



**LEGISLATIVE PROCESS ADVISORY COMMITTEE**  
**FINAL REPORT AND RECOMMENDATIONS**

Submitted to the Joint Committee on Legislative Management  
Connecticut General Assembly  
November 19, 2004

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## INTRODUCTION

### ***Advisory Committee's Charge***

At meetings on March 18 and July 1, 2004, the Joint Committee on Legislative Management (JCLM) agreed to establish a bipartisan advisory committee of legislators, appointed by the House and Senate leaders to discuss and make recommendations on improving certain aspects of the legislative process in time for the start of the 2005 legislative session. JCLM members suggested various topics for the advisory committee to consider, including:

- Public hearings
- Committees
- House and Senate sessions
- Statutory authority and requirements
- Revisions in Title 2 of the General Statutes to eliminate anachronisms and redundancies
- Cost estimates for implementing any proposals

### ***Advisory Committee's Membership***

The Legislative Process Advisory Committee has 12 members.

<b>Member</b>	<b>Appointing Authority</b>
Sen. Joseph J. Crisco (Co-chairman)	Senate Majority Leader
Rep. Melody A. Currey (Co-chairman)	House Speaker
Sen. William A. Aniskovich	Senate Republican Leader
Sen. Thomas J. Herlihy	Senate Republican Leader
Sen. Thomas P. Gaffey	Senate President Pro Tempore
Sen. Joan V. Hartley	Senate President Pro Tempore
Sen. Ernest E. Newton II	Senate Majority Leader
Rep. Bob Godfrey	House Majority Leader
Rep. Ted C. Graziani	House Speaker
Rep. John W. Hetherington	House Minority Leader
Rep. David McCluskey	House Majority Leader
Rep. Pamela Z. Sawyer	House Minority Leader

## ***Advisory Committee's Process***

The committee held its organizational meeting on September 17, 2004. Members agreed to hold three public hearings, one for legislators and legislative staff, one for lobbyists and state agency legislative liaisons, and one for the general public. After the public hearings, the committee held four working meetings to discuss and agree on its final recommendations.

At its public hearings, the committee received many interesting and thoughtful proposals from legislators and former legislators, executive and judicial branch representatives, lobbyists, legislative staff, representatives of the Connecticut Television Network (CTN) and the League of Women Voters (LWV), and members of the general public.

The committee gratefully acknowledges valuable input and suggestions from the senior committee administrators for the Appropriations, Finance, and Judiciary committees; the House and Senate permanent assistant clerks; and the attorneys from the Legislative Commissioners' Office. The committee incorporated many of these suggestions in its discussions and this report.

Finally, the committee wishes to thank nonpartisan staff from the Office of Legislative Management, Office of Legislative Research, Office of Fiscal Analysis, Legislative Commissioners' Office, Program Review and Investigations Committee, and Information Technology Services for providing research and staff support to the committee.

The committee approved this report at its final meeting on November 10, 2004. The committee also agreed to include a list of the issues discussed, as well as copies of written recommendations submitted, as appendices to its final report.

## PUBLIC HEARINGS

The committee heard considerable testimony from the public, agency liaisons, and lobbyists about various aspects of the legislature's public hearing process, especially with regard to how accessible hearings are to the public. Many valuable suggestions for changes were offered which the committee reviewed. Because of the wide range of legislative committees and the issues they confront, the committee is reluctant to endorse a "one-size-fits-all" public hearing process that would apply to all committees and hearings. Nevertheless, the committee believes some changes should be considered.

### ***Speaker and Bill Order***

The committee recommends that chairmen continue to have discretion over how to structure public hearings. At the same time, we recommend that chairmen, with adequate notice, consider using the following procedures where appropriate.

- A lottery system to determine the order of speakers for the public portion of a hearing. A lottery could be structured in various ways as determined by the committee chairmen.
  - For example, the order of speakers could be determined at the start of a hearing by choosing a random person, say the 10<sup>th</sup> person signed up on the sign-up sheet, as the first speaker. Subsequent speakers would be called in the signed-up order after the 10<sup>th</sup> person, with those who signed up 1-9 speaking last. Anyone who signed up after the hearing starts would testify at the end of the hearing in the order in which they signed up.
  - An alternative type of lottery would distribute numbers to speakers as they sign up. Then, chairmen could draw numbers randomly to determine the speaker order.
  - The major advantage of a lottery system is that it places all those testifying in the public portion of a hearing on an equal footing. It also eliminates the incentive to arrive hours early to sign up first and the usefulness of unofficial sign-up sheets.

