



# Senate

General Assembly

**File No. 482**

February Session, 2018

Substitute Senate Bill No. 490

*Senate, April 12, 2018*

The Committee on Planning and Development reported through SEN. CASSANO, S. of the 4th Dist. and SEN. LOGAN of the 17th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING LOCAL GOVERNMENTS, SHARED MUNICIPAL SERVICES AND REGIONAL FINANCING OPTIONS.***

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

1 Section 1. Section 2-79a of the 2018 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2018*):

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, Economic and Community Development, or their  
13 designees, and [sixteen] seventeen additional members as follows: (1)

14 Six municipal officials appointed by the Governor, four of whom shall  
15 be selected from a list of nominees submitted to him by the  
16 Connecticut Conference of Municipalities and two of whom shall be  
17 selected from a list submitted by the Council of Small Towns. Two of  
18 such six officials shall be from towns having populations of twenty  
19 thousand or less persons, two shall be from towns having populations  
20 of more than twenty thousand but less than sixty thousand persons  
21 and two shall be from towns having populations of sixty thousand or  
22 more persons; (2) two local public education officials appointed by the  
23 Governor, one of whom shall be selected from a list of nominees  
24 submitted to him by the Connecticut Association of Boards of  
25 Education and one of whom shall be selected from a list submitted by  
26 the Connecticut Association of School Administrators; (3) one  
27 representative of a regional council of governments appointed by the  
28 Governor from a list of nominees submitted to him by the [Regional  
29 Planning Association of Connecticut] Connecticut Association of  
30 Councils of Governments; (4) five persons who do not hold elected or  
31 appointed office in state or local government, one of whom shall be  
32 appointed by the Governor, one of whom shall be appointed by the  
33 president pro tempore of the Senate, one of whom shall be appointed  
34 by the speaker of the House of Representatives, one of whom shall be  
35 appointed by the minority leader of the Senate and one of whom shall  
36 be appointed by the minority leader of the House of Representatives;  
37 (5) one representative of the Connecticut Conference of Municipalities  
38 appointed by said conference; [and] (6) one representative of the  
39 Council of Small Towns appointed by said council; and (7) one  
40 representative of the Connecticut Alliance of Regional Educational  
41 Service Centers appointed by said alliance. Each member of the  
42 commission appointed pursuant to subdivisions (1) to [(6)] (7),  
43 inclusive, of this subsection shall serve for a term of two years. All  
44 other members shall serve for terms which are coterminous with their  
45 terms of office. The Governor shall appoint a chairperson and a vice-  
46 chairperson from among the commission members. Members of the  
47 General Assembly may serve as gubernatorial appointees to the  
48 commission. Members of the commission shall not be compensated for

49 their services but shall be reimbursed for necessary expenses incurred  
50 in the performance of their duties.

51 (b) The commission shall: (1) Serve as a forum for consultation  
52 among state and local government officials; (2) conduct research on  
53 intergovernmental issues; (3) encourage and coordinate studies of  
54 intergovernmental issues by universities, research and consulting  
55 organizations and others; (4) initiate policy development and make  
56 recommendations for consideration by all levels and branches of  
57 government regarding issues including, but not limited to, the  
58 efficiency of state and local services; and (5) annually develop a list of  
59 priorities and focus areas for services and initiatives for use in  
60 awarding grants from the regional performance incentive program  
61 established pursuant to section 4-124s, as amended by this act. The  
62 commission shall issue, from time to time, public reports of its findings  
63 and recommendations and shall issue, annually, a public report on its  
64 activities.

65 (c) On or before October 1, 2019, and [every four years] thereafter at  
66 the discretion of the commission, the commission shall submit to the  
67 General Assembly a report which recommends actions to enhance the  
68 efficiency of the delivery of services at municipal and state levels and  
69 lists each existing state mandate, as defined in subsection (a) of section  
70 2-32b, and [which] (1) categorizes each mandate as constitutional,  
71 statutory or executive, (2) provides the date of original enactment or  
72 issuance along with a brief description of the history of the mandate,  
73 and (3) analyzes the costs incurred by local governments in  
74 implementing the mandate. In each report the commission may also  
75 make recommendations on state mandates for consideration by the  
76 commission. [On and after October 1, 1996, the] Such report shall be  
77 submitted to the joint standing [committee] committees of the General  
78 Assembly having cognizance of matters relating to appropriations and  
79 budgets of state agencies and local governments, to any other joint  
80 standing committee of the General Assembly having cognizance and,  
81 upon request, to any member of the General Assembly. A summary of  
82 the report shall be submitted to the official legislative electronic mail

83 address of each member of the General Assembly. [if the summary is  
84 two pages or less and a notification of the report shall be submitted to  
85 each member if the summary is more than two pages. Submission shall  
86 be by mailing the report, summary or notification to the legislative  
87 address of each member of the committees or the General Assembly, as  
88 applicable.] The provisions of this subsection shall not be construed to  
89 prevent the commission from making more frequent recommendations  
90 [on] concerning enhancements in the efficiency of the delivery of  
91 services or state mandates.

92 [(d) Commencing on or before the second Wednesday after the  
93 convening of the 1997 regular session of the General Assembly, and  
94 every year thereafter except a year in which a report is filed pursuant  
95 to subsection (c) of this section, the commission shall submit to the  
96 General Assembly a supplement to the report required in said  
97 subsection (c) identifying any new mandates adopted and any  
98 mandates changed in the previous year.]

99 [(e)] (d) The Office of Policy and Management shall provide such  
100 staff as is necessary for the performance of the functions and duties of  
101 the Connecticut Advisory Commission on Intergovernmental  
102 Relations. Such persons may be exempt from the classified service.

