



General Assembly

**Substitute Bill No. 5255**

February Session, 2010

\* \_\_\_\_\_ HB05255F IN \_\_\_ 042010 \_\_\_\_\_ \*

**AN ACT CONCERNING MUNICIPAL MANDATE RELIEF.**

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

1 Section 1. (NEW) (*Effective July 1, 2010*) Notwithstanding any  
2 general statute, special act or charter, any municipality may, by  
3 ordinance, establish a schedule of fees and charge such fees to users of  
4 services provided by such municipality. As used in this section,  
5 "municipality" means any town, city or borough, consolidated town  
6 and city or consolidated town and borough and "services" means  
7 architectural and engineering services, traffic studies and safety  
8 inspections.

9 Sec. 2. Section 47a-42 of the general statutes is repealed and the  
10 following is substituted in lieu thereof (*Effective July 1, 2010*):

11 (a) Whenever a judgment is entered against a defendant pursuant to  
12 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of  
13 possession or occupancy of residential property, such defendant and  
14 any other occupant bound by the judgment by subsection (a) of section  
15 47a-26h shall forthwith remove himself or herself, such defendant's or  
16 occupant's possessions and all personal effects unless execution has  
17 been stayed pursuant to sections 47a-35 to 47a-41, inclusive. If  
18 execution has been stayed, such defendant or occupant shall forthwith  
19 remove himself or herself, such defendant's or occupant's possessions  
20 and all personal effects upon the expiration of any stay of execution. If

21 the defendant or occupant has not so removed himself or herself upon  
22 entry of a judgment pursuant to section 47a-26, 47a-26a, 47a-26b or  
23 47a-26d, and upon expiration of any stay of execution, the plaintiff  
24 may obtain an execution upon such summary process judgment, and  
25 the defendant or other occupant bound by the judgment by subsection  
26 (a) of section 47a-26h and the possessions and personal effects of such  
27 defendant or other occupant may be removed by a state marshal,  
28 pursuant to such execution, and [such possessions and personal effects  
29 may be set out on the adjacent sidewalk, street or highway] delivered  
30 to a storage facility designated by the chief executive officer for such  
31 purposes.

32 (b) Before any such removal, the state marshal charged with  
33 executing upon any such judgment of eviction shall give the chief  
34 executive officer of the town twenty-four hours notice of the eviction,  
35 stating the date, time and location of such eviction as well as a general  
36 description, if known, of the types and amount of property to be  
37 removed from the premises and delivered to the designated storage  
38 facility. Before giving such notice to the chief executive officer of the  
39 town, the state marshal shall use reasonable efforts to locate and notify  
40 the defendant of the date and time such eviction is to take place and of  
41 the possibility of a sale pursuant to subsection (c) of this section. Such  
42 notice shall include service upon each defendant and upon any other  
43 person in occupancy, either personally or at the premises, of a true  
44 copy of the summary process execution. Such execution shall be on a  
45 form prescribed by the Judicial Department, shall be in clear and  
46 simple language and in readable format, and shall contain, in addition  
47 to other notices given to the defendant in the execution, a conspicuous  
48 notice, in large boldface type, that a person who claims to have a right  
49 to continue to occupy the premises should immediately contact an  
50 attorney, and clear instructions as to how and where the defendant  
51 may reclaim any possessions and personal effects removed and stored  
52 pursuant to this section.

53 (c) Whenever the possessions and personal effects of a defendant  
54 are [set out on the sidewalk, street or highway, and are not

55 immediately removed by the defendant, the chief executive officer of  
56 the town shall remove and store the same] removed by a state marshal  
57 under this section, such possessions and effects shall be delivered to  
58 the designated storage facility. Such removal, delivery and storage  
59 shall be overseen by the state marshal and shall be at the expense of  
60 the defendant, but (1) the landlord shall pay the cost of removal and  
61 delivery of the possessions and effects and shall submit receipts of  
62 such cost to the chief executive officer of the town, and (2) the town  
63 shall pay the cost of storage. To reclaim such possessions and effects,  
64 the defendant shall pay to the chief executive officer, not later than the  
65 date fifteen days after the date of the eviction, the cost of removal,  
66 delivery and storage, except that the town may, by ordinance adopted  
67 by its legislative body, waive payment by the defendant of the cost of  
68 storage. Upon receipt of such payment by the defendant, the chief  
69 executive officer shall reimburse the landlord for the cost of removal  
70 and delivery. If such possessions and effects are not [called for]  
71 reclaimed by the defendant [and the expense of such removal and  
72 storage is not paid to the chief executive officer within fifteen days  
73 after such] by the date fifteen days after the date of the eviction, the  
74 chief executive officer shall sell the same at public auction, after using  
75 reasonable efforts to locate and notify the defendant of such sale and  
76 after posting notice of such sale for one week on the public signpost  
77 nearest to the place where the eviction was made, if any, or at some  
78 exterior place near the office of the town clerk. Upon receipt of moneys  
79 from such sale, the chief executive officer shall reimburse the landlord  
80 for the cost of removal and delivery. The chief executive officer shall  
81 deliver to the defendant the net proceeds of such sale, if any, after  
82 deducting the cost of removal and delivery and a reasonable charge for  
83 [removal and] storage of such possessions and effects. If the defendant  
84 does not demand the net proceeds within thirty days after such sale,  
85 the chief executive officer shall turn over the net proceeds of the sale to  
86 the town treasury.

