



## 2017 LWVCT Legislative Wrap

### **Campaign Finance – Jim Redman**

In the first week of the legislative session, beginning Jan. 4, when all bills must be introduced, 57 bills were submitted to the Government Administration and Elections Committee (GAE) relating to campaign finance and election administration. Of the twenty-eight bills relating to CEP, twenty-six were introduced by Republican legislators and in some form weakened, reduced, or eliminated CEP. In 2005, in response to corruption, the Connecticut legislature created the Citizens Election Program (CEP), financed primarily by the sale of abandoned state property, to provide a system of publicly funded elections. Since then it has been the target of both Democrats and Republicans. In 2010, the U.S Supreme Court Citizen United decision, which affirmed that corporations constituted a “person”, muddied the waters on “independent” expenditures, “dark money,” began to undermine CEP. LWVCT submitted testimony to support CEP in early March.

Legislation has been introduced to limit the effectiveness of the SEEC, the watchdog agency for campaign finance and elections. It is already underfunded and understaffed and potential violators could delay cooperation until the one-year period expires. Also, SEEC continues to be undermined by budget cuts year after year. The League believes that an open and transparent system is only as good as its watchdog agencies ability to monitor campaign finance compliance, and believe SEEC should be fully funded.

The League of Women Voters of Connecticut continues to advocate for limitations on campaign contributions and expenditures, full disclosure of campaign activities and transactions, and the partial funding of elections through Connecticut’s model Citizens Election Program (CEP). However the ongoing state budget crisis continues to make CEP and the SEEC political pawns and easy targets for manipulation and budget cuts. The League understands the importance of a publicly funded campaign finance system in limiting the corrupting powers of special interests and leveling the playing field. The League also supports the mission of the SEEC as the watchdog agency and administrator of CEP. Positive relationships have also been established with advocacy groups such as Common Cause and The Sierra Club in shining a light on campaign finance reform and election administration. The League also advocates for CEP through its own CEProud initiative: a three-year public awareness campaign with the objective of defending CEP from the various challenges to its survival.

### **Election Laws – Yvonne Senturia**

Four election law bills remain in play as the end of the session draws near.

**SB897 AA CONCERNING ELIGIBILITY FOR ELECTORS TO VOTE BY ABSENTEE BALLOT.**

Statement of Purpose: To expand eligibility for absentee ballot voting to any elector who is absent from his or her town of voting residence for any reason and at any time during the hours of voting at an election, primary or referendum. The League believes that every citizen should be protected in the right to vote and therefore encourage efforts to maximize voter participation. The League supports measures which assure that absentee ballot privileges are available to all electors – for any reason or no reason at all.

**HJ95 RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO PERMIT EARLY AND REGIONAL VOTING.** Currently absentee balloting is the only form of early voting

allowed in Connecticut. The League believes that every citizen should be protected in the right to vote and therefore encourage efforts to maximize voter participation and early voting. We strongly support resolutions to amend the state constitution, which is necessary to vest the General Assembly with the authority to create an early voting system.

HJ96 RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO EXPAND THE USE OF ABSENTEE BALLOTS. The League supports measures which assure that absentee ballot privileges are available to all electors – for any reason or no reason at all. The League supports resolutions that would amend the state constitution, to vest the General Assembly with the authority to loosen the standards for obtaining an absentee ballot,

HB5434 AN ACT ADOPTING THE INTERSTATE COMPACT TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE. Statement of Purpose: To enter Connecticut into the Agreement Among the States to Elect the President by National Popular Vote, thereby committing the state's votes in the Electoral College to the presidential candidate that wins the popular vote nationally, regardless of whether such presidential candidate wins the popular vote within the state. The League of Women Voters believes that the direct-popular-vote method for electing the President and Vice President is best for representative government. The National Popular Vote (NPV) Compact provides a way to achieve the goal of choosing the President of the United States by popular vote without amending the Constitution, which is a protracted process with delayed outcome. The NPV Compact would guaranty the winner of the popular votes in all 50 states and the District of Columbia becomes the President. With a shift to the NPV Compact, voters across the country, including Connecticut, would have a greater sense that their votes do indeed count in a meaningful way and would have an incentive to pay attention, vote and participate in the electoral process. The League believes that it is more important than ever that we preserve the democratic ideal of making each vote count.

