

Legislative History for Connecticut Act

SB 1164	PA 234	1987
House 5260-5269		10
Senate 1697-1700, 1722-1723		6
Government Administration and Elections 983-984		2
		18

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1987

VOL. 30
PART 14
4894-5269

pt

65

House of Representatives

Wednesday, May 6, 1987

CLERK:

Senate Bill 1044.

Total number voting	135
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Necessary for passage	68
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Those voting yea	126
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Those voting nay	9
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Those absent and not voting	16
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DEPUTY SPEAKER LAVINE:

The bill is passed.

CLERK:

Calendar 554, Substitute for Senate Bill 1164,

AN ACT CONCERNING PROFESSIONAL EMPLOYEES OF PUBLIC

INSTITUTIONS OF HIGHER EDUCATION AND THE CODE OF

ETHICS, as amended by Senate "A". Favorable Report of

GAE.

REP. LOONEY: (96th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. Martin Looney.

REP. LOONEY: (96th)

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

pt

66

House of Representatives

Wednesday, May 6, 1987

DEPUTY SPEAKER LAVINE:

Motion is on passage. Will you remark, sir?

REP. LOONEY: (96th)

Yes, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO 6757, previously designated Senate "A". If the Clerk may please call and read the amendment.

DEPUTY SPEAKER LAVINE:

The Clerk is in possession of LCO 6757 previously designated Senate Amendment "A". Would the Clerk please call and read.

CLERK:

LCO 6757 designated previously Senate "A" offered by Sen. Maloney.

In line 45, bracket the word or and after the number 2, insert the following:

To the actions of any other professional employee of a public institution of higher education, if such actions are not compensated and are not in violation of any other provision of this chapter.

DEPUTY SPEAKER LAVINE:

For what purpose do you rise?

REP. LOONEY: (96th)

Mr. Speaker. This side of the aisle appears not

pt

67

House of Representatives

Wednesday, May 6, 1987

to have copies of that amendment.

DEPUTY SPEAKER LAVINE:

Will the Chamber please stand at ease. I think the amendment has been in your possession. Will you proceed, sir.

REP. LOONEY: (96th)

Yes, Mr. Speaker. I move adoption of the amendment Mr. Speaker.

DEPUTY SPEAKER LAVINE:

The motion is on adoption. Will you remark?

REP. LOONEY: (96th)

Mr. Speaker, what the amendment does is describe the limits on the activities of non-teaching and non-research employees of state public institutions of higher education. I move adoption of the amendment, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

The motion is on adoption. Will you remark further, sir?

Will you remark further? If not, I will try your minds. All in favor of the amendment will signify by saying aye.

REPRESENTATIVES:

Aye.

pt

68

House of Representatives

Wednesday, May 6, 1987

DEPUTY SPEAKER LAVINE:

Those opposed, nay.

The amendment is adopted. Will you remark further on the bill?

REP. LOONEY: (96th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. Looney.

REP. LOONEY: (96th)

Thank you, Mr. Speaker. Mr. Speaker, the bill permits professional teaching and research employees of the state system of higher education to accept compensation on appearing on behalf of another person before certain state agencies.

In practical terms, it permits them to undertake paid consultant work and allow the reports or findings to be used on behalf of someone else in proceedings before these agencies.

The bill also states that other professional higher education system employees, for example, administrators, may appear before these agencies on behalf of other people, as long as they are not compensated and their appearance does not violate the other provisions of

pt

69

House of Representatives

Wednesday, May 6, 1987

the ethics code, and that is incorporated by the amendment which we just adopted.

Mr. Speaker, the code of ethics for public officials prohibits state officials and public employees from agreeing to accept anything of value for appearing on behalf of another person before the Banking Department claims commissioner, the commission Hospitals and Health Care and Insurance Department, Department of Liquor Control, Department of Motor Vehicles, Insurance Commission and other state Insurance Purchasing Board, the Department of Environmental Protection, Public Utility Control, The Connecticut Siting Council, Division of Special Revenue, Gaming Policy Board or the Connecticut Real Estate Commission.

