



OLR RESEARCH REPORT

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2003 VETO PACKAGE

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The governor vetoed 10 acts passed in the 2003 session, including two budget bills and one deficit reduction bill. Seven of these may be considered during the veto session (scheduled for July 28). Budgetary matters are not expected to be considered for an override vote as they are the subject of further negotiations.

The seven vetoed public acts are:

1. "An Act Concerning Funeral and Burial Plot Allowances" (PA 03-67),
2. "An Act Reducing Outdoor Light Pollution at State Buildings and Facilities" (PA 03-113),
3. "An Act Concerning Maximization of Federal Funds" (PA 03-157),
4. "An Act Concerning Legislative Oversight of the Federal Waiver Application Process" (PA 03-165),
5. "An Act Concerning the Sale of Electric, Gas, and Oil Fired Heating Units" (PA 03-172),
6. "An Act Concerning the Provision of Air for Tire Inflation Purposes" (PA 03-194), and

7. "An Act Concerning Election Day Voter Registration and the Duties of Registrars of Voters" (PA 03-204).

A vetoed act will not become a law unless it is reconsidered and passed again by a two-thirds vote of each house of the General Assembly. Twenty-four votes are necessary in the Senate and, due to two vacancies, 100 votes are necessary of the current House membership (The House has 151 seats which would require 101 votes to override if all seats are filled).

This report contains a brief summary of each act, the final vote tallies, and excerpts from the governor's veto messages.

AN ACT CONCERNING FUNERAL AND BURIAL PLOT ALLOWANCES

PA 03-67—HB 6468

General Law Committee

Human Services Committee

SUMMARY: This act requires the Department of Social Services (DSS) commissioner to apply certain asset exclusions uniformly throughout the state when determining eligibility for the State Supplement and Temporary Family Assistance (TFA) programs. These are the exclusions for a burial fund amount (\$1,200), the value of a burial plot, and the value of an irrevocable funeral contract (limited by law to \$5,400). By law, the \$1,200 burial fund amount is reduced by the value of a revocable or irrevocable funeral contract and the face value of any life insurance policy the client owns.

The act defines "burial plot" as a gravesite, crypt, mausoleum or niche, crematorium urn, or any other repository traditionally used for the remains of a deceased person, and a headstone or marker.

EFFECTIVE DATE: October 1, 2003

Senate vote: 34-0, consent calendar (May 15)

House vote: 141-0 (April 30)

EXCERPT FROM THE GOVERNOR'S VETO MESSAGE:

"While this act purports to resolve questions concerning the administration of asset exclusions to determine eligibility for state assistance programs, the legislative intent established in the Senate indicates that it does so at an unbudgeted cost of \$4.2 million a year.

“If the legislature believes that this appropriation is necessary, it should be measured against the myriad budgetary interests the legislature will consider during the budget negotiation process. If I sign this bill, I would be complicit in an attempt to circumvent this vital process.”

AN ACT REDUCING OUTDOOR LIGHT POLLUTION AT STATE BUILDINGS AND FACILITIES

PA 03-113—HB 5165

*Government Administration and Elections Committee
Appropriations Committee*

SUMMARY: This act bans the use of state funds to install or replace an outdoor light or lighting system on state building or facility grounds that:

1. fails to maximize energy conservation and minimize light pollution, glare, and light trespass, which is light that shines beyond the boundaries of the property where it is located;
2. provides light at a surface that exceeds what is adequate for its intended purpose; or
3. has an output of more than 1,800 lumens (the unit for measuring the brilliance of a light source), unless it is equipped with a full cut-off luminaire (a lighting system that allows no direct light emissions above a horizontal plane through its lowest light-emitting part).

The act allows two exceptions to the cut-off requirement. It (1) exempts lighting systems on the grounds of a Department of Correction correctional institution or facility and (2) sets conditions under which the public works commissioner, or his designee, may waive the cut-off requirement for other state buildings or facilities when necessary. The commissioner must prescribe the form for the waiver request, which must include a description of the lighting plan, the efforts that have been made to comply with the cut-off requirement, and the reasons the waiver is necessary. The commissioner, or his designee, must consider design safety, cost, and other appropriate factors, in his review.

The act also exempts a new or replacement lighting system from its requirements if the Office of Policy and Management secretary finds that a non-complying system is more cost-effective than a system that meets the act's requirements. The secretary must determine this by comparing the systems' life-cycle cost analyses and certifying that a system that meets the act's requirements is not cost-effective or the most appropriate alternative.

