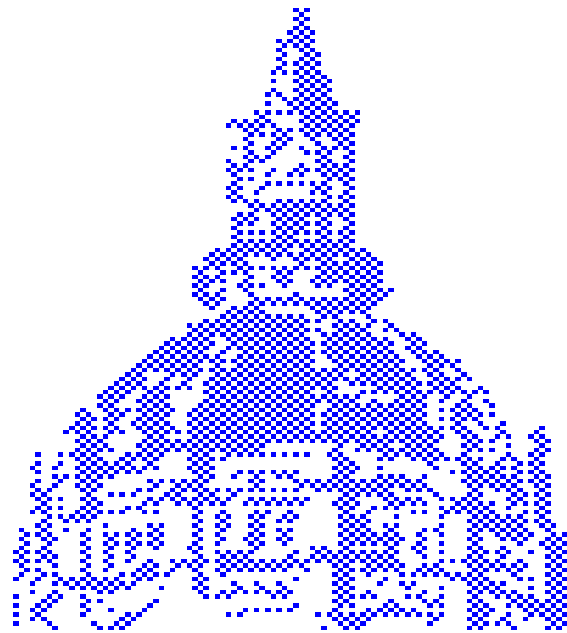


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

MUNICIPALITIES



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NOTICE TO THE READER

This report provides brief highlights of new laws (Public Acts and Special Acts) affecting municipalities enacted during the 2013 regular legislative session. At the end of each summary we indicate the Public Act (PA) or Special Act (SA) number and the date the legislation takes effect.

Not all provisions of the acts are included. Complete summaries of all 2013 Public Acts will be available on OLR's webpage (<http://www.cga.ct.gov/olr>).

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 (www.cga.ct.gov).

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ALCOHOL

Pilot Program Allowing Police Comment on Liquor Permit Applications

A new law extends, from December 31, 2013 to June 30, 2014, a pilot program in New Haven under which any person applying to the Department of Consumer Protection (DCP) for an on-premises liquor permit or renewal must give the chief of police, or his designee, written notice of the application. the police chief may give the commissioner written comments on the application, which DCP must consider when issuing the permit or renewal.

([SA 13-4](#), effective upon passage)

Pilot Program for Alcohol-Dependent People

A new law requires the mental health and addiction services commissioner to establish and implement a pilot program to assist alcohol-dependent people discharged from New Haven-area hospitals. The program must help these people obtain outpatient treatment and community support services, including housing.

([PA 13-247, § 74](#), effective October 1, 2013)

ANIMALS

Breed Specific Dog Ordinances

A new law bars municipalities from adopting breed-specific dog ordinances.

([PA 13-103](#), effective October 1, 2013)

Evacuation and Temporary Sheltering of Animals During Emergencies

A new law requires municipalities to consider whether to include in their emergency plans of operation provisions for the (1) nonmilitary evacuation of pets and service animals, instead of just livestock and horses, and (2) temporary sheltering of pets, service animals, and animals trained to help first responders. Existing law, which the new law does not change, already requires these plans, when appropriate, to include strategies that address nonmilitary evacuation of pets and service animals in order to be approved by the Department of Emergency Services and Public Protection (DESPP) commissioner.

The new law also requires local civil preparedness advisory councils to include representatives of local and state animal humane organizations. These councils advise local civil preparedness organizations on civil preparedness issues.

([PA 13-235](#), effective October 1, 2013)

Fees for Spaying or Neutering and Vaccinating Adopted Dogs

A new law allows a municipality to charge an individual who buys a dog as a pet from a municipal pound up to \$150 for the cost it incurred to have the animal spayed or neutered and vaccinated. Under existing law, an animal control officer may have a licensed veterinarian spay or neuter unclaimed healthy dogs, cats, or other animals in his or her custody after seven days, before selling or placing them as pets.

([PA 13-105](#), effective October 1, 2013)

EDUCATION

This report includes a selection of the education-related acts affecting municipalities. Please refer to OLR Report [2013-R-0305](#) for summaries of all 2013 acts affecting education.

Armed School Security

A new law (1) establishes requirements for municipalities and boards of education to hire active or retired police officers to provide armed security at public schools and (2) requires all armed school security to be active or retired police officers.

([PA 13-188](#), effective upon passage)

Athletic Directors

A new law: codifies, with some changes, state regulations concerning hiring standards for school and school district athletic directors; requires that all directors hired on or after October 1, 2013 meet the new standards; and permits those hired before that date to continue in their current jobs even if they do not meet the new standards.

But it prohibits any local or regional board of education from hiring a person “grandfathered” into another district for its district, unless the person meets the standards. The new law also establishes duties for all school and school district athletic directors.

([PA 13-41](#), effective October 1, 2013 for the above provisions)

Ban on Sheff Host Magnets Charging Tuition

A new law continues, for two more school years, the existing ban on Hartford host magnets charging tuition to K-12 students' home districts (“sending districts”). It also extends the tuition ban to any Sheff host magnet.

([PA 13-247, § 167](#), effective July 1, 2013)

Charter School Students' Scores as Part of the District's Overall Scores

Beginning in the 2013 school year, a new law allows a school district designated as an alliance district to mutually agree with a state or local charter school within the district to use the charter school's students' academic achievement scores as part of the district's overall scores. Under prior law, a pilot program, which expired on June 30, 2013, authorized similar agreements in the Bridgeport, Hartford, and New Haven school districts.

([PA 13-206](#), effective July 1, 2013)

Community Schools

A new law allows a local or regional board of education to designate or establish a community school or schools to collaborate with community partners in providing students, families, and community members various educational and social services. It spells out the steps a board must take in order to establish a community school, and adds community schools to the list of school turnaround options that can be used under the state Department of Education (SDE) commissioner's network of schools.

([PA 13-64](#), effective July 1, 2013)

Magnet School Sliding Scale Tuition

A new law uses a multi-year approach to change the way the state permits preschool tuition charges by interdistrict magnet schools operated by regional education service centers (RESC). Under the new law, sending districts do not have to pay preschool tuition.

([PA 13-247, §§ 123-126](#), effective July 1, 2013 for the above provisions)

Mandate Relief Task Force and Annual Meeting Requirement Elimination

A new law creates an eight-member task force to study and report on education mandate relief for high-performing school districts. The task force must (1) review mandates in state statutes and regulations and recommend which ones should be waived for high-performing districts and (2) explore how these districts can work with SDE to relieve other administrative mandates. It must report its findings to the Education Committee by October 1, 2013.

