



# House of Representatives

**File No. 747**

General Assembly

February Session, 2014

**(Reprint of File No. 511)**

Substitute House Bill No. 5584  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 2, 2014

**AN ACT CONCERNING REGIONALISM AND MAKING TECHNICAL  
CHANGES TO STATUTES CONCERNING MUNICIPAL TAX  
COLLECTION.**

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

1 Section 1. Subsection (a) of section 2-79a of the 2014 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (a) There shall be a Connecticut Advisory Commission on  
5 Intergovernmental Relations. The purpose of the commission shall be  
6 to enhance coordination and cooperation between the state and local  
7 governments. The commission shall consist of the president pro  
8 tempore of the Senate, the speaker of the House of Representatives, the  
9 minority leader of the Senate, the minority leader of the House of  
10 Representatives, the Secretary of the Office of Policy and Management,  
11 the Commissioners of Education, Energy and Environmental  
12 Protection, and Economic and Community Development, or their  
13 designees, and sixteen additional members as follows: (1) Six  
14 municipal officials appointed by the Governor, four of whom shall be  
15 selected from a list of nominees submitted [to him] by the Connecticut

16 Conference of Municipalities and two of whom shall be selected from a  
17 list submitted by the Council of Small Towns. Two of such six officials  
18 shall be from towns having populations of twenty thousand or less  
19 persons, two shall be from towns having populations of more than  
20 twenty thousand but less than sixty thousand persons and two shall be  
21 from towns having populations of sixty thousand or more persons; (2)  
22 two local public education officials appointed by the Governor, one of  
23 whom shall be selected from a list of nominees submitted [to him] by  
24 the Connecticut Association of Boards of Education and one of whom  
25 shall be selected from a list submitted by the Connecticut Association  
26 of School Administrators; (3) one representative of a regional council  
27 of governments or a regional planning agency appointed by the  
28 Governor; [from a list of nominees submitted to him by the Regional  
29 Planning Association of Connecticut;] (4) five persons who do not hold  
30 elected or appointed office in state or local government, one of whom  
31 shall be appointed by the Governor, one of whom shall be appointed  
32 by the president pro tempore of the Senate, one of whom shall be  
33 appointed by the speaker of the House of Representatives, one of  
34 whom shall be appointed by the minority leader of the Senate and one  
35 of whom shall be appointed by the minority leader of the House of  
36 Representatives; (5) one representative of the Connecticut Conference  
37 of Municipalities appointed by said conference; and (6) one  
38 representative of the Council of Small Towns appointed by said  
39 council. Each member of the commission appointed pursuant to  
40 subdivisions (1) to (6), inclusive, shall serve for a term of two years. All  
41 other members shall serve for terms [which] that are coterminous with  
42 their terms of office. The Governor shall appoint a chairperson and a  
43 vice-chairperson from among the commission members. Members of  
44 the General Assembly may serve as gubernatorial appointees to the  
45 commission. Members of the commission shall not be compensated for  
46 their services but shall be reimbursed for necessary expenses incurred  
47 in the performance of their duties.

48 Sec. 2. Subsection (a) of section 2-79a of the 2014 supplement to the  
49 general statutes, as amended by section 252 of public act 13-247, is

50 repealed and the following is substituted in lieu thereof (*Effective*  
51 *January 1, 2015*):

