR DENARDIS: (34th)

Mr. President, I rise to oppose reconsideration as well. I think that those of us who are not lawyers are perhaps getting a little tired of hearing from our legal bretheren about what the law is, what the Constitution is, what is constitutional and what is legal. We may not have gone to law school, but I think that we are certainly well-equipped enough to know what the difference is and to make

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the argument that an Ethics Bill is unconstitutional because it includes the judiciary, is just about one of the most ludicrous lines of argumentation that I have heard in a good long time. WE had a little session here just a few minutes ago when one member of this circle tried to convince us that our vote was wrong and that the judiciary would promulgate a code of ethics. They would promulgate a code of ethics for low these many years, they have not had a strong, stringent code of ethics. It's about time the law-making body of this state included ~~the~~ body which has been derelict in its duties for not tending to its own house and including them in this particular code of ethics. We are, of course, including the administrative branch, no one raises the constitutional question there. So I think the argument falls on its face. I hope that we would not be prone to the pressure that is being put on us at this moment to change our minds. I think we made a good decision and I hope we stick to it.

THE PRESIDENT:

Senator Dinielli.

SENATOR DINIELLI: (31st)

Mr. President, I rise to associate myself with the remarks of Senator DeNardis and thank him for saying it much better than I could have. And I flatly deny any suggestion that my vote for that amendment or that my vote against reconsideration is an attempt to kill the ethics bill, it is

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not and I ask all of you members to support, I should say, to oppose reconsideration. Don't get caught in the trap of being lead down the path and be accused of killing the bill. That's not so. Senator DeNardis has explained and I ask that you oppose reconsideration.

THE PRESIDENT:

Senator Guidera.

SENATOR GUIDERA: (26th)

Mr. President, I voted against the amendment when Senator Gunther originally proposed it and I am going to vote for reconsideration. Not a week ago, we passed in this chamber, an implementation of a constitutional amendment providing for a judicial revenue council and if any of the members of this body had taken the time to read it thoroughly they would have found out that it was sweeping legislation concerning the judicial conduct of judges and so forth. But before this assembly got the great idea of having a code of ethics, long before, decades before, not only did judges have canons of judicial ethics, but attorneys established them for themselves for the purpose that the Legislature not establish them for them. Those judges have abided by those canons over the years and they have the best critics and the best judges in the world on their own particular conduct and that has been their own peers. And so for some legislator to stand up here and to say that we ought to apply this to judges, when they have had it for decades and decades

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is ludicrous. They are the johnny-come-latelys when it comes to ethics. The legislative branch is the johnny-come-latelys to legislative ethics. The judicial branch has had them for decades.

THE PRESIDENT:

Senator Schneller.

SENATOR SCHNELLER: (20th)

Mr. President, I rise to support reconsideration. I, too, am not an attorney in this circle but I do have respect for those who are concerned with the constitutionality of this action. And if we are in any danger of placing a good bill, an important piece of legislation in jeopardy because of its unconstitutionality, then I think we make a serious mistake. And I have sufficient respect for the members of this circle who understand the nuances of the constitutionality and the separation of the various branches of government so that I could not in all good conscience place this piece of legislation in jeopardy and therefore I urge members of this circle to vote in the affirmative on reconsideration.

THE PRESIDENT:

Now the question is on reconsideration. Senator Barry.

SENATOR BARRY: (4th)

Mr. President, I rise also to support the motion to reconsider, and I have grave doubts about the constitutionality

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of this inclusion of Senator Gunther's amendment, although I appreciate his motives and I can appreciate the misunderstanding that many people would have to exclude one branch of government or its functionaries. But I think Senator Guidera said it very well. You know since the last few years there has been filed with the executive director of a judicial department statements of assets, income and so forth, similar to what we do here and for many, many years the code of ethics has been in effect as it pertains to judges. But more importantly, is the bill that we passed here recently and I would remind the circle that we passed it pursuant to a constitutional amendment. In this bill, we give a Commission of seven people appointed by the Governor and by four members of this assembly, the power to assess up to one thousand dollars against a respondent who is found in violation of this act and this would include a member of the judiciary. I think if we are going to do this we ought to do it pursuant to a constitutional amendment as we did the judicial review council or make changes in the statute next session that we passed here last week. This is not the way to do it.

THE PRESIDENT:

Senator Houley.

SENATOR HOULEY: (35th)

Mr. President, very quickly, it has been talked about that the members of the bar and the judiciary have code of ethics and I would like to see where that is printed, if indeed

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it exists. This is an exclusive club. And I don't mean that disrespectfully, but I think it is a fair statement, that depending on a whole series of attitudes, rules are made. Understandings are made. It's a code. It's like a fraternity. But nowhere is it written. I want to just touch again, I am not very humble because as an attorney one should not really question whether something is or is not constitutional or unconstitutional. But if, indeed, it is unconstitutional for the legislative body to interfere with the executive or the judiciary, then let the executive and let the judiciary raise the taxes to support themselves. The fact of the matter is that constitutionally we do have the power of the purse and I think we are exercising our option in saying in effect that what's good for a series of public officials on a state level and I am delighted that we left the municipal level alone as well as the congressional, that's their problem; but on the state level, certainly it is not wrong for us to suggest the code of ethics for the members of the judiciary as we have ourselves and the code executive as well.

THE PRESIDENT:

Senator Beck.

SENATOR BECK: (29th)

Mr. President, I would like to support reconsideration. And I would like to explain why the judges were in and then were out of the bill. When Representative Barnes and I first

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were drafting the bill, I phoned some organizations around the country to find out whether other states included judges and based on our findings, there were very few states which did. We started out already ambivalent about what that meant in terms of custom and constitutionality and we never really got that question answered. So we left the judges in because we did feel that they should have some standards and should have uniformity of treatment; but all through the bill, we really, every other day, wondered whether they belonged there. After the bill was brought out of GAP and out of Judiciary, where, in fact, the judges did remain and there was a judgment involved there by Judiciary, after that we were persuaded in the course of discussion, not arm-twisting at all, but discussion that we really were stepping into an independent body, that there were some constitutional questions and more significantly, that the standards of conduct to be applied probably were not those which we drafted in this bill, nor the penalties the same, so we took them out very late in the process and I suspect that putting them back in with the rather casual thought that we've given to it really does raise some questions about the judgment otherwise which is sound in the bill. And I would add to that that I don't think we jeopardize the bill by leaving the judges in because as I understand it, sections if declared unconstitutional are separable from the legislation proper, and therefore, the

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legislation would stand, as I understand it. But the real question is whether we want to put the judges in at this late hour with fairly little thought about it, when, in fact, we have recently passed legislation, when we do have an impeachment process, when we really ought to perhaps, as a group, address that specific question more thoroughly and if we feel that this is necessary come out with a different piece of legislation.

THE PRESIDENT:

Senator Strada.

SENATOR STRADA: (27th)

Mr. President, through you, I wanted to ask a question to anyone who cares to answer, just for my own understanding. I thought that last week, when we created the judicial review council, this body in its wisdom had established that it was that Council and only that Council that could censure a judge. And yet, as I read the bill, read the amendment, if the judges were included and if they were penalized with a thousand dollar penalty, is that not essential? And if that is so, would we not have two conflicting statutes, with a Council and a Commission, ^{and} an imposition of a penalty or a censure under both?

SENATOR OWENS: (22nd)

Mr. President, through you, I think I can answer. We did two things. We passed the Judicial Review Council bill that would allow the Judicial Review Council, and also

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so the record is clarified, the Supreme Court of the State of Connecticut would have the powers to remove a judge. So for that reason, I do feel that there is adequate protection, and for that reason it is not necessary that they be included and I move that when the vote is taken, it be taken by roll call.

THE PRESIDENT:

Senator Gunther.

SENATOR GUNTHER: (21st)

Very briefly again, I think there ought to be summation, not that I have any question that we are going to alter any votes here, but all the language that was in the bill that came to us less than a few days ago went through the process of three committees up here. Admittedly, the judges were left in. Now the canons of ethics that I bleed for up here, I don't know if they have the disclosures and all the tenets that remain here in this particular bill on the ethical conduct of any person in the State of Connecticut. If they did, why the h.. didn't we copy the canons of ethics and apply it to legislators? I think it answers itself. You know darn right well that it goes a lot farther. So, as far as I am concerned, there are a lot of reasons to consider staying with your vote and let's have the judges remain in the Ethics Bill.

THE PRESIDENT:

Now we are going to vote reconsideration. Will you please announce an immediate roll call. Senator Guidera.

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SENATOR GUIDERA: (26th)

Speaking, while we are waiting, I just want to clarify what we are doing here. As I understand it, we are now voting to reconsider the main bill. Is that not correct?

THE PRESIDENT:

Reconsidering the bill with three amendments, A, B and D.

SENATOR GUIDERA:

And it would then be in order to reconsider any particular amendment at that point if the

THE PRESIDENT:

If reconsideration carries, then we can move on the individual amendment or amendments.

SENATOR GUIDERA:

Thank you, Mr. President.

THE CLERK:

The machine is open. Please cast your votes. The machine is closed and locked.

Total Number Voting	33
Necessary for Passage	17
Voting Yea	21
Voting Nay	12
Absent and Not Voting	3

THE MOTION TO RECONSIDER IS CARRIED.

SENATOR OWENS:

Mr. President, at this time, I would move reconsideration without any debate at all, on LCO 8581 which was amendment D. I think we have had all the discussion we need.

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THE PRESIDENT:

What did you move on that, Senator Owens?

SENATOR OWENS:

I am moving reconsideration on that particular amendment that we referred to, that is, Amendment D.

THE PRESIDENT:

I think that without getting involved, what you want to do is

SENATOR ROME: (8th)

Point of order, I think an appropriate motion would be a motion to delete because the bill with all those amendments is before us.

SENATOR OWENS:

I withdraw my motion for reconsideration and would substitute a motion to delete Amendment D from the bill that we have reconsidered. Thank you, Mr. President.

THE PRESIDENT:

Very well. That's good. Now Senator DeNardis.

SENATOR DENARDIS: (34th)

Mr. President, I understand now that the motion is to delete the amendment and I would speak in opposition to the motion to delete the amendment only insofar as the question that Senator Strada raised before the last vote when he asked and I stood to answer but you went right to the vote, what the difference might be between the Judicial Review Council and actions they might take pursuant to any canons that would

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instruct them and this particular piece of legislation. I say to Senator Strada, through the Chair, that there are laws which govern the General Assembly right now with respect to our culpability and liability under criminal law and they will continue to, but we are dealing with a different area here, dealing with a shadowy area called conflict of interest. And I think this legislation is necessary because it goes that step further than the Judicial Review Council will go and that heretofore anything that governed us traveled. So I think the answer to your question, Senator Strada, is the area of conflict of interest has been one that has been ill-defined before. It is not in our, it's not clear and definitive in our criminal laws for those of us who are in public office, all public offices, legislative, executive and judicial. That's why this legislation with the amendment that Senator Gunther has introduced is necessary.

THE PRESIDENT:

Are you ready to vote? Yes, Senator.

SENATOR ROME: (8th)

It is my understanding that your ruling with no appeal was that the motion to delete was an appropriate motion. Is that correct?

THE PRESIDENT:

You are voting on a motion to delete which was made by Senator Owens. That's right. The machine is open. Please cast your votes. The machine is closed and locked.

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Total Number Voting	33
Necessary for Passage	17
Voting Yea	19
Voting Nay	14
Absent and Not Voting	3

THE MOTION TO DELETE IS PASSED, SENATE AMENDMENT D.

SENATOR LIEBERMAN:

Mr. President, the proper motion now would be to move to pass the bill as amended by the remaining two amendments. I would so move.

THE PRESIDENT:

That is correct. The motion has now been made to act on the bill as amended by Senate Amendments A and B. Are you ready to vote? The machine is open. Please cast your votes. The machine is closed and locked.

Total Number Voting	33
Necessary for Passage	17
Voting Yea	33
Voting Nay	0
Absent and Not Voting	3

THE BILL AS AMENDED HAS BEEN PASSED.

SENATOR OWENS:

I wonder, Mr. President, if we could move for suspension and for immediate transmittal of the bill.

SENATOR LIEBERMAN:

I would so move.

THE PRESIDENT:

Without objection, it is so ordered.

SENATOR LIEBERMAN:

Mr. President, when Howard gets interested, he really

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for the individual members in your towns. With that, I conclude.

MR. SPEAKER:

Will you remark further on the bill as amended? If not, will the members please be seated? Staff and guests please come to the well of the House, the machine will be opened. 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 will please announce the tally.

THE CLERK:

Total number voting	47
Necessary for Passage	74
Those voting Yea	93
Those voting Nay	54
Those absent and not voting	4

MR. SPEAKER:

The bill as amended by Senate Amendment Schedule A is passed in concurrence.

THE CLERK:

Page 8 of the Calendar, Cal. no. 1488, substitute for S.B. No. 1265, file 1085, An Act Concerning A Code of Ethics For Public Officials, as amended by Senate Amendment Schedule A and B. Favorable Report of the Committee on Appropriations.

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MR. SPEAKER:

Lady from the 40th assembly district, Representative Patricia Hendel.

MRS. HENDEL (40th):

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

MR. SPEAKER:

The question's on acceptance of the Joint Committee's Favorable Report and passage of the bill and will you remark madam?

MRS. HENDEL (40th):

Yes, Mr. Speaker. Mr. Speaker, I think all of us here in the General Assembly know why it's important for us to pass a stronger code of ethics bill this year. I think its important that we help to increase public trust and improve the total image of our state government. In a nationwide poll done by the Harris group, only 24 percent of those polls indicated high confidence in State Government. This bill will certainly not by any means change the figure by itself or the attitude it represents. But it should place the Connecticut legislature in it's stands towards improving our image among our constituents here in Connecticut. The strength of this bill lies in theoversight powers that will rest with

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a new ethics commission. The ethics commission proposed in bill 1265 will be composed of seven members to be appointed from the public. They will not be associated with political office or committees. The committee will be independent of those who activities it is going to oversee. The bill also requires open financial disclosure of financial interest by public officials, state officers and certain state employees in their immediate families. The bill stipulates penalties so that there will be an alternative to the General Assembly power of (inaudible) impeachment or suspension. The conflict of interest provisions are also strengthened in the bill. The bill includes a definitional section. It describes the composition and powers of the ethics commission, deals with procedures involved with complaints, financial disclosure, describes conflicts of interest, provides for an appeal procedure, deals with the commissions action after hearing and has a penalty section. The last two sections are the repealer appropriations and effective date sections. Mr. Speaker, at this time, I would like to yield to Representative Hanzalek.

MR. SPEAKER:

Does the Lady from the 61st accept the yield from the Lady from the 40th?

MRS. HANZALEK (61st):

Yes, Mr. Speaker.

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MR. SPEAKER:

You have the floor madam.

MRS. HANZALEK (61st):

Thank you, Mr. Speaker, members of the House, passing an ethics statute is never easy. There are always those who wish to make unreasonable demands on part-time legislators, out of well meaning naivete or for PR purposes. Those of those who oppose almost public disclosure of a legislators life, perhaps because of honest philosophical concern over the rights of privacy or for selfish reasons. The present statute, whatever its shortcomings was really quite a mild-stone. As a matter of fact for all it's shortcomings, several states have copied some of the provisions. But you know, it almost didn't pass. And I think it might be interesting this evening to review history for a few moments. On the last night of the session, Wednesday, in June of 1971, the legislature in the hall of the House debated the ethics statute. Shortly before midnight, the Speaker did something I have never seen any speaker of this House do. And I understand speakers have rarely done this. The speaker cut off debate. There was then a voice vote as to whether or not the members were in favor of passing the ethics bill. You must remember back in those days, we did not require roll calls on every vote. The speaker called for the ayes and a large shout rang out. The speaker called for the nays and another tremendous shout rang

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out. At this point, the Speaker banged the gavel and said the ayes have it, the bill passed. Then you wouldn't believe it. There was shorts all over the place. People demanding the attention of the speaker to appeal his ruling. At that point, the gavel fell once more. Adjourning that 1971 session of the House, sine die. Now however you want to classify that rather interesting beginning of our ethics statute, whether you want to consider that the speaker at that time used shabby maneuvers or massive legislative tactics, that's your decision. But never the less, without those techniques, we would not have had any ethics statute. It took a while for all of us to know how this statute would work. And it took several years for some of it's shortcomings to become obvious. We must understand several things. That there is no way in this world that we will be able to legislate morality. We must also understand that secretacy breeds suspicion both by the media and the public. We do know our legislature is part-time and we can not and should not make it impossible for good people to run for office. We also know particular as we have worked through this session on such a bill on ethics that those who are to be regulated invariably look upon it as a threat. Whereas the public invariably feels we're not going enough regulating. The legislation before us today recognizes those facts. All of us hope that it's an improvement over what's on the books now.

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As I say, the present law which was enacted in 1971 eventually turned up with some shortcomings. For example, because the committee was made up of law makers, we were accused of operating under a buddy system. That problem is solved by the new commission which the act before us would set up. We were accused as a committee of seeing a conflict of interest and not doing anything about it. The fact of the matter was that we made to wait until somebody files a formal complaint before the committee could act. The new commission and the new legislation will also solve that problem. We were really given a hard time by some legislators and by the public that we did not issue guidelines to legislators and tell them exactly what was wrong, what they could do and what they couldn't do. The present committee does not have that power, the new commission can make those regulations if they so choose. The present statute has no prohibition on offering or accepting gifts. The bill before us takes care of that. The present statute has no staffing mechanism. We had a terrible time during the several investigations that we had when legislative management asked both political parties to use their patronage attorneys to serve on the ethics problem. It was difficult to get transcriptionists to transcribe testimony from the hearings that we held. As a matter of fact, on one occasion not fifteen minutes worth of a tape but two

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tapes were lost during a very sensitive investigation. The tapes were subsequently found but it was several weeks before they were turned up. The present statute also really has no penalties. Penalties are provided for in the bill that's before us today. The present statute also has the flaw in that there is no timing device. In other words, a complaint can be brought today, it might not be acted upon for months, and if an investigation is held, who knows when that ever takes place, who knows when it will be completed and the poor unfortunate individual who has been accused has to wait. The present statute takes care of that by putting in those time sequences. Under the present law, statements of financial interests are secret. The new bill makes it a matter of public record. The list of state agencies before which lawyer legislators may not practice has been lengthened under the bill that's before us today. The problems that I have spoken out on for the last three years, almost all of them, has been addressed in this piece of legislation. And it wasn't just the work of one person or two people. It was the work of many people. They all know who they are. You will probably hear from many of them later today. But you should know that their work ought to be appreciated by all. Several problems remain. I don't know, they may be insolveable. There may be amendments

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offered later that would hope to try to solve some of those problems. Whether the problems can be solved, I don't know. For example, just exactly what constitutes a conflict of interest? That's really very difficult to define. I'm not sure that the definition in this statute before us is the right one. It is no different from the one that's in our present statute. On the other hand, what would you substitute in place of it? There's another problem that remains and that there really there ought to be some way to deal with the appearance of conflict as opposed to provable wrong doing. But even as you can not legislate morality, you can not legislate good judgement. For that reason, that problem may also be insolvable at this time. There's a third problem that I hope we might address and that's the issue of secrecy. We might speak to that in an amendment that may be offered later. But I think we must recognize that those are the real problems that may still exist with the statute. Above all, we must be certain that those who serve us whether they be elected or appointed live by the higher standards of morality. Our ethic statute must provide clear guidelines, public oversight and a workable routine procedure with enforceable penalties. The present statute has none of these. The bill before us has great promise toward addressing all of them. Thank you, Mr. Speaker, and I would like to return the yeild back to Representative Hendel.

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MR. SPEAKER:

Does the Lady from the 40th accept the yield from the Lady from the 61st?

MRS. HENDEL (40th):

Yes, thank you, Mr. Speaker.

MR. SPEAKER:

You have the floor madam.

MRS. HENDEL (40th):

Yes, Mr. Speaker, very briefly I wanted to thank Representative Hanzalek for reviewing some of the legislative history of our current ethics bill and our current ethics practices. We've tried this session to avoid the very last minute, you know, middle of the night thing in producing an ethics bill and we've worked very hard from the beginning of the session. I'm particularly grateful for our sub-committee co-chairman, Representative Barnes for her long and tedious and careful work in going through a lot of public hearing process trying to address the very weaknesses that were referred to. There is no way in which I would represent this bill as being the absolute epitome of an ethics bill. However, it is the result of study of good ethics legislation, current ethics legislation and a number of other states and the result of a great deal of input from people in our state. The highlights of the bill were very well mentioned, I think by

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Representative Hanzalek and the strengths of the bill were mentioned as they met the problems that she and other people who have lived with the situation over the past few years have experienced. This bill represents a very serious commitment by this body and (inaudible) it will be responsible and responsive to the needs and issues of the people in our state. I think with this ethics legislation, much stronger and much more positive than we have today, there will be no doubt that among the people in this state that state officials are indeed servants of the people and are trying to serve in an open and fair manner. Mr. Speaker, I urge passage of the bill.

MR. SPEAKER:

The question's on acceptance and passage and would you remark further? Gentleman from the 119th, Representative Gerald Stevens.

MR. STEVENS (119th):

Mr. Speaker, I also rise at the outset and support of this legislation. I do think it represents meaningful step forward in terms of an ethics law in the State of Connecticut. An ethics law that is needed not because of any incidents of wrong doing, Connecticut is fortunate in that we have had relatively clean government. But a law that is needed because the public must have a place to turn to, that the public can have confidence in and in those cases that might arise where in a conflict of interest is at least presented on

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the face. It's an ethics bill which has been some time in coming. I am pleased tonight to note that last September the then small republican party had one of their caucuses in the phone booth which we held in 1975 and 1976, endorsed this legislation and follow it up by submitting it in January with an expanded caucus. But as legislation that truly crosses party lines and has been endorsed by both political parties in the assembly. It's a bill that the speaker noted in his remarks asking the members to take their seats that affect not only each member of the House tonight but members for untold sessions in the years to come. As such I think it's important that the members carefully adhere to the debate, listen to the debate, consider the amendments that are offered, and vote according to what is in the best interest of the legislation before us and the people in this state that we are here to serve. It is a fourteen page bill that comes to us by an amendment which has had a great deal of work in drafting that amendment. It is a bill which can be strengthen and there will be amendments offered with the idea of closing some of the areas that are not covered adequately and providing for what I think is an even better ethics bill. There are those who will say I am sure that we should not consider amendments, that it is too late in the session, that by amending the bill, we may then cause the bill to fail before midnight

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on Wednesday. For those who say that, I say, that each and every member of this House has the responsibility to try and improve and strengthen any legislation that comes before us. There is no excuse for rejecting an amendment that you agree with in substance on the false and empty argument that to amend the bill will mean it's demise. I pledge to each and every members of the House of Representatives that I will fully support suspension of the rules to immediate transmit this bill to the Senate in the event of an amendment and if the House as a body sees fit to improve this bill by adopting an amendment by majority vote, then we send it upstairs and they do their constitutional duty. But let's not make the mistake we made with reorganization. The mistake of saying we're second class in the House in terms of what we do with the bills. That is not the case and if the amendments are proper and if the amendments direct itself toward a better ethics bill, let's vote on that issue, on each amendment. Not on what might happen to the bill because the bill can go upstairs tonight and can be considered by the Senate tomorrow and let the Senate stand or fall on how they approach a better ethics bill for the State of Connecticut. I would, Mr. Speaker, at this time, before calling an amendment, yield to the Lady from the 40th so she might put before the House, Senate amendment.

