

CHAPTER FIVE

The State Legislature

The Connecticut Constitution of 1818, regarded as a critical turning point in the history of Connecticut's rich constitutional tradition, established a three-branch system of state government. Each branch of government was given its own independent sphere of constitutional authority and each branch was empowered to impose checks on the others. The separation of powers doctrine, combined with a system of checks and balances, was firmly embraced and maintained in the Constitution of 1965. Beginning with the devolution of power to state governments in the early 1980s and extending to the present, the three branches of government have been dramatically modernized to accommodate the growing needs of Connecticut's diverse population. Connecticut's residents currently expect a high level of performance from their state government, and rather than ignore and dismiss such expectations, the three branches of government have responded by modernizing their operations in practically every respect.¹ The end result is a state government with more capacity and hence more ability to effectively meet the changing and growing needs of the state's population. The modernization of the Connecticut state legislature will be the focus of this chapter.

The Connecticut State Legislature

Although still a part-time legislature, the Connecticut General Assembly in many ways exhibits the same characteristics as those of

the United States Congress. This can be observed in the extraordinary structural changes that have taken place at the state Capitol during the 1980s, as well as the vast proliferation of staff personnel and support services provided to Connecticut lawmakers. Moreover, many state lawmakers, although still considered "citizen legislators," have in reality become full-time professional legislators. A sizeable number of state lawmakers always seem to be present at the state Capitol, regardless of whether the General Assembly is in session.

A State-of-the Art Legislative Office Building

A League of Women Voters' tour of the Connecticut state Capitol is the most instructive way of learning about the physical and operational dimensions of the state Capitol.² The tour will begin in the building adjacent to the Capitol, what is known as the Legislative Office Building or LOB. A 500-foot underground concourse connects the LOB. with the main Capitol building. Completed in 1987, the five-story LOB. is one of the most technologically sophisticated legislative office buildings in the United States. The offices of state lawmakers and legislative support staff are housed in the LOB. The ornate building is also home to ten state-of-the-art committee hearing rooms. Hearing rooms, the offices of state lawmakers, and the two legislative chambers in the Capitol building are all interconnected through an intricate and complex system of electronic cables and computer monitors. Lawmakers unable to attend legislative hearings or floor debate can follow proceedings on monitors designed for this purpose. The technology of the LOB was also designed to serve the needs of the Connecticut public. Should public attendance at hearings exceed seating capacity, video screens and monitors located in additional hearing rooms permit the public to observe the proceedings. The LOB. is lavish in its décor and architectural detail, perhaps to the point of extravagance. A question sometimes asked by tour participants, not surprisingly, is "how much did this building cost?" The answer is \$67 million.

The LOB, more than any other government building at the state Capitol, symbolizes Connecticut's long-term commitment to meeting the varied and proliferating demands of the state's 3.4 million inhabitants. The technology offered to state lawmakers most certainly enhances the legislature's capacity for efficient and responsive lawmaking. While technological support alone may not guarantee effective legislative performance, such technology is nevertheless a tremendous asset for the purposes of knowing, and responding to, the needs of the Connecticut public.

Support Offices and Legislative Staff

In addition to sophisticated technology and a state-of-the-art legislative office complex, state lawmakers have also come to depend quite heavily on state employed personnel located in legislative support offices and legislative staffs. The activity of support office and staff personnel has in recent years become indispensable with respect to assisting state legislators with the many complex dimensions associated with lawmaking.

Twelve nonpartisan support offices, which report to the Joint Committee on Legislative Management, provide an array of critical services to state lawmakers. Four offices in particular serve major legislative functions. The Office of Legislative Research serves as the research and information arm of the state legislature. The Office of Fiscal Analysis analyzes the fiscal dimensions and financial implications of legislative proposals. The Program Review and Investigations Committee assists lawmakers with the difficult task of administrative oversight. This involves the periodic review of executive agency activity to determine if in fact agencies are implementing laws in accordance with the intent of the law. The Legislative Commissioners Office offers consultation to lawmakers on the legal language of bills and potential conflicts between legislative statutes and the Connecticut Constitution. Non-partisan offices are in close and daily contact with state lawmakers throughout the legislative session and have become integral to the development and implementation of laws. In 2006,

non-partisan personnel accounted for 54 percent of all full-time staff at the state Capitol.³

Legislative staffs, which are also under the direction of the Joint Committee on Legislative Management, have also proliferated at the state Capitol, a trend similar to that of the United States Congress. Like congressional staffs, legislative staffs in Connecticut have assumed multiple functions related to lawmaking. Legislative staffs at the Capitol have been established to assist legislative standing committees and, more generally, the political parties within the legislature. Even the most casual observer cannot help but notice the highly visible and fast-paced movement of legislative staff personnel throughout the corridors and offices of the LOB and Capitol building. Legislative staff workers, unlike those who work in support offices, are classified as partisan staff. Partisan staff workers currently account for 46 percent of all full-time personnel at the state Capitol.⁴

