



Senate

General Assembly

File No. 512

February Session, 2008

Substitute Senate Bill No. 442

Senate, April 7, 2008

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING AUTHORITY OF BOARDS OF SELECTMEN
AND THE VALUE OF PROPERTY NECESSARY FOR ELIGIBILITY TO
VOTE.***

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2 repealed and the following is substituted in lieu thereof (*Effective*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, 2008*):

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 the board of selectmen is
8 authorized by the charter of the town, city or borough or by an
9 ordinance adopted by the town meeting to act under this part; as
10 applied to metropolitan districts, independent school, sewer, fire and
11 lighting districts, beach and improvement associations, and all other
12 tax districts and associations, it means the district committee or

13 association committee or similar body; as applied to any other
14 municipality it means the body, board, committee or similar body
15 charged under the general statutes, special acts or its charter with the
16 power to issue bonds.

17 Sec. 2. Subsection (a) of section 7-129a of the general statutes is
18 repealed and the following is substituted in lieu thereof (*Effective*
19 *October 1, 2008*):

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

33 Sec. 3. Subsection (b) of section 7-148ee of the general statutes is
34 repealed and the following is substituted in lieu thereof (*Effective*
35 *October 1, 2008*):

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

46 meeting to act under subsection (a) of this section.

47 Sec. 4. Subsection (f) of section 8-23 of the general statutes is
48 repealed and the following is substituted in lieu thereof (*Effective*
49 *October 1, 2008*):

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

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

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

74 (4) At least sixty-five days prior to the public hearing on adoption,
75 the commission shall submit a copy of such plan or part thereof or
76 amendment thereto to the regional planning agency for review and
77 comment. The regional planning agency shall submit an advisory

78 report along with its comments to the commission at or before the
79 hearing. Such comments shall include a finding on the consistency of
80 the plan with (A) the regional plan of development, adopted under
81 section 8-35a of the 2008 supplement to the general statutes, (B) the
82 state plan of conservation and development, adopted pursuant to
83 chapter 297, and (C) the plans of conservation and development of
84 other municipalities in the area of operation of the regional planning
85 agency. The commission may render a decision on the plan without
86 the report of the regional planning agency.

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

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

100 Sec. 5. Subsection (b) of section 8-336f of the general statutes is
101 repealed and the following is substituted in lieu thereof (*Effective*
102 *October 1, 2008*):

103 (b) Any municipality may, by ordinance, or by resolution of the
104 board of selectmen in any town in which the legislative body is a town
105 meeting, if the board of selectmen is authorized by the charter of the
106 municipality or by an ordinance adopted by the town meeting to act
107 under this section, authorize the formation of a local housing
108 partnership. Any local housing partnership shall include, but shall not
109 be limited to, the chief elected official of the municipality and the
110 following members to be appointed by the chief elected official: (1)

111 Representatives of the planning commission, zoning commission,
112 inland wetlands commission, housing authority and any local
113 community development agency, (2) representatives of the local
114 business community, such as local bankers, realtors and developers,
115 (3) representatives of public interest groups, such as housing
116 advocates, members of the clergy, members of local civic groups and
117 representatives of local nonprofit corporations, and (4) local urban
118 planning, land use and housing professionals.

119 Sec. 6. Subsection (a) of section 12-62l of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective*
121 *October 1, 2008*):

122 (a) Notwithstanding any provision of the general statutes, any
123 municipal charter, any special act or any home rule ordinance, any
124 municipality required to effect a revaluation of real property under
125 section 12-62 of the 2008 supplement to the general statutes for the
126 2003, 2004 or 2005 assessment year shall not be required to effect a
127 revaluation prior to the 2006 assessment year provided any decision
128 not to implement a revaluation pursuant to this subsection shall be
129 approved by the legislative body of such town or, in any town where
130 the legislative body is a town meeting, by the board of selectmen if the
131 board of selectmen is authorized by the charter of the municipality or
132 by ordinance adopted by the legislative body to act under this section.
133 Any required revaluation subsequent to any delayed revaluation
134 effected pursuant to this subsection shall be effected in accordance
135 with the provisions of said section 12-62 of the 2008 supplement to the
136 general statutes. The rate maker, as defined in section 12-131, in any
137 municipality that elects, pursuant to this subsection, not to implement
138 a revaluation may prepare new rate bills under the provisions of
139 chapter 204 in order to carry out the provisions of this section.

