

Legislative History for Connecticut Act

SB 265	PA 335	1984
House	4687, 5014	(2)
Senate	2127 - 2131, 2145	(6)
G.A.E.	307, 313, 318, 337, 338, 341	(6)
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1984

VOL. 27  
PART 13  
4610-4922

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House of Representatives

Wednesday, May 2, 1984

And on Page 28, Calendar 733, Substitute for Senate Bill No. 265, AN ACT APPLYING THE CODE OF ETHICS FOR PUBLIC OFFICIALS TO SHERIFFS, Files 173 and 711.

I move those be placed on the Consent Calendar today for action at tomorrow's Session.

SPEAKER STOLBERG:

Is there objection to any of those items being placed for action tomorrow?

REP. MC LAUGHLIN: (68th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. McLaughlin.

REP. MC LAUGHLIN: (68th)

Yes, I'd like to request Calendar 715 be removed from the Consent.

SPEAKER STOLBERG:

Request is that Calendar 715 be removed from Consent. That is so ordered.

REP. RITTER: (2nd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Ritter.

REP. RITTER: (2nd)

Thank you, Mr. Speaker. Calendar No. 692 will need

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House of Representatives

Thursday, May 3, 1984

Calendar 727, Calendar 729 and Calendar 733, Mr. Speaker. SB 508, SB 541,

SPEAKER STOLBERG:

SB 265

Is there objection to passing the items on today's Consent Calendar? Is there objection to any of the remaining items on today's Consent Calendar? Seeing no objection, the Consent Calendar is adopted.

The Clerk please return to the Call of the Calendar.

CLERK:

Calendar page 16, Calendar No. 666, File No. 851, Substitute for House Bill No. 5269, AN ACT CONCERNING DETERMINATION OF TAX APPLICABLE TO INTEREST INCOME WHEN THE TAXPAYER IS ALSO A SHAREHOLDER IN AN ELECTING SMALL BUSINESS CORPORATION SUBJECT TO THE CORPORATION BUSINESS TAX ON INCOME INCLUDING SUCH INTEREST. Favorable Report of the Committee on Finance, Revenue and Bonding.

REP. MARKHAM: (34th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Dean Markham.

REP. MARKHAM: (34th)

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

DEPUTY SPEAKER FRANKEL:

The question before the Chamber is acceptance and

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GEN. ASSEMBLY  
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formula for nursing homes, that would provide reimbursement on a case mix basis. The Commissioner shall submit a report on the findings of such a study to the joint standing committees on Human Services no later than February 1st, 1986. If there are no objections, I move that the bill as amended be placed on the consent calendar.

THE CHAIR:

Will you remark further? Motion is to place on consent. Any objection to placing the item as amended on consent? Hearing no objection, the matter will go on consent.

THE CLERK:

Calendar 148, on page 24, File Nos. 173 and 711, Substitute for Senate Bill No. 265. An Act Applying The Code of Ethics For Public Officials To Sheriffs. Favorable Report of the Committee on Appropriations. The Clerk has an amendment. Senate Referred GAE bill to Appropriations on March 28th.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Clerk will call the amendment.

THE CLERK:

Clerk has Senate Amendment Schedule "A", LCO No. 3732. Senator Gunther.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President, I move adoption of the amendment and waive the reading. I'll explain it.

THE CHAIR:

Any objection to waiving the reading? Hearing no objection, the reading will be waived.

SENATOR GUNTHER:

The bill in the file right now includes sheriffs and deputy sheriffs in the filing for the Ethics Committee. What this amendment will do will add the Judges of the Superior Court to that filing. Now, actually if you read the ethics law now in the State of Connecticut it includes everybody in the state that you can think of with the exception of the judges. It requires the public officials that are identified or any statewide effected official. Everybody from the Governor down. Any member or members elected to the General Assembly. That's all of us. Any person appointed to any office of the legislature. That's everybody in here. Or into the judicial branch, and incidentally that includes everybody but the judges or the executive branch of government. That means all the commissioners. With the inclusion of the sheriffs and the deputy sheriffs, this will make it just about every elected and appointed official in the State of Connecticut come under the ethics law. Now, what does this amount to? It amounts to the same thing that we do. We file every year. And what do we file? We file a sealed document that goes into the ethics committee. It is not opened. It is not for public surveil-

lance and that, but it is a statement that will identify the names of all, the businesses in which he is associated or her, category and type of sources of income in excess of one thousand dollars. Also customers who provide more than five thousand dollars of net income. It would also require the amounts of income not specified. The names of securities in excess of five thousand dollars or the fair market value, so that actually, when we get right down to brass tacks, it just is a filing of the holdings that the individual might have. Now there's no reason in the world that we should exclude the judges in the State of Connecticut from filing a conflict statement with the ethics committee. After all, we all do it. There's nothing wrong with it. It isn't public knowledge. It's a sealed, confidential report and I think it's about time we took them from a never-never land and brought them into the same area that all of us are, so without going into any unnecessary explanations, I think that this is a simple amendment that we can put on here and let's get us all included in the ethics filing in the State of Connecticut.

