

Legislative History for Connecticut Act

SB 990	PA 249	1983
House	4291, 4647	(2)
✓ Senate	2169-2171, 2331-2334	(7)
G.A.E.	393-397, 400, 418, 422-423	(9)
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1983

VOL. 26

PART 12

4116-4384

krr

House of Representatives

Wednesday, May 11, 1983

TO THE HOUSING DEVELOPMENT CORPORATION STATUTES, File 502.

On page 22, at the top of the page, Calendar 612, Substitute for Senate Bill 972, AN ACT PERMITTING THE STATE ELECTIONS COMMISSION TO INTERVENE IN ACTIONS BROUGHT TO CONTEST AN ELECTION OR PRIMARY. File 631.

Near the bottom of the page, Calendar 616, Senate Bill 109, AN ACT CONCERNING ABSENTEE VOTING BY ELECTION OFFICIALS. File 630.

At the bottom of that page, Calendar 617, Substitute for Senate Bill 810, AN ACT CONCERNING CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF CONSUMER PROTECTION. File 640.

On page 24, Calendar 625, Senate Bill 893, AN ACT CONCERNING THE PAYMENT OF ADMINISTRATIVE EXPENSES FOR MODERATE RENTAL HOUSING. File 468.

And the last one, page 25, Calendar 629, Senate Bill 990, AN ACT MAKING TECHNICAL REVISIONS TO THE CODES OF ETHICS FOR PUBLIC OFFICIALS AND LOBBYISTS. File 389.

Mr. Speaker, I move that those items be placed on the Consent Calendar for tomorrow.

SPEAKER STOLBERG:

Is there objection to any of those items? Is there objection? Seeing no objection, those items are placed on the Consent Calendar for action at tomorrow's regular session.

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House of Representatives

Thursday, May 12, 1983

The remaining item will continue on the Consent Calendar unless anyone has any objection at this time. Rep. Balducci.

REP. BALDUCCI: (27th)

Mr. Speaker, I'd like to move adoption of those items on the Consent Calendar, today's Consent Calendar on pages 1 and 2 with one exception, Calendar 617, I would like removed. S.B. 810

SPEAKER STOLBERG:

S.B. 810

Calendar 617 will be removed. The motion is to pass the remaining items on the Consent Calendar. Calendars 599, 616, 625 and 629. Is there objection? Is there objection to any of those items being passed on today's Consent Calendar? Seeing no objection, the Consent Calendar is passed.

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Senate Bill No. 888, AN ACT MAKING A TECHNICAL CORRECTION TO THE HOUSING DEVELOPMENT CORPORATION STATUTES.

Senate Bill No. 109, AN ACT CONCERNING ABSENTEE VOTING BY ELECTION OFFICIALS.

Senate Bill No. 893, AN ACT CONCERNING THE PAYMENT OF ADMINISTRATIVE EXPENSES FOR MODERATE RENTAL HOUSING.

Senate Bill 990, AN ACT MAKING TECHNICAL REVISIONS TO THE CODES OF ETHICS FOR PUBLIC OFFICIALS AND LOBBYISTS.

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CLERK:

Calendar page 6, Calendar No. 445, File No. 570,

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2169

SENATE

WEDNESDAY  
MAY 4, 1983

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THE CLERK:

Cal. 275, File 389. Senate Bill No. 990.

AN ACT MAKING TECHNICAL REVISIONS TO THE CODES OF ETHICS FOR PUBLIC OFFICIALS AND LOBBYISTS. Favorable report of the Committee on Government Administration and Elections.

THE PRESIDENT:

Senator Daniels.

SENATOR DANIELS: (10th)

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

THE PRESIDENT:

Will you remark, Senator?

SENATOR DANIELS:

Yes, Mr. President. This is one of several bills on the Code of Ethics. I add that this is not the big bill. This bill just simply makes some technical revisions in the Code of Ethics.

