

Legislative History for Connecticut Act

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| HB 7843   | PA 369                          | 1985 |
| House   | 4201-4204, 4492-4531, 8438-8442 | (49) |
| Senate  | 2673-2677, 2699-2700            | (7)  |
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1985

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4132-4491

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House of Representatives

Thursday, May 2, 1985

CLERK:

Calendar No. 483, Substitute for House Bill 7843  
File No. 585, AN ACT DISQUALIFYING CERTAIN PERSONS FROM  
EMPLOYMENT WITH THE GENERAL ASSEMBLY. Favorable Report  
of the Committee on Government Administration and  
Elections.

DEPUTY SPEAKER BELDEN:

I believe the Clerk has called 7843.

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

I move for the acceptance of the committee's  
Favorable Report and passage of the bill, sir.

DEPUTY SPEAKER BELDEN:

Motion is for acceptance of Joint Committee's  
Favorable Report and passage of the bill. Will you  
remark, ma'am.

REP. SCHMIDLE: (106th)

Yes, I would like to sir. Under this bill, no registered  
lobbyist could be employed by the General Assembly or by any  
individual Assembly member. And a lobbyist is defined as  
any person who in the year receives, spends, or agrees

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to receive or spend, \$500 or more for communicating directly or through others, with the legislative or executive branch officials, or the staff to influence legislation of administrative action, and I move its adoption, sir.

DEPUTY SPEAKER BELDEN:

Thank you, ma'am. Will you remark further on the bill.

REP. FRANKEL: (121st)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Frankel.

REP. FRANKEL: (121st)

Yes, Mr. Speaker, I believe the distinguished lady has given us a summary which is in part found in the OLR report, and one of the items indicated in the OLR report, one of the items that Rep. Schmidle has indicated, that any individual not just the General Assembly, but any individual member of the General Assembly is precluded from hiring someone who is a lobbyist, and I looked in the file to see if the OLR report was correct, and I couldn't find any language in the file that says an individual member of the General Assembly is precluded from hiring a lobbyist. For example, if I decided to

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retain one of our distinguished attorney lobbyists to represent me in a legal matter, if the OLR report were correct, then I wouldn't be able to do that.

But I can't find anything in the file copy that says so, and I'm wondering if the file copy indeed says so, or I'm misreading it. Through you, Mr. Speaker, I know that was a bit of a convoluted question, but I believe Mrs. Schmidle might be able to help me.

DEPUTY SPEAKER BELDEN:

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

REP. SCHMIDLE: (106th)

Through you, Mr. Speaker, I wonder if I could take just a minute to respond to this rather than hold up the time of the General Assembly, may I ask if I could take just a minute to do this, for a minute or two, and if you could PR it or PT it.

DEPUTY SPEAKER BELDEN:

The House will stand at ease for just a moment.

REP. JAEKLE: (122nd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. May this item be passed

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temporarily, please.

DEPUTY SPEAKER BELDEN:

The motion is to pass temporarily Calendar 483.

HB 7843

Is there objection? Hearing none, so ordered.

CLERK:

Calendar No. 482, Substitute for House Bill 5979,

File 579, AN ACT AUTHORIZING THE CONVEYANCE OF A PARCEL OF STATE LAND TO THE TOWN OF ESSEX. Favorable Report of the Committee on Government Administration and Elections.

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

I move for the acceptance of the committee's Favorable Report and the passage of this bill, please.

DEPUTY SPEAKER BELDEN:

The motion is for acceptance of the Joint Committee's bill, Report and passage of the bill. Will you remark, ma'am.

REP. SCHMIDLE: (106th)

Yes I will, sir. Very briefly, what this bill does, it enhances the safety and the fire protection of

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Is there objection? Hearing none, so ordered.

CLERK:

Page 10, Calendar No. 483, Substitute for  
House Bill No. 7843, File No. 585, AN ACT DISQUALIFYING  
CERTAIN PERSONS FROM EMPLOYMENT WITH THE GENERAL ASSEMBLY.  
Favorable Report of the Committee on Government Adminis-  
tration and Elections.

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

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

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 I will, sir. I'd like to bring out an  
amendment, first and then I'll deal with both of them.  
The Clerk has LCO 7005. Will the Clerk please call  
and I be allowed to comment?

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DEPUTY SPEAKER BELDEN:

Rep. Schmidle, was that 7005?

REP. SCHMIDLE: (106th)

Yes, sir.

DEPUTY SPEAKER BELDEN:

Will the Clerk please call LCO 7005 which will be designated House Schedule "A".

CLERK:

House Amendment Schedule "A", LCO NO. 70 5, 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)

Okay, Mr. Speaker. Just one second. He pulled 7005, that's the amendment. All right. Thank you very much.

Just speaking briefly to the amendment, and then I will address the bill.

DEPUTY SPEAKER BELDEN:

The lady is summarizing at this point.

REP. SCHMIDLE: (106th)

Yes, I am. Summarizing the amendment. The

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amendment essentially says in a previous reference, is that no person shall be required to register with the Ethics Commission, shall accept employment with the General Assembly, or be employed by a member of the General Assembly.

DEPUTY SPEAKER BELDEN:

Would the lady move adoption, please.

REP. SCHMIDLE: (106th)

I move adoption.

DEPUTY SPEAKER BELDEN:

The motion is for adoption of House "A". Rep. Schmidle, will you remark further? On the amendment.

REP. SCHMIDLE: (106th)

Yes, what this did was it clarified the original bill so that it reads clearly and succinctly and the correction in the original bill would now say that no person required to register with the State Ethics Commission under Section 1-94 which is the lobbyists, the ethics arrangement, shall be employed by the General Assembly or shall accept employment or be employed by a member, and I did move its adoption.

DEPUTY SPEAKER BELDEN:

Thank you ma'am. Will you remark further on House "A"?

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REP. CASEY: (118th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Casey.

REP. CASEY: (118th)

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

DEPUTY SPEAKER BELDEN:

Please frame your question, sir.

REP. CASEY: (118th)

Has there been some kind of public outcry for this legislation, Rep. Schmidle?

DEPUTY SPEAKER BELDEN:

Rep. Schmidle, would you care to respond?

REP. SCHMIDLE: (106th)

Did I hear you correctly? Did the representative ask if there had been a public outcry?

DEPUTY SPEAKER BELDEN:

I believe that was the question, ma'am.

REP. CASEY: (118th)

It was, through you, Mr. Speaker.

REP. SCHMIDLE: (106th)

Through you, Mr. Speaker. There has been some concern in a number of areas. There has been some concern

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with lobbyists who have worked in the General Assembly and there also has been some concern with lobbyists who have been employed by members of, or at least a member of the General Assembly.