EFFECTIVE DATE: October 1, 2003

Senate vote: 31-5 (May 22)

House vote: 103-41 (May 15)

EXCERPT FROM THE GOVERNOR'S VETO MESSAGE:

"Notwithstanding its good intentions, it creates an unworkable process that state agencies must undertake before replacing or repairing an outdoor lighting system.

"Specifically, this act prohibits agencies from using state funds to install or replace a 'permanent outdoor luminaire' for lighting on the grounds of any state building or facility unless (1) the lighting system is designed to maximize energy conservation and to minimize light pollution, glare, and light trespass; (2) the lighting system's luminance is equal to the minimum amount of luminance that is necessary under the circumstances; and (3) for a lighting system using more than 1800 lumens, it cannot have any light emissions above a horizontal plane through the light system's lowest light-emitting part. A 'permanent outdoor luminaire' is defined as a *single luminaire* or a system of luminaires. [Veto message adds emphasis.] In other words, agencies wishing to repair or replace a continuously operating outdoor light bulb must use the minimum amount of light possible and this amount cannot exceed 1800 lumens. Further, if an agency wants to use a bulb that is prohibited by this act, it must secure a waiver from the Department of Public Works (DPW).

"When determining whether to grant this waiver, DPW considers several factors including, a description of the lighting plan; a description of the efforts that have been made to comply with the energy efficiency standards; and the reasons the waiver is necessary. The agency can only use a bulb that exceeds 1800 lumens if DPW grants the waiver. It is important to note that 1800 lumens is not necessarily a significant amount of light. A light measuring over 1800 lumens can be as bright as

a traffic light (1950 lumens) or as dim as a standard 150-watt bulb (2220 lumens), a 40-watt bulb (1870 lumens), or a 27-watt bulb (2650 lumens). Since this act is so restrictive as to prohibit the continuous, outdoor use of a 27-watt light bulb, it will not achieve its desired effect to reduce light pollution.

“In addition to the waiver process, this act establishes a burdensome exemption process which is conducted by the Office of Policy and Management (OPM). OPM can exempt an agency’s lighting system from the provisions of this act if it (1) conducts a ‘life-cycle cost analysis comparison’ of a bulb that emits less than 1800 lumens against one that emits more than 1800 lumens and (2) certifies that a bulb that meets the act’s requirements is not cost effective. Clearly, this act creates unreasonable burdens on state agencies.”

AN ACT CONCERNING MAXIMIZATION OF FEDERAL FUNDS

PA 03-157—sSB 878

*Government Administration and Elections Committee
Appropriations Committee*

SUMMARY: This act requires each state agency to maximize its access to federal government funds and, within available resources, annually assess the federal funds it receives, may receive in the future, and could receive but does not, along with the reasons it does not. Each agency, within available resources, must annually report on its progress, findings, and recommendations to the Office of Policy and Management (OPM), the Office of Fiscal Analysis (OFA), and the Appropriations Committee by January 1.

The act requires OPM to consult with OFA and, within available resources, develop recommendations and a plan to increase the level of federal funds the state receives. OPM must consider:

1. possible applications for competitive grants;
2. qualifications for bonus awards;
3. the maximization of Medicaid funds; and
4. applications for new available health, human service, education, and homeland security resources.

EFFECTIVE DATE: July 1, 2003

Senate vote: 24-12 (May 30)

House vote: 112-26 (May 22)

EXCERPT FROM THE GOVERNOR'S VETO MESSAGE:

“This act unnecessarily uses valuable state resources to accomplish a task that state agencies currently perform.

“Passage of this bill makes two disputable assumptions. First, it assumes that the state is not already doing all it can to maximize the use of federal resources. In fact, except in those rare situations when the revenue gains expected by the federal funding are offset by potential revenue losses, my administration always attempts to avail itself of all federal dollars for which it is eligible. To do otherwise would not be fiscally responsible in light of the state's current budget crisis.

“In addition, this act assumes that the legislature does not already have access to the information it seeks through the passage of this act. Currently, budget submissions are shared with the Office of Fiscal Analysis. These submissions reflect the agencies' current and projected additional funding from federal, private, and other sources. If the legislature wants to analyze the administration's federal funding receipts, it can do so under the current process. Therefore, this act does not give the legislature any more information than it currently receives. At a time when state personnel and resources are at their most scarce, it does not make sense to place a duplicative burden on state agencies and state employees.”

