



General Assembly

Substitute Bill No. 5581

February Session, 2002

AN ACT CONCERNING CONSOLIDATION OF FIRE DISTRICTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding the
2 provisions of the general statutes or any public or special act, charter
3 or home rule ordinance, any municipality with a population of more
4 than fifty thousand and a geographic area of twelve square miles or
5 less, in which are located three districts organized under sections 7-324
6 to 7-329, inclusive, of the general statutes, or any special act and
7 providing fire fighting services, any one or more of which districts has
8 an unfunded past benefit obligation in excess of its most recently
9 adopted annual budget, may assume the powers and responsibilities
10 of all of such fire districts if consolidation of the fire districts is
11 approved by a majority of the electors voting at a referendum in the
12 municipality. The legislative body of the municipality shall provide by
13 resolution for a referendum to determine whether such districts shall
14 be consolidated pursuant to this section. Such referendum shall be
15 conducted in accordance with sections 9-369 to 9-371a, inclusive, of the
16 general statutes, as amended, and be held not more than ninety days
17 after the effective date of this act. If consolidation is approved by such
18 referendum, the districts shall terminate and consolidate with the
19 municipality on the ninetieth day following the approving
20 referendum, except if the resolution establishes an earlier date for
21 termination and consolidation, on such earlier date. As used in this

22 section, "unfunded past benefit obligation" means the unfunded
23 actuarial accrued liability of the pension plan determined in a method
24 and using assumptions meeting the parameters established by
25 generally accepted accounting principles.

26 Sec. 2. (NEW) (*Effective from passage*) If the referendum conducted
27 under section 1 of this act approves consolidation, the municipality
28 shall assume and exercise through a municipal fire department the fire
29 and public safety powers and responsibilities previously exercised by
30 the districts on the date established for consolidation pursuant to
31 section 1 of this act.

32 Sec. 3. (NEW) (*Effective from passage*) If the referendum conducted
33 under section 1 of this act approves consolidation, on the date
34 established for consolidation pursuant to section 1 of this act, (1) all
35 property, both real and personal, and all rights of action and other
36 rights with all securities and liens belonging to or vested in any
37 district, shall be transferred to the municipality without further action
38 or need for recording; (2) the municipality shall be liable for and shall
39 assume all debts and obligations of the districts; (3) all rights and
40 responsibility of a contract entered into by the districts, including
41 collective bargaining units, shall be the rights and responsibility of the
42 municipality; (4) all federal, state, regional and municipal officials,
43 officers and other persons or corporations that are required by law to
44 pay money to the districts or their treasurers or other officers, shall pay
45 such money to the treasurer of the municipality; (5) the municipal tax
46 collector shall possess and may exercise the rights and duties
47 possessed by district tax collectors, including with respect to the
48 collection of taxes due or coming due in any district, the lien or
49 foreclosure of property therefor and the institution or continuation of
50 any such collection or foreclosure action instituted, or lien filed or
51 capable of filing by a district; (6) the municipal tax collector shall
52 possess and may exercise all rights and powers as municipal tax
53 collector to preserve, collect or foreclose any tax, fee, interest, or cost
54 owed at any time to a district, or owed to the municipality as a result
55 of termination of such district, or lien arising therefrom; (7) the

56 municipal treasurer shall possess and may exercise the rights and
57 duties possessed by the district treasurer, including with respect to the
58 collection of debts and revenue and other responsibilities exercised by
59 such office; and (8) any security, lien, debt or obligation accruing or
60 owed to a district, or accruing or arising after consolidation with the
61 municipality, or which would have accrued or arisen but for
62 consolidation, shall be owed to and collected by the municipality.
63 Notwithstanding the provisions of this act, the municipality shall
64 assume all financial obligations incurred by a district with respect to
65 any employment or pension right or contract, including any financial
66 obligation arising in connection with a bargaining unit, except those
67 arising from promotions made after January 1, 2002, unless (A) such
68 promotion fills a position existing as of January 1, 2002, that was
69 vacant at the time it was filled by the promotion, and (B) the city
70 negotiates with such employee organization in accordance with the
71 provisions of sections 7-467 to 7-477, inclusive, of the general statutes
72 immediately upon the designation of an employee organization as the
73 exclusive representative of the employees of the fire department of the
74 city.

75 Sec. 4. (NEW) (*Effective from passage*) If the referendum conducted
76 under section 1 of this act approves consolidation, the public officials,
77 employees and other agents of any districts consolidated pursuant to
78 this act shall cooperate and assist the municipality and the board of fire
79 commissioners created pursuant to section 5 of this act or any other
80 municipal fire fighting administrative body in the assumption of
81 responsibilities and obligations of the districts by the municipality. No
82 present or former employee, official or other agent of any district shall
83 remove any document, record or property of the district, or which
84 belonged to the district prior to its termination, from district offices or
85 files, or secrete or fail to disclose the location of such records to
86 municipal officials. District officials and employees shall identify and
87 make available to municipal officials every law, ordinance, resolution,
88 policy or other operating practice or policy adopted by the district, its
89 officials or employees with respect to its operations, and all contracts,

90 invoices, checkbooks, bank accounts, receipts, audits, warranties and
91 any other record or document with regard to the operation and
92 maintenance of the district, its finances, facilities and equipment.

93 Sec. 5. (NEW) (*Effective from passage*) If the referendum conducted
94 under section 1 of this act approves consolidation:

95 (1) In order to provide for a continuation of fire protection and
96 safety services, the municipality shall provide for management of fire
97 protection for its inhabitants and within its geographic area by a board
98 of fire commissioners. The board shall consist of five members. The
99 members shall be comprised of the chairperson or acting chairperson
100 of each fire district consolidated pursuant to this act and the balance
101 appointed by the chief elected official of the municipality. Such
102 members shall be appointed and take office within two weeks of
103 approval of the consolidation resolution. The board shall have all
104 powers conferred on such boards pursuant to section 7-301 of the
105 general statutes. The members of the boards shall initially serve for a
106 two-year term at the expiration of which the members shall be
107 appointed by the chief elected official of the municipality with the
108 approval of the elected legislative body as follows: One for a term of
109 one year, one for a term of two years, one for a term of three years, one
110 for a term of four years and one for a term of five years. Thereafter, the
111 members shall be appointed for five-year terms. The board shall
112 provide for the integration of the fire districts as one municipal fire
113 department.

114 (2) After the effective date of termination of the districts, a
115 municipality may initiate and exercise any powers and otherwise
116 provide for the fire fighting management as authorized under the
117 general statutes and as provided by law, notwithstanding that the
118 exercise of such powers is inconsistent with the provision of this
119 section, provided no such exercise shall affect the termination of the
120 districts, or the assumption of district rights and obligations by the
121 municipality.

122 Sec. 6. (NEW) (*Effective from passage*) If the referendum conducted
123 under section 1 of this act approves consolidation, the chief elected
124 official of the municipality shall appoint a chief of the municipal fire
125 department who shall serve in accordance with law.

126 Sec. 7. (NEW) (*Effective from passage*) Any consolidation and
127 termination of fire districts under the provisions of this act shall not
128 affect the existence of any volunteer fire departments, companies or
129 volunteers in the municipality which report to the chief of the
130 municipal fire department.

131 Sec. 8. (NEW) (*Effective from passage*) The invalidity of any section or
132 provision of this act shall not affect the continued validity of the
133 remaining provisions.

134 Sec. 9. (NEW) (*Effective from passage*) The provisions of this act shall
135 terminate six months after the effective date of this act.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>

PD Joint Favorable Subst.

GAE Joint Favorable