

Legislative History for Connecticut Act

HB 5575

PA82-423

House - 3604-3619, 7771-7775

Senate - 3556-3583

GAE - 3, 5

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1982

VOL. 25

PART 11

3452-3824

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House of Representatives

Wednesday, April 21, 1982

will be reconsidered.

CLERK: THE HOUSE OF REPRESENTATIVES WILL NOW RECONSIDER

Calendar page 10, Calendar No. 362, Substitute
for House Bill No. 5575, AN ACT CONCERNING EXPENDITURE
REPORTING REQUIREMENTS FOR LOBBYISTS. Favorable Report
of the Committee on Government Administration and
Elections.

REP. WALKOVICH: (109th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Joseph Walkovich.

REP. WALKOVICH: (109th)

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

SPEAKER ABATE:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of this bill.

Will you remark, sir?

REP. WALKOVICH: (109th)

Yes, Mr. Speaker, I will. Mr. Speaker, the bill
as is in our file would raise from \$35 to \$50 the amount
of certain expenditures by lobbyists which are exempt
from reporting requirements, namely the cost of communica-
tions about administrative or legislative action, the cost

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of soliciting other people to communicate with public officials in order to influence public policy, the amount of expenditures exempted from the 3 year record keeping requirements, per person single occasion cost of food or beverage, and the annual costs of gifts which our lobbyists are prepared to give to a public official or his family.

It would also give the Ethics Commission the discretion to waive the reporting of any expenditure less than \$50.

Mr. Speaker, the Clerk has an amendment. I would ask the Clerk to please call and read LCO 3716.

SPEAKER ABATE:

The Clerk has in his possession an amendment. The LCO number on the amendment is 3716. The amendment will be designated House Amendment Schedule "A". Would the Clerk please call and read the amendment.

CLERK:

LCO No. 3716, designated House Amendment Schedule "A", offered by the following Representatives: Rep. Abate, Groppo, Van Norstrand, Abercrombie, Allen, Barnes, Belaga, Balducci, Belden, Candelori, Carragher, Casey, Emmons, Farr, Frankel, Fusscas, Jaekle, Johnston, Joyner,

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Kemler, Mannix, Morgan, Moynihan, Parker, Perry, Rothman, Polinsky, Rosso, Shays, Smith, Walkovich, Wilber, Wright, Stolberg, Atkin, Mushinsky, Sorenson, Fox, Otterness and Smoko.

After line 125, insert section 6 as follows and renumber the remaining section accordingly?

"Sec. 6. Section 1-84 of the general statutes is amended by adding subsection (j) as follows:

(NEW) (j) No public official, state employee or candidate for public office, or a member of his staff or immediate family shall knowingly accept any gift or gifts amounting to fifty dollars or more in value in any calendar year from a person known to be a registrant or anyone known to be acting on behalf of a registrant."

In line 127, before the period, insert "except that section 6 shall take effect upon passage."

SPEAKER ABATE:

The amendment is in your possession, sir. What is your pleasure?

REP. WALKOVICH: (109th)

Mr. Speaker, I would move adoption of the amendment.

SPEAKER ABATE:

The question is on adoption of House Amendment

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Schedule "A". Will you remark on its adoption?

REP. WALKOVICH: (109th)

Mr. Speaker, I would imagine that from the reading of the amendment that many of the individuals present in the House fully understand the implications of the amendment. The amendment is the product of discussions from many members from both sides of the aisle about what has become apparent to us that is a loophole in the lobbying laws.

This amendment as it appears before us would place the same restrictions that are presently on lobbyists on legislators who would wilfully and knowingly accept a gift in the amount of over \$50.

Mr. Speaker, I think that it's a good amendment. I think that the number of sponsors of the amendment show that the Assembly realizes that this is a glaring loophole in the law and I would move the adoption of the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of House "A"?

REP. WALKOVICH: (109th)

Mr. Speaker, at this time I would like to yield to Rep. Stolberg.

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SPEAKER ABATE:

Rep. Stolberg, will you accept the yield, sir?

