STATE MANDATES ON MUNICIPALITIES: ACTIONS IN 2004

a report by the CONNECTICUT ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

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State Mandate Definition Connecticut General Statutes

Sec. 2-32b(a)(2). (a) As used in this section:

(1) "Local government" means any political subdivision of the state having power to make appropriations or to levy taxes, including any town, city or borough, consolidated town and city or consolidated town and borough, any village, any school, sewer, fire, water or lighting district, metropolitan district, any municipal district, any beach or improvement association, and any other district or association created by any special act or pursuant to chapter 105, or any other municipal corporation having the power to issue bonds;

(2) "State mandate" means any constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state court and any legislation necessary to comply with a federal mandate;

(3) "Local government organization and structure mandate" means a state mandate concerning such matters as: (A) The form of local government and the adoption and revision of statutes on the organization of local government; (B) the establishment of districts, councils of governments, or other forms and structures for interlocal cooperation and coordination; (C) the holding of local elections; (D) the designation of public officers, and their duties, powers and responsibilities and (E) the prescription of administrative practices and procedures for local governing bodies;

(4) "Due process mandate" means a state mandate concerning such matters as: (A) The administration of justice; (B) notification and conduct of public hearings; (C) procedures for administrative and judicial review of actions taken by local governing bodies and (D) protection of the public from malfeasance, misfeasance, or nonfeasance by local government officials; (5) "Benefit spillover" means the process of accrual of social or other benefits from a governmental service to jurisdictions adjacent to or beyond the jurisdiction providing the service;

(6) "Service mandate" means a state mandate as to creation or expansion of governmental services or delivery standards therefor and those applicable to services having substantial benefit spillover and consequently being wider than local concern. For purposes of this section, applicable services include but are not limited to elementary and secondary education, community colleges, public health, hospitals, public assistance, air pollution control, water pollution control and solid waste treatment and disposal. A state mandate that expands the duties of a public official by requiring the provision of additional services is a "service mandate" rather than a "local government organization and structure mandate";

(7) "Interlocal equity mandate" means a state mandate requiring local governments to act so as to benefit other local governments or to refrain from acting to avoid injury to, or conflict with neighboring jurisdictions, including such matters as land use regulations, tax assessment procedures for equalization purposes and environmental standards;

(8) "Tax exemption mandate" means a state mandate that exempts privately owned property or other specified items from the local tax base;

(9) "Personnel mandate" means a state mandate concerning or affecting local government: (A) Salaries and wages; (B) employee qualifications and training except when any civil service commission, professional licensing board, or personnel board or agency established by state law sets and administers standards relative to merit-based recruitment or candidates for employment or conducts and grades examinations and rates candidates in order of their relative excellence for purposes of making appointments or promotions to positions in the competitive division of the classified service of the public employer served by such commission, board or agency; (C) hours, location of employment, and other working conditions and (D) fringe benefits including insurance, health, medical care, retirement and other benefits.

PUBLIC ACTS INCLUDED IN LISTING

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224	5344	An Act Concerning Childhood Nutrition In Schools, Recess And Lunch Breaks.	2
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MANDATES NOT SPECIFICALLY DIRECTED AT MUNICIPALITIES

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NEW 2004 STATE MANDATES

PA 04-2 (HB 5801) An Act Concerning Budget Implementation. (May Special Session)

Mandate Description

The bill increases the frequency of physical revaluations from once every twelve years to once every ten years.

Committee(s) Reviewing Bill

Emergency Certification to the House Floor

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

It is anticipated that the increased frequency of physical revaluations will increase the cost and workload on municipalities.

PA 04-115 (SHB 5588) An Act Concerning Forestry Management.

Mandate Description

This bill requires that the assessor in any municipality where land has had its classification as forest land terminated issue a notice of classification and provide a copy of such notice to the owner of the land and to the assessor of any other municipality affected by such termination. Also, the assessor of any municipality that has within it land classified as forest land must annually report to the State Forester, in a manner specified by this act, the total number of property owners with land classified as forest land, farm land or open space.

