



STATE OF CONNECTICUT
DEPARTMENT OF MENTAL RETARDATION



M. JODI RELL
GOVERNOR

LEGISLATIVE
AFFAIRS

August 2, 2005

To: Interested persons

From: Christine Pollio, DMR Legislative Liaison

Re: 2005 Legislative Session

The following bills passed during the 2005 regular session of the General Assembly and in some way impact upon DMR employees and/or DMR consumers. Copies of these bills in Public Act form are attached and include the effective dates. If you are reading this via email, I have included the link to each Public Act. [Bracketed] language indicates a deletion. Underlined language or the word "NEW" indicates new language. Also, I have attached a list of bills that we were tracking that did not pass as of the end of session on June 8, 2005. If you have questions on these or any other bills from the 2005 legislative session, please call me at (860) 418-6066 or email me at christine.trimble@po.state.ct.us.

AGENCY BILLS THAT PASSED:

PUBLIC ACT 05-150 (SB 1092) AN ACT CONCERNING MEDICATION ADMINISTRATION IN DEPARTMENT OF MENTAL RETARDATION RESIDENTIAL FACILITIES AND PROGRAMS. This bill expands the DMR staff training program for medication administration to include staff providing individual and family support services funded by the department. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00150-R00SB-01092-PA.htm>

PUBLIC ACT 05-256 (SB 1093) AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF MENTAL RETARDATION STATUTES. This bill as amended makes a number of unrelated changes concerning Department of Mental Retardation (DMR) programs, services, and employees. It: 1.) requires the DMR commissioner, when he sets rates DMR pays for services in community living arrangements (such as group homes), to consider the actual, inflation-adjusted wage and benefit costs for services and service providers for each facility and prohibits him from establishing a single fixed rate for wages and benefits that is applicable to all facilities; 2.) establishes a hearing process for people to contest DMR decisions assigning

priority for residential placement, services, or support (previously HB 1094); 3.) revises the duties and membership of the regional interagency coordinating councils that advise Department of Mental Retardation (DMR) Birth-to-Three program managers; 4.) revises the membership of the Birth-to-Three Coordinating Council; 5.) requires DMR and the Office of Protection and Advocacy (OPA) to develop and implement an agreement on how they will investigate allegations of abuse against people with retardation and provide them protective services; 6.) makes disability policy specialists assigned to the Council on Developmental Disabilities ineligible for state classified service and collective bargaining coverage; 7.) makes up to 10 people who DMR employs as self-advocates eligible for paid sick, vacation, personal, and holiday leave; 8.) specifies that the director of DMR's Ombudsman Office remains in office until the governor appoints a successor, not until the legislature confirms one; and 9.) eliminates a reference to the education council in DMR's Unified School District # 3 in conformance with PA 04-54, which eliminated the council.

<http://www.cga.ct.gov/2005/act/Pa/2005PA-00256-R00SB-01093-PA.htm>

SB 1094 AN ACT CONCERNING A HEARING PROCESS FOR PRIORITY DETERMINATION OF DEPARTMENT OF MENTAL RETARDATION CLIENTS WHO ARE ON THE WAITING LIST FOR RESIDENTIAL PLACEMENT AND SERVICES. This bill was incorporated into SB 1093.

BILLS THAT PASSED:

PA 05-32 (HB 6228) AN ACT INCREASING THE MINIMUM WAGE. This bill increases the state's minimum hourly wage from \$ 7.10 to \$ 7.40 on January 1, 2006 and to \$ 7.65 on January 1, 2007.

<http://www.cga.ct.gov/2005/act/Pa/2005PA-00032-R00HB-06228-PA.htm>

PA 05-34 (HB 6751) AN ACT CONCERNING THE UNEMPLOYMENT COMPENSATION ALTERNATIVE BASE PERIOD. To extend the use of the alternative base period for computation of unemployment compensation benefits.

<http://www.cga.ct.gov/2005/act/Pa/2005PA-00034-R00HB-06751-PA.htm>

PA 05-44 (SB 1157) AN ACT CONCERNING THE DEFINITION OF HUSKY PLAN, PART A AND THE AVAILABILITY OF SERVICES UNDER HOME AND COMMUNITY-BASED WAIVER PROGRAMS. This bill permits the commissioner of the Department of Social Services (DSS) to amend the Acquired Brain Injury (ABI) and Department of Mental Retardation (DMR) home- and community-based services (HCBS) waivers to enable people enrolled in the Medicaid for Employed Disabled (MED) coverage group to participate in those waiver programs. The financial eligibility criteria for the MED group are more liberal than under the waiver programs. Currently, adults in the MED group are eligible for the Personal Care Assistance (PCA) waiver, another DSS-administered HCBS waiver. DSS amended that waiver in 2001 to enable MED enrollees to participate. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00044-R00SB-01157-PA.htm>