THE CHAIR:

Will you remark further? Senator Owens, obviously you supported the amendment.

SENATOR OWENS:

Yes, Mr. President, you know, one of the things about Senator Gunther in his own inimitable way, he comes back and he gets involved with judges and he, but this time it's a situation of overkill. He's taken them off the banks. He's taken them off board of directors and so forth and now he wants financial statements, and maybe he would be on the right base except that I checked. I called the Chief's Court Administrator's office, I'm glad Senator Smith is not

here, but, I called the Chief Court Administrator's office and I find out that the judges don't file one financial statement but they presently file two. The first one is filed with the Chief Court Administrator for every judge in the State of Connecticut and "Doc" Gunther or Senator Gunther or anyone's welcome to go over and look at it. They're matters of public record. They're open to the media. They're open to Senator Gunther. They're open to anyone else and they're there and there's no dispute on that. With respect to wives and children, that is a confidential one that is filed with the Judicial Review Council somewhat similar to what we do with the ethics. So, I'm saying you, if there's need for it, let's do it, but here they're doing two statements already and to make a third one would be just duplici-tus and I don't think that we should really be doing that, and if "Doc's" right, I'm the first one to say, "Hey, "Doc", right on." But in this one here, they're already doing it and it would be duplicitous and I just think that it doesn't make any sense. These records are available. They file them with the Chief Court Administrator and they're available to the public. The media's already looked at them. They've been all through them.

THE CHAIR:

Will you remark further? Clerk will make the announcement for a roll call.

THE ASS'T. CLERK:

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

THE CHAIR:

Issue before the chamber is adopting Senate Amendment Schedule "A" which is LCO No. 3732. The machine is open. Senator John Matthews. Machine'll be closed and locked. Total voting was 34, necessary for passage is 18, voting yea is 12, voting nay is 22. The amendment's defeated.  
Senator Owens.

SENATOR OWENS:

I'd ask, if there is no objection, that this bill be placed on consent please.

THE CHAIR:

Any objection to placing the bill on consent? Hearing no objection, the bill will go on the consent calendar.

THE CLERK:

Page 28, calendar 272, File 402, Substitute for Senate Bill 274.  
An Act Concerning Acquisition Of The Ansonia Derby Water Company By The South Central Connecticut Regional Water Authority. Favorable Report of the Committee on Planning and Development. The Clerk has an amendment.

THE CHAIR:

Senator Skowronski.

SENATOR SKOWRONSKI:

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

THE CHAIR:

Clerk will call the amendment.

THE CLERK:

Clerk has Senate Amendment Schedule "A", LCO No. 3049, Senator Avallone.

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THE CHAIR:

Please give your attention to the Clerk who will list the items that will be on the second consent calendar for today. Give your attention to the Clerk please?

THE CLERK:

On page 3, calendar No. 347. On Page 4, calendar 385. Turning to page 12, calendar numbers 511, 512, 513, 514. Page 13, calendar numbers 515, 517, 518. On page 14, calendar No. 522. On page 23, calendar No. 65. On page 24, calendar No. 148. On page 26, calendar numbers 367, 523, 524, 525. On page 27, calendar 526. On page 28, calendar 273. That completes the list of items on the second consent calendar.

HB5066-HB5416  
HB5413-HB5346  
HB5041-HB5072  
HB5577-HB5625  
SB223-SB265  
ST35-HJ21  
HJ26-HJ28  
HJ29-SB392

THE CHAIR:

Is there any question of any item listed on the consent calendar. Is there any objection to any item on the consent calendar? Hearing none, the machine is open. Senator O'Leary. Machine'll be closed and locked. Total voting is 34, voting yea is 34. The consent calendar is adopted. Senator Schneller. Excuse me. Senator Larson.

SENATOR LARSON:

Thank you, Mr. President. Just a very brief reminder to everyone in the circle. Tomorrow we face a very stiff test. A lot of our reputations are on the line as baseball players. I hope all of you will make it to the fine Community of East Hartford tomorrow evening. Try to get there about 4:30. We haven't had any practice except a few coin flips. That's how we won last year's game, but if you could get there about 4:30, we've got a team pitcher that's scheduled for five o'clock, so at least make sure

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SEN. GUNTHER: (continued)

don't combine mine with the (inaudible) with Stolberg's bill of fact. I let him go ahead of me and he owes me one. So I told him, as he was leaving here, I says that we're talking about 41, 42, 43 bills -- we'll make a few of those mine out of this committee and I'd be very happy.

