



General Assembly

February Session, 2008

Raised Bill No. 655

LCO No. 3002

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Referred to Committee on Finance, Revenue and Bonding

Introduced by:
(FIN)

AN ACT CONCERNING TECHNICAL AND CONFORMING CHANGES TO GRANT PROGRAMS ADMINISTERED BY THE OFFICE OF POLICY AND MANAGEMENT, AND THE PROCESS FOR TOWNS TO SET A MILL RATE PRIOR TO ADOPTION OF A BUDGET.

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

1 Section 1. Subsection (c) of section 4-66c of the 2008 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (c) Any proceeds from the sale of bonds authorized pursuant to
5 subsections (a) and (b) of this section or of temporary notes issued in
6 anticipation of the moneys to be derived from the sale of such bonds
7 may be used to fund grants-in-aid to municipalities or the grant-in-aid
8 programs of said departments, including, but not limited to, financial
9 assistance and expenses authorized under chapters 128, 129, 130, 133,
10 136 and 298, and section 16a-40a, provided any such program shall be
11 implemented in an eligible municipality or is for projects in other
12 municipalities which the State Bond Commission determines will help
13 to meet the goals set forth in section 4-66b. For the purposes of this
14 section, "eligible municipality" means a municipality which is

15 economically distressed within the meaning of subsection (b) of section
16 32-9p, which is classified as [an urban] a regional center in any plan
17 adopted by the General Assembly pursuant to section 16a-30, which is
18 classified as a public investment community within the meaning of
19 subdivision (9) of subsection (a) of section 7-545 of the 2008
20 supplement to the general statutes, or in which the State Bond
21 Commission determines that the project in question will help meet the
22 goals set forth in section 4-66b. Notwithstanding the provisions of this
23 subsection, proceeds from the sale of bonds pursuant to this section
24 may, with the approval of the State Bond Commission, be used for
25 transit-oriented development projects, as defined in section 13b-79o of
26 the 2008 supplement to the general statutes, in any municipality.

27 Sec. 2. Subsection (b) of section 4-66g of the 2008 supplement to the
28 general statutes is repealed and the following is substituted in lieu
29 thereof (*Effective from passage*):

30 (b) The proceeds of the sale of said bonds, to the extent of the
31 amount stated in subsection (a) of this section, shall be used by the
32 Office of Policy and Management for a small town economic assistance
33 program the purpose of which shall be to provide grants-in-aid to any
34 municipality that is not economically distressed within the meaning of
35 subsection (b) of section 32-9p, does not have [an urban] a regional
36 center in any plan adopted by the General Assembly pursuant to
37 section 16a-30 and is not a public investment community within the
38 meaning of subdivision (9) of subsection (a) of section 7-545 of the 2008
39 supplement to the general statutes. Such grants shall be used for
40 purposes for which funds would be available under section 4-66c of
41 the 2008 supplement to the general statutes, as amended by this act.
42 No municipality may receive more than five hundred thousand dollars
43 in any one fiscal year under said program. Notwithstanding the
44 provisions of this subsection and section 4-66c of the 2008 supplement
45 to the general statutes, as amended by this act, a municipality that is
46 (1) a distressed municipality within the meaning of subsection (b) of
47 section 32-9p or a public investment community within the meaning of

48 subdivision (9) of subsection (a) of section 7-545 of the 2008
49 supplement to the general statutes, and (2) otherwise eligible under
50 this subsection for the small town economic assistance program may
51 elect to be eligible for said program in lieu of being eligible for
52 financial assistance under section 4-66c of the 2008 supplement to the
53 general statutes, as amended by this act, by a vote of its legislative
54 body or, in the case of a municipality in which the legislative body is a
55 town meeting, its board of selectmen, and submitting a written notice
56 of such vote to the Secretary of the Office of Policy and Management.
57 Any such election shall be for the four-year period following
58 submission of such notice to the secretary and may be extended for
59 additional four-year periods in accordance with the same procedure
60 for the initial election.

