OLR RESEARCH REPORT

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2009 VETO PACKAGE

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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 July 20.

This report is in two sections: regular and June special sessions. It contains a brief summary of each act, the final vote tallies, and excerpts from the governor's veto messages.

REGULAR SESSION

SA 09-15 — SB 1036
An Act Concerning the Powers of the Metropolitan District Commission to Sponsor Certain Projects

This act allows the Metropolitan District Commission (MDC), over the next 10 years, to sponsor (1) a water exhibit at the new Connecticut Science Center and (2) a water program at an unspecified location. The act allows MDC, the water and sewer authority for Hartford area towns, to establish charges not to exceed $1.5 million for the exhibit and $500,000 for the program, which will award competitive grants to nonprofit organizations. Before making any award, the MDC must submit a report to the Planning and Development Committee describing the award process.
Senate vote: 22 to 13 (June 3)
House vote: 147 to 4 (June 3)

Excerpt from the governor's veto message:
"Allowing MDC to increase its charges to ratepayers simply so it can make charitable contributions to the Connecticut Science Center and other nonprofit entities not only sets bad precedent, but [it] creates a slippery slope which may lead to ratepayers bearing the cost of millions of dollars of charitable contributions. These are contributions which consumer have not authorized and are unable to contest… While making charitable contributions is always commendable, this is not the time to place additional financial burdens on the residents of MDC's member towns."

SA 09-16 — SB 1068
An Act Concerning Green Jobs

This act requires the Department of Economic and Community Development (DECD) to apply for federal economic stimulus funds available under the American Recovery and Reinvestment Act of 2009 (ARRA) and use the funds to establish a program to create green jobs and promote green energy and conservation. The program must (1) target investments in renewable energy research, development, and deployment; (2) promote the use of renewable energy in state buildings and nonprofit and educational institutions; and (3) include components that emphasize the use of the state's existing industries and examine the viability of other renewable industries. The program terminates once the stimulus funds are depleted.

Senate vote: 36 to 0 (May 19)
House vote: 149 to 0 (June 3)

Excerpt from the governor's veto message:

"This legislation is both unnecessary and inconsistent with the current state plan for applying for green jobs and green energy stimulus funds. . . .

"The Green Collar Jobs Council created by Executive Order No. 23 has already reviewed available ARRA green job grant opportunities and has recommended which entities should apply for such grants. . . .

"In particular, the Green Jobs Council… identified a list of lead applicants for each grant, including the Department of Labor, Connecticut Business and Industry Association, Energy Workforce Development Consortium and Community Colleges. With respect to energy-related stimulus funds, the Office of Policy and Management (OPM) has taken the lead. These entities, as opposed to [DECD], are the most well-suited to both apply for and receive federal stimulus monies related to green initiatives."

PA 09-87 — sSB 922
An Act Concerning Affirmative Action and Contracting Procedures for the Metropolitan District of Hartford County

This act requires the MDC to comply with state policies governing hiring and promoting people and procuring goods and services. The MDC is a nonprofit municipal corporation operating largely under its own policies and procedures. The act requires MDC to comply with the same affirmative action laws that apply to state agencies, departments, boards, and commissions (i.e., agencies).

Under these laws, the attorney general or his designee must represent state agencies in discrimination complaints filed with the Connecticut Commission on Human Rights and Opportunities (CHRO) or the federal Equal Employment Opportunity Commission (EEOC). The act prohibits him or his designee from representing MDC in a discrimination complaint before these commissions.

The act also requires the State Contracting Standards Board (SCSB) to adopt regulations MDC must follow to procure goods and services. In doing so, it must consider the circumstances and factors that set MDC apart from state agencies.

Senate vote: 36 to 0 (April 29)
House vote: 139 to 0 (May 19)

Excerpt from the governor's veto message:

"The Metropolitan District Commission is a non-profit municipal corporation that provides potable water and sewerage services on a

regional basis. It is not a state agency, department, board or commission. However this bill declares the MDC a state agency for purposes of affirmative action plans and discrimination complaints. While well intentioned in its goal of achieving greater diversity and oversight of alleged discrimination and contracting at the MDC, this statutory change is not the appropriate means to achieve such ends.

"If the legislature were allowed to declare any entity that it saw fit a "state agency" for certain purposes, who knows where such declarations would end. This precedent, carried to its natural consequence, would permit the legislature to declare *any* non-profit, municipality, or corporation a "state agency" when it simply disapproved of, disagreed with, or disliked the direction of the entity and wished to exercise greater control over its operations.