There has also been a letter that was written by the Ethics Commission in response to a question. So it does appear that there is a concern and there is a problem with having lobbyists serve in the heart of the Legislature and we all know that they have their special and their particular interests, which is just fine, but whether in fact those interests should be addressed in the heart of the General Assembly is another matter.

DEPUTY SPEAKER BELDEN:

Rep. Casey, you have the floor, sir.

REP. CASEY: (118th)

Yes. Mr. Speaker, I have problems with this bill as stated, and the amendment. And it comes down to the fact that each and every one of us is our own lobbyist, members of our family, cousins, friends, and if I have a competent attorney out in this hallway, or I have a competent medical professional, or I have a competent certified public accountant, I mean, I'm paying him, he's not paying me to work. I'm paying him to work for me, and this bill says that I can't do that.

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I think there's something wrong here, that I can't hire somebody that I have trust and faith in representing my best interests as a citizen of this state.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Thank you, sir.

REP. FRANKEL: (121st)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Frankel.

REP. FRANKEL: (121st)

Mr. Speaker. We've had this bill before us before and since then, there's been a number of individuals who have been discussing it.

Let me point out some of the things that seem inconsistent and then I'd like to ask a question of the proponent because some of the inconsistencies just strike me as being reversed. It seems to me that I, after the passage of this amendment and bill, would not be able to employ someone who happens to be a lobbyist.

But, I could be hired, employed by someone who is a lobbyist. The reverse would be allowed. A lobbyist could hire me, but I couldn't hire a lobbyist. I don't understand the logic of that, but let's take it one step

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further. I could become a partner with a lobbyist and go into a business. We could open up a restaurant business. Nothing to prohibit me from doing that. I don't understand why I should not be able to employ someone. I'll be paying the money. They're not paying me, to do something.

Not only that, it talks about employment and there's a distinction in our law between employment and independent contractors, so I could hire, not employ, hire a lobbyist as an independent contractor and get around it.

So it doesn't really do what it's intended to do and what it's intended not to do leaves some very large questions. Why am I prohibited from employing a lobbyist when a lobbyist is not prohibited from employing me and why am I now going to be prohibited from going into some sort of joint venture and becoming a partner with a lobbyist.

Those are a series of questions. I'm not going to ask them individually, but I would ask if the Chairperson would be so kind as to comment on those areas are not addressed by the bill and amendment, and what the reasoning is behind it. Through you, Mr. Speaker.

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DEPUTY SPEAKER BELDEN:

I would just like to remind the membership. We're currently dealing with House "A" and if we could keep our comments at this point to House "A" as much as possible as it would relate to the bill.

REP. FRANKEL: (121st)

Through you, Mr. Speaker, House "A" talks about in line 20, be employed by a member of the General Assembly. It's going to prohibit a member of the General Assembly from employing a lobbyist and I'm wondering what the reason is for that limitation insofar as it targets only one area and excludes another by implication.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle, would you care to respond?

REP. SCHMIDLE: (106th)

I certainly would. Through you, sir. In response to the Representative, I would like to quote to you and read to you from advisory opinion No. 84-3 from the State Ethics Commission, and it was an advisory opinion that they gave concerning registered lobbyists serving on a legislator's staff.

The last paragraph says, since the legislator who was assisted and the organization serves as a lobbyist

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have many common interests and goals in one sense, there might be a few real conflicts of interest. Nevertheless, it is unlikely that the multiple apparent violations of the code of ethics and similar statutory provisions can be avoided if a lobbyist paid to influence legislative action also serves in the heart of the Legislature.

Therefore, this person should not at the same time hold the position of assistant to a legislator and a registered lobbyist. And essentially what this says is that the Ethics Commission sees a real conflict of interest with legislators or the General Assembly hiring lobbyists.

DEPUTY SPEAKER BELDEN:

Rep. Frankel, you have the floor.

REP. FRANKEL: (121st)

Yes. I appreciate the answer, and apparently the problem is with a legislator hiring a lobbyist to be on that legislator's staff. That's apparently what the concern was and the heart of that opinion.

The amendment in the file doesn't talk about legislative staff. It talks about hiring a lobbyist. Hiring someone who perhaps is a lawyer in a totally different capacity. It doesn't say legislative staff, and that's what apparently the problem is. But this is a

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shotgun approach that says, I can't employ anybody as a lobbyist, for whatever reason. Whether it be to do my garden or to represent me in court, or to build me a house. And that's the problem I have, and that's the reason for my question.

I understand what is sought to be resolved, but you're using a shotgun and you're picking up an entirely different scope of people than apparently what was intended and I'm wondering why are we doing that? Why are we picking up all these other individuals in all these different employment type capacities. Through you, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle, did you get the jist of his question?

REP. SCHMIDLE: (106th)

I think so, Mr. Speaker. And through you, if I may respond. I think it's a simple amendment. I think the simple bill is extremely crystal clear and if I may repeat again, it says, no person required to register with the State Ethics Commission, and it's the lobbyists who are required to register with the State Ethics Commission, shall accept employment with the General Assembly or be employed by a member of the General Assembly. I don't see that that's broadcasting all over the entire nation.

It limits the people who are reigstered with

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the State Ethics Commission and prohibits them from being employed by a member of the General Assembly and as the debate came out, and debate discussed avoiding conflicts and that kind of thing.

We register lobbyists because we have a concern. We want to know who they are, when they're trying to influence legislation. We in the House are very careful about where lobbyists are. We don't let them by a certain part of the General Assembly. We don't allow them on our floor. We're very careful about protecting conflicts of interest and undue influence on certain kinds of legislation and this is simply following through with that straight line of thought.

DEPUTY SPEAKER BELDEN:

Rep. Frankel, you have the floor, sir.

REP. FRANKEL: (121st)

Mr. Speaker, yes. I'll be very brief. I agree with Rep. Schmidle. It's very simple. It's simply awful. It doesn't do what it's intended to do. Despite her good intentions, we are going far beyond the very narrow scope of preventing a legislator from employing a lobbyist on that legislator's staff. It does a lot more than that and you can read it with rose colored glasses, but the black and white language is there.

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It's simple, and it's simply awful.

DEPUTY SPEAKER BELDEN:

Will you remark further on House Schedule "A"?

REP. HELFGOTT? (53rd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Helfgott.

REP. HELFGOTT: (53rd)

Thank you, Mr. Speaker. Mr. Speaker, I'd like to echo the words of Rep. Frankel. I think the law in the amendment if you will, is that the wording of the amendment does not recognize that both lobbyists and members of the General Assembly in fact can wear more than one hat.

I'm tuning in on another channel, I think, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

We're multi-faceted.

REP. HELFGOTT: (53rd)

To make my point again, Mr. Speaker. I think the flaw in the wording of the amendment is that it does not recognize that in fact, we in the General Assembly, or most of us, wear many hats in our daily lives. We are not just members of the General Assembly but most of us

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have occupations or many of us have occupations, and that lobbyists in fact, often do more than just lobby.