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MR. SPEAKER:

Does the Lady from the 40th accept the yield from the Gentleman from the 119th?

MRS. HENDEL (40th):

I will and thank you very much. I'm afraid I aired it when I moved for acceptance and passage the bill that you heard us describe in length in the last few minutes has been the bill as amended by Senate Amendments A and B. I'd like to move at this time to move acceptance of Senate Amendment A.

MR. SPEAKER:

Does the Lady, is the Lady calling L.C.O. 8579, Senate Amendment Schedule A?

MRS. HENDEL (40th):

Yes, Mr. Speaker.

MR. SPEAKER:

Will the Clerk please call the amendment?

THE CLERK:

Senate Amendment Schedule A. L.C.O. 8579, offered by Senator Beck of the 29th, Senator Barry of the 4th, Senator Schneller of the 20th.

MR. SPEAKER:

Does the Lady seek leave to summarize in lieu of Clerk's reading? Hearing no such objection, the Lady from the 40th first to summarize.

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MRS. HENDEL (40th):

Thank you, Mr. Speaker, I'd like to suggest that I and Representative Hanzalek have already summarized the amendment in detail which in effect is the bill and I move it's passage.

MR. SPEAKER:

The question is on adoption of Senate A and will you remark? If not, the question's on adoption of Senate A. All those in favor, excuse me, the Lady from the 21st, Representative Dorothy Barnes

MRS. BARNES (21st):

Thank you, Mr. Speaker, this bill is a combination of hours of work by members of both sides of the isle, starting with the determination of 23 co-sponsors last January to bring out ethics legislation this term. You have heard what the bill entails or at least what the amendment entails and I think the changes are significant and worthwhile for the state. The legislation is intended not to impose burdens on public officials who are serving their state but rather to provide guidelines so that they can know with more certainty when its fellow members believe are the proper standards of conduct. It also provides for citizens of Connecticut with the assurance that standards of conduct are important to legislators and that they are being defined and followed. I strongly believe

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this bill will serve both those who serve and those who are served well in the years ahead. Thank you.

MR. SPEAKER:

Will you remark further on Senate Amendment Schedule A? If not, the question's on it's adoption. All those in favor of Senate A will indicate by saying aye. Opposed? The ayes have it, Senate A is adopted. Would you remark further on the bill as amended by Senate Amendment Schedule A? Lady from the 40th.

MRS. HENDEL (40th):

Yes, Mr. Speaker, I'd like to call for Senate Amendment B, L.C.O. 8580.

MR. SPEAKER:

Will the Clerk please call L.C.O. 8580, Senate Amendment Schedule B.

THE CLERK:

Senate Amendment Schedule B. L.C.O. 8580, offered by Senator Madden of the 14th district.

MR. SPEAKER:

It's the Lady's pleasure to summarize or to have the Clerk read?

MRS. HENDEL (40th):

I'd like to summarize please, Mr. Speaker.

MR. SPEAKER:

Is there objection to the Lady from the 40th in summarizing Senate B in lieu of the Clerk's reading? Hearing

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no such objection, the Lady from the 40th to summarize.

MRS. HENDEL (40th):

I think the coments we made before wholly discussed the definition of financial interest which are included in the bill and that's why L.CO. 8580 includes in it. I move it's adoption.

MR. SPEAKER:

Will you remark further on the adoption of Senate Amendment B? Gentleman from the 147th, Representative Shays.

MR. SHAYS (147th):

Mr. Speaker, through you, I'd like to ask the distinguished chairman, what is the significants of amendment B as opposed to what was in amendment A? As it relates to the definition of business.

MR. SPEAKER:

Does the Lady care to respond?

MRS. HENDEL (40th):

Through you, Mr. Speaker, the addition in Senate B to the definition of business to which he associated clarifies that officer refers only to the president, executive vice-president or senior vice-president of such business.

MR. SHAYS (147th):

Through you, Mr. Speaker, one last question, why was the vice-president of this business excluded? What would be the reason for being excluded?

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MRS. HENDEL (40th):

Through you, Mr. Speaker, may I yield to Representative Barnes?

MR. SPEAKER:

Does Representative Barnes accept the yield?

MRS. BARNES (21st):

I accept the yield. Thank you. The reason that vice-president, secretary, treasurer and other officers such as that were excluded from the definition was that when you have a very large corporation and you have numerable vice-presidents, and many, many assistant vice-presidents, treasurers, assistant treasurers and so on, these officers almost always have no control over the loaning policy and very often very little control over much many of the management decisions. The result of that seemed an intolerable burden from someone who's an assistant vice-president of a bank to come in here and to expected to be responsible for the decisions of that bank.

MR. SHAYS (147th):

Through you, Mr. Speaker, I'd ask Representative Barnes if the term vice-president or secretary or treasurer was included in the definition, what would this require of the vice-president, secretary or treasurer?

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MRS. BARNES (21st):

Through you, Mr. Speaker, if you'll look at line 327 I think you'll see that when it comes to contractual arrangements that a public officials is unable to deal in contractual arrangements with the State without spending process involved with business with which he is associated is involved, so that if an assistant vice-president was also a legislator, it would present problems because he really would not have much control over the business with which he was associated if he was one of 25 assistant vice-presidents.

MR. SHAYS (147th):

I thank the Lady. I would like to comment and I just have to say that I'm trying to understand the reason for Senate Amendment B and maybe it's a valued judgement but in my judgement, it makes sense to me that a vice-president is really no different as any other officers or in fact a treasurer or secretary and it would seem to me that the Senate Amendment B should not be accepted, that there really is no justification for it and I would urge rejection.

MR. SPEAKER:

Would you remark further on Senate Amendment Schedule B? Gentleman from the 141st.

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MR. MANNORSTRAND (141st):

Mr. Speaker, I would echo the sentiments of the Gentleman from the 147th. Corporations come in all sizes, and in a small corporation, a vice-president for instant, could be a crucial figure. He could be a policy making figure quite easily. I noticed a response to Representative Shays inquires to Representative Barnes or which those to which she responded, she placed great emphasizes on lending institutions. Seemingly we craved out a special exception for banking officers or at least great interest in their welfare. I notice that that is the example given for instance would mean that people could be as we had a bill earlier in this session, I believe it was a bill that went back and forth about 70,000 dollars and 100,000 dollars, it came back down to 70,000 to the amount of money that could be loaned to an officer. It seems to me that this leaves a rather gapping loop hole in who shall be eligible to vote on such legislation. I would urge rejection of this amendment.

MR. SPEAKER:

Would you remark further? Representative John Matthews.

MR. MATTHEWS (143rd):

Mr. Speaker, just a follow through briefly on the

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same observations. A number of industries and companies, the comptroller of the companies is listed as a comptroller and in many instances, he is the complete financial advisor of the organization recommending borrowing, recommending the amount of financing which the companies may need to do certain elements that they are subject to at the time so I think that when we restrict the officers to the ones identified in the amendment, we are undoubtedly excluding a great many organizations people from being involved in this type of legislation. I would also agree with the comment that have been made by the two previous speakers.

MR. SPEAKER:

Would you remark further on Senate Amendment Schedule B? Representative Taber.

MR. TABER (114th):

Mr. Speaker, in many cases, its a very good dogge not to be the president of a corporation. You can be the majority stock holder in the corporation and be the treasurer. Or you can be the secretary and it's often used and I should think in fact if you look at this amendment, there could be a loop hole. I don't think we're trying to create an ethics bill because certain individuals a change to dive through the loop hole. I would respectfully hope that we would reject this amendment.

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MR. SPEAKER:

Representative Tiffany.

MR. TIFFANY (36th):

Mr. Speaker, I would also rise to oppose this amendment. It would appear to me that if an officer was elected to the Legislature, one way of getting around this would be to just change his title to anything other than president, executive vice-president or senior vice-president and he would be indeed clear of the entire ethics bill. And I think that is a glaring loop whole and for that reason I would oppose the bill and ask that when the vote be taken, it be taken by roll call.

MR. SPEAKER:

The question's on a roll call vote, All those in favor of a roll call vote would indicate by saying aye. More than 20 percent have answered in the affirmative and a roll call is in order. Would you remark further on Senate Amendment Schedule B? Representative Dorothy Barnes, speaking for the second time.

MRS. BARNES (21st):

Mr. Speaker, I think I answered a question before.

MR. SPEAKER:

Excuse me, speaking for the first time.

MRS. BARNES (21st):

Mr. Speaker, I think what the speaker who proceeded me have said has some merit. There are unquestionably sections

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throughout this bill where if one chose through one means or another to circumvent the provision, he or she would find a way to do it. I think the point is that we have tried to come with a bill that is most acceptable to the most people, that provides the easiest degree of understanding. This amendment was placed there not simply because of banks and loans. I think if you followed large corporations, you'll find that there are in many corporations, many vice-presidents, in the insurance industry, those who are involved with it here, know that there are many, many vice-presidents, many secretaries, many treasurers and this also applies in the manufacturing field. I think IBM for example has something on the order of 10 to 15 vice-presidents of the overall corporations to say nothing of the individual divisions. Thank you.

MR. SPEAKER:

Would you remark further on Senate Amendment Schedule B? Representative Mahoney.

MR. MAHONEY (118th):

Mr. Speaker, I for one, if I am going to vote for any ethics bill, I want to vote for a bill or an amendment without exceptions. I think that we are leaving it to the individual to determine whether or not he is performing unethical conduct. So I want to register my voice to those of the others who have voiced their opposition to this amendment.

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MR. SPEAKER:

Would you remark further? Representative Gerald Stevens of the 119th.

MR. STEVENS (119th):

Mr. Speaker, at the outset I said that I didn't think the ethics bill was one that had any political connotation in terms of it being right or wrong for Democrats or Republicans. It's something that we have an obligation to pass and to pass in my opinion in the best possible form. And I in all sincerity would ask anyone in this chamber on either side of the isle to get up and give me an explanation as to why we have excluded in all corporations, not just big, small as well, why have we excluded vice-presidents, secretaries, treasurers, comptrollers. You know most of the corporate business done quantitatively in this state is not done by the banks, the large corporations but by the small corporations that are formed to conduct a certain kind of business. What Senate Amendment Schedule B has done now is said if you have one of those small business, all you've got to do and as long as you don't meet any of the other qualifications in the definition of business, is change your title. There is no logically rationale for Senate Amendment Schedule B. No one has put any for it except in the case of a bank and quite frankly, I can understand that rationale in so far as it applies

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to a bank. But I can't understand it in a small corporation. And that's where I think there's really a danger. I hope we're not seeing here tonight the attitude that this bill has got to be accepted the way it is. Because if we are, why don't we go home? If this is not a loop hole, I'd appreciate an explanation from somebody as to why it's there. And if it's met for banks, why does it apply only to banks? What about the small corporation? Senate Amendment Schedule B is a significant exception if you have a corporate structure and I would hope we're not going to get off on a start with the ethics bill saying that this House supports the creation of a loop hole. It's not in the best interest of the state. The people we serve this chamber for the ethics bill itself. The amendment is not a good one and should be rejected.

MR. SPEAKER:

Would you remark further on Senate Amendment Schedule B? Representative Allyn.

MR. ALLYN (43rd):

Mr. Speaker, there's been a great deal of concern over the last couple of minutes about smaller companies in a great big loop hole we're opening for them. I think if you address line 22, it says, general partner or holder of stock constituting five percent or more, total outstanding stock, I think that you will find that any small company, anybody who has any influence in the operation of that small

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company, will normally own at least five percent of the stock. If they're in a small company and they don't own at least that their influence on the management of the company is about zero.

MR. SPEAKER:

Would you remark further? If not, are you prepared to vote? If so, will all the members please take their seats? Staff and guests please come to the well of the House, the machine will be opened. 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 will please announce the tally.

THE CLERK:

Total number voting.....	143
Necessary for Adoption	72
Those voting Yea	81
Those voting Nay	62
Those absent and not voting	8

MR. SPEAKER:

The amendment passes. Would you remark further on the bill as amended? Representative Gerald Stevens of the 119th.

MR. STEVENS (119th):

Mr. Speaker, well we've taken care of the corporate officers, I see. Mr. Speaker, the Clerk has an amendment,

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L.C.O. 8663, I would ask the Clerk to please call and read the amendment.

MR. SPEAKER:

The Clerk has L.C.O. 8663, which shall be designated as House Amendment Schedule A. Would the Clerk please call?

THE CLERK:

House Amendment Schedule A, L.CO. 8663, offered by Representative Stevens of the 119th district, add a new subsection (m) to section 1 as follows: "(m) All state-wide elected state officers within the meaning of subsection (j) shall devote their full time to the duties of their office and shall engage in no other gainful employment." Delete section 15 in its entirety and substitute a new section 15 as follows: "Sec. 15. This act shall take effect January 1, 1978, except section 14 shall take effect July 1, 1977, section 2 and 12 shall take effect October 1, 1977, section 5 shall take effect January 1, 1979, and subsection (m) of section 1 shall take effect July 1, 1979."

MR. STEVENS (119th):

Mr. Speaker, I move adoption of the amendment.

MR. SPEAKER:

The question's on adoption of House Amendment Schedule A and would you remark sir?

MR. STEVENS (119th):

Yes, Mr. Speaker and members of the House, this

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amendment restores a section that was in the original ethics bill. It imposes a requirement upon the next group of state elected officials who will take office in January of 1979 to work full time for the State of Connecticut. I think the time has come to realize that running the State of Connecticut is not a job that can be done on a part time basis. Indeed, the Senate and the House, the House by it's action on Saturday, recognized that the pay for these offices is not commensurate with the responsibilities. You will recall that there was a vote last Saturday in this House confirming action of the State Senate increasing the pay for the State elected officials in the Executive Branch of Government effective January of 1979. What we have done is give the Lieut. Governor a 28 percent increase, the treasurer a 20 percent increase, the Secretary of State a 20 percent increase, the comptroller, a 20 percent increase and the Attorney General a 22 percent increase effective January of 1979. I'd ask you whether or not in light of that action we should not impose the requirements this amendment calls for on those elected officials. \$25,000 per year to the Lieut. Governor, \$25,000 to the treasurer, Secretary of State and Comptroller. \$38,500 to the Attorney General of the State of Connecticut. How many of our constituents would support those salaries for a job that does not require by statute full time work? Let's deal for a minute with the position of Attorney General. \$38,500, only \$4,000 less than the Chief Executive Officer, that is the Governor

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of the State of Connecticut. Do you really think at that salary that the Attorney General should have a private law practice? I don't. I don't think the people of Connecticut do. And I think its time and the ethics bill is the vehicle to do it, that we said if you're going to run for office statewide, if you're going to assume the responsibilities of Attorney General, treasurer, comptroller, Lieut. Governor, it's time to be a full time employee of our state. Look at the complexities of those offices and how they've changed, since they were built into the statute. The Treasurer, Henry Parker has got to spend a great deal of time dealing with people on Wall Street and we all know in the last two years the problems we've had with our credit rating. And it requires the treasurer who knows the Wall Street market, who can deal with the people who rate us as a bond rating agency. It's no longer what it was when these positions were created. You know, until 1939 we had a part-time Governor in the State of Connecticut. 1939, not that long ago. But those days are over. You all know how much time the legislature puts in. And our sessions are confined by law. Look at the responsibilities of these officers, look at your action in raising their salaries last Saturday and tell me why the next group should not have to work full time for the State of Connecticut. And let's talk about ethics for a minute and conflict of interest. There's always that

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appearance when you're allowed to hold another position and you've got a state wide position. And it's the appearance often that does as much damage for the public as the actual fact. We've got good people serving in these offices today. They've won the election, they're good people. And I'm sure we're going to attract good people next time in both political parties. But let's also insure that they work at it on a full time basis. I think it's time we took a step and I would urge support of the amendment. Mr. Speaker, I would ask that when the vote be taken, it be taken by roll call.

MR. SPEAKER:

The question's on a roll call vote, all those in favor of a roll call indicate by saying aye. More than 20 percent have answered in the affirmative and a roll call is in order. Would you remark further on House Amendment Schedule A? Representative William O'Neill.

MR. O'NEIL (34th):

Mr. Speaker, I rise to oppose the amendment and I do so with mixed emotions. I agree with the minority leader that in future time to come that the elected state officers perhaps and probably will serve on a full time basis. But I do disagree when he said that because of their salary increase. Well up until this point, only one chamber has done anything along that line and the bill is now before the Senate as we amended it with the Legislative pay raise or pay cut from their standards last Saturday. And until that is signed into

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law by the Governor if it does pass the Senate, the State Offices remain at their present salary. So Mr. Speaker, I don't think at the time we do have a pay raise before the members that have been elected and perhaps not the ones who will run and be elected in 1979 if the bill isn't passed and signed. However, there is another session of the General Assembly in 1978 and this bill won't be perfect. There's no question about that anymore than the Government Reorganization bill was perfect. But we do have another year to deal with these matters. But I will be repetitions during the course of the evening. As repetitious as the minority leader is and try and get change into the bill. And I do think we have a constitutional duty to pass this bill tonight with the time to change it where change is needed next year when we fully understand the thrust of the legislation and on the bill that we're going to take up later, on lobbyist. The Senate has a constitutional charge as well after we pass that bill and I would hope that they would accept what we have done down here in good faith with the same good faith that I intend to accept what they have done with this bill. Mr. Speaker, I move the rejection of the amendment.

MR. SPEAKER:

Would you remark further on House Amendment Schedule A? Representative Tiffany of the 36th district.

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MR. TIFFANY (36th):

Mr. Speaker, I rise to speak in favor of the bill, the amendment and I would only point out that there is ample precedent for this. As a member of the Executive Nominations Committee, I would say that on a bipartisan effort we have been most faithful to the fact that all the commissioners and deputy commissioners that have come before our committee for approval have, we have insisted that they indicate to us that they would serve on a full time basis. And I might indicate that both the commissioners and deputy commissioners serve at a somewhat lower salary than any of the state officers. So I do think that there is precedent in this amendment and should be supported.

MR. SPEAKER (

Would your remark further? Representative John Matthews of the 143rd.

MR. MATTHEWS (143rd):

Mr. Speaker, very briefly, it seems to me that you can not be servant to two masters and do either job well. And I don't think there's anyone in this House that I've spoken to who has a law practice as an example who hasn't said to me I don't when I'm going to get back to my law practice, my business is going down grade, I don't have telephone calls

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or letters, I have trouble with my business. If you can't do it here, it certainly is impossible to do it in the administration of one of the finest states in the nations. It's not right to serve two masters when both are so important, You must not agree to permit ourselves to have our offices in this state working on a part time basis with all of the major issues and problems we have to face.

MR. SPEAKER:

Would you remark further? Representative Abate.

MR. ABATE (148th):

Mr. Speaker, thank you. Mr. Speaker, I'd like to pose a question to Representative Stevens through you, really for purposes of clarification.

MR. SPEAKER:

Please frame your question sir.

MR. ABATE (148th):

Representative Stevens, if we were to adopt your proposal would this require a divestiture of any individuals interest in a partnership for example?

MR. SPEAKER:

Representative Stevens.

MR. STEVENS (119th):

Through you, Mr. Speaker, it's my opinion that this language couples with what I think the candidates of ethics say about being an actual partner in order to have one's name

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on a letter head, might well lead to that result. My answer is predicated upon a recollection there's a (inaudible) of ethics that governs the practice of law in this State and unless one is actually a participating partner in a law firm, you may not have your name carried on the letterhead and that that has lead for instant to a number of congressman in the past and presently havng to take their name off the law firms that they were associated with before.

MR. SPEAKER:

Representative Abate.

MR. ABATE (148th):

Mr. Speaker, another question through you, to Representative Stevens. If such an individual were to divest himself of any interest at all in a partnership, would he then be precluded from accepting any income that might come to him through that partnership for work performed prior to his being elected?

MR. STEVENS (119th):

Through you, Mr. Speaker, in my opinion, no because he would be receiving compensation for work in progress at the time he left pursuant to an agreement worked out with his particular firm. It would be my opinion that it be perfectly proper to receive income during the pendency of your agreement as long as it only related to actual work in progress that

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you were entitled to share and during the time you were a partner until the conclusion of those items.

MR. SPEAKER:

Representative Abate.

MR. ABATE (148th):

Thank you very much, Representative Stevens, I appreciate your comment. I too Ladies and Gentleman rise with mixed emotions regarding the position that I assumed in reference to this amendment. It was the Judiciary Committee that removed from the proposal the requirement that these individuals not be allowed to hold outside employment. Representative Stevens was accurate when this proposal was initially submitted, it did have a provision which would have precluded outside employment. In the course of discussions in the committee the feeling was and of course we were discussing it in the context of the current payscale without reference to any increases, the feeling was that the pay presently afforded these individuals was inadequate and that in order to get the most qualified people to serve at what was considered to be a very low salary, you had to allow some additional incentive. Yes, we have raised the pay and in terms of percentages perhaps substantially but in terms of

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actual dollar amounts, not so substantially. I think that when we talk about paying the Lieut. Governor of this state \$25,000 and then indicate that that man can not be a member of a partnership and can not be allowed gainful employment otherwise, we're really doing an injustice, not only to the individual but to the State. I don't think we're going to be able to get the very qualified people that we need to assume this position and other positions unless we can at least allow him to enjoy income from some other source. This does not mean that the individual can not work on a full time basis as Lieut. Governor. Indeed I think the position is one where no individual could not work in other than a full time capacity. But if that individual happens to be a member of a law firm, let's say and a partner in that firm, it seems to me that he should be allowed on occasion to handle a matter through that partnership that have absolutely nothing to do with his function as Lieut. Governor. Obviously if he has a conflict other provisions in the bill are going to cover that. But if he has absolutely no conflict and he engages for example in representing a friend who wants to buy a home, who needs legal representation in order to buy that home without problem, the Lieut. Governor ought to be able to advise that client and receive a fee for such advise. There's no reason to deny him that right to engage in the practice of law when it has

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absolutely nothing to do with his function as Lieut. Governor. Until these salaries are raised significantly, I don't think we can deny these individuals the right to accept gainful employment other fields than his capacity as an elected official. And this same rationale applies to all our statewide elected representatives. And I would just ask that you bear my comments in mind in casting your vote on this amendment.

