



General Assembly

January Session, 2007

Raised Bill No. 7321

LCO No. 5027

05027_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

**AN ACT CONCERNING AUTHORITY OF BOARDS OF SELECTMEN
TO ACT IN PLACE OF TOWN MEETINGS.**

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

1 Section 1. Subsection (a) of section 3-76c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (a) "Governing body" as applied to towns, cities or boroughs means
5 the legislative body as defined in section 1-1 except that in towns
6 having the town meeting form of government, it means the board of
7 finance or, if none, the board of selectmen if authorized by the charter
8 of the town, city or borough or by an ordinance adopted by the town
9 meeting; as applied to metropolitan districts, independent school,
10 sewer, fire and lighting districts, beach and improvement associations,
11 and all other tax districts and associations, it means the district
12 committee or association committee or similar body; as applied to any
13 other municipality it means the body, board, committee or similar
14 body charged under the general statutes, special acts or its charter with
15 the power to issue bonds.

16 Sec. 2. Subsection (a) of section 7-129a of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2007*):

19 (a) As used in this section, "municipality" means any city, town,
20 borough, district or association with municipal powers which has
21 within its jurisdiction and subject to its authority, holds or acquires
22 any land or facilities for park or recreational use; "recreation authority"
23 means the committee or commission within the government of a
24 municipality responsible for the administration or supervision of parks
25 or recreation, the legislative body of any municipality which has no
26 such committee or commission, or the board of selectmen of any town
27 which has no such committee or commission and the legislative body
28 of which is the town meeting or representative town meeting if
29 authorized by the charter of the municipality or by an ordinance
30 adopted by the town meeting or representative town meeting.

31 Sec. 3. Subsection (b) of section 7-148ee of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective*
33 *October 1, 2007*):

34 (b) Any such municipality may exercise the authority provided for
35 in subsection (a) of this section notwithstanding the provisions of any
36 special act, municipal charter or home rule ordinance, upon approval
37 of its chief executive officer and by adoption of an ordinance approved
38 by a two-thirds vote of its legislative body of the municipality or [the
39 board of selectmen or] city or town council, [in the case of a
40 municipality in which the legislative body is a town meeting] except
41 that if the legislative body is a town meeting, the board of selectmen
42 may exercise such authority if authorized by the charter of the
43 municipality or by an ordinance adopted by the town meeting.

44 Sec. 4. Subsection (f) of section 8-23 of the general statutes is
45 repealed and the following is substituted in lieu thereof (*Effective*
46 *October 1, 2007*):

47 (f) (1) A plan of conservation and development or any part thereof
48 or amendment thereto prepared by the commission or any special
49 committee shall be reviewed, and may be amended, by the
50 commission prior to scheduling at least one public hearing on
51 adoption.

52 (2) At least sixty-five days prior to the public hearing on adoption,
53 the commission shall submit a copy of such plan or part thereof or
54 amendment thereto for review and comment to the legislative body
55 [or, in the case of a municipality for which the legislative body of the
56 municipality is a town meeting or representative town meeting, to the
57 board of selectmen] except that if the legislative body is a town
58 meeting or representative town meeting, the board of selectmen may
59 exercise such authority if authorized by the charter of the municipality
60 or by an ordinance adopted by the town meeting or representative
61 town meeting. The legislative body or board of selectmen, as the case
62 may be, may hold one or more public hearings on the plan and shall
63 endorse or reject such entire plan or part thereof or amendment and
64 may submit comments and recommended changes to the commission.
65 The commission may render a decision on the plan without the report
66 of such body or board .

67 (3) At least thirty-five days prior to the public hearing on adoption,
68 the commission shall post the plan on the Internet web site of the
69 municipality, if any.