The new law also eliminates an annual interdistrict meeting requirement concerning the Open Choice interdistrict attendance program.

([PA 13-108](#), §§ 2 & 4, effective upon passage for the task force and July 1, 2013 for the meeting requirement)

Minimum Budget Requirement (MBR)

The legislature continued the existing MBR structure for FY 14 and FY 15, which otherwise would have expired. Under the new law, each municipality's base MBR for FY 14 is the amount it budgeted for education in FY 13, plus any education cost sharing (ECS) aid increase it received for FY 14. Similarly, the MBR for FY 15 is the amount the municipality budgeted for education in FY 14, plus any ECS aid increase received for FY 15. The new law maintains permitted MBR reductions through FYs 14 and 15.

([PA 13-247](#), § 154, effective July 1, 2013)

Per-student Grant for Vocational-Agricultural (Vo-Ag) Centers

By law, local and regional boards of education that establish regional vo-ag centers are eligible for state grants. A new law increases, from \$1,750 to \$2,750, the per student grant amount.

([PA 13-247](#), § 170, effective July 1, 2013)

Recommendations Regarding Noneducational Services Consolidation

Under existing law, a local board of education must annually submit an itemized estimate of maintenance

expenses to the municipality's appropriating authority at least two months before the authority's annual budget meeting. A new law defines "itemized estimate" and requires a municipality's appropriating authority to make spending recommendations and suggestions to the board of education regarding consolidation of noneducational services and cost savings. The board of education may accept or reject the suggestions, but must provide a written explanation of any rejections.

The new law also requires the board of education to provide a written explanation of an emergency appropriation transfer to the municipality's legislative body or, if the legislative body is a town meeting, the board of selectmen, rather than only announcing it at its next regularly-scheduled meeting.

([PA 13-60](#), effective October 1, 2013)

Revisions to the ECS Formula

A new law revises the ECS formula, which distributes the largest amount of state education aid to municipalities. Among other things, it:

1. raises the per-student foundation amount from \$9,687 to \$11,525;
2. updates the way the state measures town wealth;

3. establishes a minimum aid ratio of 10% for alliance districts and 2% for all other districts; and
4. phases-in new funding and different rates depending upon educational need: non-alliance districts (1% of fully-funded grant), alliance districts (8%), and educational reform districts (12%).

([PA 13-247](#), §§ 152 & 153, effective July 1, 2013)

School Roofs: Minimum Pitch

A new law changes the minimum roof pitch required for schools to be eligible for state reimbursement from ½ inch per foot to the standard in the State Building Code, which is ¼ inch per foot. Prior law authorized the ¼ inch pitch in some circumstances.

([PA 13-256](#), § 18, effective upon passage)

School Security Infrastructure Grants

Under existing law, SDE, DESPP, and the Department of Construction Services must jointly administer a competitive school security infrastructure grant program. A new law allows the grant program to reimburse a municipality for certain safety expenses incurred by its board of

education on or after January 1, 2013, rather than on or after April 4, 2013 as required by Public Act 13-3.

([PA 13-122](#), § 15, effective upon passage)

ELDERLY

Livable Communities Initiative

A new law requires the Commission on Aging to establish a “Livable Communities” initiative to serve as a (1) forum for best practices and (2) resource clearinghouse to help municipal and state leaders design livable communities that allow residents to age in place. Among other things, as part of the initiative, the commission must establish and facilitate partnerships with (1) municipal leaders and representatives of senior and social services offices, (2) community stakeholders, (3) planning and zoning boards and commissions, and (4) representatives of philanthropic, social services, and health organizations.

([PA 13-109](#), effective July 1, 2013)

ELECTIONS

Amendment to State Constitution

The legislature passed a resolution proposing a constitutional amendment to (1) eliminate the requirement for electors to gather on Election

Day to cast votes for state officers and General Assembly members and (2) remove restrictions on absentee voting. The ballot designation to be used when the amendment is presented at the general election is: "Shall the Constitution of the State be amended to remove restrictions concerning absentee ballots and to permit a person to vote without appearing at a polling place on the day of an election?"

([HJ 36](#), the resolution will appear on the 2014 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.)

Change of Address within the Same Municipality

A new law requires electors who move within the same municipality and want to transfer their voter registration to their new address to submit to the registrars of voters a new voter registration application. Previously, they had to submit a signed request that included their new and old addresses and the date they moved.

([PA 13-290](#), effective July 1, 2013)

Community Notification Systems

A new law authorizes municipalities that maintain a community notification system to, at the direction of the chief

elected official, use it to notify enrolled residents of an upcoming referendum. The notice must be limited to (1) the referendum's date and time, (2) the question that will appear on the ballot, and (3) any explanatory text that the town clerk prepared and municipal attorney approved describing the question's intent and purpose.

Other than for the notice described above, the new law prohibits people from using, or authorizing the use of, municipal funds to send residents unsolicited communication by electronic or automated means to remind or encourage them to vote in a referendum. This prohibition does not apply to a regularly-published newsletter or similar publication.

The new law authorizes the State Elections Enforcement Commission, after providing an opportunity for a hearing, to impose a civil penalty of up to twice the amount of any improper expenditure or \$1,000, whichever is greater, on a person who violates the prohibition on using municipal funds.

([PA 13-247](#), § 386, effective July 1, 2013)

Timing of Special Municipal Elections

By law, a special municipal election held to fill a vacancy or a newly-created office may be convened by the board of selectman or upon application of 20 electors. In the latter case, a

new law creates an exception to the election calendar. Specifically, it authorizes the secretary of the state to combine the special election with a regular municipal election when the special election would fall 30 days or less before the regular election. The new law thus extends, from 150 to 180 days, the maximum length of the election calendar in these cases.

([PA 13-260](#), effective upon passage)

ENVIRONMENT

Agricultural Land Preservation

A new law expands the allowable uses for municipal agricultural land preservation funds. Specifically, it allows a municipality to use the funds to acquire an agricultural land owner's rights to build any residence or farm structure on agricultural land. It also explicitly allows the municipality to accept these rights as a gift.

By law, a municipality may establish an "agricultural land preservation fund" for the purposes of acquiring the development rights of, and preserving, agricultural land.

([PA 13-59](#), effective upon passage)

Another new law generally applies certain requirements for acquiring development rights under the Farmland Preservation Program to the Community

Farms Program. For example, it allows the Department of Agriculture commissioner to enter into partnerships with nonprofit organizations and municipalities to purchase development rights. It also permits the state and a municipality to jointly own the development rights to agricultural land if the (1) land is located at least partly within the municipality's borders and (2) municipality pays a part of the purchase price from a municipal fund for preserving agricultural land.