MR. SPEAKER:

For further remarks, Gentleman from the 20th.

MR. MATTIES (20th):

Mr. Speaker, a question to Mr. Abate please sir.

MR. SPEAKER:

Please frame your question sir.

MR. MATTIES(20th):

Mr. Speaker, we seem to have here tonight the usual question of what comes first, the chicken or the egg. Representative Stevens suggests we have the question before the House here and now about making the statewide offices full time. Representative Stevens suggest, well you can't do that because we haven't passed the pay bill. Well the pay bill is out of our hands now and it's in the Senate and whether it passes or not, I think is academic. We're discussing an ethics bill and whether we here tonight think that statewide offices should be full time, if we feel that way, we should vote that way tonight and if we do not feel that the salaries is commensate with the effort, then in

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February, we'll adjust it accordingly. But we have to do something at sometime in a constructive way. And I say, let's pick the chicken or pick the egg. Let's do something here tonight. Thank you, Mr. Speaker.

MR. SPEAKER:

Lady from the 40th.

MRS. HENDEL (40th):

Mr. Speaker, I always have problems when I start with analogies but just if we can use the chicken and egg concept, Representative Abate referred to the fact that when the ethics bill came to the Judiciary Committee, it had in it a provision for full time state officers which their committee removed, The reasons he stated. I'd like to say that the GAP committee recognized the chicken and egg type situation with that and at the same time, we had moved the bill to Judiciary with that provision, has sent to appropriations a bill which included an appropriate increase in salaries. That bill died in Appropriations and the bill that we passed only in this house on Saturday with perspective pay increases, I don't think would measure up to finding and supplying the State of Connecticut the kind of people they need for the kind of salaries that we vote in here on Saturday. I think that the kind of person that was described earlier that we need as a State Treasurer is not apt to be available for what

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we in this House proposed that he get paid for compensation, if this were he sole source of income. The Committee worked very hard in considering an ethics bill to try to look at all sides of many questions. As I said, our sympathy perhaps our inclination, was towards having full time state officers but we want to put our money where our mouths speaking and pay accordingly. We've not been able to do that at this time and if seems to me, rather than do a chicken and an egg routine, we would be much better off next session discussing this, considering this together and coming up with a proposal that is realistic, that is fair and it is total in it's approach. Therefore I urge rejection of the amendment.

MR. SPEAKER:

Gentleman from the 141st.

MR. VANNORSTRAND (141st):

Mr. Speaker, thank you, Mr. Speaker. I hear this talk of chicken and eggs, I'm reminded of Representative Lowden's comments about an omelet earlier in the session. Because I don't know who the chicken and the egg is but the bill we sent back upstairs on Saturday, the same one that came down from the Senate with these numbers in unchanged for executive officials. So it seems to me that if they thought it was good once, unless they are going to be in a moment of peak or something about the fact that they didn't get a

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full compliment for what they wanted for the legislature, it would seem hardly likely that they were going to pass it.

I wonder if I might, Mr. Speaker, through you ask a question of Representative Abate.

MR. SPEAKER:

Please frame your question sir.

MR. VANNORSTRAND (141st):

Representative Abate, you made some comments, reasonable comments about the salary that exists for executive officials including hypothetical attorney general. Do you feel the same way, I'm sorry about the Lieut. Governor, do you feel the same way about the Attorney General at \$38,500?

MR. SPEAKER:

Gentleman from the 148th to respond.

MR. ABATE (148th):

Mr. Speaker, through you, I feel that the salary proposed for the Attorney General under the bill passed on Saturday is more reasonable when one considers the fact that if we adopt this amendment, it's going to be denied other gainful employment but I still feel that even at \$38,500 the position is not adequately paid.

MR. VANNORSTRAND (141st):

Thank you, Mr. Abate. I would ask one more question

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if I may through you, Mr. Speaker.

MR. SPEAKER:

You have the floor sir.

MR. VANNORSTRAND (141st):

And by way of background to Representative Abate, the other day on Saturday, the distinguished majority leader in commenting upon the proposed increases, commented that these people were virtually full time. With that by way of background, you talked about some advice that our hypothetical Lieut. Governor might give in his spare time, when does he perform that service?

MR. SPEAKER:

Gentleman from the 148th.

MR. ABATE (148th):

Through you, Mr. Speaker, yes, I'm glad Representative Vannorstrand made reference to the fact that the majority leader did indicate these positions are virtually full time and I indicated the same in my comments earlier this evening. So if we're concerned about maintaining the fact that these people on a full time basis, we don't have to do it by denying them outside employment. Their working full time as it is now and I think everybody agrees. To answer the question,

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more specifically, I think in taking my hypothetical as to the Lieut. Governor offering advice to someone who might want to buy a house, he can do that at home, in the evening, a telephone call may come to the Lieut. Governor asking for some assistance regarding what that individual should do in preparing to buy a house, or he may get a call on a Saturday afternoon from an individual who needs assistance with regards to a question that one has made in reference to a will. I think there are endless examples of where an otherwise full time statewide elected official might be allowed to for example and it's a shame, we're just limiting our discussions to attorneys because I can see the same situation applying in a case of an individual who has an interest in an insurance partnership or in a contracting firm, but in any event, there are endless examples that I can think of where the Lieut. Governor, if he happens to be a lawyer, can be involved in outside employment and yet have absolutely no adverse effect on his function as Lieut. Governor.

MR. SPEAKER:

Representative Vannorstrand.

MR. VANNORSTRAND (141st):

Thank you, Representative Abate. Mr. Speaker, Representative Abate in kindly responding to my questions, has indicated that our hypothetical Lieut. Governor would in fact be so tied down, he's virtually performing full time.

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He gives examples of how at night or whenever, weekends, he would answer questions and I can understand that. That's about since January I've conducted my law practice. But I submit, Mr. Speaker, that if the Attorney General at \$38,500 per year can not be asked to serve full time to the State of Connecticut, we don't have much room for improvement if the Governor's going to be complaining. I urge support of the amendment and it's adoption.

MR. SPEAKER:

For further remarks, Gentleman from the 67th.

MR. CONN (67th):

Mr. Speaker, I have a question to Representative Abate.

MR. SPEAKER:

Please frame your question sir.

MR. CONN (67th):

In line with the Attorney General's salary of \$38,500, there are other benefits which accrued to the Attorney General and I wonder if you could just review them for us, such as possibly a car or whatever?

MR. SPEAKER:

Gentleman from the 148th.

MR. ABATE (148th):

Mr. Speaker, through you, since Representative Conn

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stated the facts that there are other benefits, I would appreciate his bringing to my attention what they are.

MR. SPEAKER:

Gentleman from the 67th.

MR. CONN (67th):

Through you, Mr. Speaker, I don't know and that's why I'm framing the question.

MR. SPEAKER:

You havee the floor sir, Gentleman from the 67th.

MR. CONN (67th):

Thank you sir. I think it would be interesting to have for the benefit of the members here a list of other benefits which do accrue to these persons. I do not oppose them. I do not feel that, they are necessary to the employees but I do think they are benefits that are accrued to the State and or to the employee and therefore I would support the amendment.

MR. SPEAKER:

Would you remark further? If not, will the members please be seated? Staff and guests please come to the well of the House, the machine will be opened. 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 will please announce the tally.

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MR. SMITH (107th):

Thank you, Mr. Speaker. I feel somewhat as if this is an exercise in fertility frankly looking at the board. However, I would like to ask the indulgence of my colleagues as I feel this is a very important amendment and I'd like at least your consideration. Mr. Speaker, this amendment concerns section seven of the proposed ethics bill. This section deals with the problem of conflict of interest on the part of public officials or state employees. The first sentence of this section defines where a conflict would exist and the second sentence waters down to the intent of the first sentence by exempting anyone from conflict if he were to stand to gain anymore than others of the same occupation. It seems strangely and converse to me the potential conflict is not an issue if that conflict effects all of the members of a given profession. This amendment would remove this class exemption and I move it's adoption.

MR. SPEAKER:

The question's on adoption of House B, would you remark sir? Representative Smith.

MR. SMITH (107th):

Thank you. People in public life expecially elected persons must to a large extent live in a fish bowl. This is as it should be if we were to have open, honest, government

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free of corruption. There are times when perhaps some of us wish the glass in this fish bowl were more opaque. When in times such as when we pass pay raises for legislatures, the glass is not only crystal clear but it is also glass of magnified quality. The heart of this whole ethics bill that we have before us is to identify and eliminate potential conflicts of interest on the part of any public official or state employee. This is addressed in section seven of the file copy and I'd like to read the first sentence of that paragraph. A public Official or State Employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. As I said before, the sentence which follows, the second sentence does nothing but dilute the wording contained in the first. It states that no conflict exists if the individual would receive no greater benefit than others of this same business, profession or occupation. This diluted sentence makes its virtually impossible for an individual to be in violation except in the most flagrant of abuses when in fact actual violation may exist. None of us was elected to come to

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Hartford to serve the advocacy of any one business, union, or profession. We were elected to represent the best interest of all of our constituents. One of us should act, serve or vote on any issue that would deal directly, that will directly effect our own business, profession or occupation. I think all of us know of the low esteem that quote "politicians" hold in the public eye. That prior to our passage of the pay raise of last Saturday, I had already had a tax payer tell me, sure you guys in Hartford have low pay but it doesn't matter, you are all lowing in the public (inaudible). You make out okay. We have the obligation to attempt to better our image to the average citizens. We must eliminate the appearance of being here soley to defend our own necks. Let's not sit here today and talk about reform. Let's have the intestinal fortitude to enact some reform. Let's adopt this amendment. Mr. Speaker, I request that when the amendment is voted upon, the vote be taken by roll call.

MR. SPEAKER:

The motion is for a roll call vote when appropriate. All those in support of the motion of the Gentleman from 107th will indicate by saying aye. More than 20 percent have answered in the affirmative and when the roll call is taken, it will be taken by roll call. Will you remark further on House Amendment Schedule B? Gentleman from the 90th.

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MR. VARIS (90th):

Mr. Speaker, I rise in support of this amendment. During my years up here, it's surprised me many times when to see a person rise and ask to leave because of a possible conflict of interest, then another man would rise and leave for the same reason, let three or four in the same identical business would not leave. And if you talked privately to these people, they say, oh well, as a class of people, I'll gain no more than any other either real estate agency permittee of a restaurant, or what have you and it's the easiest buy out. In my judgement, this probably is the heart of the ethics bill for a legislature. I work at real estate on occasions and if a bill were to come forward where there was legislation determination of a percentage commission for example, that should be the case. And let's say it turned up to be quite lucrative. I could say, I could vote on the floor of this house with the existing legislation and say to my constituents, well I gain no more than many other persons in real estate. Ladies and Gentleman, I think that probably this amendment with a deletion of a class type clause that allows any legislature to escape from this ethics bill is really a fraud on the public and I would say that the Senate would unhesitatingly support this type of amendment and I ask each of you to examine your consciences when you vote on this legislation, this amendment. Thank you.

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MR. SPEAKER:

For further remarks, Gentleman from the 142th.

MR. MANNIX (142nd):

Thank you, Mr. Speaker, and members of the House. Normally when I rise to speak on a bill or an amendment, I figure I have an even chance to convince the people, the members of this House, the justice of my cause. However, this evening, I have a double purpose or double problem. I've got to convince you of the justice of this amendment but I also have to overcome the majority leader's position about amendments. I believe he's wrong. I consider him a friend of mine and I have much respect for him and I mean that. But I believe he's wrong. Because when you take that position Ladies and Gentleman, you're violating something very special to this body. You're violating frankly, perhaps even your oath of office. We're all up here to take a look at what's placed on the table and to vote it up or down on its merits. And we're not going to do this this evening apparently. There was a famous general we all know back in the 1820's, Stonewall Jackson. Now Stonewall Jackson was a fantastic individual. Unfortunately that Stonewall became perverted in modern times. It left him many evil things. Mr. Nixon used that word if you remember in the tapes, on many occasions. He would stonewall things. I think we're stonewalling something here this evening.

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If you continued to follow the majority leader's recommendation. And I'm thankful to him for being so frank in his opening remarks. So at least all of us can understand what the rules of the game are. But that's not the rules of this game that we were elected to play. I shouldn't have to be up here and try to overcome stonewalling. The American people shouldn't have to overcome stonewalling several years ago. And I think it does violence to Stonewall Jackson's guts that help make this country great. Open your minds and let me now give you a couple of my ideas on this amendment. When I was elected five years ago, several of my colleagues in the business that I happen to be in at one of the meetings that I attended which we have in our business and they said John, great. You're going to be in the General Assembly come January. You can take care of us. We need somebody like you up there. Watch out for the automobile dealers. And I said in all honesty, that's not what I was elected for. I didn't run to be an advocate for the automobile dealers or anybody else, any special group. You must understand our society in the way that our political system works. It's a self interest group society. But when we get into this General Assembly, we should not represent self interest groups. And that's what this amendment says. It says basically that it's unethical. It's wrong. It violates the spirit that 200 odd

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years that this organization has been in operation, if we come up here and do that. In my five years in this General Assembly, I've seen Representatives and I have respect for them because they were operating under the rules and they were advocates for certain self interest groups, that they happen to be connected with. All we're asking you this evening is take a look at this and I'll grant you that the bill said this bill will never be perfect, we've got to take another look at it. But the image of this General Assembly is going to be tarnished just a little bit for maybe six or eight months or nine months until we have a chance to look at it if we don't say to all our constituents that we're not supporting our own personal self interest group when we're elected. Consider this before you vote. Thank you.

MR. SPEAKER:

For further remarks, Gentleman from the 34th.

MR. O'NEILL (34th):

Mr. Speaker, in due respect to my dear friend John on the other side of the isle I certainly would never profess to be Stonewall Jackson, he happen to be on the wrong side of the civil war and I expect I'm on the right side of this war. But I'm quite concerned and it isn't because of the conflict of interest of anybody here in the hall of the House or in the Senate chamber or anywhere else. But as I see this amendment,

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if we do not adhere to the present structure as groups, rather than as individuals, then every person has their own conscious and every person has their own home town constituency checking on what they vote for and what they vote against and I think Representative Hanzalek said you can not legislate morals and I don't believe you can but I'm quite concerned. Because I could see on issues that come before this chamber whether it be almost no one in the chamber to vote one way or another. An example, we have the quits and fires bill that when an employer have the right to vote on a direct savings to him to do away with unemployment compensation benefits. I would say no, when an employee would benefit from having left the bill alone, would he have had the right because it would have been a direct benefit probably. I would say no. On a dividends tax for the repeal or the increase, any one in this room that qualifies under the provisos of the present statute, I don't think could have voted for that bill. Consumer legislation, this is really where you're at. I don't think that this particular amendment took that into consideration when it was filed and I have the greatest admiration for the person that moved the amendment and perhaps we won't vote on aircraft legislation here but if we did, could he vote on that? I don't know. I would certainly think not under this amendment. Now we all know exactly what we can and can not vote on. We also all know morally what we should do

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in this chamber. And I've always felt that everything that we run into in this life is very intangible. Be it our automobile, our home, even our families, they come and go. But the only thing a person has that lasts with him as long as he's around if he has it is honor and that's exactly what we have in this chamber. You either act in an honorable manner or you don't. And all the legislation and all the ethics that we can pass from here to eternity doesn't change that situation. Mr. Speaker, I move that we defeat this amendment.

MR. SPEAKER:

Gentleman from the 147th.

MR. SHAYS (147th):

Thank you, Mr. Speaker, in all sincerity I think once again, the majority leader has missed the whole intent of this amendment and doesn't recognize that this is the major loophole in the bill. When I was elected three years ago and I came into this chamber, it surprised me that I saw a teacher wrote not on things that effect the operation of the school but things that effected his pension. And I saw an insurance man stay in here and vote on things directly effected insurance such as the bank savings life insurance. And I saw certain bankers stay in and not exempt themselves when their own

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businesses were directly effected. I really burned inside and I thought no, I should speak out against that and then I thought no because I won't have the respect of any of my members because all I'll do is make enemies. And I remember last year we had a man who worked for the AFLCIO municipal league who only spoke out on issues relating to collective bargaining of cities and if he wasn't in the General Assembly he would have to be a registered lobbyist but he voted on those issues and he spoke out on them. And one day I asked him, who did he represent? And he stood up and said the people of this state. And then a number of people on both sides of the isle came over to me and said why didn't you press your charge? Because it's wrong what he did. Well, I didn't press it because I didn't have enough guts. But if you want to deal with that problem, you've got to deal with it in the ethics law and if you don't accept this amendment, you're no better than the people who stand up and abuse it. When a teacher votes on something that directly effects his pension, in my opinion, he's in conflict but not according to our ethics law because he's part of a profession and our ethics law says if you're part of a profession, you're not in conflict. I support this amendment but I know one thing, if it fails to pass and I hear people on both sides of the isle criticizing legislatures who speak out on things that effect their pension

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when they will receive a great monetary gain. I'll know who to blame.

MR. SPEAKER:

Gentleman from the 107th.

MR. SMITH (107th):

Thank you, Mr. Speaker, just very briefly to respond to a couple of points that the majority leader made. As far as everybody in this room being effected by the quits and fires or potentially effected by the quits and fires legislation, I submit to you sir that this is knitpicking the issue and that this is exactly why we have an ethics committee and it will be the ethics committee that will make the determination as to whether or not this is relevant. As far as the point about an individual's personal honor determining whether or not he's in conflict, this is not changed by the amendment as the sentence which is retained says quote "If she has reason to believe or expect that he will derive a direct monetary gain or suffer a direct monetary loss as the case may be". That's the individual that he refers to. So the individual still with his own honor or lack thereof has to make that determination. Also, were any legislation to be brought before this body which would effect the working conditions, retirement benefits or salaries of airline pilots, I can guarantee you, Mr. O'Neill, I would exempt myself. Thank you.

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MR. SPEAKER:

Gentleman from the 80th.

MR. MIGLIARO (80th):

Thank you, Mr. Speaker, a question to the proponent of the amendment.

MR. SPEAKER:

Please frame your question sir.

MR. MIGLIARO (80th):

Through you, Mr. Speaker, does the amendment also cover committees as well as session, voting in the session hall?

MR. SMITH (107th):

Through you, Mr. Speaker, yes it would.

MR. MIGLIARO (80th):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this amendment. I think many of us here have dealt on committees and I have never seen, it's only my second term, such dishonorable individuals, if you want to talk about honor, of lobbying openly breaking the ethics of this committee or of the assembled body here, y^{es} legislation and amendment of this type are of necessity. It has to be stopped. There's been so darn much wheeling and dealing up here it's sickening. Many members of committees up here are taken open part in it and it's coming down from the Senate and they're stopping bills and they're doing it deliberately. And they're

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making sure that they will benefit by it or their town or themselves as individuals. This is known knowledge. People on the street know this too very much so. And when they use the word politicians, they use it in a derogatory way. And you can't blame them. You can't blame them one bit. Because of facets of this type, they have to be stopped. We've got a chance here to put some good amendments through the ethics bill. This is a good one just like the pass one was. We can show that we're sincerely trying to create a better image for this assembly as well as the legislators and state office holders. (inaudible) we draw party lines. It's the first time I spoke today but I'm hot under the collar about some of the committees in this capital. I've seen it, I've seen it openly and it really turns me off. Talk about honor. Well if I give my word on something, I keep it and hell could freeze over before I'll change it. And I've done that and I know there's individuals here that won't do it. This ethics bill might do something for them as individuals. Might make you stand up and be counted for more often. But you've got to be realistic about the whole situation. If people in the State of Connecticut as well as the nation are crying out for good, honest, clean and above board government, we have a change to really do it. And when you turn around and say to people that the only amendments are good anethe ethics bill are the

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Democratic amendments, that's wrong. Because you're not 100 percent correct on that side of the isle and we're not 100 percent correct over here. But you can rest assure that we're right sometimes and you're wrong sometimes. And by turning your back on these amendments, one by one, you're displaying how wrong you are. If you call that honorable and if you call that that you're sincere about the ethics bill, you're kidding yourself as well as the public. And they'll know it, you can rest assure on that, they're going to get the word. These amendments are good amendments. I know the name of the game. You've got the numbers, we don't. And we've been taken (inaudible). Well I've played a lot of ball in my day, I've lost a lot of games but I always played it like I was a winner and I'll play it here like I'm a winner. All the way down the line as long as I'm up here because my constituents will put me back here, you can rest assure on that. I rise in support of this amendment and I hope that in good conscious, you poeple will rise in support to it as well.

M.R SPEAKER:

Gentleman from the 114th.

MR. TABER (114th):

Mr. Speaker, thank you, Mr. Speaker. I really can't believe that this can be a party issue, no way in the world. I'm sure that if you look at it, you'll see that there is certain people on both sides of the isle that think this

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that you would defeat this and this is not a facetious remark.

MR. SPEAKER:

Will you remark further on the amendment? If not, will the members please be seated? Staff and guests please come to the well of the House, the machine will be opened. 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 will please announce the tally.

THE CLERK:

Total number voting	147
Necessary for Adoption	74
Those voting Yea	50
Those voting Nay	97
Those absent and not voting	4

MR. SPEAKER:

House Amendment Schedule B fails. Will you remark further on the bill as amended? Gentleman from the 122nd, Representative Robert Jaekle.

MR. JAEKLE (122nd):

Thank you, Mr. Speaker, the Clerk has an amendment L.C.O. NO. 8660, would the Clerk please call and read?

MR. SPEAKER:

Will the Clerk please call and read L.C.O. 8660?
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THE CLERK:

House Amendment Schedule C, L.C.O. 8660, offered by Representative Stevens of the 119th district, Representative Hanlon of the 70th district. Delete subsection A of section 5 in its entirety and substitute in lieu thereof a new subsection (a) as follows: "Sec. 5 (NEW) (a) All statewide elected officers, members of the general assembly, commissioners, judges of all courts to which judges are appointed, deputy commissioners and such members of the executive department as the governor shall require, shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the commission on or before the April fifteenth next in any year in which he holds such a position or in the case of a judge, within fifteen days after his nomination or renomination, but in all cases prior to his appointment or reappointment."

MR. SPEAKER:

Gentleman from the 122nd.

MR. JAEKLE (122nd):

Mr. Speaker, I move adoption of the amendment.

MR. SPEAKER:

The question's on adoption of House C and will you remark sir?