"Furthermore, this legislation places an unfunded mandate on the State. Pursuant to [CGS] Section 46a-68, the Department of Administrative Services (DAS) is required to investigate certain discrimination complaints involving state agencies, departments, boards and commissions. DAS believes that this new change will result in the need for one additional person to handle the increase in complaints expected from MDC. It also requires the Commission on Human Rights and Opportunities to review MDC's affirmative action plan and provide training and technical assistance in plan development and implementation. Moreover, the bill requires that the Contracting Standards Board develop regulations particularly tailored to MDC's purposes, taking into consideration circumstances and factors that are unique to the organization. Countless hours will be spent on promulgating such regulations, for a purpose which is truly not under the state's purview. . . ."

PA 09-107 – HB 6578
An Act Concerning the Penalty for a Capital Felony

This act (1) eliminates the death penalty as a sentencing option for crimes committed starting on the act's effective date (upon passage), (2) renames the crime of capital felony as murder with special circumstances, and (3) makes the penalty for this new crime life imprisonment without the possibility of release. Under prior law, the penalty for a capital felony was either the death penalty or life imprisonment without the possibility of release.

The act makes a number of technical and conforming changes to apply most of the same rules that apply to capital felonies to murder with special circumstances, such as:

1. preserving biological evidence and records of evidence and judicial proceedings,

2. authorizing the court to allow the reading of a victim impact statement in court before imposing the sentence on the defendant,
3. choosing a jury or three-judge panel,
4. challenging potential jurors,
5. requiring testimony of at least two witnesses or their equivalent for a conviction, and
6. prohibiting medical or compassionate parole release.

Senate vote: 19 to 17 (May 22)
House vote: 90 to 56 (May 13)

Excerpt from the Governor's veto message:

"The death penalty is, and ought to be, reserved for those who have committed crimes that are revolting to our humanity and civilized society.

"[It] sends a clear message to those who may contemplate such cold, calculated crimes. We will not tolerate those who have murdered in the most vile, dehumanizing fashion. We should not, will not, abide those who have killed for the sake of killing; to those who have taken a precious life and shattered the lives of many more.

"There is no doubt that the death penalty is a deterrent to those who contemplate such monstrous acts. The statistics supporting this fact, however, are not easily tabulated. How do we count the person who considered the consequences of the crime and walked away? We cannot, but we know that this occurs. We have a responsibility to act to prevent these heinous crimes and to ensure that criminals will not harm again.

"I also take note of the concerns expressed by some regarding the tremendous financial cost to the state, the perception that the death penalty is inconsistently sought for certain crimes, the lengthy appellate process that is involved and the roles that race, gender, and economics play when seeking the death penalty.

"These very questions, and more, were the basis of a death penalty study commissioned by P.A. 01-151 and analyzed in a comprehensive report submitted to the Legislature on January 8, 2003. The report made significant and thoughtful recommendations that have been largely ignored by the Legislature, including training for public defenders and prosecutors. The goal of the report is to ensure that each decision to seek the death penalty is based upon the facts and law applicable to the case and is set within a framework of consistent and even-handed application of the sentencing laws, with no consideration of arbitrary or impermissible factors such as the defendant's race, ethnicity or religion.

"The co-chairmen of the legislature's Judiciary Committee have asked that I submit a proposal for "fixing" the death penalty statute. I believe that the current law is workable and effective and I would propose that it not be changed. If the co-chairmen are seeking suggestions, however, I

would urge them to review the above-referenced report, which has been largely ignored since its issuance."

PA 09-112 — SB 3
An Act Prohibiting the Acquisition or Use of Certain Parcels of Land as Ash Residue Disposal Areas and Concerning the Operation of a Food-Waste-to-Energy Plant

This act prohibits the Connecticut Resources Recovery Authority or any other person or entity, regardless of any law to the contrary, from condemning, buying, leasing, accepting, taking title to, using, or otherwise acquiring certain parcels of land in Franklin and Windham for use as an ash residue disposal site.

It also prohibits the (1) Connecticut Siting Council from issuing a certificate of environmental compatibility and environmental need and (2) Department of Environmental Protection commissioner from issuing a solid waste permit to build or operate a food waste-to-energy plant in a distressed municipality of more than 100,000 people where a 10 million- to 15 million-gallon liquefied natural gas storage facility and a combustion turbine power plant of less than 100 megawatts are located, if the proposed plant would be located within two miles of one or more university regional campuses, hospitals, performing arts centers, churches, and schools. Only Waterbury meets these criteria.
Senate vote: 27 to 4 (May 19)
House vote: 95 to 51 (May 26)

Excerpt from the governor's veto message:

"Current State law contains a comprehensive process for approval of such facilities, including mandated participation by state agencies including the Departments of Environmental Protection, Transportation and Public Health, the Siting Council and affected municipalities. . . . The purpose of this comprehensive process is to ensure that siting decisions are made in an objective and scientific manner, with due regard for protection of the environment and without political consideration or interference. This statutory framework has served us well and I see no reason why exceptions should be made. . . .

