

Legislative History for Connecticut Act

HB 7673	PA 290	1985
House 5272-5292		(21)
Senate 2934-2941, 2991-2992		(10)
G.A.E. 913-925, 954, 1002-1004		(17)
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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS

1985

VOL. 28

PART 15

5245-5585

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28 5272

House of Representatives

Thursday, May 9, 1985

APPROPRIATIONS. Substitute for H.B. No. 7438
(COMM) (File No. 262) AN ACT CONCERNING PESTICIDE USE.

APPROPRIATIONS. Substitute for H.B. No. 5642
(COMM) (File No. 313) AN ACT CONCERNING THE DISPOSITION
OF LIBRARY FINES COLLECTED BY THE CONSTITUENT UNITS OF
THE STATE SYSTEM OF HIGHER EDUCATION.

APPROPRIATIONS. H.B. No. 5983 (COMM) (File No. 336)
AN ACT CONCERNING NOTIFICATION REQUIREMENTS FOR CANCELLATION
OF GROUP INSURANCE FOR EMPLOYEES.

FINANCE, REVENUE AND BONDING. Substitute for
H.B. No. 7825 (COMM) (File No. 686) AN ACT CONCERNING
CLARIFICATION AS TO THE DATE WHEN LOCAL PROPERTY TAXES
BECOME DELINQUENT.

JUDICIARY. H.B. No. 7719 (COMM) File No. 700)
AN ACT CONCERNING ELECTION OF BILLING SCHEDULES BY LEGALLY
LIABLE RELATIVES OF PERSONS IN INSTITUTIONS FOR THE MENTALLY
RETARDED.

JUDICIARY. Substitute for H.B. No. 5081 (COMM)
(File No. 695) AN ACT CONCERNING THE PRIVACY OF PERSONS
USING DRESSING ROOMS IN CLOTHING STORES.

JUDICIARY. H.B. No. 6585 (COMM) (File No. 698)
AN ACT CONCERNING SHAREHOLDER APPROVAL OF BUSINESS
COMBINATIONS.

APPROPRIATIONS. Substitute for S.B. No. 853 (COMM)
(File No. 129) AN ACT CONCERNING THE INSTALLATION OF
INCLINED STAIRWAY CHAIRLIFTS, VERTICAL WHEELCHAIR OR
INCLINE LIFTS.

CLERK:

Page 5, Calendar No. 499, House Bill No. 7673,
AN ACT CONCERNING NOTIFICATION OF PERSONS WHOSE ACTIONS
ARE UNDER EVALUATION BY THE STATE ETHICS COMMISSION
AND CERTAIN TECHNICAL CHANGES IN THE CODES OF ETHICS.
Favorable Report of the Committee on Government

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Administration and Elections.

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

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

DEPUTY SPEAKER BELDEN:

The Motion is for acceptance of the Joint Committee's Favorable Report and passage of the bill.

Will you remark, ma'am?

REP. SCHMIDLE: (106th)

Yes, sir, I will. Very briefly, what this bill does, it reduces the time in which a subject of the Ethics Committee inquiry would have to be notified, and that's five days, and it makes it clear that the information gathered for a preliminary inquiry is confidential, and it changes the manner in which a lobbyist's expenditures are reported.

More specifically, this bill would require that when a person is the subject of an Ethics Commission inquiry as to whether or not to file a complaint, the

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person must be notified within five business days after a commission staff member's first contact with the third party concerning the matter.

Currently, the commission is only required to notify the subject of a post complaint inquiry within five days after filing a formal complaint.

The bill would also make clear that the information gathered during an inquiry into a possible violation prior to a complaint being filed by the commission is confidential unless the subject of the evaluation request that it not be confidential. Such confidentiality would apply to the subject of the inquiry, the third person contacted for the purpose of obtaining information, a commission member or a staff member.

The bill would specify that such confidentiality would not permit the Ethics Commission from reporting a possible commission of a crime to the chief state's attorney.

And it does make some changes in the lobbyists' report as they're filed. Currently the financial reports which the lobbyists and former lobbyists are required to file, must include an itemized statement of each expenditure of \$50 or more per occasion by a lobbyist.

This bill will change the requirement of the

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expenditure of \$15 or more per person per occasion, and the bill would not apply to the itemized requirement when the expenditure was for a reception which all members attended and with less than \$25. I move its adoption, sir.

Mr. Speaker, the Clerk has an amendment, LCO 6078. May the Clerk call and I be allowed to summarize.

DEPUTY SPEAKER BELDEN:

The Clerk will please call LCO 6078 which will be designated House Schedule "A".

CLERK:

House Amendment Schedule "A", LCO No. 6078 offered by Rep. Schmidle.

DEPUTY SPEAKER BELDEN:

The Representative has requested permission to summarize. Is there objection? Hearing none, please proceed, ma'am.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. Clearly, what this amendment says, it clarifies lines 336 and 373 so that those lines will clearly say that the expenditure is \$15 per person per occasion.

And essentially, that's what the last correction is also saying.

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DEPUTY SPEAKER BELDEN:

Will you move adoption, please.

REP. SCHMIDLE: (106th)

I move adoption.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle has moved adoption. Would you care to remark further on the amendment?

Rep. Schmidle.

REP. SCHMIDLE: (106th)

No, I think that says it. What that says is right now, we're reporting per occasion and this would mean that if you were one of four or five people who actually spent less than \$15, if the lobbyist was spending \$50, everybody gets reported.

In this instance, only those people who specifically have involved in an expenditure of \$15 on that particular occasion will be reported and it sort of does away with all this mass reporting that many people have been unhappy with.

I think it's a very fair kind of a way to present our information.

DEPUTY SPEAKER BELDEN:

Thank you, ma'am. Will you remark further on House "A"? If not, I will try your minds.

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All those in favor of adoption House "A" please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BELDEN:

All those opposed, nay.

The ayes have it. House "A" is adopted and ruled technical.

House Amendment Schedule "A".

In lines 336 and 373, after the word "per" insert "PERSON FOR EACH"

In lines 336 and 373, strike out the brackets around the word "occasion"

In lines 336 and 374, before the word "made" strike out the word "PERSON"

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill as amended?

REP. SCHMIDLE: (106th)

Yes, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

The Clerk has LCO 5745. Would the Clerk please

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call and may I be allowed to summarize.

DEPUTY SPEAKER BELDEN:

Will the Clerk please call LCO 5745 which will be designated House Schedule "B".

CLERK:

House Amendment Schedule "B", LCO 5745 offered by Rep. Schmidle.

