OLR RESEARCH REPORT

June 16, 2010 2010-R-0266

2010 VETO PACKAGE

By: Terrance Adams, Legislative Analyst II

The governor vetoed the following 13 public acts:

PA 10-6, *An Act Extending the Effective Date for Certain Interlocal Risk Management Pools*

PA 10-38, *An Act Concerning Licensure of Master and Clinical Social Workers*

PA 10-45, *An Act Concerning the Preservation and Creation of Jobs in Connecticut*

PA 10-49, *An Act Concerning Independent Monitoring of the HUSKY Program*

PA 10-55, *An Act Concerning the Development of the Creative Economy*

PA 10-67, *An Act Concerning the Selection of Tenant Commissioners*

PA 10-97, *An Act Reducing Electricity Costs and Promoting Renewable Energy*

PA 10-106, *An Act Concerning Long Island Sound, Coastal Permitting and Certain Group Fishing Licenses, and Permits for Solid Waste Facilities*

PA 10-125, *An Act Mandating the Regionalization of Certain Public Safety Emergency Telecommunications Centers and a Study of Consolidation*

Sandra Norman-Eady, Director
Phone (860) 240-8400
FAX (860) 240-8881
http://www.cga.ct.gov/olr

Connecticut General Assembly
Office of Legislative Research

Room 5300
Legislative Office Building
Hartford, CT 06106-1591
Olr@cga.ct.gov

PA 10-128, *An Act Concerning Additional Off-Track Betting Branch Facilities in New London, Manchester, and Windham*

PA 10-129, *An Act Establishing a Sentencing Commission*

PA 10-142, *An Act Concerning Criminal Background Checks for Prospective State Employees*

PA 10-159, *An Act Concerning the Master Transportation Plan, the Facilities Assessment Report, the Connecticut Pilot and Maritime Commissions, a Review of the State Traffic Commission and Changes to the State Traffic Commission and Changes to the Stamford Transportation Center, and Requiring New Crosswalks to Provide Time for the Safe Crossing of Pedestrians*

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 21.

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

PA 10-6 — HB 5011

An Act Extending the Effective Date for Certain Interlocal Risk Management Pools

This act postpones, by six years, the dates by which certain interlocal risk management pools must comply with contingency reserve requirements specified by law.

It also requires an interlocal risk management agency, beginning October 1, 2013, to report annually to the insurance commissioner any interlocal risk management pool's surplus or deficit for the preceding fiscal year. If there is a deficit of $8 million or more, the agency must assess pool members to eliminate it within three years from the preceding June 30. The agency determines how to implement the assessment.

The law permits two or more municipalities to form an interlocal risk management agency (known as a "MIRMA") to pool risks and jointly purchase insurance for (1) public liability, automobile, and property; (2) workers' compensation; and (3) excess risk.

Senate vote: 33 to 0 (April 21)
House vote: 145 to 2 (April 7)

Excerpt from the governor's veto message

> MIRMA has been undercapitalized since its creation. Although it has been given several years to remedy its financial situation, it has failed to do so. Now, providers are not being paid, and injured workers are at risk of not being treated. MIRMA can no longer exist in its current state of outright capital inadequacy.
>
> I am unable to condone the continued operation of MIRMA in this manner. And while I certainly understand the seemingly impossible predicament of the approximately 65 member municipalities faced with potentially bearing an additional $9.5 million in difficult financial times, this legislative solution is both short-sighted and potentially damaging to claimants. The fates of injured municipal workers cannot be held in the balance for six years while MIRMA attempts to improve its financial situation.
>
> This Act postpones the inevitable- the insolvency of MIRMA- at the further expense to towns, injured workers, and taxpayers.