PA 05-63 (HB 6866) AN ACT CONCERNING LIFE INSURANCE OFFERED TO STATE EMPLOYEES. To prohibit state employees and public officials from obtaining more than one group life insurance policy from the Comptroller. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00063-R00HB-06866-PA.htm>

PA 05-64 (HB 6897) AN ACT CONCERNING NURSING OVERSIGHT OF PATIENTS RECEIVING HOME HEALTH SERVICES. To ensure that any state regulations defining minimum service quality standards for home health care agencies and homemaker-home health aide agencies require that a primary care nurse visit and assess any patient receiving homemaker-home health aide services at least once every sixty days. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00064-R00HB-06897-PA.htm>

PA 05-69 (SB 30) AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR BREAST CANCER SCREENING. To require health insurers to offer both mammography and magnetic resonance imaging as options for breast cancer screening for women with a family history of breast cancer. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00069-R00SB-00030-PA.htm>

PA 05-70 (SB 1262) AN ACT CONCERNING THE SALE, LEASE OR TRANSFER OF STATE PROPERTY USED FOR RESIDENTIAL PURPOSES BY PERSONS WITH MENTAL RETARDATION. This bill imposes a moratorium from July 1, 2005 to June 30, 2007 on selling, leasing, or transferring state-owned property currently used to house people with mental retardation. A previous moratorium, which applied to property that housed people with mental illness and people with mental retardation, ended on July 1, 2004. The bill's moratorium does not apply to any agreement to sell, lease, or transfer property entered into before the bill's passage. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00070-R00SB-01262-PA.htm>

PA 05-72 (SB 516) AN ACT CONCERNING THE PENALTY FOR CRUELTY TO PERSONS. This bill sets graduated penalties for the crime of cruelty to persons, which is currently punishable by a fine of up to \$ 500, imprisonment for up to one year, or both. It imposes stiffer penalties for more serious, intentional misconduct. Current law does not distinguish between the nature of the criminal conduct or the actor's state of mind, and it limits the scope of custodial cruelty to youngsters to cases where the victim is age 15 or younger. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00072-R00SB-00516-PA.htm>

PA 05-77 (SB 967) AN ACT CONCERNING THE COMMISSION ON AGING. To expand the membership of the Commission on Aging, allow the commission to enter into contracts that further the objectives of this section and transfer the commission to the Legislative Department. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00077-R00SB-00967-PA.htm>

PA 05-126 (SB 846) AN ACT CONCERNING IMPACT STATEMENTS FOR REDUCTIONS IN STATE SERVICES. To require the submission of impact statements to the General Assembly prior to any major layoff or dismissal of state employees and to require advance legislative approval for significant impacts on or reductions in major state programs. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00126-R00SB-00846-PA.htm>

PA 05-141 (SB 1335) AN ACT CONCERNING PROGRAMS AND SERVICES OF THE DEPARTMENT OF SOCIAL SERVICES. To: (1) Include working foster families within the priority system of eligibility for the child care subsidy program, (2) provide statutory authority to the Commissioner of Social Services to make payments to service providers, (3) make a technical change with respect to the use of the standard utility allowance in the food stamp program, and (4) eliminate, in some instances, the need for the physician substantiation form as relates to Medicaid reimbursed special education programs and services.

<http://www.cga.ct.gov/2005/act/Pa/2005PA-00141-R00SB-01335-PA.htm>

PA 05-144 (HB 6286) AN ACT CONCERNING THE EMERGENCY USE OF CARTRIDGE INJECTORS. To broaden the scope of immunity from liability for negligence for the emergency use of cartridge injectors under the Good Samaritan law and to require before or after school programs, day camps and day care facilities to provide staff trained in the use of cartridge injectors. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00144-R00HB-06286-PA.htm>

PA 05-154 (HB 6949) AN ACT CONCERNING THE APPOINTMENT AND DUTIES OF TEMPORARY CONSERVATORS. To revise the procedures for appointing a temporary conservator. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00154-R00HB-06849-PA.htm>

PA 05-155 (HB 6851) AN ACT CONCERNING THE DUTIES OF A CONSERVATOR WHO PLACES A WARD IN AN INSTITUTION FOR LONG-TERM CARE. To require a conservator who places a ward in an institution for long-term care to file a report with the probate court concerning such placement and to provide an opportunity for a hearing on such placement. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00155-R00HB-06851-PA.htm>

PA 05-159 (HB 6722) AN ACT CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES BY OPERATORS OF MOTOR VEHICLES. The bill establishes violations for the use of mobile telephones while driving, or driving distracted during the commission of a moving violation. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00159-R00HB-06722-PA.htm>

