

Office of Legislative Research
Connecticut General Assembly

 **OLR MAJOR ISSUES**

2011-R-0461
(Revised)



TO OUR READERS

Every year, legislative leaders ask the Office of Legislative Research (OLR) to identify and provide brief descriptions of important issues

that the General Assembly may face in the coming session.

This report represents the professional, nonpartisan views of staff in OLR, the Office of Fiscal Analysis (OFA), and the Legislative Commissioners' Office (LCO) of possible upcoming legislative issues. It does not represent staff suggestions or recommendations. We identified issues based on interim studies; research requests; nonconfidential discussions with legislators, other legislative participants, and executive branch agencies; and our general subject matter knowledge.

OLR compiled this report on the major issues for the 2012 session in consultation with OFA and LCO. Except for the Appropriations Committee issue description, which was provided by OFA, the issue descriptions below were written by OLR analysts.

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We list the issues according to the committee in whose jurisdiction they primarily fall. Since more than one committee may consider aspects of the same issue, descriptions may overlap. Where appropriate, we provide links to OLR reports and other online documents that provide additional information about particular issues.

AGING

Grandparents' Visitation Rights

State law allows grandparents to ask the Superior Court to grant them visitation with their grandchildren in limited circumstances (the same law also allows other interested parties to apply for visitation). A Connecticut Supreme Court ruling requires grandparents to prove by clear and convincing evidence that (1) a parent-like relationship exists between the child and the person seeking visitation and (2) denial of visitation will cause real and significant harm to the child (*Roth v. Weston*, 259 Conn. 202 (2002)). This session, a task force on grandparents' visitation rights may make recommendations to clarify these rights in light of the state Supreme Court decision.

APPROPRIATIONS

Budget Projections

On November 15, 2011, OFA projected a General Fund surplus of \$101.2 million in FY 12, which represents about 0.5% of total estimated expenditures. In addition, OFA projected surpluses over the next four years ranging from \$310.8 million to \$715.6 million.

Revenue estimates have been adjusted to reflect legislation passed during the October 2011 Special Session. PA 11-1 of the October Special Session (OSS) reduced revenue in FY 12 through FY 16 by \$8.3 million to \$67.5 million annually, depending on the year.

Although estimated net revenues have declined by \$10.9 million since the year began, these are balanced by net reduced expenditure requirements of \$31.2 million, which increases the FY 12 beginning budget balance of \$80.9 million by \$20.3 million. Table 1 shows the overall budget outlook for FY 12 through FY 16.

Table 1: Budget Outlook for FY 12 - FY 16 (\$ - millions)

Budget Outlook	FY 12	FY 13	FY 14	FY 15	FY 16
Est. Expenditures	\$18,676.5	\$18,897.2	\$19,980.6	\$20,928.3	\$21,581.6
Est. Revenue	18,777.70	19,353.00	20,291.40	21,276.20	22,297.20
Surplus/(Deficit)	\$101.2	\$455.8	\$310.8	\$347.9	\$715.6
% of Est. Expenditures	0.54%	2.41%	1.56%	1.66%	3.32%

PA 09-3 of the June Special Session (JSS) requires General Fund surplus funds to be used to redeem the \$915.8 million in Economic Recovery Notes (ERNs) issued in 2009. Due to the available surplus in FY 11, the FY 16 ERN debt service requirement of \$208.4 million was eliminated.

In addition, PA 11-48 requires that available surplus funds be set aside for Generally Accepted Accounting Principles (GAAP) growth in FY 12 and FY 13, up to \$75.0 million and \$50.0 million, respectively. It also requires the GAAP balance of \$1.5 billion to be amortized over 15 years starting in FY 14. It should be noted that \$150 million per year is required from FY 14 through FY 28 to pay off the GAAP balance (\$100 million per year) and the growth per year (\$50 million per year).

Table 2 illustrates the use of projected surplus funds for GAAP and ERN redemption.

Table 2: Budget Outlook After Impact of GAAP/ERNs (\$ - millions)

Impact	FY 12	FY 13	FY 14	FY 15	FY 16
Surplus/(Deficit)	\$101.2	\$455.8	\$310.8	\$347.9	\$715.6
GAAP Reserve	(75.0)	(50.0)	(150.0)	(150.0)	(150.0)
ERN Payment	(26.2)	(390.6)	-	-	-
Debt Service Savings	-	-	208.4	208.4	-
Surplus (Adj.)	\$0.0	\$15.2	\$369.2	\$406.3	\$565.6

Spending Cap

The state is under the spending cap in the current biennium, but is projected to be over the cap in FY 14 through FY 16. The calculations are based on current services estimates of all appropriated funds and assume that expenditure amounts in excess of the cap are not built into the subsequent year's base for cap calculation purposes. Table 3 displays the spending cap calculations.