140 Sec. 7. Subsection (b) of section 12-81r of the general statutes is
141 repealed and the following is substituted in lieu thereof (*Effective*
142 *October 1, 2008*):

143 (b) Any abatement or forgiveness of taxes under subsection (a) of

144 this section shall be approved by vote of the board of finance and the
145 legislative body of the municipality, or by vote of the board of finance
146 and the board of selectmen in a municipality where the legislative
147 body is a town meeting, if the board of selectmen is authorized by the
148 charter of the municipality or by an ordinance adopted by the town
149 meeting to act under this section, and contingent upon any other
150 conditions deemed appropriate by such body.

151 Sec. 8. Section 12-81q of the general statutes is repealed and the
152 following is substituted in lieu thereof (*Effective October 1, 2008*):

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

167 Sec. 9. Section 12-81t of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective October 1, 2008*):

169 Any municipality may, by vote of its legislative body or, in a
170 municipality where the legislative body is a town meeting, by vote of
171 the board of selectmen, if the board of selectmen is authorized by the
172 charter of the municipality or by an ordinance adopted by the town
173 meeting to act under this section, abate up to one hundred per cent of
174 the property taxes due for any tax year with respect to information
175 technology personal property.

176 Sec. 10. Section 12-81u of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective October 1, 2008*):

178 Any municipality may, by vote of its legislative body or, in a
179 municipality where the legislative body is a town meeting, by vote of
180 the board of selectmen, if the board of selectmen is authorized by the
181 charter of the municipality or by ordinance adopted by the town
182 meeting to act under this section, abate up to one hundred per cent of
183 the property taxes due for any tax year with respect to real or personal
184 property of any communications establishment included in major
185 group 48, in the Standard Industrial Classification Manual, United
186 States Office of Management and Budget, 1987 edition.

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

189 Any municipality may, upon approval by its legislative body or in
190 any town in which the legislative body is a town meeting, by the board
191 of selectmen, if the board of selectmen is authorized by the charter of
192 the municipality or by an ordinance adopted by the town meeting to
193 act under this section, abate the property taxes due for any tax year
194 with respect to any property of an electric cooperative organized
195 pursuant to chapter 597 that is operating within the boundaries of the
196 municipality.

197 Sec. 12. Section 12-81y of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective October 1, 2008*):

199 Any municipality, by vote of its legislative body or, in a
200 municipality where the legislative body is a town meeting, by vote of
201 the board of selectmen, if the board of selectmen is authorized by the
202 charter of the municipality or by an ordinance adopted by the town
203 meeting to act under this section, may abate up to one hundred per
204 cent of the property taxes due, for any assessment year commencing
205 on or after October 1, 2001, with respect to a new school bus, as
206 defined in section 14-275 of the 2008 supplement to the general
207 statutes.

208 Sec. 13. Subdivision (22) of section 19a-175 of the general statutes is
209 repealed and the following is substituted in lieu thereof (*Effective*
210 *October 1, 2008*):

211 (22) "Municipality" means the legislative body of a municipality or
212 the board of selectmen in the case of a municipality in which the
213 legislative body is a town meeting, if the board of selectmen is
214 authorized by the charter of the municipality or by an ordinance
215 adopted by the town meeting to act under this section.