"Explicitly removing these projects from the established procedure is wrong-headed. It would establish a dangerous precedent and introduce a political element into the decision-making process. The Legislative and Executive branches of our state government have spent years developing and implementing this process, which includes notice, public comment, municipal participation, due diligence and appropriate oversight. For example, before an ash residue disposal area can be built in Franklin, a study must be conducted to determine the size of the aquifer below the site. This information then is used to determine whether the aquifer can

provide a source of potable water, and whether it is large enough to filter the discharge from the facility.

"If the site can potentially serve as a source of potable water, the Department of Environmental Protection (DEP) will not allow the facility to be built on that site. The CRRA has not yet submitted an application for the Franklin facility.

"Let me be clear: My veto should in no way be interpreted as support for building an ash landfill in Franklin. I remain resolutely unconvinced that such a landfill is needed at all, particularly with an already operational ash landfill just a few miles away – a landfill with at least fifteen years of useful life remaining . . . .

"The underlying concerns that I have expressed above with respect to the Franklin project apply as well to the Waterbury project. The Chestnut Hill BioEnergy facility should receive the same level of analysis and vetting that the Franklin facility and all other projects that are subject to the siting process receive."

PA 09-135 — sHB 6531
An Act Clarifying Postclaims Underwriting

This act limits a health insurer's or HMO's investigation of a claimant's suspected undisclosed preexisting condition. It also makes an (1) insurance producer or agent who completes or helps to complete an insurance application and (2) insured who signs the application or does not object to information submitted on, with, or omitted from it, jointly and severally liable for claims that result from any information the producer or agent knowingly omitted or misrepresented.

By law, in order to rescind, cancel, or limit an insured's coverage, an insurer or HMO must have the insurance commissioner's approval. Prior law required an insurer or HMO also to have conducted a thorough medical underwriting process based on information the insured submitted on, with, or omitted from, an insurance application. The act maintains this underwriting requirement for coverage that has been in effect for at least one year. But it removes it for coverage that has been in effect for less than one year, including short-term health insurance issued on a non-renewable basis for six months or less. (By law, an insurer or HMO cannot rescind, cancel, or limit any coverage that has been in effect for more than two years.)

The act defines a "rescission" as an insurer's or HMO's termination of an insurance policy, contract, evidence of coverage, or certificate as of the date of its inception on the basis of (1) the discovery of a preexisting condition pursuant to an investigation conducted in accordance with the act or (2) a material misstatement, omission, or material misrepresentation of fact on an insurance application by the insured that the insurer or HMO relied upon to its detriment. A "cancellation" is the

unilateral termination of a policy, contract, evidence of coverage, or certificate. A "limitation" is a coverage restriction or refusal for an existing or preexisting medical condition.

Senate vote: 36 to 0 (May 29)
House vote: 112 to 36 (April 29)

Excerpt from the governor's veto message:

"The act will increase the likelihood of insurance fraud, which raises costs for all of us. Specifically, certain provisions of P.A. 09-135 prohibit companies from rescinding, cancelling, or limiting coverage on the basis of anything written on the application.

"If consumers know that they will not be held to account for the information supplied . . . in support of their insurance application, what incentive do they have to be truthful – particularly when they have a costly chronic illness or a pre-existing condition? While it is true that insurers are in the business of risk-taking, there is an underlying assumption that they understand the extent of the risk they are insuring. By prohibiting companies from rescinding, cancelling, or limiting coverage based on the information contained in the application, the legislature has signaled that there is no meaningful penalty for failing to be truthful. If people know that they do not have to be truthful on their insurance applications and still have their conditions covered, the incidence of insurance fraud will increase.

"[It] weakens competition in the individual market making it more difficult for consumers to find affordable health insurance.

"If we, as a state, tell insurance companies who underwrite individual policies that they cannot rely on their insureds to be truthful in describing medical conditions on the application, they will simply make the business decision not to write policies here. And, who can blame them? Public Act 09-135 essentially requires them to take on all of the risk without the benefit of knowing whether the insured is being truthful. This makes it virtually impossible for the company to underwrite or price the risk appropriately. The result will be fewer insurers operating here and fewer choices for Connecticut consumers."

PA 09-139 — sHB 6700
An Act Concerning the Appointment of Family Support Magistrates

This act requires the legislature to approve family support magistrate (FSM) appointments. Prior law required the governor to appoint FSMs for three-year terms. Beginning January 1, 2010, the act instead requires that the governor nominate FSMs for four-year terms subject to the legislature's approval. FSMs whose terms have not expired as of December 31, 2009 continue to serve until (1) their terms expire and (2) their successors are appointed or their nomination fails. The governor

retains the power to remove an FSM for cause before his or her term expires.

