



General Assembly

January Session, 2019

Raised Bill No. 7319

LCO No. 5567



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING FISCAL INDEPENDENCE OF SCHOOL DISTRICTS.

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

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) (1) Notwithstanding
2 any provision of the general statutes, for the fiscal year ending June 30,
3 2022, and each fiscal year thereafter, the territorial limits of the town
4 served by each local school district with an average daily membership,
5 as defined in section 10-261 of the general statutes, equal to or less than
6 fifteen thousand pupils shall constitute an educational services taxing
7 district, separate from such town, for the purpose of carrying out the
8 provisions of section 10-220 of the general statutes.

9 (2) Notwithstanding any provision of the general statutes, for the
10 fiscal year ending June 30, 2022, and each fiscal year thereafter, the
11 territorial limits of the towns comprising each regional school district
12 with an average daily membership equal to or less than fifteen
13 thousand pupils shall constitute an educational services taxing district,
14 separate from each of such towns, for the purpose of carrying out the
15 provisions of section 10-220 of the general statutes.

16 (b) In addition to all the powers and duties conferred upon boards
17 of education by the general statutes, the board of education for each
18 school district described in subsection (a) of this section shall have the
19 power to (1) assess, levy and collect taxes for the purpose of carrying
20 out the provisions of section 10-220 of the general statutes on all
21 property, subjects or objects which may be lawfully taxed, and (2)
22 regulate the method of borrowing money for such purpose and
23 borrow on the faith and credit of such district for such purpose and to
24 such extent as is authorized by law.

25 (c) Notwithstanding any provision of the general statutes, (1) the
26 fiscal year of each educational services taxing district described in
27 subsection (a) of this section shall begin on July first and shall end the
28 following June thirtieth, and (2) annually, not less than thirty days
29 prior to the beginning of the fiscal year, the board of education for each
30 school district described in said subsection shall, for such educational
31 services taxing district, (A) adopt an annual budget, (B) lay the tax, and
32 (C) fix the tax rate.

33 (d) The assessor or assessors of each town served by a local school
34 district described in subdivision (1) of subsection (a) of this section, or
35 of each town comprising a regional school district described in
36 subdivision (2) of said subsection, as applicable, shall annually furnish
37 such district's board of education with a copy of the grand list of all
38 property in such town after it has been completed by the board of
39 assessment appeals of such town. If the legislative body of such town
40 elects, pursuant to section 12-62c of the general statutes, to defer all or
41 any part of the amount of the increase in the assessed value of real
42 property in the year a revaluation becomes effective and in any
43 succeeding year in which such deferment is allowed, the grand list
44 furnished to such board of education for each such year shall reflect
45 assessments based upon such deferment. Upon the fixing of the tax
46 rate, (1) such board of education shall prepare a rate bill, apportioning
47 to each owner of property within such district his or her proportionate
48 share of the taxes, which rate bill, when prepared, shall be delivered to
49 the treasurer of such board of education; and (2) such board of

50 education and the treasurer thereof shall have the same powers as
51 towns and collectors of taxes to collect and enforce payment of such
52 taxes, and such taxes when laid shall be a lien upon the property in the
53 same manner as town taxes, and such liens may be continued by
54 certificates recorded in the land record office of the town, and
55 foreclosed in the same manner as liens for town taxes or enforced in
56 accordance with any provision of the general statutes for the collection
57 of property taxes. The assessor or board of assessment appeals of each
58 town served by a local school district described in subdivision (1) of
59 subsection (a) of this section, or of each town comprising a regional
60 school district described in subdivision (2) of said subsection, as
61 applicable, shall promptly forward to such district's board of education
62 any certificate of correction or notice of any other lawful change to the
63 grand list of such district. Such board of education shall, within ten
64 days of receipt of any such certificate or notice, forward a copy thereof
65 to the treasurer of such board, and the assessment of the property for
66 which such certificate or notice was issued and the rate bill related
67 thereto shall be corrected accordingly.

68 (e) Subject to the provisions of the general statutes, each district
69 described in subsection (a) of this section may issue bonds and such
70 district's board of education may pledge the credit of such district for
71 any money borrowed for the purpose of carrying out the provisions of
72 section 10-220 of the general statutes, and such board shall keep a
73 record of all notes, bonds and certificates of indebtedness issued,
74 disposed of or pledged by the district. All moneys received by such
75 board of education on behalf of its district shall be paid to the treasurer
76 of such board.

77 (f) Notwithstanding any provision of the general statutes, each
78 district described in subsection (a) of this section may adopt
79 ordinances, with penalties to secure their enforcement, for the purpose
80 of regulating the carrying out of the provisions of section 10-220 of the
81 general statutes and defining the duties and compensation of its
82 officers and the manner in which their duties shall be carried out.

