



## 2022 Veto Package

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## Overview

This report lists the vetoed acts from the 2022 regular legislative session and provides for each a brief summary, the final vote tallies, and excerpts from the governor’s veto message. It also includes the number of bills from each prior session that the current governor vetoed.

A vetoed act will not become law unless it is reconsidered and passed again by a two-thirds vote of each legislative chamber. The legislature will meet for a veto session on June 13, 2022.

Table 1 lists the 2022 acts vetoed by the governor and provides their respective vote tallies.

**Table 1: 2022 Vetoed Acts**

Act No. (Bill No.)	Title	Vote Tally (Date Taken)	Report Page
<a href="#">PA 22-22</a> <a href="#">(SB 204)</a>	<i>An Act Concerning Damages to Person or Property Caused by the Negligent Operation of a Motor Vehicle Owned by a Political Subdivision of the State</i>	Senate: 32 to 0 (April 20) House: 140 to 1 (April 29)	3
<a href="#">PA 22-95</a> <a href="#">(SB 258)</a>	<i>An Act Concerning Police Patrol Vehicles That Require Dashboard Cameras and the Acquisition of a Mine-resistant, Ambush-protected Vehicle</i>	Senate: 36 to 0 (May 2) House: 129 to 15 (May 3)	6

## Summaries and Governor's Explanations

### ***PA 22-22: An Act Concerning Damages to Person or Property Caused by the Negligent Operation of a Motor Vehicle Owned by a Political Subdivision of the State***

By law, municipalities, and other political subdivisions of the state, are generally liable for damages caused by the negligence of their employees, officers, or agents acting within the scope of their official duties. But the law provides an exception to this liability. Ordinarily they are not liable for damages resulting from an employee, officer, or agent's negligent act, or failure to act, that required the exercise of his or her judgment or discretion (i.e., they have governmental immunity in civil actions that arise from these discretionary, as opposed to ministerial, acts; ministerial acts are those that involve duties that must be performed in a prescribed manner without the exercise of judgment or discretion).

This act narrows that exception to a municipality's or political subdivision's liability. It prevents them from using governmental immunity as a defense in instances where a motor vehicle it owns is negligently operated and causes damage to a person or property, regardless of whether the act is discretionary. In doing so, it opens municipalities and political subdivisions to potential liability in these circumstances ([PA 22-22](#), effective upon passage and applicable to any civil action pending on or filed on or after that date).

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

The bill does not differentiate between negligence arising out of discretionary versus ministerial acts with a motor vehicle. As explained more fully below, I am not convinced that the legislature fully considered the possible consequences of the bill.

Currently, public employees operating municipal vehicles do not have the discretion to disregard motor vehicle laws. They have a mandatory duty to abide by these laws and a municipality may be liable for an employee's negligent driving. As the Connecticut Council for Municipalities recognized in its submitted testimony "public employees operating municipal vehicles do not have the discretion to disregard motor vehicle laws... they have a ministerial/mandatory duty to abide by these laws. In instances where there is deviance from those laws, government immunity would not apply." See, The [Connecticut Conference of Municipalities' testimony](#) before the Judiciary Committee, March 4, 2022.

The veto message addresses a recent state Supreme Court case, *Borelli v. Renaldi*, [336 Conn. 1](#) (2020), a civil suit against a municipality and its officers based on a high-speed police pursuit that ended in a fatal motor vehicle accident. The court held that certain duties related to police pursuits imposed by state statute and the town's policy were discretionary (i.e., afforded governmental immunity) and not ministerial. The message states:

I respect that it is a policy decision well within the purview and authority of the legislature to reject the Supreme Court's recent statutory interpretation. However, as written, SB 204 [PA 22-22] seems broader: it eliminates completely the doctrine of governmental immunity for a municipality in the operation of a town-owned vehicle. This change could entail, for example, that a police officer's decision to pursue a fleeing law violator is not a discretionary act and therefore governmental immunity does not apply. In that regard, I am concerned that the bill may inadvertently have gone too far.