And this bill is the result of much discussion and compromise between officials at the University of Connecticut and also the State Ethics Commission and represents a compromise which will allow us to take advantage of the cutting edge, the skills and research and other areas of expertise that are developed by our professionals at the University of Connecticut and is in line with similar legislation adopted in a number of other states that have parallel provision of their statutes and also similarly active and empowered ethics commissions.

pt

70

House of Representatives

Wednesday, May 6, 1987

I urge passage of the bill as amended, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Will you remark further?

REP. TABORSAK: (109th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. Taborsak.

REP. TABORSAK: (109th)

A question to you, through you, to the proponent of the bill.

DEPUTY SPEAKER LAVINE:

Will you proceed?

REP. TABORSAK: (109th)

Yes, Mr. Speaker. Currently, or under current statute, can these teachers and professionals receive compensation for reports that they make for state agencies?

DEPUTY SPEAKER LAVINE:

Rep. Looney.

REP. LOONEY: (96th)

Mr. Speaker, through you, I believe the answer is no, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. Taborsak, you have the floor.

pt

71

House of Representatives

Wednesday, May 6, 1987

REP. TABORSAK: (109th)

Through you, Mr. Speaker, a second question.
Would passage of this bill allow them to be compensated
by state agencies for these reports?

DEPUTY SPEAKER LAVINE:

Rep. Looney.

REP. LOONEY: (96th)

Through you, Mr. Speaker, I believe the answer is
no, as far as their work for, involved in state services
is concerned.

DEPUTY SPEAKER LAVINE:

Rep. Taborsak.

REP. TABORSAK: (109th)

Mr. Speaker, I have one stupid question, I guess
then, that I need answered. Would there ever be a case
where these teachers and professionals would be providing
a report for another person to a state agency that really
is not in the best interests of the public.

DEPUTY SPEAKER LAVINE:

Rep. Looney.

REP. LOONEY: (96th)

Mr. Speaker, that's an unanswerable question.

pt

72

House of Representatives

Wednesday, May 6, 1987

REP. TABORSAK: (109th)

Thank you, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. Taborsak.

Will you remark further?

REP. EMMONS: (101st)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. Linda Emmons.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. I am rising in opposition to the bill and I think my concern is that you could end up having a professional or research professional or a teacher who ends up being paid to do a report that's going to be used before another agency and what I see happening is like what happens with banks.

Banks have a list of attorneys that they accept reports, closings from, or they have a list of title insurers that they automatically use, and somehow the workload gets funneled into certain individuals because they happen to get on the lists.

And in essence what we're saying is these individuals can now go out and earn money by making

pt

73

House of Representatives

Wednesday, May 6, 1987

reports, using expertise they have gotten from state service, sell those reports to somebody else with their name on it, with their credentials on it and then that's used before another state agency.

I don't really think that's an arm's length, I guess proposition because in a sense you end up going circuituously around that then when a local inland/wetlands board goes to DEP to get advice, the advice they're getting is to ask questions about the report that the DEP person started out to begin with, but he sold to somebody else and now is at the local board.

I think it could be very much abused and I really do not think that it is necessary at this moment to make such a change in our ethics laws.

DEPUTY SPEAKER LAVINE:

Will you remark further? Will you remark further? If not, staff and guests will come to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is now voting by roll call. Members to the Chamber. The House of Representatives is currently voting by roll call. Members please return to the Chamber.

pt

74

House of Representatives

Wednesday, May 6, 1987

SPEAKER STOLBERG:

Have all the members voted?

CLERK:

The House of Representatives is now voting by roll. The House of Representatives is now voting by roll. Members please return to the Chamber.

SPEAKER STOLBERG:

Have all the members voted? Have all the members voted? The machine is still open. Have all the members voted and is your vote properly recorded?

If all the members have voted and your vote is properly recorded, the machine will be locked and the Clerk will take a tally. The Clerk please announce the tally.

CLERK:

Senate Bill 1164 as amended by Senate "A" in concurrence.

Total number voting	135
Necessary for passage	68
Those voting yea	113
Those voting nay	22
Those absent and not voting	16

SPEAKER STOLBERG:

The bill is passed.

