



General Assembly

Amendment

February Session, 2004

LCO No. 3658

SB0038903658SD0

Offered by:

SEN. PRAGUE, 19th Dist.
REP. KLARIDES, 114th Dist.
SEN. GAFFEY, 13th Dist.
SEN. HANDLEY, 4th Dist.

SEN. FREEDMAN, 26th Dist.
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REP. O'CONNOR, 35th Dist.

To: Subst. Senate Bill No. 389

File No. 185

Cal. No. 166

"AN ACT AUTHORIZING REFERENDUM CONTESTS AND COMPLAINTS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2004*) (a) (1) A majority of towns
4 that are members of a regional school district may, or if a regional
5 school district comprises only two member towns, both such towns
6 together may, pursuant to a vote of such towns' legislative bodies,
7 petition the regional board of education to hold a public district
8 meeting concerning the establishment of a regional board of finance to
9 oversee the regional school district budget process. Such meeting shall
10 be held not later than thirty days after receipt of the petitions, at which
11 all persons wishing to speak about the possible establishment of the
12 regional board of finance shall be heard. Not later than thirty days
13 after such meeting, the board shall set the date on which referenda

14 shall be held simultaneously in each of the member towns. Such
15 referenda shall be held not earlier than forty-five days from the date of
16 the petition and not later than seventy-five days from the date of such
17 petition. The regional board of education shall immediately notify the
18 town clerk of each member town of the date on which referenda shall
19 be held. Upon receipt of such notice, each town clerk shall
20 immediately file in the office of the Secretary of the State a statement
21 setting forth (A) the question, stated pursuant to the provisions of
22 subdivision (2) of this subsection, to appear on the voting machine
23 ballot labels at the referenda, (B) the date upon which the submitting
24 action was taken, and (C) the reference to law under which the action
25 was taken. The warning of such referenda shall be published, the vote
26 taken and the results of the vote canvassed and declared in the same
27 manner as is provided for the election of officers of a town.

28 (2) The vote on the question shall be taken by a "yes" and "no" vote
29 on the voting machine and the designation of the question on the
30 voting machine ballot label shall be "Shall a regional board of finance
31 be established on (date)?" and the label used shall conform with the
32 provisions of section 9-250 of the general statutes. Such date of
33 establishment shall be no later than ten days after the date of the
34 referenda. If the majority of the votes in each of the member towns is
35 affirmative, a regional board of finance shall be established.

36 (3) A certificate of the results of such vote shall be recorded in the
37 office of the clerk of each member town and a certified copy thereof
38 shall be filed by such clerks in the office of the Secretary of the State,
39 who shall record the same. All rights and powers conferred and duties
40 and obligations imposed by this section, subsection (c) of section 7-392
41 of the general statutes, section 10-51 of the general statutes, as
42 amended by this act, and section 503 of this act upon said boards shall
43 be held to be conferred or imposed upon each regional board of
44 finance as soon as it is established under the provisions of this section.
45 Member towns of a regional school district may by majority vote
46 abolish the regional board of finance after the expiration of two years
47 from the date of its establishment.

48 (4) No regional board of education may be petitioned for the
49 establishment of a regional board of finance pursuant to subdivision
50 (1) of this subsection more than once annually.

51 (b) (1) Not later than ten days after such affirmative vote pursuant
52 to subsection (a) of this section, members to the regional board of
53 finance shall be appointed by the board of finance of each member
54 town having a board of finance or other fiscal authority of each
55 member town of the regional school district to serve a term of two
56 years from the date of such appointment, unless such member's term
57 to the local board of finance or other fiscal authority expires prior to
58 the end of such two-year term. Such appointment shall be from among
59 members of the local board of finance or other fiscal authority and
60 shall coincide with the term of the appointed member to such local
61 board of finance or fiscal authority. Each member town shall appoint
62 the same number of members to said board as the other member towns
63 of the district. The voting power of the members from each town on
64 said board shall be weighted in the proportion, within permissible
65 deviant limits consistent with federal constitutional standards, that the
66 population of each town bears to the population of the entire regional
67 school district as determined by subsection (b) of section 10-63s of the
68 general statutes and shall be subject to the reapportionment provisions
69 of sections 10-63j to 10-63t, inclusive, of the general statutes.