61 Sec. 3. Subsection (g) of section 7-536 of the 2008 supplement to the
62 general statutes is repealed and the following is substituted in lieu
63 thereof (*Effective from passage*):

64 (g) Each municipality may apply to the secretary for expense
65 reimbursement at the time it submits a local capital improvement
66 project authorization request or any time after such authorization
67 request has been approved by the secretary. The application for
68 expense reimbursement shall be submitted on a form prescribed by the
69 secretary and shall contain identification of the expenses for which
70 reimbursement is sought and certification from the municipality that:
71 (1) Expenditures for the project conform to the provisions of
72 subdivision (4) of subsection (a) of this section and the municipality is
73 entitled to the reimbursement requested in the application; and (2) the
74 municipality agrees to maintain detailed accounting records of the
75 project reflecting the expenditures for which reimbursement has been
76 requested and to make such records available to its independent
77 auditor and the state. The municipality shall provide any other
78 certification required by the secretary. Not later than five business
79 days after [such certification] the date the secretary certifies to the
80 Comptroller the amount due to the municipality, the Comptroller shall

81 draw his or her order on the Treasurer, who shall pay the grant to the
82 municipality.

83 Sec. 4. Section 12-170d of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective from passage*):

85 (a) Beginning with the calendar year 1973 and for each calendar
86 year thereafter any renter of real property, or of a mobile
87 manufactured home, as defined in section 12-63a, which he occupies as
88 his home, who meets the qualifications set forth in this section, shall be
89 entitled to receive in the following year in the form of direct payment
90 from the state, a grant in refund of utility and rent bills actually paid
91 by or for him on such real property or mobile manufactured home to
92 the extent set forth in section 12-170e. Such grant by the state shall be
93 made upon receipt by the state of a certificate of grant, [with a copy of
94 the application therefor attached,] as provided in section 12-170f, as
95 amended by this act, provided [such] application for such grant shall
96 be made within one year from the close of the calendar year for which
97 the grant is requested. If the rental quarters are occupied by more than
98 one person, it shall be assumed for the purposes of this section and
99 sections 12-170e and 12-170f, as amended by this act, that each of such
100 persons pays his proportionate share of the rental and utility expenses
101 levied thereon and grants shall be calculated on that portion of utility
102 and rent bills paid that are applicable to the person making application
103 for grant under said sections. For purposes of this section and said
104 sections 12-170e and 12-170f, a husband and wife shall constitute one
105 tenant, and a resident of cooperative housing shall be a renter. To
106 qualify for such payment by the state, the renter shall meet
107 qualification requirements in accordance with each of the following
108 subdivisions: (1) (A) At the close of the calendar year for which a grant
109 is claimed be sixty-five years of age or over, or his spouse who is
110 residing with him shall be sixty-five years of age or over, at the close of
111 such year, or be fifty years of age or over and the surviving spouse of a
112 renter who at the time of his death had qualified and was entitled to
113 tax relief under this chapter, provided such spouse was domiciled with

114 such renter at the time of his death, or (B) at the close of the calendar
115 year for which a grant is claimed be under age sixty-five and eligible in
116 accordance with applicable federal regulations, to receive permanent
117 total disability benefits under Social Security, or if he has not been
118 engaged in employment covered by Social Security and accordingly
119 has not qualified for benefits thereunder but has become qualified for
120 permanent total disability benefits under any federal, state or local
121 government retirement or disability plan, including the Railroad
122 Retirement Act and any government-related teacher's retirement plan,
123 determined by the Secretary of the Office of Policy and Management to
124 contain requirements in respect to qualification for such permanent
125 total disability benefits which are comparable to such requirements
126 under Social Security; (2) shall reside within this state and shall have
127 resided within this state for at least one year or his spouse who is
128 domiciled with him shall have resided within this state for at least one
129 year and shall reside within this state at the time of filing the claim and
130 shall have resided within this state for the period for which claim is
131 made; (3) shall have taxable and nontaxable income, the total of which
132 shall hereinafter be called "qualifying income", during the calendar
133 year preceding the filing of [his] a claim in an amount of not more than
134 twenty thousand dollars, jointly with spouse, if married, and not more
135 than sixteen thousand two hundred dollars if unmarried, provided
136 such maximum amounts of qualifying income shall be subject to
137 adjustment in accordance with subdivision (2) of subsection (a) of
138 section 12-170e, and provided the amount of any Medicaid payments
139 made on behalf of the renter or the spouse of the renter shall not
140 constitute income; and (4) shall not have received financial aid or
141 subsidy from federal, state, county or municipal funds, excluding
142 Social Security receipts, emergency energy assistance under any state
143 program, emergency energy assistance under any federal program,
144 emergency energy assistance under any local program, payments
145 received under the federal Supplemental Security Income Program,
146 payments derived from previous employment, veterans and veterans
147 disability benefits and subsidized housing accommodations, during