Committee(s) Reviewing Bill

Environment – Committee of Cognizance Appropriations

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

It is anticipated that the municipal reporting requirements for assessors would minimally increase the workloads of impacted towns.

PA 04-137 (SB 533) An Act Concerning Teachers Evaluations.

Mandate Description

This bill allows teachers to go through the grievance procedure in collective bargaining agreements for claims of failure to follow the established procedures of teacher evaluations.

Committee(s) Reviewing Bill

Education – Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

The bill would result in a potential cost to school districts as it may result in additional grievance procedures.

PA 04-197 (SSB 529 An Act Concerning Vocational Agricultural Centers.

Mandate Description

This bill requires boards of education that do not provide vocational agricultural training to designate a school or schools offering such courses and then pay the tuition and any reasonable transportation costs for anyone who attends the designated school(s).

Committee(s) Reviewing Bill

Education – Committee of Cognizance Appropriations

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

This bill results in a potential cost of \$1.5 million to sending local and regional school districts due to a potential increase in tuition of \$1,060 per student sent to a vocational agriculture program. There will be a like increase in revenue for those districts receiving these students.

PA 04- 224 (SHB 5344) An Act Concerning Childhood Nutrition In Schools, Recess And Lunch Breaks.

Mandate Description

This bill requires school boards to provide all students with the opportunity for a minimum twenty minute lunch break every full school day and to provide students in K-5 a minimum of 20 minutes daily or 100 minutes of weekly physical activity.

Committee(s) Reviewing Bill

Select Committee on Children - Committee of Cognizance Education

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

School districts can accommodate the requirements of this bill within their current fiscal and programmatic flexibility.

PA 04-237 (HB 5488) An Act Revising The State Building Code For Substantial Compliance With The Americans With Disabilities Act And Concerning Main Entrances In Places Of Public Assembly.

Mandate Description

This bill modifies accessibility requirements for parking spaces designated for use by the handicapped. This applies to parking areas, garages, and terminals.

Committee(s) Reviewing Bill

Public Safety - Committee of Cognizance Planning and Development Appropriations Human Services Government Administration and Elections

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

While it is assumed that many municipalities already meet relevant federal requirements, passage of this bill could result in costs in instances where municipalities are required to make additional improvements in order to achieve compliance under the building codes.

MINIMAL MANDATES

PA 04-40 (SB 600) An Act Concerning Portability Of Certain Veterans' Property Tax Benefits.

Mandate Description

This bill allows veterans to continue receiving veterans' property tax exemptions when they move from one town to another during the assessment year. It does this by requiring tax assessors to give each veteran they approve for an exemption a certificate attesting to his/her eligibility for the exemption for that assessment year.

Committee(s) Reviewing Bill

Finance, Revenue and Bonding – Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

Costs will be minimal and vary from town to town dependent on the number of instances such cases occur.

PA 04-117 (HB 5018) An Act Concerning The Preparation Of Materials For Referenda Called For By A Regional School District And Concerning Budgets Of Regional School Districts.

Mandate Description

This bill requires the regional board of education, whenever a referendum has been called for by a regional school district, to authorize and prepare the printing of explanatory texts of the proposals or questions to be presented at the referendum, in a manner specified by this section. Also, whenever the annual budget of a regional school district is not approved by the voters, the disbursing officer for each member town shall make necessary expenditures to such district equal to the town's appropriation for the previous fiscal year and the town's proportionate share in any increment in debt service over the previous fiscal year until the district budget is approved. (This act actually transfers the responsibility for preparing and printing the explanatory texts from the towns to the regional school district. Thus, while this is a "mandate reduction" for towns, the mandate now applies to the district.)

Committee(s) Reviewing Bill

Government Administration and Election – Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

This portion of the bill was not addressed by OFA. ACIR believes that this bill will result in a minimal workload and expenditure increase for municipalities.

PA 04- 132 (HB 5356) An Act Concerning The Conveyancing Of Real Property.