Very briefly, Mr. President. I would like to point out that this bill would make it legal for

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## SENATE

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lobbyists to give public officials and state employees and candidates to accept a number of items without deducting, ah, without counting their value towards the fifty dollar limit. Right now, we have a fifty dollar limit as to what a lobbyist can give an elected official. However, under the Campaign Finances statutes, there are thirteen items that are considered forms of political contributions that are excluded from the definition of political contribution, so therefore, those thirteen items are considered under the Code of Ethics as gifts. To give you an example, if a lobbyist were to make a fifty dollar or if he buys fifty dollars worth of advertisement in a fund-raising booklet which you are having to raise funds, under the existing statutes, that is not considered a political contribution. That is considered a gift. But what this bill does is simply clarify the definition or contribution and that example which I just gave you, that does not become a gift, it becomes a political contribution.

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The bill also makes a number of other clarifications, Mr. President. It would require that the terms of the Ethics Commission members begin on October 1st and permit members to continue in office until successors have been appointed and qualified. It will clarify the fact that a member of an advisory board or commission is unaffected by the prohibition against accepting anything of value for appearing or granting for another person before specific agencies.

Mr. President, if there is no objection, I move that this be placed on the Consent Calendar.

THE PRESIDENT:

Is there any objection to placing the bill on Consent? Hearing none, the bill will go on Consent.

THE CLERK:

Cal. 278, File 395. Substitute for Senate Bill No. 82. AN ACT PERMITTING HUNTING ON SUNDAYS. Favorable report of the Committee on Environment. The Clerk has amendments.

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THE PRESIDENT:

The Clerk is going to do the Consent Calendar now. We have a few Disagreeing Actions and P.T.s which we will do after the vote is taken. When you are ready, Mr. Clerk, you can make the announcement for a roll call to vote on the Consent Calendar.

THE CLERK:

An immediate roll call has been called for in the Senate. Will all senators please take their seats. An immediate roll call has been called for in the Senate. Will all senators please be seated.

The following is the list of items that have been placed on the Consent Calendar:

Page 2 - Cal. 265, 267, 275. Page 4 - Cal. 328, 349, 356. Page 5 - Cal. 387, 390, 398.

Page 6 - Cal. 401, 414. Page 7 - Cal. 434. Page 8 - Cal., Excuse me. Cal. 426 and 434 on Page 7.

Page 8 - Cal. 440 and 451. Page 9 - Cal. 453, 456 and 457. Page 10 - Cal. 458 and 459. Page 11 - Cal. 465, 466, 468, 469. Page 12 - Cal. 470, 471, 473, 474.

HR6713, HR6963,  
SB990, SB893,  
HR6183, HB5063,  
SB1132, SB895,  
SB673, SB597,  
SB630, HB5584,  
SB879, HB5339,  
SB810, SB109,  
SB629, SB748,  
SB428, SB972,  
HR5667, HB5988,  
HB5475, HB6547,  
HB6575, HB7132,  
HR5360, HB5762

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Page 13 - Cal. 475, 476, 477, 478. Page 14 - Cal. 480, 481, 484, 485. Page 15 - Cal. 487, 489, 490, 491. Page 16 - Cal. 492, 493, 494, 495, 496. Page 17 - Cal. 498, 500, 501. Page 18 - Cal. 502.

HB6285, HB6288,  
HB6289, HB5108,  
HB6536, HB6982,  
HB5869, HB6142,  
HB6511, HB7069,  
HB7226, HB6379,  
HB7113, HB7076,  
HB5239, HB6266,  
HB6567, HB7086,  
HB6103, HB7182,  
HB5456

That completes the list of items on today's

Consent Calendar.

THE PRESIDENT:

Any corrections or omissions or comments?

Senator Casey.

SENATOR CASEY: (31st)

Thank you very much, Mr. President. I would like to ask that Cal. 434 be taken off the Consent Calendar for a roll call vote.

HB5584

THE PRESIDENT:

Cal. 434, which is on the bottom of page 7 will be taken off the Consent Calendar and voted on separately.

Senator O'Leary.

SENATOR O'LEARY: (7th)

Thank you, Mr. President. I would like to move that Cal. 487 be taken off the Consent Calendar and

HB6511

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Passed Retaining its place, if there is no objection.

