

Legislative History for Connecticut Act

HB 7133 RA, 250 FAX 1993  
Senate: 3597-99, 3630-31 (5p)  
House: 3372-3373, 6862-6867 (~~8p~~)  
Leg. Management: 3-5, 11-12, 16-17 (7p)  
Total - ~~79p.~~ 20

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

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1993

VOL. 36  
PART 10  
3333-3736

THURSDAY  
June 3, 1993

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If there are any other amendments in my name, may they be withdrawn, please.

THE CLERK:

There are no further amendments, Madam President.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Sullivan. You now have before you substitute HB7100 with its House Amendments as well as Senate Amendment "B".

SENATOR SULLIVAN:

Thank you very much. I believe in discussing the amendment, we have in effect, discussed the bill. I really have nothing more to add at this point. If there is no objection, I would move this bill to the Consent Calendar, please.

THE CHAIR:

Thank you very much, Senator. Would anybody else wish to remark on Senate Calendar No. 541? Are there any further remarks? If not, is there any objection in placing Senate Calendar No. 541, Substitute HB7100, as amended by Senate Amendment "B" on the Consent Calendar? Is there any; objection? Hearing none, so ordered.

THE CLERK:

Calendar No. 546, File No. 935, Substitute HB7133,

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AN ACT CONCERNING THE LEGISLATIVE PROGRAM REVIEW ASND  
INVESTIGATIONS COMMITTEE, as amended by House Amendment  
Schedule "A", Favorable Report of the Committee on  
Judiciary.

THE CHAIR:

Thank you very much. The Chair would recognize  
Senator Freedman.

SENATOR FREEDMAN:

Thank you, Madam President. I move the committee's  
joint favorable report in concurrence with the House  
as amended by House "A" and seek leave of the Chamber.

THE CHAIR:

Thank you. Would you like to remark on the bill.

SENATOR FREEDMAN:

Yes, please. Basically what this bill does, it  
clarifies the authority of the Program Review Committee  
to insert in areas and postpone the sunset cycle for  
five years. The bill clarifies the authority of the  
committee to have access to confidential records  
maintained by state agencies and to maintain these  
records under the same confidentiality requirements as  
applied to the originating agencies. It also clarifies  
that the committee has subpoena power in the context of  
both program reviews and investigations.

THE CHAIR:

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Thank you very much, Senator. Would anybody else wish to remark on Senate Calendar No. 546? Are there any further remarks? If not, Senator Freedman, would you make a motion to place this on the Consent Calendar?

SENATOR FREEDMAN:

So moved. Thank you.

THE CHAIR:

Is there any objection in placing Senate Calendar No. 546, Substitute HB7133 on the Consent Calendar? Is there any objection? Hearing none, so ordered.

THE CLERK:

Calendar Page 11, Calendar No. 550, File No. 949, Substitute HB7122, AN ACT CONCERNING AN ORGAN TRANSPLANT FUND AND AN ENDANGERED SPECIES, NATURAL AREA PRESERVES AND WATCHABLE WILDLIFE ACCOUNT, as amended by House Amendment Schedule "A", Favorable Report of the Committee on Appropriations.

THE CHAIR:

Thank you very much. The Chair would recognize Senator Przybysz. Is Senator Przybysz about? Senator Daily.

SENATOR DAILY:

Thank you. I would move passage of the bill in concurrence with the House.

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all Senators please return to the Chamber.

THE CHAIR:

Mr. Clerk, would you please read the items that have been placed on the Consent Calendar No. 1 for today, Thursday, June 3, 1993.

THE CLERK:

Consent Calendar begins on Calendar Page 1,  
Calendar No. 591, SJ76, Calendar No. 592, SJ77.

Calendar Page 2, Calendar No. 609, HJ103.

Calendar Page 3, Calendar No. 339, Substitute  
HB7007.

Calendar Page 4, Calendar No. 381, HB7224, Calendar  
No. 391, HB5320.

Calendar Page 6, Calendar No. 459, Substitute  
HB5350, Calendar No. 468, Substitute HB7191.

Calendar Page 7, Calendar No. 470, Substitute  
HB5292.

Calendar Page 8, Calendar No. 507, Substitute  
HB6378.

Calendar Page 10, Calendar No. 541, Substitute  
HB7100, Calendar No. 546, Substitute HB7133.

Calendar Page 11, Calendar No. 552, Substitute  
HB7275.

Calendar Page 12, Calendar No. 557, Substitute  
HB7265, Calendar No. 560, Substitute HB6871, Calendar

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No. 561, HB6918.