The partisan legislative staffs are formally connected to the four party caucuses in the state Capitol: the House Democrats, the House Republicans, the Senate Democrats, and the Senate Republicans. Some staffers work directly for a caucus, while others are assigned to the twenty-two legislative committees. Some staffers work at the Capitol in a full-time, year-round capacity, while others are full-time employees only while the legislature is in session. Seventy-six individuals are full-time committee staffers while the legislature is in session and approximately twenty-five to thirty individuals are full-time throughout the year. The extent to which legislative staffers have become central to the operation of the state legislature is best expressed in the words of legislative aides Gary Turco and Jason Bowsza. Turco, a legislative aide to Speaker of the House James Amann, described a staff worker's job in these terms: "Elected officials need to be knowledgeable in a variety of areas that affect the lives of constituents. Staff members become experts in different policy areas and serve as a constant source of information for elected officials." Jason Bowsza, a legislative aide to state senator Bill Finch, co-chair of the General Assembly's Environment Committee, offers this perspective on the role of a staff worker:

Staffers in the Connecticut state senate generally focus on constituent work, as well as issuing press releases, tracking legislation, attending meetings with lobbyists and offering advice on policy and politics to our senators. Each staffer serves their senator in a unique way, but always following their senator's example.⁵

Generally speaking, the number of support personnel at the Connecticut State Capitol has become quite significant. As of 2006, there are more than 570 paid support personnel working at the Connecticut state Capitol during the legislative session. This figure includes 412 year round, full-time non-partisan and partisan employees, and 160 full-time "temporary/sessional/interim" staff. Add to this figure the 120 or so non-paid legislative interns who also work at the state Capitol during the legislative session and one discovers that Connecticut's 187 lawmakers are assisted in one form or another by close to 700 support personnel.⁶ The number of persons now working at the Connecticut state Capitol suggests a state legislature inundated with diverse, complicated, and pressing demands. The number of support personnel further suggests a state legislature prepared and willing to confront the complex policy challenges of the twenty-first century.

The Capitol

The underground escalator, known as the "Concourse," connects the Legislative Office Building to the state Capitol building. It is within the historic state Capitol building where one finds the two legislative chambers: the House of Representatives and the Senate. The House and Senate collectively comprise the Connecticut General Assembly. The offices of state legislative leaders, the offices of Governor and Lieutenant Governor, as well as the offices of the constitutional officers, such as the Secretary of State are also located in the Capitol building. It is in the state Capitol where the laws that govern the state of Connecticut are formally introduced and passed. The state Capitol building,

completed in 1879, is registered as a National Historic Landmark. Prior to construction of the Capitol building, the Old State House in downtown Hartford served as the Capitol building.⁷

Like the United States Congress and state legislatures across the land, with the exception of Nebraska, which is unicameral, the Connecticut state legislature is a bicameral institution. The House of Representatives, located on the second floor of the Capitol building, is at times referred to as the “lower house,” and the Senate, located on the third floor, is sometimes referred to as the “upper house.” Such terms however have become someone antiquated within the lexicon of legislative politics. Although both chambers are equal in power and both assume responsibility for passing laws, they are nevertheless very different from one another in terms of structural design, legislative procedure, and formality.

The House of Representatives: The People’s Chamber

Located on the second floor of the state Capitol building, the Connecticut House of Representatives is in theory where the passions and will of the Connecticut citizenry are most closely represented. Following the 2000 federal census, state legislative districts were redrawn and adjusted to rectify population imbalance and account for population growth. Population growth was rather minimal compared to states in other regions of the country, most notably the South and West. For the first decade of the twenty-first century, House legislative districts were redrawn to contain approximately 29,000 people. As previously discussed in Chapter Two, the Supreme Court cases of *Baker v. Carr* (1962), *Reynolds v. Sims* (1964), and *Butterworth v. Dempsy* (1964) have ensured that state legislative districts consist of roughly the same number of people.

Every ten years, following the federal census, a reapportionment committee established within the state legislature is assigned the responsibility of redrawing legislative districts to reflect the “one-person one-vote” principle. Although one discovers elements of “gerrymandering” in the legislative reapportionment process, a term used to describe the redrawing of district lines to benefit the

reelection chances of the party in power, Connecticut's reapportionment process is for the most part fair. Amendment XVI of the Connecticut Constitution, which describes in detail the entire reapportionment procedure, requires that the final draft of a reapportionment plan be approved by at least two-thirds of each house of the state legislature. Thus, the two-thirds vote inherently prevents the majority party, currently the Democrats, from rendering the minority party, currently the Republicans, powerless during the reapportionment process. The two-thirds rule allows the minority party in the state legislature to veto a reapportionment plan perceived as grossly unfair. In the 2006 election, the Democrats captured two-thirds of the seats in both the House and Senate. Whether they will still control two-thirds of the seats during the next reapportionment process following the 2010 federal census remains to be seen. Should the legislature fail to adopt a reapportionment plan, a bipartisan commission will be convened to resolve the matter and arrive at a compromise. In the event the commission fails to develop a compromise plan, the state supreme court under the direction of the chief justice will supervise and coordinate the reapportionment process.