THE PRESIDENT:

Cal. No. 487 which is on Page 15, the request has been made to remove it from Consent and passed retained. Is there any objection to that? Hearing none, that matter will be marked Passed Retained until next time.

Senator Skowronski.

SENATOR SKOWRONSKI: (17th)

Mr. President, I ask that Cal. 398 be taken from the Consent Calendar for purposes of my offering an amendment and having a roll call on the amendment.

SB673

THE PRESIDENT:

398 at the bottom of Page 5 will be taken off the Consent Calendar.

Is there any other request? Senator Zinsser.

SENATOR ZINSSE: (4th)

Mr. President, I would request that on Page 6, Cal. 414 be taken from the Consent Calendar for a roll call vote.

SB630

THE PRESIDENT:

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Cal. 414 will be removed and voted on.

What we will do is do the Consent Calendar, if there are no further comments, and then we will run through those bills that were taken off with the exception of the one that has been Passed Retained.

The motion before the chamber is the Consent Calendar, somewhat amended by four requests. The machine is open. The machine will be closed and locked.

Total Voting is 36. Necessary for Passage is 19. Voting Yea is 36. Voting Nay is 0. THE CONSENT CALENDAR IS ADOPTED.

THE PRESIDENT:

Senator Skelley, a point of personal privilege?

SENATOR SKELLEY: (36th)

Yes, Mr. President. If I may invite the circle, tomorrow is the Finance Committee deadline and I've asked probably the greatest partymaker in the entire Senate to assist me and Senator Casey has agreed. We have a group coming in, what is it, MTV that will be doing some monitors around in the Finance Committee.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GOVERNMENT  
ADMINISTRATION  
& ELECTIONS**

**PART 2**

**274-541**

**1983**

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GAE

March 18, 1983

LUCY BROWN, ESQ.: Good morning, my name is Lucy Brown and I'm chairperson of the State Ethics Commission. The Ethics Commission would like to speak in support of Senate Bill 990, An Act Making Technical Revisions to the Code of Ethics for Public Officials and Lobbyists, Senate Bill 1003, An Act Concerning Reimbursement of Legal Expenses Incurred by Public Officials and State Employees Who are Exonerated after State Ethics Commission Proceedings.

Senate Bill 1004, An Act Concerning Investigations in Civil Actions Relating to Violations of the State Code of Ethics, House Bill 7105, An Act Revising the State Code of Ethics, Senate Bill 1005, An Act Concerning Lobbyists Registration Fees.

I've prepared a statement and I believe everybody has received a copy of that statement. I'll summarize it briefly.

First, saying that the Ethics Commission is not in support of Senate Bill 857, which you've heard addressed by the two speakers previous to myself, for much the same reasons that they've given, exactly the same reasons. We feel that the redundancy and the judges being subjected to the code of ethics for public officials would be just that, a redundancy. And that nothing would be accomplished in having it extended to them.

That in an effort to make the legislation least burdensome, for persons where it does not have to be, would be the better thing, both in the public interest and in our own.

In support of the legislation that is before you, we would say that they incorporate the recommendations of the Code of Ethics Study Commission. We followed the Study Commission as you have, and gotten their reports, and we are in support of their recommendations by and large.

SB 990, SB 1003, SB 1004, SB 1005, HB 7105  
The bills that we are supporting do just that. We feel very strongly about some of them and I'll raise those points with you, that the bills addressing the revolving door legislation, those revolving door provisions we feel that have dealt for the past several years are very important. That they have as much to do with public reception and confidence in our system as they do with any financial gain that might inure to the benefit of a

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ATT. BROWN: (continued)  
public official, who takes advantage of the legislation  
as it stands now.

The, we also do not feel that enacting the legislation to  
make the revolving door provisions more restrictive will  
in any way hamper the State ability to contract qualified  
personnel.

We strongly endorse the current ban on lobbying by members  
of the General Assembly who resign during the year, and  
then go into lobbying. And because we feel that it's  
presently uneven in the administration of it, so we would  
suggest that it be extended evenly to all public officials,  
whether they resign at the end of the year or otherwise.