103 Sec. 2. Subsection (c) of section 4-124s of the general statutes is  
104 repealed and the following is substituted in lieu thereof (*Effective July*  
105 *1, 2018*):

106 (c) (1) A regional council of governments, an economic development  
107 district, a regional educational service center or a local or regional  
108 board of education shall submit each proposal in the form and manner  
109 the secretary prescribes and shall, at a minimum, provide the  
110 following information for each proposal: (A) Service or initiative  
111 description; (B) the explanation of the need for such service or  
112 initiative; (C) the method of delivering such service or initiative on a  
113 regional basis; (D) the organization that would be responsible for  
114 regional service or initiative delivery; (E) a description of the  
115 population that would be served; (F) the manner in which regional

116 service or initiative delivery will achieve economies of scale; (G) the  
117 amount by which participating municipalities will reduce their mill  
118 rates as a result of savings realized; (H) a cost benefit analysis for the  
119 provision of the service or initiative by each participating municipality  
120 and by the entity or board of education submitting the proposal; (I) a  
121 plan of implementation for delivery of the service or initiative on a  
122 regional basis; (J) a resolution endorsing such proposal approved by  
123 the legislative body of each participating municipality; and (K) an  
124 explanation of the potential legal obstacles, if any, to the regional  
125 provision of the service or initiative.

126 (2) The secretary shall review each proposal and shall award grants  
127 for proposals the secretary determines best meet the requirements of  
128 this section. In awarding such grants, the secretary shall (A) give  
129 priority to a proposal submitted by [(A)] (i) any entity specified in  
130 subsection (a) of this section that includes participation of all of the  
131 member municipalities of such entity, and which may increase the  
132 purchasing power of participating municipalities or provide a cost  
133 savings initiative resulting in a decrease in expenses of such  
134 municipalities, allowing such municipalities to lower property taxes,  
135 [(B)] (ii) any economic development district, and [(C)] (iii) any local or  
136 regional board of education, and (B) take into consideration the list of  
137 priorities and focus areas developed by the Connecticut Advisory  
138 Commission on Intergovernmental Relations pursuant to subsection  
139 (b) of section 2-79a, as amended by this act.

140 Sec. 3. Section 29-297 of the general statutes is repealed and the  
141 following is substituted in lieu thereof (*Effective July 1, 2018*):

142 (a) The chief executive officer of any town, city or borough, in  
143 consultation with the board of fire commissioners or, in the absence of  
144 such board, any corresponding authority of each town, city or  
145 borough, or, if no such board or corresponding authority exists, the  
146 legislative body of each city, the board of selectmen of each town or  
147 the warden and burgesses of each borough, or, in the case of an  
148 incorporated fire district, the executive authority of such district shall

149 appoint a local fire marshal and such deputy fire marshals, fire  
150 inspectors and other fire code inspectors or fire investigators as may be  
151 necessary. In making such appointment, preference shall be given to a  
152 member of the regular or volunteer fire department of such  
153 municipality. Each local fire marshal shall be sworn to the faithful  
154 performance of his or her duties by the clerk of the town, city, borough  
155 or fire district and shall continue to serve in that office until removed  
156 for cause. Such clerk shall record his or her acceptance of the position  
157 of local fire marshal and shall report the same in writing to the State  
158 Fire Marshal within ten days thereafter, giving the name and address  
159 of the local fire marshal and stating the limits of the territory in which  
160 the local fire marshal is to serve.

161 (b) The chief executive officer of any town, city or borough, in  
162 consultation with the board of fire commissioners or, in the absence of  
163 such board, any corresponding authority of each town, city or borough  
164 or, if no such board or corresponding authority exists, the legislative  
165 body of each city, the board of selectmen of each town or the warden  
166 and burgesses of each borough or, in the case of an incorporated fire  
167 district, the executive authority of such district may, upon the death,  
168 disability, dismissal, retirement or revocation of certification of the  
169 local fire marshal, and in the absence of an existing deputy fire  
170 marshal, appoint a deputy fire marshal as the acting fire marshal for a  
171 period not to exceed one hundred eighty days.

172 Sec. 4. (NEW) (*Effective July 1, 2018*) Notwithstanding any provision  
173 of the general statutes, any local or regional school district may  
174 develop a school transportation services plan based on the number of  
175 students utilizing school transportation services in order to maximize  
176 efficiencies and cost savings within such school district. The board of  
177 education of such school district may approve and implement such  
178 plan.

179 Sec. 5. (NEW) (*Effective July 1, 2018*) On or before July 1, 2019, the  
180 Secretary of the Office of Policy and Management shall adopt  
181 regulations, in accordance with the provisions of chapter 54 of the

182 general statutes, governing the processes of municipal consolidation  
183 and merger by two or more contiguous municipalities. Such  
184 regulations shall include, but not be limited to, a comprehensive  
185 timetable of events and goals that shall be achieved in the  
186 consolidation or merger process.

187 Sec. 6. Subsection (b) of section 4-66g of the 2018 supplement to the  
188 general statutes is repealed and the following is substituted in lieu  
189 thereof (*Effective January 1, 2019*):