Calendar Page 14, Calendar No. 578, Substitute  
HB6843, Calendar No. 580, Substitute HB7268.

Madam President, that completes the Consent  
Calendar.

THE CHAIR:

Thank you very much. You've heard the items that  
have been placed on Consent Calendar No. 1 for today,  
June 3rd. The machine is on. You may record your  
vote.

Senator Mustone, Senator Kissel, Senator Fleming.  
Have all Senators voted and are your votes properly  
recorded? Have all the Senators voted and are your  
votes properly recorded? The machine is closed.

The result of the vote:

36	Yea
0	Nay
0	Absent

The Consent Calendar is adopted.

The Chair would recognize - Mr. Clerk, do you have  
any business on your desk? The Chair would recognize  
Senator DiBella.

SENATOR DIBELLA:

Thank you, Madam President. I'd move that we  
suspend the rules in order to transmit the business

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House of Representatives

Monday, May 3, 1993

CLERK:

Calendar 386, Substitute for House Bill 5332, AN  
ACT CONCERNING GANGS.

DEPUTY SPEAKER LYONS:

Representative Luby.

REP. LUBY: (82nd)

I move that that matter be referred to the  
Committee on Judiciary.

DEPUTY SPEAKER LYONS:

The question before us is on referral to Judiciary.  
Is there objection? Hearing none, it is so ordered.

CLERK:

Calendar 388, Substitute for House Bill 7182, AN  
ACT CONCERNING CONTRIBUTIONS TO OR FOR THE BENEFIT OF A  
CANDIDATE FOR SHERIFF.

DEPUTY SPEAKER LYONS:

Representative Luby.

REP. LUBY: (82nd)

I move that that matter be referred to the  
Committee on Judiciary.

DEPUTY SPEAKER LYONS:

The question before us is on referral to Judiciary.  
Is there objection? Hearing none, it is so ordered.

CLERK:

Calendar 393, Substitute for House Bill 7133, AN

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House of Representatives

Monday, May 3, 1993

ACT CONCERNING A LEGISLATIVE PROGRAM REVIEW AND  
INVESTIGATIONS COMMITTEE.

DEPUTY SPEAKER LYONS:

Representative Luby.

REP. LUBY: (82nd)

Madam Speaker, I move that that matter be referred  
to the Committee on Judiciary.

DEPUTY SPEAKER LYONS:

The question before us is on referral to Judiciary.  
Is there objection? Hearing none, it is so ordered.

CLERK:

Calendar 395, Substitute for House Bill 6900, AN  
ACT AUTHORIZING THE CREATION OF A CONNECTICUT  
ENVIRONMENTAL ENTREPRENEURIAL CENTER.

DEPUTY SPEAKER LYONS:

Representative Luby.

REP. LUBY: (82nd)

I move that that matter be referred to the  
Committee on Commerce.

DEPUTY SPEAKER LYONS:

The question before us is on referral to Commerce.  
Is there objection? Hearing none, it is so ordered.

CLERK:

Calendar 397, Substitute for House Bill 6814, AN  
ACT CONCERNING MEMBERSHIP ON THE CONNECTICUT INSTITUTE

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House of Representatives

Monday, May 24, 1993

and how much he enjoyed being part of this whole process.

Ed will be missed not only in Manchester, but certainly in this room, and if I may, can I have a moment of silence in honor of Ed Moriarty. Thank you very much.

DEPUTY SPEAKER LYONS:

If the members will please rise.

MOMENT OF SILENCE

And Representative Thompson and Representative McCavanagh, on behalf of the Chamber, if you would please extend to the family our deepest sympathies.

CLERK:

393, which is on Page 33, Substitute for House Bill 7133, AN ACT CONCERNING THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE.

Favorable Report of the Committee on Judiciary.

REP. PELTO: (54th)

Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Pelto.

REP. PELTO: (54th)

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

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House of Representatives

Monday, May 24, 1993

DEPUTY SPEAKER LYONS:

The question before the Chamber is on acceptance and passage. Will you remark?

REP. PELTO: (54th)

Madam Speaker, thank you, Madam Speaker. This bill is a clarifying bill for the Program Review and Investigations Committee. As the members know, this is the oversight arm of the Legislative Branch of government. It is a bipartisan committee made up of six Democrats and six Republicans. The Ranking Member is Representative Bob Bowden, who has previously served as the chairman of the committee. In fact, it's probably fairer to call the Ranking Member as much of a co-chair as a Ranking Member because we do everything in a bipartisan nature. I have an amendment and you'll soon see, for example, that it is sponsored by both Representative Bowden and myself.

