



State of Connecticut

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Testimony of Senator Michael A. McLachlan
Planning and Development Committee
February 23, 2009

The Honorable Eric Coleman & The Honorable Brendan Sharkey, Co-Chairs
The Honorable Jonathan Harris & The Honorable Thomas Drew, Vice-Chairs
The Honorable Leonard Fasano & The Honorable William Aman, Ranking Members
Members of the Planning and Development Committee

I am here today in support of **SB-394 - An Act Concerning State Mandate Relief**. Municipalities are feeling the burden of the financial crisis just like the State of Connecticut. A message I'm hearing loud and clear from chief elected officials is the burdens placed on their local budgets by the imposition of unfunded mandates from the state and federal governments are unacceptable.

SB394 can eliminate or suspend some existing unfunded mandates and most importantly creates a moratorium on new mandates. In this budget crisis we must not pass on the burden of funding state mandates to the local property tax payers. I would like to bring to your attention some ideas that can help accomplish this goal during the budget deliberations process.

The Unfunded Mandates Reform Act of 1995 (UMRA) was enacted to address concerns about federal statutes and rules that require state, local, and tribal governments or the private sector to expend resources to achieve legislative goals. UMRA generates information about the nature and size of potential federal mandates to assist Congress and agency decision makers in their consideration of proposed legislation and rules.

UMRA contains a mechanism designed to help curtail mandates with insufficient appropriations, but it has never been utilized. UMRA provides language that could be included in legislation that would allow agencies tasked with administering funded mandates to report back to Congress on the sufficiency of those funds. Congress would then have a certain time period to decide whether to continue to enforce the mandate, adopt an alternate plan, or let it expire; meaning the provision comprising the mandate would no longer be enforceable.

UMRA may have discouraged the enactment of proposed unfunded mandates and helped reduce the costs of some mandates. Some budget watchdogs would say UMRA is insufficient to achieve its stated goals but clearly, UMRA has changed the way that prospective legislation is drafted in Washington.

In the Connecticut General Assembly, we have a fiscal note that is used in the analysis of potential legislation. Our Office of Fiscal Analysis is an effective resource for legislators – especially important late in the legislative session when amendments are debated on the floor without a public hearing. OFA is one of our resources to guard against the unknown unfunded mandates buried in legislation.

Let us take the best of UMRA's rules and the professional resources of our OFA to develop a real lockbox on unfunded state mandates to municipalities and the private sector. If a true mandate moratorium isn't possible then let's be absolutely sure we are not passing the burden onto municipalities and the private sector. Let's tighten our own rules of transparency in government and prepare a thorough report of the burdens placed on others by our actions in the General Assembly.

Thank you for this opportunity to share my thoughts on this important proposal.

Michael McLachlan
State Senator – 24 District