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Ideas to make the Connecticut legislative process more open and transparent

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“We declare that all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit...”

– The Constitution of Connecticut

Connecticut’s lawmakers derive their power from the people, but too often the people are in the dark about what their elected representatives are doing with that power.

State leaders usually welcome public participation and have taken action to encourage it. For example, Connecticut Network (CT-N) broadcasts provide a window into the legislature that gives citizens important access. Connecticut scores well when compared to other states for its professional, nonpartisan staff. House leadership recently moved to increase the number of press conferences.

Still, there are procedural barriers to participation and transparency that should be dismantled. Rules, and the procedures that have built up around the rules, block public access and understanding. Connecticut can do better: By looking to other states and models, the people’s access to the people’s house can improve along with the outcomes to the people’s business.

The state should work to:

1. Increase and improve public participation.
2. Increase transparency during the process.
3. Create an environment that leads to better decision making.

Connecticut is not starting from zero in these areas, and past practices offer a foundation for improvement. Advances can be found by studying how other states and municipalities provide access and transparency. Best practices endorsed by groups that promote public participation are another resource. For example, the International Association for Public Participation offers a list of pillars on its website, iap2usa.org, that lead to positive engagement, including openness, respect, access to information, trust and feedback.

“Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process,” the association states.

Current rules and customs mean most Connecticut residents need an experienced guide to engage on an issue – whether that guide is a lobbyist or a lawmaker. Public participation is also hindered by the lack of transparency during lawmaking. For example, specific bill language is sometimes hard to come by until late in the process, and changes are not made available for public viewing.

Finally, in a state with a part-time legislature, more should be done to demonstrate respect for the health and private lives of lawmakers as well as honor the public's right to monitor them. Some customs at the legislature – like all-night debates – run counter to this goal and shut out the public unless they are willing to follow the proceedings until 3 a.m.

The list here is not exhaustive, and is meant to open debate on these issues. It is hoped others will also share their thoughts about how to improve processes and access. There would be logic in convening a commission on this issue so the public can participate. We know many people – even those who may disagree on other issues – share the desire to increase public participation and transparency at the Capitol.



Ideas for reform

Concept bills

Connecticut is unique in the way bills are introduced. Instead of fully formed bills, lawmakers introduce “concepts” that provide little information about the final direction of the bill. Public hearings are then held based on these concept bills, which means the public lacks the information necessary to testify in an informed way. Concepts that make it into formal bill language may have nothing to do with the testimony offered. The practice of introducing concept bills means the public is kept in the dark for far too long about lawmakers’ intentions for a bill. Specific bill language would allow for better public testimony and for greater access for those who wish to engage on an issue.

There are a few ways this practice could be improved. First, instead of concept bills, lawmakers could work with the Legislative Commissioners’ Office to draft formal language before a bill is introduced. That is how it works in nearly all other states. If this change were made, “subject matter hearings,” or alternatively “concept hearings,” could still be held to gather information on an issue or topic.

Or, if lawmakers want to continue the tradition of introducing concept bills, lawmakers could first solicit public comment on the concept before formal language is drafted. Then they would wait to hold a public hearing until after the full bill language is available.

24-hour rule

The committee process can be confusing for those not privy to the innerworkings of the Connecticut General Assembly. In addition to nearly 100 pages of written House rules, Senate rules and joint rules, committees

have separate norms, policies and processes, leaders have their own preferences and lawmakers have their own way of doing things. While the nuances of legislator personalities will never be fully transparent, the bills they pass always should be. The public should have available every bill’s language before it is voted out of committee or voted on in the House or Senate. The legislature should require a 24-hour period between when bill language is made available on the CGA website and when the committee can vote on that language.

Florida’s General Assembly has a similar rule that can serve as a model:

“No amendment or proposed committee substitute to any measure, or no proposed committee bill on any committee agenda shall be considered by that committee unless the amendment, proposed committee substitute, or proposed committee bill was prepared in proper form and filed with the committee administrative assistant at least twenty-four (24) hours prior to the noticed meeting time. Copies of such amendment, proposed committee substitute, or proposed committee bill shall be made reasonably available by the committee administrative assistant before the meeting to the members of the committee and to the public.”

This rule change puts members of the public on the same playing field as seasoned lobbyists, who can currently gain better access to bill language through personal connections to lawmakers and staff. It would ensure lawmakers have ample time to review language before voting.

Reform the budget implementer

The budget implementer is a bill that changes statutes to implement the provisions of the adopted state budget.

