



# House of Representatives

General Assembly

**File No. 323**

January Session, 2009

House Bill No. 5875

*House of Representatives, March 30, 2009*

The Committee on Planning and Development reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT AUTHORIZING SPECIAL DISTRICTS TO MAINTAIN WATER QUALITY IN LAKES.**

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

1 Section 1. Section 7-326 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 At such meeting, the voters may establish a district for any or all of  
4 the following purposes: To extinguish fires, to light streets, to plant  
5 and care for shade and ornamental trees, to construct and maintain  
6 roads, sidewalks, crosswalks, drains and sewers, to appoint and  
7 employ watchmen or police officers, to acquire, construct, maintain  
8 and regulate the use of recreational facilities, to plan, lay out, acquire,  
9 construct, reconstruct, repair, maintain, supervise and manage a flood  
10 or erosion control system, to plan, lay out, acquire, construct, maintain,  
11 operate and regulate the use of a community water system, to collect  
12 garbage, ashes and all other refuse matter in any portion of such  
13 district and provide for the disposal of such matter, to implement tick  
14 control measures, to install highway sound barriers, to maintain water

15 quality in lakes, to establish a zoning commission and a zoning board  
16 of appeals or a planning commission, or both, by adoption of chapter  
17 124 or chapter 126, excluding section 8-29, or both chapters, as the case  
18 may be, which commissions or board shall be dissolved upon adoption  
19 by the town of subdivision or zoning regulations by the town planning  
20 or zoning commission; and to adopt building regulations, which  
21 regulations shall be superseded upon adoption by the town of building  
22 regulations. Any district may contract with a town, city, borough or  
23 other district for carrying out any of the purposes for which such  
24 district was established.

25 Sec. 2. Section 7-328 of the general statutes is repealed and the  
26 following is substituted in lieu thereof (*Effective October 1, 2009*):

27 (a) The territorial limits of the district shall constitute a separate  
28 taxing district, and the assessor or assessors of the town shall separate  
29 the property within the district from the other property in the town  
30 and shall annually furnish the clerk of the district with a copy of the  
31 grand list of all property in the district after it has been completed by  
32 the board of assessment appeals of the town. If the legislative body of  
33 the town elects, pursuant to section 12-62c, to defer all or any part of  
34 the amount of the increase in the assessed value of real property in the  
35 year a revaluation becomes effective and in any succeeding year in  
36 which such deferment is allowed, the grand list furnished to the clerk  
37 of the district for each such year shall reflect assessments based upon  
38 such deferment. When the district meeting has fixed the tax rate, the  
39 clerk shall prepare a rate bill, apportioning to each owner of property  
40 his proportionate share of the taxes, which rate bill, when prepared,  
41 shall be delivered to the treasurer; and the district and the treasurer  
42 thereof shall have the same powers as towns and collectors of taxes to  
43 collect and enforce payment of such taxes, and such taxes when laid  
44 shall be a lien upon the property in the same manner as town taxes,  
45 and such liens may be continued by certificates recorded in the land  
46 record office of the town, and foreclosed in the same manner as liens  
47 for town taxes. The assessor or board of assessment appeals shall  
48 promptly forward to the clerk of the district any certificate of

49 correction or notice of any other lawful change to the grand list of the  
50 district. The district clerk shall, within ten days of receipt of any such  
51 certificate or notice, forward a copy thereof to the treasurer, and the  
52 assessment of the property for which such certificate or notice was  
53 issued and the rate bill related thereto shall be corrected accordingly. If  
54 the district constructs any drain, sewer, sidewalk, curb or gutter, such  
55 proportion of the cost thereof as such district determines may be  
56 assessed by the board of directors, in the manner prescribed by such  
57 district, upon the property specially benefited by such drain, sewer,  
58 sidewalk, curb or gutter, and the balance of such costs shall be paid  
59 from the general funds of the district. [In the construction of any flood  
60 or erosion control system, the cost to such district] The cost to such  
61 district in the construction of any flood or erosion control system or the  
62 maintenance of water quality in a lake may be assessed and shall be  
63 payable in accordance with sections 25-87 to 25-93, inclusive. Subject to  
64 the provisions of the general statutes, the district may issue bonds and  
65 the board of directors may pledge the credit of the district for any  
66 money borrowed for the construction of any public works or the  
67 acquisition of recreational facilities authorized by sections 7-324 to 7-  
68 329, inclusive, and such board shall keep a record of all notes, bonds  
69 and certificates of indebtedness issued, disposed of or pledged by the  
70 district. All moneys received by the directors on behalf of the district  
71 shall be paid to the treasurer. No contract or obligation which involves  
72 an expenditure in the amount of (1) ten thousand dollars or more in  
73 districts where the grand list is less than or equal to twenty million  
74 dollars, or (2) twenty thousand dollars or more in districts where the  
75 grand list is greater than twenty million dollars, in any one year shall  
76 be made by the board of directors, unless the same is specially  
77 authorized by a vote of the district, nor shall the directors borrow  
78 money without like authority. The clerk of the district shall give  
79 written notice to the treasurer of the town in which the district is  
80 located of any final decision of the board of directors to borrow money,  
81 not later than thirty days after the date of such decision. The district  
82 may adopt ordinances, with penalties to secure their enforcement, for  
83 the purpose of regulating the carrying out of the provisions of sections

84 7-324 to 7-329, inclusive, and defining the duties and compensation of  
85 its officers and the manner in which their duties shall be carried out.

86 (b) Upon the request of the clerk of any district, the registrar of  
87 voters and the assessor of the town in which the district is located shall  
88 provide a list of voters of the district.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	7-326
Sec. 2	<i>October 1, 2009</i>	7-328

**PD**      *Joint Favorable*

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 House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Various Municipalities	Cost	Minimal	Minimal

**Explanation**

The bill is anticipated to result in a minimal cost to municipalities that choose to establish special taxing districts for maintaining water quality in lakes. The cost is due to the accounting operations associated with establishing the new taxing district.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****HB 5875*****AN ACT AUTHORIZING SPECIAL DISTRICTS TO MAINTAIN WATER QUALITY IN LAKES.*****SUMMARY:**

This bill expands the list of purposes for which residents in a municipality may establish special taxing districts to include maintaining a lake's water quality. Current law allows them to establish districts providing a wide range of public services and infrastructure, including collecting trash and constructing and maintaining drains and sewers.

Residents must comply with the special district statutes when establishing, organizing, and operating a district for this purpose. Once established, the bill allows the district to assess property owners for the maintenance of the lake's water quality the same way other districts and municipal flood control and erosion control boards assess property owners for constructing flood or erosion control systems. The bill also allows the district to impose charges on delinquent assessments at the same rate as delinquent property tax payments (i.e., 18% per year).

EFFECTIVE DATE: October 1, 2009

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 16    Nay 3    (03/11/2009)