Therefore, through you, Mr. Speaker, if I may, I would like to pose a question in the form of a situation, through you to the mover of the amendment, to see if my reading is correct.

Through you, Mr. Speaker, to the proposer of the amendment, if a person prior to registering as a lobbyist in fact works, let's say as a secretary to a member of the General Assembly who happens to be a lawyer or a doctor, or a business person, and if that secretary then registers as a lobbyist, does that mean that that employer/employee relationship must be severed?

DEPUTY SPEAKER BELDEN:

Rep. Schmidle, would you care to respond?

REP. SCHMIDLE: (106th)

Yes, I would, sir. Through you, as I read the bill, as I read the amendment, yes it should be and it would be. And that's one of the reasons that this bill is here at all. There was an instance, at least one instance in the past where a lobbyist was hired on a General Assembly committee and then strangely, somehow something happened to a piece of legislation. It materialized or it didn't materialize that would have been

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favorable for that lobbyist, and nobody could figure out how that happened until they realized they were a lobbyist on the committee.

I think that the General Assembly and its members should do their thing to the best of their ability and not be overly influenced by lobbyists being, serving, within their committees in the heart of what they're doing.

DEPUTY SPEAKER BELDEN:

Rep. Helfgott, you have the floor, sir.

REP. HELFGOTT: (53rd)

Well, thank you Mr. Speaker. I guess in part, then, the area of disagreement is becoming clear. The situation that I laid out, I think is one that ought to be protected. I could support possibly legislation that would say a lobbyist ought not be working in the committees, possibly, and I really haven't thought it out that well.

But it seems to me that when we leave here, this Chamber and when lobbyists leave this Chamber, we ought to be able to maintain relationships between those respective groups so long as it does not interfere with our work up here.

I would simply say that now that I think I'm

beginning to understand the reason for this bill and this amendment, I would simply say, if in fact that situation happened, that you don't need a bill to get at that and in fact, I would support somebody in this Chamber, of authority, asking questions and perhaps trying to find out exactly what happened.

I don't condone that action but by the same token I'm not willing to say that that person who may have been a lobbyist was necessarily the reason that something disappeared, but if in fact that is the case, I think that should be pursued independently of legislation.

I really encourage you to reject the amendment and the bill. Thank you.

DEPUTY SPEAKER BELDEN:

Thank you, sir. Will you remark further?

REP. JAEKLE: (122nd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. I rise in support of the amendment and the bill. I listened to the debate. I heard Rep. Frankel and many of his comments, and I guess we've come to that point in the Session and I

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guess it happens every couple of years where some of the harsh facts of life of being a legislator are, I guess, retaught to members of the Body, because it's in the statutes, and it's in the Code of Ethics in our statutes that apply to us as legislators and apply to lobbyists as lobbyists.

I heard that maybe this is a double standard. That we're saying lobbyists can't be hired by members of the General Assembly, but maybe members of the General Assembly can be hired by lobbyists.

In case anybody's entertaining that rather appealing thought, I better remind you of what the statutes say about that. It's in 184-a of the Statutes under the Code of Ethics. Sorry, I'll back up to 184 before I get into 184-a. It says no public official, I'll skip some of the middle language, shall have any financial interest in, or engage in, any business, employment, transaction, and/or professional activity which is in substantial conflict with the proper discharge of his duties, or employment in the public interest.

Sub b, no public official or state employee shall accept other employment which either impairs his independence of judgment as to his official duties or employment, or require him or induce him to disclose confidential

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information acquired in the course of our activities.

I would advise members of the General Assembly it would be very unwise to accept employment with a registered lobbyist because I feel that will, indeed impair your independence of judgment and put you into a situation where, when you're taking your legislative hat off, June 5, for the interim period, you are still an elected state representative of this state. You still have information and influence on what will be happening with the various departments that are full year operations and indeed with legislation in the next legislative Session.

So there are prohibitions now, maybe a little vague, but nonetheless quite strong. You should not accept employment with a lobbyist.

Now in terms of our hat comes off June 5 as a legislator and we go back out into the real world and we want to hire a lobbyist. I heard, maybe we want to hire him to build a house for us. In fact, you may be able to even get a pretty good deal on what price that lobbyist may charge you for that house or that service that he may wish to hire or employ that lobbyist to give to you.

I would suggest that the amendment makes sense. I don't think I should be permitted, nor any member of this

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Legislature, to hire a lobbyist at potentially bargain basement prices to render services to you either in connection with your activities while we're in Session, or in terms of your private activities where some sweetheart deals might indeed impair your judgment on issues that the lobbyist will be lobbying you for next Session.

And I think the amendment makes sense. It shouldn't be just during the Legislature. We are not state representatives just during the Sessions. We are legislators for two years, and during that two year period, we should be mindful of our relationships with lobbyists.

We shouldn't be able to hire them. They shouldn't be able to hire us, because that potential, financial potential to have that employment, either way, coloring our independence of judgment I think is devastating to our independence as legislators and as an institution.

I don't find the amendment overly broad at all. I think it does exactly what is desirable, and that is to prohibit this potential for abuse, financial abuse, either with the hiring of lobbyists, or by being hired which is already covered in our statutes.

For that reason, I think the amendment makes sense and the bill is a good one. The amendment should be adopted.

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REP. STOLBERG: (93rd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Stolberg.

REP. STOLBERG: (93rd)

Mr. Speaker, I just have a few questions because I'm really not entirely clear on how I'm going to vote on the bill at this point, or on the amendment, which is before us.

On the amendment, through you, Mr. Speaker, a question to the Chairlady to the committee. A citation was made in regard to a General Assembly committee that had hired a lobbyist and then some legislation was lost. I was wondering if we could have amplification on that, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

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

REP. SCHMIDLE: (106th)

Through you, sir, I don't have that total case here, but it was something that was related to me by the Ethics, am I on, can you hear? It was something that was related to me through the Ethics Commission, through some members of the staff and the word when I said some

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legislation was lost, I didn't mean physically that a piece of anything disappeared, but rather that the bill itself, or the intent of whatever the legislation was, did not come to fruition and I would be happy to get that and to bring that to Rep. Stolberg.

DEPUTY SPEAKER BELDEN:

Rep. Stolberg, you have the floor, sir.

REP. STOLBERG: (93rd)

Through you, I have two other questions more appropriate to the bill and I'll reserve them. I do have one question I'd like to pose to the Majority Leader however at this point.

DEPUTY SPEAKER BELDEN:

Please proceed.

REP. STOLBERG: (93rd)

Because I think his remarks were for the most part, well taken and I think members would be advised to use a good deal of discretion and judgment if they're hiring anyone.

Let me pose a hypothetical, through you, Mr. Speaker, to the Majority Leader, though. If the press would just leave him alone for a minute, maybe he can catch the question.