DEPUTY SPEAKER BELDEN:

The Representative has requested permission to summarize. Is there objection? Hearing none, please proceed, Rep. Schmidle.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. What this amendment does is it conforms this particular section. It conforms lines 42 through 49 with what the rest of the bill is saying, and essentially we're saying here, we're substituting \$15 for \$25 and we're also including on line 50, that the expenditure is per member invited, rather than per person and I do think that again, this is a fair way of making sure that only those people who clearly should be in a lobbyist report are actually in one.

And I move its adoption, sir.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle has moved adoption. Would you care

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to remark further at this time, Rep. Schmidle?

REP. SCHMIDLE: (106th)

No, I think that's probably said it all.

DEPUTY SPEAKER BELDEN:

Will you remark further on House "B"? Will you remark further? If not, I will try your minds.

All those in favor of the adoption of House "B" please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BELDEN:

All those opposed nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER BELDEN:

I will try your minds again. All those in favor of the adoption of House "B" please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BELDEN:

All those opposed, nay.

REPRESENTATIVES:

No.

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DEPUTY SPEAKER BELDEN:

The ayes have it. House "B" is adopted and ruled technical.

House Amendment Schedule "B".

In line 349, delete the words "TWENTY-FIVE" and substitute the following in lieu thereof: "FIFTEEN"

In line 350, delete the word "PERSON" and substitute the following in lieu thereof: "MEMBER INVITED"

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill as amended?

REP. HELFGOTT: (53rd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Michael Helfgott.

REP. HELFGOTT: (53rd)

Mr. Speaker, I support the bill. I just want to ask the, through you, Mr. Speaker, if I may, ask the proponent one question?

DEPUTY SPEAKER BELDEN:

Please frame your question, sir.

REP. HELFGOTT: (53rd)

Through you, Rep. Schmidle, I'm not sure if my question pertains --

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DEPUTY SPEAKER BELDEN:

Excuse me one moment, sir. Will the House please come to order so that the inter-relationship between these two representatives in a civilized manner.

Rep. Helfgott.

REP. HELFGOTT: (53rd)

Thank you for your courtesy, Mr. Speaker, and thank you for protecting the relationship between Rep. Schmidle and I.

REP. SCHMIDLE: (106th)

I thank you, also.

REP. HELFGOTT: (53rd)

Through you, Mr. Speaker, a question to Rep. Schmidle, and I'm not sure if it pertains to this bill but I think maybe many members in this Chamber might have the same question I have.

Recently, I received a report that was filed with the Ethics Commission or financial reporting that indicated that I was on a lobbyist's report. This is in accordance with action that we took recently. And the question that I have and again, I'm not sure it pertains to this bill and if it doesn't, I can ask you out in the hall later, but the question I have is, on that report it indicated that in fact they weren't sure that everybody whose name

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was listed on the report in fact attended the function, and that they listed names on the report if those people did no more than indicate that they would attend the function.

Does this bill address that part of the law and if it does, can you just explain a little more about whether or not that is the intent of the law as we passed it.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle, would you care to respond to the gentleman's question?

REP. SCHMIDLE: (106th)

Yes, I certainly would. Part of the answer that he's looking for is in this bill and some of it is not in this particular bill and I would be very happy to stand out in the corridor with my good friend and discuss ethics a little bit longer.

Part of what this bill says is when there is a mass, when there is a party that invites many, many people, this clarifies the way in which the reporting is done so that it is based on the persons or the members who are actually invite, the \$15 applies actually to those people who have been invited to this particular function.

So if you are invited to the function and if in fact

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those people who are invited, the expense is over \$15, then your name would appear on that particular list.

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill as amended?

REP. EMMONS: (101st)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Linda Emmons.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. A question through you to Rep. Schmidle.

DEPUTY SPEAKER BELDEN:

Please frame your question, ma'am.

REP. EMMONS: (101st)

Rep. Schmidle, just following up on the previous question. Did I understand you to say that if you, if a lobbyist spent more than \$15 per person that he invited to a party, or a reception, that every name that he invited would be reported even if you didn't go to the reception?

DEPUTY SPEAKER BELDEN:

Rep. Schmidle, would you care to respond?

REP. SCHMIDLE: (106th)

Through you, sir, may I just read a couple of lines to you on this and I think it will explain it. The requirement of an itemized statement shall not apply to an

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expenditure made by a reporting registrant or a group of registrants which includes a reporting registrant for the benefit of the members of the General Assembly at which receptions such member was invited if the expenditure was less than \$15 per invited member. And so that says, yes that says all of the people who have been invited.

REP. EMMONS: (101st)

Let me just ask a question.

DEPUTY SPEAKER BELDEN:

Rep. Emmons.

REP. EMMONS: (101st)

Excuse me, through you, I just want a yes or no.

DEPUTY SPEAKER BELDEN:

Is that your question, ma'am.

REP. EMMONS: (101st)

The answer is the choice, yes or no. Through you, Mr. Speaker, the question is, if a lobbyist has a reception at which it cost \$20 per person for everybody he invited, and he has to report it, does he list the people that he's invited on his report, or the people who attended?

DEPUTY SPEAKER BELDEN:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

Through you, Mr. Speaker, I have a question to the

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framer of the question. I can't answer this yes or no.

May I answer other than yes or no?

DEPUTY SPEAKER BELDEN:

I believe ma'am you have the floor. You can answer it any way you want to.

REP. SCHMIDLE: (106th)

The answer is per member invited.

REP. EMMONS: (101st)

Pardon me?

DEPUTY SPEAKER BELDEN:

Rep. Emmons.

REP. EMMONS: (101st)

I didn't hear the question, sir.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

Excuse me, the answer is per member invited, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Emmons, you have the floor, ma'am.

REP. EMMONS: (101st)

Mr. Speaker, I guess the answer I'm hearing and I don't like the answer, so I guess I'm going to speak against the bill, is that if a lobbyist invites a whole bunch of people and it's over the threshold of reporting

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because he's decided to spend \$1,000 and he's invited, say 20 people, so you're over the threshold. You're going to be listed on a report that's public as if you're going and accepting food and everything else from somebody that you never even did go to see, or even said yes you were going to go to.

Somehow I think that you can make us look like we're real big partyers when we really aren't.

REP. SCULLY: (75th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Scully.

REP. SCULLY: (75th)

Mr. Speaker, in answer to Rep. Emmons' questions, the answers were yes, no, and yes, yes. Basically what we're trying to do here is if the whole Legislature, the House and Senate is invited to a party, a reception, say to hear William Buckley speak and they serve coffee and and only 15 of us show, there's no reason to put down that it would put down that it cost us \$110 to serve us coffee and, when we were all invited and could have partaken of a reception. It was underneath \$15 per person cost average, okay.