PA 10-38 — sHB 5286

An Act Concerning Licensure of Master and Clinical Social Workers

This act creates a new license category for certain social workers. The new licensees, called "master social workers," are under the Department of Public Health's (DPH) administration. The act:

1. defines the practice of a master social worker,

2. (a) requires practitioners to be licensed annually and (b) establishes licensure requirements and fees,

3. allows for licensure by endorsement or licensure without examination in certain cases,

4. provides for one-time $50 temporary permits to practice,

5. prohibits independent practice after October 1, 2013,

6. specifies activities certain master social workers can do, and

7. establishes continuing education requirements.

DPH currently licenses clinical social workers and continues to do so under the act, with some changes concerning work experience requirements.

The act specifies that (1) DPH must issue licenses to master social workers only if appropriations are available and (2) no new regulatory board is established for master social workers if the licensure program is implemented.

Senate vote: 34 to 1 (April 29)
House vote: 143 to 6 (April 21)

Excerpt from the governor's veto message

> This bill creates a new category of licensed master social workers in Connecticut, while failing to provide adequate funding to DPH for implementation of this new licensure type.
>
> The effects of the Act's use of the phrase "if appropriations are available for such implementation" in Section 9 are unknown. The Office of Fiscal Analysis note suggests no less than four possible scenarios- all of which pose significant disadvantages to the

residents of Connecticut- in deficiency appropriations, cutbacks to other critical programs which DPH administers, or the unrealized plans of new Connecticut Masters in Social Work graduates.

PA 10-45 — sSB 1

An Act Concerning the Preservation and Creation of Jobs in Connecticut

This act:

1. exempts certain businesses with annual net incomes of $50,000 or less from the $250 business entity tax for two years and

2. imposes an 8. 97% tax in lieu of regular state income tax on certain bonuses of $500,000 or more paid or awarded to Connecticut taxpayers by companies that received direct funding from the federal Troubled Asset Relief Program (TARP) or certain of their affiliates.

Senate vote: 21 to 14 (April 30)
House vote: 89 to 49 (May 1)

Excerpt from the governor's veto message

> Based upon the Office of Fiscal Analysis estimates, the revenue from the TARP bonus tax is insufficient to replace the revenue lost from the exemptions to the business entity tax. Given the state's precarious fiscal condition, this fact alone is sufficient for me to veto this bill.
>
> In addition, however, there are serious concerns about the constitutionality of the TARP bonus tax. As you know, some constitutional scholars have opined that this tax violates the U.S. Constitution's prohibition on bills of attainder.
>
> While I appreciate and agree with the sentiment that these executive bonuses were, at a minimum, inappropriate given the use of federal funds to bail out the entities that awarded the bonuses, I cannot allow this provision to become law given its dubious constitutionality.

PA 10-49 — sSB 139

An Act Concerning Independent Monitoring of the HUSKY Program

This act requires the Department of Social Services (DSS), by July 1, 2010 and on an ongoing basis, to contract with a nonprofit organization to independently monitor the performance of the HUSKY A and HUSKY B programs.

The selected organization must (1) have experience that demonstrates its ability to independently monitor performance; (2) collaborate with DSS' Medical Care Administration Division; and (3) report to DSS on enrollment trends, care access, service utilization, and health outcomes.

The act requires DSS to provide the organization with any information it needs to do the monitoring, including data on HUSKY enrollment and encounters, Medicaid birth and other claims, and Medicaid eligibility.

DSS has provided funding for independent HUSKY monitoring since managed care organizations began serving program recipients.

Senate vote: 23 to 12 (April 21)
House vote: 140 to 7 (May 3)

Excerpt from the governor's veto message

> While well-intentioned, this bill unnecessarily requires an additional annual independent monitoring of the HUSKY program. Currently, there are four separate review processes. To statutorily mandate a particular study is not only redundant, but unnecessarily burdensome and costly.
>
> DSS. . . contracts with a certified External Quality Review Organization under federal guidelines to provide monitoring and an annual evaluation of program performance as to the quality, timeliness, and access to health care services provided to all HUSKY clients.
>
> Second, DSS recently and proactively enhanced HUSKY program reporting by requiring MCOs to adopt a comprehensive set of Healthcare Effectiveness Data and Information Set (HEDIS) measures approved for use in Medicaid.
>
> Third, since 1994, DSS has shared data through its monthly reports to the Medicaid Managed Care Council (Council). The council. . . was statutorily established to advise DSS on the

development and implementation of HUSKY, and later the State Administered General Assistance program, as well as to provide ongoing legislative and public input into the monitoring of those programs.