Through you, Mr. Speaker, if let's say there is

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only one surgeon in the State of Connecticut who does heart transplant surgery, who's also lobbying for the medical association, and a member needed that transplant surgery, would this amendment if passed, prevent a legislator from having that surgeon perform the surgery, through you, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Jaekle, would you care to respond?

REP. JAEKLE: (122nd)

Mr. Speaker, I believe the amendment in that case would indeed prevent the legislator from saying to the lobbyist surgeon, under those circumstances, save my life, I'll give you anything you want, that's correct.

DEPUTY SPEAKER BELDEN:

Rep. Stolberg has the floor, sir.

REP. STOLBERG: (93rd)

Well I certainly hope members from this side of the aisle are not faced with that choice.

DEPUTY SPEAKER BELDEN:

Will you remark further on House "A"?

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, I rise to oppose House Amendment Schedule "A". Be that as it may, all of our hats and double hats that the Majority talked about, and the restrictions when we ran for election and what goes on with being a legislator, well at least to be consistent, it shouldn't become effective until these terms ended. I mean, to follow that thought along, because that wasn't a restriction when I ran for election.

But I don't really think that's a problem because if it was in there, I would run again anyway, so I would really like to address the essentials of this bill. It really seems to me if we're dealing with ethics and that's the motivation behind it, that we have to talk about what we mean, really.

And what concerns me the most that if I hire either an engineer or an attorney or a real estate agent, or any one of the many number of professionals who in fact are part of a group, who I may be aware or not aware of, some member is a registered lobbyist because of that, I think I would then be in violation of the law.

And it seems to me what we should not be doing is drafting legislation which is a trap. We do this quite often, unfortunately, and I often stand up and say

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it's a trap and when one of us gets caught, we then go change the law. But we ought to do it in the first instance. We ought to make sure that we don't create traps for people.

Now as an example, at least three of the major law firms in the State of Connecticut have lobbyists floating around here. They may be the only ones who I may employ to do certain work. I mean, the best available, somebody in that firm to do a certain amount of work.

To say I would then be restricted isn't really consistent with the Ethics acts whatsoever. It wasn't contemplated, and I don't think that's contemplated by the Chairperson of this committee, really. I think she has indicated what should be done. Then the proposal should restrict the employment of a professional lobbyist by the General Assembly, a subcommittee of the General Assembly.

Then it would be consistent with the ethics issues. But to say that I hire some engineer to do some drafting for me someplace and some other member because of the professional association is a registered lobbyist and I haven't even run into them. They only hang around the third floor. And then I'm in violation of the law. I

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think that's a trap that shouldn't exist.

Further, I don't think it's impossible that some member of this General Assembly might in fact come under the law and hire an individual with regard to a particular bill. If I want to spend money out of my pocket to help me get a bill through, or kill a bill or whatever, I don't think that's restrictive. That's my lobbyist. And one law says I have to register them if I'm going to put them on my payroll, as an example, to help me do that, it may be required that they have to be lobbyists. I'm not sure, but it may be. I'll find some opinion that says that.

And now it's going to be a crime. One says I got to do it. The other one says I can't do it. I really think there is nothing wrong with the file copy because I think it does what the original intent of the committee was. I think it does what Rep. Schmidle says the abuse is she's trying to go to.

But certainly the amendment goes much further than that and can be a real trap for a lot of people, and for those reasons, I would oppose the amendment.

DEPUTY SPEAKER BELDEN:

Will you remark further on House "A"?

REP. WARD: (86th)

Mr. Speaker.

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DEPUTY SPEAKER BELDEN:

Rep. Ward.

REP. WARD: (86th)

Mr. Speaker, I rise to support this amendment.

I think some of the statements as to what it does, do not appear to me to be accurate as to what it says. I think it's quite clear a member of this Body may not employ a lobbyist, a person registered under that section of the general statutes as a lobbyist.

It seems to me that it is quite appropriate from an ethical standpoint that those of us that are being lobbied shall not hire the very person that is trying to lobby us for pay on an issue, and I don't see the problem that that's going to create.

Yes, it does restrict to some extent our activities, however, by accepting the responsible position of representing our district, we must give up certain rights. We're more visible to the public on a number of things and that's our duty to represent the public.

I think to be concerned that somehow somebody might have a limited partner somewhere that is related to a lobbyist that we won't know and therefore will be trapped into hiring one is to pick the worst case that doesn't even apply to this amendment.

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The amendment specifically says, one may not employ one registered as a lobbyist. It does not say, one may not employ someone who somehow related to somebody that is registered a lobbyist, or a member of a partnership. It says, you cannot employ the registered lobbyist, and I think it appropriate that you not employ the lobbyist, and I urge the adoption of the amendment and of the bill once the amendment is adopted.

DEPUTY SPEAKER BELDEN:

Thank you, sir. Will you remark further on House "A"?

REP. TIFFANY: (36th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Tiffany.

REP. TIFFANY: (36th)

Mr. Speaker, I'm uncomfortable with the amendment, too. I have no problem with what you're trying to do, but I would point out to people that there are a number of people who are in professional groups who to be on the safe side, register as a lobbyist, but perhaps only come up on one particular bill.

Let me give you an example. A land surveyor, New London County's land surveyor's group are interested in a

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particular bill.

The president of the association comes up to testify. He registers as a lobbyist, but in addition they hire a law firm to represent them, in addition.

A strict reading of this as I see it, would be that I could not hire that land surveyor to do any work for me if at any time in the past he had registered as a lobbyist, and I have no concern or no problem with these people that are up here lobbying full time.

I am concerned that organizations are out there who send up one person on one bill, and to be on the safe side and to be squeaky clean, they register as lobbyists whether or not they have to.

And those you would be prohibited by this amendment, from having these people provide any service for you.

And I don't believe that was the intent of the amendment.

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DEPUTY SPEAKER BELDEN:

Thank you, sir. Will you remark further?

REP. TORPEY: (11th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Torpey.

REP. TORPEY: (11th)

I rise to support this amendment, and as I've said many times here, I've never ceased to be amazed at what can develop over what appeared to be at the start, a simple amendment.

I think we're taking cases and bringing them to the ridiculous extent to prove nothing. Now you talk about taking your hat off June 5, 6th or whatever the blessed day will be. But you know and I know that the hat is always on there. It's never off, 24 hours a day until you get out of office. You know that. You know the intent of this thing. You talk about if you have a heart attack and the doctor is the only one who can perform the operation.

I think that's an illustration of what I'm talking about, bringing it to the ridiculous. If he's the only guy that's going to save your life, of course you're going to have the doctor, and of course that isn't

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in violation of any law.

You're talking about, who's going to convict you of such a thing. It may be a technical thing, but God almighty, if we don't have any brains in this outfit and you're talking about the law, it's a trap.