70 (2) Membership of a regional board of finance shall be structured as
71 follows: (A) For a regional school district with two member towns, said
72 board shall be composed of six members, three from each town, of
73 whom one from each town shall be of the minority party; (B) for a
74 regional school district with three member towns, said board shall be
75 composed of nine members, three from each town, of whom one from
76 each town shall be of the minority party; (C) for a regional school
77 district with four member towns, said board shall be composed of
78 twelve members, three from each town, of whom one from each town
79 shall be of the minority party; and (D) for a regional school district
80 with six member towns, said board shall be composed of twelve
81 members, two from each town, of whom one from each town shall be

82 of the minority party.

83 (3) For the purposes of this section, a person shall be deemed to be a
84 member of the political party on whose enrollment list such person's
85 name appears on the date of such person's appointment to a regional
86 board of finance established pursuant to subsection (a) of this section,
87 provided any person who has applied for erasure or transfer of such
88 person's name from an enrollment list shall be considered a member of
89 the party from whose list such person has so applied for erasure or
90 transfer for a period of three months from the date of the filing of such
91 application.

92 (c) In case of a vacancy in the membership of the regional board of
93 finance, unless otherwise provided by charter or special act, the
94 original appointing authority pursuant to subsection (b) of this section
95 shall appoint a successor, in the same manner as the original
96 appointment pursuant to subsection (b) of this section, who shall fill
97 the vacancy for the unexpired portion of the term.

98 (d) Any member town of a regional school district with a regional
99 board of finance established pursuant to subsection (a) of this section
100 shall have the power to provide by ordinance for the appointment of
101 not more than three alternate members to its regional board of finance,
102 subject to the provisions of subsection (b) of this section concerning
103 representation of political parties. Such alternate members shall, when
104 seated as provided in this section, have all the powers and duties set
105 forth in this section, subsection (c) of section 7-392 of the general
106 statutes, section 10-51 of the general statutes, as amended by this act,
107 and section 503 of this act relating to such town for said board and its
108 members. Such alternate members shall be electors and taxpayers of
109 such town. If a regular member of such board is absent or is
110 disqualified, such absent or disqualified member shall designate an
111 alternate to act for such regular member. In the event that an absent or
112 disqualified regular member fails or refuses to designate an alternate
113 to act for such regular member, the majority of the regular members of
114 the local board of finance or other fiscal authority not absent and not

115 disqualified may designate an alternate subject to the provisions of
116 subsection (b) of this section, to act for such absent or disqualified
117 regular member.

118 (e) The members of the regional board of finance shall be sworn to a
119 faithful performance of their duties. No member shall receive
120 compensation for the members services as such, but the necessary
121 expenses of the board, when approved, shall be paid by the member
122 towns.

123 (f) The members of the regional board of finance shall choose one of
124 its members to be chairperson of said board and shall choose a clerk. If
125 such officers are not chosen within one month after the appointment of
126 the board because of a tie vote of the members, the boards of selectmen
127 or chief executive authorities of the member towns of the regional
128 school district that the board oversees shall choose such officers from
129 the membership of the board. At all meetings of the board, two-thirds
130 of the members of the board shall constitute a quorum and the
131 concurrence of votes of one-half of the members of the board shall be
132 necessary for the transaction of business. The board may hold such
133 regular and special meetings as may be advisable at any time upon
134 giving at least twenty-four hours' notice to each member before the
135 time of such meeting. The clerk shall cause to be prepared and filed
136 with the town clerk of each member town a copy of the minutes and
137 records of each meeting held, within two weeks from the date of such
138 meeting.