Prior to the implementation of HEDIS, DSS had contracted for several years with a fourth organization to conduct an additional independent analysis of HUSKY access, utilization, and quality. DSS is in the process of again executing another 15-month contract to provide that additional, independent study.

PA 10-55 — sHB 5028

An Act Concerning the Development of the Creative Economy

This act establishes a 22-member task force to study the creative economy in the state and, for five years beginning by February 1, 2011, annually report its findings and recommendations to the Higher Education and Commerce committees. It also requires the Department of Economic and Community Development to identify and analyze "creative clusters" in both its annual report and the state's economic strategic plan, which is submitted every five years. It specifies that representatives from creative clusters are to make recommendations for certain curricular changes in the state's vocational-technical schools and the community-technical colleges.

Senate vote: 35 to 0 (May 4)
House vote: 144 to 0 (April 22)

Excerpt from the governor's veto message

> While the establishment of a task force to study the creative economy in Connecticut has merit, its objectives have been subsumed in the endeavor of the more comprehensive Connecticut Competitiveness Council.
>
> The development of the creative economy, creative workforce, and creative clusters proposed in this bill will certainly foster discussion associated with the creation of educational and job opportunities. Establishing a "creative corridor" in Connecticut is a worthy objective that can be accomplished, though, without duplicating efforts, increasing unbudgeted costs of staff support and $56,127 for the economic analysis. Additionally, all of this would divert already limited agency staff to support the proposed 22- member task force.

> The Connecticut Competitiveness Council is ideally situated to build upon the language and ideas of the creative economy. . . and bring to fruition its objectives.

PA 10-67 — sSB 320

An Act Concerning the Selection of Tenant Commissioners

This act adds methods for selecting tenant commissioners for a public housing authority's board of directors and expands the definition of "tenants" who are eligible to participate in the selection of and serve on the board. By law, the municipality's chief executive officer or governing body appoints housing authority commissioners, including the tenant commissioners. In doing so, they must consider for appointment tenant commissioners suggested by any tenant organization. The act establishes a process for recognizing tenant organizations that may elect or designate tenants to the board according to the organization's bylaws.

The act also provides a mechanism for tenants to petition for an election if no recognized organization exists. Whether an election is required or the tenants petition for one, the housing authority must use its best efforts (in agreement with the tenant organization, to the extent practicable) to arrange for a neutral third-party organization to administer the election.

If the act's provisions for electing the tenant commissioner or selecting one under a tenant organization's bylaws are not utilized, the appointing authority must select the appointee by considering tenants the organization suggests, as under prior law.

The act removes certain restrictions on the qualifications and authority of a tenant commissioner. It allows (1) those who receive housing assistance but never lived in authority-owned or -managed housing and (2) anyone receiving assistance who once lived or is living in such housing for any length of time, rather than for at least one year, to serve as a tenant commissioner. The act also removes the prohibition against tenant commissioners voting to establish or revise rents.

Senate vote: 29 to 5 (April 21)
House vote: 104 to 42 (May 3)

Excerpt from the governor's veto message

> A departure from [the] present system of appointment raises multiple concerns, not the least of which is the impact on municipal oversight of housing authorities. Municipalities are

ultimately responsible for the fiscal viability of housing authorities and, accordingly, should have control of the supervisory function for such organizations and a role in the determination of the authority's expenses. Conflicts of interest are also not addressed in the Act. Indeed, the Act removes a statutory prohibition that currently prevents tenants from voting on matters that directly affect their residency, such as rent amounts.