MR. JAEKLE (122nd):

Thank you, Mr. Speaker, simply stated this amendment

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would require that judges which are appointed to our courts would have to file at the time of their nomination or renomination the same financial disclosure statements that members of the executive and legislative branches would have to file. Frankly I refer to this amendment as an unamendment. For if you will look at your file, file 1085 on page six, you will find that our file copy requires that judges make these financial disclosures. Somehow the Senate in it's wisdom decided to delete this requirement for our judges. All this amendment does is restore this requirement to the file copy and to our ethics legislation this year. I'd like to ask why do our judges command a favored treatment, dissimilar to us in the legislature and those in the executive branch which this ethics legislation would cover. I don't know why they were taken out of this bill. I have not heard one good reason offered why our judges should not have to file financial disclosure statements. And I say that if this amendment is not adopted and our judges require to file the same disclosure statements that we are, it will marr what would otherwise be the shinning piece of legislation to come from this, the 1977 session, of the General Assembly. I urge all of you to consider this amendment on it's merit and ask yourselves why the judges of the State of Connecticut are not under this ethics bill and I urge all of you to vote affirmatively on this amendment and restore the judges to this ethics bill

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as it appears in our file copy and not aseed to the desires of those who might wish to weaken this legislation. Thank you, Mr. Speaker.

MR. SPEAKER:

Would you remark further on the amendment? Representa-
tive of the 148th.

MR. ABATE (148th):

Mr. Speaker, I wise in opposition to this amendment. I would call to the attention of each member in this House today that it was not very long ago that we passed a bill regarding the removal, suspension of judges. You will recall that there were seven instances in which an individual who happens to hold the position as a member of the judiciary in this state could be disciplined by either the judiciary review counsel or the Supreme Court if he were in violation. What we're trying to do with our state officials and the members of the General Assembly, is to ensure impartiality. We want to make sure that there's a conflict of interest that some action can be taken based upon that conflict of interest. With our judges we have a mechanism already established if you'll recall. That calls for removal, suspension, reprimand of members of our judiciary. You might recall we did this by constitutional amendment at the very outset. We all voted in November on a proposal to amendment the constitution that called for the re-

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removal and suspension of judges under conditions that might be prescribed by law. We prescribed those conditions this past week and what I consider to be one of the best pieces of legislation that this Assembly has put forth. There's absolutely no reason to bring the members of the Judiciary within the (inaudible) of this bill when we already legislated that their activities are to be controlled by review of the Judiciary Review Council or by the Supreme Court. Remember that if you make an allegation that a judge had presided in a manner in which he had the conflict, that allegation must be investigated by the Judicial Review Council. That judge is going to be called in by the Council. He's going to have to explain if in fact he did act in a conflict of interest. He's going to have to explain what financial holdings he had in order to be able to establish that exact he did not act in a situation that amounted to a conflict of interest. There's going to be a procedure that has to be followed with regards to judges who act in a conflict situation. There's absolutely no reason to stick that in this bill. We've covered it and as a result I ask for your support in the defeat of House Amendment Schedule C.

MR. SPEAKER:

Gentleman from the 119th.

MR. STEVENS (119th):

Mr. Speaker, the Chairman of the Judiciary Committee has missed the entire point of the amendment. The information

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required by this amendment has nothing what-so-ever to do with removal or suspension of a judge. It's information for the benefit of the people sitting in this chamber. What's so sacrosanct about a person that's been appointed to the bench? First of all, if you look at the amendment, it says upon the time of recommendation by the Governor before they are confirmed by this body, they shall make financial disclosure. It's so you, when you vote on them, can see what their holdings are, can make a determination as to whether or not there might be a conflict. We're not talking about a person who is on the bench in the first instant. We're talking about a person the Governor has recommended to the legislative body being required to make financial disclosure. Now what's the difference between that and any member of this chamber, the law will require every single person sitting in this house and in the Senate in 1979 to make a financial statement public. I assume we all accept that because everyone only has plateaus for this bill. Now if you accept the fact that you're going to have to make financial disclosure and the reason for that is because our actions effect the public in this state, would someone please tell me why a person who has been nominated for what is in effect a life time job by the Governor, before confirmation, should not have to make a disclosure similar to what you make when you're elected every two years? And why when that person

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is renominated by the Governor and your job is to determine whether or not that person should go back on the bench? Why at that time should you not know what that particular person has required, loss, and what that person now has? The chairman of the Judiciary Committee is talking about an entirely different subject. That commission he talks about is one that is dominated by judges and lawyers. Judges and lawyers will have information on judges. But you're saying in opposing this amendment, that the men and women who have been elected to the House and the Senate should not have the right of financial disclosure, information filed before we're asked to vote on a person. I think that's (inaudible). These people must come before the Judiciary Committee. When I sat on that Committee they were asked of their medical history. Some were asked what they did in their spare time, lunch breaks, weekends, personal questions were asked. All public record, what's wrong with saying give us the financial statement. You know judges have as much of an impact upon the lives of the people of Connecticut as any body sitting in this chamber. They make law too. Case law and when a person comes back up for confirmation hearings, I don't know of one good reason why they should not be required to disclosure financial information. There's no constitutional bar that anybody can raise about this because we're talking about the confirmation process, when the potential

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judge is having his or her faith determined by vote of the house and Senate. I think what we're seeing here is an attempt once again to protect one branch of Government. To say what is required to legislatures, what is required of members of the executive branch, shall not be required to the Judiciary. There is no way that any member of this chamber today can get financial disclosure information from a member of the judiciary in the State of Connecticut. And when this bill passes, there still won't be anything unless this amendment is accepted. If financial disclosure is good for legislatures, members of the executive branch, it's also good for the people who will be making the decisions that effect the lifes of those thousands of citizens who pass through the courts of Connecticut every year. It's a good amendment, it's purpose is to carry out the ethics law into all three branches of government. I would ask, Mr. Speaker, when the vote be taken, it be taken by roll call.

MR. SPEAKER:

There's a motion for a roll call vote when appropriate. All those in support of the Gentleman's motion will indicatey by saying aye. More than 20 percent have answered in the affirmative and when apprpriate, a roll call will be ordered. For further remarks on House Amendment Schedule C, Gentleman from the 148th.

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MR. ABATE (148th):

Thank you, Mr. Speaker, speaking for the second time.

MR. SPEAKER:

Speaking for the second time, please proceed sir.

MR. ABATE (148th):

Mr. Speaker, Representative Stevens and other members of this assembly, what I want you to be mindful of in acting on this amendment is what the thrust of this bill before us is. What we're trying to do is to establish a procedure for disciplining individuals who act in conflict of interest. This is what we have here. We have the establishment of an ethics commission that will take action when a public official acts in violation of a code of ethics. We want the financial filing of a public official because we want to know if that public official is acting in matters in which he has the conflict because he stated a financial interest in something that is going to be effected by the legislation being proposed for example in the case of a legislature. With regards to judges however, Representative Stevens said that we ought to know this if deciding whether or not we want to approve their nomination to the bench. It's a different rationale, different explanation. There's nothing that precludes a member of the judiciary committee or any legislature through a member of the judiciary committee of inquiring of a judge what his financial interest are. There's nothing that stops me for

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(rec.36)

example as chairman of that committee in asking a judge to explain to the committee what his finances are and if he refuses to answer what do you think that's going to do? We're all going to be suspicious. We're going to say this judge refused to answer a question about his finances, therefore there may be something there that he doesn't want us to know and I'll tell you I would have to think twice about bringing his nomination to the floor of the General Assembly and if that judge does act in violation of a conflict of interest standard because he has a financial interest in some manner, we have a procedure for disciplining him. I have not missed the point of this amendment. I have considered these facts. I've considered the scope of this bill before us and what it's intended to do and it doesn't cover judges. We're talking a disciplinary procedure which the bulk of this bill establishes we have a disciplinary procedure for judges. If we're talking about finding out what his financial interest are, we can ask that judge when he comes to the Judiciary committee. Legislatures don't come to any committee for approval before running for office. There's no way of knowing except that you require filing but when that judge is nominated he's got to come to the judiciary committee and he's got to answer questions about his financial interest. I can find out whether or not he has

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a financial interest. Any of you can through the members of the Judiciary Committee. We can address this problem of conflict of interest in our Judiciary because we have existing legislation to do so. Please be mindful of this comment in voting on the amendment.

MR. SPEAKER:

Representative Varis.

MR. VARIS (90th):

Mr. Speaker, through you I'd like to ask a couple of questions to Representative Abate.

MR. SPEAKER:

Please frame your question sir.

MR. VARIS (90th):

Q Representative Abate, I'm not too familiar with the workings of the Judiciary Committee, so I'd like to ask you the recommendations of the Judiciary Committee that come to this legislature, in reference to that, do you have several nominees in the Judiciary Committee only select one from that several? For each specific appointment.

MR. ABATE (148th):

Mr. Speaker, I'm not sure I understand the question. Could representative Varis restate the question please?

MR. SPEAKER:

Would the Gentleman please frame his question sir?

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MR. VARIS (90th):

Yes, I'll try to. When the Judiciary Committee makes a recommendation for a certain judge, have they selected that particular judge from a long list of nominees?

MR. SPEAKER

Representative Abate.

MR. ABATE (148th):

Mr. Speaker, through you, thank you Representative Varis for restating your question. I understand it. No, we act on each nominee individually.

MR. VARIS (90th):

Another question, through you, Mr. Speaker.

MR. SPEAKER:

Representative Varis.

MR. VARIS (90th):

When the nominees get to your committee, have you ever rejected any during your period of chairmanship?

MR. ABATE (148th):

Mr. Speaker, through you, no, during the course of my chairmanship there were no rejection, nor were the rejection during my first term in the legislature that I can recall.

MR. VARIS (90th):

Do you know under the existing procedure for your committee to make recommendations to this chamber, has there ever been one that's been rejected?

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MR. ABATE (148th):

Mr. Speaker, through you, I'm beginning to question to relevancy of Representative Varis' question as a result I'm not going to answer.

MR. SPEAKER:

That's your prerogative sir. Representative Varis has the floor.

MR. VARIS (90th):

Thank you for those you have answered, Representative Abate. In as much in the five years that I have been here, those nominations that get down to the floor, pretty much get rubbered stamp because of the procedure. And I think perhaps it is germane if we do have a further requirement for the Judiciary and I would support the amendment and ask those who have the courage to support it also.

MR. SPEAKER:

Representative Belden.

MR. BELDEN (113th):

Mr. Speaker, thank you. Last year as I hit the campaign trail and I think you all did, many of the questions that were asked of me were what did I think of the constitutional questions that were on the ballot. One of them referring to the removal of judges which was alluded to by Representative Abate earlier. And that question which I supported whole heartily was addressed here today like that particular change

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in the law and subsequent legislation passed here, relieves the General Assembly of any responsibility whatsoever of keeping our eye on the judicial branch. Well I can guarantee you that is not the case. During the nomination process, the legislative branch does have the responsibility for reviewing the qualifications in voting on the nominations. I think that this particular amendment, it would be a great asset to the Judicial Review Committee and certainly a great asset to the public in knowing that when a judge assumes the bench, that his financial statement, the same as that of the Governor, and the same as that of you and I, is public record and are available to the residents of our state. I don't think that's too much to ask of anybody who's going to sit on the bench. Nor is it too much to ask of you and I concerning our own personal incomes and I think that this amendment standing on it's own, it is justifiable one and one that we should act favorably upon this evening.

MR. SPEAKER:

Would you remark further? Representative Tiffany.

MR. TIFFANY (36th):

Mr. Speaker, very briefly, I rise to speak in favor of the amendment and I only would call your attention to again my experience on the Executive Nominations Committee, much to her credit the Governor required all her nominees to be in the

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cabinet to make full financial disclosure to the nominations Committee. I see no reason why the judges should not share this same responsibility. I think it is certainly a prerogative to have this information and I support the amendment.

MR. SPEAKER:

Would you remark further? Representative Matties.

MR. MATTIES (20th):

Mr. Speaker, commenting on prior speaker's objection to the disclosure by judges, I disagree with the reasoning in carrying that reasoning that he (inaudible) to its full degree to his full term, I don't think the question of legislatures disclosure belongs here tonight either then because in my opinion and I'm sure in the opinion of most people in this hall, the most important people get the same information from us by asking, our constituents and anyone who runs in the district that is contested, tells all of this to his or her constituents. We put out brochures, we go to candidate night, we go door to door, we answer these questions for the people. Now using the same reasoning as the chairman of the judiciary committee who says we can simply ask the judges and they don't belong under this act, I disagree with that reasoning. I'm not trying to say take the legislatures out of the act. I'm saying let's put the judges into the act where they belong where we won't have to ask these questions. It should be public information without having to be sought. Thank you.

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MR. SPEAKER:

Gentleman from the 122nd.

MR. JAEKLE (122nd):

Thank you, Mr. Speaker, I too rise to respectfully disagree with the chairman of the judiciary committee. I know during my first time, first term here at the General Assembly, this information that I'm seeking to get from our judges would have been very helpful to me in my capacity as a member of the judiciary committee when I was reviewing the judicial candidates. And I think it would have been very helpful for us here on the floor when it came time to vote on our judicial nominees and I would like to remind everyone that those votes will be with the curtains open and that this is a means of making our votes a more intelligible vote. I do believe Representative Abate has missed the point of this bill. He has said that this ethics legislation is a means of disciplining our elected and appointed officials. I for one hope that no one ever has to appear before the ethics commission and even if the judicial review counsel, I regard this ethics legislation as a means to open up our Government, our Governmental process and our elected officials. It is a means to restore the confidence in our elected and appointed officials in State Government. Be they legislative, executive or judicial and I strongly urge all

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members of this General Assembly to vote favorably on this amendment. Thank you.

MR. SPEAKER:

Representative Hofmeister.

MR. HOFMEISTER (117th):

Mr. Speaker, thank you. On this particular issue, There's questions of why the judges should be brought within the bill. Well I'd like to point out to you, all members of this House, that job for the confirmation of the judge (inaudible). We're here for two years or four for some, some make it to twenty, but the judges are here for a life time. And I think that that's the most important reason why they should respond to a question with regard to financial responsibility. They come around again every eight years and I don't think that's too often to ask them to provide this information to the members of the House. I'm not a lawyer and I think that this particular area would help me to better understand or get a better insight if those that are here to be nominated have proved as judges, prepare and file the same kind of paper work that I do, the rest of us do, the members of the Executive Branch do. Therefore I feel that this particular amendment is important. I disagree whole heartily with the argument that the honorable chairman of the Judiciary Committee presented. I hope that this amendment is adopted and we get on with the bill.

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to call and read an amendment, the L.CO. No. is 8286?

MR. SPEAKER:

Will the Clerk please call L.C.O. 8286, which shall be designated as House Amendment Schedule D?

MRS HANZALEK (61st):

And Mr. Speaker, with the chamber's permission, I'd like to summarize.

MR. SPEAKER:

Will the Clerk please call?

THE CLERK:

House Amendment Schedule D, L.C.O. 8286, offered by Representative Hanzalek of the 61st district.

MR. SPEAKER:

Is there any objection to the Representative of the 61st district in summarizing this amendment? Please proceed.

MRS HANZALEK (61st):

Thank you, Mr. Speaker. The whole process of bringing a complaint or testing the law is a four step process. One, the complaint is brought, two, there's the screening process, to determine probable cause, more or less complexed depending upon the complaint and the situation, three, a formal investigation or trial if that's necessary, and four, a report on the findings. Mr. Speaker, in that entire four step process, only one of those steps is now closed. Closed to the public,

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Or do you think that those complaints were really brought for the purpose of making headlines? Mr. Speaker, the problem is one of human nature, I suppose, but (inaudible) will continue with the commission instead of a committee. The committee or the now new commission, have to investigate a complaint and whether the investigation is short, cursory, simple one or long complexed one, it's pretty immaterial. They will leave no stone unturned to get the information. But the media if locked out are going to be even more interested in getting at the roote of it and the trouble is if this investigation is secret, the information that the media will get will be second hand. We had situations where witnesses testified to certain facts and it turned out that the witnesses really had very little to offer because the facts that they were testifing to took place years before this particular ethics statutes, that is now in our books, was in effect. And those so-called facts, therefore, had nothing to do with the case then in question. However, the mēdia in trying desperately to get the story that they were denied because it was secret, they printed all kāmds of information that they believed to be accurate which was inaccurate. That does not protect the reputation of the innocent. That doesn't protect the reputation of the accused. Remember last year was when we had the first and our only really formal complexed and lengthy investigation to determine probable cause and you all

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know that that investigation, that case involved the Legislative Commissioner's Office. It took nearly the entire session. The reputation of the accused was not protected, the secrecy provision, that was suppose to protect the accused, just didn't. That individual and his family suffered unmercifully and unnecessarily. In my opinion, that individual was tried by headlines and was convicted by innuendo. Even though the committee, in a split decision, found that there was no probable cause. And in my opinion, Ladies and Gentleman and as I said before, I didn't feel this way before I had the benefit of the experience of serving on and with the Ethics committee. In my opinion, we do those who are covered by the statutes, an injustice. The ordinary sitizen, if accused of something or other, and then finding it necessary to be part of a grand jury proceeding, that individual can be protected through secrecy because the general public really doesn't care what Joe Jones was supposed to have done. However, those of us who are elected or appointed officials, somehow a fair game, to those who have either a mild curiosity or an intense curiosity to how and what we do. In that instant, you're dealing with, not with private property but with public property. The public does not respect our privacy in the same way that they respect the ~~privacy~~ of ordinary citizens. But we knew that when we entered public office. I think the least we can do for ourselves, is give ourselves, the opportunity

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of providing rebuttal at the same time that some of the detrimental quasy facts are leaked to the media. Those who have had no first hand experience, will undoubtly argue differently. And the words will sound so great, we want to protect the reputations. But you know it's really naive to believe that the media will sit quietly by and wait 15 days after the decision has been made to get the outcome. They'll be clawing at the doors to find out what happens and they're going to get all kinds of strange information during the entire proceedings. And to say otherwise, I believe to be naive, and those who may not agree with me right now, I'm sure will decide that they may have been mistaken some time in the future if the amendment does not pass and if what I believe will happen, does happen. Mr. Speaker, I move adoption of the amendment. And when the ~~Mr. Speaker~~ vote is taken, may it be taken by roll call?

MR. SPEAKER:

The question's on a roll call vote, all those in favor of a roll call vote will indicate by saying aye. More than 80 percent have answered in the affirmative and a roll call is in order. Will ybu remark further? Representative Ernest Abate of the 148th.

MR. ABATE (148th):

Mr. Speaker, thank you. Mr. Speaker, at the outset, I would like to say to Representative Hanzalek that I have extreme respect for the motivation in proposing this amendment.

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As she is aware as are others in this chamber, I was very much opposed to opening this hearing when this matter was before the Judiciary Committee. And let me explain why. It is my feeling that in this stage of the procedure, when a determination of probable cause is being made and when you do not have a presiding officer who knows what the rules of evidence are, who can make a determination on what is relevant and what is not and what might be hearsay and what might not be hearsay, you're going to have the situation existing where allegations are made within the public ascrutiny, allegations that are completely without, in many cases, substantiation or foundation, the press is going to be there, the public is going to be there and they're going to be made aware of these very injurious allegations. Allegations that might be made without any substantiation what-so-ever. But yet that public official who is the subject of that hearing, has to withstand these allegations, the slander, the liable that's attended thereto is brought to bear on this individual, even though there may not have been any substantiation whatsoever. It doesn't seem fair to me to put a public official or any individual in that position. It seems that if an allegation is made and this ethics commission donducts it's probable hearing, there's no reason at that point for the public to know what's going on. You might say, my heavens, the public always has the right to know what's going on. Well I feel

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that the public has the right to know in almost every instant. I was a prime mover and supported the freedom of information bill. I amended the bill to make it even more restrictive than it was at that time. However, when we're talking about an allegation as to unethical conduct, that that allegation is made without substantiation, it shouldn't end up in the papers. We should do all we can to prevent it from ending up in the papers. Sure, it may end up as was the case in example that Representative Hanzalek put forward. That was unfortunate. I think that with very responsible members of this ethics commission, however, the likelihood of unsubstantiated allegations being made known to the public, is not very great. However, if we have these hearings open to the public, they're going to be right there. They're going to hear these allegations that may have no substantiation. Remember, we're talking about an investigation into whether or not there even exist probable cause for another hearing. I fully agree that when probable cause has been established, and there is an investigation to determine whether or not there has been a violation of the statute, that then the public has the right to know. Especially the way that provision is couched in this particular proposal. We have at that point in time, once there's been a finding of probable cause, we have a referee, a senior judge sitting, who can make rulings based upon evidentiary procedure, who can make decisions as to the relevancy. You're

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going to have safeguards. You're not going to have allegations being made as you would for example in the probable cause hearing. I think we have to be fair to ourselves and to others who might be subject to the provision of this bill before us today. We don't want in the public domain, unsubstantiated allegations and the only way you're going to protect that from happening, or prevent that from happening, I should say, is to be sure that that probable cause hearing is conducted with the utmost and confidentially. Thank you.

MR. SPEAKER:

Are you prepared to vote? Will the members please take their seats? Staff and guests please take their seats? The machine will be opened. 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 will please announce the tally.

THE CLERK:

Total number voting	145
Necessary for Adoption	73
Those voting Yea	46
Those voting Nay	99
Those absent and not voting	6

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MR. SPEAKER:

House Amendment Schedule D fails. Will you remark further on the bill as amended? Representative Fox from the 149th.

MR. FOX (149th):

Mr. Spewker, the Clerk has an amendment, L.C.O. 9489 and would the Clerk please call and may I be permitted to summarize?

MR. SPEAKER:

The Clerk has L.C.O. 9489, which shall be designated as House Amendment Schedule E, would the Clerk please call?

THE CLERK:

House Amendment Schedule E, L.C.O. 9489, offered by Representative Fox, of the 149th district.

MR. SPEAKER:

Is there objection to the request of the Gentleman of the 149th for leave to summarize House Amendment E in lieu of Clerk's reading? Hearing no such objection, Gentleman from the 149th, first to summarize.

MR. FOX (149th):

Thank you, Mr. Speaker, this amendment changes sections 5 (b) and 5 (c) simply by removing the existing requirement that each person file a list of clients who's business from which he derives an income and access of \$500 a year and from section 5 (c) it eliminates the requirement that this

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information be turned over to the prosecuting attorney if the documents are turned over to such prosecuting attorney. The purpose of this amendment is this.

MR. SPEAKER:

Does the Gentleman move adoption, having summarized?

MR. FOX (149th):

Thank you, Mr. Speaker, I move adoption of the amendment.

MR. SPEAKER:

So the question now sir is on adoption of House C and would you remark sir?

MR. FOX (149th):

May I please?

MR. SPEAKER:

You have the floor.

