

Office of Legislative Research
Connecticut General Assembly



MUNICIPALITIES



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NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting municipalities and municipal employees enacted during the 2010 regular legislative session. In each summary we indicate the public act (PA) number. The report does not cover special acts, some of which affect municipalities; public acts that were vetoed unless the veto was overridden; or public acts that affect only one or a few municipalities.

Not all provisions of the acts are included here. Complete summaries are available on OLR's webpage:
<http://www.cga.ct.gov/olr/publicactsummaries.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.ct.gov/default.asp>.

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DEVELOPMENT

Creation of the Plan of Conservation and Development

By law, anyone seeking a permit from a state or local land use agency, local building official, or health director generally must notify holders of conservation or preservation restrictions on the affected property before filing an application. **PA 10-85** allows filing an application or requiring written notice when the activity that is the subject of the application will take place on a portion of property not restricted under the terms of the conservation or preservation restriction.

Where a state agency holds the restriction, the act extends, from 15 to 30 days, the deadline for appealing the granted permit.

The act requires municipalities to record certain information in their land records whenever they (1) acquire real property with the intent to place a conservation, preservation, or other restriction on its use or (2) intend to permanently protect municipal property by dedicating it as park or open space land.

EFFECTIVE DATE: October 1, 2010, except that the provision pertaining to the recording of information in land records takes effect upon passage.

Bradley Development Zone

PA 10-98 designates an intermunicipal development zone around Bradley International Airport and authorizes state-reimbursed property tax exemptions and corporation business tax credits for manufacturers and other specified businesses that develop or acquire property in the zone and create jobs. The zone encompasses sections of East Granby, Suffield, Windsor, and Windsor Locks.

EFFECTIVE DATE: October 1, 2011, with the (1) property tax exemptions applicable to assessment years beginning on or after October 1, 2012 and (2) corporation business tax credits applicable to income years beginning on or after January 1, 2013.

Remediating Blight

PA 10-152 expands municipal powers by authorizing municipalities to (1) remediate, not just prevent, housing blight and (2) designate agents to enter property for that purpose. It allows municipalities to exercise these powers under the ordinance they must adopt if they choose to impose a special assessment on blighted property. The act allows municipalities to use revenue the assessment generates for remediation costs, instead of just enforcement costs.

EFFECTIVE DATE: October 1, 2010

Aerospace and Defense Plant Closures

PA 10-162 extends the enterprise zone program's state-reimbursed property tax exemptions and corporation business tax credits to entire municipalities hurt by the closing of aerospace and defense plants employing at least 800 people. The economic and community development (DECD) commissioner must first determine that the closing severely affects the municipality. Businesses developing property in the municipality qualify for tax incentives under the same terms and conditions as those developing property in enterprise zones.

EFFECTIVE DATE: Upon passage

Municipal Role in Approving Neighborhood Assistance Act Tax Credits

PA 10-188 eliminates (1) municipalities' role in approving tax credit proposals from individual businesses and (2) municipal approval or disapproval as a factor in the revenue services commissioner's decision to approve a tax credit application. Municipalities still must approve credit-eligible programs.

EFFECTIVE DATE: July 1, 2010

EDUCATION

Funding for Seat Belts on School Buses

PA 10-83 requires the Department of Motor Vehicles (DMV) to administer a program to help participating school districts pay for school buses equipped with lap/shoulder (three-point) seat belts. DMV must do so by increasing certain fees by \$50 and using the increase to offset a portion of the sales tax school bus companies pay for seat belt-equipped school buses.

School districts that meet eligible criteria may apply to DMV for funding between July 1, 2011 and December 31, 2017.

EFFECTIVE DATE: July 1, 2010

Domestic Violence Training

PA 10-91 requires local and regional school boards, as part of the in-service training they must offer to certified employees, to include information on preventing teen dating violence and domestic violence. It also requires the State Board of Education (SBE) to help boards to include domestic violence and teen dating violence as a separate topic in in-service training programs for certified professional employees.