Once it goes to \$15.01 and you were there, you were

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a recipient and you actually went to it, then your name has to be listed. Okay? That's what happens if you don't go. If you weren't there, they're not going to list your name. It was \$15.01. If it was under \$15 it doesn't matter because it's going to list we held a reception for the General Assembly in a total amount of \$1,100 to have coffee and, and to listen to Bill Buckley. Next year we'll listen to Truman Capote if we can bring him back.

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill?

REP. JAEKLE: (122nd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Mr. Speaker, maybe I'll clarify the point or maybe make it worse. I don't think this change that people are focusing on in terms of the mass invitations to legislators and appearing on a list or not is being changed by this, other than if it's below \$15 per person there will not be the itemized listing.

I will say, however, that I have been invited as a legislator, as all of us have, to events RSVP'd saying I'd be there. For other reasons, could not attend and I

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was listed as showing up. This section will not change that, other than if it is below \$15 per person whether you show up or not, you're going to be listed. It will not change the potential for appearing on an itemized list whether you don't show and did RSVP or whatever. There's no change in the law now. I've inquired to some lobbyists as to why it happens that I have been reported because it has happened.

And I saw enough heads shaking here that there are enough other members that will also verify it has happened. Sometimes other people take our name tags when they walk into these receptions. If the name tag is missing, they presume we were there and picked up our name tags. Other than that, it's been an accident, but that's been somewhat of a responsible answer to my question of a lobbyist as to why I was reported and didn't show.

This law's going to make no change on that other than the below \$15, there will not be the necessity of reporting each individual legislator who went or did not. There's no other change being made in that section and if mistakes happen now, they can still happen in the future. This law is not going to prevent mistakes from happening. It will not make it any worse.

I support the bill.

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REP. FRANKEL: (121st)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Frankel.

REP. FRANKEL: (121st)

Yes, I've been listening to the debate and I understand some of the confusion. I believe Rep. Scully has explained it as changed by House "B" and I believe it works this way.

That if all 187 members are invited to an affair, and the total cost as I calculate it is less than \$2,705 whether one member attends, or whether all 187 attend, since the total cost is less than 15 times 187, you need not report the names of the individual members.

DEPUTY SPEAKER BELDEN:

Will you remark further?

REP. SWENSSON: (13th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Swensson.

REP. SWENSSON: (13th)

Through you, sir. I think many of us a few years back were upset about the reports that were sent it because we were never notified. But we changed that last year or

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the year before so it's very, very important that when we receive that ethics report, that you should check it and it will explain to you what's going on and you have coffee, if you haven't been there, or you have been there.

But I know that last winter, 77 people signed up to go to an all day Session and a luncheon and it was a snow day and only four of us showed up to go and the cost was quite high for a cup of coffee and a scrambled egg. I think it came to \$149, but that was explained on the cover that it was that 77 heads signed up and only four had shown up. But it's all there, so I think we're very well covered the way it's written up. Thank you.

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill as amended?

REP. HELFGOTT: (53rd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Helfgott.

REP. HELFGOTT: (53rd)

Thank you. Mr. Speaker, I want to clarify again and I support the bill, and I apologize for injecting an element in this debate that may be more properly ought to go on another bill and I would just ask the leadership

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of the committee to maybe entertain that notion, because in fact, I think we've all experienced this problem. Many of us have experienced this problem, and I think in effect, the result is, at least from my perspective, I don't RSVP any more, because that seems to be the way I get reported on reports and I don't think that does who are inviting us any good.

So I want to make clear that I apologize for injecting an element in this debate that maybe ought not to be here, but again, I would ask the leadership of the committee to maybe even this Session, look for something that might be amended to clarify that other provision.

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Thank you, sir. Rep. Schmidle.

REP. SCHMIDLE: (106th)

Through you, sir, I would like to say to Rep. Helfgott, we hear what you're saying, we're certainly going to try.

DEPUTY SPEAKER BELDEN:

Will you remark further? If not, staff and guests please come to the well of the House. An immediate roll call is ordered. The Clerk will please

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announce the roll call.

CLERK:

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

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

DEPUTY SPEAKER BELDEN:

Have all the members voted? Please check the board to make sure that your vote is properly cast.

If so, the machine will be locked. The Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

House Bill 7673 as amended by House "A" and House "B".

Total number voting	139
Necessary for passage	70
Those voting yea	137
Those voting nay	2
Those absent and not voting	12

DEPUTY SPEAKER BELDEN:

The bill as amended is passed.

CLERK:

Page 6, Calendar No. 514, Substitute House Bill

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THE CHAIR:

Sir, will you remark?

SENATOR CONNAIR:

Yes, Mr. President. This bill clarifies the handlings of monies collected through library fines that constituent units of the State's University and College system here. It puts them all into a fund. Some of the monies previously had been going into the general fund and they're now going into a fund which will be used by the boards of the various units for the purposes which they see fit. If there is no objection, Mr. President, I ask that this be put on the consent calendar.

THE CHAIR:

Are there further remarks? Any opposition to placing this bill on the consent calendar? Hearing none, so ordered. Clerk will please call the next item.

THE CLERK:

Page 11, calendar 575, Substitute for House Bill 7673, File 625 and 826. An Act Concerning Notification Of Persons Whose Actions Are Under Evaluation By The State Ethics Commission And Certain Technical Changes In The Codes of Ethics. (As amended by House Amendment Schedules "A" and "B").

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THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

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

THE CHAIR:

Excuse me. Excuse me, Senator Lovegrove, would you hold on a moment please? Will one of the individuals please close that door?

(Senator Robertson, President Pro Tempore in the Chair, indicating the door to his right in the gallery because of the loud and disturbing noise emanating from the Hall of Flags where a party was in progress).

SENATOR LOVEGROVE:

I understand the food's pretty good downstairs.

THE CHAIR:

Can I also ask the sergeant-at-arms to send someone up to close that door please? (Indicating the door in the balcony to his left). Maybe then we can hear you, Senator Lovegrove. Please proceed.

SENATOR LOVEGROVE:

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

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amended ...

THE CHAIR:

As amended by House ...

SENATOR LOVEGROVE:

... House "A" and "B".

THE CHAIR:

Will you remark, Senator?

