



House of Representatives

General Assembly

File No. 198

February Session, 2014

Substitute House Bill No. 5056

House of Representatives, March 31, 2014

The Committee on Planning and Development reported through REP. ROJAS of the 9th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT MAKING TECHNICAL AMENDMENTS TO CERTAIN STATUTES CONCERNING MUNICIPALITIES AND REGIONAL PLANNING ORGANIZATIONS AND CONCERNING GROWTH-RELATED PROJECTS.

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

1 Section 1. Section 4d-90 of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective January 1, 2015*):

4 (a) The Office of Policy and Management shall constitute a successor
5 department to the Geospatial Information Systems Council in
6 accordance with the provisions of sections 4-38d and 4-39.

7 (b) The Secretary of the Office of Policy and Management shall
8 coordinate geospatial information system capacity for municipalities,
9 regional [planning agencies] councils of governments and the state and
10 establish policies for the collection, management and distribution of
11 geospatial information. The secretary shall set standards for the

12 acquisition, management and reporting of geospatial information and
13 the acquisition, creation or use of applications employing such
14 information by any executive branch agency. In establishing such
15 capacity, policies or standards the secretary shall consult with
16 municipalities, regional [planning agencies] councils of governments,
17 state agencies and other users of geospatial information system
18 technology. The purpose of any such system shall be to facilitate
19 communication and coordination regarding the use of geospatial
20 information system technology, eliminate duplicative use of such
21 technology and expand the use of geospatial information within the
22 state.

23 (c) The secretary may apply for federal grants and may accept and
24 expend such grants on behalf of the state.

25 (d) The secretary shall, within available appropriations, administer a
26 program of technical assistance to municipalities and regional
27 [planning agencies] councils of governments to develop geospatial
28 information systems and shall periodically recommend improvements
29 to the geospatial information system provided for in subsection (b) of
30 this section.

31 (e) On or before January 1, 2014, and annually thereafter, the
32 secretary shall submit, in accordance with section 11-4a, a report on
33 activities under this section to the joint standing committee of the
34 General Assembly having cognizance of matters relating to planning
35 and development.

36 Sec. 2. Subsection (b) of section 22a-211 of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective*
38 *January 1, 2015*):

39 (b) If the commissioner determines that a municipal landfill shall be
40 closed within five years of October 1, 1981, the municipality in which
41 such landfill is located, through a municipal or regional authority,
42 shall submit a solid waste management plan, including provisions for
43 source separation, to the commissioner and the regional planning

44 agency to whose jurisdiction such municipality is designated in the
45 state's solid waste management plan for their review. Such proposed
46 plan shall be consistent with the provisions of this chapter. If the
47 commissioner finds, after consultation with the appropriate regional
48 planning agency, that such proposed plan is consistent with the
49 provisions of this chapter, the commissioner shall notify the
50 municipality or regional authority having submitted the plan for
51 review that such proposed plan is approved. If the commissioner finds
52 after consultation with the appropriate planning agency that such
53 proposed plan is not in compliance with the provisions of this chapter,
54 the commissioner shall communicate the existence and extent of the
55 deficiencies to the municipal or regional authority which submitted the
56 plan for review. The municipality, through its municipal or regional
57 authority, and after consultation with the commissioner and the
58 appropriate [planning agency] regional council of governments, shall
59 thereafter make such revisions in its proposed plan as may be
60 necessary to correct the deficiencies enumerated by the commissioner.
61 If the municipality, through its municipal or regional authority, makes
62 the revisions required by the commissioner to correct such deficiencies,
63 the commissioner shall thereafter approve the plan.

64 Sec. 3. Subsection (c) of section 13a-98n of the 2014 supplement to
65 the general statutes is repealed and the following is substituted in lieu
66 thereof (*Effective January 1, 2015*):

67 (c) The Department of Transportation shall accept applications for
68 such state funding from any eligible recipient, based on project
69 priorities, through the appropriate regional [planning agency] council
70 of governments. Any such state funding shall be provided to the
71 recipient through guidelines developed by the Department of
72 Transportation.

73 Sec. 4. Subsection (i) of section 12-157 of the 2014 supplement to the
74 general statutes is repealed and the following is substituted in lieu
75 thereof (*Effective from passage*):