What do you have judges for? What do you have commissions for to judge this thing? You all know the intent of this thing and you damn well know it's right. I suggest we support it. Thank you, Mr. Speaker.

REP. O'NEILL: (98th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. O'Neill.

REP. O'NEILL: (98th)

Mr. Speaker, if all of us were as logical, and I mean that, as Rep. Torpey, there would be very little reason for any of the bills which we pass up here, we'd use our common sense and logic.

However, people don't do that and they're not doing that as far as this bill is concerned. I go along with the statements made by Rep. Tiffany, 100%. But I would ask for a roll call vote when the vote is taken on the amendment.

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DEPUTY SPEAKER BELDEN:

The request is for a roll call vote on House "A". I will try your minds.

All those in favor of a roll call, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BELDEN:

The 20% rule has been met. At the appropriate time a roll call will be ordered.

REP. TULISANO: (29th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Tulisano.

REP. TULISANO: (29th)

Just to make some things clear. I really don't know how lobbyists register, but there is such a thing as PCs, professional corporations, and if somebody hires a corporation, say it was a professional corporation for lobbying, or one of the members in that professional corporation may register as such, technically, that person must register, or the corporation registers under Section 1-94 and that, I guess means, everybody's in it.

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On the other hands, the ethics bill as it applies to us as legislators, applies to our partners. Rep. Ward indicated well, it doesn't mean the partner in one of these other firms. We may not intend that, and Rep. Torpey says, well, that's not what we really mean, we don't intend all that.

As we legislate, we should write what we intend. And the fact of the matter is, if we are to live up to the spirit of it, what we intend, as it applies to me, none of my partners may practice certain kinds of law. None of my employees may practice certain kinds of law because I am an elected official as Rep. Jaekle indicated.

On the other hand, if I am restricted from hiring a lobbyist, I don't think I have a right, the same rule should apply either that individual, their partners, or their employees. And I think that's the intent of this, looking at who must register, it indicates a group of persons, in another section, under 1-94 and so I'm just making the point that some of the statements here say well, it doesn't apply there.

Despite our good intentions, Section 1-94 may very well say, it does apply in those situations which we don't want to. And for those reasons, I believe this amendment is, in fact defective.

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The bill is okay. It does what it's supposed to do, I think. But I really would hope we would vote against this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Thank you, sir. Will you remark further on House "A"?

REP. LOONEY: (96th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Looney.

REP. LOONEY: (96th)

Thank you, Mr. Speaker. Mr. Speaker, I rise also in opposition to this amendment. I think that as a General Assembly, we have the responsibility to carefully craft the words of an amendment and I think given the Majority Leader's statement of his reading of this amendment in response to questions, I think if he is concerned about the possibility of sweetheart deals in legislators hiring people who are registered lobbyists in their capacity outside the legislator, and then possibly becoming burdened with an obligation to those people later on.

If that is our intent, we should not do something which is broader than the need. That is, we should not,

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in statute, box ourselves in to a situation where a legislator, not in his legislative capacity, would be barred from hiring someone who is a registered lobbyist in a fair and open arm's length transaction at a prevailing wage or a prevailing cost for that service, if indeed that person who is also a lobbyist is someone who is the best available person to perform that service.

If there is no collusion or no sense of a later debt involved. And I think if that's what we want to do, we should specify that. The amendment should say something to the effect that no such person shall accept employment with the General Assembly or be employed by a member of the General Assembly except in his capacity not as a member of the General Assembly except for the prevailing rate for that service or position. And that would get at the problem the Majority Leader had and I think that that's what we should do.

We should finally scalpel the words that we intend to use to get at precisely the problem that we intend to address and not at anything broader than that. And because this amendment doesn't do that, I urge rejection of the amendment.

DEPUTY SPEAKER BELDEN:

Thank you, sir. Will you remark further on

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House "A"? If not, staff and guests please come to the well of the House. An immediate roll call is ordered.

The Clerk will please announce the roll.

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? Is your vote properly recorded? If so, the machine will be locked.

The Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

House bill 7843, House Amendment Schedule "A".

Total number voting 148

Necessary for adoption 75

Those voting yea 67

Those voting nay 81

Absent and not voting 3

DEPUTY SPEAKER BELDEN:

House "A" fails.

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House Amendment Schedule "A".

Strike out lines 38 and 39 in their entirety and insert the following in lieu thereof: "ACCEPT EMPLOYMENT WITH THE GENERAL ASSEMBLY OR BE EMPLOYED BY A MEMBER OF THE GENERAL ASSEMBLY."

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DEPUTY SPEAKER BELDEN:

Will you remark further on the bill?

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

Speaking on the bill, I think it's a good bill and I think it ought to pass. Thank you, sir.

REP. STOLBERG: (93rd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Stolberg.

REP. STOLBERG: (93rd)

Mr. Speaker, through you, a question to the Chairlady of the Committee. I have before me, I guess the JF report on the bill. I just want to ascertain the accuracy of it. Through you, Mr. Speaker, under

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nature and sources of support, the JF report says none.

Through you, Mr. Speaker, is that accurate?

DEPUTY SPEAKER BELDEN:

Rep. Schmidle, would you care to respond?

REP. SCHMIDLE: (106th)

Through you, sir, I can only concur with what the Minority Leader reads on the JF report and I have to assume that our JF reports are accurate.

DEPUTY SPEAKER BELDEN:

Rep. Stolberg, you have the floor, sir.

REP. STOLBERG: (93rd)

Through you, Mr. Speaker, second question under nature and sources of opposition, it lists T. D. Eaton, whom I presume is director of the State Ethics Commission. Through you, Mr. Speaker, if that is true, could the lady inform the Chamber and also indicate what the source of opposition from the Ethics Commission was.

DEPUTY SPEAKER BELDEN:

Rep. Schmidle, would you care to respond?

REP. SCHMIDLE: (106th)

Yes, sir. Through you, Mr. Speaker, when Mr. Eaton spoke against the bill, it was a proposed bill and it didn't have the draft language that it now has and he suggested that we make some changes and recommended

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areas in which we could improve the legislation when we draft it, and that's precisely what we did.

DEPUTY SPEAKER BELDEN:

Rep. Stolberg, you have the floor, sir.

REP. STOLBERG: (93rd)

Through you, Mr. Speaker, I would hope that the JF report would be updated if that were the case and we would not be talking in a JF report about a draft bill. If people are in favor of the bill we should know and the people who are against the bill, that should be reflected in the JF report.

I would only indicate Mr. Speaker. I think the intention in this is good. I want to commend the committee and the Chairlady of the committee for what they felt was a remedy.

I know of only one case in recent years where a lobbyist was clearly employed by a member of the Legislature. At the outset of this Session, a freshman member of the Legislature employed a lobbyist for a women's organization. When they became aware of the fact there was a question on it, the employee of the women's organization, and of the legislator, wrote to the Ethics Commission and asked for an advisory opinion.