S-266

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1987

VOL. 30
PART 5
1524-1920

WEDNESDAY
APRIL 29, 1987

146
LFU 1697

also simplifies the means by which two towns owning a bridge on a town line can agree to have one of the municipalities maintain and pay for the bridge. The substantive language is technical in nature and merely clarifies the notice requirement changes. I'd ask if there is no objection, that this matter be placed on Consent.

THE CHAIR:

Without objection so ordered. Clerk please call the next item.

THE CLERK:

Returning to Calendar 356 which was passed over, File 537, Substitute for Senate Bill 1164, AN ACT CONCERNING PROFESSIONAL EMPLOYEES OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND THE CODE OF ETHICS, Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR:

Senator Maloney.

SENATOR MALONEY:

Thank you Mr. President. I would move to approve the Joint Favorable Report and adopt the Bill. I believe the Clerk has an Amendment.

WEDNESDAY
APRIL 29, 1987

147 **1698**
LFU

THE CLERK:

LCO 6757, designated Senate Amendment, Schedule A,
offered by Senator Maloney of the 24th District.

SENATOR MALONEY:

Mr. President, with leave of the chamber I'd request
to summarize.

THE CHAIR:

You may proceed.

SENATOR MALONEY:

Thank you Mr. President.

THE CHAIR:

Will you move to adopt the Amendment Senator?

SENATOR MALONEY:

If you wish I'll move to adopt the Amendment and
then summarize.

THE CHAIR:

Thank you.

SENATOR MALONEY:

Mr. President, the Amendment restores to the Bill a
section which by the Bill itself, was altered. The
Amendment is existing language which--in the legislation
and it should remain. The Bill then goes on to in effect,
create a new exemption and that would be discussed under

WEDNESDAY
APRIL 29, 1987

148 1699
LFU

the subject of the Bill itself.

THE CHAIR:

Further remarks? All those in favor of the Amendment signify by saying aye. Opposed? The Amendment carries. On the Bill itself.

SENATOR MALONEY:

Thank you Mr. President. On the Bill, the purpose of the Bill is to allow teaching and research employees of the Higher Education facilities of the state of Connecticut who frequently act as experts and have developed with compensation, information that may be of assistance to various state agencies in their deliberations.

This Bill would allow them even though they had been compensated for that work, to make that information available to public agencies that would find the information of service in their deliberations. I should comment that this is--creates an exemption to the state ethics law and as a result, we very carefully reviewed it with the Executive Director of the State Ethics Commission and carefully drew the language in consultation with Mr. Eaton.

THE CHAIR:

Further remarks?

WEDNESDAY
APRIL 29, 1987

149 **1700**
LFU

SENATOR MALONEY:

Mr. President, I'd request that this be moved to
the Consent Calendar.

THE CHAIR:

Without objection, so ordered. Clerk please call
the next item.

THE CLERK:

Page nine, Calendar 364, File 323, House Bill 5756,
AN ACT REQUIRING TOTAL DIVESTITURE BY THE STATE TREASURER
OF STATE FUNDS INVESTED IN CORPORATIONS DOING BUSINESS
IN SOUTH AFRICA, Favorable Report of the Committee on
Finance, Revenue and Bonding.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

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

THE CHAIR:

You may proceed.

SENATOR DANIELS:

Mr. President and members of the chamber, House
Bill 5756, An Act Requiring Total Divestiture by the State

WEDNESDAY
APRIL 29, 1987

171 1722
LFU

Joint Resolution 47; Calendar 347, Senate Joint Resolution 48; Calendar 349, Senate Joint Resolution 50; Calendar page 3, Calendar 351, Senate Joint Resolution 52; Calendar page 4, Calendar 305, Substitute for Senate Bill 519; Calendar page 5, Calendar 318 House Bill 5888; Calendar 324, Substitute for House Bill 7049; Calendar 331, Substitute for Senate Bill 848.