The allowance of tenant elections is another problematic provision. In administration of the election, the Act does not require independence but rather that the authority utilize its "best efforts" to secure a neutral third-party to conduct the election. Further, if election results are challenged, would the municipality be expected to pay for any related legal costs? Still yet, as an alternative to an election, the bill allows for a tenant commissioner to be selected by the governing board of the tenant organization. This option is ripe for potential abuse by individuals who are accountable to neither tenants nor municipal officials.

PA 10-97 — SB 493

An Act Reducing Electricity Costs and Promoting Renewable Energy

This act establishes several programs to promote solar energy, including ones that:

1. provide incentives for people to install photovoltaic (PV) systems on their homes,

2. require electric companies to enter into long-term contracts with developers of large-scale PV and provide payments that are based on the energy produced by such systems, and

3. require the Department of Public Utility Control (DPUC) to study the feasibility of installing PV systems on state facilities.

The act has other provisions promoting renewable energy systems, including fuel cells, wind, and hydropower.

The act requires DPUC to establish a pilot program to provide loans for installing combined heat and power (cogeneration) systems and energy efficient replacement furnaces and related equipment. DPUC must arrange with an electric or gas company to pay a loan made under the program through the borrower's monthly electric or gas bill, as applicable.

The act allows municipalities to establish loan programs for residents and local businesses to make energy efficiency and renewable energy improvements to their property. It allows participating municipalities to issue bonds for these programs that are backed by an assessment on the participant's property that is treated like a property tax.

The act establishes a program for energy conservation and load management projects for customers in municipalities with enterprise zones. The program must provide funding at a level equal to at least 3% of the total collected for the (1) Energy Conservation and Load Management Fund and (2) Clean Energy Fund. The money must (1) be used for programs directly benefiting residential or small business electric customers in municipalities with enterprise zones and (2) include a job training component for existing or potential minority business enterprises.

The act establishes energy efficiency standards for compact audio players, televisions, DVD players, and DVD recorders. The standards go into effect January 1, 2013.

By law, the electric companies must provide standard service to small- and medium- size electric customers who do not choose a competitive supplier. Currently, the electric companies procure the power to provide this service. The act requires DPUC to review the companies' performance in providing standard service every two years and allows DPUC to transfer this responsibility to another entity. It changes the rules that govern procuring power for this service.

The act establishes a code of conduct for competitive suppliers and related entities. Among other things, the code regulates when and how they can conduct door-to-door sales. It also limits the fee suppliers can charge a residential customer for termination or early cancellation of a contract.

The act establishes a new division within DPUC that is responsible for power procurement, conservation and renewable energy, and research. It creates a working group to develop plans to implement organizational and structural changes in state government related to the establishment of the new division.

Senate vote: 20 to 14 (May 4)
House vote: 81 to 40 (May 5)