83 Sec. 2. Subdivision (2) of subsection (c) of section 7-148 of the
84 general statutes is repealed and the following is substituted in lieu
85 thereof (*Effective October 1, 2019*):

86 (2) (A) Establish and maintain a budget system;

87 (B) Assess, levy and collect taxes for general or special purposes on
88 all property, subjects or objects which may be lawfully taxed, and
89 regulate the mode of assessment and collection of taxes and
90 assessments not otherwise provided for, including establishment of a
91 procedure for the withholding of approval of building application
92 when taxes or water or sewer rates, charges or assessments imposed
93 by the municipality are delinquent for the property for which an
94 application was made, except that any municipality served by a local
95 school district described in subsection (a) of section 1 of this act, or any
96 municipality comprising a regional school district described in said
97 subsection, shall have no power to assess, levy and collect taxes for the
98 purpose of providing educational services;

99 (C) Make appropriations for the support of the municipality and
100 pay its debts;

101 (D) Make appropriations for the purpose of meeting a public
102 emergency threatening the lives, health or property of citizens,
103 provided such appropriations shall require a favorable vote of at least
104 two-thirds of the entire membership of the legislative body or, when
105 the legislative body is the town meeting, at least two-thirds of those
106 present and voting;

107 (E) Make appropriations to military organizations, hospitals, health
108 care facilities, public health nursing organizations, nonprofit museums
109 and libraries, organizations providing drug abuse and dependency
110 programs and any other private organization performing a public
111 function;

112 (F) Provide for the manner in which contracts involving unusual
113 expenditures shall be made;

114 (G) When not specifically prescribed by general statute or by
115 charter, prescribe the form of proceedings and mode of assessing
116 benefits and appraising damages in taking land for public use, or in
117 making public improvements to be paid for, in whole or in part, by
118 special assessments, and prescribe the manner in which all benefits
119 assessed shall be collected;

120 (H) Provide for the bonding of municipal officials or employees by
121 requiring the furnishing of such bond, conditioned upon honesty or
122 faithful performance of duty and determine the amount, form, and
123 sufficiency of the sureties thereof;

124 (I) Regulate the method of borrowing money for any purpose for
125 which taxes may be levied and borrow on the faith and credit of the
126 municipality for such general or special purposes and to such extent as
127 is authorized by general statute, except that any municipality served
128 by a local school district described in subsection (a) of section 1 of this
129 act, or any municipality comprising a regional school district described
130 in said subsection, shall have no power to regulate the borrowing of
131 money for the purpose of providing educational services and no
132 power to borrow on the faith and credit of the municipality for the
133 purpose of providing educational services;

134 (J) Provide for the temporary borrowing of money;

135 (K) Create a sinking fund or funds or a trust fund or funds or other
136 special funds, including funds which do not lapse at the end of the
137 municipal fiscal year;

138 (L) Provide for the assignment of municipal tax liens on real
139 property to the extent authorized by general statute;

140 Sec. 3. Section 7-324 of the general statutes is repealed and the
141 following is substituted in lieu thereof (*Effective October 1, 2019*):

142 For the purposes of sections 7-324 to 7-329, inclusive, "district"
143 means any fire district, sewer district, fire and sewer district, lighting

144 district, village, beach or improvement association and any other
145 district or association, except a school district or educational services
146 taxing district described in subsection (a) of section 1 of this act, wholly
147 within a town and having the power to make appropriations or to levy
148 taxes. All districts established prior to May 29, 1957, under the
149 provisions of the general statutes or by special act shall be continued;
150 provided any such district may be dissolved or consolidated with the
151 government of any town, city or borough of which it is a part in
152 accordance with the provisions of the general statutes or may, by a
153 two-thirds vote of those voters present at a district meeting, elect to be
154 governed by the provisions of sections 7-324 to 7-329, inclusive, in lieu
155 of the provisions of any general or special act under which such
156 district was established or operated. Notwithstanding any of the
157 provisions of sections 7-324 to 7-329, inclusive, a district established
158 prior to May 29, 1957, and electing to be governed by said sections
159 shall not be required to adopt the form of organization provided for in
160 said sections but may continue its existing form of organization and
161 nevertheless have and exercise the powers and duties granted to
162 districts in said sections and in such event the officers of such district
163 shall have and may exercise the powers and duties granted to district
164 officers in said sections.

165 Sec. 4. Section 12-122a of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective October 1, 2019*):

167 Any municipality which has more than one taxing district may by a
168 majority vote of its legislative body set a uniform city-wide mill rate
169 for taxation of motor vehicles, except that (1) if the charter of such
170 municipality provides that any mill rate for property tax purposes
171 shall be set by the board of finance of such municipality, such uniform
172 city-wide mill rate may be set by a majority vote of such board of
173 finance, and (2) neither the legislative body nor the board of finance of
174 such municipality may set such mill rate for an educational services
175 taxing district described in subsection (a) of section 1 of this act. No
176 uniform city-wide mill rate may exceed the amount set forth in section
177 12-71e.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
Sec. 2	<i>October 1, 2019</i>	7-148(c)(2)
Sec. 3	<i>October 1, 2019</i>	7-324
Sec. 4	<i>October 1, 2019</i>	12-122a

Statement of Purpose:

To require that local and regional school districts of a certain size become taxing authorities, separate from any municipality, for the provision of educational services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]