SENATOR LOVEGROVE:

Yes, Mr. President. House "A" and "B", and I don't know why they put them into two amendments, but what they say is if a lobbyist invites every one of the hundred and eighty-seven legislators to a party and the cost of that when divided by a hundred and eighty-seven dollars, a hundred and eighty-seven members, is less than fifteen dollars per member, that the lobbyist need not report that. If the cost of the party is less than two thousand eight hundred and five dollars, the lobbyist need not report it. Presently, if a lobbyist spends two thousand eight hundred and five dollars and only ten of a hundred and eighty-seven members show up, the way the lobbyist reports it is to divide ten into two thousand eight hundred and five. We thought this would be a fairer way to report. I would move adoption of House "A". Can I do the two of them at once?

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THE CHAIR:

Senator Lovegrove, you moved adoption of the bill as amended by "A" and "B", so that's already included.

SENATOR LOVEGROVE:

Okay. Thank you.

THE CHAIR:

Are there further remarks on the bill?

SENATOR LOVEGROVE:

Well, let me explain the bill further.

THE CHAIR:

Please explain the bill.

SENATOR LOVEGROVE:

The bill would require that when a person is the subject of an ethics commission inquiry into whether or not to file a complaint, the person must be notified within five business days after a commission staff member's first contact with the third party concerning the matter. Currently, the commission is only required to notify the subject of a post complaint inquiry within five days of filing a formal complaint. The bill would also make it clear that information gathered during an inquiry into a possible violation prior to a complaint being filed by the commission is confidential unless the subject of the evaluation requests that it not be

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confidential. Such confidentiality would apply to the subject of the inquiry, a third person contacted for the purpose of obtaining information and a commission member or staff member, but the bill would specify that such confidentiality would not prevent the ethics commission from reporting the possible commission of a crime to the Chief State's Attorney. If there's no objection, I would move this bill to the consent calendar.

THE CHAIR:

Senator Harper.

SENATOR HARPER:

Thank you, Mr. President. I just have a question for Senator Lovegrove, through you, please?

THE CHAIR:

Certainly, Sir.

SENATOR HARPER:

Regarding your comment on the amendment, are you saying that when a lobbyist group has a party for legislators, and people other than legislators attend, that the total cost of that affair, that party, gets charged off only to the legislators? Let me just make a comment before you respond. It was my understanding that those reports are supposed to specify the specific legislators who attend but also indicate that there were other people and that legislators are not supposed to be

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charged an amount of money being spent on them by simply dividing the number of legislators into the total cost. Could you clarify that please, through you, Mr. President.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Through you, Mr. President, I think you misunderstood me. That's the way the law is now. This bill would change that, and for any occasion where a lobbyist invited all one hundred and eighty-seven legislators, if the total cost of that occasion was less than two thousand eight hundred and five dollars, or in other words fifteen dollars for each of the hundred and eighty-seven members, the lobbyist would not have to report that.

THE CHAIR:

Senator Harper.

SENATOR HARPER:

Through you, Mr. President, I don't think Senator Lovegrove's answered by question. I'm asking the question, under current provisions, doesn't a lobbyist report where there's reference to expenditures for an event to entertain legislators, also have to indicate the number of people other than legislators that were there because we all know that there are

many of these affairs in which sometimes over half those in attendance are not legislators and it was my impression that reports now have to require some reference to numbers of people other than legislators, and I'm asking and I'm trying to clarify whether or not that's already the case.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

That is the case now, through you, Mr. President. Under this bill, who attended would have nothing to do with it. If the cost per member is less than fifteen dollars, per member means if the cost is less than fifteen dollars times the total General Assembly, which would be a hundred and eighty-seven members, then the lobbyist would not have to report it, even if no legislator shows up, even if nobody shows up.

THE CHAIR:

Senator Harper.

SENATOR HARPER:

Thank you, Mr. President.

SENATOR LOVEGROVE:

If there's no further objection, Mr. President, I would move this to the consent calendar.

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THE CHAIR:

Is there any objection to placing this bill on the consent calendar? Hearing none, so ordered. Clerk, will you please call the next item?

THE CLERK:

Page 11, calendar 578, House Bill No. 6585, File No. 698. An Act Concerning Shareholder Approval Of Business Combinations.

Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

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

THE CHAIR:

Will you remark, Senator?

SENATOR JOHNSTON:

Thank you, Mr. President. The affect of this legislation is to delete sub-section d from section 33-374c of the general statutes and the affect of that delection is such that it removes from the statutes the, well, to put it another way, it extends the statutory shareholder approval requirements for certain transactions which might include mergers, consolida-

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If not, so ordered.

THE CLERK:

Consent calendar?

THE CHAIR:

Is that it? Just to present the consent calendar.

THE CLERK:

Yes. Consent calendar.

THE CHAIR:

All right. The Clerk will call the consent calendar.

THE CLERK:

An immediate roll call on the consent calendar has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call on the consent calendar has been ordered in the Senate. Will all Senators please return to the chamber.

On page 7, calendars No. 551 and 553. On page 8, calendar No. 559. On page 9, calendar 563, 564 and 567. On page 10, calendar 568. On page 11, calendars 575 and 578. On page 15, calendar No. 385. On page 16, calendar No. 516.

That completes the consent calendar.

THE CHAIR:

Does anyone wish any item to be taken off the consent calendar? Does anyone wish to have any item taken off the con-

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sent calendar? If not, the machine will be opened.

THE CLERK:

On page 8, calendar No. HB 7439 560 also.

THE CHAIR:

Do you all understand the consent calendar that you're voting on also includes calendar No. 560 which was not initially announced? All right. The machine will be closed. Clerk, please take a tally. Bill passes 35 to zero. Senator Smith.

SENATOR SMITH:

Mr. President, I'd just like to announce the next session day will be Wednesday, May 22nd at 2:00 P.M. The Republican Senate caucus at 11:00 A.M.

THE CHAIR:

Are there further announcements or points of personal privilege? Senator Casey with the hat on.

SENATOR CASEY:

Mr. President, a question through you to Senator Larson. Is there an appropriate colored slack to be worn with the Senate uniform?

THE CHAIR:

Certainly not what you wore last year. Senator Larson, do you wish to respond?

JOINT
STANDING
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ADMINISTRATION
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ELECTIONS

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MR. PLOTSKY: (continued)

State Ethics Commission. I'm an attorney on the commission staff. I will speak on two bills that are of interest and concern to the commission. H.B. 7673 and S.B. 697.

H.B. 7673, AN ACT REQUIRING NOTIFICATION OF PEOPLE WHO ARE UNDER EVALUATION BY THE STATE ETHICS COMMISSION before a complaint is filed essentially represents the commission's legislative proposal for 1985. During the past two sessions, the general assembly has adopted some two dozen substantive and procedural changes in the code of ethics. The commission feel therefore there is little need for additional legislation in the area of ethics law.