87 Sec. 3. Subsection (a) of section 12-80a of the general statutes is  
88 repealed and the following is substituted in lieu thereof (*Effective*

89 *October 1, 2010, and applicable to assessment years commencing on or after*  
90 *said date):*

91 [(a) Any (1) taxpayer which, prior to January 1, 1990, was subject to  
92 tax under chapter 211 with respect to the rendering of  
93 telecommunications service and which, on or after January 1, 1990, is  
94 subject to tax under chapter 219 for rendering telecommunications  
95 service and (2) other taxpayer that is subject to tax under chapter 219  
96 for rendering telecommunications service and which has elected in the  
97 manner specified in this section to have personal property taxed as  
98 provided in this section, shall be required to submit to the  
99 Commissioner of Revenue Services and the Secretary of the Office of  
100 Policy and Management, not later than the thirtieth day of November  
101 of each year during which it is subject to tax under chapter 219, a list of  
102 all personal property on a town-by-town basis that is owned by such  
103 taxpayer in this state on the first day of October of such year and that  
104 is used solely and exclusively for rendering telecommunications  
105 service, as defined in said chapter 219, including the location of each  
106 item of such property and the fair market value thereof, recognizing  
107 depreciation of such property to the maximum extent allowed for  
108 purposes of the corporation business tax in this state, as certified by  
109 the Commissioner of Revenue Services. Each such taxpayer shall also  
110 submit said list to each municipality in which such taxpayer owns  
111 property, provided the list submitted to a municipality shall contain  
112 only the personal property owned by such taxpayer that is located in,  
113 or allocated pursuant to this subsection to, said municipality. If the  
114 records of a taxpayer subject to the requirements of this subsection do  
115 not contain the data necessary to develop the list as required without  
116 undue cost, the taxpayer may, for purposes of requirements under this  
117 subsection, petition the Commissioner of Revenue Services for  
118 approval of an alternate method of determining the value of the plant  
119 used solely and exclusively to render telecommunications services, but  
120 not including central office or switching equipment of that taxpayer,  
121 located in each town in the state. If the commissioner finds that the  
122 alternative method proposed results in a reasonable approximation of

123 the value of the property of the taxpayer located in each town and  
124 used solely and exclusively for rendering telecommunications service,  
125 the commissioner shall notify the taxpayer that the proposed alternate  
126 method is acceptable and the taxpayer shall be permitted to use the  
127 alternate method in developing the list required under this  
128 subsection.]

129 (a) (1) As used in this section, "taxpayer" means any person for  
130 which the Secretary of the Office of Policy and Management calculated  
131 a property tax pursuant to the provisions of this section for personal  
132 property the person owned on October 1, 2009, and "eligible property"  
133 means personal property owned by a taxpayer and used solely and  
134 exclusively for rendering telecommunications services, as defined in  
135 chapter 219.

136 (2) Any taxpayer that owns eligible property shall, not later than the  
137 thirtieth day of November of each year, submit to the assessor of the  
138 town in which such property is located a declaration of eligible  
139 property owned by such taxpayer as of the first day of October of such  
140 year. Such declaration shall be on a form prescribed by the assessor  
141 and shall require the taxpayer to report the value of such property as  
142 follows: (A) With respect to any eligible property acquired on or before  
143 October 1, 2009, the taxpayer's report of value shall recognize  
144 depreciation to the maximum extent allowed for purposes of the  
145 corporation business tax in this state, as certified by the Commissioner  
146 of Revenue Services; and (B) with respect to any eligible property  
147 acquired after October 1, 2009, the taxpayer's reported value shall  
148 recognize depreciation as allowed for purposes of the corporation  
149 business tax in this state, except that the total of such depreciation shall  
150 not exceed seventy per cent.

151 Sec. 4. Section 1-225 of the general statutes is repealed and the  
152 following is substituted in lieu thereof (*Effective October 1, 2010*):

153 (a) The meetings of all public agencies, except executive sessions, as  
154 defined in subdivision (6) of section 1-200, shall be open to the public.

155 The votes of each member of any such public agency upon any issue  
156 before such public agency shall be reduced to writing and made  
157 available for public inspection within forty-eight hours and shall also  
158 be recorded in the minutes of the session at which taken. [Within] Not  
159 later than seven days [of] after the date of the session to which such  
160 minutes refer, such minutes shall be available for public inspection and  
161 posted on such public agency's Internet web site, if available, except  
162 that no public agency of a political subdivision of the state shall be  
163 required to post such minutes on an Internet web site. Each [such]  
164 public agency shall make, keep and maintain a record of the  
165 proceedings of its meetings.

