



House of Representatives

General Assembly

File No. 516

January Session, 2017

House Joint Resolution No. 100

House of Representatives, April 11, 2017

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the joint resolution ought to be adopted.

RESOLUTION APPROVING A STATE CONSTITUTIONAL AMENDMENT TO PROTECT TRANSPORTATION FUNDS.

Resolved by this Assembly:

1 WHEREAS, at the 2015 December special session of the General
2 Assembly of the state of Connecticut, said General Assembly did
3 approve, by at least a majority, but by less than three-fourths, of the
4 total membership of each house, a resolution proposing an
5 amendment to the Constitution of the State which amendment, in
6 accordance with article sixth of the amendments to the Constitution,
7 was published in the manner prescribed therein and continued to the
8 present regular session of the General Assembly, and which resolution
9 is as follows:

10 "Resolved by this Assembly:

11 Section 1. That the following be proposed as an amendment to the
12 Constitution of the State, which, when approved and adopted in the
13 manner provided by the Constitution, shall, to all intents and
14 purposes, become a part thereof:

15 Article third of the Constitution is amended by adding section 19 as

16 follows:

17 Sec. 19. The Special Transportation Fund shall remain a perpetual
18 fund. The general assembly shall direct the resources of said fund
19 solely for transportation purposes, including the payment of debt
20 service on obligations of the state incurred for transportation purposes.
21 Sources of funds, moneys and receipts of the state credited, deposited
22 or transferred to said fund by state law on or after the effective date of
23 this amendment shall be credited, deposited or transferred to the
24 Special Transportation Fund, so long as such sources are authorized by
25 statute to be collected or received by the state, or any officer thereof,
26 and the general assembly shall enact no law authorizing the resources
27 of said fund to be expended other than for transportation purposes.

28 RESOLVED: That the foregoing proposed amendment to the
29 Constitution be continued to the next session of the General Assembly
30 elected at the general election to be held on November 8, 2016, and
31 published with the laws passed at the present session, or be presented
32 to the electors at the general election to be held on November 8, 2016,
33 whichever the case may be, according to article sixth of the
34 amendments to the Constitution. The designation of said proposed
35 amendment to be used on the ballots at such election shall be "Shall the
36 Constitution of the State be amended to ensure (1) that all moneys
37 contained in the Special Transportation Fund be used solely for
38 transportation purposes, including the payment of debts of the state
39 incurred for transportation purposes, and (2) that sources of funds
40 deposited in the Special Transportation Fund be deposited in said fund
41 so long as such sources are authorized by statute to be collected or
42 received by the state?"

43 NOW, THEREFORE, BE IT RESOLVED BY THIS ASSEMBLY: That
44 the said amendment so proposed is approved and that it be presented
45 to the electors at the general election to be held on November 6, 2018.

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Secretary of the State	GF - Cost	None	5,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This resolution proposes an amendment to the State Constitution to ensure that all moneys in the Special Transportation Fund be used solely for transportation purposes.

The Secretary of the State is anticipated to incur a cost of \$5,000 in FY 19 (for the November 2018 election) for providing posters with the proposed constitutional amendment question and explanation to each polling place in every municipality. The FY 19 cost may be shifted into FY 21 pursuant to the requirements of the constitutional amendment process.

This cost will cover the printing and mailing of the posters. Since all materials required for placing a constitutional amendment on the ballot are supplied by the State, and the vote will occur in a regularly scheduled statewide election, no costs will be incurred by municipalities.

The Out Years

The cost identified above is one-time. However, the FY 19 cost may be shifted into FY 21 pursuant to the requirements of the constitutional amendment process, as noted above.

OLR Bill Analysis**HJ00100*****RESOLUTION APPROVING A STATE CONSTITUTIONAL AMENDMENT TO PROTECT TRANSPORTATION FUNDS.*****SUMMARY**

This resolution proposes a constitutional amendment identical to RA 15-1, December Special Session, which passed the General Assembly by a majority vote but did not receive the three-fourths vote of each chamber required to place it on the 2016 general election ballot. If passed by a majority vote, this resolution will be placed on the 2018 general election ballot.

The resolution does the following:

1. maintains the Special Transportation Fund (STF) as a perpetual fund;
2. requires the legislature to use the STF solely for transportation purposes, including paying debt service on state obligations incurred for those purposes;
3. requires funding sources that must be legally credited, deposited, or transferred to the STF on or after the amendment's effective date to be credited, deposited, or transferred to the STF as long as state law authorizes the state, or any of its officers, to collect or receive those sources; and
4. prohibits the legislature from enacting a law authorizing the spending of STF funds for any purpose other than transportation.

The ballot designation to be used when the amendment is presented at the general election is "Shall the Constitution of the State be amended to ensure (1) that all moneys contained in the Special

Transportation Fund be used solely for transportation purposes, including the payment of debts of the state incurred for transportation purposes, and (2) that sources of funds deposited in the Special Transportation Fund be deposited in said fund so long as such sources are authorized by statute to be collected or received by the state?"

EFFECTIVE DATE: If the resolution passes by a majority of the members of each house it will appear on the 2018 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

BACKGROUND

Special Transportation Fund

By law, the STF pays for state highway and public transportation projects. It is supported by a number of revenue streams, including the motor fuels tax, motor carrier road tax, petroleum products gross earnings tax, certain motor vehicle receipts and fees (e.g., driver's license fees), motor vehicle-related fines and penalties, and a portion of state sales tax revenue (CGS §§ 13b-61, -61a, -61b, and 12-408(1)(L)).

By law, money in the fund must be used first for debt service on special tax obligation bonds and to pay for certain transportation projects. Remaining funds must be used to pay for (1) general obligation bonds issued for transportation projects, (2) budget appropriations for the departments of Transportation and Motor Vehicles, (3) Department of Energy and Environmental Protection boating regulation and enforcement, and (4) the Department of Social Services' transportation for employment independence program (CGS § 13b-69).

Statutory "Lockbox"

By law, the STF is a perpetual fund and the use of STF funds is restricted to transportation purposes, including paying debt service on state transportation obligations. The legislature is prohibited from passing any law authorizing the use of STF funds for any purpose other than transportation (CGS § 13b-68(b)). But under the principle of

“legislative entrenchment,” it is unclear whether these statutory provisions are enforceable with regard to future legislatures.

Legislative entrenchment refers to one legislature statutorily restricting a future legislature's ability to enact legislation. The Connecticut Supreme Court has held that one such provision (in that case, a statute prohibiting general legislation from being included in an appropriations bill) was unenforceable, writing that “to hold otherwise would be to hold that one General Assembly could effectively control the enactment of legislation by a subsequent General Assembly. This is obviously not true, except where vested rights, protected by the constitution, have accrued under the earlier act” (*Patterson v. Dempsey*, 152 Conn. 431 (1965)).

Related Resolutions

SJ 5, favorably reported by the Transportation Committee, requires the legislature to use the STF only for transportation purposes.

HJ 41, favorably reported by the Transportation Committee, is nearly identical to this resolution.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 9 Nay 8 (03/27/2017)