216 Sec. 14. Section 4-124s of the 2008 supplement to the general statutes
217 is repealed and the following is substituted in lieu thereof (*Effective July*
218 *1, 2008*):

219 (a) For purposes of this section, (1) "regional council of
220 governments" means any such council organized under the provisions
221 of sections 4-124i to 4-124p, inclusive, (2) "regional council of elected
222 officials" means any such council organized under the provisions of
223 sections 4-124c to 4-124h, inclusive, and (3) "regional planning agency"
224 means an agency defined in chapter 127.

225 (b) There is established a regional performance incentive program
226 that shall be administered by the Secretary of the Office of Policy and
227 Management. On or before December 1, 2007, and annually thereafter,
228 any regional planning agency, any regional council of elected officials,
229 any regional council of governments, or any combination thereof, may
230 submit to said secretary a proposal for joint provision of a service or
231 services that are currently provided by municipalities within the
232 region of such agency or council or contiguous thereto, but not
233 currently provided on a regional basis. The proposal shall include such
234 service or services which may increase the participating municipalities'
235 purchasing power or provide a cost savings initiative resulting in a
236 decrease in participating municipalities' expenses and lower property
237 taxes. A copy of said proposal shall be sent to the legislators
238 representing said participating municipalities.

239 (c) The proposal shall (1) describe at least one service currently

240 provided by a municipality or municipalities within the region of the
241 agency or council or contiguous thereto, but not currently provided on
242 a regional basis, (2) provide a description of how such service would
243 be delivered on a regional basis, including consideration of what entity
244 would be responsible for such service, and how the population would
245 continue to be served, (3) describe the amount and the manner in
246 which the service will achieve economies of scale and the amount and
247 manner in which each municipality will reduce its mill rate as a result
248 of the savings realized by changing the municipal service to a regional
249 service, (4) include a cost benefit analysis for the provision of such
250 service by the municipality and by the council or agency, (5) set out a
251 plan of implementation for such regional service, (6) estimate the
252 savings that will be realized by each municipality, and (7) any other
253 items requested by said secretary. Each proposal shall have attached to
254 it (A) a resolution by the legislative body of each municipality affected
255 by the proposal endorsing such proposal, or in any town in which the
256 legislative body is a town meeting, by the board of selectmen if the
257 board of selectmen is authorized by the charter of the municipality or
258 by ordinance adopted by the legislative body to act under this section;
259 and (B) certification by each such municipality that there are no legal
260 obstacles to provision of services in the manner specified in the
261 proposal including, but not limited to, binding arbitration. The
262 proposal shall be submitted on a form prescribed by said secretary.
263 Said secretary shall review all such proposals, and award grants to
264 those that the secretary determines best meet the requirements of this
265 subsection. In making such grants the secretary shall give priority to
266 proposals presented by regional councils of government which include
267 participation of at least fifty per cent of the member municipalities of
268 such council.

269 (d) Not later than February 1, 2008, and annually thereafter, the
270 secretary shall submit to the Governor and the joint standing
271 committee of the General Assembly having cognizance of matters
272 relating to finance, revenue and bonding a report on the grants
273 provided pursuant to this section. Each such report shall include
274 information on the amount of each grant, and the potential of each

275 grant for leveraging other public and private investments.

276 Sec. 15. Section 7-6 of the general statutes is repealed and the
277 following is substituted in lieu thereof (*Effective October 1, 2008*):

