

Legislative History for Connecticut Act

HB 5385	PA 390	1986
House	4134-4136, 8055-8062	(11)
Senate	3320-3334, 3337-3338, 3979-3982, 4058-4060	(24)
Government Administration and Elections	75-77, 118	(4)
		Total 39p

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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3808-4180

House of Representatives

Monday, April 28, 1986

individual's right to sue for personal injury that may occur because of negligence of a professional. I think the general assembly later this week is going to address the whole area of tort reform. And what we're seeing here is a piecemeal approach. It's bad public policy to take just one particular group and exempt them from liability. Let's address it in tort reform. Let's address the whole question of liability and not just extend this exemption to our architects and design professionals.

SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended.

REP. O'NEILL: (98th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Francis X. O'Neill, Jr.

REP. O'NEILL: (98th)

To clarify something for the previous speaker, this has nothing to do with negligence on the part of the architect or the engineer. If the architect or engineer is negligent, you can still sue.

SPEAKER VAN NORSTRAND:

Will you remark further on the bill as amended?

If not, staff and guests please come to the well of the

kok

23

House of Representatives

Monday, April 28, 1986

House, the machine will be opened. Clerk, please announce the pendency of a roll call vote for the benefit of the members not presently in the chamber.

CLERK:

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

SPEAKER VAN NORSTRAND:

Have all the members voted? Please check the board to determine if your vote is properly recorded. If so, the machine will be locked and Clerk, please take a tally.

REP. THORP: (128th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. David Thorp.

REP. THORP: (128th)

Mr. Speaker, I'm not quite awake yet. In the affirmative.

SPEAKER VAN NORSTRAND:

Rep. David Throp of the 89th, in the affirmative.

REP. TIFFANY: (36th)

In the affirmative, Mr. Speaker.

kok

24

House of Representatives

Monday, April 28, 1986

SPEAKER VAN NORSTRAND:

The gentleman from the 36th, Mr. John J. Tiffany,
in the affirmative. Clerk please announce the tally.

CLERK:

House Bill 5290 as amended by House "A".

Total number voting	140
Necessary for passage	71
Those voting yea	110
Those voting nay	30
Those absent and not voting	11

SPEAKER VAN NORSTRAND:

The bill as amended is passed.

The chair at this time would entertain points of
personal privilege or announcements.

REP. CHASE: (120th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. J. Vincent Chase.

REP. CHASE: (120th)

Thank you, Mr. Speaker. Mr. Speaker with us today
in the Well of the House we have a distinguished former
member of this body. I'd like to introduce former State
Representative William Smythe from the Town of Stratford
who served in this body from 1956 to 58 and from 1970 to

House of Representatives

Monday, April 28, 1986

1974. With Former Rep. Smythe is John Bailey, a student at St. Luke's School in New Caanan. If the House would afford these gentlemen their usual welcome.

REPRESENTATIVES:

Applause.

SPEAKER VAN NORSTRAND:

Can you identify which one is which, Rep. Chase?

REP. STOLBERG: (93rd)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Irving Stolberg.

REP. STOLBERG: (93rd)

Mr. Speaker, can the Journal so note that Rep. Helfgott is absent today as a result of a death in the family.

SPEAKER VAN NORSTRAND:

The Journal will so note sir.

Are there other points of personal privilege or announcements? If not, Clerk, please return to the Call of the Calendar.

CLERK:

Page 5, Calendar 473, Substitute House Bill 5385, File No. 511, AN ACT CONCERNING THE INDEPENDENCE OF THE STATE ETHICS AND FREEDOM OF INFORMATION COMMISSIONS.

kok

26

House of Representatives

Monday, April 28, 1986

Favorable report of the committee on Appropriations.

REP. SCHMIDLE: (106th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Mae Schmidle.

REP. SCHMIDLE: (106th)

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

SPEAKER VAN NORSTRAND:

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

Will you remark?

RE. SCHMIDLE: (106th)

Yes, I will, sir. What this bill does is in order to prevent the appearance of impropriety and a conflict of interest by severing the administrative relationship between the Secretary of State and the Commissions whose mandates include oversight over that office and personnel. And I move its adoption.

SPEAKER VAN NORSTRAND:

The question is on acceptance and passage. Will you remark? Will you remark? If not, staff and guests please come to the well of the House, the machine will be opened. Clerk, please announce the pendency of a roll

kok

27

House of Representatives

Monday, April 28, 1986

call vote for the benefit of the members not presently in the chamber.

CLERK:

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

SPEAKER VAN NORSTRAND:

Have all the members voted? Please check the board to determine if your vote is properly recorded. Have all the members voted? If so, the machine will be locked, and the Clerk will take a tally. Clerk, please announce the tally.

CLERK:

House Bill 5385.

Total number voting	140
Necessary for passage	71
Those voting yea	137
Those voting nay	3
Those absent and not voting	11

SPEAKER VAN NORSTRAND:

The bill is passed.

CLERK:

Page 4, Calendar No. 398, Substitute House Bill

H-446

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1986

VOL. 29

PART 22

8036-8373

kpt

561

House of Representatives

Tuesday, May 6, 1986

SPEAKER VAN NOSTRAND:

The bill is passed in concurrence with the Senate.