- Taking public testimony on a bill-by-bill basis, using a separate sign-up sheet for each bill.
  - This system allows members of the public to better estimate when they might be called to testify, allows those who wish to testify on only one bill to arrive and leave more expeditiously, and allows committee members to receive information and testimony in a more structured and organized manner.
  - If this system is used, we recommend that the bills be heard in the order in which they appear in the *Legislative Bulletin* notice. Committee chairmen would retain discretion over the order in which bills are listed in the *Bulletin*.

Regardless of the use of lotteries or bill-by-bill testimony, the committee recommends that chairmen retain their current authority to alter the order of speakers when it is appropriate or for the public convenience.

### ***Testimony by Agency Heads and Public Officials***

Under the current Joint Rules, the first hour of a public hearing is reserved for testimony by legislators who are not members of the committee holding the hearing, state agency representatives, and municipal chief elected officials appearing in their official capacities. The rule requires that (1) public officials' testimony be limited to one hour, (2) the public testimony after the first hour be uninterrupted by public officials' testimony, and (3) any officials wishing to testify after the first hour do so at the end of the hearing after all public testimony concludes (JR 6 (c) (ii)).

The committee heard that, when time for questions from legislators are factored in, it can be hard to fit public officials' testimony into one hour and that some committees do not observe the one-hour limit. It appears that committees often either let the public official portion of the hearing extend beyond one hour, or alternate public officials' testimony with public testimony after the first hour.

The committee believes that testimony from public officials is a valuable part of the public hearing process and that it is important for rank and file legislators on a committee to have the opportunity of questioning those officials about bills and agency programs. At the same time, inconsistent application of the rule on public officials' testimony creates confusion and may give the impression that "insider" testimony is more valued.

The committee recommends the following changes in the Joint Rules to help eliminate some of the inconsistencies across committees:

- Limit the number of state agency representatives permitted to testify during the reserved part of the public hearing to one representative per agency.
- Require any legislator seeking to testify in the reserved part of the hearing to do so in person and bar legislators from transferring any part of their time to witnesses who are not legislators.
- Give chairmen discretion to extend the time reserved for public officials to a maximum of two hours, if they include the information in the public hearing notice.
- Allow committees, at the chairmen's discretion, to take testimony from public officials at separate hearings or on separate days in lieu of reserving the first one or two hours of a public hearing for such testimony.
- To ensure that all committee members have an opportunity to ask questions of the public officials who testify during the reserved part of a public hearing, allow chairmen, at their discretion, to announce at the beginning how many minutes of questioning are reserved for majority party members and how many for minority party members.

### **Notice**

Many witnesses expressed dissatisfaction with the amount and type of notice for General Assembly public hearings. To address these concerns, the committee recommends that:

- The Joint Rules requiring at least five calendar days' notice for public hearings be amended to also require that a notice appear in at least three *Legislative Bulletins*. Currently, for a hearing on a Tuesday following a Monday holiday, a notice needs to be in only two *Bulletins*: the one published on the Friday before the hearing and the one published on the day of the hearing.
- JCLM officially request that the state's major newspapers publish notices of public hearings.
- CTN run a listing of upcoming public hearings on its broadcasts, either as a bulletin board notice or on a ticker tape at the bottom of the screen.

### ***Other Public Hearing Recommendations***

In order to improve public hearing procedures and the public's access and convenience, the committee also recommends that:

- State agencies be required, and all other witnesses be allowed, to submit electronic versions of any written testimony they provide to the committee in hard copy. This will allow committee members to access and review testimony electronically at a later date.
- Committee public hearing notices make it clear that written testimony and multiple copies are not a prerequisite for testifying at a public hearing.
- Committees be encouraged to hold hearings in the evening.
- Chairmen consistently enforce any announced time limits on speakers' testimony.
- Committee sign-up sheets have numbered lines; chairmen announce at the beginning of the hearing how many people have signed up; and when calling witnesses up to testify, chairmen announce the person's number on the list so others can estimate how long they may have to wait.
- Chairmen announce that groups are encouraged to testify together, with a single spokesperson.
- If many people are present and the hour is late, chairmen ask people who agree with a speaker to stand up, and keep a count of the number.
- Legislators be encouraged to hold meetings in town halls, state colleges and universities, or other appropriate venues to receive testimony on particular issues and submit that testimony for inclusion as part of the official hearing record in the appropriate committee.
- Committee chairmen consider appropriate accommodations for people with special needs when determining the order of speakers testifying at public hearings.