Two additional bills of interest to LWV were sent from House out to other Committees, passed successfully back to the House the last week in April, and were then tabled by the House.

HB6423 AA EXTENDING THE HOURS OF ELECTION DAY REGISTRATION and HB6576 AA PERMITTING ADDITIONAL POLLING PLACES AT INSTITUTIONS OF HIGHER EDUCATION DURING ANTICIPATED HIGH-TURNOUT ELECTIONS

### **Media Issues – Pua Ford**

This session, seven bills concerning community access television were proposed:

- 4 to study how PEG is funded
- 2 to seek per subscriber funds more subscriber funds (including those who only used internet & stream their video)
- 1 to allow town-specific channels in areas where they do not currently exist.

Five bills were proposed concerning better high-speed internet in the state, either as a service provided by municipality or community or as a pilot program. The idea of a gigabit network was first proposed last year; the idea of internet provided by local government is new in Ct.

None of these bills were put up for public hearing this year and so died in committee. I assume the chairs knew they would fail in the budget process.

None of the 2017-19 budget bills to date mention sweeps of the PEGPETIA fund or other special funds, including the Community Investment Fund and the fund from the big tobacco settlement. Any language similar to that in the 2015-17 revenue bill has not been visible. I believe there is an effort in the budget-making process to shield the Governor's budget bills from such public objections for specific parts.

## **Solid Waste – Carolyn Bayne**

Legislation pertaining to single-use carryout bags surfaced again this legislative session, with HB-6313, An Act Establishing a Tax on Single-Use Plastic and Paper Bags, currently on the House calendar. Various approaches to minimizing and/or eliminating single-use bags has come up in at least four previous sessions, with none successfully becoming law. Effective October 1, 2017, this bill would require certain retail stores to charge customers at least 5 cents for each single-use carryout bag the store provides to them. Exemptions would once again be made for bags provided by a pharmacy for prescription medication and bags without handles, such as those used for produce, dry-cleaning and newspapers. Tax monies collected were initially earmarked for the Department of Energy and Environmental Protection (DEEP) to be used for environmental purposes, but a change in the language now directs them to a General Fund account used to maintain, repair and improve the state's parks.

It is estimated that up to a billion single-use bags are distributed in Connecticut each year, and both types of bags – plastic and paper – pose environmental issues. Single-use plastic bags are non-biodegradable and their frequent improper disposal creates problems for marine and other wildlife, and they also impact the budgets of municipalities that must pay for their pickup and removal. Single-use paper bags require vast quantities of resources to manufacture, transport and recycle. A bag tax would decrease usage by an estimated 60 percent, and currently has bi-partisan support. The League supports policies that reduce the generation of solid waste, including those that promote reuse and recycling. The League has previously supported a phase-out of plastic bags and efforts to reduce the use of paper bags; a tax with this intended purpose is consistent with the League's position.

Several bills aimed at improving or abolishing the state's beverage container deposit program, better known as the "bottle bill," made it into this legislative session, although only two made it out of committee: HB-5618, An Act Concerning an Increase in the Handling Fee for Bottle Redemption Centers, and SB-996, An Act Establishing a Bottle Recycling Fee in lieu of a Refundable Deposit. The bottle bill was enacted in 1978 to eliminate litter by incentivizing consumers to return beverage containers for a 5 cents refund. Costs associated with recycling bottles has increased since the implementation of the bottle bill, yet the handling fee paid to redemption centers per container has remained just 1.5 cents for beer and 2 cents for carbonated drinks and water. Many redemption centers have closed and others struggle to remain in business; retail stores lose money on recycling beverage containers. HB-5618 is intended to promote the continued employment of workers in the bottle redemption industry by slightly increasing (by 1 cent) these handling fees.