76 (i) (1) If the sale realizes an amount in excess of the amount needed

77 to pay all delinquent taxes, interest, penalties, fees, and costs, the
78 amount of the excess shall be held in an interest-bearing escrow
79 account separate from all other accounts of the municipality. (A) If the
80 property is redeemed prior to the expiration of the redemption period,
81 the amount held in escrow shall, within ten days of the tax collector
82 receiving notice of redemption, be turned over to the purchaser. Any
83 interest earned shall be the property of the municipality. (B) If the
84 property is not redeemed in the redemption period, the amount held
85 in escrow may be used to pay the delinquent taxes, interest, penalties,
86 fees and costs on the same or any other property of the taxpayer,
87 including personal property and motor vehicles. In the case of
88 subparagraph (B) of this subdivision, the tax collector shall, within ten
89 days of the expiration of the redemption period, pay to the clerk of the
90 court for the judicial district in which the property is located the
91 amount held in escrow remaining after paying the delinquent taxes,
92 interest, fees, penalties and costs owed by the taxpayer to the
93 municipality. The tax collector shall, within five days of the payment,
94 provide notice to the delinquent taxpayer, any mortgagee, lienholder,
95 or other encumbrancer of record whose interest in such property is
96 choate and is affected by the sale, by certified mail, return receipt
97 requested of the name and address of the court to which the moneys
98 were paid, the person's right to file an application with the court for
99 return of said money, and the amount of money paid to the court.

100 (2) If the tax collector pays to the court any moneys pursuant to
101 subparagraph (B) of subdivision (1) of this subsection, the delinquent
102 taxpayer, any mortgagee, lienholder or other encumbrancer whose
103 interest in such property is choate and is affected by the sale may,
104 within ninety days of the date the tax collector paid the moneys to the
105 court, file an application with the court for return of the proceeds. Any
106 person may make an application for payment of moneys deposited in
107 court as provided for in this subsection to the superior court for the
108 judicial district in which the property that is the subject of the
109 proceedings referred to is located, or if said court is not in session to
110 any judge thereof, for a determination of the equity of the parties
111 having an interest in such moneys. Notice of such application shall be

112 served in the same manner as to commence a civil action on all persons
113 having an interest of record in such property on the date the collector's
114 deed is recorded, provided the municipality shall not be a party to
115 such action without its consent. The court or judge upon such motion
116 or upon its own motion may appoint a state referee to hear the facts
117 and to make a determination of the equity of the parties in such
118 moneys. Such referee, after providing at least ten days' notice to the
119 parties interested of the time and place of hearing, shall hear the
120 applicant and any parties interested, take such testimonies as such
121 referee deems material and determine the equities of the parties having
122 a record interest in such moneys and immediately report to the court
123 or judge. The report shall contain a detailed statement of findings by
124 the referee, sufficient to enable the court to determine the
125 considerations upon which the referee based his conclusions. The
126 report may be rejected for any irregular or improper conduct in the
127 performance of the duties of such referee. If the report is rejected, the
128 court or judge shall appoint another referee to make such
129 determination and report. If the report is accepted, such determination
130 of the equities shall be conclusive upon all parties given notice of such
131 hearing, subject to appeal to the Appellate Court. If no appeal to the
132 Appellate Court is filed within the time allowed by law, or if one is
133 filed and the proceedings have terminated in a final judgment
134 determining the amount due to each party, the clerk shall send a
135 certified copy of the statement of compensation and of the judgment to
136 the prevailing party or parties, as the case may be, which shall, upon
137 receipt thereof, pay such parties the amount due them as
138 compensation.

139 (3) If no application is filed with the court, any moneys held by the
140 court shall escheat to the state pursuant to the provisions of part III of
141 chapter 32.

142 Sec. 5. Subsection (b) of section 12-130 of the 2014 supplement to the
143 general statutes is repealed and the following is substituted in lieu
144 thereof (*Effective from passage*):

145 (b) The mill rate to be inserted in the statement of state aid to
146 municipalities required by subsection (a) of this section shall be
147 computed on the total estimated revenues required to fund the
148 estimated expenditures of the municipality exclusive of assistance
149 received or anticipated from the state.

150 Sec. 6. Subsection (a) of section 16a-35c of the 2014 supplement to
151 the general statutes is repealed and the following is substituted in lieu
152 thereof (*Effective October 1, 2014*):

153 (a) As used in this section and sections 16a-35d to 16a-35g, inclusive:

154 (1) "Funding" includes any form of assurance, guarantee, grant
155 payment, credit, tax credit or other assistance, including a loan, loan
156 guarantee, or reduction in the principal obligation of or rate of interest
157 payable on a loan or a portion of a loan;

158 (2) "Growth-related project" means any project [which] that includes
159 (A) the acquisition of real property when the acquisition costs are in
160 excess of [one] two hundred thousand dollars, except the acquisition of
161 open space for the purposes of conservation or preservation; (B) the
162 development or improvement of real property when the development
163 costs are in excess of [one] two hundred thousand dollars; (C) the
164 acquisition of public transportation equipment or facilities when the
165 acquisition costs are in excess of [one] two hundred thousand dollars;
166 or (D) the authorization of each state grant, any application for which
167 is not pending on July 1, 2006, for an amount in excess of [one] two
168 hundred thousand dollars, for the acquisition or development or
169 improvement of real property or for the acquisition of public
170 transportation equipment or facilities, except the following: (i) Projects
171 for maintenance, repair [, additions] or renovations to existing
172 facilities, acquisition of land for telecommunications towers whose
173 primary purpose is public safety, parks, conservation and open space,
174 and acquisition of agricultural, conservation and historic easements;
175 (ii) funding by the Department of Housing for any project financed
176 with federal funds used to purchase or rehabilitate existing single or
177 multi-family housing or projects financed with the proceeds of revenue

