



OLR RESEARCH REPORT

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2006 VETO PACKAGE

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The governor vetoed three acts (two public acts and one special act) passed during the 2006 session. They may be considered during the veto session.

The bills are:

1. "An Act Concerning Reform of the State Contracting Process" (PA 06-1);
2. "An Act Concerning Collective Bargaining Regarding the Pensions of Assistant State's Attorneys, Deputy Assistant State's Attorneys And Juvenile Prosecutors" (SA 06-3); and
3. "An Act Providing Certain Adult Adopted Persons with Access to Information in Their Original Birth Certificates" (PA 06-71).

A vetoed act will not become law unless it is reconsidered and passed again by a two-thirds vote of each house of the General Assembly (24 votes are necessary in the Senate and 101 in the House). The General Assembly is expected to reconvene for a veto session on June 19, 2006.

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

AN ACT CONCERNING REFORM OF THE STATE CONTRACTING PROCESS

PA 06-1—HB 5684

Emergency Certification

This act establishes a State Contracting Standards Board (SCSB) as an independent state agency and the successor agency to the State Properties Review Board (SPRB). It dissolves the SPRB on October 1, 2008 and transfers its duties and responsibilities to the SCSB on that date. The new board is also charged with various other responsibilities in the state contracting processes. It must establish a uniform procurement code, audit state contracting agencies, and discipline them for failure to comply with the act or the uniform procurement code. "State contracting agencies" are (1) state agencies other than the SCSB and the Judicial and Legislative branches, (2) municipal and quasi-public agencies, and (3) any other agency that receives state funds. The act requires the Judicial Branch to prepare its own procurement code. It establishes grounds for suspending and disqualifying contractors and subcontractors from bidding on or participating in state contracts and a procedure for the legislature to exempt construction contracts from the competitive bidding process.

It eliminates certain requirements from the contractor prequalification process and generally bans state and municipal agencies from receiving state funds for construction if they accept bids from a contractor without proof of his prequalification.

The act prohibits the state from contracting with corporations that receive a tax benefit as a result of reincorporating outside of the United States.

It bans, with some exceptions, the use of state funds for outdoor lighting that is not energy efficient or that exceeds the brilliance required to achieve its purpose. It establishes a schedule for floodlight violators to comply with the law.

Senate vote: 25 to 10 (March 1)

House vote: 76 to 61 (March 1)

Excerpt from the Governor's Veto Message

"As Governor, it would be unconscionable to allow this anti-taxpayer and anti-job legislation to become law. This bill, if signed, would require that nearly all private contractors performing State contracts compensate

their employees with wages and benefits linked to the compensation scheme, including healthcare and pension benefits, that state employees are provided for doing the same type of work. This onerous requirement would make it very difficult for private businesses to continue doing business with the State. For example, just within the four categories of security services, print services, laundry and office supplies, this bill would compromise approximately 120 private companies throughout our State, which employ an estimated 300,000 people.

“This bill fails to take into consideration the best interests of citizens and taxpayers of Connecticut and was adopted without consideration of its impact on the State to manage its day-to-day affairs. I cannot sign a bill that continues to pose a threat to interfering with the delivery of state services and that will result in the potential loss of hundreds of thousands of jobs.”

AN ACT CONCERNING COLLECTIVE BARGAINING REGARDING THE PENSIONS OF ASSISTANT STATE’S ATTORNEYS, DEPUTY ASSISTANT STATE’S ATTORNEYS AND JUVENILE PROSECUTORS

SA 06-3—SB 617

Judiciary Committee

Appropriations Committee

Labor and Public Employees Committee

This act allows the employee organization representing assistant state’s attorneys, deputy assistant state’s attorneys and juvenile prosecutors employed by the Division of Criminal Justice employees to bargain collectively concerning the issue of pensions.