MR. FOX (149th):

The purpose of this is to recognize the fact that least in so far as investment bankers and stock brokers are concerned, that they are under an obligation not to reveal any information to anyone about their customers financial transactions or affairs. I do not know if there are other professions in the same position but I suspect there are. I think of lawyers and doctors who have an obligation not to reveal their clients or their patients cases or financial status, I can think of accountants and I don't mean to be

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in bad taste but I think if undertaking establishments and the unhappiness that the relatives might feel if their loved one funeral expenses had to be revealed publically. In my own profession, there is not only a firm requirement that the customers financial affairs and transactions be utterly secret but also that there are stock exchange rules that would eliminate such person, any person who reveals such information from continuing in the business under which he could be eliminated from continuing in the business. I think that the purpose of the amendment is undoubtedly, is clearly desirable from the point of view of the legislature unless you wish to say that there is types of person, may not serve in this legislature unless they give up their business. And so long as we are a part time legislature, I think that we should think twice before making that requirement. I feel that as far as the delivery of such information by the commission to a prosecuting attorney is concerned, the absence of any requirement in the statute that we have before us for this purpose is easily met by the Chief State's Attorney and prosecuting Attorney right of subpoena of such information if it is desirable and then the matter is a matter for the courts and not one where the individual would have to make a choice either serving in the legislature and giving up his business or being unable to serve in the legislature in order to retain his business security. I think that if we do not pass this amendment, we will deprive the legislature in the future of expertise

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MR. SPEAKER:

You have the amendment, what is your pleasure sir?

MR. SHAYS (147th):

Mr. Speaker, I move adoption of the amendment.

MR. SPEAKER:

The question's on adoption of House F and would you remark sir?

MR. SHAYS (147th):

Thank you, Mr. Speaker and members of the House. I had about four amendments to offer to this bill and I'm going just with this amendment and really what it does is particularly opposition of Representative Fox wanted to achieve. It provided that there will be no sealed envelope. I think it's rather a farse to provide this state in an envelope that's sealed. You might as well not do anything. If you're going to file this information, It seems to me that it should be open for public disclosure. I move, Mr. Speaker, that when the vote be taken on this, that it be taken by roll call.

MR. SPEAKER:

The request for a roll call vote on House Amendment Schedule F. All those in favor of the Gentleman's motion, will indicate by saying aye. It's in the opinion of the chair that a sufficient number of those in support of the motion and when appropriate, a roll call will be ordered. Will you

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remark further? Gentleman from the 122nd.

MR. JAEKLE (122nd):

Mr. Speaker, thank you, Mr. Speaker. I rise to support this amendment. We've been offered many amendments today, this evening, which would strengthen the ethics bill before us. This amendment is in keeping with that spirit. I think we should say, no more sealed envelopes. No more secrecy. Let's have full public disclosure and let's open up every process to the public. I strongly support this amendment and urge it's adoption. Although I know my remarks are falling upon deaf ears.

MR. SPEAKER:

Will you remark further on the amendment? If not, will the members please be seated? Staff and guests please come to the well of the House, the machine will be opened. 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 will please announce the tally.

THE CLERK:

Total number voting	145
Necessary for Adoption	73
Those voting Yea	40
Those voting Nay	105
Those absent and not voting	6

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MRS. HENDEL (40th):

Through you, Mr. Speaker, yes Representative Post, that is the intent and I think I'd like to point out that that language is the language I believe that's in the current statutes.

MR. SPEAKER:

Gentleman from the 62nd has the floor.

MR. POST (62nd)P

Thank you, Mr. Speaker, I had discussed this with Representative Hendel and it's my view that that is the intent of this body to prohibit any of us or partners of associates from appearing before these very state agencies, actually the language doesn't accomplish that and I would hope that with the legislative intent on the record, it will be clear to everybody here that that is our intent and that the correction of the word "his" in line 308 could be made an technical amendment, either later this term or next year because the actual language, actually only prohibits each of us from appearing before the state agencies and does not quite prohibit our partners and associates from doing so. And to spite the fact that it's in the existing statutes, I think the error that was in the existing statutes is perpetuated here as long as our legislative intent is clear and as long as we resolve to correct it in the future, I certainly wouldn't want to offer an amendment to that tonight. Thank you sir.

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MR. SPEAKER:

Will you remark further on the bill as amended?
Gentleman from the 35th, Representative Demerell.

MR. DEMERELL (35th):

Thank you, Mr. Speaker. Mr. Speaker, I know the hard work that went into this legislation and I really do think some constructive efforts have been put forward in the areas of reporting and guidelines but I really think that this legislation fails when it comes to the construction of the commission itself. I had an amendment which I did not offer partly because I didn't think the House needed any more, partly because I think it was rather an exercise in fertility, that would have returned the control of the ethics commission to this body. To have a commission made up solely of members of this legislative body and I did this for two reasons. First I think that by creating an ethics commission consisting solely of the public members, is an omission by this chamber that it can not govern itself. That we as a body, lack the integrity to place ourselves and is that is the case, I question our ability to act as a lawmaker in this state. Secondly, I think it's a greivous mistake to put a layer of bureucracy between the people of our state and their elected officials. Our system depends on the direct account-

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ability of elected officials to the public. Let us remember that the ultimate determination of public abuse is made at the voting booth. We in our haste, to create public trust in government seem to be forgetting that we exist in a (audible) democracy. We should be emphasizing the good government, the clean government, demands an informed elected who is diligent in exercising its franchise. Mr. Speaker, I think we over reacted in our zeal to obtain the public confidence. I think we under estimate the average citizen. His confidence in government can not be instilled with the passage of legislation purporting to insure purity. It must be earned. Earned through the efforts of dedicated legislatures producing legislation in the best interest of the people. Mr. Speaker, I believe the passage of this bill in its present form is a mistake. With passage of this legislation, both we and the public will have swallowed a palative deception. In the long run, we will all be worse for it.

MR. SPEAKER:

Will you remark further on the bill as amended?

Gentleman from the 119th.

MR. STEVENS (119th):

Mr. Speaker, I support this bill as I expect most people of the chamber will. But I think I'd be remiss if I didn't say that think once again this evening, we see how not to act as a (inaudible) body. From the very first amendment that was brought before the House, wherein the Senate created

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a loophole to the last where Representative Shays, had the distinction if you want to call it that, having an amendment rejected without one person speaking against it. I think you've seen what happens when legislatures close their ears and feel they have no obligation to be objective. That's what's happened here tonight and I think it's a disgraceful way to enact a much needed, much deserved, and a piece of legislation which has had a great deal of many people's hours put into it. That all seems to go by the board in the manner in which we act. There were amendments offer tonight that no one in this chamber really disagrees with and speaking privately, many of the members have told me that. Gee, it's a good idea but.... That same old but. There's no excuse for what happened here tonight except we're making the mistake of accepting less than perfect legislation and when we do that, we do a disservice to the chamber and to the people of Connecticut who elected us. The bill in it's form before us, is far better than what we have in the present law and that's why it will be supported, I would suspect, almost unanimously. But it could have been better if you had done your duty.

MR. SPEAKER:

Gentleman from the 34th.

MR. O'NETLL (34th):

Mr. Speaker, I think that we in this chamber on both sides of the isle have done our duty and will continue to do so for the next two days. And I think when we see what

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the lights will, whether the greens or the reds will prevail, I'm sure the greens will prevail because it's the mood of the time and it's the mood of the room to be more ethical in Government. And with this particular piece of legislation, that's what it's all about and that's exactly what we're going to be. So I think it is a great accomplishment by the committee, by the bipartisan effort that went into this piece of legislation and I think we do ourselves an injustice if we say anything but that.

MR. SPEAKER:

Are you prepared to vote? If so, will the members please be seated? Staff and guests please come to the well of the House, the machine will be opened. 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 will please announce the tally.

THE CLERK:

Total number voting	145
Necessary for Passage /.....	73
Those voting Yea	142
Those voting Nay	3
Those absent and not voting	6

MR. SPEAKER:

The bill as amended is passed.

**JOINT
STANDING
COMMITTEE
HEARINGS**

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SENATOR BECK: As a member of the committee I will not take your time because I will have an opportunity to work with you in framing the final effort. But, we did want to address the subject matter today, by way of SB 1265, which is jointly sponsored by a number of legislators who want to indicate support for a range of improvements in the present ethics legislation, along the broad lines as follows: And, I might, on my own behalf, mention to members of the sub-committee that I do serve on the National Legislative Conference of Ethics and Campaign Reform Committee and helped to draft the model act which has been written. But, I by no means consider that -our comments which are both Representative Barnes and myself as co-sponsors an outline in anyway final or definitive, but simply to outline what we believe are important parts in an ethics bill.

First on the definition of ethical conduct, we would urge, at the very least, improving the present language to include intentional use of public office for private gain and secondly, prohibiting acceptance of any thing of value which would cause a reasonably prudent person to be influenced and that might very well mean that that's just as broad as any thing else and that we might recommend tying that down to a \$25 value or something of very small size, in order to indicate that gifts really need not be rendered.

Secondly, the definition of lobbyist. We urge, at the very least, to include compensation or re-imbusement of \$100 or more per quarter, and here just by way of comment, I see that we would find ourselves in agreement with the Secretary of the State Schaffer who does not make the distinction on grounds of intent, does not try to distinguish between the motivation but rather compensation.

Thirdly, reporting procedures. We do urge that during the legislative session, there be more frequent reporting by lobbyists because now that information is only available after the fact. And, we propose, at least quarterly, if not every two months and perhaps even more frequently. We feel that the definition now, purpose of expenditures is unduly broad and that there be a narrowing to make the purpose of lobbying more specific. In other words, you can choose to discuss the broad area of, let's say, zoning. And, that really covers an enormous range of activity and we hope that the committee can narrow that definition.

Secondly, specific reporting by those who have been legislators or commissioners, two years following their term of office to provide detailed information at any time that they -carrying out lobbying information, that material be provided to the office of the Secretary of the State.

Thirdly, for legislators that the source of information, of income on \$1,000 or more and that the assets of \$5,000 or more be identified, although not the total value of income or assets. We are attempting to do something which can be implemented and we feel that this is a realistic approach to the reporting problem. I will say, for myself personally, that I have always opened that legislative envelope and requested fiscal -the office of Legislative Management to leave my envelope open. But,

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SENATOR BECK: I don't have the kind of assets that some other affluent people might have and I think there is a happy medium between total amount of income, although I reveal mine personally, and source of income, which is what I think we are trying to get at in our legislation.

Fourthly, who would enforce the act? Both Representative Barnes and I feel very strongly that the heart of any legislation is enforcement power. We are proposing an ethics commission with no legislators serving on the commission. Public members to be chosen from a partial list provided by the House and Senate Majority and Minority leaders and the Governor independently. Both five year term. I won't take your time on the details but I wanted to outline the generalities of our particular proposal and that these people not hold or campaign for public office not hold office in a political party, nor carry out lobbying activities. We had a tighter definition which we deleted because it got to be very difficult to pin that down. The thrust of what we are urging the committee, particularly to consider, is that the heart of this is both in the composition of the commission and secondly, in the power to initiate without having someone else request-a legislator request an investigation of a colleague. This is really very difficult to ask and we urge that this problem be removed from that body and it be given the alternate power to investigate upon cause. The final action be through the courts if there is further requirement beyond the powers of the ethics commission.

Finally, on the matter of full-time officials, that the six top state officials, the Governor, Lt. Governor, Secretary of the State, Comptroller, Treasurer, and Attorney General be required to exclude paid, outside activity while holding their term of office. In a separate bill, there will be a compensation provision and that is only in the event this group feels that additional compensation is necessary. The important thing is that there not be any questions raised about that office and that this include commissioners who are heads of a department-departments. As I say, we know that have many people here but we did, in framing this bill, want to indicate above all, that there are many legislators anxious to broaden and make more effective our ethics laws and finally a comment on behalf of Representative Fox who had to leave but he urged us to bring out a bill that would have a broad enough basis of support so that it wouldn't be so perfect that we would lose our base of support. And, I'm sure we want to address that, but we don't want to water it down so much that it has not effect and gets the votes because it has no effect and we seek a meaningful function and we have an offer of assistance by a lawyer who will help us in the process, if we need it on the committee. And some other offers of professional assistance. Thank you, very much.

REPRESENTATIVE ROBERTI: My only question is-I don't know if anybody else has any questions, I'm just wondering how you expect to enforce this intentionally public law ..inaudible.. meaning more clearly, what do you mean ...it's a very broad statement and you know, for years-I don't want to put down lawyers-but for years many attorneys ran for public office, with an angle, you know,inaudible..I'm just wondering more specifically in a monetary sense I would think.

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SENATOR BECK: Yes, in other words, we--the office of Legislative Research did give us a very helpful summary of what other states do to try to make that more specific and you are right, there are some things that just cannot be avoided, like greater use of your name and business that follows from that. We had in mind things such as, not only directly obtaining money, I mean that's so obvious that really, it almost doesn't require discussion. But, rather the question of obtaining information early, which can be a system using the name of the office to obtain information which should not be released prematurely; using the influence of the office in such a way as to obtain private gain and I will see to it that --you all possibly you do have zerox copies of that -- but suggest that in that area sometimes listing, excludes other things and you can't think of all the things you should do. We recognize that problem in trying to delineate this, but other states have specifically, that the use of information obtained in the normal course of work which the public does not have access to--things such as the timing of decisions--would be illegal, if it results in private gain. Now, this is not easy to establish, but there is no question that many of us do have these opportunities and that sometimes there is not even the intentional desire to do this but it does become the case. By specifying the rules of the road, you stay where you belong and not step out of those bounds. I think that has traditionally been one of the more serious problems in other states.

REPRESENTATIVE MEYER: Alice Meyer, 135th. I notice that you...on the composition ...inaudible...sound with those that are... are those who are actually in that profession and ..inaudible..cominated by this group who are investigating

I CANNOT TRANSCRIBE THESE COMMENTS, REPRESENTATIVE MEYER DID NOT SPEAK INTO THE MICROPHONE.

SENATOR BECK: Well, I think that's going to develop into one of the really key decisions for us in changing present board and I don't think that's a yes or no answer. There is some validity to wanting people familiar with it but I think the reality is when you come right down to it, that you are much better off excluding all legislators because it is virtually impossible to render a judgment on your colleagues in this building regardless of the nature of it, when you come right down to that final vote and the forcefulness with which you undertake an investigation. I think by virtue of being in the same building and there only being two hundred of us, we all have a sense of identity. Which makes it exceeding difficult to be objective about that. And, it is very difficult to make the case that legislators really are--do serve under different kinds of guidelines for actions than others. Which is to say that if there are questions about procedures, habits, intentions, and the committee wants to know about that, I see no reason that would exclude them from coming in--calling in a group of leaders or highly respected legislators to discuss the nature of a particular problem and deriving that information from them as witnesses. I think that excludes the buddy system concept and I believe that is true

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SENATOR BECK: also, of the Judiciary and the Executive. I think in the last analysis, one would really be put in a position of judging one's colleagues which is very difficult, in fact, to act upon in a totally impartial way. It's sort of like knowing the witness, being a juror and being asked the question, did he know this man, and the answer is, we knew all two hundred of one another and I think that is a basic principal of justice which applies in this case.

REPRESENTATIVE ROBERTI: Anybody else? Thank you.

SENATOR BECK: Thank you, very much.

REPRESENTATIVE ROBERTI: Representative Stevens.

REPRESENTATIVE STEVENS: Thank you, Mr. Chairman, my name is Gerald Stevens, 119th District and I'm here also, as the Republican leader in the House of Representatives to speak on behalf of House Bill #5055. I'll leave with the committee, a copy of my testimony and just outline the high points of the bill and address myself to some of the questions that Representative Barnes indicated.

It's my opinion and the opinion of the Republicans in the House that our state needs a strong effective ethics bill. We do not have one right now. The one we have does not work. We have seen several instances in which we have tried to make it work and the short comings in it are quite apparent. I think it's essential that you act in this session and I don't think there's any excuse whatsoever for this committee not to enact a strong ethics bill in 1977.

The commission should be a majority of members of the public. The one we have suggested is a seven member commission, four members from the public sector, two from the legislative, and one from the judicial. I would argue strongly, that there must be some legislative representation on the commission, for the sole purpose of offering to the commission the insight that often comes in issues that come before it. I would forcefully argue against a majority of legislators, but I do think some legislative in-put is important to make it a meaningful commission. It is also essential that this ethics commission have the power to initiate investigations which the present commission does not have; and the power to subpoena information pursuant to those investigations, it should cover the legislature, it should cover the Governor and all appointed officials in the Executive Branch and it should cover the judges. No judge should be confirmed without being covered by the provisions of the ethics bill which should require full financial disclosure of the individual and his or her spouse. Both have to be covered if you're going to have a meaningful ethics bill. And, while I say, financial disclosure, I am not talking about amounts. The amounts of a person's wealth are their business, but the sources of income, the assets they hold that could form the basis for potential conflict of interest should be on the record. For those who

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SENATOR GUNTHER: have any problems is that fellow that's working, let's say, less than legitimately up here and I think we need a law to control that. We don't have it now. So, without further adieu, if you'd like to ask me some questions, I'd be happy to but I know the public has been sitting there for a full hour. And, I don't want to belabor you too much. Questions. Well, I hope this year we've got a gutsy committee, that's willing to come out and bring these bills out. Now, I have to say one thing, at least we have quantity because-and quality..inaudible.. because I've come up here to committees and have one of them sitting here listening so, I certainly hope, maybe by the number of people here-maybe we're going to get something out with enough push in that committee to get it out on the floor. Thank you.

REPRESENTATIVE ROBERTI: Thank you, Senator Gunter, we needed a laugh.

REPRESNATTIVE BELAGA: Representative Belaga from the 136th District and I came originally just to make a very short statement of support for ethics reform legislation and Representative Barnes asked us to address some very specific issues, so I might as well as add my opinion to the pot. I think that very clearly, any legislation must deal equally with the Executive, Judicial, as well as the Legislative branch. I think that what ever you do end up proposing from the interesting combination and possibilities that are before you, that it certainly must include all three branches of government. And, over and above that, it is absolutely vital that you have a large measure of representation from the citizens. I think that in order to restore faith in our government, that is certainly one way to do so.

I also feel that disclosure is a-long-time-a-coming, and we really must indeed, impose disclosure upon our elected officials. Certainly sources of income is vitally important. I want to prevail upon you, as did Senator Gunther, to come out with a strong bill, I think the time has come and the citizens of Connecticut really do need to know that there is control here in the capitol. Thank you.

REPRESENTATIVE BARNES: Representative Berman.

REPRESENTATIVE BERMAN: I'm Rosalind Berman and I'm the Representative of the 92nd District. I cam in support of ethics legislation on the two bills I am supporting which are #1265 and #5055.

I think the electorate of the State of Connecticut has made itself felt, made it's wishes known, that reform of ethics legislation is a time whose idea has long come. I am endorsing the legislation which will reform ethics in the State of Connecticut and both bills which I have mentioned explicitly spell out those activities prohibited under a code of ethics which will govern the conduct of all public officials in the Executive, Judicial, and Legislative branches. Prohibited activities include the use of public office or confidential information for personal gain, the offer ing or acceptance of gifts to influence public officials, non public contracts

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REPRESENTATIVE BERMAN: between officials in any governmental body and it also calls for the filing of annual financial statements by all elected public officials, justices of the supreme court, judges, and all persons nominated or appointed by the governor. Identification of business in which public officials hold a directorship, an ownership or an officer must also be made. I feel the present code of ethics is weak and somewhat vague and this has created problems in the past because of lack of definite guide lines for public officials to follow. While I believe the legislation has not been proposed because of any scandal in Connecticut, nor because we have any doubts about the honesty or integrity of elected or appointed officials. I do believe it will prevent, in the future, conflict of interest or even the appearance of conflict. The bill spells -the bills both spell out the demands of impartiality and honesty of public officials which has been called for by the public and which was the subject of many campaign discussions around the state during the past fall election. I certainly am hopeful that we will get out some meaningful ethics legislation this year.

REPRESENTATIVE BARNES: Thank you. Representative Leonard.

REPRESENTATIVE LEONARD: Would you extend that ...,5055 extend to include the immediate family of those in public office, how do you feel about that?

REPRESENTATIVE BERMAN: I feel this is reasonable. Yes.

REPRESENTATIVE OSLER: Representative Dorothy Osler from the 150th District in Greenwich. I'll take only a minute of the committees time, I too am a member of this committee, and I've been listening to the hearing in the back of the room because I'm trying to divide myself in half today, and am in the middle of another hearing in another room. But, I did just want to emphasize my interest too in a bill to two bills that would cover ethics and lobbying, I don't care if it's all in one or if it's divided. Perhaps it might be easier to pass through the legislature if it were divided in two. Over the summer and fall the Republican caucus prepared some information-put together some information and decided on the kinds of things that we all could support together and then as the session started, it became sort of apparent that this was going to get buried rather deeply. And, a group, non-partisan and impromptu, women's caucus formed one afternoon. They decided to really get behind it. We have been pushing it and I think that this is something that many of us campaigned on, that there has not been a scandal in Connecticut but we do suffer from the general disrespect given the politicians across the nation, in fact, perhaps world wide.

I'd like to extend support of this from Representatives Bertinuson and Durrell who are in the hearing that I left a bit ago, who asked me to speak on their behalf. Thank you.

REPRESENTATIVE BARNES: Thank you, very much. Are there any questions?
Representative Swomley.

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MARK CAPLAN: Basically, the most important thing is getting in the public the sources of income and assets, we're not talking about numbers. I think we agree with the testimony that has been given by practically all the legislators.

The Washington statute calls for financial disclosure for the officials of each public or private office employment directorship and trusteeship held; each direct financial interest in excess of \$500; creditors to whom \$500 or more was owed; each person for whom legislation, rules, rates or standards were prepared, promoted, or opposed for compensation; and each entity from whom compensation in excess of \$500 was received; and also, the 10 percent law, the disclosure of any ownership interest of more than 10 percent in any business entity. There are a number of other part to this and again, we're not talking about the dollar amounts, we're talking sources, the complete disclosure of sources and income from various assets-income and interest which a public official might have.

There are a number of bills that certainly go a part of the way to what we would like to see done -proposal #1265 by Senator Beck and thirty other legislators put forward, is certainly a very big step in that direction. There are other bills-#483 and #288. There are actually a large number that cover one part of what we're talking about.

In the case of conflict of interest, we feel very strongly that former legislators and -should not lobby the legislature for a period of two years after leaving the General Assembly. And, we strongly support Senator Houley's bill, I think that's proposal #135 which would put a three year probation on former officials of regulatory agencies from lobbying for those interests that they were supposed to regulate. I think Commissioner Connell who is certainly the outstanding appointed official commissioner from the state, the job that he's done that really he should have testified in favor of that concept and I certainly hope that this committee will act on it. I feel quite confident -one of the arguments that raised in financial disclosure in the revolving door, is that good people are not going to-that you won't get good people in public office. The states that have enacted good financial disclosure laws, California, Washington have certainly not noted any lack of interest on the part of citizens to seek public office and hold public office. And, I'm quite sure that we could find, ... may even have a beneficial effect in terms, of the diversity of people who might want to run for public office.

In terms of what we regard as ethical violations, Common Cause has suggested an excellent model list and we have mentioned on page five. It basically goes along much of what -the lines which -of several of the suggestions made in bill #1265. It's more precise in terms of the limit of gifts of \$100 a year. It talks about no official having an economic interest in a contract with the government, except where they have obtained the competitive in an open bidding process.