190 (b) The proceeds of the sale of said bonds, to the extent of the  
191 amount stated in subsection (a) of this section, shall be used by the  
192 Office of Policy and Management for a small town economic assistance  
193 program the purpose of which shall be to provide grants-in-aid to any  
194 municipality, [or] group of municipalities or regional council of  
195 governments, provided the municipality and each participating  
196 municipality that is part of a group of municipalities or regional  
197 council of governments is not economically distressed within the  
198 meaning of subsection (b) of section 32-9p, does not have an urban  
199 center in any plan adopted by the General Assembly pursuant to  
200 section 16a-30 and is not a public investment community within the  
201 meaning of subdivision (9) of subsection (a) of section 7-545. Such  
202 grants shall be used for purposes for which funds would be available  
203 under section 4-66c. No group of municipalities or regional council of  
204 governments may receive an amount exceeding in the aggregate five  
205 hundred thousand dollars per participating municipality in such  
206 group or region in any one fiscal year under said program. No  
207 individual municipality may receive more than five hundred thousand  
208 dollars in any one fiscal year under said program, except that any  
209 municipality that receives a grant under said program as a member of  
210 a group of municipalities or regional council of governments shall  
211 continue to be eligible to receive an amount equal to five hundred  
212 thousand dollars less the amount of such municipality's proportionate  
213 share of such grant. Notwithstanding the provisions of this subsection  
214 and section 4-66c, a municipality that is (1) a distressed municipality  
215 within the meaning of subsection (b) of section 32-9p or a public

216 investment community within the meaning of subdivision (9) of  
217 subsection (a) of section 7-545, and (2) otherwise eligible under this  
218 subsection for the small town economic assistance program may elect  
219 to be eligible for said program individually or as part of a group of  
220 municipalities in lieu of being eligible for financial assistance under  
221 section 4-66c, by a vote of its legislative body or, in the case of a  
222 municipality in which the legislative body is a town meeting, its board  
223 of selectmen, and submitting a written notice of such vote to the  
224 Secretary of the Office of Policy and Management. Any such election  
225 shall be for the four-year period following submission of such notice to  
226 the secretary and may be extended for additional four-year periods in  
227 accordance with the same procedure for the initial election.

228 Sec. 7. Section 4-66h of the general statutes is repealed and the  
229 following is substituted in lieu thereof (*Effective from passage*):

230 (a) There is established an account to be known as the "Main Street  
231 Investment Fund account" which shall be a separate, nonlapsing  
232 account within the General Fund. The account shall contain any  
233 moneys required by law to be deposited in the account. Moneys in the  
234 account shall be expended by the Department of Housing for the  
235 purposes of providing grants not to exceed five hundred thousand  
236 dollars to municipalities with populations of not more than thirty  
237 thousand, [or] municipalities eligible for the small town economic  
238 assistance program pursuant to section 4-66g for eligible projects as  
239 defined in subsection (d) of this section or regional councils of  
240 governments. Municipalities shall apply for such grants in a manner to  
241 be determined by the Commissioner of Housing. Said commissioner  
242 may contract with a nonprofit entity to administer the provisions of  
243 this section.

244 (b) In awarding such grants, the commissioner shall determine that  
245 an eligible project advances the municipality's or region's approved  
246 plan pursuant to subdivision (2) of subsection (d) of this section. Such  
247 advancements may include, but need not be limited to, zoning and  
248 design guideline development, facade or awning improvements;



249 sidewalk improvements or construction; street lighting; building  
250 renovations, including mixed use of residential and commercial;  
251 landscaping and development of recreational areas and greenspace;  
252 bicycle paths; and other improvements or renovations deemed by the  
253 commissioner to contribute to the economic success of the  
254 municipality.

255 (c) A grant received pursuant to this section shall be used for  
256 improvements to property owned by the municipality or participating  
257 municipalities, except the municipality or regional councils of  
258 governments may use a portion of the proceeds of such grant to  
259 provide a one-time reimbursement to owners of commercial private  
260 property for eligible expenditures that directly support and enhance an  
261 eligible project. The maximum allowable reimbursement for such  
262 eligible expenditures to any such owner shall be fifty thousand dollars,  
263 to be provided at the following rates: (1) Expenditures equal to or less  
264 than fifty thousand dollars shall be reimbursed at a rate of fifty per  
265 cent, and (2) any additional expenditures greater than fifty thousand  
266 dollars but less than or equal to one hundred fifty thousand dollars  
267 shall be reimbursed at a rate of twenty-five per cent.

268 (d) For the purposes of this section:

269 (1) "Eligible expenditures" include expenses for planning, cosmetic  
270 and structural exterior building improvements, signage, lighting and  
271 landscaping that is visible from the street, including, but not limited to,  
272 exterior painting or surface treatment, decorative awnings, window  
273 and door replacements or modifications, storefront enhancements,  
274 irrigation, streetscape, outdoor patios and decks, exterior wall lighting,  
275 decorative post lighting and architectural features, but do not include  
276 (A) any renovations that are solely the result of ordinary repair and  
277 maintenance, (B) improvements that are required to remedy a health,  
278 housing or safety code violation, or (C) nonpermanent structures,  
279 furnishings, movable equipment or other nonpermanent amenities.  
280 Eligible expenditures also include reasonable administrative expenses  
281 incurred by a nonprofit entity or regional council of governments

282 contracted with by the Department of Housing to implement the  
283 provisions of this section.

284 (2) "Eligible projects" means projects that are part of a plan  
285 previously approved by the governing body of the municipality or  
286 regional council of governments to develop or improve town  
287 commercial centers to attract small businesses, promote commercial  
288 viability, and improve aesthetics and pedestrian access.

289 Sec. 8. Section 4-66m of the 2018 supplement to the general statutes  
290 is repealed and the following is substituted in lieu thereof (*Effective*  
291 *from passage*):

292 (a) For the purposes described in subsection (b) of this section, the  
293 State Bond Commission shall have the power, from time to time to  
294 authorize the issuance of bonds of the state in one or more series and  
295 in principal amounts not exceeding in the aggregate four million nine  
296 hundred thirty-seven thousand one hundred forty-nine dollars.

297 (b) The proceeds of the sale of said bonds, to the extent of the  
298 amount stated in subsection (a) of this section, shall be used by the  
299 Secretary of the Office of Policy and Management for the purpose of  
300 providing grants-in-aid under the intertown capital equipment  
301 purchase incentive program established pursuant to subsection (c) of  
302 this section.