278 At any town meeting other than a regular or special town election
279 or at any meeting of any fire, sewer or school district or any other
280 municipal subdivision of any town incorporated by any special act,
281 any person who is an elector of such town may vote and any citizen of
282 the United States of the age of eighteen years or more who, jointly or
283 severally, is liable to the town, district or subdivision for taxes assessed
284 against him on an assessment of not less than [one] twenty-five
285 thousand dollars on the last-completed grand list of such town, district
286 or subdivision, or who would be so liable if not entitled to an
287 exemption under subdivision (17), (19), (22), (23), (25) or (26) of section
288 12-81 of the 2008 supplement to the general statutes, may vote, unless
289 restricted by the provisions of any special act relating to such town,
290 district or subdivision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	3-76c(a)
Sec. 2	<i>October 1, 2008</i>	7-129a(a)
Sec. 3	<i>October 1, 2008</i>	7-148ee(b)
Sec. 4	<i>October 1, 2008</i>	8-23(f)
Sec. 5	<i>October 1, 2008</i>	8-336f(b)
Sec. 6	<i>October 1, 2008</i>	12-62l(a)
Sec. 7	<i>October 1, 2008</i>	12-81r(b)
Sec. 8	<i>October 1, 2008</i>	12-81q
Sec. 9	<i>October 1, 2008</i>	12-81t
Sec. 10	<i>October 1, 2008</i>	12-81u
Sec. 11	<i>October 1, 2007</i>	12-81v
Sec. 12	<i>October 1, 2008</i>	12-81y
Sec. 13	<i>October 1, 2008</i>	19a-175(22)
Sec. 14	<i>July 1, 2008</i>	4-124s
Sec. 15	<i>October 1, 2008</i>	7-6

Statement of Legislative Commissioners:

In Sec. 14, "in any town in which the legislative body is a town meeting" was inserted before "by the board of selectmen" for consistency with the other sections of the bill.

PD *Joint Favorable C/R*

GAE

GAE *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 442*****AN ACT CONCERNING AUTHORITY OF BOARDS OF SELECTMEN AND THE VALUE OF PROPERTY NECESSARY FOR ELIGIBILITY TO VOTE.*****SUMMARY:**

This bill transfers from the board of selectmen to the town meeting or representative town meeting several responsibilities and powers, unless the power is delegated to the board under the town charter or by ordinance.

By law, the Office of Policy and Management (OPM) administers a program that provides incentive grants to municipalities that provide services on a regional basis. Under current law, each grant proposal must be endorsed by the legislative bodies of the participating municipalities. The bill allows the board of selectmen to endorse the proposal if this is authorized by the municipality's charter or an ordinance adopted by the municipality's legislative body.

The bill increases, from \$1,000 to \$25,000, the assessed value of property a citizen who is not a resident of a town; fire, sewer, or school district; or other municipal subdivision of a town incorporated by special act must own in order to be eligible to vote at a town or district meeting other than a regular or special election. By law, the property must either be taxable or tax-exempt under specified provisions of the statutes. The voting rights of non-residents can be restricted by the provisions of a special act relating to the town, district, or subdivision.

EFFECTIVE DATE: October 1, 2008, except the OPM grant endorsement provision is effective July 1, 2008.

TRANSFERRED POWERS AND RESPONSIBILITIES

The bill transfers from the board of selectmen to the town meeting or representative town meeting the following responsibilities and powers, unless the power is delegated to the board under the town charter or by ordinance:

1. issuing municipal refunding bonds in towns that have no boards of finance (CGS § 3-76a et seq.);
2. receiving annual reports regarding the town's park and recreation capital and nonrecurring expense fund in towns that have no park and recreation committee or commission (CGS § 7-129a);
3. establishing a municipal water, electric, or gas utility (CGS § 7-148ee);
4. reviewing the local plan of conservation and development for its consideration, endorsement, or rejection (CGS § 8-23);
5. establishing a local housing partnership (CGS § 8-336f);
6. delaying revaluation (although the deadline for taking this action has passed) (CGS § 12-62l);
7. abating property taxes on (1) certain water companies (CGS § 12-81q), (b) contaminated property undergoing remediation (CGS § 12-81r), (c) information technology personal property (CGS § 12-81t), (d) certain communications establishments (CGS § 12-81u), (e) electric cooperatives (CGS § 12-81v), and (f) new school buses (CGS § 12-81y); and
8. exercising responsibility for various provisions regarding emergency medical services (EMS), e.g., establishing an EMS plan (CGS § 19a-175 et. seq.).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Change of Reference
Yea 19 Nay 1 (03/12/2008)

Government Administration and Elections Committee

Joint Favorable
Yea 8 Nay 2 (03/19/2008)