I'd like to respond to 3 or 4 bills here. Pardon me. The first 2 are 265 and 54 80, both of them are applicable to the same area as the Code of Ethics for public officials. One is for the sheriffs and deputy sheriffs, and the other is for the judges.

I think this is long over-due. I think it's about time that we got to the point of having a ethical filing by these individuals. And, incidentally, I would even go so far as to say make ours public and make theirs public, too.

I think our filing system right now, whether you've got to get a complaint in, you've got to raise hell with somebody before you're ever going to know what's in their Ethics Report.

I believe in putting it all out in front. I think that this is no sanctum san torum. And if you've read the papers in the past few months, and regardless of both these areas, both the sheriffs and the judges, I think it leaves a lot to be desired that they file so that if we can take in to have a little confidence, that the public might have, the fact that they have filed a return and you can't find out what exact interests these people have.

The third bill is House Joint Resolution 9. I have been long an advocate of the initiative and feferenda of this bill as far as I'm concerned is far from being what I would accept and, in fact, that I oppose this bill because what it's talking about is an indirect initiative; and in my book, bringing that into the legislature, in other words, filing with the legislature after going through the processes, getting 5% of the voters, to me is like spitting in the ocean, frankly.

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MS. DOW: (continued)

ask you not to give this proposal your favorable vote.

REP. ATKIN: Thank you, Linda. Questions? Thank you.  
J.D., followed by Representative Baronian.

MR. J. D. EATON: Good afternoon. I'm J. D. Eaton, Executive Director and General Counsel of the State Ethics Commission. I'd like to comment on 4 bills: Senate Bills 265/451, and House Bills 5480 and 5664.

Two of the bills, Senate Bill 265 and House Bill 5480 suggest -- direct that the Code of Ethics be applied to sheriffs in one case and to judges in another. And that in each case they file Statements of Financial Interest with the Ethics Commission.

The Ethics Commission has no objection to having the Code of Ethics apply to sheriffs. It would hope that the -- that what sheriff sees applied to the -- Code applies to would be spelled out in the bill.

It strongly recommends that they not be required to file Statements of Financial Interests. Many of you have just filed or are going to process a filing of statements, you're familiar with what that statement requires you to disclose. It's business of which you're associated, real estate interests, securities that you own over \$5,000, income but no amount of income, just the source of income, and if you get income of over \$1,000 from that source. I'm not sure what the -- what the basis is for having sheriffs file Statements of Financial Interests. My guess is that it's not going to help reveal conflicts of interest on the parts of sheriffs. It may be that it's so dimly related to a State purpose that -- it's a question whether you can ask and to file this information.

With regard to having the Code of Ethics applicable to judges, I'd like to, for the -- insofar as probate judges are concerned, support what Linda Dow has already said. And the same thing is true with respect to judges. Judges are subject to both statutory -- both probate and superior court judges are subject to both statutory restrictions on their conduct and to their separate Codes of Judicial Conduct. These are administered by a council that's somewhat

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REP. ATKIN: I noticed the last two bills, the Ethics Commission has not yet taken the action --

MR. EATON: That's correct.

REP. ATKIN: Is this more or less your opinion? Is the Ethics Commission going to be meeting shortly?

MR. EATON: Wednesday.

REP. ATKIN: Wednesday. Okay. So we have a meeting scheduled for Wednesday. Perhaps we'll put off action on these until the Commission meets. And if you could be available at the actual meeting where we take final action to discuss the Commission's final opinion on these it would be handy.

MR. EATON: Your meeting, I think, is at 10 o'clock, And the Ethics Commission meets at 2.

REP. ATKIN: Right. Well, we won't put these on the --

MR. EATON: Oh, that would be fine.

REP. ATKIN: We'll hold them off till a further meeting. I just have one quick question on the 451. Concerning the Commission notifying legislators of, if they're interested on one of these reports,

You said that you doubt the present Commission's staff would be able to carry out the terms under the bill of this bill and 265 under which sheriffs and deputies would file statements. How about if that one didn't pass?

MR. EATON: I think it would unless you really want to know if these 500 person receptions. If you want to know everybody who is there, then you've got a monumental administrative task.

REP. ATKIN: Well, obviously --

MR. EATON: But it's not the way it is now.