303 (c) (1) There is established an intertown capital equipment purchase  
304 incentive program to provide grants to municipalities to jointly acquire  
305 or for regional councils of governments to acquire or jointly acquire, on  
306 and after October 1, 2011, by purchase or by lease, equipment and  
307 vehicles necessary to the performance or delivery of a required  
308 governmental function or service.

309 (2) Grant funds may be used for acquisition costs of (A) equipment  
310 with an anticipated remaining useful life of not less than five years  
311 from the date of purchase or entry into a lease, including, but not  
312 limited to, data processing equipment that has a unit price of less than

313 one thousand dollars, that a municipality or region covered by a  
314 regional council of governments uses in the performance or delivery of  
315 a required governmental function or service, and (B) a maintenance  
316 vehicle, pick-up truck, tractor, truck tractor or utility trailer, as each  
317 said term is defined in section 14-1, or any other similar type of vehicle  
318 that a municipality or region covered by a regional council of  
319 governments uses in the performance or delivery of a required  
320 governmental function or service. Each grant shall be not more than  
321 eighty per cent of the total acquisition cost of such equipment or  
322 vehicle, or three hundred seventy-five thousand dollars, whichever is  
323 less.

324 (3) Not later than September 1, 2011, the Secretary of the Office of  
325 Policy and Management shall develop guidelines to establish (A) the  
326 procedures to apply for and the administration of the intertown capital  
327 equipment purchase incentive program, (B) criteria for the expenditure  
328 of grant funds and the method of allocation of a grant among the  
329 municipalities or regional councils of governments that jointly acquire  
330 or lease equipment or a vehicle set forth in subdivision (2) of this  
331 subsection, and (C) prioritization for the awarding of grants pursuant  
332 to this section, including, but not limited to, any limits in a given time  
333 frame on (i) the number of times a municipality may apply, or (ii) the  
334 dollar amount of grant funds a municipality may receive, pursuant to  
335 this section.

336 (4) Not later than October 1, 2011, and annually thereafter, the  
337 Secretary of the Office of Policy and Management shall publish a  
338 notice of grant availability and solicit proposals for funding under the  
339 intertown capital equipment purchase incentive program.  
340 Municipalities or regional councils of governments eligible for such  
341 funding pursuant to the guidelines developed under subdivision (3) of  
342 this subsection may file applications for such funding at such times  
343 and in such manner as the secretary prescribes. The secretary shall  
344 review all grant applications and make determinations as to which  
345 acquisitions to fund and the amount of grants to be awarded in  
346 accordance with the guidelines developed under subdivision (3) of this

347 subsection.

348 (d) All provisions of section 3-20, or the exercise of any right or  
349 power granted thereby, which are not inconsistent with the provisions  
350 of this section are hereby adopted and shall apply to all bonds  
351 authorized by the State Bond Commission pursuant to this section, and  
352 temporary notes in anticipation of the money to be derived from the  
353 sale of any such bonds so authorized may be issued in accordance with  
354 said section 3-20 and from time to time renewed. Such bonds shall  
355 mature at such time or times not exceeding twenty years from their  
356 respective dates as may be provided in or pursuant to the resolution or  
357 resolutions of the State Bond Commission authorizing such bonds.  
358 None of said bonds shall be authorized except upon a finding by the  
359 State Bond Commission that there has been filed with it a request for  
360 such authorization which is signed by or on behalf of the Secretary of  
361 the Office of Policy and Management and states such terms and  
362 conditions as said commission, in its discretion, may require. Said  
363 bonds issued pursuant to this section shall be general obligations of the  
364 state and the full faith and credit of the state of Connecticut are  
365 pledged for the payment of the principal of and interest on said bonds  
366 as the same become due, and accordingly and as part of the contract of  
367 the state with the holders of said bonds, appropriation of all amounts  
368 necessary for punctual payment of such principal and interest is  
369 hereby made, and the State Treasurer shall pay such principal and  
370 interest as the same become due.

371 Sec. 9. Subsection (b) of section 29-5 of the general statutes is  
372 repealed and the following is substituted in lieu thereof (*Effective*  
373 *January 1, 2019*):

374 (b) Notwithstanding the provisions of subsection (a) of this section,  
375 the Commissioner of Emergency Services and Public Protection shall  
376 appoint [a] resident state [policeman] policemen to serve in [a pilot  
377 program] an assignment for two or more towns lacking an organized  
378 police force or constabulary and located within the jurisdiction of the  
379 same state police troop pursuant to a memorandum of agreement with

380 towns requesting participation. [in the pilot program. Towns  
381 participating in the pilot program] Participating towns shall be  
382 responsible for the costs and expenses of such resident state policeman  
383 as provided in subsection (a) of this section.

384 Sec. 10. Section 10-241c of the 2018 supplement to the general  
385 statutes is repealed and the following is substituted in lieu thereof  
386 (*Effective January 1, 2019*):

387 Notwithstanding any special act, municipal charter or home rule  
388 ordinance, the legislative body of a municipality and the local board of  
389 education for such municipality shall consult [when possible]  
390 regarding the joint purchasing of health insurance, property insurance,  
391 casualty insurance and workers' compensation insurance. For the  
392 purpose of this section, "municipality" means any town, city, borough,  
393 consolidated town and city or consolidated town and borough.

394 Sec. 11. Section 10-241d of the 2018 supplement to the general  
395 statutes is repealed and the following is substituted in lieu thereof  
396 (*Effective January 1, 2019*):

397 Any local board of education for a municipality, after going out to  
398 bid for a good or service and receiving submissions, shall consult with  
399 the legislative body of such municipality if such municipality provides  
400 or uses such good or service, and, if the equivalent level of such good  
401 or service is provided by such municipality or through a municipal  
402 contract for a lower cost than the lowest qualified bid submission  
403 received by such local board of education, such board of education  
404 shall [consider] enter into a cooperative agreement with such  
405 municipality for the provision of such good or service. For purposes of  
406 this section, "good or service" includes, but is not limited to, portable  
407 classrooms, motor vehicles or materials and equipment, such as  
408 telephone systems, computers and copy machines.