EFFECTIVE DATE: July 1, 2010

Noncertified School Employees and In-Service Training

PA 10-91 expressly allows school boards to permit paraprofessionals and other noncertified employees to participate voluntarily in in-service training programs for certified personnel.

EFFECTIVE DATE: July 1, 2010

Nonlapsing Account

PA 10-108 overrides special acts, local charters, and ordinances to allow a town board of finance, board of selectmen in a town with no board of finance, or other appropriating authority for a school district to retain and deposit in a nonlapsing account any unspent funds budgeted for education up to 1% of the school district's total annual budgeted appropriations for education for that year, starting with FY 11.

EFFECTIVE DATE: July 1, 2010

Procedures to Establish and Fund a Public Library

PA 10-108 allows municipalities to establish and fund public libraries either by action of their legislative bodies or by a petition of at least 50 voters followed by referendum approval. Under prior law, cities could establish libraries only by

city council action, and towns and boroughs could do so only by a petition and referendum.

EFFECTIVE DATE: June 1, 2010

School Construction Projects

PA 10-108 authorizes \$416.6 million in grant commitments for 29 new local school construction and interdistrict magnet school projects. The act also reauthorizes and increases grant commitments for four previously authorized projects with significant changes in cost and scope and waives certain statutory and regulatory requirements to make specified school construction projects eligible for state grants under certain conditions.

EFFECTIVE DATE: Upon passage

Parent-Teacher Conferences

Starting with the 2010-11 school year, **PA 10-111** requires each school district's mandatory policy for encouraging parent-teacher communication to require districts to hold two flexible parent-teacher conferences per year.

EFFECTIVE DATE: July 1, 2010

Teacher Evaluations

PA 10-111 requires school districts to evaluate teachers partly on multiple indicators of their students' academic growth. It requires the SBE, by July 1, 2013, to develop guidelines for a model teacher evaluation program that includes student academic growth and requires local school district evaluation programs to be consistent with those guidelines.

The act also establishes a council to help the SBE develop the guidelines and the expanded public school information system to support it.

EFFECTIVE DATE: July 1, 2010

Advanced Placement (AP) Courses

Starting July 1, 2011, **PA 10-111** requires local and regional boards of education to provide high school level courses for which an AP examination is available through the College Board. The act also requires the SBE to develop guidelines to help school districts train teachers to teach AP courses to a diverse student body.

EFFECTIVE DATE: July 1, 2010

Tenure in Priority School Districts

PA 10-111 allows any certified teacher or administrator employed by a local or regional board of education in a priority school district and who previously had tenure with another board of education in Connecticut or another state to attain tenure after 10 months of employment in the priority school district rather than 20 months.

EFFECTIVE DATE: Upon passage

Employment of Retired Teachers

PA 10-111 expands opportunities for school districts to reemploy retired teachers who are collecting TRS pensions without triggering a benefit reduction. It allows the districts to reemploy retirees (1) for any length of time, instead of less than a full school year, at 45% of the maximum pay for the assigned position, and (2) at full salary for up to one full school year with a possible extension to a second year if they teach any subject, not just a shortage area subject, in a priority school district or if the SBE employs them in a subject shortage area. The act also makes changes in the procedures for notifying the Teachers' Retirement Board (TRB) of a retired teacher's reemployment.

EFFECTIVE DATE: Upon passage

State Reconstitution of a Board of Education for a Low-Achieving District

PA 10-111 enhances SBE's authority to replace the board of education for a local or regional school district that, after being designated as a low-achieving district, fails for two consecutive years to make adequate progress toward meeting the student achievement requirements of state and federal law. It overrides state statutes, special acts, and local charters and ordinances to allow the SBE, subject to certain conditions, to authorize the education commissioner, without specific state legislative action, to terminate the existing local or regional board of education for a low-achieving school district and appoint new members. Under the act, the SBE may implement the reconstituted board for up to five years.