The advisory opinion pointed out that that was

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open to a potential conflict. At that point, my understanding is, the employee resigned from the legislator's staff and it showed the system works.

Now is the system works with the Ethics code, do we need to put statutes on the books? If the only time that the question was raised it worked, and the problem was solved, do we need statutes that raise serious questions? I'm not sure and I'm not sure whether this Body is committed to over-government and over-statutes if the system is working.

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill?

If not, will staff and guests --

REP. CIBES: (39th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Cibes.

REP. CIBES: (39th)

Thank you, Mr. Speaker. Just one quick comment. The file copy of this, I think defective bill, provides that no member of the General Assembly shall be a lobbyist. And I would point out that our statutes do in fact define lobbying in Section 1-91 subsection k of the General Statutes, there is a definition of lobbying which means

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communicating directly or soliciting others to communicate with any official or his staff in the legislative branch of government for the purpose of influencing any legislative action on, I'm omitting some words. In short, if we are prohibited from being lobbyists we can't communicate with our peers about the outcome of legislation.

I think this is a defective bill and ought to be voted down.

DEPUTY SPEAKER BELDEN:

Will you remark further on the bill? If not, staff and guests please come to the well of the House. An immediate roll call is ordered. The Clerk will please 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. Members please check the board to see if your vote is properly recorded. If so, the machine will be locked and the Clerk will take a tally.

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Will the Clerk please announce the tally.

CLERK:

House Bill 7843

Total number voting 148

Necessary for passage 75

Those voting yea 102

Those voting nay 46

Those absent and not voting 3

DEPUTY SPEAKER BELDEN:

The bill is passed.

CLERK:

Calendar No. 490, Substitute for House Bill

No. 5230, File No. 575, AN ACT CONCERNING THE STORAGE OF  
MOTOR VEHICLES. Favorable Report of the Committee on  
Transportation.

REP. WILBER: (133rd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Wilber.

REP. WILBER: (133rd)

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

DEPUTY SPEAKER BELDEN:

The motion is for acceptance of the Joint Committee's

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House of Representatives

Friday, May 24, 1985

CLERK:

The House of Representatives, the Calendar for  
May 24, 1985. Page 37, Calendar No. 483, Substitute  
House Bill No. 7843, File No. 585, AN ACT DISQUALIFYING  
CERTAIN PERSONS FROM EMPLOYMENT WITH THE GENERAL ASSEMBLY,  
as amended by Senate Amendment Schedule "A". Favorable  
Report of the Committee on Government Administration and  
Elections.

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Mae Schmidle.

REP. SCHMIDLE: (106th)

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

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, this is the bill that dealt with disqualifying  
certain people who are lobbyists from working for the  
General Assembly. And then this bill went to the Senate  
and it had an amendment in the Senate. And the Senate has

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attached Amendment 5151, which is known as Amendment "A". Will the Clerk please call and I be allowed to summarize?

DEPUTY SPEAKER BELDEN:

Rep. Schmidle, could you give us the LCO number again?

REP. SCHMIDLE: (106th)

REP. 5151.

DEPUTY SPEAKER BELDEN:

Will the Clerk please call LCO 5151, which previously designated Senate "A"?

CLERK:

Senate Amendment Schedule "A", LCO No. 5151, offered by Sen. Lovegrove.

DEPUTY SPEAKER BELDEN:

The lady has requested permission to summarize. Is there objection? Is there objection to summarization? If not, please proceed, Rep. Schmidle.

REP. SCHMIDLE: (106th)

Mr. Speaker, what this does is it completes the file copy and says that no lobbyist may accept employment with the General Assembly or any member of the General Assembly in connection with legislative action, and I move its adoption.

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DEPUTY SPEAKER BELDEN:

Representatives has moved adoption. Will you  
remark further?

REP. FRANKEL: (121st)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Frankel.

REP. FRANKEL: (121st)

Thank you, sir. I believe the amendment after  
much discussion in other versions, appears to be in  
order. I would support the amendment and I would only  
state for the record that we should be mindful that this  
only discusses employment. It does not address independent  
contractor arrangements, which I do not believe come  
within the purview of the proposition, and I support it  
in its fashion as existing in the Senate amendment.  
Thank you, sir.

DEPUTY SPEAKER BELDEN:

Thank you, Rep. Frankel. Will you remark further  
on Senate "A"? If not, I would try your minds. All  
those in favor of adoption of Senate-"A", please indicate  
by saying aye.

REPRESENTATIVES:

Aye.

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DEPUTY SPEAKER BELDEN:

All those opposed, nay. The ayes have it. Senate "A" is adopted and ruled technical.

Will you remark further on the bill as amended?  
Will you remark further on the bill? If not, staff and guests please come to the well of the House. Immediate roll call is ordered. The Clerk please announce the roll call.

CLERK:

The House of Representatives is now voting by roll call. 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 determine if your vote is properly recorded. All the members in the Chamber must vote.

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

Staff and guests please remain in the well of the House, during the pendency of a vote. Staff and guests please remain in the well of the House during the pendency of a vote.

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The Clerk will please announce the tally.

CLERK:

House Bill 7843, as amended by Senate "A".

Total number voting 137

Necessary for passage 69

Those voting yea 137

Those voting nay 0

Those absent and not voting 14

DEPUTY SPEAKER BELDEN:

The bill as amended is passed in concurrence with the Senate.

REP. ESPOSITO: (137th)

Mr. Speaker, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Esposito.

REP. ESPOSITO: (137th)

Mr. Speaker, I move that we adopt the Consent Calendar as printed in the Calendar of the House for today, Friday, May 24, 1985.

REP.

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Is there objection to adoption of the Consent Calendar as printed in today's Journal? If not, the

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THE CLERK:

Page 7, Calendar 527, Substitute for House Bill 6680, File 665 and 768, AN ACT VALIDATING THE VOTE ON CERTAIN LOCAL ISSUES IN NOVEMBER 1984 ELECTIONS IN THE CITY OF SHELTON, as amended by House Amendment, Schedule A, Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR:

Senatoe Lovegrove.

SENATOR LOVEGROVE:

Thank you Mr. President. I request that this Bill be PR'd.

THE CHAIR:

Any objection? Hearing none, the item is PR'd.

THE CLERK:

Page 7, Calendar 528, Substitute for House Bill 7843, File 585, AN ACT DISQUALIFYING CERTAIN PERSONS FROM EMPLOYMENT WITH THE GENERAL ASSEMBLY, Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Thank you Mr. President. I move adoption of the Joint Committee's Favorable Report and passage of the Bill.

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LFU

THE CHAIR:

Will you remark?

SENATOR LOVEGROVE:

There's an Amendment, Mr. President.