Senate vote: 25 to 10 (May 29)
House vote: 108 to 36 (May 7)

Excerpt from the governor's veto message:

"The Connecticut legislature enacted PA 86-359 authorizing the governor to appoint Family Support Magistrates to preside over child and spousal support actions and paternity actions, including those under the Uniform Reciprocal Enforcement of Support Act. The federal government reimburses the state approximately two-thirds of the cost and the state specifically created the magistrates as administrative positions, different from judges, in order to qualify for federal reimbursement.

"This system has been in place for nearly 23 years. For 23 years governors have appointed family support magistrates to serve our most vulnerable residents in this specialized area of law. . . . In fact, the system has worked so well that throughout the years the legislature increased the number of family support magistrates form the original six to the nine that serve today. This is no reason to needlessly alter this system.

"Furthermore, this bill represents a clear intrusion on the authority of the executive branch."

PA 09-147 — HB 6582
An Act Establishing the Connecticut Healthcare Partnership

This act requires the comptroller to convert the state employee health insurance plan, excluding dental, to a self-insured arrangement beginning July 1, 2009. (Pharmacy benefits are already self-insured.) It authorizes her to (1) merge, on or after January 1, 2010, any health benefit plans she arranges into the self-insured state plan and (2) contract with companies to provide administrative services for the self-insured state plan.

The act requires the comptroller to offer employee and retiree coverage under the self-insured state plan to (1) nonstate public employers, which includes municipalities, beginning January 1, 2010; (2) municipal-related and nonprofit employers beginning July 1, 2010; and (3) small employers beginning January 1, 2011. She must do this (1) after the General Assembly receives written consent from the State Employees' Bargaining Agent Coalition and (2) subject to specified requirements and conditions.

The act requires a health care actuary to (1) review certain employer applications for coverage under the state plan and (2) certify to the comptroller in writing if a group will shift a significantly disproportionate

share of its employees' medical risks to the state plan. If so, the comptroller must decline the group coverage.

The act requires the state to charge employers participating in the state plan the same premium rates the state pays, except it may adjust the rate for a small employer to reflect its group characteristics.

Senate vote: 21 to 12 (May 30)
House vote: 109 to 36 (May 20)

Excerpt from the governor's veto message:

"This bill seeks to attract a number of new employee groups to the state employee plan – nearly all of whom already have health insurance, some of whom will be unable to afford the cost of the plan and all of whom may jeopardize the favorable ratings and costs of the current state plan. That plan is financially supported by state taxpayers and insures approximately 98,000 active and retired state employees and their families.

"Most municipalities and other public employees already have health insurance. The attempt to include these employees in the state pool does nothing to address the issue of access to insurance for those who do not already have it and may in fact raise false hopes regarding affordability.

"Although including employees of small businesses in the plan appears to address the issue of access, this plan is simply too expensive for the typical small employer and thus unlikely to increase the number of residents who have health care insurance. I note that nine local chambers of commerce – whose membership is largely composed of small businesses – oppose this bill.

"Although the Partnership bill has changes somewhat from last year, it still retains its most problematic component – a significant cost to the state. This is the direct result of pooling an unknown employer risk group with the state employees' health insurance plan and prematurely converting such plan to a self-insured model. Those who most likely would be attracted to the pool would be those whose claims experience – the main driver of health care costs – is worse than that of the current state employee pool. When the experience of these new members is averaged across the entire pool, it will drastically increase premiums for the state and all those who have joined the pool.

"This is a potentially fatal flaw, since the bill requires that premium payments remitted by these newly pooled employee groups 'be the same as those paid by the state.'"

PA 09-148 — HB 6600
An Act Concerning the Establishment of the SustiNet Plan

This act establishes a nine-member SustiNet Health Partnership Board of Directors that must make legislative recommendations, by

January 1, 2011, on the details and implementation of the "SustiNet Plan," a self-insured health care delivery plan. The act specifies that these recommendations must address:

1. establishment of a public authority or other entity with the power to contract with insurers and health care providers, develop health care infrastructure ("medical homes"), set reimbursement rates, create advisory committees, and encourage the use of health information technology;
2. provisions for the phased-in offering of the SustiNet Plan to state employees and retirees, HUSKY A and B beneficiaries, people without employer sponsored insurance (ESI), people with unaffordable ESI, small and large employers, and others ;
3. guidelines for development of a model benefits package; and
4. public outreach and methods of identifying uninsured citizens.

The board must establish a number of separate committees to address and make recommendations concerning health information technology, medical homes, clinical care and safety guidelines, and preventive care and improved health outcomes.

Senate vote: 23 to 12 (May 30)
House vote: 107 to 35 (May 20)

Excerpt from the governor's veto message:

"SustiNet's objective is health care for everyone, a laudable goal and one I share. We cannot, however, afford to proceed with this plan given its financial implications.