## **PARKING**

To increase the limited parking available to the public attending hearings, the committee recommends that:

- In light of expanded executive branch parking behind the State Office Building and recent reductions in the size of the state fleet, JCLM (1) request that, within 60 days, the Office of Policy and Management reassign executive branch vehicles that currently have reserved space in the Legislative Office Building (LOB) garage to other parking areas and (2) make the vacated spaces available for parking for LOB visitors.
- JCLM negotiate to take over either the parking lot at the corner of Broad Street and Capitol Avenue or the lot at the corner of Capitol Avenue and Oak Street for legislative parking. (Paving and other improvements to the Broad Street-Capitol Avenue lot would cost approximately \$240,000.)
- When the LOB garage is full, signs be posted directing people to alternate parking sites.
- JCLM explore the possibility of running the shuttle bus between the LOB and the Forest Street parking lot until 6:30 p.m. instead of 6:00 p.m. during legislative sessions. (This proposal would cost an estimated \$40 per day, or approximately \$4,000 for the long session and \$2,500 for the short session.)

## **LEGISLATIVE BULLETIN**

During the course of the committee's proceedings and hearings, many questions and concerns were raised about the format, organization, and layout of the *Legislative Bulletin* and about current mechanisms for filing committee hearing and meeting notices for publication in the *Bulletin*. The committee believes that the *Bulletin* could be reorganized to make it easier to navigate, both online and in its paper version, and that improving its layout would make it easier to read.

The committee had detailed discussions of these matters with the Appropriations, Finance, and Judiciary committee administrators and the House and Senate permanent assistant clerks, who oversee the creation and publication of the *Bulletin*. The committee believes the *Bulletin* should be revamped to make

it more readable and user-friendly for legislators, staff, and the public. As first steps to achieving those goals, the committee recommends that:

- The House and Senate permanent assistant clerks, after consulting with the senior committee administrators for Appropriations, Finance, and Judiciary; graphic design specialists made available by caucuses; and Information Technology Services (ITS), determine any changes in *Bulletin* organization, layout, and copy filing that can be made in time for the 2005 session.
- With the approval of legislative leaders, the permanent assistant clerks, with the assistance of ITS, develop a plan for implementing the changes before the start of the 2005 session.

In addition to these immediate proposals, the committee recommends that, during the 2005 interim, the House and Senate permanent assistant clerks retain a readability consultant to analyze the *Bulletin* and recommend ways to further improve it.

## COMMITTEES

### ***Number and Jurisdiction***

The committee engaged in extensive discussions and heard testimony about the number of legislative committees and their jurisdictions. Concerns were expressed about whether the large number of committees leads to difficulties and conflicts in scheduling public hearings and meetings. In addition, overlapping committee jurisdictions can generate duplicate bills and public hearings as well as gaps in committee oversight responsibilities.

The committee received two comprehensive committee reorganization proposals as well as other, more limited suggestions to resolve some of these issues. The committee takes no position on the overall number of committees. Instead, we recommend that the legislative leaders consider and implement any committee consolidation or reorganization proposals and other committee changes in light of the following goals:

- Minimize overlapping jurisdiction and cognizance to avoid duplicate bills and multiple public hearings on the same or related issues and to make the lines of accountability clearer for state agencies.

- Encourage committee chairmen to coordinate, to the extent possible, their work on issues and either agree on the committee that will take primary responsibility for a particular issue or hold joint hearings on bills with overlapping cognizance.