52 (a) There shall be a Connecticut Advisory Commission on  
53 Intergovernmental Relations. The purpose of the commission shall be  
54 to enhance coordination and cooperation between the state and local  
55 governments. The commission shall consist of the president pro  
56 tempore of the Senate, the speaker of the House of Representatives, the  
57 minority leader of the Senate, the minority leader of the House of  
58 Representatives, the Secretary of the Office of Policy and Management,  
59 the Commissioners of Education, Energy and Environmental  
60 Protection, and Economic and Community Development, or their  
61 designees, and sixteen additional members as follows: (1) Six  
62 municipal officials appointed by the Governor, four of whom shall be  
63 selected from a list of nominees submitted [to him] by the Connecticut  
64 Conference of Municipalities and two of whom shall be selected from a  
65 list submitted by the Council of Small Towns. Two of such six officials  
66 shall be from towns having populations of twenty thousand or less  
67 persons, two shall be from towns having populations of more than  
68 twenty thousand but less than sixty thousand persons and two shall be  
69 from towns having populations of sixty thousand or more persons; (2)  
70 two local public education officials appointed by the Governor, one of  
71 whom shall be selected from a list of nominees submitted [to him] by  
72 the Connecticut Association of Boards of Education and one of whom  
73 shall be selected from a list submitted by the Connecticut Association  
74 of School Administrators; (3) one representative of a regional council  
75 of governments appointed by the Governor; [from a list of nominees  
76 submitted to him by the Regional Planning Association of  
77 Connecticut;] (4) five persons who do not hold elected or appointed  
78 office in state or local government, one of whom shall be appointed by  
79 the Governor, one of whom shall be appointed by the president pro  
80 tempore of the Senate, one of whom shall be appointed by the speaker  
81 of the House of Representatives, one of whom shall be appointed by  
82 the minority leader of the Senate and one of whom shall be appointed  
83 by the minority leader of the House of Representatives; (5) one

84 representative of the Connecticut Conference of Municipalities  
85 appointed by said conference; and (6) one representative of the  
86 Council of Small Towns appointed by said council. Each member of  
87 the commission appointed pursuant to subdivisions (1) to (6),  
88 inclusive, of this subsection shall serve for a term of two years. All  
89 other members shall serve for terms which are coterminous with their  
90 terms of office. The Governor shall appoint a chairperson and a vice-  
91 chairperson from among the commission members. Members of the  
92 General Assembly may serve as gubernatorial appointees to the  
93 commission. Members of the commission shall not be compensated for  
94 their services but shall be reimbursed for necessary expenses incurred  
95 in the performance of their duties.

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

99 (c) The Department of Transportation shall accept applications for  
100 such state funding from any eligible recipient, based on project  
101 priorities, through the appropriate regional [planning agency] council  
102 of governments. Any such state funding shall be provided to the  
103 recipient through guidelines developed by the Department of  
104 Transportation.

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

108 (i) (1) If the sale realizes an amount in excess of the amount needed  
109 to pay all delinquent taxes, interest, penalties, fees, and costs, the  
110 amount of the excess shall be held in an interest-bearing escrow  
111 account separate from all other accounts of the municipality. (A) If the  
112 property is redeemed prior to the expiration of the redemption period,  
113 the amount held in escrow shall, within ten days of the tax collector  
114 receiving notice of redemption, be turned over to the purchaser. Any  
115 interest earned shall be the property of the municipality. (B) If the

116 property is not redeemed in the redemption period, the amount held  
117 in escrow may be used to pay the delinquent taxes, interest, penalties,  
118 fees and costs on the same or any other property of the taxpayer,  
119 including personal property and motor vehicles. In the case of  
120 subparagraph (B) of this subdivision, the tax collector shall, within ten  
121 days of the expiration of the redemption period, pay to the clerk of the  
122 court for the judicial district in which the property is located the  
123 amount held in escrow remaining after paying the delinquent taxes,  
124 interest, fees, penalties and costs owed by the taxpayer to the  
125 municipality. The tax collector shall, within five days of the payment,  
126 provide notice to the delinquent taxpayer, any mortgagee, lienholder,  
127 or other encumbrancer of record whose interest in such property is  
128 choate and is affected by the sale, by certified mail, return receipt  
129 requested of the name and address of the court to which the moneys  
130 were paid, the person's right to file an application with the court for  
131 return of said money, and the amount of money paid to the court.

132 (2) If the tax collector pays to the court any moneys pursuant to  
133 subparagraph (B) of subdivision (1) of this subsection, the delinquent  
134 taxpayer, any mortgagee, lienholder or other encumbrancer whose  
135 interest in such property is choate and is affected by the sale may,  
136 within ninety days of the date the tax collector paid the moneys to the  
137 court, file an application with the court for return of the proceeds. Any  
138 person may make an application for payment of moneys deposited in  
139 court as provided for in this subsection to the superior court for the  
140 judicial district in which the property that is the subject of the  
141 proceedings referred to is located, or if said court is not in session to  
142 any judge thereof, for a determination of the equity of the parties  
143 having an interest in such moneys. Notice of such application shall be  
144 served in the same manner as to commence a civil action on all persons  
145 having an interest of record in such property on the date the collector's  
146 deed is recorded, provided the municipality shall not be a party to  
147 such action without its consent. The court or judge upon such motion  
148 or upon its own motion may appoint a state referee to hear the facts  
149 and to make a determination of the equity of the parties in such