It is a very long document – usually several hundred pages – that is released towards the end of the legislative session when tensions are high, and time is running out.

Though everything in the implementer must pertain to the budget, there is a lot of room for legislators to slip in language. The implementer does not go through a committee or public hearing process. It is often passed late at night and lawmakers have the power to stuff in a lot of amendments. In short, the budget implementer has earned a reputation for being full of “rats.”

It hasn't always been this way. Until recently, the budget implementer was just a logistical bill intended to make simple changes so the budget could be properly adopted. Unfortunately, the culture of the General Assembly has changed to expect and accept the new approach to the implementer.

Reverting back to a pure budget implementer would ensure anything substantive passed by the legislature has the public's input through the committee and public hearing process, and that ideas have been properly vetted by the public and the legislature. It would also increase trust in the legislature, and in the lawmakers who respect and protect the public's right to comment on ideas and be involved in the process.

Public hearings

There are several ways lawmakers could improve public hearings.

First, rules for testifying and submitting comment should be standardized across all committees. Current practices are confusing and make it almost impossible for a person to testify without outside assistance. People should be allowed to sign up online for a public hear-

ing, and witness lists should be published online before a hearing.

Second, hearings for the general public could be separated from hearings for government officials. This would decrease the length of hearings and also the time members of the public must wait to testify.

Finally, lawmakers should explore providing alternative means to testify. For example, some state and local governments provide ways to testify besides written or in-person testimony, including testifying remotely through digital platforms.

Strike-all amendments

During each legislative session hundreds of bills are proposed. Many of them change drastically throughout the legislative process. “Strike-all amendments” are often the culprit. These amendments replace the entirety of a bill with completely new language or may add the contents of another bill to the file copy. This can sometimes alter the intent of the bill completely, while maintaining the original bill number and title. This is not transparent. It can prevent ideas from having a public hearing or from going through the committee process.

When substantive changes like this happen and the intent of the bill changes, a new public hearing should be required. This will ensure all new ideas are heard at the committee level, that the public can be heard on an issue and that bills are properly vetted before they are passed.

“Go list”

The House produces a “go list” – a list of all bills that could come up before the House on a given day – and makes it available online, prior to the start of a session. The Senate should adopt a similar practice.

No overnight legislative sessions

Each legislative chamber should adjourn by midnight at the latest, to be reconvened no earlier than 9 a.m. the next day. Additionally, no bill should be taken up after 11 p.m. on a given day.

“Emergency” certification

When a bill receives “emergency” certification, it is allowed to move through the legislative process without proper public vetting – ostensibly because it is an “emergency.” Unfortunately, this designation has lost its meaning and is now used to rush bills through the process at the last minute. Bills should only be certified an “emergency” if there is truly an emergency at hand – for example, a response to a natural disaster. The rules should make it harder to declare a bill an emergency by requiring a two-thirds vote of each chamber.

Budget committees

The budget committee process has been particularly difficult in recent years. There are several options lawmakers could take to improve this process, including combining the Finance and Appropriations committees. They could also reduce the number of lawmakers on these committees. Deadlines could be reversed so Finance reports its revenue bill out first, followed by Appropriations spending bill.

Consolidate committees

To improve workflow for citizen legislators, the number of committees should be consolidated. This is especially true for committees where most of the bills passed must also pass through another committee before they reach the floor of the House or Senate. For example, Housing and Planning and Development could be combined, as could Insurance and Real Estate and Banking.

“Hall” committee meetings

In the hurried final days of session, sometimes committee meetings are held in the hall outside of one of the two chambers. Are these “hall” committee meetings necessary? It would certainly be better for the public to hold the hearings in a committee room where people could listen in to deliberations and any business. This practice should be reviewed.

CT-N

The Connecticut Network (CT-N) has greatly improved state government transparency for residents. While a new revenue stream for CT-N is unnecessary, funding for the network should be maintained as it is a worthwhile service for Connecticut residents.

Conclusion

Taken together, these changes and reforms could give a healthy boost to public participation in Connecticut state government. They could transform an adequate system into an exceptional one.

Pursuit of these goals offer significant benefits including better law, the sanitizing effects of greater visibility and increased public involvement. Ultimately, they will lead to a more diverse pool of talent and ideas at the Capitol, as well as foster and train the next generation of leaders.

Public participation is at its base a respect for the authority granted Connecticut’s state government by its people, and ensures it continues to be instituted for their benefit.