Excerpt from the governor's veto message

> The proponents of this bill claim that it will reduce energy costs, spark the creation of a renewable energy industry in the state, create jobs, and stabilize the electricity market. These claims are eerily reminiscent of the claims made about the electric industry deregulation bill which was presented some years ago as a panacea for Connecticut's energy problems. After a decade of exorbitant prices, however, that bill has yet to deliver on its promises. We cannot repeat the mistakes of the past. We simply cannot enact the sweeping changes contained in this bill without fully knowing the effect that they will have on the energy market, our state's economy, and ratepayer bills.
>
> In addition, Senate bill 493 was passed in the waning days of the legislative session with minimal input from critical stakeholders. . . . The use of the "e-cert" process to accelerate this complicated bill was disrespectful to those who honestly desired to read and deliberate the bill's provisions and unfair to the people of Connecticut whose electric bills and taxes would surely be affected.
>
> Also unacceptable are unproven claims that the legislation will reduce consumers' electricity costs by 15% by July 1, 2012. The bill does not specify how the reduction is to be achieved or which components of the rates will actually be reduced. In fact, there is no guarantee that rates will actually be reduced. Rather, the bill lays out policies that in all likelihood will <u>increase</u> (emphasis in original) costs for consumers.
>
> The bill revises the procurement process for standard offer electric service in an effort to lower rates. This approach to procurement of energy through long-term purchasing contracts or new sources of generation is highly speculative and, rather than protecting ratepayers from the volatility of the market, potentially subjects them to increased financial risk and higher rates.
>
> Furthermore, by creating a new state agency, the Connecticut Energy and Technology Authority (CETA), the bill increases the size and scope of state government at a time when we are striving to cut expenses and streamline government. CETA subsumes one existing agency (DPUC) and adds three new bureaus- power procurement, conservation and renewable energy, and research. The legislative Office of Fiscal Analysis reports that these changes will result in significant cost to taxpayers beginning in 2012.
>
> In the midst of both this great recession and our well-known state budget challenges I cannot ask our already over-burdened and over-taxed residents and businesses to bear the additional burden

of the costs associated with this bill. In addition, it has been strongly suggested that this bill will compel the loss of businesses, investment, and thousands of jobs in the electric supplier market- and the loss of the associated tax revenues.

PA 10-106 — sSB 124

An Act Concerning Long Island Sound, Coastal Permitting and Certain Group Fishing Licenses, and Permits for Solid Waste Facilities

This act requires anyone receiving a wetlands regulated activity permit, dredging permit, certificate of permission for routine maintenance, or emergency authorization for corrective action on or after October 1, 2010, to file a certified copy of the document on the land records of the municipality where the property is located within 30 days of issuance. It requires a property owner transferring land for which such a document is issued to record the document in the land records before the transfer.

The act establishes a fee for retaining structures (1) built without the required building or dredging permit and (2) ineligible for a certificate of permission. The fee is four times the fee for a permit to build the structure, although the DEP commissioner may lower it upon a finding of significant extenuating circumstances, including whether the applicant acquired his or her interest in the site after the unauthorized activity occurred, is not otherwise liable, and did not have reason to know about the unauthorized activity. By law, permit fees depend on the size of the project. The act permits the commissioner to establish, through regulation, a simplified schedule and vary the statutory permit fees and cost of publishing notice. The schedule must promote expedited approval for applications consistent with all applicable standards and criteria.

The act eliminates a provision allowing the placement, maintenance, or removal of aquaculture structures and marking buoys without a permit while a permit is pending.

By law, the commissioner may issue a certificate of permission for certain activities in state tidal, coastal, or navigable waters, including maintenance and repair of existing structures. The act expands the activities eligible for a certificate of permission.

The act adds to those individuals who may petition for a hearing on a regulated activity permit. It also eliminates the deadline for holding wetlands hearings.

The act also eliminates (1) coastal management grants to municipalities, (2) the estuarine embayment improvement program, and (3) a requirement that the DEP submit to the legislature and governor an annual report concerning the development and implementation of the Coastal Management Act.

The act makes changes to the statutes governing waste discharge. It replaces the state- designated "no discharge" areas within Long Island Sound with the Environmental Protection Agency's (EPA) designated areas.

The act also creates a group fishing license for tax-exempt organizations. The license fee is $250.

The act prohibits the DEP commissioner from making a determination of need or approving any permit application that is pending or filed as of the act's passage for a new solid waste facility or the expansion of an existing facility located within 1,000 feet of a primary or secondary aquifer, until the need for additional capacity is determined by the Solid Waste Management Plan.