REP. STOLBERG: (93rd)

Yes, I do, Mr. Speaker.

SPEAKER ABATE:

Proceed please.

REP. STOLBERG: (93rd)

Mr. Speaker, I rise in support of the amendment.

I think every member of this Chamber is aware of the need for this amendment. To ask that a registered lobbyist or an agent for the registered lobbyist be susceptible to statute and the legislator on the other side of an infinite variety of relationships be immune from the same statute, rings somewhat hollow in both our ears and the ears of the public.

There is a need for this, more today probably than ever. With the transformation of the political system from something that had its roots in the neighborhood to something that now relies more any more on advertising campaigns, on large budgets, on political action committees that now have replace individual contributors as the supporters of the political system, I believe the public demands an accountability not only

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of the lobbyist, but also of the elected official.

There is no way the statute can bring about absolutely correct relationships. But I think we must demonstrate an effort in that direction. And in that regard, Mr. Speaker, I would like to thank you, to thank the members on the Majority side and the members on the Minority side who worked very hard to put together an amendment that would have the breadth of support that could move vigorously from this Chamber upstairs and hopefully receive serious consideration there also.

Mr. Speaker, at this time I should like to yield to Rep. Linda Emmons.

SPEAKER ABATE:

Rep. Emmons, would you accept the yield, madam?

REP. EMMONS: (101st)

Yes, Mr. Speaker. I rise with pleasure to support this amendment. I'm pleased with so many cosponsors. I'm also pleased to see such bipartisanship for an amendment that has been really originated in the Republican office and is the work of our draftsmen. And I would like to take credit for them putting together and all of the cooperation from both sides, your side of the aisle.

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I think the important part of the words in this amendment is where it says you shall not knowingly accept any gift or gifts amounting to \$50 or more in value in any calendar year from a person known to be a registrant or anyone known to be acting on behalf of a registrant.

The amendment, I think, clears up something that has been bothering a number of legislators and codifies a standard of behavior that the public expects. And for that reason, I think it's time has come. We have good amendments and bad amendments. And this is a good amendment whose time has certainly arrived. And I hope it has unanimous support.

SPEAKER ABATE:

Will you remark further on the adoption of House "A"?

REP. WALKOVICH: (109th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Walkovich.

REP. WALKOVICH: (109th)

Mr. Speaker, may I request that when the vote is taken, it be taken by roll call.

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SPEAKER ABATE:

The question is on a roll call vote. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

The 20% has been satisfied. When the vote is taken, it will be taken by roll.

Will you remark further on the adoption of House "A".

REP. CIBES: (39th)

Mr. Speaker.

SPEAKER ABATE:

Rep. William Cibes.

REP. CIBES: (39th)

Mr. Speaker, through you a question.

SPEAKER ABATE:

State your question please, sir.

REP. CIBES: (39th)

In line 40 in the amendment, it refers to acceptance of any gift or gifts. I assume, Rep. Walkovich, through you, Mr. Speaker, it refers to personal gifts and not campaign contributions to the reelection campaign or

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initial campaign.

SPEAKER ABATE:

Rep. Walkovich.

REP. WALKOVICH: (109th)

Through you, Mr. Speaker. Campaign contributions are specifically exempt from the gift provision of the ethics laws because they are disclosed under the campaign finance laws. They would not apply in this instance.

REP. CIBES: (39th)

Thank you very much.

SPEAKER ABATE:

Thank you, sir. Will you remark further?

REP. FARR: (19th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Robert Farr.

REP. FARR: (19th)

Just very briefly. I think that if ever there was an amendment that came up by groundswell, this was it. A couple of weeks ago I asked the counsel on our side to draft an amendment and found that there were 7 other requests in the hopper for the same amendment. In drafting an amendment on the previous bill, I found it was being sponsored by, I believe, 14 on our side.

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Then I read announcements from the other side that they were doing the same thing. And then there was an amendment attempted in the Senate.

I think that the overwhelming sentiment should be in favor of this. It's a very simple proposition. It simply says that which is illegal to give is illegal to receive and I think that we should hopefully pass this unanimously. Thank you.