([PA 13-104](#), effective upon passage)

Brownfield Remediation

A new law expands the requirements for notifying the Department of Energy and Environmental Protection (DEEP) and other parties about different types of environmental hazards and provides new tools for addressing them. Among other things, it creates a new program providing liability relief to municipal entities investigating and remediating these hazards and allows property owners to execute and record in the land record notices of activity and use limitations to control activity on contaminated property.

([PA 13-308](#), §§ 33-35, effective October 1, 2013)

Clean Marina Grants

A new law increases, by 10%, the Department of Transportation (DOT) harbor improvement grant amount for, and gives priority to, eligible projects proposed by “certified clean marinas.”

Prior law allowed the DOT commissioner to enter into a contract with a municipality, acting through its harbor improvement agency, for a harbor improvement project grant according to a DOT-approved harbor improvement plan. The new law eliminates the need for a (1) municipality to act through a harbor improvement agency and (2) harbor improvement plan. Instead, it allows a municipality, or any federal or state agency acting on its behalf, to enter into a harbor improvement project grant contract with DOT. It also requires the DOT commissioner to approve the harbor improvement project.

([PA 13-202](#), effective July 1, 2013)

Clean Water Fund Eligibility

A new law expands the factors that the DEEP commissioner must consider when establishing the priority list and ranking system for giving municipalities clean water fund grants and loans for eligible water quality projects. Specifically, it requires him to consider the necessity and feasibility of implementing

measures designed to mitigate sea level rise impact over a project's lifespan.

([PA 13-15](#), effective October 1, 2013)

Coastal Management

A new law makes a number of changes to the state's Coastal Management Act and laws related to conducting certain activities (e.g., building seawalls) in the state's tidal wetlands and coastal, tidal, or navigable waters. Among other things, it:

1. allows municipal zoning commissions to exempt elevated decks from coastal site plan review;
2. gives the DEEP commissioner authority to require anyone removing material from the state's tidal, coastal, or navigable waters to make it available to coastal municipalities and certain districts for beach nourishment or habitat restoration;
3. allows municipalities and property owners to temporarily fortify property above the coastal jurisdiction line before a hurricane or tropical storm; and

4. requires the state and municipalities to consider federal National Oceanic and Atmospheric Administration sea level change scenarios when developing certain plans and programs.

([PA 13-179](#), effective October 1, 2013 for the above provisions)

Environmental Intervention Pleadings

A new law codifies the Connecticut Supreme Court's 2002 decision in *Nizzardo v. State Traffic Commission* by setting conditions on verified pleadings by parties seeking to intervene in a proceeding on, or judicial review of, conduct that could harm the state's natural resources. Under the new law, a verified pleading in a proceeding under the state environmental protection act ([CGS § 22a-19](#)) must:

1. contain specific factual allegations setting forth the nature of the alleged unreasonable pollution, impairment, or destruction and
2. allow the reviewing authority (e.g., planning and zoning commission) to determine whether the intervention affects an issue within its jurisdiction.

([PA 13-186](#), effective October 1, 2013)

Environmental Permit Proceedings

A new law makes several changes to the state's environmental permitting laws, including some affecting municipalities. For example, it allows the DEEP commissioner to notify municipalities electronically, instead of by mail only, in connection with inland wetlands, dam construction, and water diversion permits. It also eliminates a provision allowing a municipal inland wetlands agency, planning and zoning commission, or conservation commission to provide written comments to the DEEP commissioner on an application to conduct a minor regulated activity under an inland wetlands general permit.

([PA 13-209](#), effective October 1, 2013)

Mattress Stewardship Program

A new law creates a mattress stewardship program that will likely reduce municipal costs associated with mattress disposal. It requires mattress producers, or their designees, to join a nonprofit mattress recycling council that they, or a trade association representing them, establish. The council must develop a plan to, among other things, minimize public sector involvement in managing discarded mattresses. The plan must be submitted to DEEP for approval. The program is funded

through a fee on most mattresses sold in the state. An auditor must review the fee and any proposed change to it.

([PA 13-42](#), effective October 1, 2013 for the above provisions)

Phosphorus Reduction Plan

Existing law requires the DEEP commissioner, or his designee, to work with Cheshire, Danbury, Meriden, Southington, Wallingford, Waterbury, and any other affected municipality to evaluate and recommend a statewide strategy to reduce phosphorus in inland nontidal waters. A new law requires the commissioner to report to the legislature, by October 1, 2014, on these recommendations and collaborative efforts. By law, the strategy must include, among other things, approaches for municipalities to use to comply with U.S. Environmental Protection Agency standards for phosphorous reduction, including guidance for treatment and potential plant upgrades.

([PA 13-129](#), effective upon passage)

Stormwater Authorities: Corporate Powers

A new law designates a municipal stormwater authority that meets certain conditions as a municipal quasi-public authority and allows the municipality, by ordinance, to grant it specific powers to carry out its duties. (New London is the

only municipality that meets the conditions and thus, the only one affected.)

It also subjects charges from any municipal stormwater authority that are more than 30 days overdue to interest at the same rate as delinquent property taxes (1.5% per month or part of a month, or 18% per year). Under the new law, any unpaid stormwater authority charge is a lien on the property against which it is levied, running from the date it became delinquent. The lien may be continued, recorded, and released like a property tax lien.

([PA 13-222](#), effective October 1, 2013)

Tree Wardens

A new law extends, from one year to two, the term length of municipally-appointed tree wardens. It also generally requires municipal tree wardens to complete certain DEEP-approved coursework within one year after being appointed or reappointed and allows DEEP to charge a reasonable fee for coursework costs. It exempts from the coursework requirement tree wardens who (1) completed similar coursework and provide evidence of its completion; (2) are licensed arborists; or (3) appoint deputy tree wardens with similar qualifications.

([PA 13-203](#), effective October 1, 2013)

GRANTS AND AID

Grants Pursuant to Bonding for Municipal Aid

Section 55 of the bond act ([PA 13-239](#)) authorized \$56,429,907 in general obligation bonds per year in FY 14 and FY 15 for grants to municipalities for municipal purposes and projects. A new law specifies that these bonds are authorized under the Town Aid Road program, but allows the bonds, in the Office of Policy and Management (OPM) secretary's discretion, to be used for purposes other than Town Aid Road projects.