Senate vote: 34 to 0 (May 4)
House vote: 138 to 0 (May 5)

Excerpt from the governor's veto message

> The underlying bill and Senate Amendment A make good sense. However, Senate Amendment B presents a problem. . . . Amendment B appears to have been crafted to apply to a particular facility. However, the practical effect, according to DEP, is that the amendment would impact most permits required for expanding existing facilities as well as those for building new solid waste facilities. Indeed, it is anticipated that this provision will impact 19 non-municipal pending applications before the DEP.
>
> As written, this provision negatively impacts only those businesses with pending applications. They could simply withdraw their current application and reapply the next day with the accompanying fee of approximately $15,000 to acquire the individual permit. For most companies unable or unwilling to pay the additional fee, the provision will assuredly add uncertainty and additional costs to the process.

In best case scenarios, this provision will delay pending applications and therefore business growth opportunities for as long as nine months while the classification language is developed to define a "primary aquifer" and a "secondary aquifer". . . . In the worst case scenario, one existing facility would have to cease operations immediately rendering workers unnecessarily unemployed.

There are environmental protection procedures in place and definitions existing in statutes on which applicants have relied. This provision unfairly places most companies at risk for additional fees or uncertainty about their permitting future. Changing the process mid-stream sets a poor precedent. Further, if we allow decisions to be made on particular projects outside the statutorily delineated process, we circumvent the very process that we have put in place to ensure impartiality and careful environmental review even as we invite additional special act legislation to authorize or reject specific projects.

PA 10-125 — sSB 312

An Act Mandating the Regionalization of Certain Public Safety Emergency Telecommunications Centers and a Study of Consolidation

This act:

1. beginning in FY 2016, makes municipalities with 40,000 or fewer people ineligible for enhanced 9-1-1 (E 9-1-1) funding if they have not joined with two or more municipalities to form a regional public safety answering point (PSAP) and

2. requires the Office of State-wide Emergency Telecommunications (OSET), which administers the state's E 9-1-1 program, to use money in the E 9-1-1 Telecommunications Fund to study PSAP regionalization issues and submit its findings to the Public Safety and Security Committee by July 1, 2011.

PSAPs are facilities that receive 9-1-1 calls and dispatch emergency response services (e.g., fire and police) or transfer the calls to other public safety agencies.

Senate vote: 35 to 0 (April 28)
House vote: 119 to 29 (May 5)

Excerpt from the governor's veto message

> Regionalization is a concept for which I have been a strong and adamant proponent. . . . This bill, however, mandates regionalization without sufficient forethought of exactly how towns will achieve savings and make costly infrastructure changes. The law mandates a one-size fits all approach without consideration of the fact that certain regions may have different needs in emergency services and competing obstacles to consolidation. A statutory mandate that precedes the necessary due diligence associated with such comprehensive and systemic statutory requirement is problematic.
>
> In addition, while the law mandates a study to address some of these issues, the study comes at a price tag of several hundred thousand dollars- monies which instead could be spent directly on infrastructure enhancements necessary for actual implementation of emergency services dispatch regionalization in towns. Still yet, these same goals can be accomplished through an incentive-based approach to consolidation, as the current system provides, rather than a mandate.

PA 10-128 — HB 5236

***An Act* Concerning Additional Off-Track Betting Branch Facilities in New London, Manchester, and Windham**

This act increases the number of off-track betting (OTB) facilities that may operate as simulcasting facilities (i. e. , televise OTB programs) from 12 to 15 of the 18 currently authorized OTB facilities. It requires that the new simulcasting facilities be located in Manchester, New London, and Windham.

Senate vote: 24 to 11 (May 5)
House vote: 99 to 43 (April 28)

Excerpt from the governor's veto message

> Legislative history indicates that the Legislature has been incrementally adding to the permissible number of simulcast screens since 1989. . . . [S]ince 2007 alone, four additional facilities have been authorized. . . . The 2010 Act allows yet three more facilities to simulcast games, for a statewide total of 15.
>
> I am troubled that these authorizations are being requested for particular restaurants or venues as quick fixes to a difficult economic climate and to offset low customer counts.

