

TESTIMONY OF THE ACCOCIATION OF CONNECTICUT LOBBYISTS

By Patricia Shea, Vice President

BEFORE THE GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE

MARCH 8, 2010

REGARDING HB 5402 AAC REVISIONS TO THE CODE OF ETHICS

The Association of Connecticut Lobbyists has a number of concerns regarding HB 5402. I have outlined the concerns below and have suggested changes for the Committee's consideration.

(1) In Section 16, line 823, the definition of "client lobbyist" would be amended to remove the reference to the definition of "lobbyist" contained on line 748 and the associated exception. We are concerned that this greatly broadens the definition of who is a client lobbyist to include persons who communicate with their legislators, but whom are not "lobbyists" in the strict sense of the word. Also, by removing the reference to "lobbyist", the new definition would encompass those who are specifically exempted including, government employees, public officials, and members of the media. We suggest that this definitional change be deleted.

(2) In Section 19, the bill amends the definition of "lobbyist" to someone who receives compensation for lobbying, and also when "lobbying is [incidental to that] within the scope of such person's [regular] employment". Even with this change, there is still considerable confusion around whether a person who contacts his or her legislator as part of a grassroots campaign should be considered a lobbyist. The Association is concerned that the Ethics commission is too broadly interpreting the definition of lobbyist and would require people who speak to their legislators about issues which affect their business or their job, could be considered a lobbyist. We believe that the 1st amendment to the Constitution of the United States and sections 4 and 14 of Article First of the Constitution of the State of Connecticut protects the free speech of those persons who express their opinions to legislators. Only those persons who engage in the practice of lobbying, or those persons whose job it is to lobby, should be required to comply with the filing requirements and the associated restrictions imposed on lobbyists. The business owner, or even someone who works for a company, when they become aware of a legislative issue, should be able to speak with their legislator without fear of violating the Ethics laws. To that end, we suggest adding one word to the proposed definition: REGULAR. Only those persons who regularly as part of their job it is to lobby, should be required to register and comply with the Ethics law. We ask you to add the word "REGULAR" in line 877 and in line 881, respectively, before the word "scope" . , so that it would read: lobbying with within the regular scope of such person's employment.

(3) The Ethics Commission recently voted to impose a 67 percent increase in lobbying fees. The Association has opposed these fees, and at the same time, offered suggestions to reduce the administrative costs of filings. There are redundant monthly filings which are statutory. Lobbyists are required to file reports in April, July and January. In addition, we are required to file monthly reports during the legislative session. These monthly reports provide no additional information from what is in the quarterly filings. Significant savings could be achieved if the monthly filing requirement were eliminated. Therefore, we respectfully request that that provision be removed by deleting line 960 starting with "In addition" , deleting lines 961 through 968, and deleting "of the month reported." in line 969.

(4) In section 21 (b) the Association is opposed to the expansion of the prohibition on gifts to public officials, to ANY STATE EMPLOYEE. This goes well beyond the intent and reasonableness of the statute. This expansion ignores the fact that lobbyists are real people and lead normal lives. We all have friends, relatives, neighbors who work for the State. In most instances, those friends and neighbors have no decision making authority and don't work for the agencies that we lobby. To restrict our ability to entertain them and to buy them a gift on their birthday is completely irrational and would have a chilling effect on the lives of lobbyists outside of the Capitol, as well as state employees. We urge you to reject such a broad restriction.

(5) Regarding the regulation proposed in Section 33, if this committee adopts the standard suggested in (2) above (that lobbyists are those people who lobby in the REGULAR COURSE OF THEIR EMPLOYMENT) then the regulations are unnecessary. If however, you include regulations in the bill, we would ask for a similar change, specifically, the word "REGULAR" be added before "scope" in line 1351.

Thank you for your consideration.

We look forward to working with you as you deliberate on this bill.