Table 3: Spending Cap Calculations (\$ - millions)

Items	FY 12*	FY 13	FY 14	FY 15	FY 16
Appropriations Allowed by Cap	\$20,141.9	\$20,721.8	\$20,888.9	\$21,482.8	\$22,112.3
Estimated Expenditures	20,140.8	20,400.0	21,517.0	22,515.0	23,226.5
Over/(Under) the Cap	(\$1.0)	(\$321.8)	\$628.1	\$1,032.2	\$1,114.2

*The FY 12 total appears to not add up due to a rounding effect.

Long-Term Obligations

The state's long-term obligations total \$71.2 billion. Unfunded liabilities are legal commitments incurred during the current or a prior year that must be paid in the future, but for which no reserves have been set aside. The state's unfunded obligations are in four major areas: (1) bonded indebtedness (debt outstanding), (2) state employee and teachers' retirement, (3) state employee and teachers' post-employment benefits, and (4) the GAAP deficit. Table 4 displays the unfunded liabilities for these four areas.

Table 4: Long-Term Obligations (\$ - billions)

Unfunded Liabilities	Amount
1) Debt Outstanding	\$19.4
2a) State Employee Pensions – Unfunded	11.7
2b) Teachers' Pensions – Unfunded	9.1
3a) State Post Employment Health and Life – Unfunded	26.6
3b) Teachers' Post Employment Health and Life - Unfunded	2.9
4) Generally Accepted Accounting Principles Deficit	1.5
Total	\$71.2

Sources:

Debt Service: As of July 31, 2011, Office of the State Treasurer.

State Employee Pensions and Post-Employment Benefits: As of the most recent actuarial valuation, dated June 30, 2010, State Employees Retirement Commission (the impact of the Revised 2011 SEBAC Agreement has yet to be evaluated).

Teachers' Pensions and Post-Employment Benefits: As of the most recent actuarial valuation, dated June 30, 2010, Teachers' Retirement Board.

Read OFA's Fiscal Accountability Report:

[Fiscal Accountability Report to the Appropriations and Finance Committee as required by C.G.S. 2-36b, November 15, 2011](#)

BANKS

Assistance for Homeowners Facing Foreclosure

PA 11-201 established a [task force](#) to evaluate programs administered by the Connecticut Housing Finance Authority (CHFA) to assist homeowners facing foreclosure. The group is looking at ways to improve and expand the effectiveness of three CHFA programs: Connecticut Fair Alternative Mortgage and Lending Initiative and Education Program (CT Families), Emergency Mortgage Assistance Program (EMAP), and foreclosure prevention counseling programs.

Due to the continuing high foreclosure rate and struggling economy, the legislature is likely to consider additional ways to help homeowners facing possible foreclosure, including the task force's recommendations and possible changes to the Judicial Branch's foreclosure mediation program.

CHILDREN

Reporting Child Abuse

Investigations of alleged child sexual abuse at the hands of college coaches have revealed that many states' child abuse mandated reporting laws, including Connecticut's, do not require coaches and other personnel employed by higher education institutions to report suspected abuse. Moreover, volunteers who coach children in their communities are not required to report. The legislature may wish to expand the range of mandated abuse reporters and ensure that anyone who witnesses abuse, mandated or not, feels comfortable reporting it (see also Campus Safety under HIGHER EDUCATION).

COMMERCE

Marketing Connecticut's Business Potential

During recent sessions, the legislature addressed the tax and regulatory burdens of running a business in Connecticut. The steps ranged from tax credits for creating new jobs, enhanced funding for large-scale economic development projects, procedures for expeditiously processing development permits, and third-party liability protections for brownfield developers. In 2012, the legislature may consider additional proposals and ways to market and showcase Connecticut as a business-friendly state.

Promoting International Trade

Businesses that sell goods and services overseas boost their profits when the domestic economy is growing and mitigate their losses when it is slumping. But businesses new to international trade must invest considerable time and money identifying potential markets, learning new customs and laws, securing export financing, and negotiating trade deals. Although many public and private organizations can help businesses perform these tasks, the number and variety of such organizations can discourage small businesses from seeking their services. The legislature may examine how the state can help these businesses identify and access the international trade services they need.

Promoting Innovation

Innovation depends on money, imagination, skilled work, and many other tangible and intangible factors. In 2010 and 2011, the legislature authorized tax credits for people investing in new technologies and bonds for Connecticut Innovations, the state's quasi-public agency that provides venture capital for businesses developing new technologies. In 2012, the legislature may examine more ways to stimulate and support innovation, including the development of green technologies.

Brownfields

Since 2005, the legislature has tackled the funding and regulatory issues that discourage or delay developers from cleaning up and developing polluted and abandoned land and buildings. In 2011, it provided third-party liability protection for brownfield developers and a mechanism for transferring remediated, state-owned property for redevelopment. In the coming session, the legislature may consider more ways to increase the number of brownfields remediated each year.