> We cannot amend our statutes every time a restaurant owner complains that business has been down. Permitting additional screens to simulcast horse races and jai alai is neither a viable life-line for Connecticut's businesses, nor the answer to an ailing economy. Rather, we must develop innovative and all-encompassing solutions intended to promote economic development across the state. We cannot and should not engage in piecemeal policymaking, one restaurant at a time.

PA 10-129 — sHB 5248

An Act Establishing a Sentencing Commission

This act creates, within existing budgetary resources, a 23-member Connecticut Sentencing Commission to review the existing criminal sentencing structure and any proposed changes to it, including existing statutes, proposed legislation, and existing and proposed sentencing policies and practices.

The act sets out a guiding principle for the commission's work and the purposes of sentencing, lists specific duties for the commission, and authorizes it to access information held by state and municipal agencies.

The commission must make recommendations to the governor, legislature, and criminal justice agencies and begin submitting annual reports to the governor, legislature, and Supreme Court chief justice by January 15, 2012.

The act authorizes the commission to accept federal grants or private funds for purposes consistent with its duties.

Senate vote: 34 to 1 (May 5)
House vote: 146 to 0 (April 28)

Excerpt from the governor's veto message

> While I appreciate the need for review of our sentencing statutes and practices, given our state's ongoing economic challenges, this is simply the wrong time to create yet another state entity. Although the bill provides that the commission shall be established "within existing budgetary resources," the legislative Office of Fiscal Analysis notes that "given the ongoing nature of the bill's commission and the scope and potential intensity of work involved in the carrying out of its duties, it is estimated that the OPM would require an additional position with an estimated FY 11

salary of $65,000 and funding of approximately $20,000 in FY 11 to contract for outside expertise in developing the database." OFA also notes that fringe benefits associated with the new position would be $44,395 in FY 12.

I would also note that some of the duties assigned to this commission have always been done by the Judiciary Committee as part of its policymaking role. It is the distinct role of the legislature (emphasis in original) to make and evaluate public policy, so to assign such functions as evaluating existing sentencing statutes, policies, and practices and evaluating the impact of pre-trial, sentencing, diversion, incarceration, and post-release supervision programs to an appointed body appears to be an improper delegation of legislative responsibilities. I believe that the Judiciary Committee is the appropriate body to carry out these functions, as they have in the past.

PA 10-142 — sHB 5207

An Act Concerning Criminal Background Checks for Prospective State Employees

This act prohibits certain state employers from asking about a prospective employee's past convictions until the person is "deemed otherwise qualified for the position." The prohibition does not apply if a statute specifically disqualifies someone from a position due to a prior conviction.

The applicable employers are the state; the executive and judicial branches, including any of their boards, departments, commissions, institutions, agencies, or units; boards of trustees of state-owned or -supported colleges, universities, or their branches; public and quasi-public state corporations; authorities established by law; and anyone designated by such employers to act in their interest with employees. The act does not cover the state Board of Labor Relations, Board of Mediation and Arbitration, or, apparently, the Legislative Branch. This means these employers may ask a prospective employee about prior convictions. However, the law, unchanged by the act, prohibits these and other state agencies from denying a person employment solely because of a prior conviction.

Senate vote: 35 to 0 (May 5)
House vote: 141 to 0 (April 21)

Excerpt from the governor's veto message

> While worthy in its objective, the bill poses numerous obstacles in practice. And for all its obstacles, it is uncertain that any benefit will accrue to previously convicted applicants. Applicants are already protected by statutory provisions which prohibit the denial of employment solely based on a conviction. Also, there has been no specific evidence of discrimination by the state that the legislation attempts to address.
>
> On top of. . . existing requirements, this bill mandates that a state employer not inquire about past convictions until such prospective employee has been "deemed otherwise qualified" for the position. Such language is ambiguous and will certainly create difficulties in administration and application across the state. . . . Without such clarity provided in the law, such language is ripe for legal challenge by applicants. State agencies would have to justify their construction and practical application of such phrase, leading to a potentially substantial burden to the state and costly expense to taxpayers.
>
> Unique obstacles also arise in implementing such a vague and sweeping requirement across a diverse organization with more than 50,000 employees. . . . To have a "one size fits all approach" to all state positions is unworkable in the same way that the bill treats all convictions equally. The legislation makes no distinction between petty theft and violent crimes.
>
> The statute should recognize such inherent distinctions in state positions and criminal convictions. . . . There are some positions for which the inability to inquire about a previous conviction upfront will lead to a waste of valuable state resources spent on interviewing and screening ineligible applicants.