SPEAKER ABATE:

Will you remark further on the adoption of this amendment? Will you remark further?

REP. FARRICIELLI: (102nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Joseph Farricielli.

REP. FARRICIELLI: (102nd)

Mr. Speaker, just for clarification, I'd like to be sure of one thing and I'd like to ask a question. I don't know if other legislators have been in the same position, but I know that I have lent my name to efforts to raise money for things like Hospice and another one that comes to mind, in my town I take up the 5th graders every year. And recently some of the civic organizations

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have agreed to pay like the cost of a bus to bring the kids up. Now a bus is \$110. It doesn't come to me. I just want to be sure that in that case, that that is not considered a gift and also that any time a legislator lends his name, support, stationery, whatever, to try and raise money for any nonprofit organization that that also would not be considered. Would you clarify that or verify that please?

REP. WALKOVICH: (109th)

Through you, Mr. Speaker.

SPEAKER ABATE: (109th) Applied to the House of Representatives

Rep. Walkovich.

REP. WALKOVICH: (109th)

Mr. Speaker through you, for legislative intent. It is not the intent of this amendment to prohibit those type of expenditures.

REP. FAHRBACH: (61st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Ruth Fahrbach.

REP. FAHRBACH: (61st)

I would like to state that I am wholeheartedly in support of this amendment but I do have a question

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through you to the proponent.

SPEAKER ABATE: I will now call on the gentleman from

Massachusetts. State your question, please madam.

REP. FAHRBACH: (61st) Thank you, Mr. Speaker.

Could you please tell me what the penalties are for someone who does not comply?

SPEAKER ABATE: I will call on the gentleman from

Massachusetts. Rep. Walkovich.

REP. WALKOVICH: (109th) Thank you, Mr. Speaker.

Through you, Mr. Speaker. The penalties would be the same as they now apply to the lobbyists and I believe it's a maximum fine of \$1,000 or one year in prison.

REP. FAHRBACH: (61st) Thank you, Mr. Speaker.

Thank you.

SPEAKER ABATE: I will now call on the gentleman from

Massachusetts. Thank you, madam.

SPEAKER ABATE: I will now call on the gentleman from

Massachusetts. Will you remark further on the adoption of this amendment?

REP. VAN NORSTRAND: (141st) Thank you, Mr. Speaker.

Mr. Speaker.

SPEAKER ABATE: I will now call on the gentleman from

Rep. VanNorstrand.

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REP. VAN NORSTRAND: (141st)

Mr. Speaker, it's seldom you have an amendment with such a broad list of sponsors to be sure. This amendment, I think Rep. Stolberg touched on it, is something the public understands. They understand this amendment. What they didn't understand was that it didn't exist before in the law. And maybe they didn't understand some other things that they've been reading in the papers recently. I don't say that to castigate anyone. And I certainly don't say it in any holier than thou vein because we all have our mistakes.

The problem is we share our image together. And all our colleagues are our colleagues. But the thing the public doesn't understand has to be corrected. You know sometimes we're often talking in here about, it's kind of like a laundry, cleaning things up. Well, this is the kind of cleaning up that should happen. It should be in there. I think we ought to do as a House, to show our pride in this Assembly and our colleagues, all of them, that we want something to go up to the Senate because they run another kind of laundry up there. They don't handle dirty linen.

But it's ours. And we ought to tell them loud

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and clear that we believe we should do something the public does understand.

SPEAKER ABATE:

Will you remark further on the adoption of this amendment?

Would all the members please be seated.

Staff and guests please come to the well of the House.

The machine will be opened.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

The House of Representatives is voting by roll. Would the members please return to the Chamber immediately.

Have all the members voted?

Have all the members voted?

Would the members please check the roll call machine.

Would the members please check the roll call machine to determine if their vote is properly recorded.

The machine will be locked.

The Clerk will take the tally.

Would the Clerk please announce the tally.

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CLERK:

House Amendment Schedule "A" to House Bill 5575.