Targeting Mid-Size Companies

In 2011, the legislature created programs targeting financial assistance to large-scale development projects (i.e., First Five and First Five Plus) and small businesses (i.e., Small Business Express Program). In 2012, it may turn its attention to mid-size businesses, the ones that added 2.2 million jobs between 2007 and 2010 according to a recent [GE Capital and Fisher College Business School \(Ohio State\) study](#). Over half the businesses in this national study reported trouble accessing capital and over two-thirds claimed problems complying with regulations.

EDUCATION

Education Funding

Though the current biennial budget freezes most state education aid through the end of FY 13, there is renewed interest in how the aid is being distributed, especially through the Education Cost Sharing (ECS) grant, which is the state's largest education aid grant to towns. Many argue that the ECS formula cannot respond properly to changing education costs and socioeconomic conditions because key factors are frozen and its operation is inhibited by obsolete data and mandatory minimum grants. The number of schools, especially interdistrict magnet and charter schools, that the state is funding outside the formula has also raised questions about the fairness and equity of state education funding.

A 12-member task force is studying the ECS formula and other state education funding and is scheduled to file an interim report in January 2012. In the 2012 session, the legislature might consider reforms that:

1. make some education funding contingent on improvements in student and school district academic performance or meeting other conditions;
2. reallocate funds to the state's lowest-performing school districts and schools;
3. update and revise data elements used in the ECS formula;
4. give greater weight in the formula to students with risk factors for low achievement, such as poverty, lack of English proficiency, or special education identification; or
5. make districts compete for some ECS funds.

The legislature might also (1) address funding disparities among magnet, charter, and vocational-technical schools and vocational agriculture centers and (2) consider funding those programs through a new or revised ECS formula.

Read OLR's Reports:

[2011-R-0241](#), *ECS Minimum Budget Requirement for FY 12 and FY 13*
[2011-R-0454](#), *Comparison of State Laws and Funding for Four Types of Choice Schools*
[2007-R-0436](#), *New ECS Grants and Minimum Budget Requirement*

Teacher Evaluation and Performance

The use of performance evaluations to make teacher employment decisions was a controversial issue in the 2011 session. Since no legislation was enacted last year, the issue could reemerge in 2012. State law requires teacher and school administrator evaluations to be based partly on measures of student academic growth by July 1, 2013 and the State Board of Education, working with an advisory council, must issue model evaluation guidelines on how to carry out this requirement by July 1, 2012. The education department is also expanding the public school information system to track and report the performance of individual students and their teachers.

With the evaluation guidelines and data reports in place, the legislature could see proposals to revise teacher and school administrator evaluation criteria to make student academic growth a more significant part of those evaluations. The legislature could also consider proposals concerning the evaluation process and how districts must treat teachers evaluated as ineffective. Other proposals could seek to tie teacher tenure, dismissal, and layoff decisions to the new evaluations; make it easier for school districts to terminate tenured teachers based on performance; or require districts to provide incentives to highly effective educators.

Read OLR's Reports:

[2011-R-0433](#), *Performance-Based Pay for Teachers and School Administrators*
[2011-R-0075](#), *Teacher Layoff and Evaluation Requirements*
[2010-R-0420](#), *Teacher Competency Tests in Selected States: Alternatives, Exemptions, and Scoring Flexibility*
[2008-R-0616](#), *Teacher Salary Increases and Performance*

Early Childhood Education

PA 11-181 set in motion steps aimed at establishing a coordinated system of early care and education and child development by July 1, 2013. The law also charged the Office of Policy and Management with crafting a plan to establish the system. While Connecticut recently failed

to win a federal Race to the Top grant for early childhood programs, legislators and the governor may continue to work toward a coordinated system. These efforts may require legislation to better (1) coordinate early childhood education services, programs, and responsibilities and (2) expand existing programs such as school readiness grants and preschool for three- and four-year-olds.

Read the Public Act Summary:

[PA 11-181](#), *An Act Concerning Early Childhood Education and the Establishment of a Coordinated System of Early Care and Education and Child Development.*

Student Achievement

In recent years the state has struggled with how to (1) improve overall student achievement, (2) improve achievement in the lowest-performing school districts, and (3) shrink the achievement gap between white and minority students. The legislature enacted laws to elevate high school graduation requirements (PA 10-111) but delayed implementation of the new requirements due to budget constraints last session (PA 11-135). It also approved legislation to intervene in the Windham School District through the appointment of a special master for education (PA 11-61) and to attempt to address the achievement gap (PA 11-85).

This session, the legislature may consider options that attempt to address educational achievement within existing budget constraints. Possible bills the legislature may consider include those addressing (1) stagnant statewide achievement, (2) whether and how to intervene in low-achieving schools and districts, and (3) ways to close the achievement gap. Some possible options include extending the school day or school year and establishing full-day kindergarten in more school districts.