PA 10-159 — sHB 5455

An Act Concerning the Master Transportation Plan, the Facilities Assessment Report, the Connecticut Pilot and Maritime Commissions, a Review of the State Traffic Commission and Changes to the State Traffic Commission and Changes to the Stamford Transportation Center, and Requiring New Crosswalks to Provide Time for the Safe Crossing of Pedestrians

This act modifies the scope of the Department of Transportation's (DOT) master transportation plan and the factors the DOT commissioner must consider in preparing it. It requires DOT to prepare an assessment of existing transportation facilities every even-numbered year, rather than annually, and specifies the factors the commissioner must consider

in developing this assessment. It requires DOT to, among other things, review the State Traffic Commission's (STC) procedures and develop a plan to improve the timeliness of its permit application and decision process. It requires that newly designated crosswalks have markings and other features the traffic authority considers necessary to give pedestrians enough time to cross safely.

The act eliminates reimbursement of necessary expenses for members of the Connecticut Pilot and Connecticut Maritime commissions. By law, the former advises the commissioner on the licensure of pilots, safe conduct of vessels, and protection of the ports and waters of the state, including Long Island Sound. The latter advises the commissioner, governor, and legislature on the state's maritime policy and operations and various other issues.

The act requires DOT's State Maritime Office to provide staff support to the Pilot Commission; it already supports the Maritime Commission. It requires DOT to review STC's procedures for granting permits to certain large developments.

The act also:

1. more precisely specifies the location of the Donald F. Reid Memorial Bridge in Norwalk;

2. requires DOT, by June 30, 2011, to remove sand and debris deposited by highway storm drains into the pond located at 245 Wolcott Road, in Wolcott, adjacent to Route 69;

3. requires that the proceeds of bonding authorized in 2007 be used for repairing, reconstructing, or expanding the parking garage at the Stamford Transportation Center, rather than building a garage there; and

4. eliminates the authorization for these funds to be used for the acquisition of rights-of-way and other property and related projects.

Senate vote: 35 to 0 (May 5)
House vote: 150 to 0 (May 4)

Excerpt from the governor's veto message

This bill contains a variety of sections dealing with our State's transportation system, many of which I would ordinarily be pleased to sign into law. The final section of the bill, however, would undo detailed plans that my administration, working with DOT, has developed to greatly increase parking capacity at the Stamford train station.

Our plan calls for the construction of a new, 1,000-space parking garage adjacent to the station prior to the demolition and reconstruction of the existing garage, so as to provide convenient, plentiful, alternative parking. When all construction/reconstruction is completed, all 1,700 spots will be available for commuter use.

This bill, however, prohibits the use of state bond proceeds for the construction of a new garage, requiring instead that the funds be used only for the repair, reconstruction or expansion of the current garage, which would leave commuters without a parking garage during the reconstruction. As a result, an already untenable parking situation for frustrated commuters will be exacerbated as spots are taken out of service during the various stages of reconstruction.

Further, this provision is incompatible with section 4 of Public Act 09-186 which requires the DOT to make alternative parking spaces available in the vicinity of the station before beginning demolition of the existing parking garage. We have proceeded in accordance with the provisions of this section and our plan ensures that adequate parking will be available throughout the demolition and reconstruction phase of this project. I must therefore question the need for this last-minute amendment.

TA:df