



2021 Veto Package

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Overview

This report lists the four vetoed acts from the 2021 regular legislative session and provides for each a brief summary, the final vote tallies, and excerpts from the governor's veto message. It briefly describes [Executive Order 21-1](#), which the governor issued alongside his veto of an act concerning the Department of Corrections and incarcerated individuals ([PA 21-110](#)). It also includes a summary of previous vetoes by the current governor.

A vetoed act will not become law unless it is reconsidered and passed again by a two-thirds vote of each legislative chamber. The legislature will meet for a veto session on July 26, 2021.

Table 1 lists the 2021 acts vetoed by the governor and provides their respective vote tallies.

Table 1: 2021 Vetoed Acts

Act No. (Bill No.)	Title	Vote Tally (Date Taken)	Report Page
PA 21-110 (sSB 1059)	<i>An Act Concerning the Office of the Correction Ombuds, the Use of Isolated Confinement, Seclusion and Restraints, Social Contacts for Incarcerated Persons and Training and Workers' Compensation Benefits for Correction Officers</i>	Senate: 26 to 10 (June 4) House: 87 to 55 (June 6)	3
SA 21-31 (sHB 6678)	<i>An Act Concerning the Conveyance of a Parcel of State Land in the Town of Wolcott</i>	Senate: 36 to 0 (June 9) House: 142 to 0 (June 5)	5
PA 21-146 (SB 1110)	<i>An Act Amending the Conveyance of Parcels of State Land to the New Haven Port Authority</i>	Senate: 36 to 0 (June 8) House: 146 to 0 (June 9)	6
PA 21-183 (SB 940)	<i>An Act Concerning State Agency Compliance with Probate Court Orders</i>	Senate: 36 to 0 (June 7) House: 123 to 24 (June 9)	6

Summaries and Governor's Explanations

PA 21-110: An Act Concerning the Office of the Correction Ombuds, the Use of Isolated Confinement, Seclusion and Restraints, Social Contacts for Incarcerated Persons and Training and Workers' Compensation Benefits for Correction Officers

This act makes changes to laws regarding the Department of Corrections (DOC) and incarcerated individuals. Under the act, DOC must generally allow incarcerated individuals to have at least 6.5 hours outside of their cells per day. It limits DOC's use of (1) isolated confinement (i.e., confinement in a cell, alone or with others, for more than 17.5 hours per day), (2) seclusion (i.e., confinement in a separate room under close medical supervision), and (3) restraints. And, it imposes procedural requirements on DOC's use of restraints or confinement, such as recording the entirety of each incident and documenting de-escalation methods attempted beforehand.

Additionally, the act, among other things:

1. expands the current correction ombuds program to provide services (e.g., receiving and investigating complaints) to everyone in DOC custody, rather than just those under age 18;
2. relocates the correction ombuds program from DOC to the Office of Governmental Accountability and adds that the ombuds must act independently of any department in performing its duties;
3. establishes certain visitation rights for incarcerated individuals, including generally allowing at least one 60-minute social visit per week; and
4. prohibits removing an incarcerated person's ability to send or receive letters as discipline or for convenience.

([PA 21-110](#), effective October 1, 2021, except that (1) the provisions on isolated confinement, restraints, and seclusion are effective July 1, 2022, and (2) a provision requiring DOC to develop a plan to allow individuals in restrictive housing 6.5 hours of out-of-cell time is effective upon passage.)

Excerpts from the governor's [veto message](#)

I fully support the purpose of this legislation, to make certain that isolated confinement is not used in any correction facility in Connecticut... Under my [executive order] today, the Commissioner of Correction will increase out of cell time for all incarcerated individuals, including those individuals in restrictive statuses, and he will do so well before the effective

dates of this bill... I am not signing this legislation because, as written, it puts the safety of incarcerated persons and correction employees at substantial risk.

With respect to the use of restraints, the veto message states:

This legislation places unreasonable and dangerous limits on the use of restraints. The bill as written only permits correctional officers with the rank of captain or higher to order the use of handcuffs and only permits therapists to order restraints during a psychiatric emergency....To require that a correctional officer wait for the authorization of a captain to restrain an incarcerated person involved in a serious physical altercation risks the lives of incarcerated persons and correction employees.

The veto message also expresses concerns with the act's provisions regarding out-of-cell time and visitations:

The bill sets a limit of 72 hours during any 14-day period that an incarcerated person may be limited to less than 6.5 hours out of cell each day. That out-of-cell time and discipline limitation is far out of line with what has been successfully implemented in any other state. For example, if an individual is placed in isolated confinement for 72 hours, returns to the general population, and slashes the throat of a cell mate, under this legislation the Department could not immediately place the incarcerated person back into isolated confinement, even as a temporary, emergency measure...

The legislation also creates a safety risk by failing to provide the Department with flexibility to limit visitors who are allowed in the facilities for contact visits with an incarcerated person...Under this legislation, the Department cannot deny a contact visit solely based on the visitor's criminal history. Thus, an individual convicted of multiple violent crimes or of smuggling drugs into a correctional facility would be allowed into a facility for a 60-minute contact visit with an incarcerated person.