Read the Public Act Summaries:

[PA 11-135](#), *An Act Concerning Implementation Dates for Secondary School Reform*

[PA 11-85](#), *An Act Concerning Closing the Academic Achievement Gap*

[PA 11-61](#), *An Act Implementing the Revenue Items in the Budget and Making Budget Adjustments . . . And Miscellaneous Changes to the General Statutes (includes Windham School District Special Master)*

Read OLR report:

[2011-R-0301](#), *Achievement Gap in Connecticut and Surrounding States*

ENERGY AND TECHNOLOGY

Storm-Related Legislation

Tropical Storm Irene and the October Nor'easter left hundreds of thousands of Connecticut residents without power, in many cases for more than a week. Several panels have reviewed the electric and telecommunications utilities' performance in planning for, and responding to, major power outages. Legislation may be proposed to:

1. expand planning and preparation requirements;
2. require greater coordination among utilities, municipalities, state agencies, and others before and during major storms;
3. establish benchmarks for service restoration;
4. expand tree-trimming programs;
5. place utility lines underground;
6. require critical facilities to install emergency generators;
7. promote installation of on-site generation;
8. promote installation of "smart grid" technologies; and
9. make it easier for towns to create municipal electric utilities.

Read OLR Reports:

[2011-R-0338](#), *Undergrounding Electric Lines*

[2011-R-0340](#), *Municipalization of Electric Systems*

[2011-R-0385](#), *Massachusetts Law on Restoring Utility Service after Storms*

[2011-R-0398](#), *Options Regarding Utility Outages*

[2011-R-0437](#), *Municipal Financing of the Costs of Undergrounding of Utility Lines*

[2011-R-0458](#), *Witt Associates Report on Utility Outage Restoration*

ENVIRONMENT

Health of Long Island Sound and Lobster Die-Off

The legislature may consider options to address the health of Long Island Sound and concerns about a lobster die-off in its western regions. Some lobster fishers blame the die-off on New York's use of methoprene, a pesticide to kill mosquitoes that may carry the West Nile virus, in storm sewer catch basins. But others speculate that the hot summer and substantial rains and winds are responsible.

Read OLR's report:

[2008-R-0392](#), *State Initiatives to Preserve Long Island Sound*

Outdoor Wood-Burning Furnaces

In each of the last two legislative sessions, the Environment Committee considered bills to restrict or regulate the use of outdoor wood-burning furnaces. A similar bill may appear again this year. Advocates for regulation or prohibition cite environmental and health concerns. Opponents argue that the furnaces should not be banned because they use a renewable resource and are a less expensive heating option, and any regulation should be on a municipal level.

Read OLR's reports:

[2008-R-0310](#), *Outdoor Wood Burning Boiler Laws*

[2008-R-0142](#), *Wood Smoke Regulation*

Open Space Registry

By law, Connecticut aims to preserve 21% of its land as open space by the year 2023, with 10% owned by the state and the remaining 11% owned by municipalities, private nonprofit land conservation organizations, and water companies ([CGS § 23-8](#)). According to the Council on Environmental Quality, it is unclear how close Connecticut is to achieving its open space goal. Legislators may seek to establish an open space registry to centralize information on property identified for preservation and preserved as open space.

Read last year's bill:

[SB 829](#) (2011), *An Act Establishing an Open Space Register*

FINANCE, REVENUE AND BONDING

Evaluating Tax Expenditures

The legislature may consider reevaluating the costs and benefits of the various tax exemptions, credits, deductions, or other breaks that reduce the tax revenue the state and municipalities collect. OFA periodically compiles a list of these “tax expenditures” and estimates their fiscal impact. The next report, which is due by the end of 2011, may spur proposals to (1) reduce or eliminate particular tax expenditures, (2) evaluate their economic impact, or (3) require those benefiting from tax expenditures to disclose more information.

Read OLR’s reports:

[2011-R-0007](#), *OLR BACKGROUNDER: Guide to Connecticut’s Business-Related Tax Credits*

[2011-R-0261](#), *2011 Acts Affecting Taxes*

[2011-R-0276](#), *Sales and Use Tax Exemptions*

Read OFA’s report:

[Connecticut Tax Expenditure Report, March, 2010](#)

GENERAL LAW

Alcohol Sales

The Liquor Control Act currently prohibits alcohol sales on Sunday and wine sales by grocery stores. The legislature may consider proposals to lift these bans.

Read OLR’s report:

[2009-R-0295](#), *Sunday Sales by Package Stores*

Heating and Propane Charges

Undisclosed fees dealers charge for services such as tank installation and removal continue to generate consumer complaints. There may be proposals to prohibit certain charges and require contracts between fuel dealers and their residential customers to be written in plain language and include all terms, conditions, and charges.

Read OLR's reports:

[2009-R-0141](#), *Regulation of Propane Dealers*

[2009-R-0296](#), *Propane Issues*

Price Gouging

The law prohibits retailers from raising the price of any item offered for sale in an area that is the subject of (1) a disaster emergency declaration issued by governor under the civil preparedness law, (2) a transportation emergency declared by the governor, or (3) any major disaster or emergency declared by the President of the United States (CGS § [42-230](#)). In the aftermath of Tropical Storm Irene and the October Nor'easter, there may be proposals to expand the scope of the current price gouging laws to also include services.