Senate Bill 996 takes an entirely different approach by shifting the current method of bottle recycling into curbside recycling, which did not exist when the bottle bill was enacted nearly forty years ago. This bill, modeled on a law passed in Delaware in 2010, would require consumers to pay a non-refundable 4 cent tax at the point of sale which would be placed in a non-lapsing account. These funds would be used to help compensate both waste haulers, for having to collect additional recyclables, and municipalities, for increased tipping fees. Proponents of this bill argue that redemption rates in Connecticut have steadily declined (just over 50 percent in 2015) as single stream recycling programs have expanded, making the practice of redemption unduly confusing for consumers and costly and burdensome for retailers.

Opponents of this bill point out that states with deposit systems have recycling rates that are more than twice as high as states without a bottle deposit; elimination of the deposit could result in increased litter to Connecticut's roadways, beaches and open spaces. Several hundred workers in redemption centers would lose their jobs, and the costs of recycling would be shifted from beverage manufacturers onto Connecticut taxpayers via a regressive 4 cent tax. It is also worth noting that almost all recycled glass used in the glass

container manufacturing process is sourced from the states with beverage container deposit programs, as contamination issues and sorting challenges limit how much glass can be recycled from single stream. For these reasons, the League has encouraged its members to contact their legislators and ask them to vote against SB-996.

The LWVCT “Bottle Bills” advocacy was lead by Kathy Golas who also lead the initial campaign to establish the bottle bill in 1980. LWVCT joined the Bottle Bill Coalition formed to advocate for modernization of the Bottle Bill.

### **Land Use– Margaret Wirtenberg**

There was no shortage of bills to follow! 48 bills for Planning & Development and 58 bills for Environment.

Planning & Development can claim victory for what could be a significant piece of legislation. It is in fact one of three bills that have been approved so far – H.B. 6008 AA ESTABLISHING AN INDEPENDENT CONSUMER ADVOCATE FOR METROPOLITAN DISTRICT OF HARTFORD COUNTY CONSUMERS. Prior to this Session, the Metropolitan District Commission (“MDC”) held hearings on the concepts represented in H.B. 6008 allowing the public in on the development of their bill. MDC is one of the most venerable regional organizations we have in the country, not just Connecticut

Planning and Development has held hearings on many bills that might resurface as a line or two in an “Implementer” bill. Many of the issues taken up in Planning and Development are those relating to municipal finance. Some of these are critical to the budget. Some are controversial. Anything with a “fiscal note” has been avoided to this point.

### **Water Resources – Carolyn Bayne**

The League supports policies and programs that promote comprehensive long-range planning for the conservation of water resources, including the enforcement of regulations to maintain and improve water quality. Connecticut’s 3.6 million residents enjoy some of the best drinking water in the country, and that is largely due to the state’s long-standing, strict protection of drinking water lands.

The League therefore supported HB-6329, An Act Concerning Hydraulic Fracturing Waste in Connecticut, currently on the House calendar. This bill seeks to permanently prohibit the collection, storage, handling, transport, disposal, and use of hydraulic fracturing waste in Connecticut. A law passed in 2014 placed a moratorium on these activities only until the Department of Energy and Environmental Protection (DEEP) commissioner adopts relevant regulations; this bill removes his authority to adopt such regulations and places a permanent ban on fracking waste in the state. Although fracking is not likely to occur in Connecticut, the issue of fracking waste is a valid concern as nearby states, such as Pennsylvania, desperately seek markets to handle their vast quantities of fracking waste. Actions taken to limit or ban fracking waste in Vermont, Massachusetts and New York potentially put our state at greater risk as this waste is shipped around. Some Connecticut municipalities have been so concerned that, to date, more than a dozen have adopted their own bans on fracking waste.

Another bill that garnered much interest this session was SB-753, which directed the DEEP commissioner to report on the viability of expanding the bottled water industry in Connecticut, including recommended legislation concerning such future expansion. Concerns have been raised about expansions of the commercial water bottling industry in Connecticut and its effect on the state’s economics and environment, particularly during drought conditions. A joint favorable substitute, An Act Concerning Commercial Bottled Water Operations and State Streamflow Regulations and the State Water Plan,

addressed concerns that the bill, as drafted, was duplicative – and therefore unnecessary – of the work of the Water Planning Council (WPC), on which the DEEP commissioner sits. Rather, the bill’s new requirements are that the DEEP commissioner consider commercial bottled water operations when developing stream flow regulations, and that the WPC, in developing its state water plan to manage the state’s water resources, also consider commercial use of water bodies. Pursuant to Public Act 14-163, the WPC is developing a comprehensive state water plan, due out by July 1, 2017, which appropriately balances the public water supply, economic development, recreation and ecological health needs of the state. SB 753 is currently on the Senate calendar.