Mandate Description

This bill requires town clerks to make a certified copy of a deed or any other instrument recorded in its land records affecting real property located in another town. The certified copy shall be filed by the town clerk in the other town.

Committee(s) Reviewing Bill

Judiciary Committee - Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

This portion of the bill was not addressed by OFA. ACIR believes that this bill will result in a minimal workload increase and cost for municipalities.

PA 04- 181 (SHB 5429) An Act Concerning Administration Of Medication In Schools, Concerning School Nurses, And Repealing An Obsolete Section Of The Statutes.

Mandate Description

This bill requires school boards to adopt written policies and procedures for administering medication in schools. Also, the bill requires school boards to conduct criminal background checks on nurses and nurse practitioners.

Committee(s) Reviewing Bill

Education - Committee of Cognizance Public Health

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

The requirement that written policies and procedures be developed and approved results in a minimal cost to school districts.

PA 04-215 (HB 5690) An Act Concerning School Readiness.

Mandate Description

This bill requires boards of education to submit annually summaries of all reports required by subdivision (4) of subsection (b) of Sec. 10-16r of the Connecticut General Statutes and submit such report to the Education Committee of the General Assembly.

Committee(s) Reviewing Bill

Appropriations – Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

A minimal cost to various school districts as it requires the submission of a report to the Education Committee.

PA 04-226 (SHB 5422) An Act Concerning Telecommunications Coverage Plans.

Mandate Description

This bill requires the chief elected official of each municipality to file annually with the Connecticut Siting Council, starting 10/1/04, a report containing specified information on each telecommunications tower and antenna subject to local jurisdiction.

Committee(s) Reviewing Bill

Energy and Technology – Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

The bill may result in a minimal workload increase, a fiscal impact is not anticipated.

PA 04-227 (SHB 5438) An Act Concerning English As A Second Language Instruction And In-Service Training For Teachers And Teacher Preparation Courses.

Mandate Description

This bill requires boards of education that are required to provide bilingual education to include information on second language acquisition in their in-service training programs. Also, starting July 1, 2006, any program of teacher preparation leading to professional certification shall include, as part of the curriculum, instruction in the concepts of second language learning and second language acquisition and best practices.

Committee(s) Reviewing Bill

Higher Education and Employment Advancement – Committee of Cognizance Education

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

The bill results in a minimal cost to school districts required to provide a bilingual education program.

PA 04-228 (SHB 5475) An Act Concerning The Situs Of Motor Vehicles For Property Tax Purposes.

Mandate Description

This bill requires the assessor of any municipality in which a motor vehicle or snowmobile is subject to taxation, but which is registered in another municipality, to notify the assessor of the municipality in which the vehicle is registered of the name and address of the owner of such vehicle, the vehicle identification number and the town in which such vehicle is subject to taxation. The assessors of the two municipalities must cooperate in administering the provisions of this section concerning the listing of such vehicle for property tax purposes.

Committee(s) Reviewing Bill

Finance Revenue and Bonding – Committee of Cognizance Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

> The bill precludes a revenue shift in automobile property taxes between towns that would have occurred as a result of a decision in a recent court case.

PA 04-243 (SSB 535) An Act Concerning Termination Of Coaches.

Mandate Description

This bill requires boards of education that employ coaches to have those coaches evaluated annually and to provide said coaches with a copy of the evaluation. Also, any school that terminates or fails to renew a coach's contract must inform such coach of the decision within three months of completion of the sport season covered by the contract. The coach may appeal any decision to the board of education.

Committee(s) Reviewing Bill

Education - Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

The bill would result in a potential minimal cost to the state's vocational-technical schools and local and regional school districts.

PA 04-255 (SHB 5628) An Act Concerning Funeral Directors And Vital Records.

Mandate Description

This bill requires the registrar, after receiving a cremation certificate, to authorize it and keep it on permanent record. But if the certificate is submitted to the registrar of the town where the funeral director is located, the certificate must be forwarded to the registrar of the town where the person died and kept on permanent record.

Committee(s) Reviewing Bill

Public Health - Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

This portion of the bill was not addressed by OFA. ACIR believes that this bill will result in a minimal workload increase and cost for municipalities.