Total number voting 145

Necessary for adoption 73

Those voting yea 144

Those voting nay 1

Those absent and not voting 6

SPEAKER ABATE:

The amendment is adopted and ruled technical.

Will you remark further on this bill as amended?

Will you remark further?

Would all the members please be seated.

All staff and guests please, all staff and guests
please come to the well of the House.

The machine will be opened.

The House of Representatives is voting by roll at
this time. Would the members please return to the Chamber
immediately.The House of Representatives is voting by roll
at this time.Would the members please return to the Chamber
immediately.

Have all the members voted? Would the members

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please check the roll call machine to determine if their vote is properly recorded. Have all the members voted? Please check the roll call machine. The machine will be locked. The Clerk will take the tally.

Would the Clerk please announce the tally.

CLERK:

House Bill No. 5575, as amended by House Amendment Schedule "A".

Total number voting 144

Necessary for passage 73

Those voting yea 143

Those voting nay 1

Those absent and not voting 7

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar No. 402, Substitute for House Bill No. 5542, AN ACT PROTECTING EMPLOYEES WHO DISCLOSE THEIR EMPLOYER'S ILLEGAL ACTIVITIES. Favorable Report of the Committee on Judiciary.

REP. ONORATO: (97th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Al Onorato.

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GEN. ASSEMBLY
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House of Representatives

Tuesday, May 4, 1982

Would the members please check the roll call machine.
The machine will be locked. The Clerk will take the
tally.

Would the Clerk please announce the tally.

CLERK:

Senate Bill 285 with House Amendment "A" and House
Amendment "B".

Total number voting	144
Necessary for passage	73
Those voting yea	131
Those voting nay	13
Those absent and not voting	7

SPEAKER ABATE:

The bill passes.

CLERK:

Calendar page 8, Calendar 362, Substitute for
House Bill 5575, AN ACT CONCERNING GIFTS AND EXPENDITURE
REPORTING BY LOBBYISTS, as amended by House Schedule "A"
and Senate Amendment Schedule "B". Favorable Report of
the Committee on Government Administrations and Elections.

REP. WALKOVICH: (109th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Joseph Walkovich.

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House of Representatives Tuesday, May 4, 1982

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REP. WALKOVICH: (109th)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER ABATE:

The question is on acceptance and passage in concurrence? Will you remark, sir?

REP. WALKOVICH: (109th)

Yes, Mr. Speaker. The Clerk has an amendment, LCO 3948 which has been designated Senate "A".

SPEAKER ABATE:

The Clerk has in his possession an amendment, LCO No. 3948, previously designated Senate "A". Will the Clerk please call the amendment.

CLERK:

LCO No. 3948, previously designated Senate "A", offered by Senator Schneller of the 20th District, et al.

REP. WALKOVICH: (109th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Walkovich.

REP. WALKOVICH: (109th)

Mr. Speaker, may I have leave of the Chamber to summarize.

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House of Representatives

Tuesday, May 4, 1982

SPEAKER ABATE:

The gentleman has requested leave of the Chamber to summarize of the amendment in lieu of the Clerk's reading. Is there objection to summarization? Hearing none, you may proceed to do so, Rep. Walkovich.

REP. WALKOVICH: (109th)

Mr. Speaker, this amendment would set up a study committee which would report back to the General Assembly on January 15 of next year. It would have four members of the General Assembly, five public members that would be appointed by the Ethics Commission and the Ethics director would also be a member of the commission. The charge of the commission is to look at technical and policy management with regard to the ethics laws of both public officials and lobbyists.

Mr. Speaker, I move adoption of the amendment.

SPEAKER ABATE:

The question is on adoption of Senate Amendment Schedule "A". Will you remark further on the adoption of this amendment? Will you remark further on the adoption of Senate "A"? If not, all those in favor, please indicate by saying aye.

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House of Representatives

Tuesday, May 4, 1982

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Oppose, nay.

REPRESENTATIVES:

Nay.

SPEAKER ABATE:

The ayes have it. The amendment is adopted.