([PA 13-247](#), § 96 & 128, effective July 1, 2013)

Local Capital Improvement Program (LoCIP) Expansion and Municipal Grants

The budget act expands the list of projects eligible for LoCIP funding to include:

1. bikeway and greenway establishment;
2. land acquisition, including open space, and costs associated with making land available for public use;
3. technology acquisition related to implementing the Common Core State Standards adopted by SDE;
4. technology upgrades, including improvements to expand public access to

government information through e-portals and kiosks; and

5. for FYs 13 and 14 only, (a) snow removal equipment and (b) capital expenditures made to improve public safety or facilitate regional cooperation.

The act allows a municipality to apply to OPM for LoCIP funds to reimburse any FY 13 expenditures it incurred for any of these additional projects regardless of the application deadlines set under prior law. It also allows the OPM secretary, for any fiscal year, to (1) authorize reimbursement for any of the additional projects, regardless of consistency with a municipality's local capital improvement plan (certification of consistency was required under prior law) and (2) require the municipality to certify that it is taking steps to amend its plan to include the project.

([PA 13-184](#), §§ 93 & 94, July 1, 2013, except the expansion of LoCIP eligible projects is effective upon passage.)

Municipal Aid Adjustment Account

A new law establishes a "Municipal Aid Adjustment" account in the General Fund. It requires the OPM secretary to spend account funds for grants, totaling \$4,467,456 in FY 14 and \$3,608,728 in FY 15. The grant recipients include 14

municipalities, three boroughs, four regional school districts, four fire departments, and one municipal district. ([PA 13-184](#), § 66, also created this account, but did not specify grant amounts or recipients.)

([PA 13-247](#), § 127, effective July 1, 2013)

Municipal Aid Reductions

For FY 15, the budget act requires the OPM secretary to recommend municipal aid spending reductions to reduce General Fund expenditures by \$10 million in that year.

([PA 13-184](#), § 52, effective July 1, 2013)

Municipal Revenue Sharing Account

The budget act eliminates laws requiring the revenue services commissioner to deposit the following amounts into the Municipal Revenue Sharing Account, thus requiring these funds to go to the General Fund:

1. 1.57% of the revenue from the 6.35% sales and use tax on most taxable goods and services;
2. 1.43% of the revenue from the 7% sales and use tax on specified luxury items; and
3. 33% and 20%, respectively of the revenue from the state real estate conveyance tax on (a) sales of unimproved land and certain bank foreclosures

and on the first \$800,000 of the sale price of residential property and (b) sales of nonresidential property and any amount of the sale price of a residential property that exceeds \$800,000.

([PA 13-184](#), §§ 77-78 & 123, effective July 1, 2013)

HOUSING

Municipal Fair Rent Commissions

Under existing law, municipal fair rent commissions have the authority to investigate and address complaints regarding rental charges for rental housing, including mobile homes and mobile home lots, but not housing that is rented on a seasonal basis. A new law defines “rental charge” to include any fee or charge, in addition to rent, that a landlord imposes or seeks to impose on a tenant.

([PA 13-36](#), effective October 1, 2013)

JUSTICE

Abatement of a Public Nuisance

Existing public nuisance abatement law allows the state to file civil suits seeking various forms of relief when there are three or more arrests, or three or more arrest warrants indicating a pattern of criminal activity, for certain offenses at a property within the last year.

A new law broadens the circumstances in which the nuisance law applies. Among other things, it adds certain municipal ordinance violations to these statutes and makes a corresponding change by allowing the state to file nuisance abatement suits when three or more citations for such violations are issued at a property within a year.

([PA 13-174](#), effective October 1, 2013, except certain technical changes are effective January 1, 2015)

Amending Contracts Relating to State Correctional Facilities

A new law allows a municipal legislative body to seek an amendment to a contract that (1) is currently in effect between the municipality and a state agency and (2) relates to a correctional facility within the municipality that the state owns or leases and the Department of Correction commissioner supervises.

([PA 13-152](#), effective upon passage)

Exclusion of School Accommodation Services from Definition of Larceny

Under existing law, a person generally commits larceny when he or she wrongfully takes, obtains, or withholds, among other things, services from an owner. A new law excludes from the definition of “services” school accommodations (i.e., educational services) provided by a school district to (1) a child, (2) an emancipated minor, or (3) a student who is at least age 18 and homeless. Thus, anyone who wrongfully obtains such services is not guilty of larceny.

([PA 13-211](#), effective October 1, 2013)

Juvenile Justice Pilot Program

A new law requires the Judicial Branch's Court Support Services Division, within available resources and in collaboration with certain

government and community organizations, to conduct a pilot program in Bridgeport, Hartford, and New Haven. The program must be designed to reduce (1) the number of children and youths who come into contact with the juvenile justice system and (2) recidivism among those who are delinquents. The chief court administrator must report to the Judiciary and Children committees by February 1, 2014 with recommendations for the program's expansion.

([PA 13-302](#), § 2, effective July 1, 2013)

LAND USE AND ZONING

Blight Task Force

A new law establishes a 15-member task force to study procedural problems in addressing blight at the municipal level. The task force must draft model municipal blight ordinances and propose legislation to help municipalities address blight more effectively. It must report its findings and recommendations to the Planning and Development Committee by February 5, 2014.

([PA 13-132](#), effective upon passage)

Expiration of Certain On-Site Sewage Disposal System Permits and Approvals

A new law extends the validity period for certain on-site sewage disposal system (i.e., septic

system) permits and approvals issued by local health directors. It applies to permits and approvals for on-site sewage disposal systems with a daily capacity of less than 5,000 gallons that (1) were issued before July 1, 2011 and (2) had not expired by July 11, 2013, with certain exceptions.

The new law makes eligible permits and approvals valid for nine years from the approval date, unless they were issued for certain projects requiring land use approvals that have received at least one extension. In such cases, the permit or approval is valid for the same period as the land use approval.

([PA 13-257](#), effective upon passage)

Hospice Zoning Regulations

A new law requires local zoning regulations to treat certain Department of Public Health (DPH)-licensed inpatient hospice facilities as single-family homes if they meet certain criteria. Specifically, the facility must serve six or fewer people and be:

1. managed by a tax-exempt nonprofit organization,
2. served by public sewer and water, and
3. located in a city with more than 100,000 residents within a zone allowing development on one or more acres.

([PA 13-247](#), § 68, effective October 1, 2013)

Local Plans of Conservation and Development

Existing law requires municipal planning commissions to prepare 10-year plans of conservation and development (plans of C&D). Under certain conditions, it disqualifies those that fail to update their plans from receiving discretionary state funds until they do so or the OPM secretary waives this provision.