150 moneys. Such referee, after providing at least ten days' notice to the  
151 parties interested of the time and place of hearing, shall hear the  
152 applicant and any parties interested, take such testimonies as such  
153 referee deems material and determine the equities of the parties having  
154 a record interest in such moneys and immediately report to the court  
155 or judge. The report shall contain a detailed statement of findings by  
156 the referee, sufficient to enable the court to determine the  
157 considerations upon which the referee based his conclusions. The  
158 report may be rejected for any irregular or improper conduct in the  
159 performance of the duties of such referee. If the report is rejected, the  
160 court or judge shall appoint another referee to make such  
161 determination and report. If the report is accepted, such determination  
162 of the equities shall be conclusive upon all parties given notice of such  
163 hearing, subject to appeal to the Appellate Court. If no appeal to the  
164 Appellate Court is filed within the time allowed by law, or if one is  
165 filed and the proceedings have terminated in a final judgment  
166 determining the amount due to each party, the clerk shall send a  
167 certified copy of the statement of compensation and of the judgment to  
168 the prevailing party or parties, as the case may be, which shall, upon  
169 receipt thereof, pay such parties the amount due them as  
170 compensation.

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

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

177 (b) The mill rate to be inserted in the statement of state aid to  
178 municipalities required by subsection (a) of this section shall be  
179 computed on the total estimated revenues required to fund the  
180 estimated expenditures of the municipality exclusive of assistance  
181 received or anticipated from the state.

182 Sec. 6. Section 390 of public act 13-247 is repealed and the following  
183 is substituted in lieu thereof (*Effective January 1, 2015*):

184 Sections 4-124c to 4-124f, inclusive, 4-124h, 4-124m, [4-124o,] 8-31a,  
185 8-32a, 8-33a, 8-34a, 8-36a, 8-37a and 8-37b of the general statutes are  
186 repealed.

187 Sec. 7. Section 4-124o of the 2014 supplement to the general statutes  
188 is repealed and the following is substituted in lieu thereof (*Effective*  
189 *October 1, 2014*):

190 [The planning duties and responsibilities of a regional council of  
191 governments, including the making of a plan of development pursuant  
192 to section 8-35a, may be carried out by the council or a regional  
193 planning commission, acting on behalf of and as a subdivision of the  
194 council.] A regional council of governments may, through its bylaws,  
195 establish a regional planning commission to carry out the planning  
196 duties and responsibilities of such regional council, including the  
197 making of a plan of development pursuant to section 8-35a and the  
198 issuance of advisory opinions where authorized or required by the  
199 general statutes. Any such regional planning commission shall serve in  
200 an advisory capacity and any recommendation from such regional  
201 planning commission shall be endorsed by the regional council of  
202 governments before becoming effective, except such endorsement shall  
203 not be required for any report issued pursuant to section 8-3b or 8-26b.  
204 Members of such regional planning commission shall be appointed  
205 and serve in accordance with the bylaws, provided fifty per cent of the  
206 members of such regional planning commission shall serve  
207 concurrently as commissioners of member planning commissions,  
208 zoning commissions or combined planning and zoning commissions.  
209 Each member of such regional council shall be entitled to a  
210 representative on the regional planning commission who shall be an  
211 elector of such member. [and on its planning commission. Such  
212 representative shall be appointed by such planning commission, with  
213 the concurrence of the appointing authority of such member. Each  
214 member may also appoint an alternate representative who shall be an

215 elector of such member and who shall be appointed by its planning  
216 commission, with the concurrence of the appointing authority of such  
217 member. Such alternate representative shall, when the representative  
218 of the member from which he or she was appointed is absent, have all  
219 the powers and duties of such representative. Each regional planning  
220 commission representative shall be entitled to one vote in the affairs of  
221 such commission but shall not otherwise be entitled to vote in the  
222 affairs of the council. All matters referred to the council which by  
223 statute or otherwise are required to be referred to and considered by a  
224 regional planning agency shall be considered and commented upon by  
225 the council or regional planning commission in accordance with  
226 procedures recommended by such commission and adopted by the  
227 council with the concurrence of such commission. The council shall  
228 have the authority, at the request of a party having referred any such  
229 matter to the council's attention, to review and revise, in whole or in  
230 part, the comments and recommendations of the regional planning  
231 commission as to such matter. If at any time the council is deemed a  
232 regional council of elected officials under subsection (d) of section 4-  
233 124l, the existence of such regional planning commission shall  
234 terminate forthwith.]