THE CHAIR:

The Senate will stand at ease. Clerk please call the first Amendment.

THE CLERK:

Senate Amendment, Schedule A, LCO 5151, introduced by Senator Lovegrove.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Thank you Mr. President. I move adoption of the Amendment; ask waiver of reading.

THE CHAIR:

Without objection you may proceed.

SENATOR LOVEGROVE:

Mr. President, it's difficult to explain the Amendment without explaining the entire Bill. What the Bill does is to prevent someone who is a registered lobbyist with the Secretary of State's Office from being employed by the General Assembly or any member of the General Assembly. What the Amendment does is to transfer the compliance of

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this statute to the lobbyist from a member of the General Assembly.

THE CHAIR:

Wish to remark further on the Amendment? All those in favor of the Amendment signify by saying aye. Opposed nay. The ayes have it. The Amendment is adopted. Further Amendments?

THE CLERK:

Senate Amendment, Schedule B, LCO 7070, introduced by Senator O'Leary.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you Mr. President. I'll withdraw that Amendment.

THE CHAIR:

The Amendment is withdrawn. We're now on the Bill as amended by Senate A. Senator Lovegrove.

SENATOR LOVEGROVE:

Mr. President, I think I've explained the Bill. If there is no objection I would move the Bill to the Consent Calendar.

THE CHAIR:

Any objection? Senator O'Leary.

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SENATOR O'LEARY:

Just a question Mr. President. The Bill file, lines 36 through 39 indicates that no person required to register with the Ethics Commission as a lobbyist shall be employed by the General Assembly, shall be employed by the General Assembly, and no member of the General Assembly shall be a lobbyist. That's prior to the Amendment.

The Bill summary, the analysis, on page 3, indicates that no lobbyist might be employed by any individual Assembly member. There's a conflict there and I wondered if the Senator's Amendment corrected that conflict.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

One moment please, Mr. President.

THE CHAIR:

The Senate will stand at ease.

SENATOR LOVEGROVE:

Mr. President, I believe the OLR report was written before the Amendment. I believe the Amendment is correct.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

So the Amendment then clarifies the point and the point

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would be this, Mr. President. I could, as an individual, hire a lawyer who might also be lobbying here to represent me in a civil action, totally apart from the legislature, I could do that under the law, could I not?

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Through you Mr. President, that is correct.

SENATOR O'LEARY:

That's fine and I support the Bill.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Mr. President, if there is no objection, I move this to the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Page 7, Calendar 529, Substitute for House Bill 5739,  
File 650, AN ACT CONCERNING SMALL CLAIMS COURT, Favorable  
Report of the Committee on Judiciary.

THE CHAIR:

Senator Richard Johnston.

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SENATOR MATTHEWS:

Thank you Mr. President. Mr. President, I would request that Calendar 534, House Bill 5668 be removed from the Consent Calendar.

THE CHAIR:

These will require separate Roll Calls. We now--the Clerk will now announce all the items that have been placed on the Consent Calendar. Senator Smith, do you wish to be recognized?

SENATOR SMITH:

Yes Mr. President. I would like to have Calendar 524, SB993 page 6 removed from the Consent Calendar and pass retained.

THE CHAIR:

Any objection? It's marked pass retained. Any other Senators wish to be recognized? Please give your attention to the Clerk.

THE CLERK:

SB 831 HB 6920, SB 961  
Page 2, Calendar 264; page 3, Calendar 382 and 448;  
HB 7594, HB 7634, HB 7068 SB 990  
page 4, Calendar 478 and 481, 489; page 5, Calendar 511,  
SB 956 SB 887 HB 6521, HB 7843  
and 513; page 6, Calendar 519; page 7, Calendar 525, 528,  
HB 5739 HB 7802, HB 7844, HB 5230  
529; page 8, Calendar 531, 532 and 533.

THE CHAIR:

Any corrections, omissions? Senator Eaton, you wish to be recognized?

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SENATOR EATON:

Yes Mr. President. I perhaps did not hear correctly but on page 4, Calendar 478, I believe I moved that to the Consent Calendar and there was no objection. Perhaps that number was read and I missed it.

THE CLERK:

478 is on Consent.

SENATOR EATON:

Thank you.

THE CHAIR:

Any corrections? Any omissions? The machine is open. Please record your vote. Senator Mustone. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote:

36 YEA

0 NAY

The Consent Calendar up to this point is adopted.

THE CLERK:

Page 2, Calendar 340, Substitute for Senate Bill 912,  
File 456, AN ACT CONCERNING REMOVAL OF LIQUOR PERMITS  
PREMISES TO ANOTHER LOCATION, as amended by Senate Amend-  
ment, Schedule A, Favorable Report of the Committee on  
General Law.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

GOVERNMENT  
ADMINISTRATION  
AND  
ELECTIONS  
PART 5  
1397-1744  
1985



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

To be Addressed

1707

ADVISORY OPINION NO. 85-3

NB 7843

Registered Lobbyist Serving on Legislator's Staff

A person registered with the Ethics Commission as a lobbyist is concurrently employed part time by a legislator to provide services of a clerical and administrative nature. She has asked whether the situation creates conflicts of interests or other problems under the Code of Ethics for Public Officials or the Code of Ethics for Lobbyists, Parts I and II, respectively, of Chapter 10, General Statutes.

Her retainer as a lobbyist is more than the \$500 threshold requiring registration. Subsection 1-94(a), General Statutes. The organization which she represents as a lobbyist with respect to both legislative and administrative action is Connecticut NOW. It is concerned with women's rights, minority rights, and budget matters, taxes, and so forth as they affect women's rights.

The legislator has hired her to work part time for the legislative session. She is employed directly by the legislator and paid out of the legislator's pocket. Her duties are clerical and administrative in nature--maintaining files, screening and tracking legislative bills and keeping friendly contacts apprised of them, ordering supplies, attending meetings of organizations interested in women's issues, processing constituent requests, answering phones, maintaining the legislator's calendar, etc.

As a registrant, the woman is subject to the ethical code, section 1-97, General Statutes, as well as the remainder of the Code of Ethics for Lobbyists. A direct employee of the legislator, paid with the legislator's personal funds, she is neither a public official nor a State employee. Subsections 1-79(j) and 1-79(k), General Statutes. Therefore, strictly speaking she is not subject to the provisions of the Code of Ethics for Public Officials.

Compliance with the only Code to which she is required by statute to conform should not be difficult. She is a registrant at all times, including when working for the legislator. Therefore, even in her role as a legislator's assistant she must avoid placing a public official under personal obligation. Subdivision 1-97(c)(1), General Statutes. Additionally, she must be careful to make clear when she is speaking for her employer, the legislator, (if she is, or appears, authorized to) and when she is speaking as a lobbyist for the organization which employs her. When she is acting as a lobbyist she must identify herself as one. Otherwise, she could in effect violate the prohibition against

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causing a communication to be sent to a public official in the name of another individual except with the individual's consent. Subdivision 1-97(c)(3), General Statutes. The lobbyist's badge required by section 1-101, General Statutes, should be sufficient identification.