Prior law relieved municipal planning commissions from the obligation to prepare or amend a municipal plan of C&D between July 1, 2010 and June 30, 2013 and specified that any municipality that chose to delay amending its plan during this period would be subject to the disqualification provision starting July 1, 2014.

A new law delays by one year, from July 1, 2013 to July 1, 2014, the date by which municipal planning commissions must prepare or amend a municipal plan of C&D. It also suspends, until July 1, 2015, the provision disqualifying municipalities that fail to update their plans from receiving discretionary state funds until they do so or the OPM secretary waives the provision.

([PA 13-247](#), § 151, effective upon passage)

Nonconforming Structures

A new law allows structures built in violation of zoning regulations to be deemed nonconforming under the same circumstances as buildings. This means a structure that (1) violates setback requirements or (2) sits on a lot in violation of minimum lot area requirements is a nonconforming structure if the applicable zoning regulations are not enforced within the first three years of the violation. The new law allows municipalities to define “structure” in their zoning regulations. If not defined locally, the new law defines “structure” as any combination of materials, other than a building, that is affixed to land. The definition includes signs, fences, walls, pools, patios, tennis courts, and decks.

([PA 13-9](#), effective October 1, 2013)

Planting and Containing Running Bamboo

A new law makes people liable for failing to contain “running bamboo” on their property beginning October 1, 2013. It requires a 100-foot setback from (1) abutting property or (2) a public right of way, for running bamboo planted after that date, unless it is properly contained. It allows any duly authorized municipal constable, municipal tree warden, zoning enforcement officer, or inland wetlands and watercourses enforcement officer to enforce these provisions.

([PA 13-82](#), § 1, effective upon passage)

Preservation of Properties and Districts on State or National Register

A new law authorizes municipalities to adopt ordinances to protect the historic or architectural character of properties and districts that are listed on, or being considered for listing on, the state or national register of historic places.

([PA 13-181](#), effective October 1, 2013)

MUNICIPAL EMPLOYEES

Electronic Filing and Payment

Beginning with the first calendar quarter of 2014, a new law requires all employers, including municipalities, that are subject to the state's

unemployment law, or their reporting agents, to submit their quarterly wage reports to the Department of Labor on magnetic tape, diskette, or other electronic means prescribed by the department. It also requires all employers, or their agents, that directly reimburse the state unemployment system for benefits paid to former employees (e.g., state and local governments) to pay electronically.

Under prior law, both requirements applied only to employers with 250 or more employees, although employers could be exempt from the electronic reporting requirement if they showed they were technologically incapable of meeting it. Under the new law, a hardship waiver may be granted by the labor commissioner.

([PA 13-141](#), effective January 1, 2014)

Emergency Response Employees Enrollment in the Municipal Employees' Retirement System (MERS)

A new law expands eligibility for regional emergency telecommunications centers' participation in MERS. Prior law limited participation to centers that DESPP authorized as the only public safety answering point (PSAP) receiving and processing 9-1-1 calls for at least three municipalities. The new law eliminates the requirement that a center be the municipalities' only

PSAP and instead allows any center that DESPP authorizes as a PSAP for at least three municipalities to participate in MERS.

([PA 13-163](#), effective October 1, 2013)

MERS Disability Retirement

A new law redefines eligibility for a disability retirement in MERS and changes maximum benefit limits for employees disabled after January 1, 2013. Among other things, it eliminates a provision under which an employee could receive pension benefits after suffering a permanent and total disability that prevented him or her from performing any job for the employing municipality for 20 or more hours per week. It instead specifies that an employee may receive disability retirement only if he or she has a permanent and total disability that prevents him or her from performing any work in his or her previous position.

([PA 13-247](#), § 385, effective July 1, 2013)

Reemployment and MERS

Under existing law, an employee collecting retirement benefits from MERS must stop collecting the benefits if he or she returns to work for his or her former municipal employer, or any other municipality that participates in MERS, for more than 20 hours per week or 90 days per year. A new law allows

such an employee to continue to collect MERS benefits as long as he or she does not participate in MERS during the reemployment.

([PA 13-219](#), effective October 1, 2013, **VETOED**)

PROPERTY TAXES

Abatement for Surviving Spouses of Emergency Medical Technicians Killed in the Line of Duty

A new law allows municipalities to extend a property tax abatement program for surviving spouses of police officers or firefighters killed in the line of duty to surviving spouses of emergency medical technicians killed in the line of duty. Under existing law, municipalities may establish the program, by ordinance, to abate all or part of property taxes due on an eligible spouse's principal residence.

([PA 13-204](#), effective October 1, 2013)

Assessment of Apartments in Capital City Economic Development District

The budget act requires Hartford to assess all apartments with four or more units that the Capital Region Development Authority constructs or converts in the Capital City Economic Development District the same way it assesses residential property with three or fewer units throughout the city. In doing so,

it lowers the apartment property's assessment ratio. For the 2013 assessment year, it lowers the assessment ratio from 60% to 29.2% (with an additional adjustment of between 0% and 5% to reflect the growth in property tax revenue).

([PA 13-184](#), § 96, effective July 1, 2013, and applicable to assessment years starting on or after October 1, 2013)

Commercial Property Assessed Clean Energy Program (C-PACE)

Existing law requires the Clean Energy Finance and Investment Authority to establish a C-PACE program for qualifying commercial properties, including multifamily buildings with five or more units. Under the program, owners of such property in participating municipalities may finance energy improvements by paying a special assessment on the participant's property tax bill. A new law adds (1) district heating and cooling and (2) solar thermal or geothermal system projects to the types of energy improvements that may be financed under the program.

([PA 13-116](#), effective upon passage)

Exemptions and Abatements for Renewable Energy Sources

A new law generally (1) exempts from the property tax certain renewable energy sources installed on or after January 1, 2014 and (2) allows

municipalities to abate the property taxes for renewable energy sources installed between January 1, 2010 and December 31, 2013.

([PA 13-61](#), effective upon passage and applicable to assessment years starting on or after October 1, 2013. In a distressed municipality with a population between 125,000 and 135,000 (i.e., New Haven), the exemption begins one year earlier and applies to the same renewable energy sources installed as early as January 1, 2010.)