409 Sec. 12. Section 10-241e of the 2018 supplement to the general  
410 statutes is repealed and the following is substituted in lieu thereof  
411 (*Effective January 1, 2019*):

412 Each local board of education for a municipality shall, [consult]  
413 when possible, enter into a cooperative agreement with the legislative  
414 body of such municipality prior to purchasing payroll processing or  
415 accounts payable software systems. [to determine whether such  
416 systems may be purchased or shared on a regional basis.]

417 Sec. 13. Subsection (b) of section 10-287 of the 2018 supplement to  
418 the general statutes is repealed and the following is substituted in lieu  
419 thereof (*Effective from passage*):

420 (b) (1) All orders and contracts for school building construction  
421 receiving state assistance under this chapter, except as provided in  
422 subdivision (2) of this subsection, shall be awarded to the lowest  
423 responsible qualified bidder [only] through a cooperative purchase  
424 contract available through a regional educational service center or  
425 regional council of governments, or after a public invitation to bid,  
426 which shall be advertised on the Department of Administrative  
427 Services' Internet web site or in a Connecticut newspaper, [having  
428 circulation in the town in which construction is to take place,] except  
429 for (A) school building projects for which the town or regional school  
430 district is using a state contract pursuant to subsection (d) of section  
431 10-292, and (B) change orders, those contracts or orders costing less  
432 than ten thousand dollars and those of an emergency nature, as  
433 determined by the Commissioner of Administrative Services, in which  
434 cases the contractor or vendor may be selected by negotiation,  
435 provided no local fiscal regulations, ordinances or charter provisions  
436 conflict.

437 (2) All orders and contracts for architectural or construction  
438 management services shall be awarded from a pool of not more than  
439 the four most responsible qualified proposers after a public selection  
440 process. Such process shall, at a minimum, involve requests for  
441 qualifications, followed by requests for proposals, including fees, from  
442 the proposers meeting the qualifications criteria of the request for  
443 qualifications process. Public advertisements shall be required in a  
444 newspaper having circulation in the town in which construction is to

445 take place, except for school building projects for which the town or  
446 regional school district is using a state contract pursuant to subsection  
447 (d) of section 10-292. Following the qualification process, the awarding  
448 authority shall evaluate the proposals to determine the four most  
449 responsible qualified proposers using those criteria previously listed in  
450 the requests for qualifications and requests for proposals for selecting  
451 architectural or construction management services specific to the  
452 project or school district. Such evaluation criteria shall include due  
453 consideration of the proposer's pricing for the project, experience with  
454 work of similar size and scope as required for the order or contract,  
455 organizational and team structure for the order or contract, past  
456 performance data, including, but not limited to, adherence to project  
457 schedules and project budgets and the number of change orders for  
458 projects, the approach to the work required for the contract and  
459 documented contract oversight capabilities, and may include criteria  
460 specific to the project. Final selection by the awarding authority is  
461 limited to the pool of the four most responsible qualified proposers  
462 and shall include consideration of all criteria included within the  
463 request for proposals. As used in this subdivision, "most responsible  
464 qualified proposer" means the proposer who is qualified by the  
465 awarding authority when considering price and the factors necessary  
466 for faithful performance of the work based on the criteria and scope of  
467 work included in the request for proposals.

468 Sec. 14. Subsection (a) of section 4b-91 of the general statutes is  
469 repealed and the following is substituted in lieu thereof (*Effective*  
470 *January 1, 2019*):

471 (a) (1) As used in this section, "prequalification classification" means  
472 the prequalification classifications established by the Commissioner of  
473 Administrative Services pursuant to section 4a-100, "public agency"  
474 has the same meaning as provided in section 1-200, "awarding  
475 authority" means the Department of Administrative Services, except  
476 "awarding authority" means (A) the Joint Committee on Legislative  
477 Management, in the case of a contract for the construction of or work  
478 on a building or other public work under the supervision and control

479 of the joint committee, (B) a constituent unit of the state system of  
480 higher education, in the case of a contract for the construction of or  
481 work on a building or other public work under the supervision and  
482 control of such constituent unit, or (C) the Military Department, in the  
483 case of a contract for the construction of or work on a building or other  
484 public work under the supervision and control of said department and  
485 "community court project", "downtown Hartford higher education  
486 center project", "correctional facility project", "juvenile detention center  
487 project" and "priority higher education facility project" have the same  
488 meanings as provided in section 4b-55.

489 (2) Except as provided in subdivision (3) of this subsection, every  
490 contract for the construction, reconstruction, alteration, remodeling,  
491 repair or demolition of any public building or any other public work  
492 by the state that is estimated to cost more than five hundred thousand  
493 dollars shall be awarded to the lowest responsible and qualified  
494 general bidder who is prequalified pursuant to section 4a-100 on the  
495 basis of competitive bids in accordance with the procedures set forth in  
496 this chapter, after the awarding authority has invited such bids by  
497 posting notice on the State Contracting Portal. The awarding authority  
498 shall indicate the prequalification classification required for the  
499 contract in such notice.

500 (3) The requirements set forth in subdivision (2) of this subsection  
501 shall not apply to (A) a public highway or bridge project or any other  
502 construction project administered by the Department of  
503 Transportation, or (B) a contract awarded by the Commissioner of  
504 Administrative Services for (i) any public building or other public  
505 works project administered by the Department of Administrative  
506 Services that is estimated to cost one million five hundred thousand  
507 dollars or less, (ii) a community court project, (iii) the downtown  
508 Hartford higher education center project, (iv) a correctional facility  
509 project, (v) a juvenile detention center project, or (vi) a student  
510 residential facility for the Connecticut State University System that is a  
511 priority higher education facility project.