235 Sec. 8. Subsection (c) of section 4-66k of the 2014 supplement to the  
236 general statutes is repealed and the following is substituted in lieu  
237 thereof (*Effective from passage*):

238 (c) Beginning in the fiscal year ending June 30, 2015, and annually  
239 thereafter, funds from the regional planning incentive account shall be  
240 distributed to each regional council of governments formed pursuant  
241 to section 4-124j, in the amount of one hundred twenty-five thousand  
242 dollars plus fifty cents per capita, using population information from  
243 the most recent federal decennial census. Any regional council of  
244 governments that is comprised of any two or more regional planning  
245 organizations, as defined in section 4-124i, revision of 1958, revised to  
246 January 1, 2013, that voluntarily consolidated on or before December  
247 31, 2013, shall receive a payment in the amount of one hundred  
248 twenty-five thousand dollars for each such regional planning

249 organization that voluntarily consolidated on or before said date. Any  
 250 regional council of governments located within a planning region that  
 251 was redesignated by the secretary pursuant to section 16a-4c shall  
 252 receive an additional pro rata share of such payment for each  
 253 municipality redesignated to its region, provided the secretary  
 254 eliminated the former planning region of such redesignated  
 255 municipality. The pro rata share shall be calculated by dividing the  
 256 population of each redesignated municipality by the total population  
 257 of the former planning region of such municipality, using population  
 258 information from the most recent federal decennial census, and  
 259 multiplying the result by one hundred twenty-five thousand dollars.  
 260 The secretary may, at his or her discretion, provide an additional one-  
 261 hundred-twenty-five-thousand-dollar payment to any regional council  
 262 of governments that did not voluntarily consolidate on or before  
 263 December 31, 2013, and that is located within a planning region that  
 264 was not redesignated by the secretary pursuant to section 16a-4c.

265 Sec. 9. Subsection (d) of section 10-397 of the general statutes is  
 266 repealed and the following is substituted in lieu thereof (*Effective from*  
 267 *passage*):

268 (d) Each tourism district shall adopt a charter and bylaws governing  
 269 its operation and may establish an Internet web site to promote  
 270 tourism in the district.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	2-79a(a)
Sec. 2	<i>January 1, 2015</i>	2-79a(a)
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>January 1, 2015</i>	PA 13-247, Sec. 390
Sec. 7	<i>October 1, 2014</i>	4-124o
Sec. 8	<i>from passage</i>	4-66k(c)
Sec. 9	<i>from passage</i>	10-397(d)

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:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Policy & Mgmt., Off.	GF - Regional Performance Incentive Account - Cost	Potential	Potential

**Municipal Impact:** None

**Explanation**

The bill allows the Office of Policy and Management (OPM), at its discretion, to make additional payments of \$125,000 to regional councils of government that did not voluntarily consolidate before December 31, 2013 and that are located within planning regions that have not been redesignated. To the extent OPM chooses to do this, there would be a cost to the Regional Performance Incentive Account, a nonlapsing General Fund account.

The bill also makes changes to the way grants from the Regional Performance Incentive Account (RPIA) are funded. This has no fiscal impact to the RPIA as it shifts funding among Councils of Government, based on the movement of municipalities among them.

The bill makes other minor and technical changes which have no fiscal impact.

House "A" strikes the underlying bill and results in the above identified fiscal impact.