178 bonds if the Commissioner of Housing determines that application of
 179 this section and sections 16a-35d and 16a-35e (I) conflicts with any
 180 provision of federal or state law applicable to the issuance or tax-
 181 exempt status of the bonds or any provision of any trust agreement
 182 between the Department of Housing and any trustee, or (II) would
 183 otherwise prohibit financing of an existing project or financing
 184 provided to cure or prevent any default under existing financing; (iii)
 185 projects that the Commissioner of Housing determines promote fair
 186 housing choice and racial and economic integration as described in
 187 section 8-37cc; (iv) projects at an existing facility needed to comply
 188 with state environmental or health laws or regulations adopted
 189 thereunder; (v) school construction projects funded by the Department
 190 of Education under chapter 173; (vi) libraries; (vii) municipally owned
 191 property or public buildings used for government purposes; and (viii)
 192 any other project, funding or other state assistance not included under
 193 subparagraphs (A) to (D), inclusive, of this subdivision; [.]

194 (3) "Priority funding area" means the area of the state designated
 195 under subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	4d-90
Sec. 2	<i>January 1, 2015</i>	22a-211(b)
Sec. 3	<i>January 1, 2015</i>	13a-98n(c)
Sec. 4	<i>from passage</i>	12-157(i)
Sec. 5	<i>from passage</i>	12-130(b)
Sec. 6	<i>October 1, 2014</i>	16a-35c(a)

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill increases the threshold at which a state-funded development project is considered a growth related project. This clarifying change, which has no fiscal impact, aligns the threshold for growth-related projects with the threshold the law sets for state agency actions that must be consistent with the State Plan of Conservation and Development.

The bill makes other technical changes to statutes concerning regional planning agencies, which have no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 5056*****AN ACT MAKING TECHNICAL AMENDMENTS TO CERTAIN STATUTES CONCERNING MUNICIPALITIES AND REGIONAL PLANNING ORGANIZATIONS AND CONCERNING GROWTH-RELATED PROJECTS.*****SUMMARY:**

This bill raises, from \$100,000 to \$200,000, the threshold at which certain state agency capital projects and grant authorizations are considered growth-related projects and thus, must be undertaken in designated priority funding areas. Existing law (1) requires the State Plan of Conservation and Development (C&D) to identify these areas and (2) generally prohibits state agencies, departments, or institutions from providing funding for growth-related projects outside of them. By raising this threshold, the bill aligns it with the threshold the law sets for state agency actions that must be consistent with the State Plan of C&D (§ 6).

The bill subjects state grants of more than \$200,000 to the priority funding area restrictions if the grant is for a project that adds to an existing facility. As under current law, grants for certain projects and activities, including for maintaining, repairing, or renovating existing facilities, are exempt from the restrictions (§ 6).

The bill makes changes to conform with PA 13-247, which eliminates regional planning agencies after January 1, 2015, leaving regional councils of governments (COG) as the only regional planning organizations within the state's planning regions (§§ 1-3).

The bill also makes technical changes (§§ 4 & 5).

EFFECTIVE DATE: Upon passage, except for the growth-related project provisions, which are effective October 1, 2014 and the COG

provisions, which are effective January 1, 2015.

STATE FUNDING FOR GROWTH-RELATED PROJECTS

Project Thresholds

The bill raises, from \$100,000 to \$200,000, the threshold at which the following activities are considered growth-related projects:

1. acquiring real property, other than open space for conservation or preservation purposes;
2. developing or improving real property;
3. acquiring public transportation facilities or equipment; and
4. authorizing state grants, with certain exceptions, if the grant application was not pending on July 1, 2006, to (a) acquire, develop, or improve real property or (b) acquire public transportation equipment or facilities.

By law, when the state agency actions described above exceed \$200,000 and are funded by the state or federal government, they must be consistent with the State Plan of C&D (CGS § 16a-31).

BACKGROUND

State Plan of C&D and Priority Funding Areas

The State Plan of C&D is a statement of the state's development, resource management, and public investment policies. The Office of Policy and Management develops the plan, which goes before the legislature for a hearing and approval.

Under the plan, the boundaries of priority funding areas are census blocks:

1. designated by the U.S. Census as an urban area or urban cluster,
2. with a boundary intersecting a half-mile buffer around existing or planned mass-transit stations,

3. with existing or planned sewer service,
4. with existing or planned water service, or
5. with local bus service provided seven days a week.

State agencies funding or undertaking a growth-related project must do so in such areas, unless the agency complies with the statutory exception process.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/12/2014)