According to the state constitution, a state representative must be at least eighteen years of age. Representatives are elected to a term of two years, with no limit placed on reelection. Since 1967, the Connecticut House of Representatives, and subsequently the state's legislative agenda, has been under the control of the Democratic Party. Name recognition of House incumbents, effective use of legislative staffs for constituent service, fundraising capabilities of incumbents, the fact that Connecticut is a "Blue" state, as well as reapportionment and elements of gerrymandering have secured for the Democratic Party many years of political control over the state House of Representatives. The only exceptions to this long period of Democratic dominance were the legislative sessions of 1973-74 and 1985-86. President Nixon's landslide reelection in 1972 and President Reagan's reelection landslide in 1984 resulted in political coattails for Republican state legislative candidates and short-lived Republican majorities in the House. Following the legislative

election of 2006, the Democratic Party in Connecticut controlled 107 seats (71 percent), while the Republican Party occupied 44 seats (29 percent).

House Leadership

A small group of party leaders controls the legislative business of the House of Representatives. The key leadership posts include the Speaker of the House, the House majority leader, House majority whip, House minority leader, and House minority whip.

The Speaker of the House is the presiding officer of the entire House of Representatives. The Speaker controls floor proceedings, interprets parliamentary rules of procedure, recognizes lawmakers during floor debate, and refers bills to committee.⁸ Unlike other legislative leaders in the House, the Speaker is required to perform a dual role. The Speaker is first and foremost the chief representative and symbol of the Connecticut House of Representatives. In this capacity, the Speaker must ensure fairness during floor debate and, more important, protect the autonomy and integrity of the House chamber. As the presiding officer of the House of Representatives, the Speaker is formally elected by a vote of the entire House membership, although he or she is always a member of the majority party. The Speaker, therefore, will undoubtedly advance the interests and agenda of the majority party, while at the same time ensuring fairness to the opposition party. The post of Speaker of the House is a complex office. Speakers are normally individuals with many years of legislative experience, political savvy, and a broad network of allies within the House chamber. For example, the current Speaker of the House, James Amann, an eight-term Democrat from Milford, served as Assistant Majority Leader, Deputy Majority Whip, and House Majority Leader prior to his election as House Speaker. Speaker Amann describes the complexity of the Speaker's role in this way: "Assuring proper rules and procedure are followed, especially when it comes to constitutional questions, is the top priority. The Speaker is much like a referee, guaranteeing fairness and non-partisan debate from the dais."⁹

For many years, tradition dictated that the Speaker of the House would serve for one two-year term. The one-term tradition ended in 1971 with the reelection of Democratic House Speaker William Ratchford to a second consecutive term.¹⁰ Since Ratchford's reelection, it is not unusual for Speakers to serve two consecutive terms, with two terms now considered the norm for House Speakers.

The extent to which state lawmakers guard against encroachment of the two-term tradition was more than evident in 1989, when Speaker of the House Irving J. Stolberg, a Democrat from New Haven, decided to seek a third consecutive term. In response to this unprecedented development, an anti-Stolberg faction of Democrats, who had become extremely weary of Stolberg's leadership style, liberal politics, and political ambitions, secretly colluded with House Republicans to deny the controversial Speaker the necessary majority needed for reelection. This most unusual political alliance of anti-Stolberg Democrats and Republicans, unthinkable in years past, coalesced to elect Democrat Richard Balducci to the post of Speaker. This was the first time in Connecticut history that a Speaker of the House was elected by a bipartisan coalition of Democrats and Republicans. The bipartisan alliance was further proof that party membership no longer dictates legislative behavior in the Connecticut General Assembly. Republicans working with Democrats to elect the Speaker is in some respects a reflection of a much larger phenomenon regarding the declining significance of political parties as governing instruments.

The House majority leader is the floor manager for the majority party and serves as the key spokesperson for the majority party's legislative agenda. The majority whip is responsible for maximizing attendance during legislative roll calls and for persuading party members to work as a team. The term "whip" is an old British term used to describe the person responsible for managing the foxhounds during a fox hunt: the "whipper-in" of the hounds. The term was subsequently applied to those persons responsible for promoting party cohesion within the British Parliament.¹¹ Both the majority leader and majority whip are elected in the party caucus prior to the start of a new legislature.

The minority leader and minority whip have functions similar to those of the majority leader and majority whip. Representing the legislative agenda of the minority party, speaking on behalf of the minority party, and maximizing party cohesion among minority party members are among the principal tasks associated with the minority party leadership posts. Minority party leaders are elected in the minority party caucus at the start of a new legislature.

In addition to the chief leadership posts within the majority and minority parties, both party caucuses in the House of Representatives elect deputy leaders and several assistant leaders. Deputy and assistant leaders perform a number of specific legislative tasks designed to help promote the agenda of the party hierarchy. Deputy and assistant leadership positions are normally reserved for lawmakers who have demonstrated loyalty to the party's legislative leadership. In the view of one lawmaker I spoke with, who wished to remain anonymous, the post of assistant leader is also useful for the purpose of advancing political careers: the title is impressive, yet the position seldom involves substantive responsibilities.