PA 05-172 (HB 6715) AN ACT CONCERNING STRIKE CONTINGENCY PLANS FOR HEALTH CARE INSTITUTIONS. By law, a health care institution notified by a labor organization representing its employees of its intention to strike must file a strike contingency plan with the health commissioner. This bill requires the plan to be filed no later than five days before the scheduled strike, rather than immediately after receiving a strike notice. The bill allows the Department of Public Health (DPH) commissioner to issue a summary order to any nursing home failing to file a contingency plan that complies with the bill within the specified time period. The order must require the nursing home to immediately file a plan complying with the bill and regulations adopted by DPH. A noncomplying nursing home is subject to a civil penalty of up to \$ 10,000 for each day of noncompliance. The bill requires the DPH commissioner to adopt regulations (1) establishing requirements for a strike contingency plan, which must include a requirement that the plan contain documentation that the institution has arranged for adequate staffing and security, food, pharmaceuticals, and other essential supplies and services necessary to meet patients' needs if there is a strike and (2) for imposing the civil penalty upon a nursing facility. "Health care institution" includes hospitals, residential care homes, health care facilities for the handicapped, nursing homes, rest homes, home health care

agencies, homemaker-home health aide agencies, mental health facilities, substance abuse treatment facilities, outpatient surgical facilities, infirmaries operated by educational institutions, facilities providing services for the diagnosis and treatment of human health conditions, and residential facilities for the mentally retarded. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00172-R00HB-06715-PA.htm>

PA 05-183 (SB 1) AN ACT CREATING THE OFFICE OF STATE ETHICS AND THE CITIZEN'S ETHICS ADVISORY BOARD. This bill abolishes the nine-member State Ethics Commission (SEC) and establishes the Office of State Ethics (OSE) and a nine-member Citizen's Ethics Advisory Board as its successor. The board is located within the office, which is an independent state agency. The bill requires the governor, Senate president, and House speaker to jointly appoint an interim executive director to oversee the transfer of duties and responsibilities. It also requires the administrative services commissioner to transfer current SEC staff to other state agencies. Once established, the OSE, like the SEC, will administer and enforce the Code of Ethics for Public Officials and the Code of Ethics for Lobbyists. Unlike current law, the bill clearly delineates the ethics responsibilities of the board as opposed to the staff of the OSE. The OSE must primarily perform the day-to-day administrative functions that, in practice, are currently performed by SEC staff, and the board must perform the functions of the current nine-member commission. The OSE must follow similar procedures as the SEC. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00183-R00SB-00001-PA.htm>

PA 05-196 (SB 508) AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR INFERTILITY TREATMENT AND PROCEDURES. This bill requires health insurance coverage for medically necessary infertility diagnosis and treatment expenses. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00196-R00SB-00508-PA.htm>

PA 05-206 (HB 6594) AN ACT CONCERNING THE TRAINING AND RESPONSIBILITIES OF RESIDENT SERVICE COORDINATORS. To improve the effectiveness of resident services coordinators. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00206-R00HB-06594-PA.htm>

PA 05-208 (HB 6639) AN ACT CONCERNING OFFSETS AGAINST DISABILITY RETIREMENT BENEFITS FOR STATE EMPLOYEES AND STRESS-RELATED WORKERS' COMPENSATION BENEFITS FOR POLICE OFFICERS. To require a workers' compensation commissioner to offset disability retirement benefits from workers' compensation benefits to avoid unnecessary payment of benefits by the state and to prevent imposition of a hardship on workers' compensation claimants who may be forced to repay all or a portion of their excess benefits. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00208-R00HB-06639-PA.htm>

PA 05-213 (HB 6819) AN ACT CONCERNING ACCESS TO ORAL HEALTH CARE. This bill revises the scope of practice for dentists, dental hygienists, and dental assistants, including establishing conditions under which licensed dentists can practice oral and maxillofacial surgery. It allows a candidate for a dentist's license to substitute a year of post-graduate training for the practical portion of the licensing exam and provides a way for foreign-trained dentists to become licensed as dentists or dental hygienists. And it creates continuing

education requirements for dentists. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00213-R00HB-06819-PA.htm>

PA 05-220 (HB 6959) AN ACT CONCERNING ACCIDENTS INVOLVING STATE VEHICLES AND THE USE OF HAND-HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES BY OPERATORS OF MOTOR VEHICLES. To provide that private entities that operate motor buses and other motor vehicles on behalf of the state are required to carry uninsured and underinsured motorists coverage and are subject to a civil action for damages brought by persons injured by the negligent or reckless operation of such vehicles. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00220-R00HB-06959-PA.htm>