AN ACT CONCERNING LEGISLATIVE OVERSIGHT OF THE FEDERAL WAIVER APPLICATION PROCESS

PA 03-165—sSB 687

Human Services Committee

Appropriations Committee

Legislative Management Committee

SUMMARY: This act increases legislative oversight of Department of Social Services (DSS) federal waiver applications. By law, whenever DSS submits an application to the federal government to waive certain requirements in a federal program it administers, it must first submit it to the Human Services and Appropriations committees. The act requires,

rather than allows, the committees to advise the DSS commissioner of their approval, rejection, or modification of the application within 30 days of receiving it and deems a failure to do so to be an approval.

The act (1) outlines the action that the commissioner must take if the committees reject or modify an application and (2) creates a procedure to be followed when the committees disagree. If the committees reject the waiver application, the commissioner may not submit it to the federal government. She must modify the application when the committees advise her to do so. If the committees disagree, the act requires appointment of a six-member conference committee.

The conference committee must report to the standing committees, which must in turn vote to accept or reject, but not amend, the report. The Appropriations Committee must advise the commissioner if both committees accept the report and she must act in accordance with it. If either committee rejects the conference report, the waiver application is deemed approved.

EFFECTIVE DATE: July 1, 2003

Senate vote: 22-13 (May 20)

House vote: 93-54 (June 20)

EXCERPT FROM THE GOVERNOR'S VETO MESSAGE:

"The act before me amends current law by reverting to a process that existed over a decade ago, the same process members of the General Assembly deemed too burdensome during its 1993 legislative session when they voted unanimously to amend it to its current form. [The act] requires the joint committees of Human Services and Appropriations to approve, deny, or modify a waiver application submitted by the Commissioner of Social Services and binds the joint committees' decisions upon her. It also reestablishes a mechanism by which disputes between the joint committees concerning the waiver application are resolved. This mechanism was also unanimously rejected as onerous by the legislature in 1993.

"In contrast, the current process has proved to be efficient and workable for a decade. We should not repeal it in favor of the former process because a handful of legislators disagreed with the Commissioner of Social Services's expert opinion on a particular waiver application. This is a disproportionate reaction that will unnecessarily cost the state a significant amount of money.

“The authority granted to the committees of cognizance by this act place unreasonable constraints on the Department of Social Services before it can proceed with a waiver application. This is particularly problematic for those waiver applications which are necessary to achieve financial savings assumed in the budget but face opposition by special interest groups. The committees’ rejection of a waiver application in these situations could cost the state tens of millions of dollars in federal funding. In addition, the current process allows the Department of Social Services to implement its budget consistent with the budget act passed by the General Assembly. This consistency is eradicated if committees of cognizance can circumvent the budget process by rejecting waiver applications relied upon by other legislators and the Administration when negotiating the Department’s budget for the biennium.”

AN ACT CONCERNING THE SALE OF ELECTRIC, GAS AND OIL FIRED HEATING UNITS

PA 03-172—sSB 1111

General Law Committee

SUMMARY: This act prohibits the sale of electric, gas, and oil-fired heating units that require a building permit for installation in a one- or two-family dwelling unless the purchaser provides the seller with either (1) the name, and a copy of the occupational license, of the contractor purchasing the unit or (2) proof that a building permit for installation has been issued. It requires the seller to record certain information in writing at the time of sale, maintain the records for at least three years, and permit the consumer protection commissioner or his agents to inspect and copy them during normal business hours. The act authorizes the commissioner to fine violators \$1,000 for each violation, and makes each sale of a unit that does not meet these provisions a separate violation.

The act exempts (1) manufacturers of electric, gas, and oil-fired heating units; (2) the state and its political subdivisions; and (3) hearth products. It defines “hearth products” as propane or natural gas fueled fireplaces, fireplace inserts, stoves, log sets, and associated venting and accessories that simulate the flame of a solid fuel fire.

EFFECTIVE DATE: October 1, 2003

Senate vote: 35-0, consent calendar (June 2)

House vote: 77-70 (May 28)

EXCERPT FROM THE GOVERNOR’S VETO MESSAGE:

“First, passage of this act will result in duplicative enforcement measures. This act applies to all units that require the installer to secure a building permit. Since building inspectors are already required to examine the installation of the heating units covered by this act, an inspection will occur in all cases where a permit is issued, thus adequately protecting the public safety.