CLERK: *Announcement Schedule "A"*

Page 14, Calendar No. 473, Substitute for House Bill 5385, File No. 511, AN ACT CONCERNING THE INDEPENDENCE OF THE STATE ETHICS AND FREEDOM OF INFORMATION COMMISSIONS, as amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Appropriations.

REP. SCHMIDLE: (106th)

Mr. Speaker. Mr. Speaker. *Bill is on floor*SPEAKER VAN NORSTRAND: *and government**Rep. Mae Schmidle on floor of the House of Rep.*

REP. SCHMIDLE: (106th)

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

SPEAKER VAN NORSTRAND:

The question is on acceptance and passage in concurrence with the Senate. Will you remark?

REP. SCHMIDLE: (106th)

Yes, I will, Mr. Speaker. The Clerk has Senate Amendment "A", LCO 4504. Would the Clerk please call and I be allowed to summarize. *personally feel that*

kpt

562

House of Representatives Tuesday, May 6, 1986

SPEAKER VAN NORSTRAND: Clerk please call LCO 4504 previously designated Senate Amendment Schedule "A".

CLERK: Senate Amendment Schedule "A", LCO 4504 offered by Sen. Gunther, Sen. Scarpetti.

SPEAKER VAN NORSTRAND: From the floor of the House of Representatives of the State of New Jersey, I call attention of the House to the amendment of Rep. Schmidle.

REP. SCHMIDLE: (106th) Mr. Speaker, very briefly, this is an amendment that would require certain governmental people to wear badges when they are in the floor of the House or the Senate.

REP. SWENSSON: (13th) Mr. Speaker.

SPEAKER VAN NORSTRAND: Rep. Swenson.

REP. SWENSSON: (13th) A question, a Point of Order, sir.

SPEAKER VAN NORSTRAND: What is your Point, madam?

REP. SWENSSON: (13th) In reading this amendment, I personally feel that

kpt

563

House of Representatives

Tuesday, May 6, 1986

this is not germane to the original bill.

SPEAKER VAN NORSTRAND:

The lady from Manchester has raised a Point of Order as to the germaneness of Senate "A". Will the House please stand at ease.

The lady from Manchester, will the House please come to order, the lady from Manchester raised a Point of Order as to the germaneness of Senate Amendment Schedule "A" to the file copy. The file copy appears to me to be a bill directed at removing, or I suppose under the guise of the title, declaring the independence from the Secretary of State's office of the State Ethics and Freedom of Information Commission for logistic purposes.

The amendment in cert said, the lady said bringing out the amendment, a requirement for, I gather, members of the executive and judicial branch to wear identification badges. It is a modification of the regulations or the statutes regulating the conduct of lobbyists. I believe the lady's Point is well taken. Citing sections 402 sub 1, sub 2 and sub 3, the theory under sub 1, that only one proposition should flow so that the members are voting on one major question related at least in some way. Does the amendment flow in the natural logical

kpt

564

House of Representatives

Tuesday, May 6, 1986

sequence from the matter in the file. It indeed does not flow. Indeed, there is no relationship to it. And indeed, under sub 3 it must be required to relate to the same subject. You can entirely change the proposition, adoption of Senate "A" could have no effect on the proposition whatsoever.

Your Point of Order is well taken. Senate "A" is not properly before us.

REP. SWENSSON: (13th)

Thank you.

SPEAKER VAN NORSTRAND: Speaker, that is correct. They are. Will you remark further on the bill?

REP. STOLBERG: (93rd) Mr. Speaker, they are.

SPEAKER VAN NORSTRAND: They are. Rep. Irving Stolberg.

REP. STOLBERG: (93rd)

Now that a somewhat petty amendment is disposed of, I believe correctly, I'd like to pose just one or two questions to the lady bringing out the bill. These are for the record only.

SPEAKER VAN NORSTRAND: Please frame your question.

kpt

565

House of Representatives

Tuesday, May 6, 1986

REP. STOLBERG: (93rd)

Through you, Mr. Speaker, I note that the bill removes the Ethics and Freedom of Information Commissions from any tie with the Secretary of the State. Through you, Mr. Speaker, these are now independent bodies, I understand, which branch of government are they in? Through you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Mae Schmidle.

REP. SCHMIDLE: (106th)

Through you, Mr. Speaker, that is correct. They are independent bodies. They always were independent bodies except for Administrative Services, which they receive from the Secretary of State's office. They are very sensitive regulatory agencies as you know. They now all have the same status that the elections enforcement commission does.

REP. STOLBERG: (93rd)

Through you, Mr. Speaker, that was not exactly responsive to my question. Article II of the State Constitution indicates that any state governmental entity should be identified with one of the three branches of government. I'm just concerned for the legislative

kpt

566

House of Representatives

Tuesday, May 6, 1986

history, which branch of government these agencies are
in.

SPEAKER VAN NORSTRAND:

Rep. Schmidle.

REP. SCHMIDLE: (106th) Through you, Mr. Speaker, it appears that they
would be with the executive branch.

SPEAKER VAN NORSTRAND:

Rep. Stolberg.