"[OPM] has estimated that the SustiNet plan will likely cost approximately $1 billion per year. The nonpartisan Office of Fiscal Analysis (OFA) put the price of allowing all uninsured adults with incomes less than 300% of the federal poverty limit (FPL) into HUSKY A or B, as provided in this bill, at $530 million. As staggering as this figure is, it does not reflect the costs for those with insurance whose employers would be encouraged to drop their plans, which could easily double this cost. These costs also do not reflect the subsidies for those whose income is less than 400% FPL . . . or the major adverse selection impacts that would be experienced.

"The bill establishes a nine-member board of directors to make recommendations for implementing the SustiNet Plan. The bill prematurely prescribes the approach to health care reform to be taken by the board prior to full analysis of its costs and effectiveness in reducing the number of uninsured."

"A national debate is now occurring that will determine the fundamental approach that our country will take in regard to health care reform. . . . While it is possible that the reforms that will be enacted in Washington will be complementary to what this bill seeks to accomplish, it is equally possible that they will negatively impact or even invalidate

parts of the SustiNet Plan. Rather than positioning our state to capitalize on the federal reforms, this bill presumes the outcome of the national debate."

PA 09-151 – SB 1078
An Act Establishing a Bi-State Long Island Sound Commission

This act creates a Bi-State Long Island Sound Commission, and it limits the responsibilities of the existing Bi-State Long Island Sound Committee. The commission takes effect when New York adopts similar legislation.

The commission must:

1. review and consider major environmental, ecological, and energy issues involving (a) Long Island Sound and (b) the lower Hudson River Valley as it affects the Sound;
2. seek consensus on strategies and polices on these issues; and
3. recommend administrative and legislative action to implement the strategies and policies.

Senate vote: 36 to 0 (June 1)
House vote: 145 to 0 (May 27)

Excerpt from the governor's veto message:

"This legislation is duplicative of several mechanisms that currently exist to review environmental, ecological, and energy issues involving Long Island Sound. For example, there is a Bi-State Long Island Sound Marine Resources Committee established pursuant to [CGS] Sec. 25-139 . . . , three Long Island Sound Advisory Councils established pursuant to [CGS] Sec. 25-154, the Long Island Sound Assembly established pursuant to [CGS] Sec. 25-155, along with task forces created as necessary by executive order.

". . . the statutory creation of another commission is not the answer, especially when the existing statutory committees and task forces created by executive order are more than adequate.

PA 09-157 — sSB 1080
An Act Concerning Access to Health and Nutritional Information in Restaurants

This act requires chain restaurants to disclose on their standard printed menus or menu boards total calorie counts for standard menu items. The Department of Public Health must adopt regulations incorporating the calorie information requirements into regularly scheduled inspections of such restaurants.

Senate vote: 29 to 6 (May 22)
House vote: 89 to 60 (June 1)

Excerpt from the Governor's veto message:

"There is no doubt that there is a growing obesity epidemic in this country and that childhood obesity is on the rise. . . . The solution however, is not nutritional labeling in chain restaurants.

"There has been a growing and troubling tendency by some to legislate nearly every aspect of our lives and society, including personal responsibility. Such legislation always comes at a cost to the taxpayer and to individual freedom."

"Each one of these laws comes at a price for our businesses and our state. Laws are nothing without enforcement, and we are asking our state Department of Public Health and local health districts to inspect, report upon, and – if necessary – fine the establishments, with no extra resources afforded to them to carry out such duties. This is hardly the economic climate in which to further burden our businesses and state agencies."

PA 09-183 — sHB 6502
An Act Concerning the Standard Wage for Certain Connecticut Workers

This act creates a new method for determining the hourly wage and benefits for employees under the standard wage law, which governs compensation for employees of private contractors who do certain types of work in state buildings. Under the act, such employees hired after July 1, 2009 will receive the same hourly wages and benefits as employees working under the union agreement covering the same type of work for the largest number of hourly nonsupervisory employees, as long as it covers at least 500 employees, in Hartford County. Those already working for standard wage employers on or before July 1, 2009 will be paid an hourly wage based on the current standard wage law, but after July 1, 2009 their benefits will be the same as those working under the Hartford County union contract for the same type of work. This creates two tiers for hourly pay while keeping all employees at the same level of benefits.

Senate vote: 30 to 6 (June 2)
House vote: 112 to 35 (May 13)

Excerpt from the governor's veto message:

"This legislation creates an exception to current law and provides varying wages and benefits to certain employees of contractors at a potentially significant cost to the state. The law mandates that a select group of employees will be paid union contract wages and benefits,

instead of the Department of Labor's determined standard wage rates, and creates two distinct classes of janitors – those hired before July 1, 2009 and those hired after such date.