The message also addresses the act's impact on municipalities and compares it to the law regarding state liability (which does not provide immunity in similar instances):

Some assert that the legislation will encourage more litigation against municipalities and emergency responders, increase insurance premiums, and result in fewer people agreeing to serve as volunteer emergency responders. Others have said that all the bill does is unite municipal liability with state liability regarding tort responsibility for motor vehicle crashes and return the law to what it was until recent court decisions.

Based on the transcript of legislative debate it appears that the legislature adopted the parity rationale. However, it is not evident whether in doing so, the legislature fully considered that unlike the state, municipalities face greater exposure by the simple fact that they have more emergency vehicles on the roads every day. Employees and volunteers operate police vehicles, fire trucks, and ambulances for the approximately 94 municipal police departments and over 300 municipal fire departments. The legislative debate is silent on the many questions raised by both the recent Supreme Court case and municipal leaders.

This is a significant and complex area of the law. Before making changes in this area of the law, I suggest that legislators meet with the municipal officials and other interested parties to discuss more fully the purpose and the impact of this legislation.

## ***PA 22-95: An Act Concerning Police Patrol Vehicles That Require Dashboard Cameras and the Acquisition of a Mine-resistant, Ambush-protected Vehicle***

This act provides an exception to a law prohibiting law enforcement agencies from acquiring certain military equipment and allows the West Haven municipal police department to acquire one mine-resistant ambush-protected vehicle from the Farmington municipal police department. It specifies that the West Haven municipal police department is otherwise subject to existing law governing this equipment (e.g., law enforcement agencies that may keep controlled equipment are prohibited from using it for crowd management or intimidation tactics).

The act also explicitly exempts the following types of vehicles from the law requiring dashboard cameras in police patrol vehicles: (1) administrative vehicles with a body camera-wearing occupant, (2) bicycles, (3) motor scooters, (4) all-terrain vehicles, (5) electric personal assistive mobility devices, and (6) animal control vehicles. It also exempts nonmotorized watercraft from the requirement ([PA 22-95](#), effective upon passage except provision on dashboard cameras is effective July 1, 2022).

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

Section 1 makes unobjectionable technical and clarifying changes to the provisions regarding dashboard cameras. Section 2 makes a one-time exception to the [Public Act 20-1](#) bar on acquisition of “controlled equipment” via the Department of Defense 1033 military surplus equipment program (the “1033 program”)... As explained below, I oppose this exception to the military-surplus provisions of Public Act 20-1.

Following an extended public debate regarding the militarization of police, the legislature included in Public Act 20-1 a prohibition on acquiring the most militarized equipment available through the 1033 program. MRAPs were included in the list following several national and local instances of inappropriate use of such vehicles. Public Act 20-1 appropriately prevented acquisition of MRAPs, and I believe it is inconsistent with the intent of Public Act 20-1 and the type of community-focused policing my administration supports to make an exception to this prohibition.

## Historical Context

Table 2 lists the number of vetoes for the current governor by legislative session. Prior veto packages can be found under [“Veto Packages” on OLR’s website](#).

**Table 2: Vetoes by Legislative Session Since 2019**

Governor	Legislative Session	Vetoes	Vetoes Overruled	OLR Veto Package Report
Lamont	2019 Regular Session	3	0	<a href="#">2019-R-0155</a>
Lamont	2019 July Special Session	0	0	-
Lamont	2019 December Special Session	0	0	-
Lamont	2020 Regular Session*	0	0	<a href="#">2020-R-0241</a>
Lamont	2020 July Special Session	0	0	-
Lamont	2020 September Special Session	0	0	-
Lamont	2021 Regular Session	4	0	<a href="#">2021-R-0118</a>
Lamont	2021 June Special Session	0	0	-

\*suspended due to COVID-19

JSH:kl