Any House Democrat or House Republican who wishes to introduce a legislative proposal is advised to secure the backing of legislative leaders within his or her respective party. In the Connecticut House of Representatives, a significant portion of the legislative agenda is controlled by a relatively small hierarchy of legislative leaders. Freshmen lawmakers are quick to learn that legislative proposals, including those of great merit, must obtain the approval of their party's legislative leadership in order for the proposal to be deemed viable. Moreover, the legislative agenda is established fairly early in the legislative session, and for all intents and purposes reflects the goals of legislative leaders. This is not to suggest that newly-elected representative are powerless with respect to lawmaking. Freshmen lawmakers do introduce bills and receive important committee assignments. However, to have a meaningful voice in the Connecticut House of Representatives, it is essential for the newly-elected lawmaker to work with and gain the support of the party's legislative leadership. The party's leadership has the authority to filter legislative proposals.

The State Senate: A Governing Council

The state Senate is located on the third floor of the state Capitol building. With respect to structure, procedure, and custom, the state Senate is quite unlike the House of Representatives. Compared to the House, the Senate is a much smaller chamber consisting of only thirty-six members, less than one-fourth the size. In terms of structure, the Senate has the appearance of a deliberative council, with senators positioned in a large circle, as opposed to the formal rows of desks found in the House chamber. In the House of Representatives, the two parties sit on opposite sides of the aisle, which gives the House chamber a more partisan flair with respect to appearance. In the Senate chamber, senators are positioned according to the number of their senatorial district, which allows Democratic and Republican senators to sit, discuss bills, and vote on proposals while they are adjacent to one another. The state Senate is thus a very different chamber compared to the House with regard to collegiality.

Like House members, state senators are elected to two-year terms, with no limit placed on reelection. Any individual who seeks a Senate seat must be a minimum of 18 years of age. A Connecticut state senator currently represents a legislative district consisting of approximately 91,000 persons. In both population and geographical size, senatorial districts are substantially larger than House districts. State senators must therefore understand the needs of diverse constituencies in several contiguous towns. Compared to House members, senators, due to the nature of their districts, must acquire a broader working knowledge of state and local policy matters.

As in the state House of Representatives, the Democratic Party has controlled the business of the state Senate for many years. Democratic dominance appears to have begun as far back as 1959, with only three exceptions, 1973-74 and 1985-86, the same years in which the Republican Party won a majority of seats in the state House, and 1995-96, a reflection of the 1994 congressional election in which the Republicans gained control over the U.S. House of Representatives. Following the 2006 legislative election, the

Democrats controlled 24 seats (67 percent), while the Republicans held 12 seats (33 percent).

Similar to the House of Representatives, incumbents in the state Senate tend to be reelected with relative ease. Like House incumbents, incumbents in the Senate can employ legislative staffs for constituency service and have higher name recognition compared to challengers. Moreover, Senate incumbents have a clear advantage over challengers with regard to fundraising. Thus, many state senators have safe seats. The power of incumbency and the emergence of safe legislative districts in both House and Senate elections does not bode well for two-party competition. The decline of competitive legislative districts in Connecticut was treated in detail in Chapter Three. Landslide elections and safe seats have become the norm in state legislative elections.

Legislative process in the state Senate is more informal than that of the House of Representatives, and there is more reliance on legislative customs rather than strict parliamentary procedure. Unlike the party caucuses in the House, the party caucuses in the Senate are where many crucial policy decisions are made. Wayne Swanson's definitive study of the Connecticut state legislature discovered that it was in the party caucus, not on the floor of the Senate, where major decisions were reached regarding the fate of bills. Due to the intimacy of the Senate chamber, freshmen senators, compared to their counterparts in the House, were also discovered by Swanson to have more of a voice in the legislative process.¹² Judge Robert Satter, a former state representative, confirms Swanson's observation of the Senate caucus and notes that compared to the House, more bills are placed on the Consent Calendar: "The Senate usually finishes its work first and waits around for the House to send up business."¹³

Senate Leadership

Although the state Senate is a more intimate and informal legislative chamber than the House, and freshmen senators exert more impact in the lawmaking process than House freshmen, there is nevertheless a small group of party leaders in the Senate who

exercise considerable power over the chamber's internal affairs. Senate leaders, like House leaders, perform important managerial and leadership functions.

The president of the state Senate is the state's lieutenant governor. As the official presiding officer of the Senate, the lieutenant governor interprets rules of Senate procedure, recognizes senators who wish to speak, and refers bills to legislative committees. The lieutenant governor only votes in the event of a tie. Unlike the Speaker of the House, the lieutenant governor's position in the Senate is more ceremonial than political. The lieutenant governor is elected with the governor on the same ticket, and thus presides over the Senate by virtue of his or her constitutional position. The lieutenant governor is not elected from among the ranks of the Senate membership, nor while presiding over the Senate is he or she considered a member of the "club." The lieutenant governor will serve as the "eyes and ears" of the governor with respect to the business of the Senate, but the lieutenant governor normally does not direct the business of the Senate.