70 (4) At least sixty-five days prior to the public hearing on adoption,
71 the commission shall submit a copy of such plan or part thereof or
72 amendment thereto to the regional planning agency for review and
73 comment. The regional planning agency shall submit an advisory
74 report along with its comments to the commission at or before the
75 hearing. Such comments shall include a finding on the consistency of
76 the plan with (A) the regional plan of development, adopted under
77 section 8-35a, (B) the state plan of conservation and development,
78 adopted pursuant to chapter 297, and (C) the plans of conservation

79 and development of other municipalities in the area of operation of the
80 regional planning agency. The commission may render a decision on
81 the plan without the report of the regional planning agency.

82 (5) At least thirty-five days prior to the public hearing on adoption,
83 the commission shall file in the office of the town clerk a copy of such
84 plan or part thereof or amendment thereto but, in the case of a district
85 commission, such commission shall file such information in the offices
86 of both the district clerk and the town clerk.

87 (6) The commission shall cause to be published in a newspaper
88 having a general circulation in the municipality, at least twice at
89 intervals of not less than two days, the first not more than fifteen days,
90 or less than ten days, and the last not less than two days prior to the
91 date of each such hearing, notice of the time and place of any such
92 public hearing. Such notice shall make reference to the filing of such
93 draft plan in the office of the town clerk, or both the district clerk and
94 the town clerk, as the case may be.

95 Sec. 5. Subsection (b) of section 8-336f of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective*
97 *October 1, 2007*):

98 (b) Any municipality may, by ordinance, or by resolution of the
99 board of selectmen in any town in which the legislative body is a town
100 meeting, if authorized by the charter of the municipality or by an
101 ordinance adopted by the town meeting, authorize the formation of a
102 local housing partnership. Any local housing partnership shall include,
103 but shall not be limited to, the chief elected official of the municipality
104 and the following members to be appointed by the chief elected
105 official: (1) Representatives of the planning commission, zoning
106 commission, inland wetlands commission, housing authority and any
107 local community development agency, (2) representatives of the local
108 business community, such as local bankers, realtors and developers,
109 (3) representatives of public interest groups, such as housing
110 advocates, members of the clergy, members of local civic groups and

111 representatives of local nonprofit corporations, and (4) local urban
112 planning, land use and housing professionals.

113 Sec. 6. Section 12-62l of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective October 1, 2007*):

115 (a) Notwithstanding any provision of the general statutes, any
116 municipal charter, any special act or any home rule ordinance, any
117 municipality required to effect a revaluation of real property under
118 section 12-62 for the 2003, 2004 or 2005 assessment year shall not be
119 required to effect a revaluation prior to the 2006 assessment year
120 provided any decision not to implement a revaluation pursuant to this
121 subsection shall be approved by the legislative body of such town or,
122 in any town where the legislative body is a town meeting, by the board
123 of selectmen if authorized by the charter of the municipality or by
124 ordinance adopted by the legislative body. Any required revaluation
125 subsequent to any delayed revaluation effected pursuant to this
126 subsection shall be effected in accordance with the provisions of said
127 section 12-62. The rate maker, as defined in section 12-131, in any
128 municipality that elects, pursuant to this subsection, not to implement
129 a revaluation may prepare new rate bills under the provisions of
130 chapter 204 in order to carry out the provisions of this section.

131 Sec. 7. Subsection (b) of section 12-81r of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective*
133 *October 1, 2007*):

134 (b) Any abatement or forgiveness of taxes under subsection (a) of
135 this section shall be approved by vote of the board of finance and the
136 legislative body of the municipality, or by vote of the board of finance
137 and the board of selectmen in a municipality where the legislative
138 body is a town meeting, if authorized by the charter of the
139 municipality or by an ordinance adopted by the town meeting, and
140 contingent upon any other conditions deemed appropriate by such
141 body.