What this bill does is it clarifies the powers of the Legislative Program Review and Investigations Committee as it applies to confidentiality issues, as it applies to our subpoena powers and it also delays the sunset provisions in our statutes, that being one of the jobs of the Program Review and Investigations Committee.

When it made a stop in the Judiciary Committee it

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Monday, May 24, 1993

was modified in two different places. In discussing this matter with Representative Tulisano we agreed that only one place was necessary. In fact, the second modification was unnecessary and inappropriate and therefore, Madam Speaker, the Clerk has an amendment, LCO No. 7236. If the Clerk could please call and I have leave to summarize.

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LCO7236, which will be designated House "A". Will the Clerk please call and the Representative has asked leave to summarize.

CLERK:

LCO7236, House "A", offered by Representative Pelto.

DEPUTY SPEAKER LYONS:

Representative Pelto.

REP. PELTO: (54th)

Thank you, Madam Speaker. Like the auditors, the Program Review and Investigations Committee comes in contact with both public and confidential information.

What this amendment does is that it requires that our members and our staff handle any confidential information in the same way that the auditors do. We have a legal requirement to maintain the confidentiality with severe penalties if we do not.

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Madam Speaker, I move adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further? Representative Bowden.

REP. BELDEN: (113th)

Mr. Speaker, thank you very much. Mr. Speaker, members who have come in contact with our Program Review staff analysts will recognize that they are of the highest quality, well trained to do their job, ask the right questions and can be relied upon to preserve whatever degrees of confidentiality are required during the course of their investigations.

I certainly am happy to recommend this particular amendment be approved unanimously and a part of the House. Thank you, Mr. Speaker.

SPEAKER RITTER:

Thank you, sir. Anybody else care to comment on the amendment? If not, I'll try your minds. All in favor say aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed nay.

The amendment is adopted and ruled technical.

Anybody else care to comment on the bill? If not,

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House of Representatives

Monday, May 24, 1993

staff and guests come to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.

Members to the Chamber please. The House is taking a roll call vote. Members to the Chamber.

SPEAKER RITTER:

Have all the members voted? Please check the roll call machine to make sure your vote is properly cast. If all the members have voted, the machine will be locked. The Clerk please take a tally.

The Clerk please announce the tally.

CLERK:

House Bill 7133, as amended by House Amendment Schedule "A".

SPEAKER RITTER:

The bill as amended passes.

The Clerk please continue with the Call of the Calendar. I'm sorry. I thought you announced it. I heard some mumbling.

CLERK:

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House of Representatives

Monday, May 24, 1993

House Bill 7133, as amended by House Amendment  
Schedule "A".

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting Nay	0
Those absent and not Voting	6

SPEAKER RITTER:

I've confirmed that the bill as amended passes.

The Clerk please continue with the Call of the  
Calendar.

CLERK:

Page 11, top of the Page 596, Substitute for House  
Bill 6945, AN ACT CONCERNING A SAFE NEIGHBORHOODS  
PROGRAM.

Favorable Report of the Committee on  
Appropriations.

SPEAKER RITTER:

The Honorable Representative James O'Rourke from  
Portland, Cromwell, Middletown. You have the floor.

REP. O'ROURKE: (32nd)

All of the above. Thank you, Mr. Speaker. Mr.  
Speaker, I move for acceptance of the Joint Committee's  
Favorable Report and passage of the bill.

SPEAKER RITTER:

JOINT STANDING COMMITTEE HEARINGS LEGISLATIVE MANAGEMENT 1-18 1993 INDEX

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kfh LEGISLATIVE MANAGEMENT

March 9, 1993  
1:00 p.m.

PRESIDING CHAIRMAN: Speaker Ritter

COMMITTEE MEMBERS PRESENT:

SENATORS: Larson, Aniskovich,  
Eads, Freedman, Gunther,  
Mustone

REPRESENTATIVES: Belden, Coleman, Dyson,  
Fuchs, Hartley, Ireland,  
Krawiecki, Luby, Lyons,  
Pudlin, Rell, Ward,  
Wollenberg

SPEAKER RITTER: (Tape begins at this point)

REP. PELTO: -- Review and Investigations Committee.  
We knew that this was an important bill, but we  
certainly didn't expect the cameras to be here to  
cover this momentous occasion.

SPEAKER RITTER: They were just seeing if we started on  
time or not.

REP. PELTO: Thank you, Mr. Speaker. Well, then let me  
get down to business right away. First off we  
appreciate the fact that this Committee has raised  
this bill, as is the want of oftentimes saying  
these days it is primarily a technical bill, but  
let me just review for the Committee very briefly  
what it does.

