



Connecticut Business & Industry Association

**Testimony of Kevin R. Hennessy
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Before the Government Administration & Elections Committee
March 8, 2010**

Thank you for the opportunity to testify on **HB 5403**, *AAC Revisions to the Code of Ethics*. CBIA supports sections 16 and 19 of **HB 5403**, *AAC Revisions to the Code of Ethics*, which clarify the definition of “lobbyist.” Section 16 increases the dollar threshold from two to three thousand dollars per year that triggers when a person is a lobbyist. Section 19 clarifies that a person has to register with the Office of State Ethics if lobbying is “within the scope of such person’s employment.”

Background

The Connecticut Citizen’s Ethics Advisory Board (hereinafter “CEAB”) was presented with a Draft Advisory Opinion from the Office of State Ethics at its November, 2008 meeting. Part of the Draft Advisory Opinion addressed the question “who must register a lobbyist?”

The Draft Advisory Opinion focused on the hypothetical of when a legislator requested a meeting with a corporate president. The CEAB rejected this part of the Draft Advisory Opinion, determining that they did not want to discourage people from petitioning their government.

The CEAB determined the definition of “lobbyist” and the term “incidental to” were vague and encouraged the language to be clarified legislatively.

Argument

The current language in subsection (l) of section 1-91 of the Connecticut General Statutes is vague with regards to who is a lobbyist. The current statute states that a person is a lobbyist if they are compensated two thousand dollars a year or more in furtherance of lobbying. Further, they have to register with the Office of State Ethics if their lobbying is incidental to their regular employment.

For a plethora of reasons, most business people will chose not to interact with elected and public officials if there is a chance that their actions will be deemed as lobbying and they are required to register as lobbyists.

Many business people might not want to face the stigma that comes with being a lobbyist. Rightfully or wrongfully, lobbyists are an easy scapegoat or target of ire from politicians and the public at the federal, state and local levels. The stigma alone of



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potentially having to register as a lobbyist will discourage many business people from engaging with elected and public officials.

Additionally, many business people will be dissuaded from participating in the governmental process if it means the additional administrative burden of reporting, tracking and registering their activities for what they thought were simply actions in furtherance of their First Amendment right to petition their government.

Finally, it is likely that some business people will disengage in the governmental process if they, and their families, will have to comply with the restrictive measures placed upon lobbyists with regards to campaigns and other political endeavors.

Conclusion

Inhibiting any group of experts from participating in the governmental process is not good for public policy. Public policy works best when all facets are represented and all viewpoints are taken into consideration. The CEAB realized this when it rejected the Draft Advisory Opinion that would have cast a wide net as to who has to register as a lobbyist.

The GAE committee has an opportunity to clarify the lobbying statutes by supporting **HB 5403** and clearly establishing who a lobbyist is and when they must register. On behalf of our members, thank you for your attention to this matter. CBIA urges you to approve **HB 5403**.