PA 05-239 (HB 6662) AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE RELATING TO POPULATIONS IN STATE ELDERLY AND DISABLED HOUSING PROJECTS. This bill makes several changes to address concerns about elderly and non-elderly disabled people living in state-assisted elderly housing projects. It requires (1) state social service agencies to assist local housing authorities to identify and access their services and (2) several departments to develop plans detailing their outreach efforts, available services, and crisis intervention activities. The bill also requires a comprehensive assessment of rental assistance needs for state-assisted elderly and disabled housing projects and a comprehensive inventory of all state and federally assisted housing in the state. It further requires a number of reports to legislative committees, most prominently a report by February 1, 2006 from the Department of Economic Development (DECD) to the Legislative Program Review and Investigations Committee. The report must describe DECD's progress in a number of areas, such as revising the elderly and disabled housing operating manual, providing specified training to housing authorities, addressing security issues, reassessing the duties and qualifications of resident service coordinators at these housing projects, and planning for a statewide manager position for the resident service coordinator program. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00239-R00HB-06662-PA.htm>

PA 05-243 (HB 5290) AN ACT CONCERNING AN INCREASE TO THE UNEARNED INCOME DISREGARD FOR STATE SUPPLEMENT RECIPIENTS. To allow recipients of the state supplement to the federal Supplemental Security Income Program to receive federal cost-of-living increases without incurring a corresponding decrease in the state supplement benefits. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00243-R00HB-05290-PA.htm>

PA 05-244 (HB 5482) AN ACT CONCERNING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE CHILD POVERTY COUNCIL. This bill requires the Office of Policy and Management (OPM), and the Labor (DOL), Social Services (DSS), and Education (SDE) departments to increase outreach and education efforts concerning available services and tax credits that assist low-income families. It also requires OPM to:

1. include performance-based standards and outcome measures in all contracts for services to low-income families;
2. establish administrative procedures to improve access to services for eligible children and families that reduce poverty or related negative outcomes; and
3. establish a standard assessment protocol for all state agencies concerning barriers to employment, including transportation, child care, education, and substance abuse to expedite

referrals and access to services. The bill also requires DOL, DSS, and SDE to incorporate child and family literacy standards and goals in family services center, Temporary Assistance to Needy Families, Jobs First, and other programs they administer, and SDE to provide prioritized after-school program grants for mentoring programs directed at children in poverty. Finally, the bill makes the executive director of the Commission on Human Rights and Opportunities a member of the Child Poverty Council and adds meeting and reporting requirements to the council's charge. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00244-R00HB-05482-PA.htm>

PA 05-245 (HB 6989) AN ACT CONCERNING EDUCATION IMPLEMENTER PROVISIONS. This bill makes many changes in the school readiness program including (1) increasing per-child cost limit on the cost of the State Department of Education's (SDE) part of the program; (2) requiring SDE to develop a statewide assessment of kindergarten readiness by October 1, 2009; (3) establishing an Early Childhood Cabinet (the Commissioner of Mental Retardation or his designee is a member) to, among other things, develop early childhood program budget requests and promote consistent quality and comprehensiveness for early childhood programs; and (4) raising minimum school readiness staff qualifications as of July 1, 2015. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00245-R00HB-06989-PA.htm>

PA 05-257 (HB 6948) AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES. This bill adds assistive technology equipment to the list of items that must be loaned to students free of charge. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00257-R00HB-06948-PA.htm>

PA 05-262 (HB 6685) AN ACT CONCERNING FISCAL ACCOUNTABILITY OF STATE GOVERNMENT. This bill (1) requires the Office of Fiscal Analysis (OFA) director and the Office of Policy and Management (OPM) secretary to submit certain budget and financial information to the Appropriations and Finance, Revenue and Bonding committees by November 15 annually; (2) expands the scope of OFA fiscal notes on favorably reported bills; (3) requires state agencies that file bill requests with the House or Senate clerk to include a summary and fiscal note with the requests; (4) requires OFA to review fiscal notes of enacted bills in the second and fourth years after enactment, and compare the updated information to the notes it prepared when the bills were enacted; and (5) requires the State Bond Commission meeting agenda to be available to the commission members at least four business days before the meeting. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00262-R00HB-06685-PA.htm>

PA 05-277 (HB 6738) AN ACT CONCERNING PROCEDURES FOR STATE EMPLOYEE COLLECTIVE BARGAINING. To alter the procedures for state employee collective bargaining. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00277-R00HB-06738-PA.htm>

PA 05-287 (SB 96) AN ACT CONCERNING GOVERNMENT ADMINISTRATION. This bill makes several changes to laws affecting state contracts and to state ethics laws. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00287-R00SB-00096-PA.htm>

BUDGET:

PA 05-251 (HB 6940) AN ACT CONCERNING THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2007, DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2005, AND CERTAIN TAXES AND OTHER PROVISIONS RELATING TO REVENUE.

This is the budget bill for FY 06 and FY 07. The Department maintained all funding that was previously adopted by the Appropriations Committee earlier in the session minus a delay in the private provider COLA. The 4% COLA will take effect Oct. 1, 2005 however Sec. 50 of this bill provides that should the unallocated surplus exceed \$76 million, up to \$15.8 million can be used to make the COLA whole, starting on time (July 1, 2005). The budget also included \$250,000 to explore a pilot program for autism (Sec. 57). Funding will support a new position within the department that will be responsible for coordinating various initiatives for adults with autism who do not have mental retardation.