HB 7133

As you know the Legislative Program Review and  
Investigations does have significant powers  
concerning its ability to subpoena records  
including records that are confidential. In  
reviewing the statutes recently with our attorneys  
we have found a couple of sections that are in need  
of some minor repairs and Sections 1 through 3 of  
this bill does exactly that.

Section 1 deals with the confidentiality aspect of  
any records that are within the care and control  
and custody of the Program Review and  
Investigations Committee and holds us accountable  
in the same way that the auditors are. There was

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LEGISLATIVE MANAGEMENT

March 9, 1993

some question as to whether or not records that were confidential matters that we subpoenaed or otherwise acquired would be available through an FOI. Obviously that would be inappropriate and this statute tracks the auditor's language on confidentiality.

It is quite technical in nature. Sections 2 and 3 are also minor modifications. It used to be that there was some substantive distinctions between the discussions of a program review versus a program investigations. In fact the Committee now does program review and investigations. Our subpoena powers apply to one but was left out of the statutes for the other. It's really a question of semantics. We could either just call every investigation or review one or the other or we could track the language correctly through both sections which Sections 2 and 3 would do.

The last piece of this bill is the one that we really wanted to bring before this Committee because it was a policy matter as much as it is anything else, and that is as this Committee knows periodically the Legislature has been asked or required to conduct sunset reviews of all of the various state agencies. Five years ago this Committee and this Legislature saw fit to postpone that process for five years. Nevertheless, leaving on the books the basic notion that from time to time the Legislature should conduct sunset reviews.

The time is up for that first postponement and after discussing with our staff and our Committee members, we are recommending that an additional postponement be given to the sunset process. The problem is this. Next year alone there would be 29 entities that would have to be reviewed. Roughly that would need an additional staff component of the Program Review and Investigations staff, 10 to 15 people.

While Senator Freedman and I would very much like to have an additional 10 or 15 investigators, our feeling is that for the next few years, we should conduct program reviews and investigations of selected agencies rather than being required to review every agency, and therefore a major increase in the budget of the PRI staff.

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LEGISLATIVE MANAGEMENT

March 9, 1993

For the sake of argument, we have proposed that the sunset process stay on the Connecticut State Statutes, but that they be postponed for 10 years. Obviously the Legislature could at any point bring that postponement earlier or later depending on what the fiscal situation is at any given time or whether there is a general interest in reviewing every single entity as opposed to selected entities, but since that really is a policy decision, we leave it in your hands. The suggestion is that we postpone it rather than adding the necessary staff.

On the other hand if this Committee would like to assist us in procuring the funds to add staff, we could obviously do significant sunset review over the course of the next few years, and with that, there's only one additional item, and that is that this bill does need an effective date. We would ask that the effective date be on passage since the confidentiality issues in Section 1 are critical that they be clarified before we end up with any particular legal problems.

With that, Mr. Speaker, Mr. Chairman, I would be happy to answer any questions.

SPEAKER RITTER: Thank you, Mr. Chairman. Are there any questions for Representative Pelto? You got off easy. Thank you very much.

REP. PELTO: Thank you.

SPEAKER RITTER: Next Honorary Judge Aaron Ment. Is Joseph Flynn to testify with you.

JUDGE AARON MENT: He's not here.

SPEAKER RITTER: Well, we start on time in the Legislative Branch.

JUDGE AARON MENT: I knew that so that's why I was here. (Laughter)

SPEAKER RITTER: We'll put him at the end.

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LEGISLATIVE MANAGEMENT

March 9, 1993

HB7132 and SB991 and I concur with Chairman Rubenstein's comments. I would be open to any questions you might have.

SPEAKER RITTER: Thank you, sir. Are there any questions of Mr. Willis? Thank you, sir. Again, I appreciate the time and energy put on this. I read the booklet carefully as I'm sure the other leaders here. It's a very well done piece. Thank you. Next, we had a former legislator, a new addition, but the other portions, Bob Carragher is here to speak.

BOB CARRAGHER: Mr. Chairman, members of the Committee, my name is Bob Carragher. I am the Legislative Liaison for the Department of Banking, and I'm here today to speak in favor of HB7133, AN ACT CONCERNING THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE, and specifically I'm here to speak in favor of Section 1 of this bill. As I'm sure you all know, the Department of Banking was recently reviewed by the Program Review and Investigations Committee, and prior to the start of that review, we perceived that there was a problem with confidentiality statutes regarding access to some of the information held by the Commissioner of Banking.