In terms of lobbying, we in the past have worked with Secretary of the State Schaffer and I think, basically, we endorse the proposal which she

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MARK CAPLAN: has put forward. I have not had a chance to see Representative Post's proposal and maybe a number of things which he adds which are good additions. But, I think that her proposal in terms, of having a reasonable threshold—one of our main concerns of our group to have as a citizen lobby is a large number of citizens who work with us on different pieces of legislation. I'm not talking about our paid staff. Certainly we ought to register, and complete financial disclosure but I am concerned about individual citizens who work with us and who may be spending nominal amounts of money to make phone calls to write letters and to attend public hearings, that they not be entrapped and discouraged by registration procedure, which will discourage their participation. I think that's a critical element and I know Secretary of the State Schaffer has been very sensitive to that. The proposal put forward by the House Leadership, the \$500 threshold is certainly there. We can live with the \$250 figure which the Secretary of the State has suggested. I think \$400 a year is what we're suggesting. But, anywhere in that ballpark is reasonable and would not trap the ordinary citizen who wants to be active and who would say.. legislation but I would hope that you, as well as ourselves don't want to discourage.

We certainly endorse the point of expanding lobbying regulation to regulatory agencies as well as the legislature. Anyone who deal with the regulatory agencies know that their decisions in many cases, are as important and in some cases, more important than the decisions made in the legislature. And, it seems to me when they are ignored, they ignore perhaps, half the ball game as to where decisions are made on a state wide level.

Finally, about an ethics commission, I think the ethics commission is 405055 key to good enforcement of all—I would like to see the ethics commission be responsible for all the legislation we talked about, a lobby act, a financial disclosure act, a conflict of interest act—if there was such, we certainly want to see it independent from the legislature. I think we've seen far too many times, both on the state and national levels, where it is the legislators are involved in their process, the pace, the vigilance leaves much to be desired. So, I would hope that what ever procedure is developed it would be entirely independent of both the Executive and the Legislative branches. I would hope that an ethics commission would include a citizen right to sue when proper officials fail to enforce the law. I think a good model of what we're looking for frankly, is an ethics commission on-a la the Freedom of Information Commission, that has staff, that —I —one of the representatives raised the questions of having representatives on it for expertise. Well, I think the same argument is to assume that the Commission of Freedom of Information. It would be good to have public officials on the Freedom of Information because they're familiar with what and how the freedom of information has to be applied. And, yet, public officials are not on the FOI and I think that has worked out extremely well. And, we'd like to see the same kind of independence, the same kind of staff, the same kind of power of investigation as part of an ethics commission.

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BETTY GALLO: Common Cuase believes that lobbying laws should contain the following basic principles:

- 1) Annual registration of all persons compensated for lobbying, their employers, and all persons and groups that spend \$100 or more lobbying in a calendar quarter. Registration should fully identify the lobbyist, his employer, and the matter of interest to the registrants.
- 2) Executive as well as legislative branch lobbying should be covered by the law.
- 3) Registrants should file statements detailing their expenditures for lobbying at least once during the legislative session and quarterly for the year.
- 4) Lobbying expenditure statements should give a detailed breakdown by category of expenditure with all expenditures of \$10 or more itemized as to payee, purpose and amount.
- 5) A state ethics commission with adequate staff, budget and power to effectively review reports, investigate complaints, enforce compliance and prosecute violators.
- 6) Citizens should be allowed to file complaints and to sue to enforce the law when appropriate officials do not.
- 7) Violation of the law should be a misdemeanor with individual penalties not to exceed \$1,000 or imprisonment for a year, or both.

Enacting a strong ethics package is the most important business of this General Assembly. The people of Connecticut need to know that it is their interest you are serving.

REPRESENTATIVE ROBERTI: Thank you. Mary Eichelman.

MARY EICHELMAN: My name is Mary Eichelman and I am a member of the Women's Political Caucus here in Connecticut and first of all, we would like to express our support for the proposal introduced today by Secretary of the State, Gloria Shaffer, regarding lobbying and lobbyist disclosure and lobbying expenditures. We feel that this reform is necessary and timely in Connecticut. We would also like to speak in support of PROPOSED # 1265, and would like to commend the many women in the Legislature, of both parties, who introduced this bill, which we feel is a positive step towards more responsible government. The Caucus particularly is in support of the establishment of an ethics commission which would be empowered to actively investigate complaints of wrong doing for any problem they themselves suspect in order to make findings of probable cause and initiate further proceedings. The Caucus also supports lobbyists reporting lobbying expenditures quarterly, as included in this bill as well as in the proposed

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MARY EICHELMAN: that was presented today by Secretary of the State, Gloria Shaffer. We would also like to express concern with the section in the bill regarding public disclosure of financial sources by public officials. We're concerned that it will be rather difficult to enforce and we hope that the committee will consider this carefully in any legislation that's proposed. We do feel that it's valuable for more effective, legitimate governing if information regarding public official financial interaction with various interests groups is made known to the public. And, we just wanted to go on record in support of this issue. Any questions?

REPRESENTATIVE BARNES: If you find the financial disclosure sectiondo you have an alternative in mind that might work?

MARY EICHELMAN: No, I think we're just concerned that it be effective and that the sources, rather than the amounts -as proposed in this bill, we feel is acceptable. We have had mentioned to us a concern for -concern expressed of those people who may be lawyers with regard to confidentiality but that has been addressed today and think that would be covered.

REPRESENTATIVE ROBERTI: Thank you. Raymond Cordani.

RAYMOND CORDANI: I'm Raymond Cordani, and I reside at West Street in Litchfield and I'm here as a citizen to speak against Senator Houley's bill, PROPOSED BILL #135. By further identification, I do work for a regulatory agency. My commission was heard earlier.

Now, you don't have to define official, I think that if he means appointed official or elected official then, perhaps, I would favor this bill but if it means career employees of regulatory agencies then I am very much against it. I may ask you people a question, how many attorneys would be part of the legislature? Several. Legislators regulate the state, by virtue of the fact that they pass or do not pass laws. Should an attorney be prevented from practicing law while they're members of the legislature and three years hence? To just think that would be farcical. But, a career employee for the State be it any business, any regulatory agency, if he comes straight from college and spends 25 years or whatever to retirement age, should he be denied the opportunity to go to work for the business he knows best, probably at a reduced salary? Someone who is living on low state retirement funds that are available to him right now, it just doesn't make sense. Mr. Senator Houley also mentioned, the industries that are regulated sometimes regulate the regulators. I must take exception to that also. The banking department is not regulated by the industry, ask any banker how much they regulate Commissioner Larry Connell? I'm sure you'll get that answer. That's all I have to say.

REPRESENTATIVE BARNES: I just want to clarify this, as Commissioner Connell suggested we did differentiate between public appointed official and clasified employee and

RAYMOND CORDANI: Yes, they'd be solved, no question about it.

there is a conflict.

The creation of a more specific code of ethics in Connecticut would go a long way toward reestablishing public confidence in its government. It would not only serve the public's interest, it would also assist those legislators and public officials who need guidance in determining how to comply with the code of ethics.

Proposed Bill #1265 states in section(f): "To make it unlawful for any public official to accept anything of value which could cause a reasonably prudent person to be influenced in the discharge of his official duties." I generally think that language is good and I urge the committee to adopt it. However, public employees should also be covered.

The present code of ethics is generally vague and broad. It's difficult to determine what is "good behavior" It's difficult to determine what is in the public interest. One solution is to implement the code of ethics by establishing agency and legislative codes to deal with this problem.

As I understand it, the governor has proposed that a new ethics commission be established with public members. Generally, I think this is a major step in the right direction. It should be obvious that the present enforcement authority in this state does not have a strong degree of

credibility. The present Ethics Committee is composed of eight members of the General Assembly, with four Democrats and four Republicans. The present composition of the committee often results in political partisanship and a lack of objectivity. I urge that members of the public serve on an ethics commission. The only bills which would add public members are Bill 5180 which would provide two members of the public to a ten-member commission. I would prefer a higher percentage of public members

Unlike the present statute, Bill #1265 would allow the ethics commission to investigate on its own initiative which I feel is essential. The present procedure requires an individual to submit an official complaint in the form of an affidavit to the Commission. In some cases, that procedure inhibits people from filing complaints. The requirement of an affidavit usually means that a complainant needs the advice of an attorney and that fact alone often hinders complaints from being filed. Since most law enforcement agencies now have the power to initiate investigations on their own, it would seem reasonable for an ethics commission to have similar power to enforce the ethics law.

There is also a potential conflict of interest if a public official or an employee represents clients before state agencies. Most states have restrictions on these activities because of the influence such officials may have in agencies' activities. New Jersey prohibits all state

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interests but require that all activities be publicly disclosed

The Connecticut law limits representing a person for compensation only before certain state agencies. The Connecticut law does not prohibit such representation before all state agencies. It does prohibit an officer or employee from being in a partnership, association, professional cooperation, union or professional association which accepts compensation for representing an individual before a state agency. This latter provision would appear to cover the legal profession.

It would seem appropriate to me that Section 1-66 of the Connecticut General Statutes should be amended to prohibit an official or employee from representing a person for compensation before all state agencies.

The CCLU also supports Proposed Bill #5178 which would provide that after a determination of probable cause "a select bi-partisan legislative committee shall be appointed to review the findings and evidence." That section is important in a constitutional sense since it provides for a separation between the determination of probable cause by the ethics committee, and the final determinations on the complaint.

In summary, a considerably stronger code of ethics is required. An ethics commission should be composed of

JOINT
STANDING
COMMITTEE
HEARINGS

GOVERNMENT
ADMINISTRATION
& POLICY
PART 2
395 - 813

1977

PRESTIDING CHAIRMAN: Representative Roberti

MEMBERS PRESENT:

SENATORS: Beck

REPRESENTATIVES: Roberti, Vance, McCluskey, Barnes, Wojtas,
Hendel

REPRESENTATIVE ROBERTI: Good evening. Just a few remarks before we start, okay. Unfortunately I was not able to attend the last meeting of the Ethics and Lobbying Committee, the joint Committee, because I was out of town, but the reason I want to bring this up is because I really would like to say that I believe that Senator Beck and Representative Barnes have done a tremendous job with Linda Hershman on putting this thing together. And whatever does come out this year in relation to ethics and lobbying out of this sub-committee will be really, the people that will be responsible for it would be Senator Beck and Representative Barnes. I just wanted to make that statement before we got started.

The meeting will come to order. Our first speaker today will be Representative Gerry Stevens.

REPRESENTATIVE STEVENS: Thank you Representative Roberti. My name is Gerald Stevens representing the 119th Assembly District in Milford and also speaking as the Republican House Leader on the proposed Committee Bill 1265. Before getting into my specific comments of which I have a number, a little background I think is in order. I think there is no excuse for not passing a strong ethics and lobbying Bill in 1977. The Bill as presently before the Committee is in essence similar to the Bill that first came out of the Republican House caucus in September of 1976 and subsequently was endorsed by Governor Grasso in her message and has now been, I believe, enthusiastically accepted by this Committee and outstanding legislators on it. So I think that whatever does come out this session will, in fact, be a bi-partisan piece of legislation which is the manner in which we should address both ethics and lobbying.

Insofar as the specific Bill is concerned, my first comment is that I think we'd make a mistake to combine ethics and lobbying in one Bill, and I say that as one who is strongly supportive of both concepts and will support the passage of an ethics and a lobbying

REPRESENTATIVE STEVENS: (CONT'D) Bill in proper form this session. My concern is that those who oppose passage of one or both, and I think there are many who do, may well seize upon the combination as an excuse for doing nothing. The ethics Bill, setting up the Ethics Commission, obviously can stand by itself as well as the lobbying Bill. I would say that the lobbying Bill either combine or in separate Bill should most definitely come under the Ethics Commission. To pass a lobbying Bill without making its provisions subject to the Ethics Commission to be established is a sham, and it should include that.

Insofar as the specific Bill before the Committee is concerned, the members of the State Judiciary must be covered by financial disclosure. They are not in the Committee Bill. I have said before and will repeat that there is no excuse for not having judicial nominees file public financial statements of disclosure at the time of their initial nomination and subsequently when they are renominated by the Chief Executive Officer. They should be included.

In the Bill itself, I would suggest to you that to be meaningful the definition of immediate family must be expanded, you cannot qualify children by saying dependent children. A conflict would exist in my opinion if children of a person covered were in a position of conflict whether or not they were dependent.

I also feel that the Bill should be amended and to take it out of the Secretary of State's Office. It has no business whatsoever, even though as autonomous, being in the Secretary of State's Office and indeed I think it raises a question of conflict. The Secretary of State's Office and the officials therein are subject to the jurisdiction of the Ethics Commission and the Bill and to make it even a part of that office, in my opinion, is a mistake. I would ask you to look at both the experience of the Elections Commission and the F.O.I. that were originally there and both of which who had requested that they be totally separate. I think that would be a mistake to leave it as it is in the Bill.

The section on probable cause which is perhaps one of the most important parts should be drastically reworked in my opinion. I would abolish so-called probable cause hearings. I think you must do that or set up some separate mechanism. As the Bill is now drafted the probable cause hearing is heard by the very same Commission that if probable cause is heard will hear the complaint. That's a concept that is alien to our judicial system. The body that determines probable cause does not determine whether it's guilt or innocence subsequently.

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REPRESENTATIVE STEVENS: (CONT'D) I say do away with probable cause and open up the hearing process. I do not think that the hearing under the probable cause section or the main section of complaints should be in secret. They should be in full public view so that both the accuser and the person who is accused have an opportunity to present their facts in the public eye.

Section 13 in the Bill, in my opinion, should be deleted. That would give the proposed Commission the authority and discretion to exempt certain persons from financial disclosure. There is no room in this law for any such loophole such as that. The Bill also does not, in my opinion, define conflict of interest and that is the most glaring error that has to be correct.

I would refer you to Section 1-68 of the present General Statutes which defines conflict of interest. And it's a good definition. It's a good definition if we take that in belief of the so-called group exemption that now exists. Our conflict of interest laws says that if a person acts as a member of a business, profession, occupation or group the conflict of interest does not apply. That's a sham. That should be taken out. But the definition in 1-68 with the exemption removed would be a good definition. The Bill's definition of conflict of interest, in my opinion, has a loophole in it that should be corrected. Those are my comments, I commend the Committee for moving this far in these two very sensitive areas and would be happy to work with the Committee or its draftsmen to make sure the Bill that comes out of Committee has strong bi-partisan support. Ethics and lobbying are not republican issues, they are not democratic issues, they're issues that must be addressed for the good of the people of the state, and I suspect to pass this in this building we're going to need strong bi-partisan support to overcome the opposition that exists for both of these pieces of legislation. They should be passed in 1977 and I certainly pledge my support toward that direction. Thank you.

REPRESENTATIVE ROBERTT: Thank you. Senator Beck please.

SENATOR BECK: I'd like to thank you very much for your very kind remarks and I don't want to take the Sub-Committee's time for more than a few minutes.

Representative Barnes and I would just like to indicate to the Committee that the main portion of

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SENATOR BECK: (CONT'D) this Bill is that the Commission is an independent Commission which does not include members of the legislature and which, therefore, would not be involved in any personal conflicts nor knowledge of the people involved.

And secondly that the Commission handles both the ethics of the legislators and executive officials and the ethics of lobbyists whose influence is brought to bear on the legislators and we do think that's an extremely valuable concept to maintain in going over the Bill.

Thirdly, we would like to say that we have attempted in this Bill to broaden the definition of conflict of interests to include for instance acceptance of anything of substantial value and to a considerable extent to lay out the rules of the game more effectively providing for instance that there shall be financial statements filed by legislators and at the same time we've attempted to make this realistic by not specifying the details of the salaries nor of the ownership of assets and that we hope very much in going over this Bill that we will have an opportunity to discuss some of the points raised in the previous testimony and that if we can work with you in the next week we hope we can complete the major portions of it. Thank you very much for making it possible to have this Bill in this shape by today, it's very good cooperation. Thanks a lot.

REPRESENTATIVE ROBERTT: Thank you very much. Representative Hanzalek.

REPRESENTATIVE HANZALEK: Good morning ladies and gentlemen, my name is Astrid Hanzalek, I'm am a State Representative from the 61st District. I would like to testify on the Bill, the wonderful efforts that the Committee has put forward in bringing out Committee Bill No. 1265 concerning ethics and lobbyists. I am particularly concerned about the entire issue because for the last two years and continuing now I am serving as a House Chairman of our Ethics Committee.

There are quite a few problems that I have experienced over the last two years and it is with that concern in mind that I tried to read this Bill quite carefully. As you know our present Statute is a badly put together patchwork quilt using pieces of statutory language from other states, and in my opinion having worked with that Statute for the last several years we have two alternatives. Either we write a completely new ethics statute or we have to perform major surgery on the existing law.

REPRESENTATIVE HANZALEK: (CONT'D) The difficulty in coming up with a completely new statute is that you apt inadvertently to fall into the same problem areas that exist now with the present statute.

Let me make a few suggestions that I think would be helpful. And I don't do this in the sense of nit-picking, I do this in the sense of trying to make sure that we come up with a piece of legislation that is worthwhile.

I think in Section 1 for example, sub-section N where the definition official in the executive branch means any candidate for public office in the executive branch or any member or employee of an executive agency, we must add the following language - member of a Commission established by and responsible to the executive branch. I think if we do that we avoid some of the problems that we've been reading about the newspaper recently relative to the Liquor Control Commission. And I think we should be well aware of that. It's virtually the same language as in "O", the succeeding sub-section that deals with legislative commissions.

In Section 2 I note that in line 129 no more than four members shall be of the same political party and that's in sub-section A. And then in sub-section B it says that four members shall constitute a quorum and the chairperson or any four members may call a meeting. I think that in an effort to make sure that this turns out to be a completely non-partisan decision by a non-partisan bi-partisan group it would be better if line 128 and 9 were to read no more than three members shall be members of the same political party. You could then still have the additional four members be members of the minority party or members of the unaffiliated. But at least it would require a vote from someone other than a member of the majority party in order to either provide a quorum or make a decision.

In Section 3 I would suggest the addition of some language that provides this Commission with a staff. One of the very serious difficulties of the present Committee has is that there is no staff provided. In the last session Legislative Management, which was asked for staff, suggested that each party use its patronage employees for that purpose. That strikes me as being inappropriate for an Ethics Committee or an Ethics Commission. And while we're on that subject I think that the Committee made a very wise decision to try to take this entire problem of deciding ethics out of the hands of legislators.

REPRESENTATIVE HANZALEK: (CONT'D) As circumspect as the legislators on that Committee may be, the members of the public will invariably wonder whether we as legislators are not really trying to protect our own. So I think in fairness to us as well as to the general public, I think its very worthwhile that this be a public Commission rather than a Committee or Commission of legislators.

Section 4 deals with proceedings, investigations and so forth of this new Commission. It indicates in Sub-section C that all proceedings of the Commission pursuant to this Sub-section shall be by closed session and then toward the end of that section stipulates that after the investigation is completed and a final determination is made the records can be made public. I suggest to you ladies and gentlemen that that is unnecessary. The secrecy provisions that are part of our present Statute I think are erroneous. I think those present secrecy provisions do not serve the purpose for which they were initially put into that Bill. Though designed to protect the innocent of the accused, I think they have in fact served to cast suspicion upon the individual that is accused, and I see no reason to continue that kind of an error.

I think in Sections 5, 6 and 7 you indicate that the lobbyist is require to register and report on who pays him to lobby for what. However, there is one factor that in my opinion is missing and that is whom did the lobbyist spend his money on. I certainly think it's important that we know that.

Section 8, Sub-section A the first section suggests that bribery is fine as long as it's not more than \$100. a year, but at least we've put a limit. In B I think you should add a phrase because the way Sub-section B of Section 8 now reads it is perfectly, well it is unlawful or it would be unlawful for a member of an executive department to accept a gift as in the recent case with a gentleman who is employed by the Department of Environmental Protection. However, it would not be unlawful for a legislator to give that gift, and I think we could add at the end of that Section - nor should they give or offer to give anything of value. I think that would be very important too.

I think the way C is worded it should probably be amended, I don't know just exactly how but the way it reads no person shall knowing or willingly make any false or misleading statements or misrepresentation of facts to any official in the legislative or executive branch, but it apparently still permits agency heads and legislators to lie to one another.

REPRESENTATIVE HANZALEK: (CONT'D) Outsiders or lobbyists can't do it but something ought to make perfectly clear that agency heads and legislators are also included.

In Section 10, again C and D say don't offer or give a public official a bribe and officials shouldn't solicit or accept anything but B and F says it's alright as long as it isn't anything more than \$100. Those actions that are clearly prohibited I think were well thought out by the drafters of this legislation.

There is one very serious error, however, serious omission, however, and that is the relationship between the lobbyists and the Legislative Commissioner's Office. As most of you remember there was a problem that came up and a complaint filed last year, actually it was filed in December I believe of 1975 that dealt with the Legislative Commissioner's Office and lobbyists. As a result of that the legislature in the last session passed a very mild almost innocuous statement that would try to deal with that problem. It is found in Section 1-66 E of the General Statutes which this proposed Bill in your Section 16 deletes. I think that at the very least you should reinstate Sub-Section E of 1-66 and I will give you a copy of it so that you don't have to, here it is.

REPRESENTATIVE ROBERTI: Could I ask you to sum up because the time is going on here.

REPRESENTATIVE HANZALEK: Yes but this is important.

REPRESENTATIVE ROBERTI: I agree with you it's important.

REPRESENTATIVE HANZALEK: I will certainly try to summarize. I think that the Committee should realize that even though it has done a fantastic job in drafting this Bill it skirts the entire issue of voting or acting on legislation in which a legislator may have an interest. Perhaps the Committee has made a conscious decision that since we are part-time legislators and since financial statements would be a matter of public record that that ought to be sufficient and then to try to get into all the subjective language of you can vote on it if you don't think you're in conflict but if you think you're in conflict you better not. I think you should reexamine that and also I would like to see some language that asks the new Commission to define ethical conduct or to specifically spell out prohibited behavior or require that Commission to issue guidelines. I think that gets to be very important when you try to work

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REPRESENTATIVE HANZALEK: (CONT'D) with this kind of a Statute. In summary I think we must all make certain that those who serve us in elected and appointed positions live by the highest standards of morality and ethics, and though we obviously cannot legislate morality our ethics statute must provide clear guidelines, public oversight, a workable routine procedure with enforceable penalties. Our present statute has none of these and I think the Committee Bills 1265 goes a long way toward solving many of those problems. Thank you.

REPRESENTATIVE ROBERTI: Would you prepare those points at some point, the suggestions that you could give us.

REPRESENTATIVE HANZALEK: They're on transcription.

REPRESENTATIVE ROBERTI: Okay fine, I was just going to ask if you had anything additional that you left out while summing up.