The true power in the Connecticut Senate is found in the several leadership posts elected by the two party caucuses. These posts include the president of the Senate pro tempore (usually referred to as the pro tem), the majority leader, majority whip, minority leader, and minority whip. The senate pro tem presides over the Senate when the lieutenant governor is absent. The pro tem is elected by the majority party caucus at the start of a new legislative session, and normally steers the agenda of the majority party. Although the pro tem at times is expected to speak for the entire Senate, the reality of the matter is that he or she is the leader of the majority party. The pro tem has considerable control over Senate committee appointments, exercises control over the legislative agenda, and without a doubt is the pivotal and most powerful figure in the entire Senate chamber.

The majority leader, majority whip, minority leader, and minority whip perform functions similar to their counterparts in the House chamber. Elected by their respected party caucuses, the leaders and whips represent, guide, and help manage their party's legislative agenda.

The majority leader and majority whip work closely with the pro tem in advancing the agenda of the majority party. Like the House chamber, there are also several deputy and assistant leaders in the state Senate.

Tools of Legislative Leadership

The days of party bosses operating “behind-the-scenes” and controlling legislative voting behavior with patronage jobs and party organization money are no longer present in Connecticut politics. The new era is marked by candidate-centered politics, which manifests itself in elected lawmakers who do not feel beholden to party leaders. George Gallo was the chairman of the Republican Party in Connecticut, yet Gallo did not control the voting behavior of Republican state lawmakers. Nancy DiNardo is the chairwoman of the Democratic Party in Connecticut, yet DiNardo does not control the voting behavior of Democratic state lawmakers. State legislative leaders elected in party caucuses are also limited in terms of persuading and influencing the voting behavior of rank-and-file lawmakers. There is only so much the Speaker of the House, Senate pro tem and the majority and minority leaders can do to foster party teamwork in the Connecticut General Assembly.

Nevertheless, despite the decline of party authority in the lawmaking process, there are mechanisms or “tools” that a party’s legislative leaders can employ to cultivate a network of political support among party members. Such tools, when skillfully and strategically employed, can have the effect of drawing rank-and-file lawmakers closer to the goals of the party hierarchy. Two important sources of persuasion appear to be preferential appointments to legislative standing committees and the distribution of campaign dollars to legislative candidates.

Committee Appointments

Appointments to legislative standing committees remain one of the most important sources of leverage exercised by party leaders in both chambers of the General Assembly. By serving on key standing

committees, House and Senate members can often serve the needs of their constituents in a most direct fashion. Indeed, the policy areas that fall under the jurisdiction of standing committees often have direct bearing on a representative's or senator's constituents. A House or Senate member with many teachers in his or her legislative district would necessarily want to serve on the legislature's Education Committee. A lawmaker who represents a legislative district with many small businesses would most likely prefer an appointment to the legislature's Commerce Committee. At the same time, there are standing committees that go well beyond the unique needs of individual districts and affect the state's population as a whole. The Appropriations Committee and the Finance, Revenue, and Bonding Committee are examples of legislative committees that have statewide impact. Lawmakers who support the goals of legislative leaders are thus rewarded with choice committee assignments.

Campaign Finance Committees

Another leadership tool for House and Senate leaders emanates from the campaign finance committees that have been established by both parties in the House and Senate chambers. Campaign finance committees were established in the Connecticut state legislature to help finance the costs associated with House and Senate campaigns. To help alleviate the increasing demands of fund raising, campaign finance committees were established for the express purpose of supplementing the campaign budgets of House and Senate candidates. Legislative campaign finance committees are under the control of legislative leaders and the leaders determine which legislative candidates will be the recipients of campaign dollars. This is not to suggest that legislative candidates depend exclusively on legislative campaign committees to win election or reelection. This is now an era of candidate-centered politics, and legislative candidates depend on their own network of individual contributors and special interest groups to finance campaigns. Nevertheless, party leaders in the legislature do distribute

substantial sums of money to legislative candidates, normally to those candidates in highly competitive contests. By distributing campaign dollars to candidates in closely contested elections, legislative leaders are able to cultivate a network of loyalists who feel obliged to support the agenda of the legislative hierarchy. There is a sense of appreciation and indebtedness that follows from campaign assistance.

