



## 2014 VETO PACKAGE

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The governor vetoed the following eight public acts:

- PA 14-58, *An Act Implementing the Recommendations of the Legislative Program Review and Investigations Committee Concerning the Reporting of Certain Data by Managed Care Organizations and Health Insurance Companies to the Insurance Department*
- PA 14-96, *An Act Concerning the Consideration of Property Values when Determining Eligibility for a Certain Property Tax Relief Program*
- PA 14-125, *An Act Concerning a Property Owner's Liability for the Expenses of Removing a Fallen Tree or Limb*
- PA 14-171, *An Act Increasing the Cap on the Neighborhood Assistance Act Tax Credit Program*
- PA 14-190, *An Act Establishing a Season for the Taking of Glass Eels*
- PA 14-209, *An Act Concerning Administrative Hearings Conducted by the Department of Social Services*
- PA 14-218, *An Act Concerning Payment of the Costs of Certification for a Police Officer*
- PA 14-230, *An Act Concerning Minor Revisions to the Education Statutes*

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. The legislature is scheduled to meet for a veto session on June 23, 2014.

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

***An Act Implementing the Recommendations of the Legislative Program Review and Investigations Committee Concerning the Reporting of Certain Data by Managed Care Organizations and Health Insurance Companies to the Insurance Department***

Beginning January 1, 2016, this act adds certain data on substance abuse and mental disorders to the information that (1) managed care organizations (MCOs) and health insurers must report to the insurance commissioner annually and (2) the insurance commissioner must publish annually in the Consumer Report Card on Health Insurance Carriers in Connecticut. For example, MCOs must report the (1) estimated prevalence of substance use disorders among covered children (under age 16), young adults (age 16 to 25), and adults (age 26 and older) and (2) median length of covered treatment provided to covered children, young adults, and adults for a substance use disorder, by level of care provided.

The act also requires the Connecticut Health Insurance Exchange (HIX) board of directors, by June 30, 2014 and through March 31, 2016, to report quarterly to the legislature on the progress HIX has made to have the all-payer claims database provide the substance use and mental disorder data that the act requires MCOs and health insurers to report beginning in 2016.

*Senate vote: 35 to 0 (May 6)*

*House vote: 143 to 0 (April 22)*

***Excerpt from governor's veto message:***

I support the objective of this bill, which is to increase the amount of information available to policymakers and citizens concerning substance use and the accessibility and availability of substance abuse treatment and coverage in Connecticut... . As the effective date of the Act is January, 2016, I believe that there will be an opportunity for stakeholders, the executive branch, the Connecticut Health Insurance Exchange, and others, to work together to pursue this bill's laudable objective in the next legislative session.

First, I am concerned that the data required by subdivisions (7) through (9) of Section 1 of this bill could provide an inaccurate picture on the accessibility and availability of substance use treatment in the state.

Second, there is ambiguity in the reporting requirements, which could lead to different carriers reporting information differently about essentially the same service.

Third, Subparagraphs (10) and (11) of Section 1 require MCOs to provide an annual report “explaining factors that may be negatively impacting covered individuals’ access to treatment of substance use disorders, including...screening procedures, the supply state-wide of certain categories of health care providers, health care provider capacity limitations and provider reimbursement rates,” while section (11) requires reporting on “[p]lans and ongoing or completed activities” to address the factors identified in subdivision (10). It is unusual to require, by statute, that private sector entities opine on matters of public policy or report on activities to achieve public policy objectives.

Finally...the Exchange has noted that the database was not and is not intended to track the information sought in this bill and further, that the preparation and provision of the required report is outside the scope of the federal grant received to fund the All-Payer Claims Database.

### **PA 14-96 — HB 5348**

#### ***An Act Concerning the Consideration of Property Values when Determining Eligibility for a Certain Property Tax Relief Program***

The law provides a “circuit breaker” property tax credit for certain income-eligible homeowners who are seniors or have disabilities (up to \$1,250 for married couples and \$1,000 for single individuals). This act allows municipalities to adopt an ordinance limiting the tax credit based on the value of the property for which the homeowner is seeking the credit.

By law, a tax credit applicant must (1) be age 65 or older or disabled, have a spouse who is age 65 or older, or be at least age 50 and a surviving spouse of someone who at the time of his or her death was eligible for the program; (2) occupy the property as his or her home; (3) have resided in Connecticut at least one year before applying for benefits; and (4) not have an income exceeding the annually adjusted income limits.

*Senate vote: 32 to 2 (May 7)*

*House vote: 140 to 0 (May 6)*

***Excerpt from governor's veto message:***

In municipalities that enact such an ordinance, the bill will result in an increased property tax bill for elderly and disabled individuals with low annual income, but with equity in their home. I have reservations about the policy of this bill, particularly since the state currently reimburses towns at a nearly 90% rate for the property tax loss associated with this program.

**PA 14-125 – HB 5220**

***An Act Concerning a Property Owner's Liability for the Expenses of Removing a Fallen Tree or Limb***

This act makes the owner of private real property from which a tree or branch falls onto adjoining private property (tree owner) liable for the expense of removing the tree or branch if (1) the adjoining property owner had previously notified the tree owner, in writing, that the tree or branch was diseased or likely to fall and (2) the tree owner failed to remove or prune the tree or branch within 30 days after receiving this notice.

*Senate vote: 36 to 0 (May 7)*

*House vote: 133 to 8 (May 5)*

***Excerpt from governor's veto message:***

This legislation attempts to address a legitimate issue and I would be happy to work with proponents of the bill in the next legislative session. However, I am concerned that the bill, as drafted, could lead to the unnecessary removal of healthy trees.