With respect to lobbies, and the legislation that we are  
in support of there, we say that presently the financial  
reports filed by lobbyists disclose only activities  
which are occur during the period a lobbyist is registered.  
And technically that is what has presented the problem.  
Because a person could receive significant sums of money  
in preparation for lobbying, register after having  
received that lobby throughout the session and then  
termination registration and receive a substantial fee at  
the end which would go unrecorded.

We can say that whether intentionally, or whether done  
through inadvertence, that has happened, and the staff  
could give or provide you with examples and situations.  
And we only propose that that be cured in the legislation  
that is being offered. By and large, the lobbyists are  
registered throughout the year, so we don't feel that  
that's unduly burdensome to any particular group or person.

The other of the bills before you that we are in support  
of, we support them in passage as they are, I would be  
happy to answer any questions that you have. But those  
are a few of the thoughts that we had and wanted to bring  
to you.

REP. ATKIN: I do have a question. I obviously haven't had  
a chance to read your full recommendation. There is a  
provision in one of the bills, I'm not sure which number,  
that would require a lobbyist who also has a PAC to report  
a contribution. Is that still in the bill, or was that --

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ATT. BROWN: Yes, the political contributions, recording it as political contributions?

REP. ATKIN: Right, it requires a lobbyist who also has a PAC to report that in his filing with the Ethics Commission, is that still in one of the bills, or no?

ATT. BROWN: I believe it is. I'd have to check with the staff, but I believe that is. Yes. The staff is saying the PACs are not registered with us, but the individual lobbyist who is registered, although a member of the PAC, would be reporting, yes.

REP. ATKIN: Is that under, I have a recollection and again I didn't just glance at the bill and I haven't glanced at your report. I have a recollection of an amendment or part of the Ethics Commission Report that if a lobbyist had a PAC on the outside, or you know, the lobbyist is not a PAC, so if the lobbyist PAC had to report contributions he made during an election, to the Ethics Commission as well as the reports that have to be filed with the Secretary of State, is that still --

ATT. BROWN: With the Elections Commission, yes.

REP. ATKIN: That's still in there.

ATT. BROWN: Yes.

REP. ATKIN: Okay, now what are your feelings, are you supportive of that?

ATT. BROWN: We are supportive of it. Well, we're supportive of the concept. The lobby, well, what we have had much discussion about is that since political contributions were reported and they were reported through the Elections Commission, they were reported by the person receiving the contributions, there was a reluctance to have, reluctance on the part of lobbyists who say why should we report through the Ethics Commission information that is already available, because anyone who wanted that information could go through the Election Commission and get it.

We have maintained that the proper place depending upon, I mean the proper place that appears from the legislation,

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ATT. BROWN: (continued)

would be the Ethics Commission, since the lobbyists are regulated under the code of ethics for lobbyists. So that, a person, I'm talking about the public in terms of receiving what is being ordered and done, or anyone interested in the public welfare, looking for that report of expenditures by a lobbyist, his contributions to campaigns for a public official, would think naturally come to the Ethics Commission.

And we don't see that it would be out of line or it would unduly burden any lobbyist to make the report to the Ethics Commission, rather than having the report only report being in Elections, where it has to be done through by political, by candidates, rather than through the lobbyist. I'm not sure I made that clear.

REP. ATKIN: Yes, I'll have to read it, maybe I'll get back to you on it. I'm a little confused. Questions from the committee? Representative Swensson.

REP. SWENSSON: Thank you. I didn't hear your name or who you represent.

ATT. BROWN: The name is Lucy, Lucille Brown, and I am chairperson of the State Ethics Commission.

REP. SWENSSON: You're the chairperson.

ATT. BROWN: State Ethics Commission.

REP. SWENSSON: Good morning. Nice to meet you.

REP. ATKIN: Further questions? Thank you, Lucy.

ATT. BROWN: Thank you.

REP. ATKIN: We've been, for the record, been joined by Representative Osler. The next speaker listed is Reverend Thomas Lynch, also from the State Ethics, oh I'm sorry, it's the chairman of the Study Committee.