REP. ATKIN: The way it's filled in now, I noticed one of them says legislators. It doesn't even list their

REP. ATKIN: (continued)

The next speaker I have listed, to come back to reality, is Betty Gallo, Common Cause, if perhaps we could wait a minute or two while the students -- I assume the students are -- the students are welcome to hear the rest of this fascinating testimony -- I don't see Betty here so Nancy Beals is the next speaker, followed by Mr. Franklin, but perhaps we could wait a minute while the students do file out.

MS. NANCY BEALS: I'm Nancy Beals of the League of Women Voters concerning Raised Committee Bills 5529, 265 and 5480. I believe you have my testimony.

The League of Women Voters of Connecticut supports the intent of House Bill 5529, to insure accurate voting lists. The inclusion on voter registration forms of apartment or unit numbers in addresses would certainly be helpful in the maintenance of up-to-date lists, as would the requirement that both registrars review the entire list to purge it of names of voters who have died, moved, or become ineligible to vote. However, we are not convinced that these measures alone will guarantee accurate voting lists. Reports from our membership throughout the state indicate that the canvas as currently conducted is far from complete in many communities.

The League of Women Voters is concerned that the registration process be completely separate from partisan politics. For this reason we support the provisions in House Bill 5529 that prohibit both the distribution of partisan materials in conjunction with voter registration and the appointment of candidates for elective office as special assistant registrars. We also support the requirement that special assistant registrars be trained.

The League of Women Voters of Connecticut supports expanded opportunities for the registration of potential voters through the use of off-site, off-hour registration sessions and the increased use of special assistant registrars. We therefore oppose the provisions in House Bill 5529 that limit the number of special assistant registrars. We would prefer a liberal approach to volunteer groups interested in conducting voter registration drives.

MS. BEALS: (continued)

The League of Women Voters supports SB 265 and HB5480 as logical extensions of the current coverage of the Code of Ethics, unless sheriffs and judges are already covered by comparable requirements as has been suggested.

The League of Women Voters of Connecticut is currently involved in the study of initiative and referendum and therefore does not have a position on House Joint Resolution No. 9 at this time. However, we have accumulated a good deal of information on this subject, which we would be happy to share with members of the committee. Thank you.

REP. ATKIN: Thank you, Nancy. Questions for Nancy? Mae, you have your hand up?

REP. SCHMIDLE: Yeah, I just -- if you'd be kind enough to get some of that information to us that you have on initiative and referendum.

MS. BEALS: Well, since we're involved in the study, the actual items that I have I need to have on hand for our local units to borrow. I meant, if there were any specific questions that we could provide information for, I'd be happy to make copies of, you know, a limited amount. Some of them are fairly thick and several of them are just from the Office of Legislative Management, which you probably have already, but we do have some other things, a very recent study of initiatives and voter turnout, which is quite interesting.

REP. SCHMIDLE: Well, if you could bring out that, we could probably have a copy here, and save you the time and effort.

MS. BEALS: Okay. I'll show them to you the next time I have time and you can see which ones you'd like to have copies made of.

REP. SCHMIDLE: Okay, thank you.

REP. ATKIN: Thank you, Nancy. Further questions from Rep. Micucci, Nancy. Rep. Micucci has a question for you.

MS. GALLO: (continued)

I do think that we should look at way we could do this.  
I think it would enhance the enforcement of the code.

We also believe that sheriffs and deputy sheriffs should be put under the Ethics Code. The financial reporting that you want from sheriffs, I think, if you looked at what you all fill out, it doesn't make much sense in terms of sheriffs. What we want to know, or at least what a lot of people I know are concerned about, is how much a sheriff actually earns from his duties. That will not under the filing system that you all file and if that is truly what people are trying to find out, then that's what they should report. They should not be required, -- it's really going to be a useless exercise to have them required to do the same kind of reporting you all do.

SB265

I have to admit that putting the judges under the Ethics Code is very tempting. Every time we think we finally have the judicial code being the same thing as the public officials code, we find another problem with it, and again this year we have found the problem with it, but I think we're better off if we amend the Code of Ethics for judges and the Code of Ethics for Probate Judges to deal with these problems instead of trying to put them under our code. We have tried to set up a parallel system. We still haven't quite gotten there, but we're getting there, and I think that that's probably the better way to go.

HB5529

The last bill I'd like to speak to is An Act Preserving The Integrity of Voter Lists. We actually support a great deal of this bill, but I am concerned with Section 3, which limits the number of special assistant registrars that a registrar can deputize, and leaves it up to the registrar who those people will be, except in those instances where certain people can petition for a voter registration session, the registrar will decide where and when special registration sessions will take place.

There are towns in this state where the registrar of voters makes a great effort to do door to door registration and hold registration sessions in public places, and there are towns in this state where such efforts only take place when outside groups initiate such efforts and do the registrations themselves, and there are towns where such efforts are very