I am concerned that this bill is weighted too heavily in favor of neighbors who want branches and trees taken down and provides no avenue for a tree owner to contest a neighbor's assertion that their tree or branch is "likely to fall."

The bill, as drafted, would allow property owners to shift the burden of caring for trees exclusively onto the shoulders of the property owner on whose property the tree trunk is located.

## **PA 14-171 – SB 75**

### ***An Act Increasing the Cap on the Neighborhood Assistance Act Tax Credit Program***

This act raises, from \$5 million to \$10 million, the annual cap on Neighborhood Assistance Act (NAA) tax credits, which are available to businesses that contribute to, or invest in, municipally approved community projects and programs. The Department of Revenue Services administers the program and must continue to award \$3 million in NAA credits to businesses contributing funds specifically for energy conservation projects, job training programs, and programs benefiting low-income people.

*Senate vote: 34 to 0 (April 17)*

*House vote: 147 to 0 (May 7)*

#### ***Excerpt from governor's veto message:***

[W]hile I support this program and would welcome an opportunity to expand it, the \$5 million potential revenue loss was not contemplated in this year's budget adjustments and will put the budget out of balance.

Therefore, this worthwhile expansion must be delayed until the resources are available. I urge the legislature next session to appropriate the funds necessary to increase the cap on the Neighborhood Assistance Act tax credit.

## **PA 14-190 – HB 5417**

### ***An Act Establishing a Season for the Taking of Glass Eels***

This act eliminates the statutory ban on taking or trying to take elver and glass eels from state waters. It also authorizes the Department of Energy and Environmental Protection commissioner to establish harvest restrictions and a limited access permit system for taking elver and glass eels if the Atlantic States Marine Fisheries Commission allows their harvest.

*Senate vote: 36 to 0 (May 7)*

*House vote: 92 to 52 (May 7)*

***Excerpt from governor's veto message:***

Elver and glass eels are the early life stages of the American eel. A review is currently being undertaken by the United States Fish and Wildlife Service to determine whether American eels are a threatened species. Accordingly, any bill which takes a step towards allowing these creatures to be taken from the waters of our state is premature. Protecting vulnerable species is of the utmost importance.

**PA 14-209 – SB 410**

***An Act Concerning Administrative Hearings Conducted by the Department of Social Services***

This act makes several changes to the procedures the Department of Social Services (DSS) must follow when conducting an administrative hearing for an appeal of a department decision. Under the act, among other things, if DSS hears a contested case and has an adverse interest to any party in the proceeding, the hearing officer cannot communicate directly or indirectly with any other DSS employee, including counsel, about an issue of fact or law in the hearing without advance notice and opportunity for all parties to participate on the record.

*Senate vote: 35 to 0 (May 1)*

*House vote: 147 to 0 (May 7)*

***Excerpt from governor's veto message:***

My concern with this bill is Section 1(d), which would restrict the Department of Social Services ("DSS") hearing officers' ability to seek counsel from agency attorneys or other staff. The hearings at issue are held to determine whether DSS has properly denied an application for certain federal and state entitlement programs. Prohibiting hearing officers from consulting with counsel or with agency subject-matter experts would impair DSS's ability to fulfill its mission of making accurate eligibility determinations in an efficient and timely manner.

I am directing my General Counsel to convene a working group to examine thoroughly the DSS hearings process and to report to me by December 1<sup>st</sup>, 2014.

## **PA 14-218 — SB 426**

### ***An Act Concerning Payment of the Costs of Certification for a Police Officer***

This act requires a police department that hires an officer from another department within two years after the officer is certified by the Police Officer Standards and Training Council to reimburse the initial hiring department the total cost of certification (i.e., cost of training, equipment, uniforms, salary and fringe benefits, and any cost related to the council's entry-level requirements).

*Senate vote: 33 to 0 (May 3)*

*House vote: 148 to 0 (May 7)*

#### ***Excerpt from governor's veto message:***

I am sympathetic to towns' legitimate interest in protecting their investment after paying for the cost of police officer training. On the other hand, I am concerned that imposing a two year limitation, as required by this bill, may unduly constrain police officers' professional mobility. Further consideration is warranted to determine the appropriate balance between these competing interests.

## **PA 14-230 — HB 5566**

### ***An Act Concerning Minor Revisions to the Education Statutes***

This act makes numerous changes to the education statutes, including:

1. changing the standards for allowable nutritional drinks, including limiting the types of milk, in public schools;
2. generally making agricultural science and technology center internship providers immune from civil liability for student interns' personal injuries; and
3. permitting the State Department of Education to administer a grant program, within available appropriations, for summer learning programs run by local and regional boards of education, municipalities, and non-profit organizations.

Under the act, public school milk may not contain nonnutritive sweeteners, sugar alcohols, or added sodium.

*Senate vote: 144 to 0 (May 7)*

*House vote: 36 to 0 (May 7)*

***Excerpt from governor's veto message:***

There is much in this bill that I support...[h]owever, I cannot support section 8, which potentially prohibits the sale of nonfat chocolate milk in our public schools.

[A]s written, the section prohibits the sale of nonfat milk containing any "added sodium." Unfortunately, all milk producers that sell milk to our public schools add some sodium to their nonfat chocolate milk product to counteract the bitterness caused by adding cocoa to the milk.

[I]t may be wise to cap the sodium levels in milk offered in our schools. But an outright ban on added sodium is not workable.

I am not opposed to individual school districts having the choice to eliminate the sale of chocolate milk in their schools. However, I do not think it is a wise policy to mandate state-wide.

JB:am