EFFECTIVE DATE: July 1, 2010

Expanded Public School Information System

By July 1, 2013, **PA 10-111** requires the State Department of Education (SDE) to expand the public school information system that already tracks individual student performance on statewide mastery tests to also:

1. track and report to local and regional school boards, data on performance growth by students, teachers, schools, and school districts;
2. collect available data on enrollment in, and graduation from, higher education institutions, for students who have a unique student identifier in the system; and
3. develop a way to access and share data with the data systems of Connecticut public higher education institutions.

EFFECTIVE DATE: July 1, 2010

Parents, Governance Councils, and Low-Achieving Schools

PA 10-111 requires school boards with low-achieving schools to create school governance councils made up mostly of students' parents or guardians. The councils are empowered to, among other things, advise the principal on the school budget before it is submitted to the superintendent, interview candidates to fill principal vacancies, and vote to reorganize low-achieving schools using school reconstitution models included in the act.

SDE, within available appropriations, must monitor schools for two years after reconstitution for progress based on the specified indicators, including student and teacher

attendance, dropout rate, disciplinary incidents, length of school day and year, and the number and size of parent-teacher organizations.

EFFECTIVE DATE: July 1, 2010

Innovation Schools

PA 10-111 permits a board of education for a priority school district, acting with or without an external partner, to convert an existing school or establish a new school as an “innovation school” through agreements with the teacher and administrator unions to improve school performance and student achievement. It adds innovation schools to the specific models the commissioner may choose for reconstituting low-achieving schools.

The act establishes the requirements for establishing such a school, including a requirement for a plan for the school, developed by a plan committee. The plan must include measurable goals regarding school performance and student success and the school must be monitored and evaluated annually by the school superintendent.

EFFECTIVE DATE: July 1, 2010

Reports on Governance Councils and Reconstituted Schools

By July 1, 2011 and every two years thereafter, **PA 10-111** requires the SDE, within available appropriations, to report to the Education Committee on (1) the number of school governance councils started under the act, (2) a comparison of the councils that have initiated reconstitutions with those that have not, and (3) whether there is increased parental involvement at schools with governance councils.

By January 1, 2012, the SDE must report on the number of councils established, the number of schools that have been reconstituted, and the reconstitution models adopted.

EFFECTIVE DATE: July 1, 2010

School Readiness Grant Phase-Outs

PA 10-151 changes the school readiness grant phase-out requirements for a certain group of towns. It allows towns that are not priority school district towns, but are on the list of the 50 poorest towns, to continue to receive an annual school readiness grant even if they no longer meet the requirements. The change begins for FY 11 and applies to towns that were eligible for the grant and received one in FY 10. The existing three-

year phase-out requirement remains in place for priority school districts. The phase-out also continues for the 50 poorest towns (excluding priority district towns) if the phase-out began in FY 09.

EFFECTIVE DATE: July 1, 2010

School Readiness Grant Competitive District Account

PA 10-151 establishes a school readiness competitive district grant account as a separate, nonlapsing General Fund account, which the education commissioner must spend for grants to competitive school districts to make slots available in preschool school readiness programs. Under the new law, a “competitive school district” is one with more than 9,000 students that is also a priority school district or a district in a town on the list of the state’s 50 poorest.

EFFECTIVE DATE: July 1, 2010

Minimum Budget Requirement (MBR)

PA 10-151 allows any town that had fewer students enrolled in its schools in the 2009-10 school year than it did in 2008-09 to reduce its MBR for FY 10 by \$3,000 times the difference in the two enrollments. For example, if a district had 800 students enrolled in 2008 and 750 students in 2009, it could

budget \$150,000 less (\$3,000 x 50) in FY 10 than it did in FY 09 and still meet its MBR for FY 10.

EFFECTIVE DATE: Upon passage

Applied Behavior Analysis Services

Starting July 1, 2012, **PA 10-175** requires school districts to use only licensed or certified behavior analysts to provide applied behavior analysis for students with autism spectrum disorders who require the services (1) according to a special education individualized education program or (2) under an educational plan established for a child with a disability that requires a reasonable accommodation but who is not eligible for special education. The act also establishes standards for people who may provide applied behavioral analysis services if the education commissioner finds there are not enough licensed or certified personnel available.