166 (b) Each such public agency of the state shall file not later than  
167 January thirty-first of each year in the office of the Secretary of the  
168 State the schedule of the regular meetings of such public agency for the  
169 ensuing year and shall post such schedule on such public agency's  
170 Internet web site, if available, except that such requirements shall not  
171 apply to the General Assembly, either house thereof or to any  
172 committee thereof. Any other provision of the Freedom of Information  
173 Act notwithstanding, the General Assembly at the commencement of  
174 each regular session in the odd-numbered years, shall adopt, as part of  
175 its joint rules, rules to provide notice to the public of its regular,  
176 special, emergency or interim committee meetings. The chairperson or  
177 secretary of any such public agency of any political subdivision of the  
178 state shall file, not later than January thirty-first of each year, with the  
179 clerk of such subdivision the schedule of regular meetings of such  
180 public agency for the ensuing year, and no such meeting of any such  
181 public agency shall be held sooner than thirty days after such schedule  
182 has been filed. The chief executive officer of any multitown district or  
183 agency shall file, not later than January thirty-first of each year, with  
184 the clerk of each municipal member of such district or agency, the  
185 schedule of regular meetings of such public agency for the ensuing  
186 year, and no such meeting of any such public agency shall be held  
187 sooner than thirty days after such schedule has been filed.

188 (c) The agenda of the regular meetings of every public agency,

189 except for the General Assembly, shall be available to the public and  
190 shall be filed, not less than twenty-four hours before the meetings to  
191 which they refer, (1) in such agency's regular office or place of  
192 business, and (2) in the office of the Secretary of the State for any such  
193 public agency of the state, in the office of the clerk of such subdivision  
194 for any public agency of a political subdivision of the state or in the  
195 office of the clerk of each municipal member of any multitown district  
196 or agency. For any such public agency of the state, such agenda shall  
197 be posted on the public agency's and the Secretary of the State's web  
198 sites. Upon the affirmative vote of two-thirds of the members of a  
199 public agency present and voting, any subsequent business not  
200 included in such filed agendas may be considered and acted upon at  
201 such meetings.

202 (d) Notice of each special meeting of every public agency, except for  
203 the General Assembly, either house thereof or any committee thereof,  
204 shall be posted not less than twenty-four hours before the meeting to  
205 which such notice refers on the public agency's Internet web site, if  
206 available, and given not less than twenty-four hours prior to the time  
207 of such meeting by filing a notice of the time and place thereof in the  
208 office of the Secretary of the State for any such public agency of the  
209 state, in the office of the clerk of such subdivision for any public  
210 agency of a political subdivision of the state and in the office of the  
211 clerk of each municipal member for any multitown district or agency.  
212 The secretary or clerk shall cause any notice received under this section  
213 to be posted in his office. Such notice shall be given not less than  
214 twenty-four hours prior to the time of the special meeting; provided, in  
215 case of emergency, except for the General Assembly, either house  
216 thereof or any committee thereof, any such special meeting may be  
217 held without complying with the foregoing requirement for the filing  
218 of notice but a copy of the minutes of every such emergency special  
219 meeting adequately setting forth the nature of the emergency and the  
220 proceedings occurring at such meeting shall be filed with the Secretary  
221 of the State, the clerk of such political subdivision, or the clerk of each  
222 municipal member of such multitown district or agency, as the case

223 may be, not later than seventy-two hours following the holding of such  
224 meeting. The notice shall specify the time and place of the special  
225 meeting and the business to be transacted. No other business shall be  
226 considered at such meetings by such public agency. In addition, such  
227 written notice shall be delivered to the usual place of abode of each  
228 member of the public agency so that the same is received prior to such  
229 special meeting. The requirement of delivery of such written notice  
230 may be dispensed with as to any member who at or prior to the time  
231 the meeting convenes files with the clerk or secretary of the public  
232 agency a written waiver of delivery of such notice. Such waiver may be  
233 given by telegram. The requirement of delivery of such written notice  
234 may also be dispensed with as to any member who is actually present  
235 at the meeting at the time it convenes. Nothing in this section shall be  
236 construed to prohibit any agency from adopting more stringent notice  
237 requirements.

238 (e) No member of the public shall be required, as a condition to  
239 attendance at a meeting of any such body, to register the member's  
240 name, or furnish other information, or complete a questionnaire or  
241 otherwise fulfill any condition precedent to the member's attendance.

242 (f) A public agency may hold an executive session, as defined in  
243 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds  
244 of the members of such body present and voting, taken at a public  
245 meeting and stating the reasons for such executive session, as defined  
246 in section 1-200.

247 (g) In determining the time within which or by when a notice,  
248 agenda, record of votes or minutes of a special meeting or an  
249 emergency special meeting are required to be filed under this section,  
250 Saturdays, Sundays, legal holidays and any day on which the office of  
251 the agency, the Secretary of the State or the clerk of the applicable  
252 political subdivision or the clerk of each municipal member of any  
253 multitown district or agency, as the case may be, is closed, shall be  
254 excluded.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	New section
Sec. 2	<i>July 1, 2010</i>	47a-42
Sec. 3	<i>October 1, 2010, and applicable to assessment years commencing on or after said date</i>	12-80a(a)
Sec. 4	<i>October 1, 2010</i>	1-225

**FIN**      *Joint Favorable Subst.*