GOVERNMENT ADMINISTRATION AND ELECTIONS

The Office of Government Accountability (OGA)

PA 11-48 established OGA, with an executive administrator as its head, to provide consolidated personnel, payroll, affirmative action, and administrative and business office functions, for nine state agencies. By January 2, 2012, the executive administrator must submit a report to the General Assembly on any recommendations for further legislative action concerning the merger, including recommendations to further consolidate and merge the nine agencies' functions (e.g., best use of staff, redundancy elimination, and cross-training staff to perform functions across the nine agencies). The legislature may consider these or other proposals concerning the merger.

Employee Addresses Exempt from Disclosure

[CGS § 1-217](#) prohibits public agencies from disclosing under the Freedom of Information Act (FOIA) the residential addresses of various public officials and employees. In *Commissioner of Public Safety v. Freedom of Information Commission (FOIC)*, 301 Conn. 323 (2011), the state Supreme Court held that this prohibition applies to motor vehicle grand lists and their component data that the Department of Motor Vehicles (DMV) provides to town assessors. The decision has implications for other municipal records, such as land records.

The legislature may consider proposals in response to this decision, such as establishing procedures for (1) notifying municipalities of residents covered by CGS § 1-217 and (2) maintaining the records' integrity while withholding covered employees' names and addresses.

Read OLR's Report:

[2011-R-0426](#) *Summary of Commissioner of Public Safety vs. FOIC*

No-Excuse Absentee Voting

Article 6, § 7 of the Connecticut Constitution limits the reasons for which voters may vote by absentee ballot. In 2011, the Government Administration and Elections Committee favorably reported a resolution ([HJ 88](#)) that would have amended the constitution to remove these restrictions. The committee may reconsider the issue this year.

Election Administration

During the 2011 interim, the secretary of the state convened the Election Performance Task Force to study election administration and performance issues. The legislature may consider recommendations from the task force, such as allowing online voter registration or Election Day registration.

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT

Campus Safety

In 2011, the Higher Education and Employment Advancement Committee favorably reported a bill ([SB 847](#)) that would have required public and private institutions of higher education to adopt and disclose a policy on sexual assault and intimate partner violence. The legislature may consider this and other campus safety-related proposals, including those related to campus crime reporting, particularly reporting suspected child abuse (also see Reporting Child Abuse under CHILDREN).

Transfer and Articulation

In recent years, the Higher Education and Employment Advancement Committee has sought to improve students' ability to transfer between the Community-Technical Colleges (CTC), Connecticut State University System (CSUS), and UConn while retaining credit for previous coursework. In 2011, the committee favorably reported a bill ([HB 6231](#)) that would have required CTC, CSUS, and UConn to develop a general

education core of classes that could be easily transferred between the different institutions. The legislature may consider this and other proposals related to transfer and articulation.

Reorganization Implementation

PA 11-48 reorganized the state system of higher education by establishing a Board of Regents for Higher Education (BOR) to serve as the governing body for the Connecticut State University System (CSUS), the community-technical colleges (CTC), and Charter Oak State College. The act also established a consolidation committee to receive updates from BOR and others on the reorganization's implementation. The legislature may consider recommendations from the BOR and other proposals to facilitate the reorganization.

HOUSING

Affordable Housing

The economy and mortgage crisis have exacerbated the state's affordable housing shortage and contributed to the high cost of housing relative to wages, particularly for low- and moderate-income workers and families. The legislature may consider proposals to preserve and increase the state's affordable housing supply, including proposals to:

1. increase the authorized aggregate tax credits for the Housing Tax Credit Contribution program under which businesses qualify for credits in exchange for contributions to nonprofit organizations developing low- and moderate-income housing;
2. maintain funding for existing affordable housing programs such as HOMEConnecticut, which provides incentives to municipalities that change zoning requirements to allow more mixed-income housing options; or
3. rehabilitate and maintain public housing units to prevent them from becoming uninhabitable and thus shrinking the state's affordable housing portfolio.

Declining Property Values

The ripple effects of recently reported drops in residential property values could affect a range of issues on the General Assembly's 2012 agenda. For example, the drop could affect homeowners' ability to refinance mortgages at lower, more affordable rates. It could cause

municipalities to increase mill rates to maintain current budgets and thereby reignite the debate about property tax reform. The drop potentially affects state grants that use property wealth to determine grant amounts. Lastly, the drop could raise the issue of just compensation in eminent domain takings in municipalities where assessments do not reflect the drop in property values.

HUMAN SERVICES

Person-Centered Medical Homes

The state is making fundamental changes in the way it serves nearly 600,000 people enrolled in medical assistance programs administered by the Department of Social Services (DSS). The changes end reliance on managed care organizations and traditional fee-for-service arrangements, replacing them with a nationally-recognized “patient-centered medical home” model in which an individual designates a primary care provider to coordinate and monitor all service he or she receives. DSS set January 1, 2012 as the new program’s roll-out date. Although existing law already authorizes DSS to implement necessary policies and procedures, the legislature may be asked to settle unresolved issues or help with unanticipated problems.