512 (4) Every contract for the construction, reconstruction, alteration,  
513 remodeling, repair or demolition of any public building or any other  
514 public work by a public agency that is paid for, in whole or in part,  
515 with state funds and that is estimated to cost more than five hundred  
516 thousand dollars shall be awarded to a bidder that is prequalified  
517 pursuant to section 4a-100 after the public agency has invited such bids  
518 by posting notice on the State Contracting Portal, unless such agency is  
519 utilizing a cooperative bid contract offered through a regional  
520 educational service center or regional council of governments, and  
521 except for (A) a public highway or bridge project or any other  
522 construction project administered by the Department of  
523 Transportation, or (B) any public building or other public works  
524 project administered by the Department of Administrative Services  
525 that is estimated to cost one million five hundred thousand dollars or  
526 less. The awarding authority or public agency, as the case may be, shall  
527 indicate the prequalification classification required for the contract in  
528 such notice.

529 (5) (A) The Commissioner of Administrative Services may select  
530 contractors to be on lists established for the purpose of providing  
531 contractor services for the construction, reconstruction, alteration,  
532 remodeling, repair or demolition of any public building or other public  
533 works project administered by the Department of Administrative  
534 Services involving an expense to the state of one million five hundred  
535 thousand dollars or less. The commissioner shall use the  
536 prequalification classifications established pursuant to section 4a-100  
537 to determine the specific categories of services that contractors may  
538 perform after being selected in accordance with this subparagraph and  
539 subparagraph (B) of this subdivision and awarded a contract in  
540 accordance with subparagraph (C) of this subdivision. The  
541 commissioner may establish a separate list for projects involving an  
542 expense to the state of less than five hundred thousand dollars for the  
543 purpose of selecting and utilizing the services of small contractors and  
544 minority business enterprises, as such terms are defined in section 4a-  
545 60g.

546 (B) The commissioner shall invite contractors to submit  
547 qualifications for each specific category of services sought by the  
548 department by posting notice of such invitation on the State  
549 Contracting Portal. The notice shall be in the form determined by the  
550 commissioner, and shall set forth the information that a contractor is  
551 required to submit to be considered for selection. Upon receipt of the  
552 submittal from the contractor, the commissioner shall select, for each  
553 specified category, those contractors who (i) are determined to be the  
554 most responsible and qualified, as such terms are defined in section 4b-  
555 92, to perform the work required under the specified category, (ii) have  
556 demonstrated the skill, ability and integrity to fulfill contract  
557 obligations considering their past performance, financial responsibility  
558 and experience with projects of the size, scope and complexity  
559 required by the state under the specified category, and (iii) for projects  
560 with a cost exceeding five hundred thousand dollars, have the ability  
561 to obtain the requisite bonding. The commissioner shall establish the  
562 duration that each list remains in effect, which in no event may exceed  
563 three years.

564 (C) For any public building or public works project involving an  
565 expense to the state of one million five hundred thousand dollars or  
566 less, the commissioner shall invite bids from only those contractors  
567 selected pursuant to subparagraphs (A) and (B) of this subdivision for  
568 the specific category of services required for the particular project. The  
569 commissioner shall determine the form of bid invitation, the manner  
570 of, and time for, submission of bids, and the conditions and  
571 requirements of such bids. The contract shall be awarded to the lowest  
572 responsible and qualified bidder, subject to the provisions of sections  
573 4b-92 and 4b-94. In the event that fewer than three bids are received in  
574 response to an invitation to bid under this subdivision, or that all the  
575 bids are in excess of the amount of available funds for the project, the  
576 commissioner may negotiate a contract with any of the contractors  
577 submitting a bid, or reject the bids received and rebid the project in  
578 accordance with this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	2-79a
Sec. 2	<i>July 1, 2018</i>	4-124s(c)
Sec. 3	<i>July 1, 2018</i>	29-297
Sec. 4	<i>July 1, 2018</i>	New section
Sec. 5	<i>July 1, 2018</i>	New section
Sec. 6	<i>January 1, 2019</i>	4-66g(b)
Sec. 7	<i>from passage</i>	4-66h
Sec. 8	<i>from passage</i>	4-66m
Sec. 9	<i>January 1, 2019</i>	29-5(b)
Sec. 10	<i>January 1, 2019</i>	10-241c
Sec. 11	<i>January 1, 2019</i>	10-241d
Sec. 12	<i>January 1, 2019</i>	10-241e
Sec. 13	<i>from passage</i>	10-287(b)
Sec. 14	<i>January 1, 2019</i>	4b-91(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:**

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Treasurer, Debt Serv.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** See Below

**Explanation**

The bill makes several changes to statutes regarding local governments and regional councils of government.

**Sections 6 through 8** make regional Councils of Government (COGs) eligible for grants from the Small Town Economic Assistance Program, Main Street Investment Fund, and Intertown Capital Equipment Purchasing Incentive Program. These programs are supported by General Obligation (GO) bonds. The bill does not change GO bond authorizations relevant to these programs.

Future General Fund debt service costs may be incurred sooner under the bill to the degree that the bill causes authorized GO bond funds to be expended more rapidly than they otherwise would have been.

To the extent that grants are awarded to COGs as a result of the bill, the amount of funding available for municipalities via these grant programs may be reduced.

**Sections 10 through 12** require local boards of education to enter cooperative purchasing agreements for certain goods, services, and

software under certain conditions. To the extent that this facilitates the sharing of services between municipalities and boards of education, there is a savings that will vary based on the provisions of the purchasing agreements.