139 Sec. 502. Section 10-51 of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective July 1, 2004*):

141 (a) The fiscal year of a regional school district shall be July first to
142 June thirtieth. The approval process of a regional school district budget
143 is as follows:

144 [Except] (1) For any regional school district that has not established
145 a regional board of finance pursuant to section 1 of this act, except as
146 otherwise provided in this subsection, not less than two weeks before

147 the annual meeting held pursuant to section 10-47, as amended by this
148 act, the regional board of education shall hold a public district meeting
149 to present a proposed budget for the next fiscal year. Any person may
150 recommend the inclusion or deletion of expenditures at such time.
151 After the public hearing, the regional board of education shall prepare
152 an annual budget for the next fiscal year, make available on request
153 copies thereof and deliver a reasonable number to the town clerk of
154 each of the towns in the district at least five days before the annual
155 meeting. At the annual meeting on the first Monday in May, the
156 regional board of education shall present a budget which includes a
157 statement of [(1)] (A) estimated receipts and expenditures for the next
158 fiscal year, [(2)] (B) estimated receipts and expenditures for the current
159 fiscal year, [(3)] (C) estimated surplus or deficit in operating funds at
160 the end of the current fiscal year, [(4)] (D) bonded or other debt, [(5)]
161 (E) estimated per pupil expenditure for the current and for the next
162 fiscal year, and [(6)] (F) such other information as is necessary in the
163 opinion of the board. Persons present and eligible to vote under
164 section 7-6 may accept or reject the proposed budget except as
165 provided below. No person who is eligible to vote in more than one
166 town in the regional school district is eligible to cast more than one
167 vote on any issue considered at a regional school district meeting or
168 referendum held pursuant to this section. Any person who violates
169 this section by fraudulently casting more than one vote or ballot per
170 issue shall be fined not less than three hundred dollars or more than
171 five hundred dollars and shall be imprisoned not less than one year or
172 more than two years and shall be disenfranchised. The regional board
173 of education may, in the call to the meeting, designate that the vote on
174 the motion to adopt the budget shall be by paper ballots at the district
175 meeting held on the budget or by a "yes" or "no" vote on the voting
176 machines in each of the member towns on the day following the
177 district meeting. If submitted to a vote by voting machine, questions
178 may be included on the ballot for persons voting "no" to indicate
179 whether the budget is too high or too low, provided the vote on such
180 questions shall be for advisory purposes only and not binding upon
181 the board. Two hundred or more persons qualified to vote in any

182 regional district meeting called to adopt a budget may petition the
183 regional board, in writing, at least three days prior to such meeting,
184 requesting that any item or items on the call of such meeting be
185 submitted to the persons qualified to vote in the meeting for a vote by
186 paper ballot or on the voting machines in each of the member towns on
187 the day following the district meeting and in accordance with the
188 appropriate procedures provided in section 7-7. If a majority of such
189 persons voting reject the budget, the board shall, within four weeks
190 thereafter and upon notice of not less than one week, call a district
191 meeting to consider the same or an amended budget. Such meetings
192 shall be convened at such intervals until a budget is approved. If the
193 budget is not approved before the beginning of a fiscal year, member
194 towns shall make expenditures to the district in an amount equal to or
195 greater than the town's appropriation to the district for the previous
196 fiscal year pursuant to section 7-405 until the budget is approved. After
197 the budget is approved, the regional board of education shall estimate
198 the share of the net expenses to be paid by each member town in
199 accordance with subsection (b) of this section and notify the treasurer
200 thereof. With respect to adoption of a budget for the period from the
201 organization of the board to the beginning of the first full fiscal year,
202 the board may use [the above] such procedure at any time within such
203 period. If the board needs to submit a supplementary budget, the
204 general procedure specified in this section shall be used.