Legislative campaign finance committees in the Connecticut General Assembly exist in two different forms. One form is directly associated with and established by individual legislative leaders. These are the legislative leadership PACs (LLPs) that appear to have proliferated within the state Capitol. The leadership PACs normally have partisan titles, yet the reality of the matter is that they have been established to serve the goals of individual legislative leaders. Legislative Leadership PACs are a growing presence in the Connecticut legislature, as well as legislative assemblies in other states.¹⁴

The second form of campaign finance assistance emerges from the broader and more party-oriented legislative campaign finance committees. Such committees have been formed by both parties in both legislative chambers. The legislative campaign finance committees are different from the Legislative Leadership PACs in that campaign dollars are normally distributed among a broader array of legislative candidates, as opposed to a select group of candidates. Some legislative candidates are the recipients of more assistance than others, but in general there seems to be more concern with improving the strength and competitiveness of the party as a whole compared to the more selective contributions from the Leadership PACs. Taken together, campaign dollars from the legislative leadership PACs and dollars distributed from the legislative campaign finance committees are instrumental in cultivating allegiance to the party's legislative hierarchy. When added to the power over committee appointments, it becomes clear that legislative leaders, while by no means omnipotent, still have political tools at their disposal to lead and direct the internal affairs of the Connecticut state legislature.

The Lawmaking Process

Lawmaking in the Connecticut General Assembly, as in all legislatures, is an intriguing affair. Practically all bills introduced into the state legislature encounter hurdles, unexpected obstacles, and in most cases “brick walls.” Indeed, it is more common for bills to die in the Connecticut General Assembly than to be passed. To surmount political opposition, proponents of bills must skillfully forge legislative coalitions, negotiate compromises on key sections of bills, and be willing to cut deals to placate and appease the political opposition. No textbook description can ever completely capture what happens behind the scenes during the passage of a bill, and at times it is perhaps better not to know. Indeed, one is reminded of the old adage often attributed to the German Chancellor Otto von Bismarck: “If you like laws and sausages, you should never watch either one being made.”¹⁵

As described in Chapter One, the Tenth Amendment to the United States Constitution reserves to states those powers that are not delegated to the federal government, as well as those that are not specifically prohibited to the states. The policy areas in which the Connecticut state legislature can legislate are not specifically enumerated in the state constitution, thus allowing the state legislature considerable latitude to legislate on a wide variety of issues, albeit within constitutional limits. The policies of education, housing, transportation, criminal justice, and environmental protection are examples of policy areas that belong to the Connecticut state legislature. Policy areas such as taxation and appropriations also belong to the state legislature, although such powers are exercised concurrently with the federal government. The Connecticut state legislature, in other words, can pass many laws in many policy areas, as long as such policies do not belong exclusively to the federal government. The state legislature, for example, cannot pass laws that regulate interstate commerce or trade with foreign nations, nor can the legislature pass laws involving foreign policy. Such areas, as defined in the federal constitution, are the domain of the federal government, not the states.

Table Two documents the number of proposed House and Senate bills in the Connecticut state legislature from 2000 through 2005, as well as the raw number and percentage of bills eventually signed into law by the governor. The reader should be aware that the Connecticut state legislature during odd-numbered years is in session from the Wednesday following the first Monday in January to the Wednesday following the first Monday in June, slightly more than five months. In even-numbered years, the state legislature is in session from the Wednesday following the first Monday in February to the Wednesday following the first Monday in May, slightly more than three months. Sessions conducted during even-numbered years are commonly referred to as “short sessions.” Legislative sessions during odd-numbered years are thus longer and hence the volume of proposed bills tends to be greater compared to the sessions in even-numbered years. It should also be noted that only bills related to fiscal matters may be introduced in the even-numbered years.

Table 2
Proposed Bills and Public Acts
2000-05 Regular Session

Year	Proposed Bills	Public Acts	% Passed
2000	1812	402	22%
2001	3765	470	12%
2002	1812	382	21%
2003	3648	274	8%
2004	1618	518	32%
2005	3655	481	13%

Source: Law Department, Connecticut State Library.

As the data show, whether it is a large volume of proposed bills in the odd-numbered years or the smaller number of bills in even numbered years, a relatively small percentage of proposals are ever enacted into law. From 2000-05, an average of 18 percent of proposed bills eventually made it into law.

The number of proposed bills tends to be greater in the House chamber because the House contains 151 members, compared to 36 members in the Senate. Hence there is more legislative business transacted in the House. However, although the number of proposed bills is higher in the House, and while the House chamber tends to pass a greater quantity of bills, the percentage of bills that are passed in the House is quite similar to that of the state Senate. Table Three documents the number of proposed bills in both chambers, as well as the number and percentage of bills passed by each chamber.

Table 3
Proposed and Passed Bills in the House and Senate Chambers
2000-05 Regular Session

	House			Senate		
	Proposed	Passed	%	Proposed	Passed	%
2000	930	146	16%	640	98	15%
2001	2051	146	7%	1459	163	11%
2002	811	108	13%	677	126	19%
2003	1969	161	8%	1333	113	8%
2004	690	162	23%	633	189	30%
2005	2004	167	8%	1386	137	10%

Source: Law Department, Connecticut State Library.

