



# OLR RESEARCH REPORT

July 22, 2011

2011-R-0270

## 2011 VETO PACKAGE

By: Duke Chen, Legislative Analyst II

The governor vetoed the following six public acts:

PA 11-65, *An Act Exempting Certified Police Officers from Telecommunicator Training*

PA 11-95, *An Act Reconstituting the Connecticut Capitol Center Commission*

PA 11-107, *An Act Concerning the Siting Council*

PA 11-142, *An Act Promoting Economic Development in the Area Surrounding Oxford Airport*

PA 11-170, *An Act Concerning the Rate Approval Process for Certain Health Insurance Policies*

PA 11-202, *An Act Concerning the Revision of Municipal Charters*

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 25, 2011.

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 11-65 — SB 888**

***An Act Exempting Certified Police Officers from Telecommunicator Training***

This act exempts from telecommunicator training police officers certified (1) by the Police Officer Standards and Training Council (POST) and (2) as medical response technicians.

**Senate Vote: 36 to 0 (May 11)**

**House Vote: 139 to 0 (June 7)**

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

“Given that (1) current law already provides for an individual who demonstrates the requisite skills to receive an acknowledgement of achievement without having to take the telecommunicator training and (2) several skills necessary to perform as a 9-1-1 telecommunicator are inadequately addressed in the POST basic training and MRT training, I concur with the Department of Public Safety’s position on this bill. This legislation, while well intended, is unnecessary and against the public’s interest.”

**PA 11-95 — HB 5482**

***An Act Reconstituting the Connecticut Capitol Center Commission***

This act changes the Connecticut Capitol Center Commission’s purpose and membership.

It requires the commission to revise the master plan for developing the Capitol Center District in Hartford and submit it to the Appropriations; Finance, Revenue and Bonding; and Government Administration and Elections committees, but not the governor, by July 1, 2012, and eliminates the requirement that the commission review and report on the plan every five years.

The act removes the commissioners of the departments of Public Works (DPW) and Economic and Community Development from the commission and eliminates the DPW commissioner’s authority to amend the plan. It adds Hartford's mayor as a member and makes him chairman, among other membership changes.

**Senate Vote: 36 to 0 (June 7)**  
**House Vote: 138 to 0 (May 18)**

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

“[M]embership of the Commission under Public Act 11-51 consists of five executive branch members, six legislative appointments, and three representatives of the city of Hartford. Under HB 5482, executive branch representation would be reduced to two and city of Hartford representation would increase to six.

“HB 5482 would expand the power of the Commission and undermine the Administration’s authority by providing that the Commission may revise the master plan – not only review it and recommend change – and eliminate the right of the DAS Commissioner to amend the act. The amended plan would be submitted to the General Assembly only, not to me and the General Assembly. . .

“I object to this reduction of executive input and authority into the development of the Capitol Center District, considering that the vast majority of state property in that area is dedicated to use by executive branch agencies.”

**PA 11-107 — sHB 6250**

***An Act Concerning the Siting Council***

This act changes the standard of review for power plants and telecommunication towers seeking a certificate from the Siting Council.

It requires that telecommunications tower developers consult earlier with potentially affected municipalities before applying for a Siting Council certificate and expands the scope of this consultation.

The act limits the circumstances in which the council can approve a tower proposed for installation near a school or commercial day care center.

It expands the factors the Siting Council must consider in granting a certificate for a telecommunications tower.

The act expands the Siting Council’s authority to deny an application to include cases where the tower would substantially affect the scenic quality of the surrounding neighborhood and public safety concerns do not require that it be built at the proposed site.

It modifies how the “municipal participation account” in the General Fund is distributed to municipalities.

The act allows the council to request the attorney general to bring a civil action in a case of a proposed tower where any party intentionally omitted or misrepresented a material fact in the course of a council proceeding.

**Senate Vote: 36 to 0 (June 7)**

**House Vote: 128 to 10 (May 26)**

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

“Although there are many provisions of this bill that I support, I have concerns that certain technical changes in the bill would require the Siting Council to apply an illogical standard of review to applications for the siting of proposed television and cell towers. It would also potentially have a negative effect on the state’s energy policy.

“House Bill 6250 would require the Council to apply a standard of review to applications for television and cell phone towers that would necessitate a finding by the Council that the proposed tower is necessary for the reliability of the electric power supply of the state or for the development of a competitive market for electricity before it could be approved. This makes the siting of such towers in the state essentially impossible because television and cell phone towers do not impact the reliability of electricity or the competitive markets for electricity.