205 (2) For any regional school district that has established a regional
206 board of finance pursuant to section 1 of this act, except as otherwise
207 provided in this subsection, not less than two weeks before the annual
208 meeting held pursuant to section 10-47, as amended by this act, the
209 regional board of finance shall hold a public district meeting at which
210 itemized estimates of the expenditures of the regional board of
211 education for the ensuing fiscal year shall be presented and at which
212 all persons shall be heard in regard to any appropriation which they
213 are desirous that the regional board of finance should recommend or
214 reject. The regional board of finance shall, after such public hearing,
215 hold a public meeting at which it shall consider the estimates so

216 presented and any other matters brought to its attention and shall
217 prepare and cause to be published in a newspaper in the member
218 towns of such regional school district, if any, otherwise in a newspaper
219 having a substantial circulation in such towns, a report of a proposed
220 budget for the next fiscal year. The regional board of finance shall
221 make available, on request, copies of the proposed budget and deliver
222 a reasonable number to the town clerk of each of the member towns of
223 the district at least five days before the annual meeting. At the annual
224 meeting on the first Monday or first Tuesday in May, the regional
225 board of finance shall present an aggregate budget which includes a
226 statement of (A) estimated receipts and expenditures for the next fiscal
227 year, (B) estimated receipts and expenditures for the current fiscal
228 year, (C) estimated surplus or deficit in operating funds at the end of
229 the current fiscal year, (D) bonded or other debt, (E) estimated per
230 pupil expenditure for the current and for the next fiscal year, and (F)
231 such other information as is necessary in the opinion of the board.
232 Persons present and eligible to vote under section 7-6 may accept or
233 reject the proposed budget except as provided in this subdivision. No
234 person who is eligible to vote in more than one town in the regional
235 school district is eligible to cast more than one vote on any issue
236 considered at a regional school district meeting or referendum held
237 pursuant to this section. Any person who violates this section by
238 fraudulently casting more than one vote or ballot per issue shall be
239 fined not less than three hundred dollars nor more than five hundred
240 dollars and shall be imprisoned not less than one year nor more than
241 two years and shall be disenfranchised. The regional board of finance
242 may, in the call to the meeting, designate that the vote on the motion to
243 adopt the budget shall be by paper ballots at the district meeting held
244 on the budget or by a "yes" or "no" vote on the voting machines in each
245 of the member towns on the day following the district meeting. If
246 submitted to a vote by voting machine, questions may be included on
247 the ballot for persons voting "no" to indicate whether the budget is too
248 high or too low, provided the vote on such questions shall be for
249 advisory purposes only and not binding upon the board. Two hundred
250 or more persons qualified to vote in any regional district meeting

251 called to adopt a budget may petition the regional board of finance, in
252 writing, at least three days prior to such meeting, requesting that any
253 item or items on the call of such meeting be submitted to the persons
254 qualified to vote in the meeting for a vote by paper ballot or on the
255 voting machines in each of the member towns on the day following the
256 district meeting and in accordance with the appropriate procedures
257 provided in section 7-7. If a majority of such persons voting reject the
258 budget, the regional board of finance shall, not later than four weeks
259 thereafter and upon notice of not less than one week, call a meeting to
260 consider the same or an amended budget. Such meetings shall be
261 convened at such intervals until a budget is approved. If the budget is
262 not approved before the beginning of a fiscal year, member towns shall
263 make expenditures to the district in an amount equal to or greater than
264 the town's appropriation to the district for the previous fiscal year
265 pursuant to section 7-405 until the budget is approved. After the
266 budget is approved, the regional board of finance shall estimate the
267 share of the net expenses to be paid by each member town in
268 accordance with subsection (b) of this section and notify the treasurer
269 of such estimate. With respect to adoption of a budget for the period
270 from the organization of the regional board of finance to the beginning
271 of the first full fiscal year, the regional board of finance may use such
272 procedure at any time within such period. If the regional board of
273 finance needs to submit a supplementary budget, the general
274 procedure specified in this section shall be used. Nothing in this
275 subdivision shall be construed as authorizing the regional board of
276 finance to make line-item changes to the budget.