“Second, passage of this act makes retailers of gas, electric, and oil fired heating units agents of the state with respect to its enforcement. In addition to maintaining the requisite information on file, retailers are implicitly required to train their employees (at their own expense) on the types of information that must be collected from a consumer before a heating unit can be purchased and on the types of units that are covered by the provisions of this act. Retailers are also responsible for maintaining the files in which the information is stored for three years without any financial compensation from the state. At a time when the state is doing all it can to attract businesses, it is not wise to place administrative burdens on them when the supposed benefit to public safety is dubious at best.

“Finally, open hearth products, which are the largest growing sector of heating units, are exempt from the provision of this act. The legislature did not make a finding that these products were less prone to faulty installation; it arbitrarily exempted the act’s provisions for sellers of these types of units. If improper installation of heating units is the problem that the legislature is trying to remedy, it should be addressed consistently and the burden of implementing the law should be applied to all retailers. It is unfair to place administrative burdens on some retailers, but not others.”

AN ACT CONCERNING THE PROVISION OF AIR FOR TIRE INFLATION PURPOSES

PA 03-194—HB 5681

Transportation Committee

General Law Committee

SUMMARY: This act requires anyone licensed to sell fuel at a retail food store he owns and operates and which dispenses less than 10,000 gallons of gasoline in a month to provide free public use of an air compressor during business hours for tire inflation. Fuel retailers meeting these criteria were previously exempt from the requirements.

By law, fuel retailers subject to the free air requirements must post a state-approved sign in a conspicuous location on the premises informing the public that free air is available during business hours. The air compressor must be able to produce at least 80 pounds per square inch outlet pressure.

EFFECTIVE DATE: October 1, 2003

Senate vote: 35-0, consent calendar (June 2)

House vote: 129-14 (May 22)

EXCERPT FROM THE GOVERNOR'S VETO MESSAGE:

“Proponents of the act argue that its passage is necessary to protect the public safety and to decrease fuel consumption. If this is true, it does so by placing another unfunded mandate on Connecticut’s business owners, who are also adversely affected by our sluggish economy. If a gas station and food storeowner would like to provide free air to its customers, it may do so. In fact, many already provide this service. It is a business decision that is best left to the business owner and the free marketplace to determine.”

AN ACT CONCERNING ELECTION DAY VOTER REGISTRATION AND THE DUTIES OF REGISTRARS OF VOTERS

PA 03-204—sHB 6370

*Government Administration and Elections Committee
Planning and Development Committee
Appropriations Committee*

SUMMARY: This act allows people to register to vote during voting hours at sessions the registrars of voters hold on the day of an election, primary, or presidential preference primary. It establishes procedures applicants and registrars must follow for registration on election day.

The act also:

1. eliminates the use of presidential ballots for state residents;
2. requires the secretary of the state and the registrars’ association to train registrars and poll workers in the new procedures;

3. requires the secretary, in consultation with registrars and the State Elections Enforcement Commission (SEEC), to report to the Government Administration and Elections (GAE) Committee on the act's implementation;
4. designates the registrars of voters as the "administrators of elections held in the municipality";
5. expands and clarifies some of the registrars' duties with respect to voter registration records; and
6. requires identification information on anyone who returns a mail-in registration application on behalf of another just before the deadline.

EFFECTIVE DATE: Upon passage, except for the provision on voter registration records, which is effective October 1, 2003.

Senate vote: 27-9 (June 3)

House vote: 83-63 (May 30)

EXCERPT FROM THE GOVERNOR'S VETO MESSAGE:

"Participation in the electoral process is a fundamental right of all U.S. citizens who are qualified to vote. While I wholeheartedly support and encourage such voter participation, I cannot endorse a system that, if adopted, could readily result in voter fraud, thereby undermining the integrity of our electoral process. The process of registering to vote on Election Day, as proposed, would provide few, if any, safeguards to prevent voter fraud. In addition, the proposed system would undoubtedly result in reliance by the municipalities on the statewide centralized voter registration database, which, at this time, is largely untested.

"Connecticut's centralized voter registration database does not, at this time, contain complete and current voter registration information. Certain municipalities have not yet joined the statewide voter registration system and are in the process of doing so. The election officials in those towns and cities require time to input and transmit accurate, complete and current voter registration information to the statewide centralized voter registration database. Without an accurate, complete, up-to-date

and real-time centralized voter registration database, there would be few safeguards in place to prevent an individual, particularly one without a photo identification, from registering and voting in multiple towns on Election Day.”

JM:ts