REP. STOLBERG: (93rd)

Mr. Speaker, while I feel there is some ambiguity,
I'm going to accept the lady's response because I feel
it's the best one, even though it is not entirely clear
and the appointing powers at least on the Ethics
Commission create a question as to its legislative ties
and executive ties. I will let some future supreme court
deal with that rather than at this late hour try to
dispose of it on the floor of the House.

SPEAKER VAN NORSTRAND: announce for today.

Will you remark further on the bill as unamended?
Will you remark further? If not, staff and guests please
come to the well of the House. The machine will be
opened. Clerk please announce the pendency of a roll call

kpt

567

House of Representatives

Tuesday, May 6, 1986

vote for the benefit of the members not presently in the Chamber.

CLERK:

The House of Representatives is now voting by roll call. Will all members please return to the Chamber.

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

SPEAKER VAN NORSTRAND:

Have all the members voted? The machine will be locked.

REP. BELDEN: (113th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Belden.

REP. BELDEN: (113th)

In the affirmative, please, sir.

SPEAKER VAN NORSTRAND:

The gentleman from the 113th in the affirmative.

The Clerk please announce the tally.

kpt

568

House of Representatives

Tuesday, May 6, 1986

CLERK: (93rd)

House Bill 5385.

Total number voting 145

Necessary for passage 73

Those voting yea 142

Those voting nay 3

Those absent and not voting 6

SPEAKER VAN NORSTRAND:

The bill is passed.

CLERK: (93rd)

Page 16, Calendar No. 506, Substitute for House Bill 6134, File No. 559, AN ACT CONCERNING TORT REFORM, as amended by House Amendment Schedules "A", "C", "D" and "G" and Senate "B" and "E". Favorable Report of the Committee on Judiciary. Senate Rejected House Amendment "D" on 5/5.

SPEAKER VAN NORSTRAND: The Clerk has called the last bill of the evening, which has become a weekly feature of the Connecticut House of Representatives for the benefit of afternoon newspapers.

REP. STOLBERG: (93rd)

Mr. Speaker.

S-258

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1986

VOL. 29

PART 10

3314-3710

MAY 3, 1986

211

SENATOR SMITH:

Calendar 590.

THE CLERK:

Page 5, Calendar 590, Substitute for House Bill 5385 File 5385, File 511, AN ACT CONCERNING THE INDEPENDENCE OF THE STATE ETHICS AND FREEDOM OF INFORMATION COMMISSIONS, Favorable Report of the Committee on Appropriations.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

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

THE CHAIR:

Will you remark?

SENATOR LOVEGROVE:

Yes Mr. President.

THE CLERK:

I have an Amendment.

THE CHAIR:

Clerk please call the Amendment.

THE CLERK:

Senate Amendment, Schedule A, LCO 4504, introduced by Senator Gunther.

THE CHAIR:

Senator Gunther.

MAY 3, 1986

212

SENATOR GUNTHER:

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

THE CHAIR:

Without objection you may proceed.

SENATOR GUNTHER:

What this Amendment will do, quite frankly, is take all any employee of the Executive or Judicial Branch of state government, whether they're classified or unclassified service, whether they're full or part time, who in the scope of his employment communicate with any member or member-elect of the General Assembly for the purposes of influencing any legislative action, shall engage in such activity in the state capitol without wearing an identifying badge similar in kind to, but of a different color than those issued under Section 1-101. Such persons shall not be deemed to be a lobbyist, except may be provided in the rules of the Senate and the House of Representatives.

What this does is take all--any of those people who are over here from the agencies, either from the Executive branch of government or the Judicial branch of government, identify them as you would any other lobbyist and it also would prohibit them from the chambers of the House and the Senate while we're in session. Now, I see no reason in the world why we should take and treat them any differently than any

MAY 3, 1986

213

other person that's lobbying and especially when it comes to our chamber. I think we have, as Committee people, we have all the time in the world to communicate with them. They come into our meetings. We invite them in to explain Bills. We have them anyplace in this capitol and I feel in all fairness, that they are truly a lobbyist for the department and we should have that sanctity of these chambers when it comes to lobbying and I don't care whether it's from the departments or whether it's from the outside special interest lobbyists themselves.

That's exactly what this would accomplish. It would, incidentally, releave them from all the reporting sections of the lobbyists laws. In other words, they wouldn't have to report their salaries, expenses and that type of thing, but it would take and give them the same stature as the special interest lobbyists of the state of Connecticut.

If there's no objection, Mr. President, I'd suggest--

THE CHAIR:

Senator Upson.

SENATOR UPSON:

A question through you to Senator Gunther. Does this mean, Senator Gunther, for example if Mr.--Commissioner Groppo happens to walk in and stand, as he did the other day, in the entrance here, that he would have to be wearing a badge?

MAY 3, 1986

214

SENATOR GUNTHER:

Mr. President, I beg to differ. If he was over here to discuss legislation and that, yes. He'd have to be identified. If he was a casual visitor, I'd say that certainly John Groppo could stand in the back of this hall. I'm talking about people that are representing the agencies themselves, that many of them are full time employees of the state of Connecticut that come in here and sit in here all day long, whether you have a Bill that's on the Calendar that they need or not, whether it's coming up or not, and I think that many times we see these budgets coming through and they need more employees when they spend so much time over here sitting. If we need them we can call them.