277 (b) For the purposes of this section, "net expenses" means estimated
278 expenditures, including estimated capital expenditures, less estimated
279 receipts as presented in a regional school district budget. On the date
280 or dates fixed by the [board] regional board of education, each town in
281 the district shall pay a share of the cost of capital outlay, including
282 costs for school building projects under chapter 173, and current
283 expenditures necessary for the operation of the district. The [board]
284 regional board of education shall determine the amount to be paid by

285 each member town. Such amount shall bear the same ratio to the net
286 expenses of the district as the number of pupils resident in such town
287 in average daily membership in the regional school district during the
288 preceding school year bears to the total number of such pupils in all
289 the member towns, provided that the [board] regional board of
290 education may recalculate such amount based on the number of pupils
291 in average daily membership in the regional school district for the
292 current school year and may adjust each member town's payment to
293 the regional school district for the following fiscal year by the
294 difference between the last such payment and the recalculated amount.
295 Until the regional school district has been in operation for one year,
296 such amounts shall be based on the average daily membership of
297 pupils in like grades from each of such towns at any school at which
298 children were in attendance at the expense of such towns during the
299 preceding school year.

300 (c) The [board] regional board of education shall deposit or invest
301 temporarily any funds which are not needed immediately for the
302 operation of the school district as permitted in section 7-400 or 7-402.
303 Any income derived from such deposits or investments shall be used
304 at least semiannually to reduce the net expenses. The [board] regional
305 board of education shall use any budget appropriation which has not
306 been expended by the end of the fiscal year to reduce the net expenses
307 of the district for the following fiscal year. The [board] regional board
308 of education may borrow funds temporarily and issue notes or other
309 obligations, and pay interest thereon, in anticipation of payments to be
310 made to it by a member town or the state, for the operation of its
311 schools. Such notes or obligations shall be authorized by resolution of
312 the [board] regional board of education, and shall be general
313 obligations of the regional school district and its member towns. The
314 date, maturity, interest rate, form, manner of sale and other terms of
315 such notes or other obligations shall be determined by the [board]
316 regional board of education or any officer or body to whom the [board]
317 regional board of education delegates authority to make such
318 determinations. Such notes may be renewed from time to time,

319 provided all such notes shall mature and be payable no later than the
320 end of the fiscal year during which such member town or state
321 payments are payable.

322 (d) Upon the recommendation and the approval of a majority of
323 members on the [board, a] regional board of education, such board
324 may create a reserve fund to finance a specific capital improvement or
325 the acquisition of any specific piece of equipment. Such fund shall
326 thereafter be termed "reserve fund for specific capital improvements or
327 equipment purchases". No annual appropriation to such fund shall
328 exceed one per cent of the annual district budget. Appropriations to
329 such fund shall be included in the share of net expenses to be paid by
330 each member town. The [board] regional board of education shall
331 annually submit a complete and detailed report of the condition of
332 such fund to the member towns, or the regional board of finance, if
333 applicable.

334 (e) The amount of expenditures by the regional board of education
335 shall not exceed the district's budget by more than one-quarter of one
336 per cent unless approved by a majority of voters of the member towns.