Exemption for 100% Disabled Veterans

A new law allows municipalities to increase the additional property tax exemption for "100% disabled" veterans with limited income. By law, 100% disabled veterans are eligible for various tax exemptions, such as \$3,000 worth of their property, plus an additional amount reflecting higher municipal property revaluation. Under the new law, 100% disabled veterans whose total adjusted gross household income is less than \$18,000, if single, or \$21,000, if married, are eligible for an additional exemption of three times, rather than two times as permitted under prior law, the base amount of one of these tax exemptions. (If these veterans have more income than the statutory limits, they are eligible for an additional

exemption of only one and a half times the base exemption.)

([PA 13-224](#), effective October 1, 2013, and applicable to tax assessment years starting on or after October 1, 2013)

Exemption for Recycling Machinery and Equipment

A new law allows municipalities to adopt ordinances providing a property tax exemption for recycling machinery or equipment installed on or after October 1, 2013. The exemption applies only to the (1) increased value of the commercial or industrial property attributable to the machinery or equipment and (2) first 15 assessment years after installation.

([PA 13-285](#), § 6, effective October 1, 2013, and applicable to assessment years starting on or after October 1, 2013)

Extended Deadlines for Claiming Property Tax Exemptions

A new law gives manufacturers in Bloomfield and Seymour more time to file the necessary documents for claiming the statutory property tax exemption for manufacturing machinery and equipment. It also gives Danbury taxpayers more time to ask the OPM secretary to reconsider his modification or denial of a state-reimbursed property tax exemption for manufacturing

machinery and equipment included on the city's 2006 grand list.

([PA 13-247](#), §§ 11-13 & 381, effective upon passage)

Land Value Tax Pilot Program

A new law increases, from one to three, the maximum number of municipalities that, under a pilot program, may develop a plan for taxing land at a higher rate than buildings (i.e., land value tax). It also modifies the program's requirements and extends the deadline for submitting final plans to the legislature.

([PA 13-247](#), § 329, effective October 1, 2013)

Notice of Community-Based Resources

A new law eliminates a requirement that municipalities include the Judicial Branch's form concerning community-based resources for people involved in foreclosure mediation with any statement sent to a homeowner about a public sewer, water service, or property tax arrearage.

([PA 13-247](#), § 326, effective July 1, 2013)

Property Tax Collection

A new law makes numerous changes to the municipal tax collection statutes, including (1) allowing tax collectors to deny a refund if a taxpayer is delinquent

in other taxes or has other debt, (2) modifying the time limit for municipalities to give property tax refunds under certain circumstances, (3) modifying the order in which tax collectors must apply property tax payments, and (4) expanding the circumstances under which municipalities and district health departments may withhold or revoke a license or permit if a business owes taxes that are at least one year delinquent.

([PA 13-276](#), effective October 1, 2013)

Property Tax Incentives for Certain Development Projects

A new law expands a municipality's authority to fix or defer property tax assessments on certain development projects. Existing law allows municipalities to fix the tax assessment for a range of real estate development projects and bases the period for doing so on the value of the improvements. The new law decreases, from \$25,000 to \$10,000, the minimum cost of projects eligible for a three year fixed assessment. It also expands the uses for which municipalities may fix assessments to include mixed-use developments.

Under another law, municipalities may defer an increased property tax assessment on property located in a designated rehabilitation area if the property is being rehabilitated or constructed for

certain uses. Under prior law, the rehabilitation area could include all or part of a municipality that is deteriorated, deteriorating, substandard, or detrimental to the safety, health, welfare, or general economic well-being of the community. The new law specifies that only one or more properties in a rehabilitation area need to meet these criteria to be considered a rehabilitation area.

([PA 13-246](#), §§ 1 & 2, effective October 1, 2013)

Registering Vehicles of Delinquent Taxpayers

Under existing law, municipal tax collectors must notify the Department of Motor Vehicles (DMV) when the property tax on a registered motor vehicle or snowmobile is unpaid. DMV cannot register the motor vehicle or snowmobile, or any other motor vehicle or snowmobile belonging to the delinquent taxpayer, until the tax obligation has been met. A new law additionally bars the commissioner from registering any all-terrain vehicle (ATV) or vessel belonging to the delinquent taxpayer. It allows the commissioner to cancel, as well as suspend, all motor vehicle and snowmobile registrations in the delinquent taxpayer's name in certain cases and similarly allows her to suspend or cancel any ATV or vessel registrations in the taxpayer's name in those cases.

The new law also modifies procedures tax collectors use to notify DMV of payment of a delinquent tax.

([PA 13-271](#), §§ 9 & 10, effective October 1, 2013)

Revaluation of Certain Tribal Land

A new law requires certain Mohegan and Mashantucket Pequot property to be revalued every five years. It applies to real property (1) designated within the 1983 settlement boundary and taken into trust by the federal government for the Mashantucket Pequots before June 8, 1999 and (2) taken into trust by the federal government for the Mohegans at any time.

PA 12-1, June 12 Special Session (§ 98), made this land eligible for a state payment in lieu of taxes (PILOT) grant equal to 45% of the property taxes that would have been paid on the land and phased in the payment over five years. Thus, by requiring the Mohegan and Mashantucket property to be revalued, the new law also ties the land's PILOT grant to its revalued assessment.

([PA 13-291](#), effective July 1, 2013 and applicable to assessment years starting on or after October 1, 2013)

Revaluation Phase-In

A new law eliminates a municipality's authority to phase in all or part of the decreases in

real property assessments after a property revaluation. PA 12-2, June 12 Special Session, gave municipalities the option to do so, using methods comparable to those existing law allows for phasing in increases in property values.

([PA 13-204](#), effective July 1, 2013 and applicable to assessment years starting on or after October 1, 2013)

Stormwater Control Systems

A new law allows an ordinance establishing a water pollution control authority (WPCA) in a distressed municipality with a population of at least 140,000 (i.e., Bridgeport) to give the WPCA the power to recommend a levy on taxable real property in the authority's area for stormwater control systems. The levy may be for system planning, lay out, acquisition, construction, reconstruction, repair, maintenance, supervision, and management.

The new law permits the municipality, when imposing the levy, to consider the (1) amount of impervious surfaces making stormwater runoff, (2) land use types that make higher stormwater pollution concentrations, and (3) property's grand list valuation.