148 the calendar year for which a grant is claimed, for payment, directly or
149 indirectly, of rent, electricity, gas, water and fuel applicable to the
150 rented residence. Notwithstanding the provisions of subdivision (4) of
151 this subsection, a renter who receives cash assistance from the
152 Department of Social Services in the calendar year prior to that in
153 which such renter files an application for a grant may be entitled to
154 receive such grant provided the amount of the cash assistance received
155 shall be deducted from the amount of such grant and the difference
156 between the amount of the cash assistance and the amount of the grant
157 is equal to or greater than ten dollars. Funds attributable to such
158 reductions shall be transferred annually from the appropriation to the
159 Office of Policy and Management, for tax relief for elderly renters, to
160 the Department of Social Services, to the appropriate accounts,
161 following the issuance of such grants. Notwithstanding the provisions
162 of subsection (b) of section 12-170aa, the owner of a mobile
163 manufactured home may elect to receive benefits under section
164 12-170e in lieu of benefits under said section 12-170aa.

165 (b) For purposes of determining qualifying income under subsection
166 (a) of this section with respect to a married renter who submits an
167 application for a grant in accordance with sections 12-170d to 12-170g,
168 inclusive, as amended by this act, the Social Security income of the
169 spouse of such renter shall not be included in the qualifying income of
170 such renter, for purposes of determining eligibility for benefits under
171 said sections, if such spouse is a resident of a health care or nursing
172 home facility in this state receiving payment related to such spouse
173 under the Title XIX Medicaid program. An applicant who is legally
174 separated pursuant to the provisions of section 46b-40, as of the thirty-
175 first day of December preceding the date on which such person files an
176 application for a grant in accordance with sections 12-170d to 12-170g,
177 inclusive, as amended by this act, may apply as an unmarried person
178 and shall be regarded as such for purposes of determining qualifying
179 income under subsection (a) of this section.

180 Sec. 5. Section 12-170f of the general statutes is repealed and the

181 following is substituted in lieu thereof (*Effective from passage*):

182 (a) Any renter, believing himself or herself to be entitled to a grant
183 under section 12-170d, as amended by this act, for any calendar year,
184 shall make application for such grant to the assessor of the
185 municipality in which the renter resides or to the duly authorized
186 agent of such assessor or municipality on or after May fifteenth and
187 not later than September fifteenth of each year with respect to such
188 grant for the calendar year preceding each such year, [on a form] in the
189 form and manner prescribed [and furnished] by the Secretary of the
190 Office of Policy and Management. [to the assessor.] A renter may make
191 application to the secretary prior to December fifteenth of the claim
192 year for an extension of the application period. The secretary may
193 grant such extension in the case of extenuating circumstance due to
194 illness or incapacitation as evidenced by a physician's certificate to that
195 extent, or if the secretary determines there is good cause for doing so.
196 A renter making such application shall present to such assessor or
197 agent, in substantiation of the renter's application, a copy of the
198 renter's federal income tax return, and if not required to file a federal
199 income tax return, such other evidence of qualifying income, receipts
200 for money received, or cancelled checks, or copies thereof, and any
201 other evidence the assessor or such agent may require. When the
202 assessor or agent is satisfied that the applying renter is entitled to a
203 grant, such assessor or agent shall issue a certificate of grant [, in
204 triplicate,] in such form as the secretary may prescribe [and supply]
205 showing the amount of the grant due. The assessor or agent shall
206 forward [the original copy and attached application] such certificate of
207 grant to the secretary not later than the last day of the month following
208 the month in which the renter has made application. On or after
209 December 1, 1989, any municipality which neglects to transmit to the
210 secretary the [claim and supporting applications] certificate of grant as
211 required by this section shall forfeit two hundred fifty dollars to the
212 state, provided said secretary may waive such forfeiture in accordance
213 with procedures and standards adopted by regulation in accordance
214 with chapter 54. A duplicate of such certificate [with a copy of the