Tightening Eligibility and Services for Medicaid Low-Income Adults

In 2010, Connecticut expanded its Medicaid program to cover low-income childless adults (LIA), as permitted by the federal health care reform legislation. Although the income eligibility criteria are low, there is no asset test and program enrollment (and hence, program costs) has greatly exceeded expectations, putting enormous pressure on DSS’ Medicaid budget.

To address its concerns about the LIA program’s growth, DSS recently submitted a proposal to the federal government to control costs, including eliminating LIA as a Medicaid “state plan” coverage group and instead asking the federal government for a Section 1115 waiver. The legislature oversees such waiver requests and may be asked to consider one during the 2012 session.

DSS Program Administration

The recent media attention on DSS’ administration of Tropical Storm Irene-related Supplemental Nutrition Assistance Program (SNAP) benefits and concerns about delays in processing increasing numbers of applications for all DSS programs have again brought to light a concern

about the department's lack of staff and modern technology to run its programs. While the department has undergone a modernization initiative to streamline program administration, the legislature may wish to examine the resources that are available to the agency.

INSURANCE AND REAL ESTATE

Health Insurance Exchange

By 2014, the federal health care reform law requires states to create health insurance exchanges – new marketplaces where individuals and small businesses can choose among an array of health insurance plans. Last session, PA 11-53 established the Connecticut Health Insurance Exchange as a quasi-public agency with a 14-member board to manage it. Since the board members were announced in August, consumer advocates have expressed concerns with the composition of the board. The legislature may consider bills concerning the board's membership.

For more information, see:

[The CT Health Insurance Exchange](#)

Read the Public Act Summary:

[PA 11-53](#), *An Act Establishing A State Health Insurance Exchange*

Storm-Related Insurance Issues

In the wake of Tropical Storm Irene and the October Nor'easter, legislators may look to enact reforms to require a basic level of property/casualty insurance coverage for power outages regardless of cause. According to the [Insurance Department](#), off-site power interruption is not usually a covered business interruption loss unless there is an endorsement purchased for that specific coverage often called "Service Interruption Coverage."

Legislators may also try to specify the different circumstances (e.g., sustained hurricane force winds in the state) under which higher hurricane deductibles on homeowners' insurance policies can be triggered. The state's insurance department currently has administrative guidelines that permit hurricane deductibles in certain circumstances (e.g., the National Hurricane Center issues a hurricane warning for anywhere in the state).

Read OLR's Report:

[2011-R-0404](#), *Hurricane Deductibles*

[See the Insurance Department's current coastal underwriting guidelines](#)

Small Employer Health Care

This fall, a [Working Group on Small Business Health Care](#) convened to examine obstacles and opportunities for small business owners seeking to purchase health insurance coverage for employees and their families. The group is expected to propose legislative recommendations on how best to address the health insurance needs of the small business workforce.

Health Insurance Premium Rate Review Process

In 2011, the legislature enacted and the governor vetoed [PA 11-170](#). The act would have modified the rate approval process for individual policies and required rates charged for small employer group health insurance to be approved by the insurance commissioner. Since then, an agreement has been reached that allows the Healthcare Advocate to request the Insurance Department to conduct up to four public hearings per calendar year for insurance rate increases of at least 15% for individual and small group HMO policies. Legislators may seek to introduce bills in 2012 to build on this agreement.

JUDICIARY

Capital Punishment

The Cheshire murder case and its resulting death sentences continue to focus the public's attention on the death penalty. The legislature may again debate whether to repeal the death penalty and may also consider ways to speed up the appeals process in death penalty cases.

Sentencing Commission

Under PA 10-129, a new Connecticut Sentencing Commission began meeting this year. The commission is charged with reviewing 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 commission's first report is due in January 2012 and it is considering a number of proposals the legislature may consider.

Police Responses to Family Violence

[Public Act 11-152](#) established the Taskforce on Law Enforcement Response to Family Violence and charged it with studying and recommending changes to (1) enhance victim safety; (2) set minimum, statewide policies, standards, and training requirements for law enforcement personnel handling family violence matters; and (3) improve and better coordinate data collection among law enforcement and court personnel. The legislature will likely take up bills to implement the [taskforce's recommendations](#).

Disproportionate Minority Contacts – Juvenile Justice

Legislators may propose bills to address statistics that indicate a disproportionate number of children of color come in contact with the juvenile justice system. Last session, [PA 11-154](#) directed juvenile justice and child welfare agencies, among others, to analyze the relationship between the child welfare system and minority overrepresentation in the juvenile justice system and report on their efforts to reduce this disparity. The reports are due December 31, 2011 and may serve as a foundation for new legislation.