One of the areas that has been reworked in the last two years is the commission's complaint proceeding. The commission feels that the new rule regarding commission complaints have made investigations more effective and at the same time they the rights of citizens who become involved in such investigations. H.B. 7673 would essentially complete the reworking of this part of the code of ethics. What it would do is it would take the notification and confidentiality provision that currently apply when there's a commission complaint and would extend these provisions to staff evaluations that are conducted when the commission is attempting to determine whether to file a complaint.

I think a little background on how the commission works would best explain the provision. When the commission was established in 1978 one of the prime tools was the fact that it was independent and had the right to file its own complaints. At the same time, any citizen was given the right to file a complaint. The fact over the past seven years almost all meaningful complaints have been the results of commission-initiated action, private citizens often have important information, but they're not willing or as a tactical matter able to sign a sworn complaint in many instances.

When confronted with this, the commission has not wanted to file its own complaint without attempting to verify the information that's been presented to it. So very strongly, this report charging someone with public ethical misconduct is an attempt to verify to the extent possible that there's some basis for proceeding. The staff looks in to the matter, if it appears inadvertent, we try to

MR. PLOTSKY: (continued)

handle it administratively. pericurious and intentional, the staff files a complaint and the person is notified within five days. That's been the commission procedure since its inception in 1978.

Last year, during a hearing before this committee, there were some concerns raised about this procedure. Typically it was asked why people were not routinely notified that their conduct was being evaluated by the commission staff. And it was also concern expressed as to whether it would be an inadvertent leak of this fact, with damage to someone's reputation, even before a complaint's been filed. Some legislation was introduced on these two points last year. I think everyone involved would agree that it was hastily drawn. It had some unfortunate effects on the commission's power to investigate. The commission asked that it be withdrawn and it was withdrawn during the session.

There was an understanding at that time that the commission would look at these matters and address them, either through regulation or legislation this year. H.B. 7673 is the commission's response to the committee and the legislature's concerns. We did essentially what we understood the legislature to want done last year. Within five days of the staff member notifying -- excuse me, contacting -- someone about evaluations are reviewed, the person whose conduct was in question would be notified in all cases.

Secondly, it would be confidential. It would be the right of the person being evaluated, whose conduct was being reviewed, as to whether they wanted it to be confidential or open at their discretion. Essentially we feel that there needs to be two prime concerns with this committee. It makes the commission investigations fairer to the person whose conduct is in question. At the same time, it leaves intact the commission's right to conduct an independent investigation of possible conduct.

We recommend the passage of this bill as it is drafted. With only one note that it should be, if enacted, it should be put in both codes of ethics. At present, it's only being suggested for the code of ethics for public officials. We would change it also to be in the code of ethics for

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MR. PLOTSKY: (continued)

lobbyists, since the complaint procedures are now identical in both codes.

The other bill I would like to speak on very briefly this morning is not a commission initiative. S.B. 697, AN ACT CONCERNING RESTRICTIONS ON FORMER LEGISLATORS BECOMING LOBBYISTS for a said term. Again, this is something -- revolving door legislation. This commission has supported for the past seven years. We haven't raised this. We don't have a specific position on how long the term should be, or how long the prohibition should be. I'm sure the legislature is able to determine that. The commission does want to make public its support for the concept of revolving door legislation.

I'll be happy to answer any questions you have. And I'd like to apologize for Mr. . He was tied up today and could not be here.

REP. SCHMIDLE: I understand.

MR. PLOTSKY: He will also answer your questions.

REP. SCHMIDLE: Okay, I have a question that I think has been raised before. And it relates to the confidentiality. HB 7673 Supposing I file a complaint against you. The Ethics Commission will keep that, under this bill, would keep that confidential. However, that's not to say that I can't go out and call a press conference, or I can't stand on a street corner and say, well, you know that guy, he did thus and so. And how do you deal with -- can you really restrict the individual who is making the complaint? Or his friends, or his organization from keeping it -- restrict them to keep it confidential?

MR. PLOTSKY: We've always distinguished in this area. We don't believe we can legally prevent someone from saying I think so and so has done such and such. We're just saying they could not then say and I have filed a complaint through the Ethics Commission. That's (inaudible) speaking about what they've given the commission and what they've learned from the commission. Now someone can always leak out the underlying facts. And there's also no attempt, and there's never been an attempt, to reach the press. It's only the people who are in direct contact with the commission would be violating our prohibition.

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MR. PLOTSKY: (continued)

If they turned around and gave something to the press and the press printed it, we don't think we could restrain that. So it's a limited confidentiality prohibition at best.

REP. SCHMIDLE: But you're not trying to put a penalty on their doing that or anything like that?

MR. PLOTSKY: No, only on -- if they were to speak about the fact that they had filed a complaint. That would be a violation of the code, as in any other violation. The legislature felt very strongly when they set up this scheme back in '77. And until probable cause is found, the individual charged should have the right to confidential proceedings so that rumor, innuendo and unproven facts cannot be circulated. And that's what we're really trying to prohibit is someone walking out of this hearing, coming out of the commission office after filing a complaint and speaking about our proceedings.

(Inaudible) a lot of talk about the underlying facts. They have any kind of information.

REP. SCHMIDLE: All right, but what if somebody does do that?

MR. PLOTSKY: If someone comes out and violates the code? They're liable to a civil penalty of up to \$1,000. They would be charged with violation of the ethics laws.

REP. SCHMIDLE: Are you saying that this should be confidential whether or not the -- in spite of however the Ethics Commission may rule? If you rule for or against that individual, it's still all confidential?