REPRESENTATIVE HANZALEK: Yes as a matter of fact I have a few other nit-picky kind of things that I will tell your clerk or Bonnie or somebody about.

REPRESENTATIVE ROBERTI: Thank you very much.

REPRESENTATIVE HANZALEK: Thank you.

REPRESENTATIVE ROBERTI: Cliff Lenhart. Cliff?

CLIFF LENHART: I'm Cliff Lenhart, I'm the Deputy Secretary of the state and I'm testifying this morning on behalf of Secretary of the State Gloria Schaffer.

We have read closely and with great interest Senate Bill 1265 which sets forth the powers and policies of the proposed independent state ethics commission. It is in Mrs. Schaffer's opinion a fine Bill, clearly thought out and carefully drawn, one which in many ways goes to the heart of the problem of ethics regulations in our state regulation. Legislation creating an independent Ethics Commission has long been needed in Connecticut. Mrs. Schaffer welcomes it and supports it.

Our support, however, is not without reservation. For all its many merits the Bill has one major flaw which we would like to discuss with you in some detail today. It is Mrs. Schaffer's firm contention that there is little to be gained and indeed much to be lost by including the regulation of lobbyists within the responsibilities assigned this proposed commission. We would be the first to agree that we are a long way

CLIFF LENHART: (CONT'D) from a truly effective lobbyist regulation in Connecticut. But this situation seems entirely, this situation stems entirely from the inadequacy of existing statutes governing lobbying activity and is not in any way attributed to any deficiency in the administrative function exercised by the office of the Secretary of the State.

Connecticut's present lobbying law lacks clarity and it assigns inadequate powers to our agency trusted with its enforcement, and it fails to require adequate financial disclosure on the part of lobbyists themselves. Transferring administrative and enforcement authorities from one agency to another will do nothing to alleviate these problems. The solution lies in the enactment by the General Assembly of the comprehensive lobbying law reform package which Mrs. Schaffer has introduced every year since 1970. As the Committee knows this is the Bill introduced by Representative Lawless this year. This package includes proposals to require lobbyists themselves to file their own expenses on the same statement as do their employers, disclosing that part of their regular employment salary allocatable to lobbying.

To require lobbyists to disclose the nature of financial transactions with or gifts to state officials when the transactions are valued at over \$1,000. or the gifts are valued at more than \$25.

To extend the definition of lobbyists to include those who lobby before executive agencies and to have periodic reporting while the General Assembly is in session on a monthly basis and a quarterly basis when the General Assembly is not in session. To establish coverage on grass roots lobbying in which those who receive \$250. or more during the calendar year to promote or oppose state government actions would be required to register with the Office of the Secretary of the State.

And finally and importantly to empower the Secretary of the State's Office to issue regulations to administer the lobbying statutes and to return for amplification or correction lobbyist statements which are incomplete.

Passage of these measures is the way to bring effective lobbyist regulations to Connecticut, not through an expensive bureaucratic shellgame in which the lobbyist regulations becomes the pea.

Connecticut's lobbying laws are now administered by

CLIFF LENHART: (CONT'D) a particular competent and professional staff led by Ms. Agnes Kerr, Director of the Administrative and Legislative Services Division of the Secretary of the State. Their impartiality and effectiveness are acknowledged by lobbyists and legislators alike.

In recent years this office can point with particular pride to its program of advisory guidelines and follow-up letters as significant improvements in the administration of Connecticut's lobbying statutes. If Connecticut's lobbying laws were of the same high quality as the administrative procedures designed to enforce them then lobbying activity in this state would be effectively regulated indeed.

I'd like to add to the prepared statement a few informal remarks. We agree with the distinguished minority leader of the House of Representatives and also with common cause that lobbying and ethics should be handled in separate Bills if they are separate subjects and as you know, as the Committee knows, the model legislations prepared by common cause does provide for separate Bills.

I'd also just like to discuss for a few minutes with the Committee so that you're thoroughly familiar with the enforcement record that our office does have. This program of advisory guidelines that we've administered for the last few years. If I could first hand out a set of these guidelines and say that they're four pages of single spaced interpretation trying to fill in the gaps in the present lobbying law to make it more uniform, more fair in its enforcement and also more complete.

Last year when any report did not comply with these guidelines which called for regular employees of groups trying to influence legislation to disclose the portion of their salary that's allocatable to lobbying that covers grass roots lobbying. There's certain things that we can't do administratively such as extending lobbying legislation to executive agencies. It can only be done by the legislature. But we feel we've went a long way with these advisory guidelines and it wasn't just something where we just put out these guidelines and a press release and that was it. After the reports started coming in Agnes Kerr and I individually reviewed every report and every person who didn't comply with the guidelines was sent a follow-up letter and to file a supplemental report. And this was done in every case. We insisted upon it although it sometimes meant several follow-up

CLIFF LENHART: (CONT'D) calls to people and a lot of work going into July of last summer well after the legislature had adjourned.

As you may know also, we for the last two years have issued optional identification cards to lobbyists that they can carry in their wallet and produce upon request by a legislator.

And finally, we have and this is right in the public record in the recent past within the last year in coordination with the Attorney General's Office asked State Police to investigate two alleged violations of lobbying laws and we followed through with these investigations and would have referred information to the Chief State Attorney's Office for prosecution if it had been warranted, but we did have, we had in the last year two very thorough police, State Police investigations of alleged lobbying violations.

One other point. You've heard testimony this morning concerning the relationship between our office and the State Elections Commission and the Freedom of Information Commission and if I could clarify for the record what that relationship has been because I've lived with it for two years. First of all the State Elections Commission ~~was~~ always set up as an independent agency, it was never in our office so to speak. The only relationship we have with the State Elections Commission is the fact that our business manager happens to also be their business manager. There has never been any attempt by our office to exercise any influence over the Elections Commission or anything of that nature, and I think it's severely misunderstanding the situation when Mrs. Schaffer assigned one of her staff people who the Commission hired, just gave them a salary slot early on when it wasn't funded itself, it had no budget, so the Commission could get underway and that without any strings attached support she tried to give it, to infer from that an attempt to control the Commission.

You know with reference to the Freedom of Information Commission, because the Commission came to us and requested it, building upon what's in the statute and because the Attorney General's Office requested it our office about a year ago, a little over a year ago, did, has become involved in staffing the Freedom of Information Commission. But this is a relationship that the Commission has sought out and in fact when there was a Bill introduced to this General Assembly by Representative Stevens to have the, all ties between the Secretary of State's Office and the Freedom of Information Commission severed that Bill, the

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CLIFF LENHART: (CONT'D) Commission itself which makes all policy decisions on freedom of information matters, voted against supporting that Bill. And so it's only been through their desire to have us that we have done that.

I guess my main thought is that all, I hope that all Committee members would make themselves thoroughly available with our enforcement record before going on the presumption that an alternate method of enforcement is necessary.

You know I think we do have a situation in this country where there's an attitude now that no elected public official, that is someone who has the trust of the people, can be counted upon to do their job anymore and I think that's an attitude we have to get away from.

In summing up we would urge the Committee to create an Ethics Commission. Go forth with the many fine ethics provisions there, have a separate Bill that deals with lobbying, the provisions in this Bill are good, we felt the provisions in proposed draft 6419 introduced by Representative Lawless are good, but to leave enforcement of the lobbying law where it is in nearly all of the 50 states in the Office of the Secretary of the State.

REPRESENTATIVE ROBERTI: Thank you, any questions.

REPRESENTATIVE BARNES: One thing that concerns me is what you've undoubtedly seen in the court situation which I think was remedied last fall by constitutional amendment where you have a situation such as that of a committee of judicial review, where there is the authority to investigate a situation and do nothing or else come in with the only penalty available which is impeachment. The Secretary of the State's Office, the information can be turned over to the State's Attorney and there are intermediate remedies which I spelled out somewhat in Section 13A and these would be available to a Commission and it would be somewhere between nothing and the . . . and this kind of flexibility,

CLIFF LENHART: That's a response like McNamara wanting defense, no I believe in that, but I think the same sort of escalated response capability could be built in our office enforcing it, the Bill, and certainly at the Attorney General's Office and never mind the Governor's Office which are also elected, have great powers of responsibility and just because the Secretary of the State is elected I don't think means that those duties wouldn't be honorably

CLIFF LENHART: (CONT'D) discharged. You know, in our bay we agree that we should have the power to issue regulation as the Attorney General's Office does, it would be nothing wrong with the Secretary of the State's Office proposing regulations. Of course, they'd have to go through the safeguards of the administrative procedure act like any regulation in the state. We also feel that we should have the power to return incomplete reports or inadequate reports and we can work with the State Police and the Attorney General's Office in doing investigations where there are violations before taking the ultimate step as you point out in turning the things over to the State's Attorney's Office and you know you come back to what's working stuff and we have a proven record where we actually have done this, both in the case in the complaint against Continental Can and American Can last year with reference to the Bottle Bill. We did have an investigation. We had, you know six claims, there have been reports on exactly what they did and what they didn't, so we have a proven record.

REPRESENTATIVE BARNES: Well it may of course turn out that your viewpoint at the moment is believed to be so. On the other hand there is a feeling that the strong relationship to the behavior of both legislators and the executive officials and in some instances particularly ran into the Governor's definition of public disclosure on the part of public employees too. But there's a definite relationship to what is going on with these public officials and people who are trying to influence the decisions of those officials, and that there is a logic to consider them jointly. On the other hand that's a subject which obviously is for debate.

CLIFF LENHART: Yes, if I just very briefly on that one. I think also in the elections field we have a record where two different agencies have been able to handle separate but related functions which is I think what you're talking about. I think there is an interlocking there, I think anyone who denies it doesn't understand it very thoroughly, but the Elections Commission in the Office of the Secretary of the State I think it demonstrated that at arms length we can handle separate but related functions where they issue or advise opinions and do certain investigations, but we have the basic administrative machinery of the Election Office. And I think by, well it's really going to stricken off the lobbying lines, picking out a commission, you have maybe problems of accessive, a kind of balkanization of functions at a time when the Filer Commission is trying to consolidate.

REPRESENTATIVE BARNES: You think that this does that more

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REPRESENTATIVE BARNES: (CONT'D) than that?

CLIFF LENHART: Well you know it's watching something that's worked.

REPRESENTATIVE ROBERTI: Okay, thank you.

CLIFF LENHART: Thank you.

REPRESENTATIVE ROBERTI: Marc Caplan.

MARC CAPLAN: Mr. Chairman and all the members of the Government Administration and Policy Committee, my name is Marc Caplan, I'm the Director of the Connecticut Citizen Action Group. I just want to make a few brief comments in general about the need for this legislation. Since we've indicated previously a recent Harris poll was released in which the public rated the ethics of those running eleven different kinds of institutions. State legislators in that poll rated six with only 58% rating their ethics as high. I think this is just one more indication that there is a public crisis in confidence in the honesty and integrity of elected officials.

It is obvious that we need tough but realistic ethics law as well as tough lobbying laws if we're ever going to build public confidence of government and state government in the post Watergate era. The citizens have a right to demand high ethical standards and full information including disclosure of income and assets and possible conflicts of interest from their elected and public officials. I think a truly responsive and open representative government demands no less.

We often hear a lot about how legislators here in Hartford want to follow the wishes of their constituents. Well I think it's clear that Connecticut citizens want a strong ethics proposal. A Connecticut poll which was conducted in 1974 revealed that nearly three quarters, 72% of the state voters that were polled felt that full financial disclosure should be required from all state office holders. This really goes along with the results in other states. In 1972 the State of Washington had an initiative referendum of a strong ethics package there passed by 72% of the voters. California in 1974 when it passed, it's well known proposition nine was passed by 70%. So we think that despite the fact that many lawmakers contend that having to disclose personal finances is an invasion of their privacy, we think it's important to go ahead and do that and we agree with Professor William Cary of the Columbia Law School

MARC CAPLAN: (CONT'D) who said about financial disclosure, it is essential that the conduct of public officials hold the respect and confidence of the people they serve. It follows that the public right to know must take precedence to the right to privacy. And I'm sure that disclosure may be a tough step for some legislators and other public officials. CCAG strongly feels it's a vitally important one. Given the serious erosion of public confidence, public officials must at the very least disclose the sources of income and assets to public scrutiny. There are many good provisions to this Bill, but I believe the heart of it, and the Bill should not be passed without this requirement, for full financial disclosure of sources. I think it's time that this legislature goes beyond the post Watergate rhetoric on disclosure and finally take some substantive action for the citizens of this state because they need and require a Bill of this nature.

In regard to lobbying I can only add what I've said before. We obviously don't feel the lobbying is a dirty word, but we believe that lobbying should be carried out and that the openness on their part should be compulsory. Too often the lobby activities go here and over to the State Office Building and other state agencies have been carried on in a veil of secrecy.

This kind of activity; this phenomenon is not in the public interest, we expressed concern previously about not drafting lobbying legislation that would discourage the average, the individual citizen from coming forward and participating in the democratic process and exercising their constitutional rights.

From our reading our Committee Bill 1265 we believe that the intent and spirit of that Bill is entirely consistent with this objective, that it not discourage individual citizen participation in government, at the same time regulating lobbying activity going on especially by paid lobbyists at the Capitol and in state offices.

I think we want to go even further. Some people often well do we have anything positive to say about legislation and let me commend the diligent work by the authors of the Committee Bill 1265 and their efforts and support of the rest of the Sub-Committee and the Committee as a whole. This is an excellent Bill, it's a comprehensive and thorough piece of legislation. I think it it is passed it will be the most important open government legislation passed certainly in this session and certainly stand alongside the Freedom of Information Act as one of the most important pieces of government legislation passed in decades and perhaps

MARC CAPLAN: (CONT'D) in the history of this state, so we're certainly enthusiastic about this Bill, at the same time we do want to make a few suggestions and changes, the most important of which is our concern about the revolving door in legislators and other former public officials coming back to lobby again. CCAG has long been opposed to the advancement of former legislators who come back as lobbyists for industry, business and other interests. We feel that legislators may be vulnerable to a particular request from a former colleague especially a year or two after they've left the legislature.

We feel strongly that officials both here and in the executive branch should not gain from financial benefit by virtue of having held public office. So we suggest that two years at the time during which a former legislator should abstain from lobbying at the Capitol. To counter the abuse properly known as the revolving door policy, CCAG supports prohibiting former officials from regulatory agencies from lobbying for those interests for a period of up to three years. This is the proposal that has been endorsed by Senator Houley and one which we strongly endorse also. We also would like to endorse a proposal which the Governor mentioned last week which prohibits state employees and other officials from negotiating with private companies for jobs in areas related to their own work where there could be a conflict of interest. This was the situation that apparently came out with the Liquor Commission recently and I don't see any reason why there's ought to be specific legislation to bar a public official from negotiating with that industry when they're supposed to be regulating that industry. So we would certainly encourage legislation incorporation of that part in this ethics package.

In Section 9 which deals with financial disclosure we believe that the term elected official is too limited. For one elected officials never really define I believe in the Bill. We would recommend the model common cause Bill definition of who should be required to file financial statements. I think as we've indicated this is not the heart of the Bill, one of the two or three most important sections.

We would suggest that those persons who are required to file financial statements include any elected official or public employee who received compensation at an annual rate of \$20,000. or more in the executive, judicial or legislative branch of state government. It also goes in decision making positions with regard

MARC CAPLAN: (CONT'D) toward such sensitive areas as contracting and zoning. I think on a local basis a person's making decisions on zoning boards is in a sensitive position. I think that they ought to be required to subject themselves to financial disclosure as well.

We certainly would also want to encourage the Committee to consider something which we mentioned previously and that is the question about having candidates for public office file this information. I think we go to election time, I see no reason to put the, to have information about the incumbents and not having information about those who are seeking office. It seems to me that challengers ought to be required the same public information as are required of you who are sitting here today.

One small matter about financial disclosure. That is we would of like to have seen the requirement in terms in the amount of securities that one has got to report that the cut-off whether it be one thousand dollars at fair market value instead of five thousand dollars. This is a stand that's been used in many other states and I want to call that to your attention.

At the same time and in closing I think we want to endorse it, I mean we could really go down the Bill and endorse section after section. Certainly the Sections 2,3 and 4 setting up the State Ethics Commission is excellent. The fact that they can initiate investigations, the requirement that the Commission notify the complainant on a periodic basis are excellent. The fact that in Section 2, the Ethics Commission will be completely independent. Influence from any branch of government that from party politics, it should be completely removed from partisan politics which it is and that is an outstanding feature of this Bill.

The fact that financial statements should include information about immediate family members is certainly in Section 9B I think an important part.

The part that we want to endorse that we hope will certainly stay in the Bill is Section 1B which wisely includes in the definition of any business with which he is associated statements including any business which is a client of a public official. It's the last phrase in that Section. It's an important one and one that we think will help in terms of monitoring any potential conflicts of interest.

We also want to support as we've indicated before the definition of lobbying in Section 1 to include both

MARC CAPLAN: (CONT'D) activities in the legislative and administration action in the executive branch. I think anybody who has dealt with that knows the key to decisions are made not only here but at the various state agencies and lobbying over there should be just as scrutinized on disclosure part as much as here.

The penalty provision of the Bill is excellent on heeding the requirement that anyone who this benefits from violation of this Bill will have to repay the Treasurer of the State the sum equal to three times the financial gain.

So in summary this is really an excellent Bill, we would like to see some changes made in it but we want to see a Bill that will pass. We were prepared to come here and make a suggestion that in order for the Bill to pass the Bill ought to be separated so that one part of the Bill doesn't weigh down the other, in separating the lobbying and ethics sections. We'll leave that up to the discretion of this Committee. About having it separately it has a better chance of passing but whatever, the best way of getting this Bill to the Legislature we certainly endorse.

REPRESENTATIVE ROBERTI: Marc, about the revolving door policy that you state should be such an important part of this legislation. The irony that I see there, I was just curious with your remarks, you work for a public agency more or less, you could call yourself a consumer action agency. Yet people that have been hearing the, out of that agency to run for political office. What would be so bad with people being in the legislature going on to come back as a lobbyist?

MARC CAPLAN: Well I think what we're talking about is what that does to the process. I think wanting to turn to the executive agencies. We're talking about people leaving those executive agencies. they're supposed to be regulating and then going back to work for those agencies that honestly raises questions of it's supposed to be regulating, why they go back. Do they have an eye on it all too long or were they really pressing and protecting the public interest which is their charge. So I think it's perhaps the most, the clearest situation there.

The legislative situation is not as clear cut but I think again it raises the same public spector. The person who is spending time protecting the public interest here as one of the 187 legislators ought not to be thinking about the possibility to be coming back immediately and lobbying for different interests and wondering about their relationship

MARC CAPLAN: (CONT'D) with a different interest which they are supposed to not be following in the sense that they're supposed to be following the interest of their constituents.

So it's not as clear cut but I think again it would help to restore public confidence by the public knowing that their legislators are not coming back the next year or two to lobby for particular interests.

REPRESENTATIVE ROBERTI: All I was getting at is that you know it's sort of ironic a lot of public consumer advocate groups, people that to get the public's trust as advocates for them, go on to run for the very office the people that they're being the advocate for and against and watching.

MARC CAPLAN: Well I would think a good definition would be come back to lobby where they're receiving some kind of, you know, it would be a registered lobbyist though I would presume that if, that that would apply to consumer advocates as well. I don't think if someone who was here and then wanted to, I don't see any reason to differentiate between the two. Obviously someone starts their constitutional right as an individual citizen to express themselves. We're talking of the difference between an ordinary citizen and coming back as a paid lobbyist.

REPRESENTATIVE ROBERTI: Any questions?

REPRESENTATIVE BARNES: One of the problems that came up when we were going through this Bill and what should and shouldn't be here, the question of constitutionality of the revolving door situation and that perhaps it was a contract matter, part of employment when you gained one of the understandings was that you were to accept a condition for keeping employment which would be a different matter.

Possibly there is not, have the courts reacted enough that we know with some sureness that there is not a constitutional problem with revolving door legislation?

MARC CAPLAN: Well I have two answers. One is I think there's been some indication by the courts and we can, we'll certainly if we have that information we'll get that over to the Committee for their information.

My other reaction would be certainly would be to act, well you think the public interest ought to be protected. If there are officials that if they'll agree by this they obviously can bring the matter to the attention of the state or federal courts and

MARC CAPLAN: (CONT'D) we could have it, but I'd rather see one on the side of protecting the public interest than especially with a feeling there isn't a clear cut answer. It seems to me where you're laying it out and telling the people that you've come to Hartford to accept this job, these are the provisions of your employment. That's a reasonable requirement. And you can tell people set limits on how they can lobby. No one questions the lobbying law, basically constitutional, to the disclosure. I don't see any reason in terms of why there couldn't be restrictions placed upon people who have positions of public trust and how they handle that public trust after they leave office.

REPRESENTATIVE BARNES: If you have any information that would be helpful.

MARC CAPLAN: I'll look into that shortly and get that over to you.

REPRESENTATIVE ROBERTI: Thank you very much. Betty Gallo please.

BETTY GALLO: My name is Betty Gallo, I'm the Legislative Representative for Common Cause. The greatest challenge before legislators today is to restore citizen support for and confidence in our institutions of government. Senate Bill 1265 is a bold response to that challenge. The people responsible for this comprehensive and far sighted Bill are to be congratulated. Common cause has made ethics and lobbying legislation its priority this year. This legislation is an essential step towards making government open and accountable. There are several areas of the Bill we would like to see modified. Some of these suggestions concern what may have been merely oversights by the Committee.

1. More people should be required to file financial statements. Candidates for elective offices, public officials and public employees should be included. We realize the difficulty in defining public employee for this purpose. I am submitting Common Cause's definition for your consideration. I will not read it, but I think you will find it presents a logical cut-off point.

2. There should be a provision prohibiting a person from lobbying for compensation for a year after terminating activities as an official in the executive or legislative branch.

BETTY GALLO: (CONT'D)

3. There should be a set procedure by which an official can disqualify himself in case of a conflict of interest.

4. There should be a provision that no information copied from the lobbyist's registration or activity forms can be used for any commercial purposes. I am sure I am not the only lobbyist whose junk mail has increased since registering.

5. Though the ethics commission selection process in Senate Bill 1265 is satisfactory, legislative input into the process might ensure a more varied group of commissioners.

6. It would be advantageous for the commission to have its own staff. You are familiar with some of the problems that arise with the Freedom of Information Commission sharing staff. Yet we realize the tight funding situation in the state and would not want to jeopardize this vital commission by insisting on this provision. The commission could operate effectively in the Secretary of State's Office.

7. There are three technical clauses we would recommend in this type of legislation. One of the clauses would allow supplemental legislation as long as it was more restrictive than this act. Another clause would protect the rest of the act if a portion was held invalid. The third clause should include a conflict of law provision which would provide that if there was a conflict of law this act would control.