([PA 13-247](#), §§ 85 & 86, effective October 1, 2013)

PUBLIC HEALTH AND SAFETY

Connecticut Coordinated Assistance and Recovery Endowment (CT CARE)

A new law establishes CT CARE, a tax-exempt foundation, to support coordinated emergency recovery in cases where state services are affected by natural disasters, acts of domestic terrorism, catastrophic events, or other unforeseen emergencies. It establishes the Coordinated Emergency Recovery Fund, under the state treasurer's custody, to receive and disburse private funds to CT CARE to provide (1) victims' relief and (2) assistance to individuals, municipalities, and nonprofit organizations affected by such emergencies. The new law generally subjects CT CARE to the standards governing other existing state foundations.

([PA 13-275](#), effective upon passage)

Emergency Medical Services (EMS) Primary Service Area Task Force

A new law creates, within available appropriations, a 15-member Connecticut EMS primary service area task force in DPH. Among other things, the task force must review the process (1) for designating and changing primary service areas and (2) by which municipalities can petition to change or remove a primary service area responder.

By law, a "primary service area" is a specific geographic area to which DPH assigns a designated EMS provider for each category of emergency medical response services.

([PA 13-306](#), § 3, effective upon passage)

Larvicide Record Keeping and West Nile Virus Prevention

A new law requires the DEEP commissioner, in consultation with other state agencies, to update a plan for using and applying larvicide to control mosquitoes. Among other things, the updated plan must:

1. establish a record-keeping, reporting, and Internet posting requirement for the state and municipalities using or applying methoprene or resmethrin for mosquito control in the coastal area and
2. prohibit the use or application of methoprene or resmethrin in any storm drain or water conveyance in the state's coastal boundary, except in a city with at least 100,000 people and a documented death from West Nile virus (i.e., New Haven).

It also requires the commissioner to coordinate with local health departments to (1) survey certain lands for the presence of mosquitoes and (2) encourage public outreach programs that instruct residents and private property owners of

the risks of standing water and West Nile virus signs and symptoms.

([PA 13-197](#), § 7 & 8, effective upon passage)

Mixed Martial Arts (MMA)

A new law legalizes mixed martial arts. However, it prohibits the DESPP commissioner from issuing a license to conduct MMA matches where prohibited by local ordinance.

([PA 13-259](#), § 15, effective October 1, 2013)

Project Longevity Initiative

The “Project Longevity Initiative,” launched in New Haven in 2012, is a comprehensive community-based initiative designed to reduce gun violence in Connecticut’s cities.

A new law requires the OPM secretary to secure and use available federal and state funds and resources to (1) support the continued implementation of the initiative in New Haven and (2) work with specified federal and state officials to implement it in Hartford and Bridgeport and create a plan for statewide implementation.

([PA 13-247](#), § 25, effective July 1, 2013)

Resident State Policeman Pilot Program

A new law requires the DESPP commissioner to appoint a resident state policeman to serve in a pilot program for assignment in two municipalities that (1) do not have local organized police or constabulary and (2) are within the jurisdiction of the same state police troop, but are not necessarily contiguous. Under prior law, such an arrangement could be made only in adjoining municipalities.

The new law requires municipalities participating in the pilot to enter into a memorandum of agreement with DESPP for resident state trooper services.

([PA 13-281](#), effective October 1, 2013)

Tattoo Establishment Inspections

A new law creates a new license category for tattoo artists (called “tattoo technicians”) administered by DPH. As part of this licensure scheme, it authorizes local or health district health directors, or their authorized representatives, to annually inspect the sanitary condition of tattoo establishments within their jurisdictions. Health directors may collect an inspection fee of up to \$100 from the establishment’s owner. If the establishment is found to be unsanitary, the health director

must issue a written order that the establishment be placed in sanitary condition.

The new law specifies, notwithstanding any municipal charter, home rule ordinance, or special act, that any inspection fee collected must be used by the local or district health department for conducting these inspections.

([PA 13-234](#), § 136, effective October 1, 2013)

RECORDS

Freedom of Information Act Exemptions

A new law exempts from disclosure under the Freedom of Information Act (FOIA) a photograph, film, video, digital, or other visual image depicting a homicide victim, to the extent that the record could reasonably be expected to constitute an unwarranted invasion of the victim's or surviving family members' personal privacy. The record must have been created by a law enforcement or other government agency.

The act also exempts from disclosure under FOIA (1) the portion of a recording or audio tape that describes a homicide victim's condition and (2) law enforcement records, compiled in detecting or investigating a crime, that would disclose the identity of minor witnesses. The audio recording exemption (1) applies only to law enforcement agencies, (2) does not extend to 9-1-1 or other calls for assistance

made by a member of the public to a law enforcement agency, and (3) expires on May 7, 2014. The minor witness exemption applies only if disclosure would not be in the public interest.

Lastly, the act establishes a 17-member task force to make recommendations regarding the balance between victim privacy under FOIA and the public's right to know. The task force must report its findings and recommendations to the legislature's majority and minority leadership by January 1, 2014.

([PA 13-311](#), effective upon passage and applicable to FOIA requests pending or made on or after that date)

Homeless Youths' Birth Certificates

A new law (1) allows certified homeless youth and emancipated minors to access or receive their birth certificates and (2) sets conditions for how they are certified as homeless for this purpose.

Under the act, when a certified homeless youth requests his or her birth certificate, he or she must appear in person, accompanied by the person certifying him or her as homeless, and present a written request to:

1. the registrar of vital statistic's office in the town where the youth was born;
2. the registrar's office in the town where the youth's

- mother resided at the time of birth;
3. if the birth certificate was filed electronically, any registrar of vital statistics in the state with access to the electronic vital records system; or
 4. the Department of Public Health's Vital Records Office.

The act requires the certified homeless youth to present to DPH or the registrar of vital statistics sufficient identifying information as DPH regulations may require. The person certifying the youth as homeless must also present sufficient identifying information to indicate that he or she meets the certification requirements.

([PA 13-142](#), effective October 1, 2013)

Recording Fees for Nominees of Mortgages

A new law (1) increases the fees a "nominee of a mortgagee" must pay to town clerks when recording certain documents, including warranty deeds, quitclaim deeds, mortgage deeds, or mortgage assignments, and (2) specifies how the fee revenue must be allocated.

It defines a "nominee of a mortgagee" as any person who (1) serves as mortgagee for a mortgage registered on a national electronic database meeting certain criteria and (2) is a nominee or agent for the

promissory note's owner or a subsequent transferee.

([PA 13-247](#), §§ 81 & 82, effective July 15, 2013)

Restoration of Benefits for Certain Discharged Veterans [veterans]

A new law makes veterans eligible for state benefits, including state mandated local property tax benefits, if:

1. they were denied or would be denied these benefits because they were ineligible for federal benefits,
2. they were denied federal benefits based solely on their orientation under a federal policy prohibiting homosexuals from serving in the armed forces, and
3. their eligibility for federal benefits has been reinstated.