### ***A & B Designations***

To further the goal of easing scheduling conflicts, the committee also recommends that:

- Legislative leaders reassess A and B committee designations based on current workload. Some busier B committees, such as Public Health, may benefit from an A designation, which would give them an extra day during the week on which they could meet or hold hearings.
- Leaders return to the practice that prevailed during the 1980s by designating a separate JF deadline for each committee. This would minimize the conflicts for legislators and staff arising from having several committees with the same JF deadline, such as happened in the 2004 session when five committees had a March 4, and three had a March 9, deadline.
- If necessary, allow for exceptions from the A and B scheduling limitations to accommodate individual committee JF deadlines. (JR 5 (b) already allows committees to meet on other-than-assigned days, if they have written certification of a significant need for the meeting from the House speaker and the Senate president pro tempore or if their regular meeting day falls on a holiday or a day when the Capitol or LOB is officially closed.)

### ***Chairman and Ranking Member Training***

The committee recommends that caucuses consider holding training sessions for first-time committee chairmen and ranking members on leadership skills and committee organization and procedure.

### ***Committee Staff Training***

The committee heard considerable testimony on the crucial role committee staff play in any smoothly running committee operation. The committee acknowledges that senior committee administrators from the Appropriations, Finance, and Judiciary committees already provide one day of pre-session training for committee staff and that staff can also rely on a comprehensive and complete *Connecticut General Assembly Committee Staff Manual* to help them

resolve questions as they arise throughout the session. The committee recommends supplementing these existing efforts by:

- Making training mandatory for all committee staff.
- Expanding the pre-session training beyond the current one-day session.
- Providing training during the session for clerks appointed after the session starts.
- Encouraging senior staff to mentor new committee staff throughout the session.

In addition, the committee recommends asking the Office of Legislative Management to work with representatives of the House and Senate caucus offices to develop a plan to coordinate the supervision and training of committee clerks and other committee staff.

### ***Minutes***

Since committee meetings are not transcribed, committee minutes are the only record of what occurs at each committee meeting. To allow the public to receive prompt notice of committee activities, the committee recommends that the Joint Rules require that committee meeting minutes be available and, unless the legislature's computer system is not operating, be posted on the committee's website within a specified time (such as 24 or 48 hours) after a committee meeting ends.

### ***Meeting Locations***

The committee heard from several witnesses that committee meetings held in House and Senate lobbies immediately before sessions are undignified due to the inadequate facilities for discussing and considering bills. The committee agrees with this assessment and recommends that the Joint Rules require that all official committee meetings be held in designated meeting rooms.

## **HOUSE AND SENATE SESSIONS**

The committee recommends that legislative leaders retain their current discretion to schedule the timing of legislative sessions and floor action on bills. At the same time, the committee recommends that legislative leaders make a

concerted effort to schedule action on high-profile legislation during times when at least some members of the general public can reasonably be expected to be viewing.

The committee also recommends that the leaders consider time management for the legislative session as whole. The committee believes that moving bills to final action throughout the session can mitigate the crush of business in the final days, allowing the legislature to debate bills fully while minimizing the need for multiple late-night sessions.

## **BILLS AND AMENDMENTS**

Because of the constitutional limitation on the types of bills that can be introduced in the short session of the legislature, the committee does not recommend that bills not passed in the first year of the two-year session be officially carried over to the following session. But the committee recommends that legislative committees be encouraged to use the interim between the long and short sessions more effectively, to work on bills and resolve issues left over from the previous session. In particular, committees should consider holding informational hearings on issues to gather data and discuss issues with experts, and to include the results of those hearings as part of the committee's minutes.

## **PROGRAM EVALUATION AND ACCOUNTABILITY**

The committee received several provocative proposals to improve the legislature's performance measurement capabilities and enhance oversight and accountability for government programs. The committee urges JCLM to consider these proposals and explore their feasibility and ramifications in more detail.

Among the proposals the committee wishes JCLM to consider are those to:

- Eliminate current sunset laws and instead require each state agency to annually rejustify and report on the qualitative and quantitative effectiveness and efficiency of any major state expenditure that has been ongoing for three or more years.
- Empower the nonpartisan legislative research, fiscal analysis, and program review staffs with better resources, and use each office to better evaluate programs as part of the budget process.

- Develop a “performance note” identifying qualitative and quantitative outcomes for Legislative Program Review and Investigations staff to include with every bill before the bill is acted on in the House or Senate.