**Section 13** allows municipalities to advertise bidding opportunities for certain school construction contracts online. This results in a potential, minimal savings as this would preclude municipalities from posting such opportunities in newspapers.

The other provisions of the bill make changes to certain requirements of the Office of Policy and Management, the Advisory Commission on Intergovernmental Relations, and local municipalities and boards of education. These changes have no fiscal impact.

### ***The Out Years***

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

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**OLR Bill Analysis****sSB 490****AN ACT CONCERNING LOCAL GOVERNMENTS, SHARED MUNICIPAL SERVICES AND REGIONAL FINANCING OPTIONS.****SUMMARY**

This bill makes changes in laws affecting local government and regional councils of governments (COGs). Among other things, it:

1. adds one member to the Advisory Commission on Intergovernmental Relations and modifies the commission's mandate (§ 1);
2. broadens the factors the Office of Policy and Management (OPM) must consider in awarding Regional Performance Incentive Program (RPIP) grants (§ 2);
3. makes municipal chief executive officers responsible for appointing fire marshals and acting fire marshals (§ 3);
4. specifies that municipalities may develop student transportation plans based on transportation usage (§ 4);
5. requires OPM to adopt regulations governing the process for municipal consolidation or merger (§ 5);
6. makes COGs eligible for several municipal grant programs (§§ 6-8);
7. authorizes the Department of Emergency Services and Public Protection (DESPP) commissioner to appoint a state trooper to an assignment in two or more non-adjointing municipalities (§ 9);
8. requires greater coordination between boards of education and municipalities with respect to purchasing goods and services (§§

- 10-12);
9. increases options for providing notice of school construction project bidding opportunities (§ 13);
  10. makes it easier for state agencies and municipalities to use cooperatively bid contracts offered through a regional education service center (RESC) or COG (§ 14); and
  11. makes minor, technical, and conforming changes.

EFFECTIVE DATE: Various, see below.

## **§ 1 — ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS**

### ***Broadened Mandate***

The Advisory Commission on Intergovernmental Relations studies the relationship between state and local governments and recommends solutions to issues it identifies. The bill additionally requires the commission to (1) make recommendations on the efficiency of state and local services and (2) annually develop a list of service and initiative priorities and focus areas for OPM to consider when awarding RPIP grants (see below).

### ***New Member***

The bill adds to the commission a representative of the Connecticut Alliance of Regional Educational Service Centers, selected by such alliance. Like other appointed members, the representative's term is two years.

### ***Reporting Requirement***

While retaining current law's requirement that the commission submit by October 1, 2019 a report to the legislature on locally funded state mandates on municipalities, the bill eliminates a requirement that the commission reissue the report every four years and update it annually. Instead, after 2019, the commission may submit the report at its discretion.

Under the bill, the report due in 2019 and any subsequent reports the commission opts to submit must include recommendations for enhancing service delivery efficiency at the state and local level. Under current law, the report must be submitted to the Appropriations Committee and any other committee of cognizance. Under the bill, it must also be submitted to the Planning and Development Committee.

The bill eliminates a requirement that each legislator be notified by mail of the report. Instead, the commission must email a summary of the report to each legislator.

EFFECTIVE DATE: July 1, 2018

## **§ 2 — RPIP GRANTS**

The bill require the OPM secretary to consider the Advisory Commission on Intergovernmental Relations' list of service and initiative priorities and focus areas (see § 1, above) when awarding RPIP grants. Under existing law, OPM must prioritize certain grant proposals (e.g., proposals submitted by local and regional boards of education).

OPM awards RPIP grants to municipalities and regional entities for (1) the joint provision of a service that is currently provided, but not on a regional basis; (2) a planning study regarding the joint provision of a service on a regional basis; (3) shared information technology services; or (4) costs associated with connecting to the statewide high-speed network (i.e., Nutmeg Network).

EFFECTIVE DATE: July 1, 2018

## **§ 3 — APPOINTMENT OF LOCAL FIRE MARSHALS**

The bill makes chief executive officers of towns, cities, and boroughs responsible for appointing local and acting fire marshals. Appointments must be made in consultation with the entity that is responsible for appointing these individuals under current law.

Under current law, fire marshals and acting fire marshals are



appointed by a municipality's board of fire commissioners or corresponding authority or, if no such authority exists, the municipality's legislative body, board of selectmen, or warden and burgesses, as appropriate. (An acting fire marshal is appointed if there is no existing deputy fire marshal following the death, disability, dismissal, retirement, or certificate revocation of the local fire marshal.)

Under existing law and the bill, in the case of incorporated fire districts, the district's executive authority appoints the local fire marshal and deputy fire marshals.

EFFECTIVE DATE: July 1, 2018

**§ 4 — SCHOOL TRANSPORTATION PLANS**

The bill specifies that local and regional (1) school districts may develop school transportation services plans based on the number of students using school transportation services, in order to realize cost savings and efficiencies, and (2) boards of education may approve and implement such plans. The bill's authorization applies regardless of any conflicting statutes.

EFFECTIVE DATE: July 1, 2018

**§ 5 — MUNICIPAL CONSOLIDATION REGULATIONS**

The bill requires the OPM secretary, by July 1, 2019, to adopt regulations governing the process for municipal consolidation or merger by two or more contiguous municipalities. The regulations must include a comprehensive timetable of events and goals that the consolidation or merger process will achieve.

(By law, the merger of two municipalities, or the creation of a new one, can only be accomplished by special act.)