"By removing the link of certain employees' wages and benefits to the Department of Labor's standard wage rates, we are exposing the state to an unknown and unmanageable level of cost. There will be an entire subset of services whose price will be dictated by privately conducted union negotiations and contracts to which the state is not a party. Both groups of janitors perform the same critical services for the state and therefore should be paid the same wage rates, regardless of when an individual was hired. I cannot sanction wages and benefits that are determined completely outside of the state's control and that have not been included in the budget for the next biennium."

PA 09-186 — HB 6649
An Act Concerning the Programs and Activities of the Department of Transportation

This act makes numerous changes to laws governing the operations of the Department of Transportation (DOT). Among many provisions, it:

1. prohibits a town from terminating, reorganizing, or modifying a port authority or port district without the DOT commissioner's written consent;
2. requires DOT to (a) develop a plan to implement zero-emission buses throughout the state and identify locations for hydrogen refueling stations and (b) analyze the potential impact of establishing electronic tolls in Connecticut;
3. designates commemorative or memorial names for 17 road segments and 11 bridges, designates informational signs for eight destinations, and modifies or changes several other memorial names; and
4. makes numerous other changes to DOT programs, policies, or studies.

Senate vote: 36 to 0 (June 2)
House vote: 143 to 2 (June 1)

Excerpt from the governor's veto message:

"I have discussed this bill with the transportation commissioner and none of [its] provisions . . . are critical to the daily operation of our Department of Transportation (DOT). This bill would require the department to erect numerous signs naming segments of roads and bridges. In recent years there has been an incredible proliferation of signs naming roads, overpasses, bridges and other parts of our infrastructure. . . . Obviously there will be a cost associated with installing and maintaining each of these signs. . . . The erection of these

signs is an unnecessary and frivolous expense that we simply cannot afford.

"The bill prevents a municipality from terminating any [port] authority or district without the approval of the transportation commissioner. Since the commissioner's approval is not necessary for the establishment of such authority or district, it is incongruous that his approval is required for termination. We have historically allowed municipalities to form, modify, and terminate various types of special districts without state interference. This process appears to have worked successfully since its inception and I see no reason to change the process now."

PA 09-188 — sHB 5021
An Act Concerning Wellness Programs and Expansion of Health Insurance Coverage

This act (1) requires group health insurers to offer health wellness programs that provide insured people participation incentives and (2) allows the insurance commissioner, in consultation with the public health commissioner, to adopt regulations regarding such programs. It (1) requires health insurance policies to cover, subject to specified conditions, prosthetic devices and human leukocyte antigen (bone marrow) testing and (2) prohibits insurers from charging an insured person for a second or subsequent colonoscopy a physician orders for him or her in a policy year.

The act expands the insurance coverage required for (1) medically necessary ostomy appliances and supplies, increasing the annual benefit from $1,000 to $5,000; (2) children's hearing aids, requiring coverage for children under age 19, instead of under age 13; and (3) wigs, requiring coverage of at least $350 annually for people diagnosed with alopecia areata (a type of hair loss, which is often temporary in nature), excluding androgenetic alopecia (i.e., female- or male-pattern baldness), in addition to people with hair loss due to chemotherapy, for whom the benefit is already law.

Senate vote: 25 to 11 (June 3)
House vote: 98 to 49 (May 27)

Excerpt from the governor's veto message:

"Each of the provisions has merit and would provide additional benefits to people with serious medical conditions. Each, however, also will have a significant cost for taxpayers, policyholders, and employers in future years.

"The legislature's non-partisan OFA has stated that the bill will not impact the state employee and retiree health insurance plan until July 1, 2012, when the contract is renewed. At that point however, OFA notes, 'the FY 12 cost of these mandates could be significant.' " OFA also

addresses the potential cost to municipalities, noting that 'the coverage requirements may result in significant increased premium costs when municipalities enter into new health insurance contracts on or after January 1, 2010.' The bill therefore imposes a costly unfunded mandate upon municipalities. These mandates also apply to all health insurance policies provided by employers and to individual policies."

PA 09-202 – SB 1033
An Act Concerning a Tax Credit for Green Buildings

This act establishes a tax credit for taxpayers who build green buildings, i.e., buildings that meet certain energy and environmental standards. The credits can be taken against the corporation business, insurance company, air carriers, railroad company, utility company, and income taxes. The act limits the credit for all projects at $25 million dollars.

The act specifies the projects and their costs that are eligible for the credit. The act entitles eligible projects to a base credit that increases with the project's rating. It allows additional credits for mixed-use projects and those located in certain areas. Taxpayers can claim only 25% of the credit in any tax years, with the remainder allowed to be carried forward for up to five years. The credits are transferrable and assignable.