In order to resolve that problem we worked out an agreement with the Program Review Committee whereby we are able to give them access to the confidential information that they required which was held by the Commissioner. Basically, the language contained in Section 1 of this bill accomplishes the same goal that we were able to work out with the agreement that we made with the Program Review Committee. This language I believe does in fact protect all the parties involved in a review of an agency. By all the parties, I mean the Program Review Committee and their staff, the Commissioner and his staff of the department under review.

So I think, we believe that this language makes absolute sense, and we think that it will make it a great deal easier for the program review staff to do their job, and also a great deal easier for the agency involved to comply with the requests for information which may be made by the Committee staff. I would just take this opportunity, Mr.

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LEGISLATIVE MANAGEMENT

March 9, 1993

Chairman, to state that on a personal note that having served as a member of the Program Review Committee when I was a member of the House, I was very very very pleased with the way that the Program Review Committee staff conducted themselves in such a professional manner when they reviewed the Banking Department.

I think they did a great job and they're to be commended. Thank you very much.

SPEAKER RITTER: Thank you, sir. Are there any questions for Bob Carragher? Is there any person who would like to testify? I would like to say for the record, too, I see Cynthia, she was here (Inaudible) on the Commission on Compensation. If there's anybody else here from the Commission, again I appreciate the work you did. With that motion to adjourn?

: So moved.

SPEAKER RITTER: We're adjourned.

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Legislative Program Review and Investigations Committee

Background on R.B. 7133  
AAC the Legislative Program Review and Investigations Committee

**Sec. 1. (Lines 29 through 41).** This section clarifies the authority of the program review committee to have access to confidential records maintained by state agencies, and to maintain these records under the same confidentiality requirements as apply to the originating agencies.

**Discussion.** The Legislative Program Review and Investigations Committee is charged with examining state programs and their administration to ascertain:

- whether such programs are effective;
- continue to serve their intended purposes;
- are conducted in an efficient and effective manner; or
- require modification or elimination.

Reviewing agency records is critical to the program review committee's ability to evaluate the statutory criteria above. Agency records document how agencies carry out their programs; the activities recorded often go to the heart of what an agency does.

The program review committee has long maintained that its authority to review all agency records, including those subject to statutory provisions of confidentiality, rests in the following statutory language:

*The legislative program review and investigations committee shall:...when necessary, confer with representatives of the state departments and agencies in order to obtain full and complete information in regard to programs, other activities and operations of the state, and may request and shall receive from all public officers, departments, agencies and authorities of the state and its public subdivisions, such assistance and data as will enable the committee to fulfill its duties.*

Based on this language, the committee has entered into memoranda of agreement with several agencies, under which the terms of access to confidential records are spelled out. In no instance has any confidential information been released by the committee staff.

In theory, in the context of program reviews, the identifying information that renders certain agency records confidential (e.g., name, address, and social security number) is of no

interest to committee staff. The purpose of the committee's data collection is to identify trends, commonalities, or disparities among cases through aggregated data. In practice, it is important to have unique identifiers available, like social security or case numbers, to manage data for analysis. For this reason, it is also impossible for agencies to sanitize records for program review use; such cleansing takes away the committee's ability to cross-reference documents. Further, the effort required by an agency is enormous.

As noted, for the most part, the committee has enjoyed good agency cooperation. Periodically, though, even cooperating agencies have raised questions about the clarity of the committee authority. A primary concern of some agencies is not so much committee access, but the committee's ability to protect the data from outside requests. Sec. 1 of RB 7133 would clearly establish the committee's authority to review and collect data from records maintained by agencies under confidentiality statutes and would also make clear that the data remain confidential in the hands of the program review committee. This language is similar to that contained in the auditors of public accounts' statutes.

*Secs. 2 and 3. (Lines 86 through 87; Lines 105 through 106).* These sections clarify that the program review committee's subpoena power is valid for both program reviews and investigations.

**Discussion.** The program review committee's subpoena power is based on the same statute, C.G.S. Sec. 2-46, that gives every legislative committee the authority to issue subpoenas to compel persons to testify and produce documents. The program review committee clearly has subpoena power in the context of investigations, which are procedurally distinct from program reviews by statute. The committee's authority during a program review is less clear, based on the history of the committee's addition to C.G.S. Sec. 2-46. However, there is no logical substantive distinction between a program review and an investigation with respect to the need for full, complete information.

*Sec. 4 and 5. (Lines 110 through 328).* This section postpones the sunset cycle for ten years.

**NEED TO ADD AS SUBSTITUTE Sec. 6. Bill effective upon passage**

3/8/93