## **REVISIONS IN TITLE 2 OF THE GENERAL STATUTES**

The committee’s schedule and the range of issues considered did not allow sufficient time to fully evaluate proposed revisions in the state laws governing the General Assembly and its procedures (Title 2) or the relationship between those statutes and the General Assembly’s rules. The committee recommends further study of Title 2 revisions and that legislation regarding any changes be introduced in the 2005 session.

## **STAFF ACTIVITIES IN RESPONSE TO COMMITTEE DISCUSSIONS**

The committee’s hearings and discussions on improving public access to the legislature resulted in several proposals from legislative staff to address the issues raised. The committee wishes to endorse the following activities and proposals to be undertaken by appropriate legislative staff in response to the committee’s proceedings.

### ***Additions to CGA Website***

- A “frequently asked questions” (FAQ) section, created in consultation with the League of Women Voters.
- A Visitor Information page, including information about parking, food and other public services available, tips on testifying at a public hearing, handicapped accessibility, and how to request handicapped accommodations.
- An alternative, simplified, basic search page to the existing Internet search page.

### ***Enhanced Committee Websites***

- Committee websites to include lists of members, public hearing and meeting schedules, and other notices of interest.

- Add a one-click link for each committee to allow someone to e-mail all a committee's members at once.

### **CTN**

- Implement a pilot project proposal submitted to JCLM for closed-captioning of CTN broadcasts. (The estimated cost of the pilot is less than \$20,000.)
- Explore the possibility of using closed-captioning technology to record transcripts of hearings, meetings, and floor debate.
- Limit information on TV monitors in the LOB and the Capitol to the legislative schedule for the day. Other information currently listed would be available from the LWV guides and the Capitol Police security technicians stationed at each entrance.

## LIST OF APPENDICES

### Note:

To view any of the the documents listed below, click on the document name.

**Appendix A - Joint Committee on Legislative Management Meeting Minutes, 3/18/04 and 7/1/04**

### **Appendix B - List of Issues Discussed by the Committee**

- B-1. Legislative Process Advisory Committee Issues (Working Draft), 10/19/04

### **Appendix C - Legislative Process Proposals Received**

- C-1. Memo from Rep. Bob Godfrey: "Base closings and saving taxpayer dollars, an irreverent proposal," 9/21/04
- C-2. Reps. Ward, Cafero, and Powers, "Connecticut Legislative Reform Agenda and Committee Reorganization Proposal," 2004
- C-3. Written Testimony of Lieutenant Governor Kevin B. Sullivan, 10/5/04
- C-4. LCO Attorneys "Recommendations Regarding the Legislative Process," 10/15/04
- C-5. Proposal for Pilot Program for Closed Captioning on the Connecticut Network, by Paul Giguere, CTN, 10/12/04
- C-6. Rep. McCluskey, "Issues" for the Legislative Process Advisory Committee, 10/04
- C-7. *Connecticut Budget Process*, Legislative Program Review and Investigations Committee, 12/03
- C-8. Written testimony submitted at Legislative Advisory Committee public hearings

## **Appendix D – Research and Analysis Provided to the Committee**

- D-1. Legislative Process Information Provided to Legislative Process Advisory Committee by the Office of Legislative Research, 9/17/04
- D-2. Information on Legislative Committee Oversight, By Agency – Office of Legislative Research
- D-3. Night Adjournment Rules for Legislative Sessions in Other States - Office of Legislative Research, revised 10/22/04
- D-4. Survey of Other States’ Legislative WebPages – Office of Legislative Research
- D-5. Analysis of Constitutional Limitations on Bills Continued to the Next Session by Sharon Brais, LCO, 10/20/04
- D-6. Memo on Technical Sessions by Marcia Goodman, LCO Director 9/30/04
- D-7. Memo on Technical Response Issues by Cheryl Smith, Office of Information Technology Services, 10/27/04
- D-8. Memo from Eric Connery, OLM, regarding parking questions, 10/5/04
- D-9. Memo from Eric Connery, OLM, regarding 340 Capitol Ave. Parking Lot, 11/3/04
- D-10. Memo from D’Ann Mazzocca, Executive Director, OLM, regarding The Capitol Complex and ADA Compliance, 11/9/04
- D-11. Memo from Eric Connery, OLM, regarding ADA and the Capitol, 11/9/2004
- D-12. Memo from Eric Connery, OLM, regarding Indoor Air Quality, 10/1/04