Senate vote: 36 to 0 (June 2)
House vote: 143 to 4 (June 3)

Excerpt from the governor's veto message:

"While the goal of this bill is . . . certainly one that I support, the fiscal reality is the state cannot afford a new tax credit at this time which will result in lost revenue and a larger budget deficit. The bill would cap tax credits at $25 million, but that is $25 million the state simply cannot afford given the continuing national economic recession.

"A further concern is that the tax credit could be transferred and even entities without tax liability could sell the credits to taxpayers with a liability. That would guarantee a fiscal impact on the state's General Fund."

PA 09-203 — HB 6695
An Act Concerning the Conveyance of Certain Parcels of State Land

This act:

1. authorizes conveyances of state property to Bridgeport, East Lyme, Putnam, South Windsor, Stamford, and Trumbull;
2. amends prior conveyances in Greenwich, Griswold, Middletown, New Britain, New Haven, Norwalk, and Windham;

3. requires (a) the DOT to convey an easement to Danbury; (b) the Department of Environmental Protection (DEP) to lease property to Ridgefield and (c) the Department of Public Works (DPW) to acquire title from Torrington for a portion of Clark Street, grant an easement to Norwich at Three Rivers Community College, and transfer an easement in Enfield;
4. allows DEP to lease or authorize occupancy to preserve the Penfield Lighthouse;
5. exempts the sale of a particular parcel of electric company real property in Rocky Hill from the law that requires the company to use sale proceeds to reduce its stranded costs; and
6. makes other changes regarding the conveyance of state property or uses of such property.

Senate vote: 36 to 0 (June 3)
House vote: 145 to 3 (June 3)

Excerpt from the governor's veto message:

"On behalf of Connecticut taxpayers we must maximize the utility of each valuable asset which the state owns. Indeed, the Democratic budget calls for the state to raise more than $112 million in the 2010 fiscal year from the sale of state assets. In light of this requirement, I believe we must examine each of the parcels conveyed in this bill to determine if we can profitably sell any or all of them. Significant assets such as these should not be conveyed separately, outside of the state's budget. It will be difficult enough to raise $112 million from the sale of state assets; to attempt to do so while at the same time giving away potentially valuable parcels of state land would be irresponsible.

"Included in HB 6695 are instances of land swaps, sales for less than fair market value of property, and leases for one dollar a year. While certain of these arrangements may well be ultimately in the best interest of Connecticut's citizens, each must be given particular scrutiny to ensure that they are providing the most value to Connecticut – whether in monetary revenue, preservation of open space, or economic development."

PA 09-214 — SB 1162
An Act Requiring Consensus Revenue Estimates

This act requires the OPM secretary and the OFA director to agree on and issue consensus revenue estimates each year by October 15th and to issue any necessary consensus revisions of those estimates in January and April. The estimates must cover the current biennium and the three following years. If the two are unable to issue consensus estimates, the act requires the comptroller to issue the consensus estimate, which must either equal one of the two offices' estimates or fall between them.

Under the act, the consensus estimates must (1) serve as the basis for the governor's proposed budget and for the revenue statement included in the final budget act passed by the legislature indicating that the budget is balanced and (2) be included the annual fiscal accountability reports submitted to the legislature's fiscal committees each November.

If the estimates forecast deficits or deficit increases exceeding certain levels, the act requires the governor and the legislature's fiscal committees to take specified actions to address the estimates.

Senate vote: 23 to 12 (May 28)
House vote: 100 to 35 (May 30)

Excerpt from the governor's veto message:

"Revenue estimates have traditionally been developed and adopted by the Finance, Revenue and Bonding Committee . . . based upon input received from the [OPM] secretary and the [OFA] director. This process has been successfully utilized during my entire tenure in public service, a period that includes the boom times of the mid-1980s as well as the tumultuous introduction of the state income tax in 1991 and the financial instability that occurred after the devastating attacks on our nation on September 11, 2001. I see no reason why this process, which has served us so well in good times and bad, cannot serve us equally well in 2009 and beyond.

"The bill requires that if the secretary and the director cannot agree on a consensus revenue estimate, the comptroller will have 10 days to analyze their respective estimates and issue a consensus revenue estimate. Similarly, with respect to revisions to consensus revenue estimates, if OPM and OFA have been unable to agree upon revised estimates, the comptroller is given five days to produce a revised estimate. If OPM and OFA, with their years of experience in estimating revenue, have been unable to agree upon a consensus estimate, it is naïve to believe that the comptroller's office, which has never previously been involved in this process, is going to be able to reach a consensus figure within these timeframes.