Calendar page 6, Calendar 334, Substitute for Senate Bill 994, Calendar 336, Substitute for Senate Bill 768; Calendar page 7, Calendar 342, Substitute for Senate Bill 997. Calendar page 8, Calendar 354, Substitute for Senate Bill 855; Calendar 356, Substitute for Senate Bill 1164; Calendar 358, Substitute for Senate Bill 1207.
I believe that's the end of Consent Calendar 2.

THE CHAIR:

Any omissions or corrections, Senator O'Leary.

SENATOR O'LEARY:

Thank you Mr. President. On page four, Calendar 305, Senate Bill 519, I would like to remove that from the Consent Calendar and ask that it be marked pass retaining its place.

THE CHAIR:

Without objection, so ordered. The machine is open.

WEDNESDAY
APRIL 29, 1987

172 1723
LFU

Please cast your votes. Clerk please tally the vote.

The result of the vote:

33 YEA

0 NAY

The Consent Calendar is adopted. Senator Avallone.

SENATOR AVALLONE:

Yes Mr. President, unfortunately I was out of the chamber on several votes. I would like to be recorded in the affirmative on votes on Calendar 345, 348, 350 and 364.

THE CHAIR:

Clerk will so note.

SENATOR AVALLONE:

Thank you Mr. President.

THE CHAIR:

Clerk ready for the next item?

THE CLERK:

Calendar page 11, Calendar 371, House Bill 5949, File 364, AN ACT CONCERNING THE VOTING REQUIREMENTS NECESSARY TO ESTABLISH AN HISTORIC DISTRICT, Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Barrows.

JOINT
STANDING
COMMITTEE
HEARINGS

GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 3
690-1040

1987

66
abs

G.A.E.

March 23, 1987

MR. PEARLMAN: (continued)

contest it before they cut up the body. So, again, I think that the intrusion is taking the body in the first instance.

I couldn't agree with you more wholeheartedly that once the state has thrust itself and said: we don't care what you say. We are going to do this, that perhaps they should establish a mechanism in which the state is going to bear the cost, at least to some extent, for any contest of that provision.

I would agree with you wholeheartedly.

REP. LOONEY: Thank you. Other questions? Thank you, Mr. Pearlman.

MR. PEARLMAN: Thank you very much for your kind indulgence.

REP. LOONEY: Is J.D. Eaton of the State Ethics Commission here? We will then move to the public section.

J.D.EATON: Representative Looney, Senator Maloney, Members of the Committee, I am J.D.Easton, Executive Director of the Ethics Commission with remarks on Raised Committee Bill 1164.

The bill would revise the application of section 184 (d) of the General Statutes to professors of the public colleges and universities in Connecticut. Section 184 (d) presently provides that no public official or state employee and professors at our State universities and colleges are state employees...or their employees or their firms may represent others for compensation before the Agencies which are listed in lines 26½ - 33½ of the bill.

The only exception to this is members of state Boards and Commissions who receive no compensation

67
abs

G.A.E.

March 23, 1987

MR. EATON: (continued)

other than per diem or expenses. The bill would add as an exception professors at state universities and colleges.

The Ethics Commission would not object to the bill, if the language were revised to make it clear that it applied only to the professional employees who have essentially no duties other than teaching and research, and in my statement which has been passed around...there is some language, that I am told by the person who sponsored this bill would accomplish that purpose and restrict the limitation to those who have no administrative duties of any consequence.

Thank you.

REP. LOONEY: Thank you. Questions from Members of the Committee? Thank you very much. Now, we move to the Public portion. John P. Clark, to be followed by Clifton Leonhardt and then Raphael Podolsky.

JOHN CLARK: I am John Clark; I am the General Council of Saab-Scania of America, Inc, which has its United States Headquarters in Orange, Connecticut. I am here to speak on Raised Committee Bill 1163, An Act to Retain Jobs and to Retain and Expand Business and Industry Presently in the State and to Attract New Jobs, Business and Industry to the State....a very lofty premise, I am sure you would all agree.

Basically, what we are asking in sponsoring this bill, or asking that the bill be read...is that the Standardization Committee of the Department of Administrative Services in preparing its written specifications for items to be purchased with State funds look to specifications of manufacturers, producers and assemblers located in the State so long as that is consistent with open competitive bidding. In other words,