<http://www.cga.ct.gov/2005/act/Pa/2005PA-00251-R00HB-06940-PA.htm>

Fiscal note: <http://www.cga.ct.gov/2005/fn/2005HB-06940-R02-FN.htm>

PA 05-280 (HB 7000) AN ACT CONCERNING SOCIAL SERVICES AND PUBLIC HEALTH BUDGET IMPLEMENTATION PROVISIONS.

This is the budget implementer bill for FY 06 and FY 07. Sections 19 through 31, and 104 modify the state Medicaid and ConnPACE programs with regard to the new Medicare Part D pharmacy benefit. Sec. 29 specifically refers to DMR. Under these changes, all prescription drug benefits for dually eligible Medicaid clients will be provided by the federal Medicare program. These clients will be subject to the formularies included in the private Medicaid plans and will have co-payments of \$1 for generic drugs and \$3 for brand name drugs. ConnPACE clients will also be subject to the Medicare plan formularies, but these section ensure that in no case will the ConnPACE client's co-payment exceed \$16.25 (the current co-payment in the ConnPACE program). Sec. 31 was language put forth by the Governor and DMR to require that persons seeking services from DMR who are eligible for Medicaid, must enroll (there are exceptions permitted). Sec. 35 requires DMR to do a rate study of the Birth to Three Program. Sec. 53 of this act reestablishes a Dept. on Aging effective Jan. 1, 2007.

<http://www.cga.ct.gov/2005/ACT/PA/2005PA-00280-R00HB-07000-PA.htm>

Fiscal note: <http://www.cga.ct.gov/2005/FN/2005HB-07000-R01-FN.htm>

JUNE SPECIAL SESSION:

June Special Session, Special Act No. 05-1 (SB 2003). This is the bond bill for the session. The bill provides \$2 million in each of FY 06 and FY 07 to DMR for grants-in-aid to private non-profit organizations for alterations and improvements to non-residential facilities. Also \$2m in FY 06 for fire, safety and environmental improvements to regional facilities for client and staff needs, including improvements in compliance with current codes, including intermediate care facilities and site improvements, handicapped access improvements, utilities, repair or replacement of roofs, air conditioning and other interior and exterior building renovations and additions at all state-owned facilities. <http://www.cga.ct.gov/2005/ACT/SA/2005SA-00001-R00SB-02003SS1-SA.htm>

June Special Session, Public Act No. 05-3 (HB 7502) AN ACT CONCERNING THE IMPLEMENTATION OF VARIOUS BUDGETARY PROVISIONS. The bill implements provisions of the FY 06-07 budget, Public Act 05-251, and makes various changes resulting in the fiscal impacts described within (none specifically related to DMR).

<http://www.cga.ct.gov/2005/ACT/PA/2005PA-00003-R00HB-07502SS1-PA.htm>

Fiscal note: <http://www.cga.ct.gov/2005/fn/2005HB-07502-R02-FN.htm>

BILLS VETOED BY THE GOVERNOR:

The governor vetoed nine acts (eight public and one special act) passed in the 2005 session.

The nine vetoed acts are:

1. "An Act Concerning the Authority of the Commissioner of Social Services with Respect to the Administration of the Medicaid Program" (PA 05-40),
2. "An Act Concerning the Illegal Sale or Possession with Intent to Sell of Cocaine" (PA 05-83),
3. "An Act Concerning Legislative Review and Approval of Waiver Applications Prior to Submittal to the Federal Government" (PA 05-112),
4. "An Act Concerning School Nutrition" (PA 05-117),
5. "An Act Concerning Impact Statements for Reductions in State Services" (PA 05-126),
6. "An Act Concerning Regulation of Telecommunications Services" (PA 05-231),
7. "An Act Concerning Conservation Law Enforcement" (PA 05-278),
8. "An Act Concerning Reform of the State Contracting Process" (PA 05-286), and
9. "An Act Concerning the Future of the Connecticut Juvenile Training School" (SA 05-11).

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 (24 votes are necessary in the Senate and 101 in the House). The General Assembly did not reconsider any of these bills at the veto session on July 25, 2005. <http://www.cga.ct.gov/2005/rpt/2005-R-0572.htm>

PA 05-286 (SB 94) AN ACT CONCERNING REFORM OF THE STATE

CONTRACTING PROCESS. The Governor vetoed this bill and issued Executive Order No. 7 on July 1, 2005, thereby nullifying language that would have barred the state from privatizing any services until at least July 2007. Executive Order No. 7 (1) creates a five-member State Contracting Standards Board, which will be directed to develop a uniform procurement code for state contracting by January 1, 2007; (2) Empowers the Board to cancel any state contract "for cause," such as conflicts of interest under the state Code of Ethics; (3) Empowers the Board to disqualify a contractor for such reasons as conviction or guilty plea to bribery or theft charges or other serious misconduct; (4) Charges the Board with conducting audits of each state agency's procurement processes and ensuring they comply with state law; and (5) Directs the Board to approve an ethics training course for state agency employees and state contractors.