SENATOR UPSON:

Mr. President, through you to Senator Gunther, how would you differentiate from a Commissioner Groppo coming over versus a person being or doing the lobbying effort?

SENATOR GUNTHER:

I don't think we would have any difficulty whatsoever identifying. They are the communicators of the department. In fact, many of them have that classification; that they are the intergovernmental agent coming over here and I see no problems whatsoever in implementing this legislation. I'll even go so far as to say if a commissioner comes over, even if

MAY 3, 1986

215

he isn't lobbying and we want to have him identified, I think it might be nice because there's an awful lot of new legislators around here that haven't met half these commissioners and I don't think it's demeaning. I think it's just the idea that we know who they are; we know what they're doing over here.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Mr. President, through you, so that means the job classification would determine whether or not this person would wear a badge; is that correct?

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Through you Mr. President, no, I didn't say that at all. I say anybody that's over here. I don't care who they are, if they're from the department, I would be very happy to excuse a casual visitor being a commissioner or anybody else. I'm talking about people who are over here lobbying, who are working on Bills and are in this chamber and everyplace else in this capitol. It would be nice, even outside this chamber when they're talking to you relative to the legislation, yeah, have an identifying badge on them so you know where they're coming from.

MAY 3, 1986

216

SENATOR UPSON:

So, no more questions, so there really is not a significant way to differentiate in your Amendment as proposed.

THE CHAIR:

Further remarks? Question is on the Amendment. Senator Kevin Johnston.

SENATOR JOHNSTON:

Mr. President, could we have a Roll Call on this please?

THE CHAIR:

Roll Call has been requested. Clerk please make an announcement for an immediate Roll Call. Senator Eaton.

SENATOR EATON:

Mr. President, one question through you to Senator Gunther and first I support this Amendment, but for the record, if a person who works for a state agency or the Executive Branch or Judicial Branch comes as an individual and in his capacity as an individual, may we understand that under those circumstances that person would not have to wear a badge?

SENATOR GUNTHER:

Mr. President, through you, I see several lobbyists, to prove a point on the other side of it, several lobbyists were dancing around the building today with no badges on. They were not conducting business. They were here as an individual; they are crazy enough to be up here serving. They weren't up lobbying, but you didn't have to worry about them. They had no badge. They were not discussing business with us.

MAY 3, 1986

217

THE CHAIR:

Senator Eaton.

SENATOR EATON:

Yes, thank you. Let me explain Senator. The--as Chairman of Program Review and Investigations Committee, as Co-Chairman from time to time, and I'm sure others who served on that Committee are aware, that there would be people from state government who might like to come to either members of that Committee or to the Chairman to discuss something that they had seen within the agency and might like to do that discretely, because their jobs might be in jeopardy. I think they're doing so as individuals, as opposed to representing their department in that instance, so I was wondering whether you would be willing to state for the record that when a person who is working for the state government comes to represent himself or herself on a personal matter as opposed to a matter which is in the particular special interest of that agency, that that person might come as an individual citizen and not therefore, have to be identified with a badge.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Through you Mr. President, I think the Bill is quite clear in that respect. It says who in the scope of his employment communicates with any member of member-elect of the General

MAY 3, 1986

218

Assembly for the purpose of influencing any legislative action. If he is in here taking an action on legislative matters from the department that he works in, he should have a badge on and lobby. I'd say on the other hand, if we call them over here, as a Committee, to come in and testify in that Committee or to appear in the Committee before us, that they then would be invited in to discuss legislation, but I see--very frankly I see no harm in having them identified all the time that they're in this building.

THE CHAIR:

Further remarks? Senator O'Leary.

SENATOR O'LEARY:

No, just that it sounds like a good idea to me and I'm happy to be on board of one of Senator's Amendments, once in awhile.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

If I may, the last question. Does this apply, through you Mr. President, to the Judicial Department and if so, first of all, does it apply? Yes or no please.

SENATOR GUNTHER:

It certainly does, especially to the Chief Court Administrator.

MAY 3, 1986

219

SENATOR UPSON:

I guess I can't limited his answer. Mr. President, and if so, is that--since all three departments--not departments, branches of government are supposed to be separate, is that not--is there not a Constitutional problem in that respect?

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President, through you, I am fully aware of the three branches of government and I see no Constitutional involvement here, Judge Upson, with this particular Amendment. I see no reason in the world when they're over here operating within the legislative action here, within the legislative body, working on legislation. I don't think there's any Constitutional restrictions.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Mr. President, I would disagree with you and I would say that we could do that to the Executive Branch, but not the Judicial Branch. However, I would reserve opinion to or ask an opinion of Attorney Zinsser.

THE CHAIR:

Senator Zinsser.

MAY 3, 1986

220

SENATOR ZINSSER:

Thank you Mr. President. Some years ago, Senator O'Leary and I had the privilege of serving on a special committee to look into the ethics question and Father Lynch was Chairman of that Committee and we looked at this question long and hard and I believe, Senator, we tried to get it passed in this body and we were unable to do so and I think it's a long time overdue. I don't think there's any Constitutional question here whatsoever and in fact, I can remember Father Lynch once asking us at a meeting, when someone comes up to you as a legislator to ask a question, don't you ask them where they're from and we said most people don't, but they just answer the question yes or no. And he said well, they should probably have some kind of identifying badge or something.