215 application attached] shall be delivered to the renter and the assessor
216 or agent shall [keep the third] maintain a copy of such certificate [and a
217 copy of the application] in the form and manner prescribed by the
218 secretary. After the secretary's review of each [claim] certificate of
219 grant, pursuant to section 12-120b, as amended by this act, and
220 verification of the amount of the grant the secretary shall, not later
221 than September thirtieth of each year prepare a list of certificates
222 approved for payment, and shall thereafter supplement such list
223 monthly. Such list and any supplements thereto shall be approved for
224 payment by the secretary and shall be forwarded by the secretary to
225 the Comptroller, not later than ninety days after receipt of such
226 [applications and] certificates of grant from the assessor or agent, and
227 the Comptroller shall draw an order on the Treasurer, not later than
228 fifteen days following, in favor of each person on such list and on
229 supplements to such list in the amount of such person's [claim] grant
230 and the Treasurer shall pay such amount to such person, not later than
231 fifteen days following. Any claimant aggrieved by the results of the
232 secretary's review shall have the rights of appeal as set forth in section
233 12-120b, as amended by this act. Applications filed under this section
234 shall not be open for public inspection. Any person who, for the
235 purpose of obtaining a grant under section 12-170d, as amended by
236 this act, wilfully fails to disclose all matters related thereto or with
237 intent to defraud makes false statement shall be fined not more than
238 five hundred dollars.

239 (b) Any municipality may provide, upon approval by its legislative
240 body, that the duties and responsibilities of the assessor, as required
241 under this section and section 12-170g, shall be transferred to (1) the
242 officer in such municipality having responsibility for the
243 administration of social services, or (2) the coordinator or agent for the
244 elderly in such municipality.

245 Sec. 6. Subdivision (3) of subsection (a) of section 12-120b of the
246 general statutes is repealed and the following is substituted in lieu
247 thereof (*Effective from passage*):

248 (3) "Program" means (A) property tax exemptions under section 12-
249 81g or subdivision (55), (59), (60), (70), (72) or (74) of section 12-81, (B)
250 tax relief pursuant to section [12-129d] 12-129b or 12-170aa, and (C)
251 rebates under section 12-170d, as amended by this act.

252 Sec. 7. Section 7-344 of the general statutes is repealed and the
253 following is substituted in lieu thereof (*Effective October 1, 2008*):

254 Not less than two weeks before the annual town meeting, the board
255 shall hold a public hearing, at which itemized estimates of the
256 expenditures of the town for the ensuing fiscal year shall be presented
257 and at which all persons shall be heard in regard to any appropriation
258 which they are desirous that the board should recommend or reject.
259 The board shall, after such public hearing, hold a public meeting at
260 which it shall consider the estimates so presented and any other
261 matters brought to its attention and shall thereupon prepare and cause
262 to be published in a newspaper in such town, if any, otherwise in a
263 newspaper having a substantial circulation in such town, a report in a
264 form prescribed by the Secretary of the Office of Policy and
265 Management containing: (1) An itemized statement of all actual
266 receipts from all sources of such town during its last fiscal year; (2) an
267 itemized statement by classification of all actual expenditures during
268 the same year; (3) an itemized estimate of anticipated revenues during
269 the ensuing fiscal year from each source other than from local property
270 taxes and an estimate of the amount which should be raised by local
271 property taxation for such ensuing fiscal year; (4) an itemized estimate
272 of expenditures of such town for such ensuing fiscal year; and (5) the
273 amount of revenue surplus or deficit of the town at the beginning of
274 the fiscal year for which estimates are being prepared; provided any
275 town which, according to the most recent federal census, has a
276 population of less than five thousand may, by ordinance, waive such
277 publication requirement, in which case the board shall provide for the
278 printing or mimeographing of copies of such report in a number equal
279 to ten per cent of the population of such town according to such
280 federal census, which copies shall be available for distribution five