<http://www.cga.ct.gov/2005/act/Pa/2005PA-00286-R00SB-00094-PA.htm>

PA 05-114 (SB 1189) AN ACT CONCERNING THE JUDICIAL REVIEW COUNCIL AND THE INDEMNIFICATION AND REPRESENTATION OF STATE OFFICERS AND EMPLOYEES. Section 3 of the Public Act allows a state officer, employee, or member of the Public Defender Services Commission to sue the state in Superior Court to enforce the provisions on indemnification for their financial losses from certain claims against them, such as negligence, based on their actions while discharging their duties or within the scope of their employment. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00114-R00SB-01189-PA.htm>

PA 05-112 (SB 801) AN ACT CONCERNING LEGISLATIVE REVIEW AND APPROVAL OF WAIVER APPLICATIONS PRIOR TO SUBMITTAL TO THE FEDERAL GOVERNMENT. To ensure that any waiver application submitted by the Commissioner of Social Services pursuant to section 176-8 of the general statutes is in accordance with any recommendations made by the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of the state agencies. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00112-R00SB-00801-PA.htm>

PA 05-278 (HB 6774) AN ACT CONCERNING CONSERVATION LAW ENFORCEMENT. This bill as amended would have expanded FOIA to legislative emails. The Governor vetoed this bill. <http://www.cga.ct.gov/2005/act/Pa/2005PA-00278-R00HB-06774-PA.htm>

BILLS THAT DID NOT PASS: To check the bill history of bills that did not pass (*or were incorporated into another bill) this session, log on to www.cga.state.ct.us, type the bill number in the upper right hand box and click on “go.” This will bring you to the bill history which shows where the bill died, (in committee, on the house or senate calendar, etc.) any substitute language, and any amendments (whether or not they were called). The following bills did NOT pass this session. Please note that, for other than a few exceptions, I did not include bills that were not voted out of their committee of origin with a favorable report:

SB 64 AN ACT CONCERNING THE ADMISSION AND CARE OF PATIENTS IN NURSING HOMES. To revise procedures concerning the admission and care of nursing home patients with mental illness or mental retardation. The bill died in the Public Health Committee.

SB 114 AN ACT CONCERNING COMMUNITY-BASED RESIDENTIAL FACILITIES FOR PERSONS WITH MENTAL RETARDATION. To reduce the Department of Mental Retardation waiting list for community-based residential facility placements and to provide other placement options for persons with mental retardation requiring assistance to live in the community. This bill died in the Public Health Committee.

SB 317 AN ACT ESTABLISHING A TRUST FUND WITH PROCEEDS FROM THE SALE OR LEASE OF STATE PROPERTY FOR PERSONS WITH MENTAL RETARDATION. To create a trust fund to be used to assist persons with mental retardation. This bill died in the Public Health Committee.

SB 319 AN ACT CONCERNING INDIVIDUALS WITH DEVELOPMENTAL DELAYS WHO ARE NOT PERSONS WITH MENTAL RETARDATION. To extend the expertise of the Department of Mental Retardation in serving developmentally delayed persons with mental retardation to those individuals who are developmentally delayed but are not persons with mental retardation. This bill died in the Public Health Committee.

SB 321 AN ACT CONCERNING SERVICES TO PERSONS WITH AUTISM WHO ARE NOT PERSONS WITH MENTAL RETARDATION. To extend service to persons with autism who are without mental retardation. This bill died in the Public Health Committee.

SB 322 AN ACT REQUIRING THAT ALL SERVICES OF THE DEPARTMENT OF MENTAL RETARDATION BE PROVIDED BY PRIVATE NONPROFIT PROVIDERS. To save state funds by requiring that all services of the Department of Mental Retardation be provided by private nonprofit hospitals. This bill died in the Public Health Committee.

SB 333 AN ACT INCREASING FUNDING FOR THE DIAL-A-RIDE PROGRAM. To increase state funding for the Dial-A-Ride program. This bill had a public hearing but died in the Transportation Committee.

SB 554 AN ACT CONCERNING THE ESTABLISHMENT OF A TRUST FUND TO PROVIDE SERVICES AND SUPPORTS TO PERSONS ON THE DEPARTMENT OF MENTAL RETARDATION'S WAITING LIST. To fund services and supports for persons who formerly resided in state facilities and institutions who now are on the Department of Mental Retardation's waiting list for services. This bill died in the Public Health Committee.