This illustrates a significant problem created by her two part-time jobs: it may not always be apparent which role she is filling at the moment. For example, part of her duties as an assistant to the legislator, who supports many of the same issues as NOW, is to attend meetings, when necessary, of organizations concerned with women's issues. Some she might well attend as a NOW lobbyist were she not covering them for the legislator. There can be confusion, and possible violation of the Code of Ethics for Lobbyists, unless she makes a special effort to acquaint others of the role she is filling at the time.

More important, to many she will appear to be a State employee, as most legislative staff members are. Consequently, it is likely to be impossible to avoid apparent violations of the Code of Ethics for Public Officials which could bring the legislative staff or the Code into disrepute. She will appear to be in a position to exploit her post as an assistant to a legislator, presumably with some influence over the legislator, to support her lobbying efforts. This would not only be an apparent violation of subsection 1-84(c), and possibly subsection 1-84(a), of the Code of Ethics for Public Officials, but an apparent violation of section 1-102, General Statutes, which makes it unlawful to hire a State employee working in Hartford to influence legislative action. Additionally, it could appear that she had taken a position, as a lobbyist, which could impair her independence of judgment and require or induce her to disclose confidential information gained as an assistant to a legislator. Subsection 1-84(b), id.

Since the legislator whom she assists and the organization she serves as a lobbyist have many common interests and goals, in one sense she might have few real conflicts of interests. Nevertheless, it is unlikely that multiple apparent violations of the Codes of Ethics and similar statutory provisions can be avoided if a lobbyist, paid to influence legislative action, also serves in the heart of the legislature. Therefore, she should not at the same time hold the positions of assistant to a legislator and a registered lobbyist.

By order of the Commission,

  
Vice-Chairman, Robert W. MacGregor

Dated Mar 21/85

JOINT  
STANDING  
COMMITTEE  
HEARINGS

GOVERNMENT  
ADMINISTRATION  
AND  
ELECTIONS  
PART 6  
1745-2112  
1985

April 8, 1985

- MR. PECK: Under present law, our attorneys are very, very limited in the kinds of things that they can withhold from disclosure. Attorneys work product, I think is what you're talking about, would represent only a very small portion of what would comprise the investigatory file in a particular case.
- REP. BECKETT-RINKER: Would a private investigator report be considered a part of the work file, or the work product, or would it be part of the document?
- MR. PECK: A private investigator? That would be part of the investigatory file. I don't think that that would be. I mean a document like that, which appears in this in one of our investigators' file, I think under present law is subject to disclosure, and is an example of the kind of thing that you would want to keep from disclosing until such time.
- REP. BECKETT-RINKER: Until the hearing. All right, thank you.
- REP. SCHMIDLE: Okay, then, I think we have no more questions. Then I think that probably we'll need to talk at some point before we do the final drafting in a meeting.
- MR. PECK: I think that would be very productive.
- REP. SCHMIDLE: Okay, thank you. The next person on our agenda is J. D. Eaton from the State Ethics Commission.
- J.D. EATON: Good morning. I'm J.D. Eaton, Executive Director and General Counsel to the State Ethics Commission. The Ethics Commission agrees with Raised Committee Bill 7843. That a person who registers as a lobbyist should not be employed by the General Assembly. An analogous situation, the Ethics Commission found apparent conflict of interest that should prevent employment like that, and I have a couple of copies of the advisory opinion issued by the Commission which I'll give to your clerk.

The case considered by the Commission is not as strong as the one that Raised Committee Bill 7843 addresses. In that case, the Commission's case, the person was not employed by the General Assembly but was employed by an individual legislator. The Commission still felt that the person could not be working in the General

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MR. EATON: (continued)

Assembly and remaining a lobbyist, and I think most of you know the case involved and the day the Commission made the decision, the person quit as an employee of the legislator and still remains as a lobbyist. It seems that there are clear conflicts of interest if a person holds both the position of a legislative employee and a lobbyist. Thank you.

REP. SCHMIDLE: Just one second. For some strange oversight I don't happen to have the bill in front of me, but I just wanted to make sure that we are covering both bases. We are covering a lobbyist who would be employed by a legislator as well as a lobbyist who would be employed by the General Assembly Committee.

MR. EATON: I think not. Your bill says no person required to register as a lobbyist shall be employed by the General Assembly. And I don't think that you would consider, I don't know.

REP. SCHMIDLE: So that doesn't cover the main, that doesn't cover the point of the individual, the individual legislator who chooses to hire a lobbyist?

MR. EATON: I think it's likely that it does not cover it.

REP. SCHMIDLE: Okay. Questions? Representative Rapoport,

REP. RAPOPORT: The bill I took a quick glance at, says that people who are, applies to people who are required to file reports with the Ethics Commission. Is that correct?

MR. EATON: Required to register with the Ethics Commission because they are earning \$500 or more in the calendar year for lobbying.

REP. RAPOPORT: As lobbyists. Okay, then that's, are lobbyists the only people who are included in that definition, or is it --

MR. EATON: Yes.

REP. RAPOPORT: Only lobbyists, because --

MR. EATON: Only registered lobbyists. Only people who are

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- MR. EATON: (continued)  
required to register and presumably do.
- REP. RAPOPORT: Okay, but not referred to, say, a local elected official. Do they have to require to file Ethics Commission --
- MR. EATON: No, no, no. They're exempt from the definition of lobbyist.
- REP. RAPOPORT: Okay, I'm just trying to make sure that the definition is sufficiently narrow so that we are talking about lobbyists, paid and registered lobbyists.
- MR. EATON: That is correct.
- REP. RAPOPORT: Okay, fine.
- REP. SCHMIDLE: Registered with the Ethics Commission. I guess we have no more questions. Thank you very much. Mitchell Pearlman from the Freedom of Information Commission.
- MITCHELL PEARLMAN: Good morning. My name is Mitchell Pearlman and I'm the Executive Director and General Counsel of the Connecticut Freedom of Information Commission, and I'm, my time up yet?
- REP. SCHMIDLE: Very good, very good.
- MR. PEARLMAN: And I'm here to talk about raised Committee Bill 7808, An Act Concerning the Confidentiality in Investigations Conducted by the Department of Health Services.

This is a bill in one form or another that's been before the General Assembly three or four years. This is the best attempt, I think, on the part of the Department of Health Services, to come to terms with a rather important issue that the Freedom of Information Commission believes confronts the issue of confidentiality of records. But the same problems we face in earlier years are problems that we're facing again this year. That is, that the concept of the bill has been presented to the Commission very late. There has been very little time for study, even though we are in the process of studying its terms.