REVEREND THOMAS LYNCH: I represent the group that gave you all the trouble, making the bills. My name is Reverend Thomas J. Lynch, and I was the chairman of the late, but I hope not lamented, Ethics Study Committee that proposed these bills.

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REV. LYNCH: (continued)

I also have a written statement and it will be given to the clerk. I'll do the highlighting. My remarks, however, do represent the corporate consensus of that committee, they're not just my own views and remarks.

I'd like to make some general remarks about the Study Committee's position on all of the bills that you have before you. We're not addressing 857, by the way, as a committee. That was not our concern.

And the background I think is this, that our committee found in the six month study, both codes of ethics to be essentially sound, requiring only some adjustments to make them more effective and more efficient.

The Code of Ethics for Public Officials, amended as the report recommends, adequately addresses the situation of a state government made up almost entirely by people who are quite honest, and who base their official actions on their understanding of the public interest and not on self-interest. SB 990

The Code of Ethics for Lobbyists, amended as proposed, adequately regulates lobbyists who have generally and historically maintained a very high ethical standard, as they provide their vital service of providing information. I think it's good to say that as a background, because it's simply the truth and it puts what we are recommending now in proper focus.

The bulk, then, of the Study Committee's substantive recommendations are contained really in Raised Committee Bill 7105. And I'd like to highlight some of those subject areas. Number one, financial disclosure. We have broadened that in this bill because it serves two very useful purposes. First, once one has disclosed a personal financial interest, one tends to avoid taking official actions that favor that interest because conflict is obvious. And secondly, if a State employee does favor a personal financial interest which has been disclosed, discovery of the violation is made easy. Sometimes now, discovery is difficult.

Section 4 of 7105 then attempts to strike a proper balance between the citizens' rights to information about the financial ties and interests of State employees, and

REV. LYNCH: (continued)  
around the state, want to be aware.

My comments on Raised Bill 990 can be very brief. The technical changes in this bill are clarifying or grammatical, except in one instance they are not intended really to change meaning but simply to make the present statute more understandable. We have in one case, the only substantive change in 990, involves subsection 184a and 185 there. We tried to take the phrase substantial conflict of interest and give it a little bit more clear definition so people would know what we're talking about.

And what we really come up with say, is that it restricts it now to a direct financial interest. And it takes away any possibility that it could be a very, very wide and very, very broad thing under which a person could be accused.

I want to thank you very much for the opportunity to present the views of the Study Committee on the bills. Obviously we urge you to enact all of them in substantially their present form. They will improve the procedures of the Ethics Commission, and we think that the substantive provisions of the Code will help to maintain the public's confidence in the integrity of governmental processes. I would be happy to answer, or try to answer any questions that you might have. If I cannot answer them, and that is an admission, especially the day after St. Patrick's Day by a preacher, that one very seldom hears, then I'll turn to David, because he's the executive director. I think he knows all things.

REP. ATKIN: Thank you, Reverend. Questions from the committee? Senator.

HB 7105

SEN. DANIELS: Father Lynch, on page 4 of your testimony, you stated that in regards to, I'm sorry, I think it's, you made a statement as regards the revolving door for legislators. You commented that this section was added by this committee. But you did make, you suggested that we make this effective January 1, 1985. And my question is, why January 1, 1985?

REV. LYNCH: So that it can coincide with time limits, and of the other parts of the legislation that are also going to

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MS. FRIEDMAN: Sounds like I would doesn't it. I think it is worth consideration yes.

REP. JAEKLE: Thank you.

SEN. DANIELS: Any other questions? Thank you very much Ms. Friedman. Paul Newman. Proceed.

MR. PAUL NEWMAN: Sen. Daniels, Rep. Atkins and Members of the GAE Committee, my name is Paul Newman and I am Senator O'Leary's intern. Speaking today on his behalf.

Senator O'Leary could not be here due to prior commitments with the Appropriations Committee. He was however, a member of the Study Committee concerning the state's codes of ethics and has taken great interest in this subject. He supports the commission's study and expresses his gratitude to you committee for raising legislation tracking their recommendations.