SB 611 AN ACT CONCERNING APPROPRIATIONS TO THE DEPARTMENT OF MENTAL RETARDATION FOR PURPOSES OF ELIMINATING THE WAITING LIST. To eliminate the Department of Mental Retardation's waiting list. This bill died in the Public Health Committee.

SB 681 AN ACT CONCERNING THE POWERS OF A PLENARY GUARDIAN OF A PERSON WITH MENTAL RETARDATION. To include certain financial duties within the powers of a plenary guardian of a person with mental retardation. DMR submitted testimony against this bill. The bill died in Judiciary.

***SB 707 AN ACT CONCERNING A NURSING FACILITY USER FEE.** To initiate a user fee to be paid by nursing facilities. This bill died on the Senate Calendar but the concept was incorporated into the budget bills.

SB 708 AN ACT CONCERNING DEPARTMENT OF MENTAL RETARDATION FUNDING FOR GROUP HOMES. To require the Department of Mental Retardation to consider the median income within regions when determining funding for the siting of group homes so that such homes will be located in different regions around the state. This bill died in the Public Health Committee.

***SB 1046 AN ACT AUTHORIZING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS AND OTHER PURPOSES.** The Governor's bond package was referred to the Finance Committee in early February. The Finance Committee voted the joint favorable substitute out on 4/21/05. File Copy No. 742. The final version of the bond bill was passed in the June Special Session, Special Act No. 05-1 (SB 2003).

***SB 1051 AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET IMPOSING A NURSING HOME PROVIDER TAX AND INCREASING PROVIDER RATES.** This was the Governor's version of the nursing home tax/indexing bill. The bill died in Human Services but the concept was incorporated into the budget bills.

SB 1076 AN ACT CONCERNING DISCRIMINATION ON THE BASIS OF PHYSICAL OR MENTAL DISABILITY. To clarify and strengthen state law concerning disability discrimination complaints and provide protection against perceived physical disability discrimination by redefining "physical disability" and adding provisions concerning discrimination on the basis of physical or mental disability. This bill died in Judiciary.

SB 1139 AN ACT CONCERNING THE SOCIAL WORKER JOB CLASSIFICATION. To establish criteria for the social worker job title. This bill died in Appropriations.

SB 1158 AN ACT CONCERNING THE ESTABLISHMENT OF INDEPENDENT TRANSPORTATION NETWORKS TO SERVE THE ELDERLY. To appropriate up to one hundred thousand dollars to the Department of Social Services for the purpose of providing grants to four municipalities with populations in excess of fifty-five thousand persons or a nonprofit organization located within such municipality, that shall be used for the planning and development of independent transportation networks that shall provide transportation services on behalf of elderly persons.

HB 6118 AN ACT CONCERNING A HOME AND COMMUNITY-BASED WAIVER FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES. To obtain a waiver from federal law that will permit children and adults who have developmental disabilities, but do not qualify for specialized services because they do not have mental retardation, increased access to individualized supports and self-directed services in their homes and community. The bill died in Appropriations.

SB 1209 AN ACT CONCERNING A PILOT PROGRAM TO PROVIDE SERVICES TO DEVELOPMENTALLY DISABLED PERSONS WITHOUT MENTAL RETARDATION. This bill directs the Commissioner of Mental Retardation to implement a pilot program to coordinate supports and services for persons with developmental disabilities who do not qualify for services from the Department of Mental Retardation. The bill died in Appropriations.

SB 1261 AN ACT EXPANDING DEPARTMENT OF MENTAL RETARDATION SERVICES. This bill would increase services to persons with mental retardation in the areas of case management, respite and dental services. The bill died in Appropriations.

SB 1339 AN ACT CONCERNING EARLY CHILDHOOD EDUCATION. To require school districts to offer preschool to all three and four year olds. This bill died on the foot of the Senate Calendar.

HB 5311 AN ACT CONCERNING SERVICES TO PERSONS WITH AUTISM SPECTRUM DISORDER. To ensure that individuals with autism spectrum disorder are provided with services that will promote independent living. This bill died in the Public Health Committee.

HB 5426 AN ACT CONCERNING EXPANSION OF DEPARTMENT OF MENTAL RETARDATION SERVICES. To ensure quality Department of Mental Retardation services. This bill died in the Public Health Committee.

HB 5427 AN ACT CONCERNING ANNUAL AUDITS OF GROUP HOMES FOR PERSONS WITH MENTAL RETARDATION. To require annual audits of group homes for persons with mental retardation. This bill died in the Public Health Committee.

HB 5594 AN ACT CONCERNING PHYSICALLY DISABLED PERSONS AND FREE FISHING LICENSES. To prevent permanently disabled individuals from having to obtain a certificate of disability every year in order to obtain a free fishing license. This bill died on the foot of the Senate Calendar.