EFFECTIVE DATE: July 1, 2010

Supplemental Special Education Excess Cost Grants

By law, the state reimburses school districts for the costs of special education and related services for any student that exceed a specified local contribution. For FY 10 and FY 11, if total grants payable exceed the budgeted authorization for them, reimbursements must be

proportionately reduced. **PA 10-179** provides supplemental grants to most school districts for FY 10 and FY 11 for these costs and lists the additional grant amount each district will receive.

EFFECTIVE DATE: May 7, 2010 (see SB 502)

ENVIRONMENT

Clean Water Revenue Bond Authorization Increase

Clean Water Fund revenue bonds provide loans to municipalities for water pollution control projects. **PA 10-44** authorizes an additional \$40 million in Clean Water Fund revenue bonds for FY 11, increasing the total amount authorized for the upcoming year to \$120 million from \$80 million.

EFFECTIVE DATE: July 1, 2010

Regulated Activities on Sites Undergoing Remedial Action

PA 10-86 allows a regulated activity to be conducted in an aquifer protection area on a site where hazardous waste is being cleaned up at the time the area is designated on a municipal zoning or inland wetland map, as long as (1) the regulated activity did not substantially begin, or actively operate, for five years before the area was designated on such a map and (2) anyone conducting the activity for 10 years, starting on the date of the designation, registers it on a

Department of Environmental Protection (DEP) form.

EFFECTIVE DATE: Upon passage

Recycling

PA 10-87 requires (1) solid waste collectors and most municipalities to offer curbside or backyard recycling to people to whom they offer curbside or backyard waste removal; (2) contracts between solid waste contractors and their commercial customers to address how the customers' recycling will be handled; and (3) recycling receptacles at common gathering venues that already have solid waste collection and that generate designated recyclable items.

The act also:

1. expands the types of items that must be recycled;
2. prohibits zoning regulations from barring recycling receptacles, requiring them to conform to most bulk or lot area regulations, or unreasonably restricting their size or access to them;
3. modifies and adds to the contents of the annual recycling reports municipalities submit to DEP; and
4. creates new municipal reporting requirements for solid waste and recycling collectors.

EFFECTIVE DATE: Various

Permit Filing (VETOED; VETO OVERRIDDEN)

PA 106 issued a wetlands regulated activity permit, dredging permit, certificate of permission for routine maintenance, or emergency authorization for corrective action on or after October 1, 2010, to file a certified copy of the document on the land records of the municipality where the property is located within 30 days of issuance. It requires a property owner transferring land for which such a document is issued to record the document in the land records before the transfer.

The act also eliminates (1) coastal management grants to municipalities and (2) the estuarine embayment improvement program.

EFFECTIVE DATE: October 1, 2010

Brownfield Remediation

PA 10-135 qualifies municipal and nonprofit development agencies for directors' and officers' liability and general liability insurance under an existing brownfield clean-up program. It allows the DECD commissioner to use money from another brownfield program to fund two newer programs open to municipalities and private developers.

The act also allows municipalities to (1) fix the tax assessment on a contaminated property before the owner begins to remediate it and (2) forgive back taxes on a contaminated property if a developer proposes to remediate it under a state-approved plan.

It sets narrow conditions under which a regulated activity must be permitted on municipal sites undergoing remediation in aquifer protection areas.

EFFECTIVE DATE: July 1, 2010, except for the provisions concerning the Urban Sites Remediation Fund, which are effective October 1, 2010 and those for fixing the property tax assessments, which are effective July 1, 2010 and apply to assessment years beginning on or after October 1, 2010.

HOUSING

Visitable Housing

PA 10-56 authorizes DECD, in consultation with the Connecticut Housing Finance Authority, to establish a program that encourages Connecticut developers to build "visitable homes" (homes that are easy for people with disabilities to visit).

The act exempts developers from a requirement to obtain a State Building Code variance or exemption to construct visitable homes. And it authorizes

municipal legislative bodies to adopt ordinances giving these developers a property tax abatement.