Common Cause feels these suggestions are consistent with the intent of the legislation. The major areas of a model ethics act are covered in Senate Bill 1265.

The Bill calls for a strong ethics commission. The range of powers and degree of independence given this commission would make it a model for other states.

We think it is appropriate that this commission regulate both the conflict of interest in lobbying sections, they are inter-related, and though we do have two model acts, both the lobbying act and the conflict of interest act are covered by an ethics commission.

Defining lobbyists is a difficult task, but the language of this Bill is good. It would cover the vast majority of people working to influence legislation without infringing on the people's rights under the first amendment, the freedom of speech.

The financial disclosure required by Senate Bill 1265

BETTY GALLO: (CONT'D) is clear and fair. Common Causes agrees that the source and not the amount of income is what is important. Financial disclosure legislation has worked well in other states. Such provisions have held up in court tests in several states. Fear that mass resignations would follow the enactment of this type of legislation has proved unfounded.

Common Cause supports Senate Bill 1265. We are committed to seeing that good ethics and lobbying legislation is enacted this year. If this proposal does not become law in the State of Connecticut the people you represent will join us in asking why. Whose interest are you serving. It is their right to know.

BETTY TIANI: Madam Chairman, members of the Government Administration and Policy Committee, my name is Betty Tianti, I'm the Director of the Committee on Political Education for the Connecticut State Labor Council, AF of L - CIO. I'm here to testify on Committee Bill 1265 and while we feel that this Bill has many admirable qualities and good points, good sections particularly insofar as relates to disclosure provisions, we do have some serious reservations on other areas. The first is in the area of definition of lobbying where it does define it to be influencing any legislative or administrative action.

Sub-section 3 of that section does define, does say that a person who is authorized by law to represent another person before an executive agency is not a lobbyist. However, in many of the appearances before administrative agencies they are silent insofar as to who, they represent another person. I think in terms of union business agent who would represent a member before an administrative agency of the State Board of Labor Relations, the arbitration boards, again I'm not sure when you talk in terms of social service agencies who might represent a client before the social services. Are they authorized by law?

It seems to me that when you get into the administrative agency actions where there is in fact that you attempt to influence the action of that administrative agency we must be much clearer as to what is required from these people who would be acting as an advocate for an individual before some of the state agencies.

We have some problems as well with Section 6, paragraph 4 where it indicates that when you are lobbying for another person as I do, I am a lobbyist for the state AF of L - CIO and it is part of my duty but not my total duty, it shall be sufficient to report a prorated amount based on the value of time devoted to lobbying. It seems to me that that's a very difficult burden to

BETTY TIANI: (CONT'D) place on an individual or an organization to determine how much of the time and what the value of that time is being spent in lobbying itself. It seems to me we would have to have something more definitive to insure that we were in fact complying with the law and not leaving it to, as its objective, determination by the individuals involved.

Section 10 which precludes any state office or department head or deputy department head from engaging in outside employment after 1979. Well we support that concept, we believe that this would have to be tied in to adequate compensation for the various offices that are being excluded from outside employment. We feel that to do it without increasing salary of these positions would then preclude getting the most competent people for these positions.

I have a question of Sub-section C which I'll raise. I don't know the answer, but when you talk in terms of no person shall offer a gift to public official or public employee or candidate, anything of value. It seems to me that in a particular section of the statute a legislator may represent a constituency, an occupational constituency instance. We're talking lawyers in the General Assembly, insurance agents, who might be working at a job or a person who works for a labor organization. Does this then preclude them from accepting that type of employment, something of value. Does it now as I understand the law right now, it permits them to represent the occupational constituency. Does this language preclude a person from continuing outside employment because he is in fact receiving something of value. I don't know. I think we have to be careful of this because until and unless the Connecticut General Assembly is put on a full-time basis with adequate compensation, we are bound to have some sort of conflicts with an occupational constituency by the very nature of the part-time General Assembly.

Madam Chairman, I would also support the separation, I believe that the Secretary of State's Office has the expertise and has done the administration of lobbying over the years. They have a qualified staff. I think that the two should be separated and that the ethics portion of the legislation should be administered by a commission and government of lobbying should be continued under the Secretary of State's Office. Thank you.

REPRESENTATIVE BARNES: You have the same trouble with the definition of lobbying as you suggested in 3 and if you have any suggestions on how to accomplish this we'll be grateful because coming up with the words and trying to do it,

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BETTY TIANI: Well I know that last year there was a Bill in and we testified at that time, and I think you've done an excellent job in coming down the road in getting language which can do the job without restricting the rights of either the legislators. I might just say too I think it's a credit to the ethics, the high formative ethics of this General Assembly, that you are so insistently working towards this type of public disclosure reporting and keeping our government open to public.

REPRESENTATIVE BARNES: Thank you.

REPRESENTATIVE ROBERTI: Nadine Monroe.

NADINE MONROE: My name is Nadine Monroe, I'm from New London. I'm with the National Organization for Women, I am Coordinator for their State Legal Reform Task Forces. I would like to speak in support of a strong, independent ethics bill. I do feel a lobbying bill should be a separate issue. I just feel that it would be easier to pass.

I would like to direct my comments to the group exemption of conflict of interests. I worked mostly in the judicial area. At this time there seems to be a complete lack of accountability in the Judicial Department. We spoke before the Judicial Review Council, not doing anything. It's not a matter of them just not doing anything, they're denying the public, the people their right to regress and to due process and to equal protection of the law. Acts of omission are certainly as serious as acts of commission.

We have the Judicial Review Council that is not acting, we have the grievance committees that are not acting and this combined is giving us a legal profession that is above the law.

The separation of . . . principles gives us the legislature to pass laws to protect us against the, any one branch of government, but our Bills go into the Judiciary branch where the majority of the members are lawyers, and these lawyers as a whole are suppressing our legislation. We've had legislation in for three years and we can't get it out of committee. The public's interests aren't being protected.

I do also feel that we must not have secrecy provisions. This is part of the problem we're having in the Judicial Department, the fact that we cannot get access to files and this sort of thing. We're doing it through the public now with the public coming forward with their complaints but it's a very difficult way to operate.

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NADINE MONROE: (CONT'D) I have not researched the Bill that thoroughly, but I do certainly support the theory of a strong ethics commission.

REPRESENTATIVE ROBERTI: Thank you very much.

BETTY CERSOSEINO: My name is Elizabeth Cersoseino, I live at 493 Abbey Road in South Windsor. I speak as an individual and representative the Legal Client's Advocate.

We are here in favor of passing Committee Bill 1265. We would, however, like to see the ethics and the lobbying Bill separate. I would like to, I agree with the changes indicated earlier by, do you want me to back up? Particularly the changes as stated by House Minority Leader Gerry Stevens, particularly in the areas of requiring financial disclosure by members and nominees to the Judicial Department. All branches of the government are equal and all branches and their members should be treated equally under this ethics Bill.

I object to the commission hearing as stated in Section 4 C being closed sessions. Government is a public business, we pay for it and we are entitled to know if there are infractions of the rules. If a person is fearful of public exposure then he or she should not run for public office, nor put himself in a position to be nominated for the bench.

Hopefully through the passage of this Bill there will be greater accountability to the public. I would just like to see the Bill get passed and then let you find it out afterwards. Thank you very much.

REPRESENTATIVE ROBERTI: Naomi Plakins.

NAOMI PLAKINS: Members of the Committee, I am Naomi Plakins, I am a third year law student and a member of the public who has a great interest in the lobbying and ethics legislation and great concern and hopes for the passage of this Bill, Committee Bill No. 1265 which I fully support. This pleases me to have this opportunity to speak before you today and express my very favorable and positive views, and I will be very brief.

What I'd like to do is begin with just locating what I believe is the crucial strength of this Bill and then very briefly to outline my suggestions for various improvements. Some of my suggestions are highly technical only one of them really seems to symbolize a difference in philosophy between what I believe would be the tightest kind of legislation in the proposed

NAOMI PLAKINS: (CONT'D) Bill here today. But I should say again that in general I feel that this Bill is a very fine, good product, and let me say that all good products, whether they're pieces of art or pieces of music or pieces of proposed legislation, always seem to have an air of inevitability about them. It seems as if it always should have been that way, that it was done right and that there was no other alternative. But in having done some research on the very difficult and complex problems of lobbying and ethics I know that this Bill was anything but inevitable. I know and can appreciate some of the many choices and alternatives and decisions that this Committee had to make in its deliberations and I'll have to say that the alternatives and decisions that this Committee did make I support because I believe that they were the most intelligent and sane solutions to some very, very sticky problems.

To begin with the definition of lobbyist is perhaps one of the most crucial definitions in order to provide deep and comprehensive legislation in this area, and I think this Committee has wisely chosen the monetary threshold route.

Other states have done it differently, as the Committee knows California has defined lobbying in part at least as anyone who engages substantially in lobbying. I can imagine the number of court litigation to solve that problem. Thank God that this Committee has seen fit not to adopt the California substantial activities text. Similarly I'm very pleased to see that the Committee has not adopted the contact test which I would feel is just as unworkable and as uncertain. Other states, or in other proposals have contemplated distinctions between full and part-time lobbyists, compensated versus uncompensated lobbyists. Again let me return to my conviction that the monetary threshold is certainly the fairest, the most certain and the most enforceable kind of line drawing that one can make. No definition is perfect, but I feel that this definition does a great deal to at least bring perfection nearer.

I also commend the Committee on having chosen annual registration and periodic reports during the session, certainly it's the heart of any lobby Bill.

Let me just very briefly mention some of the suggestions that I would make for improving the lobby Bill. First of all the periodic reports which are required starting on line 260 of the Bill. While I agree with every statement that is made in the language of the legislation itself, I must say that I am disappointed that it is not more flushed out, that not greater detail is exhibited in the language of the Bill itself. I fully realize that the commission that has been set up by this

NAOMI PLAKINS: (CONT'D) Bill would be empowered to promulgate regulations pursuant to this Act and that indeed the Commission could flush out these various details which are necessary. But I do think something should appear in the language of the Statute itself, so that the legislature has the chance to pass a really strong and detailed required periodic reporting and so that that periodic reporting when it is passed has achieved the broadest possible mandate.

For example, it is absolutely crucial that we know the identity of those who compensate. We also must know whether those people are individuals or groups and if they are groups how many members are within that group. For example, consider the possible evasion that could occur if you define lobbying as you receipt a \$300. or more whether in reimbursement or income, or the expenditure of \$300. or more within a calendar year. How will you define what a group may expend, that is the sum of individuals may expend before they are brought within the legislation. What is the definition of a group. Could a loose association of people individually contribute \$299. each ostensibly as individuals but in reality as a group, thereby having a vast group truly evade the provisions within this Bill.

So I don't see that these details are details that we should simply let be worked out by the commission. I think that we can recognize many problems already and those problems should be solved as much as possible within the language of the Bill itself.

A smaller suggestion is that I believe that there should be some provision in this Bill whereby the information which is required, either registration or the periodic reporting or the financial statement, be updated within let us say ten days of a material change in circumstances. It would indeed be an invasion of the entire Bill if a person or group could put in information which it knows or reasonably knows has a planned obsuessence and thereby evadingful disclosure. I think that the periodic updates within a certain period of time with the change is very important.

I have only one real gripe with the Bill as I see it and it is potentially a philosophical difference, perhaps I don't understand the language of the Bill. May I refer the Committee to line 336 and the lines following; no person shall use for any commercial purpose information copied from statements of financial interests required by this Act or from lists compiled from such statements. Now I've read this many times and I am searching my soul to see whether or not this statement could ever be

NAOMI PLAKINS: (CONT'D) construed to preclude newspapers or other arms of the media from publicizing any of the information contained in the financial statement. That is, if we define newspapers and media as commercial private organizations as I think they must be defined, then wouldn't this provision truly crimp the style of the media and present a real conflict in this Bill because in lines 298 and 299 there is specific mention that all the information in the financial disclosure statements be considered public information. Indeed I would suppose the Freedom of Information Commission might so hold. If that is so, why is it that commercial use, commercial public use could not be made of these financial interest statements. It seems to me that what is happening is that this section is painting with too broad a brush. In a way it's sort of throwing out the baby with the bath water. On the one hand we say that we do want public information to be disseminated, after all that is the part and crux of any disclosure statute that the public can have the maximum opportunity to see what's going on. That's the preventative clout of the disclosure statute is that the public will indeed see these statements. I only ask for a clarification as to whether lines 336, 337 and so on really could be construed to preclude newspapers from publishing for profit, indeed that's what they do, these kinds of financial disclosure statements. I think it would be too bad if that were so. If the Committee is thinking of a particular abuse of the system that it wishes to carve out, then perhaps some better language is necessary. As I say, I think this paints with much too broad a brush.

I also, very quickly I'd like to say that I cannot agree with, on line 195 the concept that these proceedings be closed sessions. I am very much of the opinion that if one jumps into the arena of public life one cannot thereafter complain of the bright lights. I do believe the public has a right to know. I think that these secret sessions tend also psychologically to cast a pall over the process. Let them be open, as long as everyone has access to all the information necessary to defend himself or herself, I see nothing wrong with keeping these sessions open.

Again I want to express my deep support of this Bill which I think is an excellent one. I truly think it enhances government by bringing participation out in the open where God knows it belongs. Thank you.

REPRESENTATIVE BARNES: I just want to say thank you for your presentation and the very specific suggestions most of which probably can be worked out with word changings. Miss Plakins was one of the ones who wrote one of the

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REPRESENTATIVE BARNES: (CONT'D) model Bills for this so she is an authority on modeling legislation.

NAOMI PLAKINS: You're very kind, thank you. Thank you for letting me participate.

REPRESENTATIVE ROBERTI: Hugh Ward.

HUGH WARD: Good morning Mr. Chairman, members of the Committee. I'm speaking as an individual, I'm Hugh F. Ward, from 300 . . . Road in Manchester and my sincere thoughts are that all the top five offices that are elected in this state should be full-time and should be compensated.

I also feel that the commissioner should, and now there may be a question about a minor commissioner or something like that but I think there should be a distinction between a full-time commissioner and a part-time commissioner.

And even the legislators I feel should be full-time employees of the state. Now why I say this, actually this would stop a lot of people that are using their legislation action for, you know, making for stepping stones, and there was plenty of material in this state. You could take housewives, you could take retirees that are willing to serve and are willing to go out and be elected, but as being elected is kind of tough and the people with special interests seem to be advocating things for us and I'd like to see that changed and the reason I'm doing this, the Bill I would like to refer to, it's on page three, it's the wording at the top at line 72. About influencing legislative and administrative action. I can't see that. I represent a machinists group and I represent two senior citizens groups. I talked with people, I serve on their commissions, I speak on the aged, and if I talked to the commissioner about that I would be in violation the way I read this.

And then also down at line 83 and 84, a person authorized by law to represent another person before an executive agency. That's a tough term and it looks to me like it must be a lawyer who wrote it. Maybe I'm wrong about this but that's my opinion of it.

REPRESENTATIVE BARNES: This is an exclusion, they do not have to be lobbyists. Then it says a person who is authorized by law to represent another person before an executive agency.

HUGH WARD: Well, who was the first authorized by law. The attorney?

REPRESENTATIVE BARNES: Well it might be. It also might be someone who was appearing, say in the Motor Vehicles Department without a right by law to go down there to argue his case.

HUGH WARD: Well I wouldn't let it by the Commissioner, to me it looks like you need a lawyer according to the way I understand this.

REPRESENTATIVE BARNES: We'll check that.

HUGH WARD: Okay thank you.

REPRESENTATIVE ROBERTI: Thank you Mr. Ward. William Olds. Connecticut Civil Liberties.

WILLIAM OLDS: My name is William Olds, I'm Director of the Connecticut Civil Liberties Union and I generally think the Bill before you is a good one. I support the remarks of the Common Cause and Connecticut Citizens Action Group. As a lobbyist here in the Capitol I don't have any objections personally to any of the provisions relating to the regulation of lobbyists. I have had some personal experience relating to the code of ethics, I was the individual who filed the original complaint against one of the legislative commissioners last year and that issue was taken to the State's Attorney's Office to the Hartford County State's Attorney into the legislature's Ethics Committee. In all three groups, in effect agreed that the present language of the law is impotent. It has no meaning whatsoever, and nobody could really define with any precision, and I would strongly recommend that a new measure which clarifies and defines very clearly for legislators, for employees and for the public what is a conflict of interest.

I strongly endorse the provision of public members serving on the Ethics Commission rather than members of the legislature. I think to a large degree that there is an old Boy's Club in the General Assembly and that probably will exist for a long period of time in which it's very difficult to reprimand a member of the club.

Another flaw in the present ethics statute is that it cannot, I think as Representative Hanzalek correctly pointed out, it cannot initiate its own investigation and there are many cases in which they need to do that. At the present time they must wait for a notarized complaint and the average person doesn't have access to somebody who will notarize it. That can be a barrier, and I notice that this, if I understand the language of this Bill, it would not require a notarized complaint.

The present test of whether somebody is in conflict is

WILLIAM OLDS: (CONT'D) according to the Ethics Committee itself, and they stated this publicly on the record, the only test is to ask the individual who has been complained against whether or not they feel in their conscience they have a conflict of interest. And if they answer no or if they don't know there is no conflict of interest. Only if they answer yes to that question can the Ethics Committee legally rule there is a conflict of interest. It's really a very meaningless law at the present time. It would be more honest of the legislature, I think, to just repeal it and not have it on the books.

I agree with Representative Hanzalek who said earlier that there is a need to specifically define prohibited behavior. It's not defined now, it's not really defined in this proposal. As I understand the language of this Bill presumably the commission would define prohibited behavior in its regulations which will be issued after the new commission is formed if the measure passes. I would feel more comfortable if it were written in the Bill itself.

On two or three other quick points I would prefer as others have mentioned that the commission has its own staff and not be dependent on patronage employees whose loyalty may be with those who are being complained against.

One question that was raised with Marc Caplan of the CCAG concerned the constitutionality of the revolving door problem in terms of ex-legislators serving as lobbyists. I thought that was a very good question, one that I asked to Professor Thomas Emerson of the Yale Law School a few weeks ago. He serves on my Board of Directors and it's his opinion, he didn't give me a written opinion but it was his opinion that that would be constitutional, that those kind of regulations could be established.

Section 12 I think is good. That enables any person to appeal a decision of the Ethics Commission to the courts. So presumably if I were to file a complaint and the Ethics Commission disagreed with the complaint that I at some future point could file an appeal to the courts.

Section 13 on page 12 is a little confusing to me. I'm not sure I completely understand it. It says that the Commission may suspend or modify any of the recording requirements of this Act in the particular if it finds that the application of the Act results in an unreasonable hardship. That might raise some due process problems, and I'm not clear exactly why that is in there. But other than that I generally endorse and think it's certainly an improvement over what we have now on the

WILLIAM OLDS: (CONT'D) books which is in my opinion totally meaningless.

REPRESENTATIVE ROBERTI: Bill, you see no problems as you stated with the revolving door kind of restrictive legislation?

WILLIAM OLDS: No, I think if the rule is reasonable, obviously he's closed the door altogether and said they could never become a lobbyist or never could go to work for a state agency. I think there probably would be problems then, but based on my conversation with Professor Emerson if that regulation were reasonable, I suppose reasonable means one or two years or whatever that that probably would be upheld. He didn't know off the top of his head whether there had been any court tests of that and he hasn't done a detailed analysis of that issue, but that was his personal expression.

REPRESENTATIVE ROBERTI: Thank you. Elizabeth Spalding.

ELIZABETH SPALDING: My name is Elizabeth Spalding, I'm from Greenwich, Connecticut and a NOW member but I'm speaking as an individual. I have specific questions in Section 5 about whether or not it's going to be comprehensive enough. We just, for example, went to a public hearing brought on by lobbying efforts of the Stop ERA group.

UNIDENTIFIED: Could you give the line of that?

ELIZABETH SPALDING: I beg your pardon, 219 it starts there, Section 5. I think it was the Tuesday last we had a public hearing on Stop ERA. On the Friday before I called the Secretary of the State's Office to ask if Stop ERA was registered as a lobbyist under present laws and it was not. But a great deal of money was expended over a long period of time and I hope that Section 5 will pick up that particular kind of organization as a lobbying group.

And I'd like to add on Section 9 which is line 295 which would be Section 9 B 3, the name of securities in excess of \$5,000. held by the individual. The language it seems to me that they can be held for other people but I hope what that section means is the name of securities owned wholly or in part by the individual because securities can be held in two names. Or by a corporation or whatever because it's quite a loop-hole.

Also in Section 9, line 289, the elected officials

ELIZABETH SPALDING: (CONT'D) would have to file on or before February 1. Now I don't know exactly how many people this covers but it could be four or five months really possibly unless you have a staff before those public disclosures could actually be sorted out and publicized. It's a fairly short, you could get through the whole legislature, it is possible to get through the legislative session without knowing or the filing.

I also support the previous testifiers on filing two separate Bills. Thank you.

REPRESENTATIVE ROBERTI: Thank you very much. Would anybody else like to speak?

MARY ERCHELMAN: My name is Mary Erchelma and I'd just like to make some very brief comments on behalf of the Women's Political Caucus. First of all we feel that this Bill drafted by the Committee is done very well and we'd like to commend a lobby for it. We do feel that the makeup of the Ethics Commission is done very well and it would lead to a very strong commission and that this would be a very desirable method of overseeing ethics and lobbying and as a member of a lobbying group we do support the manner that you've set up the lobbying portions to also be considered by this Commission. We also feel that the lobbying regulations and controls that you have here that we would be able to follow and report to.

We also feel that the financial disclosure inclusions that you have here were done very well, written very clearly and we would just like to say that we're very supportive of this Bill and we hope that it will get through the legislature this year and that it will help us also to continue to lobby fairly and well, and we just thank you.

REPRESENTATIVE ROBERTI: The meeting is adjourned.

March 21, 1977 Ethics and Lobbying (1265) Record Only

STATEMENT BY SENATE MINORITY LEADER LEWIS B. ROME TO
THE GOVERNMENT ADMINISTRATION AND POLICY COMMITTEE
IN FAVOR OF S.B. NO. 1265, "AN ACT CONCERNING ETHICS
AND LOBBYING."

I strongly support the purpose of S.B. 1265, which would provide effective lobbying and ethics legislation. I believe there should be public information concerning who is affecting legislation and to what extent their activities influence legislation.

S.B. 1265 would provide badly needed strengthening of the present ethics law, which vaguely request that legislators avoid conflicts of interest. This bill would publicly identify sources of income and assets so that the public can judge whether a conflict exists.

The establishment of a public ethics commission with staff assistance is another good feature of S.B. 1265. Without staff assistance and the power to investigate, the new commission would be powerless to carry out the purposes of the Act.

Finally, I support the concept that lobbyists should be required to report expenses of over one hundred dollars (\$100.00) so that any undue influence can be identified.