We talked long and hard on this. It's a good Amendment. You ought to vote for it, Senator Upson.

THE CHAIR:

Senator Harper.

SENATOR HARPER:

Thank you Mr. President. Just briefly, I rise in support of the Amendment and just to expand upon I think a couple of points Senator Gunther would like to get into, in the past week we've had plenty of people out in this hall on a number of controversial issues that weren't wearing badges and told people they were up here to see the process for the first time

MAY 3, 1986

221

and Senator Gunther, myself and others know full well what they were doing here, lobbying on their little pet issues and some of these state administrators and liaisons as they call them, that they have over here, they got bigger special interests in the budget and a number of Bills here than some of the so-called real special interests as we identify out there, who we do require to have badges so I think it's long in coming and let's vote for it.

THE CHAIR:

Further remarks? Senator Morano.

SENATOR MORANO:

Mr. President, I've made an observation I think Senator Upson is campaigning for Doc Gunther's Golden Chicken Award.

THE CHAIR:

Senator Avallone, there's competition.

SENATOR AVALLONE:

That's exactly the point I wanted to make.

THE CHAIR:

That wasn't meant for you, Senator. You're--

SENATOR AVALLONE:

Exception is often reality. As Senator Upson's potential competition, I think you're wrong, Senator Upson. I think Senator Gunther is absolutely right.

THE CHAIR:

Senator Upson, there's still time for redemption.

MAY 3, 1986

222

SENATOR UPSON:

I may change my mind, I'm not sure.

THE CHAIR:

Senator Connair. You're wearing a badge already.

SENATOR CONNAIR:

Mr. President, I will vote for this only if Senator Morano's Amendment has been withdrawn that the badges be worn on the front and the rear and are rimmed in fluorescent paint; is that true, Senator? Thank you sir.

THE CHAIR:

Further remarks? Senator Scarpetti.

SENATOR SCARPETTI:

I rise to support this Mr. President and I think for many reason, but one reason it would be nice to know, as Senator Zinsser alluded to earlier, it's nice to know who you're talking to sometimes. At least the lobbyists, you know they have a name tag on and there are some state employees that do come here and sometimes you don't know who they are or I don't know who they are, so I am going to support this.

THE CHAIR:

Clerk please make an announcement for an immediate Roll Call on the Amendment.

THE CLERK:

An immediate Roll Call has been ordered in the Senate. Will all Senators please return to the chamber. An immediate Roll

MAY 3, 1986

223

Call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Question before the chamber is a motion to adopt Amendment Schedule A, LCO 4504. The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote:

27 YEA

5 NAY

The Amendment is adopted. Senator Avallone.

SENATOR AVALLONE:

Point of personal privilege, Mr. President.

THE CHAIR:

You may proceed.

SENATOR AVALLONE:

I wish that the Clerk would send a copy of the vote on that, with my name circled and Senator Upson's name circled. Would you send that to Doc Gunther?

THE CHAIR:

We're now on the Bill as amended. Senator Lovegrove.

SENATOR LOVEGROVE:

Thank you Mr. President. Now that we've eliminated the mystery as to who the Golden Chicken Award is going to be this year, we'll get to the main Bill.

MAY 3, 1986

224

Currently, the freedom of information commission and the state ethics commission are attached to the Secretary of State's Office for administrative purposes only. What this Bill does is to make the FOI commission and the ethics commission completely independent agencies from the Secretary of State's Office and if there's no comments or discussion, questions, I would move this to the Consent Calendar.

THE CHAIR:

Any objection? Senator Casey.

SENATOR CASEY:

Mr. President, not an objection, but the badges I would think, would have some fiscal impact on this and should be referred or at least we vote on referral and immediate suspension of the rules to go to Appropriations.

THE CHAIR:

You made an observation, does it have a fiscal impact? Would you tell me--

SENATOR CASEY:

Certainly, the cost of the badges, I would think, would have some cost to the state of Connecticut.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President, I have a note on it. I believe they've been distributed and there is no--it's not anticipated that

MAY 3, 1986

225

there's any additional cost. If it is, it can be absorbed.

THE CHAIR:

That will take care of the--it's a point that's been advanced. Any objection to placing on Consent? Hearing none, so ordered.

Further business?

SENATOR SMITH:

Thank you Mr. President. We have one other item, Calendar 583. I believe there will be very shortlived debate inasmuch as I would hope that the Chairman of the Committee is prepared to move this along very rapidly.

THE CHAIR:

583. Clerk will please call it.

THE CLERK:

Page 5, Calendar 583, Substitute for Senate Bill 561, File 716, AN ACT ENABLING CERTAIN MOTOR FUEL DEALERS TO PURCHASE FUEL WITHOUT PAYMENT OF STATE TAX WHEN PURCHASED FOR SALE TO CERTAIN MOTOR CARRIERS REGISTERED UNDER THE MOTOR CARRIER ROAD TAX, Favorable Report of the Committee on Finance, Revenue and Bonding.