“While the Council supported the bill prior to the addition of the language outlined above, it has recently passed a unanimous resolution asking me to veto this bill because of these fatal flaws.”

**PA 11-142 — sHB 6529**

***An Act Promoting Economic Development in the Area Surrounding Oxford Airport***

This act creates a second airport development zone in specified census tracts as assigned on October 1, 2011 in the towns of Middlebury, Oxford, and Southbury. (The zone includes a census tract in Southbury that is outdated as of the 2010 Census.) The act extends to this Oxford Airport Development Zone the same tax exemptions and corporation business tax credits that apply to the previously authorized Bradley Airport Development Zone.

**Senate Vote: 36 to 0 (June 7)**  
**House Vote: 145 to 1 (June 1)**

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

“While this legislation, on a more limited scale, might be advantageous or desirable in the future, it is premature now.

“[T]he Connecticut Airport Authority (CAA) must play a significant role in the economic development future of Oxford Airport and the surrounding areas. Given this fact – and the importance of developing one integrated approach to our initiatives in this field – it is premature to approve an airport development zone that includes areas surrounding Oxford Airport and beyond before the CAA has the opportunity to properly analyze and consider the implications of such a zone in the context of its larger mission purpose.”

**PA 11-170 — sSB 11**

***An Act Concerning the Rate Approval Process for Certain Health Insurance Policies***

This act establishes a new rate-approval process for individual and small employer group health insurance companies, HMOs, and hospital and medical service corporations. The act:

1. requires small employer group health insurers to file risk classifications and premium rates with the insurance commissioner;
2. increases the amount of time required before a new rate can take effect;
3. requires the Insurance Department to post rate filings on its website and provide a 30-day public comment period;
4. requires, from January 1, 2012 to December 31, 2013, a symposium on a proposed rate filing if specified criteria are met and the healthcare advocate and attorney general request it;
5. establishes disclosure and record retention requirements for rate filings; and

6. requires the insurance commissioner to adopt regulations to prescribe standards to ensure that small employer group, HMO, and hospital and medical service corporation rates are not excessive, inadequate, or discriminatory.

**Senate Vote: 36 to 0 (June 6)**

**House Vote: 131 to 14 (June 8)**

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

“While I am deeply concerned about rising healthcare costs – including the cost of health insurance premiums – I am convinced that SB 11 will not reduce the cost of insurance premiums in this state. . . . The current process fully protects Connecticut’s residents from excessive and discriminatory rate increases. SB 11 creates an unnecessary and expensive mandatory public symposium process in addition to the process already followed by the Department of Insurance.

“SB 11 also conflicts with the Patient Protection and Affordable Care Act, which is federal healthcare reform that I support and believe should be given an opportunity to succeed.

“Finally, I am concerned that SB 11 will have a significant long-lasting negative impact on Connecticut’s residents, by driving out competition in the state’s insurance market. . . . If SB 11 becomes law, Connecticut’s rate review process would become much more onerous and less predictable than the federal standards . . . [and] will likely cause insurers to reduce the number of products that they are willing to offer Connecticut residents.”

**PA 11-202 — sHB 6410**

***An Act Concerning the Revision of Municipal Charters***

By law, a commission appointed to draft or amend a municipal charter or amend a home rule ordinance must consider (1) the changes or items specified in the petition that initiated the adoption or revision process, if applicable, and (2) anything else the appointing authority (i.e., legislative body) recommends. Under prior law, the commission could consider additional changes or items it deemed desirable or necessary. This act prohibits a commission appointed on or after October 1, 2011 from considering additional items or changes without the appointing authority’s authorization.

**Senate Vote: 36 to 0 (June 8)**  
**House Vote: 137 to 1 (May 26)**

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

“Under this proposed law, beginning in October, municipal legislative bodies could restrict the scope of authority now vested in charter revision commissions in substantial ways. Specifically, it would remove the authority now vested in a charter revision commission to consider all aspects of a charter in discharging its obligations.

“The decision of local legislative bodies about whether to amend a charter is a significant one. Once that decision is made, the members of the charter revision commission are charged with the responsibility of researching, analyzing and proposing any amendments to the charter they deem necessary. This legislation unnecessarily limits the ability of such commissions to thoroughly do their jobs.

“I am also concerned about the possibility that this bill could be used by a political party that has dominant control of the municipality’s legislative body to target particular items in a charter that are disfavored by that majority, but which are favored by the minority.

“Finally, this legislation undermines the rights of citizens and citizen groups generally to participate in the charter revision process.”

DC:ts