

Ballot Question and Explanatory Text for 2018 Proposed Constitutional Amendments

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Issue

Provide the ballot question and explanatory text for the two proposed constitutional amendments that will appear on the November 2018 general election ballot.

Summary

At the November 6, 2018 general election, voters will consider two proposed amendments to the Connecticut Constitution. One proposed amendment, H.J.R. 100, deals with transportation funding. The other, S.J.R. 35, deals with state property transfers.

In order to appear on the general election ballot for consideration by voters, a proposed constitutional amendment must be approved by (1) a three-fourths majority in both chambers of the General Assembly or (2) a simple majority in both chambers in two successive legislative terms (Conn. Const. Art. XII). The law requires the Office of Legislative Research to prepare a concise explanatory text describing the content and purpose of a proposed constitutional amendment that will appear on the ballot ([CGS § 2-30a](#)). The text is subject to approval by the Government Administration and Elections (GAE) Committee—the joint standing committee of the General Assembly with cognizance over constitutional amendments.

Once approved by the GAE Committee, the secretary of the state must print and send the explanatory text, together with the language of the proposed amendment, to town clerks and registrars of voters in each town in sufficient supply for public distribution. The secretary must also print the text on posters and mail each town enough so that registrars can display at least three in each polling place.

If a majority of those voting on a proposed amendment approve it, the amendment becomes part of the state constitution. For more information on amending the constitution and on amendments since the 1955 revision, see OLR reports [2015-R-0240](#) and [2016-R-0124](#).

H.J.R. 100: Resolution Approving a State Constitutional Amendment to Protect Transportation Funds

Ballot Question

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?

Explanatory Text

On July 25, 2018, the GAE Committee met and approved the explanatory text that appears below.

Content and Purpose of the Proposed Amendment. If this amendment is approved, it would impose constitutional protections on state transportation funding. These protections, commonly referred to as the “transportation lockbox,” are currently established only in the Connecticut General Statutes. Specifically, this constitutional amendment, like the statutory lockbox, would do the following:

1. preserve the state’s Special Transportation Fund (STF) as a permanent fund;
2. require that the fund be used exclusively for transportation purposes, which include paying transportation-related debt; and
3. require that any funding sources directed to the STF by law continue to be directed there, as long as the law authorizes the state to collect or receive them.

Background: The STF. By law, the STF is a dedicated fund primarily used to finance state highway and public transportation projects as well as operate the Department of Motor Vehicles and Department of Transportation. The law directs a number of revenue sources to the fund, such as (1) state fuel taxes, (2) most transportation-related fees and motor vehicle-related fines, and (3) a portion of state sales and use taxes. STF resources are pledged to secure bonds for transportation projects and must be used first to pay debt service on these bonds.

S.J.R. 35: Resolution Proposing an Amendment to the State Constitution to Protect Real Property Held or Controlled by the State

Ballot Question

Shall the Constitution of the State be amended to require (1) a public hearing and the enactment of legislation limited in subject matter to the transfer, sale or disposition of state-owned or state-controlled real property or interests in real property in order for the General Assembly to require a state agency to sell, transfer or dispose of any real property or interest in real property that is under the custody or control of the agency, and (2) if such property is under the custody or control of the Department of Agriculture or the Department of Energy and Environmental Protection, that such enactment of legislation be passed by a two-thirds vote of the total membership of each house of the General Assembly?

Explanatory Text

On July 25, 2018, the GAE Committee met and approved the explanatory text that appears below.

Content and Purpose of the Proposed Amendment. If this amendment is approved, it would limit the General Assembly's ability to pass legislation that requires a state agency to transfer (sell or otherwise convey) any state real property (land or buildings) or property interest to non-state entities. It does this by imposing the following conditions:

1. a legislative committee must first hold a public hearing to allow for public comment on the property transfer; and
2. the legislation must address only the property under consideration.

In addition, for property that belongs to the state Department of Agriculture or the Department of Energy and Environmental Protection, the legislation must pass by at least two-thirds of the membership of the state House of Representatives and of the state Senate.

Further Explanation. The Connecticut General Statutes establish various procedures that state agencies must follow to transfer state real property. Alternatively, the General Assembly may transfer property through legislation, known as “conveyance bills,” without subjecting the transfers to the statutory procedures. The constitutional amendment would prohibit the General Assembly from transferring property by passing these types of bills, unless the above conditions were met. The amendment would not apply to transfers made by state agencies under the statutory procedures.

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