THE CHAIR:

Senator McLaughlin.

SENATOR MC LAUGHLIN:

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

MAY 3, 1986

3337
228

THE CHAIR:

Any objection? Hearing none, the rules are suspended for immediate transmittal of all the items to the House which apparently requires that action. Do we have a Consent Calendar, Senator Smith? Do you want to call it?

SENATOR SMITH:

Yes, can we call a Consent?

THE CHAIR:

Clerk please make an announcement for an immediate Roll Call.

THE CLERK:

An immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. An immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Please give your attention to the Clerk who will call the items that have been referred to the Consent Calendar. Mr. Clerk.

THE CLERK:

The first item is not on the Calendar but is on the Senate Agenda #2 which was taken up under suspension and it's Substitute Senate Bill 250 and it would be Calendar 576. Page 5, Calendar 590, Substitute for House Bill 5385. Page 12, Calendar

MAY 3, 1986

627, Substitute for House Bill 5752. Page 13, Substitute for House Bill 5056. Page 14, Calendar 639, Substitute for House Bill 6164. Page 16, Calendar 646, Substitute for House Bill 5988. Calendar 649, Substitute for House Bill 6161. Page 17, Calendar 291, Substitute for House Bill 5629. Page 19, Calendar 496, Senate Bill 312. Page 20, Calendar 498, Senate Bill 326. Page 21, Calendar 362, Senate Bill 476. I believe that's it. And on page 21, Calendar 322, Senate Bill 524.

THE CHAIR:

Any changes or omissions? The machine is open. Please record your vote. Senator Scott. Just a moment please.

THE CLERK:

Also, Calendar 64 on page 20, Substitute for Senate Bill 377.

THE CHAIR:

Please--has everyone voted? There was an additional item that was put on the Consent Calendar which we didn't call, but has been included by the Clerk so that the record will indicate that that last item does belong on the Consent Calendar.

The machine is closed. Clerk please tally the vote.

The result of the vote:

32 YEA

0 NAY

The Consent Calendar is adopted. Senator Smith.

S-259

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1986

VOL. 29
PART 11
3711-4103

MAY 7, 1986

for freedom and I would move adoption of the Resolution.

THE CHAIR:

Will you remark further? Senator O'Leary.

SENATOR O'LEARY:

Thank you Mr. President. I rise to support the Resolution and to second the remarks of the President Pro Tem. I've seen this Resolution and have been awaiting its arrival. It has passed in the state of New York. I think it's appropriate and I am glad that it's before us and that we have an opportunity to vote on it.

THE CHAIR:

Further remarks? All those in favor of the Resolution signify by saying aye. Opposed? Unanimously approved.

THE CLERK:

Senate Agenda #1, a Disagreeing Action, Substitute House Bill 5385, AN ACT CONCERNING INDEPENDENCE OF THE STATE ETHICS AND FREEDOM OF INFORMATION COMMISSIONS. It passed the Senate with Senate A on 5-3. It passed the House on 5-6 without Senate A which was ruled not germane.

THE CHAIR:

Who wishes to report this out? Senator Lovegrove.

Senator Casey, do you wish to be recognized?

SENATOR CASEY:

Thank you very much Mr. President. If Senator Lovegrove is not here, I would like to ask the Senate to consider

MAY 7, 1986

accepting the Bill as it came from the House. Here is Senator Lovegrove. I would yield to him.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill as amended by the House.

THE CHAIR:

Will you remark?

SENATOR LOVEGROVE:

Mr. President, this is the Freedom of Information Bill which we took up yesterday. It deals with the time period in which a complaint must be heard and a decision made. The House Amendment will exempt those cases that have already been adjudicated, and if there are no questions or comments, I guess we're taking Roll Calls. I'd like a Roll Call please.

THE CHAIR:

Further remarks on the Bill? Roll Call has been requested. Clerk please make an announcement for a Roll Call.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

Will all Senators please return to the chamber. An immediate Roll Call has been ordered in the Senate. Will all Senators please return to the chamber.

MAY 7, 1986

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Yes, may I--through you Mr. President, a question to Senator Lovegrove. The Bill you just described, explain that again.

SENATOR LOVEGROVE:

Yes, this is the Freedom of Information Bill which clarifies the time period in which a complaint to the Freedom of Information Commission must be heard and decided. Are you listening or talking to Senator Eaton?

SENATOR UPSON:

I have not said anything to anyone.

SENATOR LOVEGROVE:

In which a complaint--

THE CHAIR:

Excuse me, Senator. Senator Lovegrove, excuse me for a second. We want order and quiet. If there are any conversations, please do it outside the chamber. Senator Lovegrove you may proceed.

SENATOR LOVEGROVE:

Thank you Mr. President. The Bill allows the Freedom of Information Commission up to one year in which to hear and decide a case. It calls for the Freedom of Information Commission to adopt regulations for emergency cases in which

MAY 7, 1986

they will hear the case within twenty days and make a decision within thirty days after that for a total of 50 days. This Bill came about because the Supreme Court decision said that the 50 day what had been interpreted before, advisory time limit in the statutes was a mandatory time limit and there were around 150 cases that are now hanging because of the overlap of the 50 day period in which they must have a decision.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Could this be passed temporarily while I talk to Senator Lovegrove?