281 days before the annual budget meeting of such town. The board shall
282 submit such estimate with its recommendations to the annual town
283 meeting next ensuing, and such meeting shall take action upon such
284 estimate and recommendations, and make such specific appropriations
285 as appear advisable, but no appropriation shall be made exceeding in
286 amount that for the same purpose recommended by the board and no
287 appropriation shall be made for any purpose not recommended by the
288 board. Such estimate and recommendations may include, if submitted
289 to a vote by voting machine, questions to indicate whether the budget
290 is too high or too low. The vote on such questions shall be for advisory
291 purposes only, and not binding upon the board. Immediately after the
292 board of assessment appeals has finished its duties and the grand list
293 has been completed, including in situations where no budget has yet
294 been approved, the board of finance shall meet and, with due
295 provision for estimated uncollectible taxes, abatements and
296 corrections, shall lay such tax on such list as shall be sufficient, in
297 addition to the other estimated yearly income of such town and in
298 addition to such revenue surplus, if any, as may be appropriated, not
299 only to pay the expenses of the town for such current year, but also to
300 absorb the revenue deficit of such town, if any, at the beginning of
301 such current year. The board shall prescribe the method by which and
302 the place where all records and books of accounts of the town, or of
303 any department or subdivision thereof, shall be kept. The provisions of
304 this section shall not be construed as preventing a town from making
305 further appropriations upon the recommendation of its board of
306 finance at a special town meeting held after the annual town meeting
307 and prior to the laying of the tax for the current year, and any
308 appropriations made at such special town meeting shall be included in
309 the amount to be raised by the tax laid by the board of finance under
310 the provisions of this section.

311 Sec. 8. Section 7-405 of the general statutes is repealed and the
312 following is substituted in lieu thereof (*Effective October 1, 2008*):

313 (a) When annual appropriations have not been made by a

314 municipality before the beginning of any fiscal year, the disbursing
315 officers may make necessary expenditures during the period of ninety
316 days after the beginning of such year on proper warrants for purposes
317 and in amounts authorized by the appropriating body or by the board
318 of finance or other budget-making authority within the limits of
319 appropriations specified in budgetary line items for the previous fiscal
320 year. When annual appropriations have not been made by such
321 municipality before the end of such ninety-day period, the disbursing
322 officers may make necessary expenditures during successive monthly
323 periods in such year on proper warrants for purposes and in amounts
324 authorized by the appropriating body or by the board of finance or
325 other budget-making authority within the limits of appropriations
326 specified in budgetary line items for the previous fiscal year. For this
327 purpose, necessary borrowing may be authorized by resolution of the
328 budget-making authority, provided all such borrowing shall mature
329 and be payable not later than the end of the fiscal year for which such
330 borrowings are made. Any notes so authorized may be issued and sold
331 in the manner provided by such resolution. Such expenditures
332 authorized by this section and interest costs and other expenses
333 incidental to any such borrowing shall constitute the first charges
334 against appropriations for the fiscal year in which they are made.

335 (b) Notwithstanding the provisions of subsection (a) of this section,
336 when an annual budget of a regional school district is not approved by
337 a majority of voters of the member towns of such district before the
338 beginning of any fiscal year, the disbursing officer for each member
339 town of the regional school district shall make necessary expenditures
340 to such district in an amount equal to the total of the town's
341 appropriation to the district for the previous fiscal year and the town's
342 proportionate share in any increment in debt service over the previous
343 fiscal year, until the regional school district budget is approved
344 pursuant to section 10-51. Each such town shall receive credit for such
345 expenditures once the budget is approved for the fiscal year.

346 Sec. 9. Section 12-123 of the general statutes is repealed and the

347 following is substituted in lieu thereof (*Effective October 1, 2008*):

348 When any town has failed to lay necessary taxes, [or] to lay a tax
 349 which, in addition to the other estimated yearly income of the town, is
 350 sufficient to pay the current expenses of such town, or to adopt a
 351 budget, its selectmen shall make a rate bill upon its list last completed
 352 for the amount necessary, or for an amount sufficient to pay the deficit
 353 in such current expenses, and cause the same to be collected as other
 354 taxes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4-66c(c)
Sec. 2	<i>from passage</i>	4-66g(b)
Sec. 3	<i>from passage</i>	7-536(g)
Sec. 4	<i>from passage</i>	12-170d
Sec. 5	<i>from passage</i>	12-170f
Sec. 6	<i>from passage</i>	12-120b(a)(3)
Sec. 7	<i>October 1, 2008</i>	7-344
Sec. 8	<i>October 1, 2008</i>	7-405
Sec. 9	<i>October 1, 2008</i>	12-123

Statement of Purpose:

To make technical corrections regarding Urban Act, Small Town Economic Assistance Program and Local Capital Improvement Program statutes, to modify requirements concerning the process by which elderly and totally disabled renters apply for a grant in refund of utility and rent bills so as to reflect the use of an automated application system, consistent with current practice, and to clarify the process to be followed when towns set a mill rate prior to adopting a budget.

[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.]