PA 09-223 — HB 6684
An Act Establishing a Correctional Staff Health and Safety Subcommittee of the Criminal Justice Policy Advisory Commission

This act requires the Criminal Justice Policy Advisory Commission to establish a subcommittee on correctional staff health and safety. It must be composed of the (1) commissioners of correction, public safety, and mental health and addiction services, or their designees; (2) eight persons appointed one each by the chairpersons and ranking members of the Judiciary and Public Safety and Security committees; (3) one

representative from each of the three local chapters of labor organizations representing correction officers, appointed by the local chapter; and (4) one representative from each of the labor organizations representing hazardous duty staff of the Department of Correction (DOC), appointed by the labor organization.

The act requires the subcommittee to review DOC's policies and procedures on staff health and safety. The review must include the manner in which:

1. inmate assaults are investigated, classified, and assigned points;
2. data on inmate assaults is collected and compiled; and
3. data on inmate assaults is reported to people and agencies outside the department.

Senate vote: 36 to 0 (June 3)
House vote: 144 to 0 (May 7)

Excerpt from the governor's veto message:

"This bill is well intentioned, but flawed. The composition of the subcommittee is set forth in the bill, and, although it includes the commissioners of correction, public safety, and mental health and addiction services, it makes no provision for gubernatorial appointments. I have repeatedly said that meaningful, substantive discussions on any policy issue can only occur when all voices are heard. True reform requires all stakeholders to be present at the table. This bill is woefully lacking in that regard.

"Some have questioned the manner in which inmate assaults have been reported by the Department of Correction, suggesting that the severity of the assaults has somehow been downplayed. The allegation is significant. It demands that everyone be equally represented at deliberations, from management to unions, from legislative appointments to gubernatorial appointments. We must work as one."

PA 09-238 — SB 586
An Act Concerning A Collinsville Hydroelectric Facility

This act authorizes the DEP commissioner to execute an agreement with Avon, Burlington, and Canton that would allow them to install, operate, and maintain a hydroelectric generating facility at the Collinsville Dam.

Senate vote: 36 to 0 (June 3)
House vote: 147 to 2 (June 3)

Excerpt from the governor's veto message:

"The purpose of this bill is to authorize the Commissioner of Environmental Protection to enter into an agreement with the towns of Avon, Burlington, and Canton that would allow the towns to install,

operate, and maintain a hydroelectric generating facility at the Collinsville Dam. . . .

"Unfortunately, the amendment that would have accomplished this result was not drafted as a 'strike everything' amendment. As a result, the bill passed containing two sections each of which authorizes the commissioner to enter into an agreement to allow the installation and operation of the generating facility. These two sections require that the agreement contain different and incompatible provisions. Because of the conflict between the two sections, the bill is unworkable, and I hereby veto it for that reason."

JUNE SPECIAL SESSION

PA 09-1, JUNE SPECIAL SESSION — SB 1801
An Act Concerning the State Budget for the Biennium Ending June 30, 2011, and Making Appropriations Therefore

This act appropriates $17.5 billion for FY 10 and $18 billion for FY 11 from the General Fund for state agencies and programs. It also increases taxes, transfers funds to the General Fund from special state funds and accounts, and makes other revenue changes to produce a net revenue gain of $3.0 billion in FY 10 and $3.12 billion in FY 11. It provides for $17.5 billion in total revenue for FY 10 and $18 billion for FY 11. Finally, it authorizes state borrowing to cover the FY 09 General Fund deficit.
Senate vote: 19 to 16 (June 25)
House vote: 91 to 48 (June 26)

Excerpt from the governor's veto message:

"The flaws and failures of the tax and spending proposals contained in Senate Bill 1801 are manifest. It is neither balanced nor remotely realistic in its assumed 'savings' and 'spending cuts.'

"Senate Bill 1801 calls for $2.5 billion in new taxes on the people and employers of Connecticut in the midst of the greatest global economic downturn since the Great Depression: exactly the wrong move at exactly the wrong time.

"The 'savings' and 'cuts' proposed in this budget are largely unachievable. Senate Bill 1801 proposes unidentified cuts in state agency expenses of $70 million, without providing any detail as to how these cuts will be made – especially in light of the legislative majority's fierce and continuing resistance to serious program cuts.

"In addition, Senate Bill 1801 calls for the state to raise more than $112 million in revenue from the "sale of state assets" – again, without details, except to task OPM and the Treasurer with generating a list of items to be sold.

"The bill also proposes to close two state prisons – but does not identify the prisons or make any provisions for dealing with the prisoners who may be held there now.

"Senate Bill 1801 fails to account for major expenses. There is no funding for the raises contained in three recent arbitration awards the General Assembly allowed to become final – a $42 million oversight. Even more shockingly, there is no funding whatsoever for the Department of Transportation or the Department of Motor Vehicles.

"The legislation is therefore incomplete and built upon phony cuts and phantom accounting."

JM:ts