THE CHAIR:

The Senate will stand at ease. Senator Lovegrove.

SENATOR LOVEGROVE:

Mr. President, could we PT this Bill?

THE CHAIR:

The item is PT'd, any objection? The item is PT'd.

Senator Robertson.

SENATOR ROBERTSON:

Thank you Senator Larson. Mr. President, I understand as the debate ended on the Education package, the Speaker in closing down that issue, suggested that the members of the

MAY 7, 1986

SENATOR LARSON:

Yes, I move for suspension of the rules for immediate transmittal to the House.

THE CHAIR:

Without objection, so ordered. Senator O'Leary, you wish to be recorded in the affirmative? Senator O'Leary wishes to be recorded in the affirmative on the last Bill. Senator Lovegrove.

SENATOR LOVEGROVE:

Thank you Mr. President. On Senate Agenda 1, Substitute House Bill 5385 which was PT'd a while ago, I would now like to take it up.

THE CLERK:

Senate Agenda #1, Disagreeing Action, Appropriations Committee, Substitute for House Bill 5385, AN ACT CONCERNING THE INDEPENDENCE OF THE STATE ETHICS AND FREEDOM OF INFORMATION COMMISSIONS. Passed the Senate with Senate A. Passed the House without Senate A.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Thank you Mr. President. I move acceptance of the Joint Committee's Favorable Report and passage in concurrence with the House.

MAY 7, 1986

166

THE CHAIR:

Will you remark?

SENATOR LOVEGROVE:

Yes Mr. President. This Bill removes the Ethics Commission and the Freedom of Information Commission from the Secretary of State's Office for administrative purposes. The Amendment which was removed in the House was the Amendment we tacked on which would have required state employees in the Capitol on legislative business, to wear identifying badges. If there are no questions or comments, I will move this for a Roll Call vote.

THE CHAIR:

Clerk please make an announcement for an immediate Roll Call.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

Will all Senators please return to the chamber. An immediate Roll Call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Question before the chamber is a motion to adopt Substitute House Bill 5385, AN ACT CONCERNING THE INDEPENDENCE OF THE STATE ETHICS AND FREEDOM OF INFORMATION COMMISSIONS. The machine is open. Please record your vote. Has everyone voted? Senator DiBella. Has everyone voted? The machine

MAY 7, 1986

167

is closed. Clerk please tally the vote.

The result of the vote:

36 YEA

0 NAY

The Bill is adopted.

Call the next item please.

THE CLERK:

Committee on Conference, Senate Bill 570, AN ACT REDUCING
THE MAXIMUM FINANCE CHARGE ON OPEN END CREDIT PLANS.

THE CHAIR:

Senator Eaton.

SENATOR EATON:

Mr. President, I move adoption of the Conference Committee
Report and passage of--

THE CHAIR:

Wish to remark?

SENATOR EATON:

That's what I said, passage of the Bill. Yes Mr. President.
This restores the Bill as a 14 to 18 percent floating rate for
credit cards with the expectation that by the Christmas shop-
ping season that rate will be very close to 14 percent and
also assures that retailers will be--will have a separate
rate which will protect them in light of the high cost of
their money as compared to bank funds.

JOINT
STANDING
COMMITTEE
HEARINGS

GOVERNMENT
ADMINISTRATION
AND

ELECTIONS

PART 1

1-322

1986

INDEX

11
kok

GAE

February 18, 1986

MR. PEARLMAN: (continued)
 on the authority of counsel. In those cases where the processes had been declared unconstitutional, those cases which had those kinds of leins were validated for a period of time in order for the people to comply with the new procedure. In this respect we're asking for a period of time so that the commission can come up with the resources and come up with the procedures to come close to that timw and I would, therefore, suggest a validation period for anything from July 1, -- I'm sorry from October 1, 1975 to July 1, 1986. And by that time we hope to have regulations in place. We hope to be able to convince the appropriations committee and the General Assembly to give us the additional resources to do the job and we are also trying to change our procedures thorough regulation so we can hear and decide more of these cases rapidly.

We don't want a greater amount of time if we can avoid it. Information delayed is often information denied. We prefer to be able to do it as timely as possible. But if it can't be done, we don't think the citizens ought to suffer.

REP. SCHMIDLE: Thank you, any questions? Okay. Let me just doublecheck that date on the validating time. October 1, 1975 to July 1, 1986 is what you're considering?

MR. PEARLMAN: Yeah, hopefully we'll have everything in place by July 1 with the -- if we get the appropriations.

REP. SCHMIDLE: Okay, thank you.

MR. PEARLMAN: The third bill I'd like to discuss is Raised Committee Bill 5385, AN ACT CONCERNING THE INDEPENDENCE OF THE STATE ETHICS AND FREEDOM OF INFORMATION COMMISSIONS. From the inception of the Freedom of Information and Ethic's commission existance, both agencies have been under the Secretary of State's Office for administrative purposes only. That is, the Secretary of State's Office provides business services. The Freedom of Information Commission and the Ethics Commission and also the State Elections Enforcement Commission are the three primary government oversight agencies. The Secretary of State's Office is one of the agencies that all three agencies have government oversight over. And so, there is a possibility that a conflict of interest or an appearance of a conflict of interest or impropriety may occur.