The Committees

Although bills can die in several places, it is clear that the legislative standing committees in the Connecticut General Assembly are the “graveyard” for the vast majority of legislative proposals. Most proposed bills die in legislative standing committee and never make it to the House or Senate floors. As Swanson notes:

It is often surprising to the new lawmaker to see the number of bills referred to committees that are never discussed and simply die in committee. The time factor in

the legislature is such that committees, in conjunction with leadership, must select the bills which they consider the most important, denying to the “less important” legislation a place on the committee’s agenda. It often takes a number of assembly sessions for a bill which the leadership considers to be of “marginal importance” to get a committee hearing. The new legislator should not be discouraged if his bills do not make it out of committee the first time that they are introduced.¹⁶

Legislative standing committees in the Connecticut General Assembly are joint committees. Membership on standing committees consists of members from both the House and Senate chambers. Each standing committee is headed by co-chairpersons. One co-chairperson is appointed from the House by the House Speaker, while one is appointed from the Senate by the Senate president pro tempore. The co-chairpersons alternate as presiding officers over committee hearings. Each co-chairperson is a member of the majority party in his or her respective legislative chamber. Appointments to joint committees are based on a proportional formula, with seats allocated to members based on the strength of both parties in the House and Senate.

At present, there are twenty-five joint committees in the Connecticut General Assembly. This number includes the permanent standing committees responsible for passing bills, the small number of permanent committees that do not process bills but instead are assigned specific non-legislative tasks, as well as the non-permanent select committees established to perform very special functions related to narrow policy areas.

True power in the General Assembly lies within the legislative standing committees. Lawmakers normally serve on two or perhaps three legislative standing committees during a legislative session. Examples of legislative standing committees include the Appropriations Committee, the Commerce Committee, and the Transportation Committee. The political careers of state lawmakers

are advanced by serving on key standing committees, and it is within the standing committees that the laws affecting the state of Connecticut are ultimately shaped.

Legislative Procedure

Proposed bills have many origins.¹⁷ Bills can originate with the governor, individual lawmakers, lobbyists, executive branch officials, or individual constituents. For a bill to be introduced into either the House or Senate chamber, there must be a lawmaker or group of lawmakers who sponsor the bill. A bill can be introduced into either chamber of the state legislature.

Once a bill is introduced, it is then forwarded to one of the legislative standing committees cited above. Assuming that the bill has a modicum of support, the committee will schedule a public hearing on the bill in one of the committee rooms within the Legislative Office Building. The general public is allowed to attend such hearings and individuals along with group representatives are allowed to voice their concerns before committee members. Following the committee hearing and often much discussion and debate among committee members, the committee will vote on the bill. Should the committee vote against the bill, it will issue an “Unfavorable Report.” Should the committee vote in favor of the bill, it will issue a “Favorable Report,” or “JF” (“Joint Favorable”) Report. Should the committee decide to take no action on the bill, the bill will be “boxed” and automatically die. When the committee decides to box a bill, it will issue “No Report.” A simple majority vote among committee members is needed for the bill to pass a standing committee.

Once a bill has passed the committee stage of the lawmaking process, it is then placed on the legislative calendar. Bills deemed non-controversial by members of the standing committee and that are expected to pass the House and Senate floors without discussion are placed on the Consent Calendar. All other bills are assigned to the regular legislative calendar and scheduled for floor action.

Bills that pass the standing committee stage of the process and that require funding, as most do, are forwarded to the

Appropriations Committee or the Committee on Finance, Revenue, and Bonding. The “money committees,” as they are known, decide whether or not to authorize funds for the program outlined in the bill. Practically all legislative programs require funding, and it is the responsibility of the money committees to explore and discuss the financial ramifications of the proposed policy. The money committees have the authority to pass or reject the bill. Should funding be denied, the bill will die at this stage of the process. Should the money committees approve funding for the proposed program, the bill will then be forwarded to the Office of Fiscal Analysis for a detailed financial analysis. Once the work of the Office of Fiscal Analysis is completed, the bill will proceed to the House and Senate floors for a vote. Prior to the floor vote in both chambers, amendments might be added to the bill and lawmakers can engage in extensive floor debate. Should the bill pass the House and Senate floors in two different versions, a conference committee will be convened to resolve House and Senate differences. A conference committee is a special joint committee assembled from both chambers to iron out the differences between the two legislative chambers. Should the bill pass the conference committee and be approved by both legislative chambers, it is then forwarded to the governor for executive action.

The Governor's Desk

The concept of checks and balances is most evident when a bill passed by the legislature is sent to the governor. During a normal legislative session, the governor has a total of five calendar days to respond to a passed bill. During this period, the governor can sign the bill into law, in which case the bill will become an official Public Act, or the governor can veto the proposed legislation. Should the governor veto the bill, it will be returned to the legislature with the governor's veto message. A gubernatorial veto can be overridden by a two-thirds vote of each legislative chamber, although this is extremely difficult to do. If the governor does not take any action within five days of receiving the bill, and the legislature is still in session, the bill will automatically become law without his or her

signature. Should the governor not take action after the legislature had adjourned, then the bill will automatically become law without his or her signature after fifteen days.