MR. PLOTSKY: No, it's only up to the point of probable cause. If the commission then finds probable cause, the entire matter is handled publicly and, in fact, the tape, the files up to that point also become public. There's no desire on the commission's part and never has been to keep matters private once we believe there's a good faith for proceeding against someone. It's only in the early stages of an investigation when we're trying to sift through the evidence and determine if there's really anything there. It's only up to that point of probable cause that we seek to keep the matter

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- MR. PLOTSKY: (continued)
confidential and again, on the person being
charged (inaudible - speaker talking too softly).
- REP. SCHMIDLE: Okay, but if there is no - if you find no
probable cause and the information that you have, what-
ever you have done is kept confidential and if, for
example, I have registered a complaint against you and
there is no probable cause and in the meantime I've gone
to the paper and I've said some pretty wild things about
you,, all of that remains out there and you have no way
to clear your name or your character or anything.
- MR. PLOTSKY: No way except that you have the right to have
the actual record released and (inaudible - speaker
talking too softly).
- REP. SCHMIDLE: Thank you.
- SEN. LOVEGROVE: If someone has filed a complaint, they can't
tell the public that they've filed a complaint, right?
If they make the accusations public and the commission
rules that there's no ground for the complaint, I would
think that I could run the course and have a pretty good
chance of beating the hell out of the person --
- MR. PLOTSKY: -- I would think so too. In fact, (inaudible -
speaker too far from mike).
- SEN. LOVEGROVE: Does this bill call for you to explain a claim
that this is to be confidential?
- MR. PLOTSKY: Yes, it does.
- REP. LYONS: I'm not sure I understand the (inaudible). Last
year we did pass a statute which is indeed part of this
bill, along with the confidentiality if the claim has been
filed or someone has (inaudible) and is looking into the
investigation. Is that what you're saying? (Inaudible).
- MR. PLOTSKY: The only thing that's covered now is when a com-
plaint is actually filed (inaudible). When a complaint
is filed, that brings the full powers of the state (in-
audible). The individual has a right to a hearing, legal
reimbursement, if he (inaudible) and what the commission
has done in (inaudible - too far from mike).

MR. PLOTSKY: (continued)

All we're trying to do is extend this present rule to cover this review process. (Inaudible).

REP. LYONS: So presently anonymous phone calls are not covered under the confidentiality aspect?

MR. PLOTSKY: That's correct. I'm glad you raised that. That was another concern last year. The commission never acts on anonymous calls.

REP. LYONS: So what you're saying you're acting on is if the call is you then go look into probable cause. Correct?

MR. PLOTSKY: Right, but very often an individual will not want to file a claim. A state employee will come in with evidence of a violation (inaudible), the person will not want to put his name on the complaint (inaudible). The commission has not been willing to nor have them been willing to just take their word for it when they file a complaint (inaudible - speaker too far from mike).

REP. LYONS: So, you only act on complaints where an individual is actually (inaudible) individual? You (inaudible) the complaint form but you're aware of who the individual is?

MR. PLOTSKY: That's correct. It's impossible for the commission to act on anonymous complaints.

REP. LYONS: Under these particular provisions, if indeed you were asked by someone else if an investigation were going on, what would be your answer? Can you say yes or no or do you say you cannot answer because of confidentiality?

MR. PLOTSKY: We say we cannot answer and in fact (inaudible) even though the requirement is not in the law. To protect the future investigation we had to hold (inaudible) confidential. We said that to the press for seven years and they've never challenged it. There was an unfortunate incident last year where someone thought their reputation was harmed (inaudible) but it has been commission policy and it's never been challenged by the press.

REP. LYONS: Okay, thank you.

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SEN. LOVEGROVE: Rep. Bassing.

REP. BASSING: It disturbs me a little bit that you have placed the machinery of your department into gear based on possible innuendo. I would hope that everybody would sign a statement of fact, even if it just implies that (inaudible). At least their name is on record and I think that is owed to the person that's being investigated. The (inaudible) says under 7673, upon the complaint of any person on a form prescribed by the commission so what you're saying is that's not always the case?

MR. PLOTSKY: (Inaudible-too far from mike).

REP. BASSING: So again I'm disturbed that your commission would act on somebody, even though they give you their name, without them signing a proper form because if there is recourse, if that allegation is unfounded, at least this person's name is on the form. If he meant to be vicious about it -- it bothers me. That part bothers me, the fact that this person doesn't have to sign it. Some people don't have to sign forms but can go to you and make this (inaudible) and let you people (inaudible) and that in effect bothers me.

REP. LYONS: I have just one other question, if I may. If someone comes to you with a complaint that he is unwilling to sign a form, when does that person's name or does that person's name ever become public and (inaudible).

MR. PLOTSKY: I'm the person that does the investigation so I would be initially aware of that person. I always discuss these matters with the Executive Director, and he again will be aware of the person's name. Last year the General Assembly put a requirement in the state statute (inaudible) has to meet before any investigation of any complaint is undertaken to make sure that the (inaudible) the individual that was providing the information. The person against whom the complaint is filed will not know that person's name, the person providing the information, (inaudible) does not have to come forward and have his name revealed (inaudible). It may be a person is just transmitting (inaudible) and has nothing to offer in the investigation and in that case (inaudible) the person against whom the complaint is filed may never know. By and large, the person is already known to the individual in most cases and in the vast majority the person comes

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MR. PLOTSKY: (continued)

forward and testifies. (Inaudible - too far from mike). On the other hand, it's very often a subordinate or a co-worker because they have no protection (inaudible) that person and (inaudible) so that's why it's often said, here's the file, here's the documents (inaudible) but I will not come and complain. I'll testify if subpoenaed but I will not come forward and complain.

REP. LYONS: I'm just wondering about the fact that in that you're saying that in essence, except for signing the complaint, people already know who the individual is in terms of the staff and you and the other individuals so what protection do you have or what protection does the individual have against (inaudible) except that his name is not on the document and this information isn't supposed to come out anyway unless you find probable cause.

MR. PLOTSKY: Well, the information at that point is only known to the commission and the staff and (inaudible). The person who (inaudible), the person who files the (inaudible), they don't want to put it on a complaint and have to ask their superior or their co-worker --

REP. LYONS: -- Well, then I'm not understanding something here because you're telling me that this information is supposed to be confidential so why would it be sent back to their supervisor anyway unless probable cause is found? All this information, I thought, was not supposed to be told to anyone except you and the commission itself.

MR. PLOTSKY: I'm sorry. I'm not being clear enough on that point. The commission and the staff and the people involved in the (inaudible) the person against whom the complaint is filed, in fact they have the preeminent right. They get a copy of the complaint within five days anyway and they have to determine (inaudible) and due process requires that they get copies and when we speak about confidential, we mean not being released to the general public. In terms of the commission and the staff and the person against whom the complaint is filed, and any witness (inaudible), the confidentiality (inaudible).