Senate vote: 36 to 0 (April 25)

House vote: 112 to 32 (April 28)

Excerpt from the Governor’s Veto Message

“The Bill represents a very poor precedent and has the potential of significantly increasing the cost of pensions to the State. It would be extraordinary to allow individual employees within a branch of government or within specific agencies to negotiate on their own behalf, apart from all other state employees. Judicial and Legislative Branch employees are governed by the same rules as Executive Branch employees and there is no compelling reason for employees of the Division of Criminal Justice to be treated differently. Further, no entity, other than a central agency, should negotiate state employee benefits on behalf of the State.

“Specifically, the bill provides that the Division of Criminal Justice would negotiate on behalf of the State pension provisions for the individuals covered by the Bill. The Division of Criminal Justice has no expertise in the area of pension negotiations and does not have the budgetary resources for actuarial or consulting services to procure such expertise. In the event agreements acceptable to the parties could not be reached, nothing in the Bill would prohibit issues on which there is continuing disagreement from going before an arbitrator. Under the Bill, the Division would handle that as well.

“An arbitrator could award a special benefit to a group represented by the Division, including higher pensions, hazardous duty retirement, etc. If superior benefits were awarded through either negotiations and/or arbitration, those benefits could then, potentially, be extended to additional groups of state employees legislatively or through negotiations and/or arbitration.

“The State of Connecticut’s pension plan has an unfunded liability currently estimated at least \$1 billion. It is impossible to determine how much the unfunded liability would increase as a result of negotiations under this Bill.”

AN ACT PROVIDING CERTAIN ADULT ADOPTED PERSONS WITH ACCESS TO INFORMATION IN THEIR ORIGINAL BIRTH CERTIFICATES

PA 06-71—sSB 4

*Select Committee on Children
Judiciary Committee*

This act requires the Department of Public Health (DPH) to give adopted adults copies of their sealed original birth certificates on request. Prior law barred access without a biological parent’s consent or probate court order.

The act also creates a voluntary, non-binding procedure for biological parents to complete a DPH form indicating whether they want to be contacted by their adopted children. DPH must attach completed forms to the sealed birth certificates and make them available to adult adoptees on request.

The act applies to adoptions completed on and after October 1, 2006. Disclosure is not required until these adoptees reach at age 21.

The act requires DPH to tell people permitted to get copies of an adopted child's medical history record how to do so and makes minor and conforming changes.

House vote: 79 to 64 (April 24)

Senate vote: 28 to 8 (April 27 on bill as amended by House "A")

Excerpt from the Governor's Veto Message

"Our current law allows adult adoptees to have access to their sealed birth certificates after seeking consent from their biological parents or by an order obtained from the probate court. Senate Bill 4 changes that process by permitting the state Department of Public Health to grant adopted adults copies of their sealed birth certificates upon request if the adopted adult is twenty-one years of age and if their adoption occurred on or after October 1, 2006.

"It is my belief that granting this automatic access is problematic for a number of reasons. First, many woman who have recently given birth and are in the often-lengthy legal and administrative process of giving up their child for adoption may unwittingly be subject to the provisions of Senate Bill 4 if the adoption is not finalized by the effective date of this bill. Similarly, women who are currently pregnant and who have already decided to give up their child for adoption may face the same dilemma. In both situations, confidentiality was likely a key factor in their incredibly difficult decision-making process. Such confidentiality would be lost under the provisions of this bill.

"Second, though the bill provides for birth parents to indicate their preference for later contact by their biological child, it does not prevent the release of original birth certificate information, including specific parental identification information. I firmly believe that consent should be mutual, for a plethora of compelling reasons.

"Third, it is my fear that the provisions of this legislation may seek to deter some women from choosing a heretofore conventional adoption process, complete with confidentiality protections. Instead, they may well avail themselves of the protections inherent under the Safe Havens Act. Under this Act, birth mothers are not required to provide any contact information or medical history when they hand over their newborn in a Connecticut hospital emergency room. Thus, Senate Bill 4 may in fact result in less, not more, birth information being available to adoptees when they seek it in their adult years.

“Lastly, I am deeply concerned about the overall chilling effect of this bill in that it will likely discourage people, both those giving children up for adoption and those seeking to adopt children, from pursuing the adoption process in light of the loss of a confidentiality shield.”