Connecticut has recently experienced above-normal precipitation and reservoir levels are reportedly at full capacity. However, as recently as early 2017, after years of below average rain and snow, much of the state continued to be classified under either moderate or severe drought conditions. SB-506, An Act Concerning Water Usage and Conservation During Drought Conditions, currently on the Senate calendar, seeks to ensure adequate water supplies by increasing water use restriction percentages during various levels of drought (advisory, watch, warning, emergency) and making restrictions mandatory, rather than voluntary, at a lower drought level. It also requires municipalities to post on their websites specific measures that residents and businesses can – or must – take to reduce water use during these periods. Through increased conservation, and at an earlier stage, it may be possible to avert a drought emergency.

### **School Finance – Martha Banks**

The level of education funding and its distribution to communities in the upcoming biennium is still up in the air.

The CGA has not supported the governor’s proposed educational funding. Malloy’s budget would have resulted in dramatic shifts in educational funding.

- It would shift large sums of Educational Cost Sharing (ECS) money away from over 100 communities to those that are less affluent. The communities receiving the funding would not need to spend the money on improving education.
- The Special Education Excess Cost fund (SPEDEX) would be increased. The SPEDEX grant would no longer be distributed, however, to communities on a pro rata basis for special education (SPED) expenditures 4.5 times above the level of a district’s average per pupil costs. Instead, a town’s relative wealth would be used to determine how much funding it receives for SPED. The most affluent would receive almost no excess cost funding. The least affluent could receive up to 52% reimbursement for all of their SPED expenditures.
- Communities would be asked to fund one third of the contributions that are required to fund teacher pensions. When these significant pension bills are factored in, all but 14 towns, even those receiving more ECS and Excess cost funding, would experience a net reduction in education money.

Democrats and Republicans in the CGA have both developed education funding proposals that diverge from the governor’s proposals, but they have not moved forward either.

- Both Democrats and Republicans favor the re-distribution of ECS funds to help the more impoverished communities, but they have different methods for doing so. In addition, under each of their proposals, the shift of these funds would be done on a gradual basis -- towns would not see the wide ECS funding swings that they would see under Malloy’s proposal.
- The Democrats call for retention of the current method of distributing SPEDEX funds (4.5 times method). The Republican SPEDEX proposal is similar to the governor’s – funds would

be distributed based on a town's equalized grand list and the distribution would range from 2.5% to 52% of what on town spent on special education in the previous year.

- Neither the Democrats nor the Republicans favor community assumption of any of the teacher pension obligations.

## Post Budget Analysis

Connecticut schools did not fare well in the budget adopted for FY 2018.

The budget passed by the Connecticut General Assembly (CGA) reduced the Educational Cost **Sharing (ECS) grant by \$31.4 million dollars**. The lowest performing districts in Connecticut (30 Alliance Districts and three other districts) did not have any cuts in their ECS money, but all remaining towns in Connecticut received 5 % reductions versus 2017.

The Connecticut General Assembly's budget contained some unidentified savings (lapses), however, and in November Governor Malloy, to address those "lapses", cut an additional \$58 million from ECS funding. The 33 lowest performing districts saw either no reductions or very small reductions, while the remaining districts are now experiencing double digit decreases averaging around 13 percent. The reduction in ECS funding versus 2017 now totals \$89 million or a 4.4 % cut.

The CGA did not utilize the current ECS formula to determine 2018 ECS distributions. They are revising the formula for 2019, however, which will have the net effect of increasing aid to poorer communities and reducing aid to other towns. It's of note that the state is still awaiting the Supreme Court's decision in regard to Judge Moukawsher's ruling that distribution of education funds in Connecticut is irrational and should be distributed via a formula. The state appealed this decision.