Additionally, the veto message discusses changes to the ombuds program:

Finally, the bill makes certain changes to the Ombuds program that create security and litigation risks.... Current statutes protect the safety of incarcerated persons and correctional employees by making the Department responsible for limiting the disclosure of sensitive records that could lead to security breaches. There is nothing in this bill requiring the ombuds person to assume the same duty.

Executive Order

On June 30, 2021, the same date the governor vetoed PA 21-110, the governor issued [Executive Order 21-1](#). The order requires DOC to guarantee it will only use isolated confinement in increasingly limited circumstances (it defines isolated confinement as confinement of incarcerated persons in a cell alone or with others for 20 or more hours each day). It requires DOC to guarantee that by:

1. September 1, 2021, incarcerated persons in the general population will generally be held in isolated confinement only for disciplinary reasons;
2. October 1, 2021, individuals in isolated confinement will generally have an opportunity for two out-of-cell hours each day and no person shall be held in prolonged isolated confinement (i.e., for more than 15 consecutive days or 30 days in a 60-day period) due to disciplinary reasons; and
3. December 1, 2021, individuals, including those in restrictive housing, will be held in isolated confinement only due to disciplinary status and no person will be held in prolonged isolation.

The order additionally requires DOC, by October 1, 2021, to revise its policies to limit the use of isolated confinement on vulnerable individuals (e.g., those who are pregnant or recently miscarried, under 18 or over 64 years old, or have significant auditory or visual impairment) and to report on steps it has or will take to increase contact visits and decrease the use of in-cell restraints.

SA 21-31: An Act Concerning the Conveyance of a Parcel of State Land in the Town of Wolcott

This act requires the Department of Transportation commissioner, subject to the State Properties Review Board's approval, to convey a 0.21 acre parcel of land in Wolcott to a private individual for \$6,000 plus administrative costs ([SA 21-31](#), effective upon passage).

Excerpt from the governor's [veto message](#)

The \$6,000 sales price required by the legislation is less than one quarter of the appraised fair market value for the property. My administration has not been informed of any extenuating circumstances or other justification for turning over a taxpayer asset to a private interest for far less than the fair market value.

PA 21-146: An Act Amending the Conveyance of Parcels of State Land to the New Haven Port Authority

This act amends section 6 of PA 18-154, which required the Department of Transportation (DOT) to convey two parcels of land in New Haven, totaling 0.69 acres, to the New Haven Port Authority for their fair market value plus administrative costs. The act reduces the conveyance's cost by subtracting the costs for investigating and remediating identified environmental contamination on the parcels. It also requires the authority to use the two parcels for economic development purposes. Under the act, the parcels revert to the state if the authority (1) does not use either of them for this purpose; (2) sells the parcels; or (3) leases all or any portion of them, except for a lease for economic development purposes ([PA 21-146](#), effective upon passage).

Excerpt from the governor's [veto message](#)

This property was originally purchased using federal funds. Except in certain circumstances, federal law requires the sale be for fair market value; not the fair market value less remediation costs. The Federal Highway Administration (FHWA) also requires that the sale proceeds be used as a match toward other federally participating projects. FHWA annually audits and reviews DOT's property transactions and has the authority to withhold federal funding for current and future projects for being non-compliant with federal law. As a result, DOT cannot use any of the sale proceeds to cover the remediation costs but must find an alternative source of funds.

PA 21-183: An Act Concerning State Agency Compliance with Probate Court Orders

This act requires state agencies to recognize, apply, and honor any probate court order, denial, or decree that the court is statutorily authorized to issue. Under the act, "state agency" generally means state boards, commissions, departments, or officers authorized by law to make regulations or to determine contested cases. Unlike most probate appeals, the act requires a party appealing such a probate court decision to file the appeal in Hartford Superior Court, rather than the Superior Court in the judicial district where the probate court is located ([PA 21-183](#), effective October 1, 2021).

Excerpts from the governor's [veto message](#)

This bill requires state agencies to recognize, apply, and honor probate court decisions to which they were not a party. In effect, this means that probate court decisions would

bind state agency eligibility determinations for various state assistance programs, including the Medicaid program....

The Attorney General has previously testified that this legislation may violate federal and state laws and thus “pose a substantial threat of loss of billions of federal dollars to the State.” Federal law requires the State to designate one single agency that is responsible for administering the Medicaid program and for making eligibility determinations.... In Connecticut, the Department of Social Services (DSS) is the designated agency. This legislation, by requiring that a decision made in a different forum, under different rules be binding on DSS in its determination of Medicaid eligibility could lead the federal government to conclude that Connecticut is not in compliance with the single administrator requirement. Such a determination would allow the federal government to reduce or withhold federal matching grants.

Historical Context

Table 1 lists the number of vetoes for the current governor by legislative session. Prior veto packages can be found under [“Publications” on OLR’s website](#).

Table 1: Vetoes by Legislative Session Since 2019

Governor	Legislative Session	Vetoes	Vetoes Overruled	OLR Veto Package Report
Lamont	2019 Regular Session	3	0	2019-R-0155
Lamont	2019 July Special Session	0	0	-
Lamont	2019 December Special Session	0	0	-
Lamont	2020 Regular Session*	0	0	2020-R-0241
Lamont	2020 July Special Session	0	0	-
Lamont	2020 September Special Session	0	0	-

* suspended due to COVID-19

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