MR. PEARLMAN: (continued)

If for example, the Secretary of State would brought up on Freedom of Information charges and the Freedom of Information Commission found in favor of the Secretary, it might appear to the public that that was a decision that was based upon consideration other than the merits of the case because that agency holds the shoestrings. The pursestrings, excuse me, of the commissions. Last year the General Assembly funded a position for a business services officer in the Secretary of State's Office. The transfer of that position to one of the three agencies and with agreement between the three agencies by contract, we can now provide the business services that were provided by the Secretary of State and were necessary when the commissions first started. T

They were very small, they did not have large staffs. Now that situation doesn't exist anymore and we can adequately provide these services to each other without this appearance of impropriety that might occur in some future situation. Fortunately, to this date, there has been no such conflict, but it might occur and it might harm the reputations of these three agencies if that happens and certainly the trust and confidence of the people, the most important single ingredient that these government oversight agencies has to offer.

REP. SCHMIDLE: Thank you. Rep. Torpey.

REP. TORPEY: In that same bill, tell me about changing the makeup of the commission. Do you have any feelings on that?

MR. PEARLMAN: I'm sorry.

REP. TORPEY: You're talking on 5385?

REP. SCHMIDLE: Yes.

REP. TORPEY: Is the makeup -- the change from 5 to 7, I guess it is, 5 to 7, --

MR. PEARLMAN: I'm sorry, I'm not familiar with that provision. What line is it, Rep. Torpey?

REP. TORPEY: 24. And then 38 through 40.

REP. SCHMIDLE: Are you referring to the terms of the commissioners on both of these, Rep. Torpey.

REP. TORPEY: Oh, okay, I got straightened out.

MR. PEARLMAN: You got me nervous there. I didn't know if they were adding or subtracting commissioners from us. No, I just wanted to emphasize this will be a no cost transaction because the funds for the position have already been appropriated in the current fiscal year budget. And just briefly, I'd like to comment on Raised Committee Bill 5371, AN ACT CONCERNING STATE REGULATIONS AFFECTING SMALL BUSINESSES. The commission hasn't taken a position on it, hasn't got to its attention. However, it just seems to me that the bill is adding an additional burden to some state agencies to consider a particular class of individual or person perhaps to the exclusion of others.

But I really don't think that that requirement is necessary. Small businesses like any citizen can participate in the regulation promulgation process. There's no discentive to people. They can come forward and say what their concerns are. Those concerns have to be addressed at least in the discription of what the issues are that's presented by the agency to the Regulation Review Committee. And if there is a legitimate issue, hopefully the agency will reflect it.

What my concern is if you put this kind of legislation in for small businesses, there's just going to be just a landslide of other special interest groups that are going to have like concerns. The regulation process is an open process, there's notices. Anybody who is concerned about DEP regulations, for example, could just write to them and say, tell me whenever you're going to have some regulations promulgated. They can read through it, you don't have to hire a lawyer, you just go to the public hearing or write a letter saying, I don't like this regulation because it's going to impact on me thusly. And the agency has to consider that.

So I don't think that the bill adds anything except another layer of paperwork that agencies have to do and that the legislature has to consider. The process is already in place. Thank you.

MS. GALLO: (continued)

We would also like to just briefly speak to five other bills in front of the committee. Speaking in favor of them, one is committee bill 5176, which exempts the attorney client privilege for the Freedom of Information Act. The other is 5385 which will allow the State Ethics Commission and the State Freedom of Information Commission to sever their relationship with the Secretary of States office. Obviously to avoid any appearance of impropriety.

We also would like to eliminate the possibility of the time limit periods for the Freedom of Information Commission which will cause cases to die and speak in favor of bill 5386 which is the bill that deals with the administratio of the Freedom of Information Commission. We would also like to speak in favor of 5387 which increases the threshold for disclosure of -- in specific of a contribution to a political campaign from \$30 to \$50 but adds the requirement that the donor disclose his or her occupation and name of employer when making a donation of \$200 or more. That's bill 5387.

That really conforms to the federal law that also at a certain limit requires disclosure of occupation and name of employer and has been introduced to you by the State Elections Commissions. We'd like to add our support. Thank you very much.

REP. SCHMIDLE: Thank you. Any questions? We have no questions. She's already gone, thank you. The next person on my list is Michael J. Noonan of the Connecticut AFL/CIO.

MR. MICHAEL NOONAN: Good morning, Rep. Schmidle and members of the Government Administration and Elections Committee. In the interest of time, I will be brief. My name is Michael Noonan and I am the Director of the Committee on Political Education for the Connecticut State AFL/CIO. And I come before you to comment on three bills on your agenda. The first bill is AN ACT CONCERNING A SYSTEM OF MAIL IN VOTER REGISTRATION.

The Connecticut AFL/CIO and the voter registration coalition, a group of concerned labor, community and politically active organizations of which we are a member is in support of HB 5373, AN ACT CONCERNING MAIL IN VOTER REGISTRATION. The current system of making voters in