337 Sec. 503. (NEW) (*Effective July 1, 2004*) (a) Each regional board of
338 education shall prepare an itemized estimate of the cost of
339 maintenance of public schools for the ensuing year and, in each district
340 having a regional board of finance, shall submit such estimate to the
341 regional board of finance not later than two months preceding the
342 annual meeting of the regional board of finance. The money
343 appropriated by any member town of a regional school district for the
344 maintenance of public schools shall be expended by and in the
345 discretion of the regional board of education. Except as provided in
346 this subsection, any such regional board of education may transfer any
347 unexpended or uncontracted-for portion of any appropriation for
348 school purposes to any other item of such itemized estimate, provided
349 at the time of such transfer the regional board of education shall
350 report, as part of the public record, a detailed written statement for
351 each such transfer including, but not limited to, (1) the reason for the

352 transfer, (2) an identification of the line item account and the dollar
353 amount that funds are being transferred from and to, (3) the intended
354 use of the funds if the transfer is approved, and (4) the fiscal impact on
355 the line item account that funds are being transferred from. Regional
356 boards of education may, by adopting policies and procedures,
357 authorize designated personnel to make limited transfers under
358 emergency circumstances if the urgent need for the transfer prevents
359 the regional board of education from meeting in a timely fashion to
360 consider such transfer. All transfers made in such instances shall be
361 announced at the next regularly scheduled meeting of the regional
362 board of education. Expenditures by the regional board of education
363 shall not exceed the appropriation made by the member towns, with
364 such money as may be received from other sources for school purposes
365 except as provided for by subsection (e) of section 10-51 of the general
366 statutes, as amended by this act. The annual report of the regional
367 board of education shall, in accordance with subsection (b) of this
368 section, include a summary showing (A) the total cost of the
369 maintenance of schools, (B) the amount received from the state and
370 other sources for the maintenance of schools, (C) the net cost to the
371 municipality of the maintenance of schools, and (D) the reason for any
372 transfer of funds made pursuant to this subsection, including the
373 identification of the line item account and dollar amount that funds are
374 being transferred to and from, the identified use of the funds if the
375 transfer is approved, and the fiscal impact on the line item account that
376 funds are being transferred from. At the end of each fiscal year, the
377 regional board of education shall summarize the number and types of
378 fiscal transfers made, the aggregate amount transferred to and from
379 each account and the impact of such transfers. For purposes of this
380 subsection, "meeting" means a meeting, as defined in section 1-200 of
381 the general statutes.

382 (b) The secretary of the regional board of education shall keep a
383 record of all its proceedings in a book which such secretary shall
384 provide for that purpose at the expense of the member towns and shall
385 submit to the member towns at such towns' annual meetings a report

386 of the actions of the regional board of education. The report of the
387 secretary and of the superintendent of schools shall be printed with the
388 reports of the member towns' officers. The superintendent of schools
389 shall report to the Commissioner of Education such returns and
390 statistics respecting the schools of the regional school district as the
391 commissioner requests.

392 Sec. 504. Section 10-47 of the general statutes is repealed and the
393 following is substituted in lieu thereof (*Effective July 1, 2004*):

394 Regional boards of education shall have all the powers and duties
395 conferred upon boards of education by the general statutes not
396 inconsistent with the provisions of this part. Such boards may
397 purchase, lease or rent property for school purposes and, as part of the
398 purchase price may assume and agree to pay any bonds or other
399 capital indebtedness issued by a town for any land and buildings so
400 purchased; shall perform all acts required to implement the plan of the
401 committee for the transfer of property from the participating towns to
402 the regional school district and may build, add to or equip schools for
403 the benefit of the towns comprising the district. Such boards may
404 receive gifts of real and personal property for the purposes of the
405 regional school districts. [The] In a district without a regional board of
406 finance, the regional [school district] board of education's annual
407 meeting [shall be the district meeting] at which the annual budget is
408 first presented for adoption [and] shall be held the first Monday or the
409 first Tuesday in May. [The boards] In a district with a regional board of
410 finance, the regional school district annual meeting at which the
411 budget is presented for adoption shall be held the first Monday or first
412 Tuesday in May. Regional boards of education may convene special
413 district meetings when they deem it necessary. District meetings shall
414 be warned and conducted in the same manner as are town meetings.
415 For such purposes, the chairperson of the board shall have the duties
416 of the board of selectmen and the secretary shall have the duties of the
417 town clerk."