In addition to exercising a regular veto, Connecticut's governor is afforded the constitutional power to exercise the line-item veto. The line-item veto can be employed only in conjunction with appropriations legislation. The governor can veto specific spending items in an appropriations bill, while signing the remainder of the bill into law. Forty-five state governors can exercise the line-item veto. Like the regular veto, the line-item veto can be overridden by a two-thirds vote of both legislative chambers. In theory, the line-item veto is supposed to allow state governors the opportunity to more carefully scrutinize and control wasteful state spending. Although a constitutional power of the Connecticut governor, Connecticut governors rarely exercise the line-item veto. However, much to the surprise of many lawmakers, on June 4, 2007, Governor Rell exercised the line-item veto in conjunction with a proposed energy bill. The governor signed the energy bill into law, but vetoed two of the bill's sections concerning appropriations

The veto is one of the most powerful tools exercised by the Connecticut governor, and is perhaps one of the most direct methods of constraining the actions of the state legislature. Table Four documents the extent to which the gubernatorial veto has been employed in Connecticut from 2000-05.

Table 4
Gubernatorial Vetoes: 2000-05

Year	Vetoes	Overridden
2000	3	0
2001	3	0
2002	3	0
2003	2	0
2004	12	0
2005	9	0

Source: Law Department, Connecticut State Library.

As the evidence suggests, despite the fact that the governorship has been under the control of a Republican governor for many years and the legislature dominated by Democrats, the veto has been used somewhat sparingly. Years 2004 and 2005 appear to be the exception, rather than the norm. Both recent Republican governors, Rowland and Rell, have governed the state of Connecticut from the center of the political spectrum. Compromising, bargaining, and cooperating with a Democratic-controlled legislature, rather than antagonizing the opposition has been the norm at the state Capitol.

The governor of Connecticut plays a pivotal and equal role in the lawmaking process, and the veto power is one of the most important methods of shaping and controlling the outcome of public policy. At the same time, however, the veto is not by any means the only power exercised by the governor. Indeed, the scope of gubernatorial power has clearly grown in recent decades to the point where the governorship in Connecticut now resembles the American presidency, only on a smaller scale. The centrality of the state governorship within the context of state politics and the multi-faceted nature of the modern governorship are addressed in the following chapter.

Notes

1. Expectations for state governments are quite high throughout the U.S. Fifty-two percent of persons polled expressed the view that their governor and state legislature care more about the problems that affect their lives personally, while 36 percent believed the federal level of government was the most caring. The same poll discovered that more Americans view the local and state levels of government as more likely to “get more done” compared to the federal level of government. “Immigration, Federalism,” Andres McKenna Research, January 15-25, 2004. N=800 registered voters. Poll data cited in Thomas R. Dye and Susan A. MacManus, *Politics in States and Communities*, 12th edition (Upper Saddle River, NJ: Pearson Education, 2007), p. 86.

2. The League of Women Voters have a booth in the Legislative Office Building and provide excellent tours of the LOB and the state

Capitol. The tours are tailored to the age and particular interests of the audience. Reservations for tours are required.

3. Information on support offices and staff supplied through phone conversation with Jim Tracy, personnel administrator for Joint Committee on Legislative Management, October 6, 2006.

4. Jim Tracy, October 6, 2006.

5. Quotations from legislative aides Gary Turco and Jason Bowsza obtained from e-mails on, respectively, August 30 and September 1, 2006.

6. Jim Tracy, October 6, 2006.

7. Jane Zarem, ed., *The Connecticut Citizen's Handbook* 3rd. ed. (Chester, CT: Globe Pequot Press, 1987), p. 35.

8. Wayne Swanson, *Lawmaking in Connecticut: The General Assembly* (New London, CT: Connecticut College, 1978), p. 42.

9. Quote obtained via e-mail from Speaker of the House James Amann, September 5, 2006.

10. Swanson, *Lawmaking in Connecticut*, p. 42.

11. Randall B. Ripley, *Congress: Process and Policy*, 4th ed. (New York: W.W. Norton, 1988), p. 64

12. Swanson, *Lawmaking in Connecticut*, p. 40.

13. Robert Satter, *Under the Gold Dome: An Insider's Look at the Connecticut State Legislature* (New Haven: Connecticut Conference of Municipalities, 2004), p. 108.

14. See Daniel M. Shea, *Transforming Democracy: Legislative Campaign Committees and Political Parties* (Albany: State University of New York Press, 1995).

15. This quotation is often attributed to Otto von Bismarck, the "Iron Chancellor" of Germany from 1871-1890, although the original source of the statement is unverified, according to *Bartleby Quotations*; online at www.bartleby.com/73/996.htm.

16. Swanson, *Lawmaking in Connecticut*, p. 64.

17. A brief but excellent summary of legislative procedure can be found in "This Is Your General Assembly," published by the Connecticut General Assembly, 1999-2000. The website for Connecticut government contains an outstanding "Citizen Guide" covering numerous facets of the legislative process, including legislative procedure; see www.cga.ct.gov/asp/menu/citizen.asp.