REP. LYONS: Okay. If indeed you go through this process and you file a complaint yourself, the individual against whom

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- REP. LYONS: (continued)
the complaint is filed would never know who initiated it.
- MR. PLOTSKY: That's correct unless that individual is called as a witness and it might come out during the hearing.
- REP. LYONS: Would this hamper him in any way in making a defense while you're trying to find out probable causes?
- MR. PLOTSKY: I don't believe so because the defense is only the defense against the charges actually made and heard at the hearing. The commission decides cases based on those facts presented at the hearing. If that informant has some testimony to give, he would be called as a witness and the individual would have the right to cross examine him, just the same as in any court. So the individuals rights are protected in that way. It doesn't really add a lot to know that this was given to us by so and so. The commission decides not by who's given it to us but by what that information says, if it's in fact a violation and the person against whom the complaint is filed gets all the information we have, a copy of the complaint, every single document that will be introduced and every single witness that will be called. But he does not get the name of the informant unless that person is called as a witness or unless that person has signed a complaint.
- REP. LYONS: All right, thank you.
- SEN. LOVEGROVE: Any further questions? Rep. Schmidle.
- REP. SCHMIDLE: Approximately how many complaints a year does your office receive?
- MR. PLOTSKY: Filed by the public, I would say approximately three to four a year and filed by the commission, one or two a year.
- REP. SCHMIDLE: So, we could be talking about a total amount of five?
- MR. PLOTSKY: Yes, in the past five years it has varied between four and eight a year.
- REP. SCHMIDLE: Four and eight a year and are you finding probable cause in most of these?

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- MR. PLOTSKY: We see probable cause in almost all of the commission's filings of complaints but very rarely in the citizen filed complaints.
- REP. SCHMIDLE: Thank you.
- SEN. LOVEGROVE: Are you finding probable cause in one or two a year?
- MR. PLOTSKY: That's correct. I'm the only investigator the commission has and much of my time is taken up with (inaudible) matters. We try to handle administrative (inaudible).
- SEN. LOVEGROVE: Rep. Torpey.
- REP. TORPEY: (Inaudible) valid. Is there any answer to those, why they were filed, or is it just an honest mistake or were they misinformed or something of that nature.
- MR. PLOTSKY: I think it's just a (inaudible), Sir. I've had some that were clearly an honest mistake and there's been some when the commission didn't find probable cause but the person still believes to this day that there was probable cause. We've never had one taken to court where the person has actually sued for maliciously filing so I think most of them are inadvertent or a misunderstanding on some part of the ethics code. Many people see the Ethics Commission as simply handling everything under the sun and (inaudible) just not equipped to handle (inaudible).
- REP. TORPEY: Did I hear you say earlier that a person could go to the press and say that you did this and this and this and he did file a complaint but he can't make that statement until he files a complaint?
- MR. PLOTSKY: He can't go to the press and make any statement about what he may have done with us, that he filed with us, that he didn't find probable cause --
- REP. TORPEY: -- How can - that seems to me, from what you just said, that perhaps is the only truthful statement he's making, that he filed a complaint and that's the only thing he can't say! How can you prohibit him from saying that if that is a fact? Why can't he say, and I filed a

REP. TORPEY: (continued)
complaint?

MR. PLOTSKY: well, that's probably the most innocuous statement he could say. That's quite right and that's just (inaudible) with the rest of the law and (inaudible). There would be little harm if someone just went out and said a filed a complaint but when this person starts to say and I told the Ethics Commission this, this and this, and --

REP. TORPEY: -- But you said he can say that now --

MR. PLOTSKY: -- No, I did not --

REP. TORPEY: -- Then I misunderstood you --

MR. PLOTSKY: -- I'm sorry. He can go out and say, Sen. So and So told this committee this violation of the law and that violation of the law, he can say that. He cannot turn around and say, I told this to the Ethics Commission and they're sitting on it or they're not doing anything about it or they're covering it up. The underlying facts someone can always speak about are the First Amendment rights. We're speaking (inaudible) commission investigations where someone is called before us and (inaudible) all the evidence and the right of everyone to be heard, (inaudible) the law now says we cannot reveal the substance of that complaint or any information given to or received from the commission. That's what we're really trying to protect and not the underlying facts. Someone can always go to the press and talk about the underlying facts they may have. The law begins (inaudible) or what's going on before the commission.

Again, it's to protect the respondent. The commission would just as soon have all this be public but it was felt by the legislature and (inaudible) that someone had to have the right to come in and in confidence, in private, address what may be slanderous charges, unfounded charges before they talked about it to the press (inaudible) before the Ethics Commissioner. I think the (inaudible) when someone is up before the Ethics Commission they must have done something wrong. It's not the commission's position and we would like to make something public only when we've had a chance to act (inaudible) probable cause. Until that time, we would like to keep it confidential.

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REP. TORPEY: Thank you.

SEN. LOVEGROVE: Suppose a person starts making those accusations and somebody says, well why don't you file a complaint with the Ethics Commission. What does the person say then?

MR. PLOTSKY: The person simply has to (inaudible) by law. I know it's not a very satisfactory answer but --

SEN. LOVEGROVE: -- It kind of indicates that they have filed --

MR. PLOTSKY: -- It kind of indicates that what the commission has to say (inaudible) confirm or deny and (inaudible - too far from mike).

SEN. LOVEGROVE: Any further questions? Rep. Swensson.

REP. SWENSSON: If someone does this, is there a fine? I'm sure that people -- it seems to me that I've read that in the paper that people are going to file -- maybe they get around it but they're saying there's going to be (inaudible) instead of the ethics but I have seen that in the paper. Too bad I didn't cut it out. Is there a fine for someone?

MR. PLOTSKY: There's a possible fine, a new law, of \$1,000 but it only begins when you've filed a complaint and there's always a way to get around these provisions. If someone (inaudible) goes to the press now and says I intend to file and this is what I am going to file and that is simply (inaudible) --

REP. SWENSSON: -- I know I have read that in the paper - and that's not illegal?

MR. PLOTSKY: That's not illegal.

REP. SWENSSON: Thank you.

REP. LYONS: I know I'm taking a lot of time, but you said only when you file a complaint is this confidential --

MR. PLOTSKY: -- Right --

REP. LYONS: -- Not that an anonymous could get that information but under the language you're putting in the bill,

REP. LYONS: (continued)
an anonymous individual could not. Would that be a correct interpretation of the new language you're putting in?

MR. PLOTSKY: (Inaudible - too far from mike).

SEN. LOVEGROVE: Any further questions? Okay, thank you. Our next speaker will be Sen. Jim Giulietti.

SEN. GIULIETTI: Good morning. I appreciate the opportunity to speak in front of this fine committee. I'm going to speak on two bills, Senate Bill 697 and Senate Bill 698.