The CGA cut an additional \$27 million from such programs as Priority School Districts, charter and magnet schools and the Connecticut Technical High School system.

The pool of money for Special Education Excess Cost was spared a cut and in fact was increased by \$6.9 million. Excess cost money will continue to be distributed to communities on a pro rata basis for special education expenditures 4.5 times above the level of a district's average per pupil costs on a pro rata basis. The Governor's original proposed budget also increased Excess Cost, but the funds would no longer have been distributed to communities on a pro rata basis. Instead, a town's relative wealth would have been used to determine how much funding.

### What to monitor for the future

Whether the current projected budget deficit for 2018 will result in additional cuts to education.

Whether towns will be asked to pick up a share of teacher pension contributions.

Sources: CT. Mirror, Connecticut School Finance Project

**HEALTH CARE** - Naomi Schiff Myers

### **S.B. No. 116** – AAC DISPUTES BETWEEN HOSPITALS AND INSURERS

Purpose: To protect patients. Outcome: DIED IN COMMITTEE 06/15/2017

### **H.B. No. 7125** AAC A STUDY OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

Purpose: To require the Insurance Commissioner to conduct a study regarding the impact of the Patient Protection and Affordable Care Act on this state. Outcome: REFERRED BY HOUSE TO APPROPS WHERE IT DIED WITHOUT A VOTE

**H.B. No. 6175** AN ACT CREATING A TASK FORCE TO ENSURE CONTINUED ACCESS TO AFFORDABLE AND COMPREHENSIVE HEALTH CARE COVERAGE.

Purpose: To ensure continued access to affordable and comprehensive health care coverage by Connecticut residents following the passage of federal legislation to repeal the Patient Protection and Affordable Care Act, if any. Outcome: DIED IN COMMITTEE 06/15/2017

**H.B. No. 5138 AAC THE AFFORDABLE CARE ACT.**

Purpose: To repeal health care mandates required under and prohibit state participation in the Affordable Care Act. Outcome: DIED IN COMMITTEE 06/15/2017

### **Reproductive Rights – Birgitta Longnecker**

Many of the bills relating to Reproductive Rights issues will probably not come up for a vote. However, in view of what is happening on the federal level in regard to the Affordable Care Act, one remaining bill is of utmost importance: SB 586, AA EXPANDING HEALTH BENEFITS FOR WOMEN, CHILDREN AND ADOLESCENTS. This bill would expand health benefits including contraception benefits without co-pays and would also require the Commissioner of Social Services to amend the Medicaid state plan to provide expanded contraception benefits. The bill passed temporarily on June 6, but did not come up for a final vote, it will be revisited in the next session.

### **Mental Health - Caroline M. Adkins PhD**

There were six bills before the Legislature that related to mental health. Another bill broadly related was the Governor's Budget recommendations for Public Health Programs which quickly failed to pass. The only bill that seemed to garner a favorable response related to the establishment of a task force to explore the impending shortages in the Psychiatry work force. Two other bills, one mandating insurance for peer counselors and the other related to parental notification about available services for children were moved to other committees, one to the Public Health Committee and the other to the Committee on Children, thus slowing their movement through the legislative process. Two other bills had no public testimony along with no other information since they were first proposed.

Of interest to this specialist were two bills, one which related to the use of peer counselors and the other to using trained volunteers to deliver mental health services. While both were opposed by the Insurance Committee on the basis of cost they reflect an effort to minimize the use of professionals and this is a trend that needs to be carefully watched by the League of Women Voters in the coming sessions. In summary, little has happened with respect to mental health legislation this session, very different from after Newtown.

### **Gun Safety – Susan Iseman**

Three bills related to Gun Safety issues were introduced in the 2017 legislative session.

HB 6200: The Presentation of a Carry Permit. Died in Committee 6/17. LWVCT submitted testimony in support of this legislation.

HB6636: Permit to Carry a Firearm Reciprocity, that would allow holders of other states' permits to conceal carry in Connecticut. Died in Committee 6/17

HB6263: Repeal Gun Control Legislation enacted in 2013: Died in Committee