LABOR AND PUBLIC EMPLOYEES

Unemployment Compensation Fund Solvency

A prolonged period of high unemployment drove the state's unemployment compensation fund to insolvency in October 2009, forcing it to borrow from the Federal Unemployment Account (as required by federal law). To date, the state has borrowed roughly \$810 million. In August 2011, federal law required the state's employers to begin repaying interest on the loans through an annual Special Assessment of roughly \$25 per full-time employee. In January 2012, federal law will require employers to begin repaying the loan's principal balance through a 0.3% unemployment tax increase. The legislature may want to address the present situation and any future difficulties by considering ways to (1) pay off the federal loans at a lower total cost, (2) increase the unemployment fund's financing, (3) reduce unemployment benefits, or (4) enact some combination of these.

Prevailing Wage

The state's prevailing wage law requires contractors to pay a specific hourly wage, as determined by the state Labor Department, to various categories of workers on state and municipal construction jobs. Some complain that the law increases the cost of public projects and have sought to modify or suspend it during difficult economic times. Others seek to expand the law and defend it as providing workers with appropriate pay and keeping government's use of low-bid contracting from significantly reducing the market price of labor.

The legislature may consider bills to (1) modify the law, such as changing the project dollar threshold to which it applies; (2) exclude certain types of projects; or (3) expand the law to include major state-funded economic development projects that are not currently considered public works.

Read OLR's Reports:

[2010-R-0432](#), *Prevailing Wage Rates in Connecticut and Neighboring States*

[2010-R-0526](#), *Prevailing Wage Contract Thresholds in Other States*

Collective Bargaining for Child Care Workers and Personal Care Attendants

Last session, the legislature considered bills to allow family child care workers and personal care attendants (PCAs) who receive state-subsidized payments for their work to collectively bargain with the state. Executive orders issued by the governor this fall established working groups to develop recommendations, by February 1, on how to enable each group to do so. This session, the legislature may consider bills on this topic, including the working groups' recommendations.

Read OLR's Report:

[2011-R-0391](#), *Executive Orders Regarding Collective Bargaining For Personal Care Attendants and Child Care Providers*

PLANNING AND DEVELOPMENT

Regionalization

Last session, the legislature revamped an existing grant program that provides funds to municipalities for jointly performing a service they

currently perform separately, and directed a portion of the hotel tax and rental car surcharge to fund the program. In 2012, as the idea of regionalization continues to resonate, the legislature may look again at ways to encourage municipalities to collaborate on education, services, and economic development to save money. It may also revisit ways to leverage federal economic development dollars through regional cooperation.

Storm Response

After the natural disasters of 2011, the legislature may consider legislation concerning municipal authority and responsibility to respond to such events, including authorizing the streamlining or waiver of certain permits to allow for faster rebuilding.

PUBLIC HEALTH

Childhood Immunizations

Maintaining high rates of childhood immunization against infectious disease is an important aspect of the state's public health policy. The Childhood Immunization Task Force, established by [PA 11-44](#), may recommend legislative changes to how the state funds, selects, and provides vaccinations for children.

Read OLR's report:

[2011-R-0439](#), *Connecticut's Childhood Immunization Program*

Scope of Practice

[PA 11-209](#) established a new process for submitting and reviewing requests from health care professionals seeking to change or establish a scope of practice. Under the act, scope-of-practice review committees created by the Department of Public Health review and evaluate these requests and provide findings to the Public Health Committee. This session, the legislature may consider scope-of-practice determinations for physician assistants, dental hygienists, and respiratory therapists, among others.

PUBLIC SAFETY AND SECURITY

Forensic Laboratory

A state panel established to address problems at the state police forensic crime laboratory, including DNA evidence backlogs, understaffing, and federal accreditation, is expected to make recommendations for legislative changes. The legislature may consider various proposals on this topic.

Racial Profiling

The U.S. Department of Justice (DOJ) issued a [report](#) faulting the East Haven Police Department for “systematically discriminating against Latinos in violation of federal law.” The study says the department “engages in discriminatory policing against Latinos, including [targeting them] for discriminatory traffic enforcement, treating Latino drivers more harshly than non-Latino drivers after a traffic stop, and intentionally and woefully failing to design and implement internal systems of control that would identify, track and prevent such misconduct.” In response to the report, Governor Malloy has directed his staff and the Department of Transportation staff to ensure that police departments collect and report traffic data for analysis as required by the state’s racial profiling law. The legislature may consider changes to the racial profiling law, including reintroducing a 2011 bill ([SB 1230](#)).

Gambling

Gambling experts say that competition from three casinos and a slots parlor authorized by the Massachusetts legislature could damage the customer base of Connecticut’s two casinos, which last fiscal year contributed more than \$340 million to the state’s General Fund. To stabilize their market share and the state’s cut of slot machine revenue, the legislature may revisit previous gambling proposals, including online gambling and keno.