Specifically, Senator O'Leary urges your support for raised Committee Bills 857, 990, 1003, 1004, 1005 and 7105. He feels that the Commission looked carefully at this matter and thoroughly examined the issues in this area.

The conclusions of the Commission embodied in these pieces of legislation were carefully considered and taken as a whole to strengthen the Commission, insure confidentiality, and assure the public that public servants are acting honestly, and in the best interest of all citizens. Thank you.

REP. SCHMIDLE: Thank you. Does anyone have any questions? Thank you very much. Okay our next speaker is from the League of Women Voters Elizabeth Lauder.

MS. ELIZABETH LAUDER: I'm Elizabeth W. Lauder speaking on behalf of the League of Women Voters of Connecticut concerning raised Committee Bills 1003, 1004, and 7105.

The League supports the provisions in the following bills as measures to enhance the effectiveness of the Ethics Commission.

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MS. MARGARET BERG: I'm Margaret Berg from the Caucus of Connecticut Democrats. And the Caucus wishes to be on record as officially supporting the recommendations of the Codes of Ethics Study Committee as embodied in these bills under consideration today.

SB 990, SB 1003, SB 1004, SB 1005, HB 7105

I will comment on several of these recommendations which seem especially essential to a fair and more efficient operation.

Granting the Ethics Commission subpoena power as soon as a complaint if filed is particularly important. It would enable the Commission to acquire the necessary evidence. At the same time it would give more protection to the respondent because the Commission will be able to have before it essentially all the facts regarding that complaint before it decides probable cause.

The power to issue regulations for the Code of Ethics for public officials would give the General Assembly oversight power it does not now possess and will do away with the necessity of changing the law everytime some part of it is not clear. Providing ways of recupment of illegal gains and a suspension of lobbying privileges for up to two years for those who commit a serious violation will protect the public and deter violations.

Giving the Commission additional information about the financial dealings of public officials and lobbyists fills a gap in the ability of the Commission to identify conflicts of interest. Since the Regulation Review Committee has refused to approve regulations requiring reports of campaign contributions by lobbyists until the Commission has specific statutory authority, it is important that this provision be included in the law.

It is nearly impossible to determine which donors are lobbyists and how many contributions any lobbyist has given since the report of the campaign contributions to the elections officials are listed under the name of the recipient.

The regulations concerning state officials who leave government service addresses the area of greatest possible conflict of

MS. BERG: (continued)

interest. The revolving door provisions will prevent former officials from having undue influence with former agency, avoid misuse of confidential information and a conflict of loyalties.

The elimination of the notarization requirement on the financial reports of lobbyists will not apparently affect the state's ability to prosecute for false information, and it certainly will make the filing of reports much simpler and more convenient and I think more of us will be on time with our reports than we usually are.

REP. SCHMIDLE: That could be. Does anyone have any questions of Ms. Berg? Thank you very much. Okay the last speaker that I have signed up is John Rathgeber please. From CBIA.

MR. JOHN RATHGEBER: Good morning. I'd like to apologize for not have written material but I just returned to Connecticut and decided to come over and talk to this bill. For the record my name is John Rathgerber, I'm Vice President and General Counsel for CBIA.

I would like to begin by saying we are generally supportive of the recommendations contained in 7105 dealing with strengthening the state's code of ethics. We have worked in the past with this committee and also with Common Cause, Betty Gallow in particular, on the various bills, particularly the code of ethics for lobbyists, both the original version and more importantly probably the 1979 act, 79?, 1979 act which is encompassed in the present law.

We do thing that's important that there be good public disclosure. Our only concern throughout this period was that the casual lobbyists, the person who is an individual or a company which may be interested in a particular piece of legislation does not feel or puts off commenting to their legislators -- their local legislators on an issue because they feel they might come within the requirements for professional lobbyists, such as the association and our employees.

A couple of concerns in the draft and also a couple of statements. One, first of all I think the -- we believe that the extended reporting requirements is fine and does