EFFECTIVE DATE: October 1, 2010

MUNICIPAL EMPLOYEES

Workers' Compensation for Firefighters and Police Officers

Under **PA 10-37**, a volunteer or paid municipal firefighter, municipal police officer, constable, or volunteer ambulance service member is eligible for workers' compensation benefits for certain diseases arising out of or in the course of their employment. These include hepatitis, tuberculosis, and certain forms of cancer. As with all workers' compensation claims, the disease must result in death or temporary or permanent total or partial disability in order for the person to be eligible for benefits. Because the workers' compensation law already covers any disabling injury or illness that arises out of and in the course of employment, it is unlikely that this act has any legal effect.

EFFECTIVE DATE: October 1, 2010

Unemployment Compensation Fund

Under state and federal law, municipalities, as well as the state and Native American tribes, may reimburse the Unemployment Compensation Fund for unemployment benefits paid to their former employees. **PA 10-46** codifies the federal requirement that these employers pay 100% of the cost of any extended benefits. Extended benefits are benefits granted beyond (1) the standard 26-week period and (2) any additional benefits the federal government grants and pays for.

EFFECTIVE DATE: Upon passage

Indemnification of Certain Police Officers

By law, a state, local, or State Capitol police officer who is found not guilty or has charges dismissed in a prosecution for a crime allegedly committed in the course of duty must be indemnified by his or her employer for economic loss, including legal fees.

Under case law, an officer could recover attorneys' fees related to the prosecution but not from a separate lawsuit to enforce the officer's right to indemnification. **PA 10-68** allows the officer to recover attorneys' fees and costs from enforcing the indemnification provisions.

EFFECTIVE DATE: October 1, 2010

Municipal Assessors

PA 10-84 eliminates a municipality's option to elect assessors and requires all municipalities to appoint them. Under prior law, a municipality could (1) choose to elect or appoint up to five assessors by a town or borough meeting vote or a two-thirds vote of the legislative body in a municipality without meetings, (2) set the assessor's qualifications and compensation, and (3) allow the assessor or board of assessors to appoint clerical or other assistants within appropriations. The act eliminates provisions on setting terms of office and terminating terms of assessors in office.

The act also requires the town clerk to swear the assessor to the faithful performance of his or her duties. The law already requires an assessor to be sworn before beginning his or her duties.

EFFECTIVE DATE: October 1, 2010

REGIONALISM

Shared-Service Agreements Between Boards Of Education

PA 10-167 establishes a grant in FY 12 to any municipality whose board of education enters into a cooperative arrangement with at least one other board of education to provide school transportation that results in a savings in FY 11. The grant is in addition to the reimbursements

for student transportation school districts receive under existing law.

The act also permits two or more boards of education to establish shared-service agreements, in addition to cooperative arrangements that boards may enter under existing law.

EFFECTIVE DATE: Upon passage for the school transportation incentive program and October 1, 2010 for the shared-services agreement provision.

Regional Economic Development

PA 10-168 allows regional planning and economic development organizations to propose regional economic development districts that the governor designates, prepare strategies to develop them, and apply for state and federal economic development funds. The act specifies criteria for drawing district boundaries and procedures for preparing, reviewing, and approving strategies.

The procedures require proposed districts and strategies to be approved by DECD and the Office of Policy and Management. After these agencies approve a strategy, the district may submit it to the U.S. Department of Commerce for approval and apply for and receive federal funds.

EFFECTIVE DATE: July 1, 2010

Joint Purchase of Employee Health Insurance

PA 10-174 permits two or more municipalities or local or regional boards of education to enter into a written agreement to act as a single entity to provide medical or health care benefits for their employees under certain conditions. The agreement is subject to the conditions of any union contract the municipality or board has with its employees. The municipality's legislative body must approve the agreement when certain conditions exist between the municipality and board of education.