A recent [ruling](#) by the DOJ appears to clear the way for Internet wagering not involving sports. The September 2011 decision found that the federal Wire Act’s ban on wagers via telecommunications crossing state lines or international borders refers only to bets on sporting events or contests and not to lottery tickets sold on line. While the opinion does not mention poker or other forms of gambling, some contend that it implies that all non-sports gambling can now be conducted on the Internet. The legislature may explore ways to take advantage of this decision.

Firearms

Two U.S. Supreme Court decisions that the 2nd Amendment protects an individual's right to bear arms separate and apart from military service (*Heller* (2008) and *McDonald* (2010)) have led to gun regulation challenges across the country. The legislature may review some of the state's gun laws, including registration requirements, background checks, waiting periods, and limitations on handgun possession, to determine if they are susceptible to such challenges.

In response to gun violence in some of Connecticut's major cities and elsewhere, the legislature may consider registration requirements on people who commit certain firearm crimes.

Read OLR's reports:

[2007-R-0369](#), *Summary of State Gun Laws*

[2008-R-0578](#), *Summary of D.C. v. Heller*

[2010-R-0314](#), *Summary of the Recent McDonald v. Chicago Gun Case*

[2011-R-0074](#), *Firearm Registration*

[2011-R-0138](#), *Gun Offender Registries in Other Cities*

[2011-R-0137](#), *Does Connecticut Law Preempt Municipal Firearm Ordinances?*

E 9-1-1 Funding

Every telephone subscriber pays a monthly surcharge on his or her telephone bill to pay for the costs of 9-1-1 services. On January 1, 2011, the surcharge was raised to the statutory cap of 50 cents. But the Office of Statewide Emergency Telecommunications, which administers the state's 9-1-1 system, will be seeking to increase this cap. The legislature may consider various proposals on this topic.

Read OLR reports:

[2011-R-0046](#), *Office of Statewide Emergency Telecommunications*

[2010-R-0113](#), *Public Safety Answering Points and Enhanced 9-1-1 Fund*

Eyewitness Identification

Some say better eyewitness identification procedures will (1) lead to fewer misidentifications and (2) save time and money by, among other things, reducing the need for motions to suppress identifications and

improving conviction rates. A state-commissioned task force (see [PA 11-252](#)) is studying the use of sequential, rather than simultaneous, live and photo lineups of possible suspects. Sequential lineups present possible suspects to a witness individually, while simultaneous lineups present all of the suspects as a group. The task force is expected to recommend legislation.

Read OLR's report:

[2011-R-0334](#), *Summary of New Jersey Case on Eyewitness Identification*

Electronic Defense Weapons

Increasingly, law enforcement agencies are using electronic defense weapons, including Tasers, as a non-lethal alternative to deadly force. In light of how such weapons are marketed and some highly publicized deaths and injuries, the legislature may seek to regulate the weapons by requiring law enforcement agencies to develop policies, procedures, and standards for their use.

TRANSPORTATION

Red Light Cameras

The use of cameras to automatically record drivers who jump red lights is an increasingly contentious issue around the country. Proponents say the cameras increase safety and deter red light running by enforcing the law even when police are not present. Opponents raise privacy concerns and argue that the cameras may cause more accidents as drivers stop suddenly and are rear-ended. In 2011, the legislature considered a bill, [SB 706](#), which would have authorized municipalities with more than 60,000 people to install and operate red light cameras. The issue likely will reappear in 2012.

Read OLR's Reports:

[2010-R-0073](#), *Red Light and Speed Cameras*
[2011-R-0113](#), *Red Light Camera Enforcement Cases*
[2011-R-0285](#), *Traffic Enforcement Cameras*

Tolls

In the 2011 session, legislators considered [HB 6200](#), which would have allowed the state Department of Transportation (DOT) to establish tolls to pay for the extension of Route 11 from Salem to I-95. (The bill required DOT to remove the tolls when the bonds used to build the extension were retired.) The issue may resurface in the 2012 session.

Read OLR's Reports:

[2010-R-0446](#), *Running Out of Gas: The Future of Transportation Finance*

[2009-R-0122](#), *Understanding Tolls in Connecticut*

Stranded Planes

This fall's October Nor'easter wreaked havoc across the state and stranded hundreds of passengers on more than two dozen airplanes at Bradley International Airport, where they had been diverted from other airports because of the weather. News that passengers and crew of one JetBlue flight were left aboard for seven hours with no food, water, or working bathrooms made national headlines. The legislature may review what happened and consider legislation on this topic.

VETERANS' AFFAIRS

Services for Returning Veterans

With the war in Afghanistan in its eleventh year and the war in Iraq ending, returning service members and veterans will face a number of challenges including a stalled economy and high cost of living. The legislature may look at ways to help Connecticut's veterans, including those who are involved in the criminal justice system. The legislature may consider establishing veterans' courts or diversion programs for veterans with legal issues related to post-traumatic stress disorder, such as drug addiction or mental illness. The programs aim to provide treatment and avoid incarceration.

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