HB 5693 AN ACT CONCERNING RATES PAID BY THE DEPARTMENT OF SOCIAL SERVICES FOR RESIDENTIAL CARE HOMES. To ensure that residential care homes continue to provide a valuable and cost effective service to the state's elderly and disabled population by increasing several factors the Department of Social Services (DSS) uses to calculate its reimbursement to residential care homes (RCHs). This bill died on the House Calendar.

***HB 6117 AN ACT CONCERNING INCREASED FUNDING FOR THE KATIE BECKETT MODEL HOME AND COMMUNITY WAIVER.** To reduce the waiting list for Katie Beckett waiver slots by increasing the number of funded slots from one hundred twenty-five to two hundred. This bill was voted out of the Human Services Committee on 3/15/05 with a joint favorable report and was referred to the Appropriations Committee where the bill died. However, this item was funded in the final budget.

HB 6175 AN ACT CONCERNING THE CONNECTICUT AUTISM RESOURCE AND EDUCATION ALLIANCE. To provide state funding to Connecticut Autism Resource and Education Alliance to improve the lives of children with autism. This bill died in Public Health.

HB 6211 AN ACT CONCERNING APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE FUNDING OF DIAL-A-RIDE SERVICES. To provide additional state funding for dial-a-ride services without corresponding reductions in ADA funding of such services. This bill died in the transportation committee.

HB 6212 AN ACT CONCERNING DIAL-A-RIDE SERVICES AVAILABLE PURSUANT TO THE AMERICANS WITH DISABILITIES ACT. To provide additional dial-a-ride benefits at no cost to the state. This bill died in the transportation committee.

HB 6227 AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE MANAGERS. To allow state managers, excluding bureau heads, to bargain collectively. This bill died in the Appropriations Committee.

***HB 6671 AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2007, AND MAKING APPROPRIATIONS THEREFOR.** The Governor's proposed budget was referred to Appropriations in early February. The Appropriations Committee voted the democratic version of the proposed budget out of committee with a joint favorable substitute on 4/18/05. After negotiations, the final budget bill that passed the legislature was HB 6940 (PA 05-251).

***HB 6672 AN ACT MAKING DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2005.** The Governor's deficiency bill was referred to the Appropriations Committee in early February. Joint favorable substitute language was voted out on 4/18/05. The Department of Mental Retardation projected a net deficiency of \$7.6 million, which represents 1% of its FY 05 appropriation of \$741.8 million. The deficiency is the result of a projected shortfall in four accounts: Other Expenses (\$1.2 million), Workers' Compensation (\$1.2 million), Employment Opportunities and Day Services (\$1.48 million) and the Community Residential Services (\$3.7 million). The deficiency bill was incorporated into PA 05-251 (the budget bill).

***HB 6693 AN ACT CONCERNING ELIGIBILITY OF PERSONS RECEIVING SERVICES FROM THE DEPARTMENT OF MENTAL RETARDATION AND ENROLLMENT IN FEDERALLY-FUNDED PROGRAMS.** This bill died in the finance committee, however, it was inserted into the DSS implementer (HB 7000, Sec. 31) which passed both chambers on June 8, 2005. The language as passed requires anyone receiving or applying for residential placement through the Department of Mental Retardation (DMR) or receiving service or support from it to enroll in Medicaid and the department's Medicaid waiver programs. It makes enrollment a condition for continuing an individual's placement, support, or services and eligibility for placement.

HB 6880 AN ACT ESTABLISHING A PILOT PROGRAM TO PROVIDE HOME CARE SERVICES TO DISABLED PERSONS EIGHTEEN TO SIXTY-FOUR YEARS OF AGE. To improve access to home and community-based services to disabled persons who are eighteen to sixty-four years of age who are inappropriately institutionalized or at risk for such institutionalization. Died in Appropriations.

***HB 6928 AN ACT CONCERNING INDEXING OF PRIVATE PROVIDER RATES.** To enhance the quality and continuity of care afforded state residents by the private provider community by increasing compensation rates paid by the state to such private providers. This bill died in Appropriations but the concept was incorporated into the final budget.

HB 6951 AN ACT CONCERNING SERVICES FOR CHILDREN WITH AUTISM. To provide state funding to an organization such as the Connecticut Autism Resource and Education Alliance to improve the lives of children with autism. The bill would have appropriated \$50,000 to the Connecticut Autism Resource and Education Alliance via the Department of Education. The bill died in Appropriations and was not included in either of the proposed versions of the budget.

OTHER INFORMATION and LINKS:

The Office of Legislative Research puts together information on 2005 Major Public Acts:

<http://www.cga.ct.gov/olr/>

<http://www.cga.ct.gov/2005/rpt/2005-R-0529.htm>

The Office of Fiscal Analysis puts together highlights of the 2005-2007 Biennial Budget:

<http://www.cga.ct.gov/ofa/Documents/BudHlts/BudHlts6-8-2005.pdf>