142 Sec. 8. Section 12-81q of the general statutes is repealed and the
143 following is substituted in lieu thereof (*Effective October 1, 2007*):

144 Any municipality may, upon approval by its legislative body or in
145 any town in which the legislative body is a town meeting, by the board
146 of selectmen, if authorized by the charter of the municipality or by
147 ordinance adopted by the town meeting, abate for a period of up to ten
148 years all or a portion of the property taxes due on and after July 1,
149 1997, for property owned by an entity that has acquired a water
150 company pursuant to the provisions of section 16-262o. The acquiring
151 entity shall only be entitled to an abatement for those costs incurred by
152 such entity to make improvements on the infrastructure and related
153 property of the acquired water company, when such improvements
154 were ordered by the Department of Public Utility Control or the
155 Department of Public Health and necessary in order for the entity to
156 provide continuous, adequate water service.

157 Sec. 9. Section 12-81t of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective October 1, 2007*):

159 Any municipality may, by vote of its legislative body or, in a
160 municipality where the legislative body is a town meeting, by vote of
161 the board of selectmen, if authorized by the charter of the municipality
162 or by an ordinance adopted by the town meeting, abate up to one
163 hundred per cent of the property taxes due for any tax year with
164 respect to information technology personal property.

165 Sec. 10. Section 12-81u of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective October 1, 2007*):

167 Any municipality may, by vote of its legislative body or, in a
168 municipality where the legislative body is a town meeting, by vote of
169 the board of selectmen, if authorized by the charter of the municipality
170 or by ordinance adopted by the town meeting, abate up to one
171 hundred per cent of the property taxes due for any tax year with
172 respect to real or personal property of any communications

173 establishment included in major group 48, in the Standard Industrial
174 Classification Manual, United States Office of Management and
175 Budget, 1987 edition.

176 Sec. 11. Section 12-81v of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective October 1, 2007*):

178 Any municipality may, upon approval by its legislative body or in
179 any town in which the legislative body is a town meeting, by the board
180 of selectmen, if authorized by the charter of the municipality or by an
181 ordinance adopted by the town meeting, abate the property taxes due
182 for any tax year with respect to any property of an electric cooperative
183 organized pursuant to chapter 597 that is operating within the
184 boundaries of the municipality.

185 Sec. 12. Section 12-81y of the general statutes is repealed and the
186 following is substituted in lieu thereof (*Effective October 1, 2007*):

187 Any municipality, by vote of its legislative body or, in a
188 municipality where the legislative body is a town meeting, by vote of
189 the board of selectmen, if authorized by the charter of the municipality
190 or by an ordinance adopted by the town meeting, may abate up to one
191 hundred per cent of the property taxes due, for any assessment year
192 commencing on or after October 1, 2001, with respect to a new school
193 bus, as defined in section 14-275.

194 Sec. 13. Subdivision (22) of section 19a-175 of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective*
196 *October 1, 2007*):

197 (22) "Municipality" means the legislative body of a municipality or
198 the board of selectmen in the case of a municipality in which the
199 legislative body is a town meeting, if authorized by the charter of the
200 municipality or by an ordinance adopted by the town meeting.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	3-76c(a)
Sec. 2	<i>October 1, 2007</i>	7-129a(a)
Sec. 3	<i>October 1, 2007</i>	7-148ee(b)
Sec. 4	<i>October 1, 2007</i>	8-23(f)
Sec. 5	<i>October 1, 2007</i>	8-336f(b)
Sec. 6	<i>October 1, 2007</i>	12-62l
Sec. 7	<i>October 1, 2007</i>	12-81r
Sec. 8	<i>October 1, 2007</i>	12-81q
Sec. 9	<i>October 1, 2007</i>	12-81t
Sec. 10	<i>October 1, 2007</i>	12-81u
Sec. 11	<i>October 1, 2007</i>	12-81v
Sec. 12	<i>October 1, 2007</i>	12-81y
Sec. 13	<i>October 1, 2007</i>	19a-175(22)

Statement of Purpose:

To require town meetings to act on approving certain questions unless the charter or an ordinance authorizes action by the board of selectmen.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]