Would all the members please be seated. Staff and guests please come to the well of the House. Would all the members please be seated. All staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber. The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? Would the members please check the roll call machine. The machine will be locked. The Clerk will take the tally.

Would the Clerk please announce the tally.

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House of Representatives

Tuesday, May 4, 1982

CLERK:

House Bill 5575 as amended by Senate "A" and House "A".

Total Number Voting 142

Necessary for Passage 72

Those Voting Yea 141

Those Voting Nay 1

Those Absent and Not Voting 9

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar page 1, Calendar No. 511, Substitute for Senate Bill No. 612. AN ACT ADOPTING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND CERTAIN 1981 PUBLIC AND SPECIAL ACTS. Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

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

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GOVERNMENT ADMINISTRATION & ELECTIONS March 2, 1982

REP. HERSKOWITZ: (continued)

informed on energy issues. I feel the level of representation would be heightened simply because the elective system forces commissioners to come out of hiding and explain their actions to the public.

I would also like to point out that we now have 100 percent funding of the DPUC by the utilities. I think the public's perception of the relationship between the utilities and the DPUC will now be reduced. I realize that some of you might think is a very new concept. Most of the people elected to represent us in Connecticut in the early 1900's, were elected on the basis of one issue and that was utility regulation. The then Governor of Connecticut, Governor Baldwin, Representative Timbor of Vernon summed it up very well. The people of Connecticut wanted their public utilities control commissions to be elected by the people, not appointed.

Let me just lastly point out that I realize that there is a flaw in the Bill, line 32 says, the election would be held on November 2, 1982 and I realize that's an impossibility. It would have to be '84. Thank you.

REP. WALKOVICH: Thank you Representative. Any questions from members of the Committee? Thank you. We've been joined by a few other members of the Committee. To my life is Senator Myron Ballen, Representative Mary Schmidle and Representative Muriel Buckley. The next person to testify is J. D. Eaton, Executive Director of the Ethics Commission.

MR. J. D. EATON: Good afternoon. My name is J. D. Eaton. I'm Executive Director of the Ethics Commission and speaking on behalf of the Commission in support of four Bills, SB 287, SB 304 and House Bills 5575 and 5580. All but the last Bill simply attempt to clarify the two codes administered by the Ethics Commission so that a person reading them can better understand how the statutes operate. I've provided your staff a copy of a written statement and that statement has appended to it a detailed analysis of the intent of the changes in Senate Bill 304. I would like to comment very briefly on all four Bills.

MR. EATON: (continued)

With regard to House Bill 5575, since the Commission started its operations, the reporting of some minimum expenditures originally less than \$25.00 has been raised. The Commission had no statutory authority for this. Nevertheless, the Legislation Regulations Review Committee allowed the waivers to be included in the Commission's regulations. In 1979, two of the initial five waivers were incorporated into the Commission's statutes as a result of amendments made for other reasons.

And then in 1981, some of the figures in the lobbying statute were adjusted for the inflation since 1977. Those \$25.00 figures are raised to \$35.00 including the two waivers which have been incorporated into the statute.

When the Commission amended its regulations, not only the waivers which had a statutory basis, but the waivers which were only in the regulations were raised to \$35.00 but again the Legislative Regulations Review Committee approved this change. The Attorney General, however, recommended in his approval that the Commission gain the statutory authority to make a general waiver of minimum amounts--the reporting of minimum amounts and that's the purpose of this Bill. If it's enacted, if it is enacted unless the \$35.00 figure elsewhere in the lobbying statute is changed in the future from the General Assembly, they can decide if they want to change the amount that is included in the last sentence, the proposed last sentence in the Bill here.

House Bill 5580 is the only one of the four Bills which makes a substantive change of the statutes administered by the Commission. In 1979, the Commission recommended that participation in rate hearings not be considered lobbying. The General Assembly agreed only to the extent of confining administrative lobbying to participation in the utility rate hearings. It's become apparent that public service companies have widely different standards for reporting to the State Ethics Commission. The expenditures incident to rate hearings. The Commission's survey revealed that the accounting system of the DPUC requires public service companies to use