EFFECTIVE DATE: July 1, 2018

**§ 6 — SMALL TOWN ECONOMIC ASSISTANCE PROGRAM (STEAP) GRANTS**

The bill makes COGs eligible for STEAP grants. Under current law,

only municipalities and groups of municipalities are eligible. The bill applies to COGs the same parameters that apply to groups of municipalities applying for STEAP grants (e.g., each municipality participating in the application is eligible for a maximum of \$500,000 in grant funds per fiscal year).

By law, STEAP grants fund, among other things, economic development, social service-related, and quality-of-life capital projects in municipalities that do not receive Urban Action funds.

EFFECTIVE DATE: January 1, 2019

### **§ 7 — MAIN STREET INVESTMENT FUND (MSIF) GRANTS:**

The bill makes COGs eligible for MSIF grants. Under current law, only municipalities (1) with populations of 30,000 or fewer or (2) that are eligible for STEAP grants, are eligible for MSIF grants.

#### ***Approved Plan***

As is the case for municipalities under current law, the bill requires COGs, before applying for a MSIF grant, to approve a plan for developing or improving town commercial centers to (1) attract small business, (2) promote commercial viability, and (3) improve aesthetics and pedestrian access.

Under existing law and the bill, MSIF grants may be used to further such plans or reimburse private commercial property owners who make expenditures that directly support or enhance the applicant's projects.

#### ***Advancing the Plan***

Before awarding a grant, the OPM secretary must determine that a proposed project advances the applicant's plan. Under existing law, landscaping, street light installation, and building renovations, among other things, may be deemed to advance plans. The bill specifies that zoning and design guideline development may also advance a plan.

#### ***Eligible Expenses***

The bill expands the definition of eligible expenses to allow grantees to spend funds on (1) planning (presumably, planning for developing or improving commercial centers) and (2) reasonable administrative expenses incurred by a COG that the Department of Housing contracts with to implement the MSIF program.

EFFECTIVE DATE: Upon passage

### **§ 8 — INTERTOWN CAPITAL EQUIPMENT PURCHASE INCENTIVE PROGRAM**

The bill makes COGs, and two or more COGs applying jointly, eligible for Intertown Capital Equipment Purchase Incentive Program grants.

Under current law, the grant program helps municipalities jointly buy or lease needed vehicles or capital equipment (e.g., maintenance vehicles, data processing equipment). Municipalities must use the vehicles or equipment to perform or deliver a required government function or service. The bill specifies that any vehicle or equipment a COG acquires must be used by the region the COG covers to perform or deliver a required government function or service.

EFFECTIVE DATE: Upon passage

### **§ 9 — RESIDENT STATE TROOPERS**

The bill generally requires the DESPP commissioner to appoint resident state troopers to serve an assignment in two or more municipalities lacking an organized police force. It makes a corresponding change to eliminate a pilot program that required her to appoint a resident state trooper to serve in an assignment in two municipalities lacking an organized police force.

As was the case for the pilot program, under the bill (1) the commissioner may assign a trooper to non-adjointing municipalities; (2) the assignment must be made only upon a municipality's request; and (3) participating municipalities pay (a) 85% of the cost of compensation, maintenance and other expenses of the first two

assigned troopers, (b) 100% of costs for any additional troopers, and (c) 100% of any overtime costs and the portion of fringe benefits directly associated with overtime costs.

EFFECTIVE DATE: January 1, 2019

#### **§ 10 — CONSULTATION BEFORE PURCHASING INSURANCE**

Current law requires municipal legislative bodies and local boards of education, when possible, to consult one another about jointly purchasing property, casualty, and workers' compensation insurance. The bill (1) additionally requires consultation for health insurance and (2) eliminates current law's specification that consultations occur "when possible."

EFFECTIVE DATE: January 1, 2019

#### **§ 11 — COOPERATIVE PURCHASING AGREEMENTS FOR GOODS AND SERVICES**

Current law requires a local board of education, after receiving bids for a good or service, to consult with the municipal legislative body to determine whether the municipality provides or uses the good or service. If so, and it is provided equivalently by the municipality or through a municipal contract at a lower cost than the lowest qualified bid received by the board, current law requires the board to consider a cooperative agreement with its host municipality for the good or service. Instead of requiring boards to "consider" a cooperative agreement, the bill requires boards to enter into such agreements.

Under the existing law and the bill, a "good" or "service" includes portable classrooms; motor vehicles; and materials and equipment, such as telephone systems, computers, and copy machines.

EFFECTIVE DATE: January 1, 2019

#### **§ 12 — COOPERATIVE PURCHASING AGREEMENTS FOR CERTAIN SOFTWARE**

Current law requires local boards of education to consult with the municipality's legislative body before purchasing payroll processing or

accounts payable software systems to determine whether they may be purchased or shared on a regional basis. The bill instead requires boards of education, “when possible,” to enter cooperative agreements before purchasing such software.

EFFECTIVE DATE: January 1, 2019

## **§§ 13 & 14 — BIDDING OPPORTUNITIES**

### ***Exemption from Bidding Requirements (§ 14)***

Generally, for state construction contracts valued at \$500,000 or more, the contracting agency (i.e., state or municipal agency) must invite bids through the State Contracting Portal and award the contract to a Department of Administrative Services (DAS)-prequalified bidder. The bill exempts from this requirement projects for which the contracting agency is using a cooperative bid contract offered through a RESC or COG.

### ***Notice of Bidding Opportunity (§ 13)***

Under current law, with limited exceptions, bidding opportunities for school building construction orders and contracts involving state funds must be noticed in a newspaper that circulates in the town where the construction will occur. The bill instead allows these bidding opportunities to be advertised (1) in any Connecticut newspaper or (2) on DAS’ website.

The bill also exempts from the notice requirement any school building construction order or contract awarded through a cooperative purchase contract offered through a RESC or COG.

EFFECTIVE DATE: January 1, 2019, except the notice provision is effective upon passage.

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/26/2018)