**The Out Years**

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

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**OLR Bill Analysis****sHB 5584 (as amended by House "A")\******AN ACT CONCERNING REGIONALISM AND MAKING TECHNICAL CHANGES TO STATUTES CONCERNING MUNICIPAL TAX COLLECTION.*****SUMMARY:**

This bill:

1. entitles certain regional councils of government (COG) to additional payments from the regional planning incentive account if (a) they acquired members from a different regional planning organization (RPO) or (b) the Office of Policy and Management (OPM) secretary authorizes the payments,
2. makes changes to the statute concerning COGs' regional planning commissions (RPC),
3. eliminates the requirement that the governor's appointee to the Connecticut Advisory Commission on Intergovernmental Relations be nominated by the Regional Planning Association of Connecticut,
4. authorizes regional tourism districts to create an Internet website to promote tourism (§ 9), and
5. makes technical and conforming changes.

**\*House Amendment "A":**

1. eliminates provisions (a) appropriating funds from the General Fund to the Department of Economic and Community Development for a grant to the Capitol Region Council of Governments and the Connecticut Center for Advanced

Technology to create Nutmeg Network-related services and demonstration projects and (b) requiring the OPM secretary to conduct a planning region analysis and redesignation by January 1, 2015; and

2. modifies the funding formula for COGs.

EFFECTIVE DATE: Upon passage, unless noted otherwise below

### **§ 8 — COG FUNDING**

By law, beginning in FY 15, any COG comprised of two or more RPOs that voluntarily consolidated before January 1, 2014 receives an annual bonus payment of \$125,000 for each consolidated RPO. The bill entitles COGs located in certain redesignated planning regions (i.e., those for which the OPM secretary has changed its boundaries) to a pro rata share of the \$125,000 bonus payment for each municipality redesignated to its region. The payment applies for redesignated municipalities whose former planning regions were eliminated by OPM. It is calculated based on the ratio of each redesignated municipality's population to the total population of its former planning region (based on the most recent census), multiplied by 125,000.

The bill also authorizes the OPM secretary to provide an additional \$125,000 payment to any COG that did not consolidate before January 1, 2014 and is not located in a redesignated planning region.

These payments are in addition to the annual payments COGs receive under existing law. By law, beginning in FY 15, COGs receive annual payments of \$125,000, plus an additional 50 cents per capita.

### **§§ 6 & 7 — REGIONAL PLANNING COMMISSIONS**

By law, a COG may carry out its planning duties and responsibilities through an RPC, which it may establish through its bylaws. The bill makes several changes to the role of RPCs, including (1) specifying that they act in an advisory capacity and (2) requiring any RPC recommendation to be endorsed by the COG before

becoming effective, except for recommendations on proposed subdivisions and zone or zone use changes.

By law, each COG member municipality is entitled to one seat on an RPC. Under current law, RPC members are appointed by member municipalities' planning commissions and must (1) be electors of those municipalities and (2) serve on the municipalities' planning commissions. The bill instead allows a COG's bylaws to establish the appointment process, as long as at least 50% of RPC members serve concurrently on a planning, zoning, or planning and zoning commission.

EFFECTIVE DATE: October 1, 2014, except for a related conforming change, which is effective January 1, 2015.

#### **§ 1 — GOVERNOR'S APPOINTEE TO THE CONNECTICUT ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS**

Under current law, the governor appoints an individual representing a COG or regional planning agency (RPA) to the Connecticut Advisory Commission on Intergovernmental Relations from a list of nominees prepared by the Regional Planning Association of Connecticut. The bill eliminates the requirement that the appointee come from the association's list. (The association is now called the Connecticut Association of Regional Planning Organizations.)

#### **§§ 2-5 — TECHNICAL AND CONFORMING CHANGES**

The bill makes conforming changes related to the elimination of RPAs and regional councils of elected officials (CEO) after January 1, 2015 (§§ 2 & 3).

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

EFFECTIVE DATE: January 1, 2015, except for the technical changes, which are effective on passage.

#### **BACKGROUND**

**Planning Regions**

By law, at least every 20 years, the OPM secretary must analyze planning region boundaries and redesignate them if necessary. Revised local planning regions will go into effect on January 1, 2015 (CGS § 16a-4c).

Within planning regions, the three types of regional planning organizations currently allowed by law are RPAs, CEOs, and COGs. PA 13-247 requires CEOs and RPAs to reestablish themselves as COGs by January 1, 2015.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 15 Nay 5 (03/25/2014)