([PA 13-48](#), effective October 1, 2013)

REGIONALISM

Municipal Opportunities & Regional Efficiencies (M.O.R.E.) Commission's Recommendations

A new law contains many provisions concerning regional cooperation. Among other things it:

1. eliminates regional planning agencies and regional councils of elected officials after January 1, 2015, leaving regional

- councils of governments (COG) as the only regional planning organizations within the state's planning regions;
2. changes COGs' powers, duties, and funding formula;
 3. requires OPM to develop a uniform chart of accounts for municipalities;
 4. requires the Bureau of Enterprise Systems and Technology to develop a two-year schedule for connecting each municipality to the state high-speed network;
 5. creates a task force to study uniform regional school calendars and requiring RESCs to implement them for the 2015 school year; and
 6. creates a task force to study the possibility of a school bus driver health insurance pool.

([PA 13-247](#), §§ 87, 249-330, 388-390, various effective dates)

TRANSPORTATION

Information Displayed on Student Transportation Vehicles (STV)

Under existing law, a school bus must have the name of the bus company, the company's telephone number, and the bus number painted conspicuously in black lettering on its sides and rear. A new law requires similar information (the name and

telephone number of the owner or operator, and the vehicle's fleet number) to be painted on the sides and rear of an STV. It requires that this information be displayed on all buses and STVs that a municipality, school district, private school, or contracting entity regularly uses to bring children to and from school or school activities.

([PA 13-271](#), § 57, effective July 1, 2013)

Local Bridge Program

A new law increases the amount of state grant funding available to municipalities for removing, replacing, reconstructing, rehabilitating, or improving local bridges. Under the new law, grants cover between 15% and 50% of a project's costs. Under prior law, they covered between 10% and 33% of these costs. The new law also eliminates the local bridge program's loan component, leaving only the grant component.

([PA 13-239](#), §§ 76-82, effective July 1, 2013)

Violations of Dirt Bike, ATV, and Snowmobile Ordinances

A new law increases the maximum penalties allowed for violations of municipal ordinances regulating certain dirt bike, ATV, and snowmobile use. It authorizes municipalities with ordinances on dirt bike operation and use on public property,

including hours of use, to set the penalty for violating such ordinance at no more than:

1. \$1,000 for the first violation,
2. \$1,500 for the second violation, and
3. \$2,000 for subsequent violations.

Under the new law, municipalities may adopt the same penalty structure for ordinance violations related to the operation and use, including hours and zones of use, of ATVs or snowmobiles.

([PA 13-154](#), effective October 1, 2013)

VETERANS

Designation of Veterans' Service Contact Person

A new law requires a municipality to designate an employee to be its veterans' service contact person if it does not already (1) have a local veterans' advisory committee or (2) fund a veterans' service officer. It specifies the duties for the contact person and requires the Department of Veterans Affairs, Veterans' Advocacy and Assistance Unit to conduct an annual training course for them.

([PA 13-34](#), effective October 1, 2013)

Placement of Flags on Veterans' Graves

Prior law prohibited municipalities, cemetery associations, or ecclesiastical societies that care for cemeteries from enacting bylaws that restrict U.S. flags' display at veterans' graves from the Saturday before Memorial Day until the Monday following the 4th of July. A new law lengthens this period by one day, beginning it on the Friday before Memorial Day.

([PA 13-44](#), § 2, effective October 1, 2013.)

MISCELLANEOUS

Contracts Exempt from Sealed Bidding Requirements

Existing law allows municipalities to establish, by ordinance, competitive bidding requirements for contracts or purchases of real or personal property. A new law increases, from \$7,500 to \$25,000, the maximum value of contracts or purchases that the ordinance may exempt from these requirements.

([PA 13-71](#), effective October 1, 2013)

Disposition of Surplus State Property

A new law makes changes to the process for disposing of surplus state property, several of which affect municipalities. For examples, it:

1. requires state agencies to give the OPM secretary and the affected municipality at least six months' notice of property that is expected to become surplus;
2. requires the secretary, if the property is declared surplus, to hold a public hearing in the affected municipality at the municipality's request;
3. gives the affected municipality a one-time opportunity to acquire the property through procedures other than a sale, but removes the municipality's ability to match later offers made by other parties; and
4. requires that municipalities receive more frequent updates on a property's status.

([PA 13-263](#), effective July 1, 2013 for the above provisions)

Integration Into Community Development Portal

A new law specifies the features the Department of Economic and Community Development must include in any electronic business portal it establishes. Among other things,

it must (1) allow municipalities to promote local resources and (2) be aligned with the nonprofit Connecticut Economic Resource Center's online business assistance information programs.

([PA 13-246](#), §§ 3 & 4, effective July 1, 2013)

The new law requires each municipality to provide and maintain its own content.

([PA 13-46](#), effective October 1, 2013)

Metropolitan District Commission Contract Compliance

A new law requires the Metropolitan District Commission (MDC) to participate in the state's small and minority business set-aside program (also called the supplier diversity program). It also extends to MDC contracts various requirements for non-discrimination provisions that apply to state contracts.

MDC is a nonprofit municipal corporation providing water and sewer service in the greater Hartford area.

([PA 13-247](#), § 24, effective July 1, 2013)

Rentschler Field Improvement District

A new law authorizes voters and nonresident property owners in East Hartford to establish a special taxing district in the area around Rentschler Field. The district's powers, organizational structure, and processes are similar to special taxing districts operating under the statutes.

Seymour's Renewal of Temporary Notes

A new law allows the town of Seymour to renew temporary notes beyond the statutory 10-year deadline, up to May 1, 2014. The authorization applies (1) to notes the town issued on November 15, 2012 in anticipation of receiving a state school building project grant and (2) regardless of any state law, public or special act, charter, bond ordinance, or bond resolution limiting the notes' renewal.

([SA 13-21](#), effective upon passage)

XL Civic Center Management

A new law allows the Hartford-based Capital Region Development Authority (CRDA) to take any action with respect to the Hartford civic center and coliseum complex, now known as the XL Center, and qualifies it for certain insurance and utility rate benefits. Prior law limited CRDA's scope of action to renovating and rejuvenating the center. The new law also exempts the center's physical development from local oversight when undertaken by CRDA or another state or public entity.

([PA 13-247](#), §§ 232 & 233, effective July 1, 2013)

JB:ts