EFFECTIVE DATE: October 1, 2010

MISCELLANEOUS

Advertising for Bazaars and Raffles

PA 10-10 expands the types of advertising permitted for bazaars and raffles. Under prior law, an organization could post only one sign up to 12 square feet on the premises where the drawing will be held or prizes awarded and one where the prizes are displayed. The act allows the organization to post an advertisement (1) on its Internet website, (2) in an email, and (3)

on lawn signs meeting certain standards on private property with the property owner's consent.

EFFECTIVE DATE: October 1, 2010

Senior Center Information Protected from Disclosure

PA 10-17 exempts from disclosure under the Freedom of Information Act the name, address, telephone number, and email address of anyone who is a member of, or enrolled in a program at, a senior center administered or sponsored by a public agency, including a municipality.

EFFECTIVE DATE: October 1, 2010

Permits for Mass Gatherings

PA 10-92 makes various changes to the state's mass gathering law and exempts agricultural fairs meeting certain conditions from the law. Previously, the law required an event organizer to obtain a mass assembly license for an event expected to last for 12 or more consecutive hours if the event had or was reasonably expected to have at least 2,000 attendees. The act instead requires a license if the average number of people assembled during all hours of the event can reasonably be expected to equal or exceed 2,000.

EFFECTIVE DATE: Upon passage

***OTB Simulcasting Facilities
(VETOED; VETO OVERRIDDEN)***

PA 10-128 increases the number of off-track betting (OTB) facilities that may operate as simulcasting facilities (i.e., televise OTB programs) from 12 to 15 of the 18 currently authorized OTB facilities. It requires that the new simulcasting facilities be located in Manchester, New London, and Windham.

EFFECTIVE DATE: Upon passage

Prizes for “Teacup Raffles”

PA 10-132 increases, from \$100 to \$250, the value of each prize that qualified organizations conducting “teacup raffles” at bazaars may award. It also allows the organizations to award gift certificates of the same value. Under prior law, organizations could only award merchandise as prizes.

EFFECTIVE DATE: October 1, 2010

Delaying Revaluation

PA 10-152 permits Guilford, Madison, and Middletown, with the approval of their respective legislative bodies, to delay a revaluation scheduled to occur before the 2013 assessment year. In other words, these municipalities may continue taxing property based on its value on the date of the decision to delay, after which each must

revalue the property. The subsequent revaluation must resume at the point in the schedule where the municipality was before the delay. If a revaluation is delayed, the act allows the duly authorized municipal official to prepare new rate bills based on the delay, notwithstanding any law, municipal charter, special act, or home rule ordinance to the contrary.

EFFECTIVE DATE: Upon passage

Crosswalks

PA 10-159 requires that any crosswalk designated by a traffic authority on or after October 1, 2010 have markings, signage, or any control signals the authority considers necessary to provide sufficient time for the safe crossing of pedestrians.

EFFECTIVE DATE: Upon passage

Health Insurance Claims Data

PA 10-163 requires an insurer to disclose to municipalities and other employers certain information about its group insurance policy. The information relates to services used, claims paid, premiums paid, and the number of people covered under the policy. The act requires the insurer to provide the information in accordance with specified provisions. Employers may use the information only for

obtaining competitive quotes for group insurance or to promote employee wellness initiatives.

EFFECTIVE DATE: Upon passage

Municipal Real Estate Conveyance Tax

SB 501 extends the expiration date of the basic 0.25% municipal real estate conveyance tax rate for one year, until July 1, 2011. In doing so, it also maintains the optional rate of up to 0.5% allowable in 18 eligible municipalities for the same period.

The act also (1) restores an exemption, eliminated in 2009, from the tax for transfers made pursuant to a foreclosure by sale and (2) exempts from the tax transfers of a seller's principal residence when the transfer is (a) in lieu of a foreclosure or (b) a "short sale," which, under the act, means that the sale price is less than the total amount the seller owes on the property for mortgages and liens for municipal property taxes and utility or other charges that have priority over mortgage liens.

EFFECTIVE DATE: July 1, 2010 for the municipal rate extension and October 1, 2010 for the exemption provisions.

RO:ts