Senate Bill 697, the idea behind that bill is to have legislators wait one year after their expiration of a term for which they were last elected before they become a lobbyist. The reason I feel it's necessary is that state employees now have to wait one year. Why doesn't the legislature? In 1983 that bill was submitted called the Revolving Door Bill which covered both state employees and the legislature. The bill was amended in the eleventh hour to exempt legislators. My question is why does the Executive Branch have a higher code of ethics than the legislature? I feel what's good for the goose is good for the gander.

If you don't believe the legislature should have to wait one year, why do you believe -- what was the thought that the Executive Branch -- so I feel this bill should be passed to eliminate the double standard that now exists.

I also feel we owe the citizens of the State of Connecticut the belief and the good feelings that we're not hypocritical and that we will hold ourselves in the same standards that we hold the Executive Branch.

On Senate Bill 698, this would require the of executive session on a municipal level. Executive sessions are held when certain information should be not acceptable to the public, namely legal information. If there's a law suit against the town, it's not in the best interest of the town to have the litigants know what the strategy is so there is a need for executive session but there is a lot of -- it can be abused. If the executive sessions were taped, it could be easily rectified by the complainant and by freedom of information if there was an abuse. Now

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MS. HANSEN: (continued)
to the indignity of having our home lives interferred
with.

I urge you and my association urges you to support this
amendment. Further, we would like to publicly thank
Rep. Woodcock for all he has done to help all public
employees with regards to this matter.

I would also like to point out that the proposed bill does
not prevent the administration from releasing these lists.
It merely suggests that they not be required to do so.

SEN. LOVEGROVE: Okay, any questions? Thank you. The next
speaker is Betty Gallo.

MS. BETTY GALLO: My name is Betty Gallo and I'm speaking today
for Common Cause of Connecticut. I'm speaking in favor
of House Bill 7673. The purpose of this bill is to
(inaudible) the subject of an evaluation by the State
Ethics Commission which is to (inaudible) confidentiality
of the subject of an investigation of a complaint filed
by the commission or another individual. I think
(inaudible) explained very well the importance of this
bill and why it was filed. I just wanted to stress the
importance of the commission (inaudible) to file their
own complaints. This was a right given when the Ethics
Commission was put together in 1977 and I think it
seems to be the most important power given this
commission under the Ethics Code. Most of the serious
complaints are complaints that have been termed to have
probable cause and have been filed by the commission.
Without this (inaudible) situation at times. (Inaudible)
probably one of the most publicized violations of the
Ethics Code is the so-called Cape Cod trip. What happened
with that was a newspaper account of the trip and what
was very obviously a violation of the law, without a
person coming forward to file the complaint, the commission
would have been hopeless to enforce the law that has been
set up to enforce (inaudible) after a neutral evaluation
to file a complaint. I think that is something that is
very important and should be (inaudible) as we go about
drafting this bill.

I just wanted to mention too, other bills that have come SB205
up today. One was the act prohibiting lobbyists from
participating in certain political campaigns. I think

*written testimony
to be added*

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STATEMENT TO THE COMMITTEE ON
GOVERNMENT ADMINISTRATION AND ELECTIONS

ON

RAISED COMMITTEE BILL NO. 7673

BY

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STATE ETHICS COMMISSION

The Ethics Commission supports Raised Committee Bill No. 7673 and recommends its passage.

During the past two years the Legislature has enacted several revisions in the Ethics Commission's complaint procedures, the most noteworthy being: expanded Commission authority to issue subpoenas, expanded and clarified confidentiality provisions, and the establishment of a right to reimbursement of legal fees for those exonerated of charges of Ethics Code violations. These changes increase the effectiveness of Commission investigations and enhance the rights of individuals involved. Raised Committee Bill No. 7673 essentially completes the reworking of Commission procedures in this area. In essence, it would extend the current statutory notification and confidentiality provisions regarding Commission investigations of complaints to staff evaluations which are conducted to determine whether a complaint should be filed in a particular instance.

Under the provisions of the Codes of Ethics a complaint alleging a violation of a Code can be filed by either the Commission or a member of the public. Since the Ethics Commission commenced operations in 1978 most meaningful enforcement actions have been initiated by Commission complaints, virtually all in recent years. Although citizens often are willing to alert the Commission to possible wrongdoing, most will not, or as a practical matter cannot, sign a sworn complaint. Before filing its own complaint in such circumstances, the Commission has always felt it was incumbent upon it to verify, to the extent possible, that the facts justify formally charging an individual with ethical misconduct. Specifically, if an alleged violation appears inadvertent, the Commission staff contacts the individuals involved and attempts to correct the situation without

recourse to a formal complaint proceeding. If there is an indication than an intentional, significant violation may have occurred, staff looks into the matter on a confidential basis, without necessarily notifying the individual under suspicion, in an effort to determine whether evidence exists to support filing a complaint. If sufficient evidence is found to justify a complaint, the individual is always notified within five days after the complaint has been filed, as required by statute. This has been consistent policy since the Commission's inception.

During the 1984 session questions were raised about certain aspects of this policy. It was felt fairness required that an individual whose conduct was in question be notified in all cases. A Commission notification policy was initiated. Concern was also expressed that safeguards be established to prevent injury to the reputation of the individual under inquiry. At the close of last session the Commission assured members of the leadership and other interested legislators that it would address these concerns. Raised Committee Bill 7673 is the result. It provides for prompt notification (within five business days of a Commission staff member first contacting a third party concerning the matter) whenever an individual's conduct is being evaluated to determine if there is a basis for filing a complaint. In addition, the Code's stringent confidentiality provision regarding Commission preliminary investigations of complaints is extended by statute to these staff evaluations. This institutionalizes Commission policy, and provides the subject of the evaluation with the option of proceeding publicly or on a confidential basis.

The Commission believes that these proposals answer the valid questions raised in the General Assembly last year. (The changes made by the Bill's sections 1 and 2 to sections 1-82 and 1-82a, respectively, should of course, be made also to sections 1-93 and 1-93a, General Statutes, the Code of Ethics for Lobbyists.) At the same time, they allow the Commission and its staff to continue to conduct independent investigations of possible ethical misconduct, in keeping with one of the basic purposes of the Codes of Ethics.

Sections 3 and 4 of the Bill are essentially technical. Section 3 corrects an apparent oversight in the definition of "gift" in the Code of Ethics for Lobbyists, and makes the definition the same as in the Code of Ethics for Public Officials. Most definitions are identical in both Codes.

Comparability for the definition of "gift" is especially important because of the reciprocal provisions concerning gifts in subsections 1-84(j) and 1-97(a), General Statutes. Section 4 corrects the last "flat per diem" phrase in either Code, one overlooked when Public Act No. 83-249 corrected all the others.



J. D. Eaton