MANDATES NOT SPECIFICALLY DIRECTED AT MUNICIPALITIES

PA 04-34 (HB 5464) An Act Concerning Health Insurance Coverage For Wigs For Chemotherapy Patients.

Mandate Description

The bill requires group health insurance policies to provide coverage for a wig if prescribed by a licensed oncologist for a patient who suffers hair loss as a result of chemotherapy.

Committee(s) Reviewing Bill

Insurance and Real Estate – Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

The bill's impact on municipal health insurance cost will vary by municipality depending on the current coverage. To the extent that this is not currently covered, there will be increased municipal costs to provide it.

PA 04-84 (SSB 119) An Act Concerning Clean Cars.

Mandate Description

The bill requires the Commissioner of the Department of Environmental Protection, by December 31, 2004, to adopt regulations to implement the light duty motor vehicle emission standards of the state of California to be applicable on motor vehicles with a model year of 2008 and later.

Committee(s) Reviewing Bill

Environment – Committee of Cognizance Transportation

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

Any future impact on municipal fleets is unknown at this time.

PA 04-173 (HB 5201) An Act Concerning Health Insurance Coverage For Medically Necessary Formula.

Mandate Description

The bill requires group health insurance policies to provide coverage for medically necessary formula for children up to eight years old. In addition, cystic fibrosis was added to the definition of "inherited metabolic disease" which means that insurance policies must now cover amino acid modified preparations and low protein modified food products prescribed for the treatment of cystic fibrosis.

Committee(s) Reviewing Bill

Insurance and Real Estate – Committee of Cognizance Public Health Appropriations Finance, Revenue and Bonding Planning and Development

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

The bill's impact on municipal health insurance cost will vary by municipality depending on the current coverage. To the extent that these are not currently covered there will be increased municipal costs to provide it.

PA 04-185 (HB 5608) An Act Concerning The Funding Of Municipal Clean Water Projects And The Registration Of Water Diversions.

Mandate Description

The bill requires anyone with a water diversion in use as of July 1, 2001 to annually report operating data to the Commissioner of the Department of Environmental Protection.

Committee(s) Reviewing Bill

Environment – Committee of Cognizance Finance, Revenue and Bonding

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

Any increase in the workloads of municipalities due to reporting water diversions is anticipated to be minimal.

PA 04-214 (HB 5340) An Act Concerning Lump Sum Payments Under The Workers' Compensation Act And Disqualifications And Offsets Under The Unemployment Compensation Act.

Mandate Description

This bill eliminates the unemployment compensation benefit reduction for individuals receiving a Social Security pension. Currently, Connecticut reduces an individual's weekly unemployment benefit by 50% of his pro-rated weekly Social Security pension benefit. The bill eliminates the reduction, thus allowing the individual to receive all of his unemployment benefits and Social Security pension. To the extent that municipalities hire , then lay-off, part-time employees who are receiving Social Security, they are responsible for the increased cost to the unemployment compensation fund.

Committee(s) Reviewing Bill

Labor and Public Employees - Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

The bill will result in annual municipal costs of \$35,000 (representing 1.25% of workforce). This bill is a state mandate on municipalities.

PA 04-252 (SSB 595) An Act Concerning Climate Change.

Mandate Description

The bill requires entities that own or operate electric utilities, commercial and industrial sites, and motor vehicle fleets, by April 15, 2006, to report annually to the Commissioner of Environmental Protection on greenhouse gas emissions they generate, as well as emissions generated elsewhere as a result of their activities.

Committee(s) Reviewing Bill

Environment - Committee of Cognizance

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill.)

To the extent that a municipality is an entity for the purposes of this bill, and has additional reporting requirements, it could incur additional costs. The exact impact is indeterminate.

NEW 2004 STATE MANDATE REDUCTIONS

PA 04-2 (HB 5801) An Act Concerning Budget Implementation. (May Special Session)

Mandate Reduction Description

The bill delays the next scheduled revaluation date for the 2003, 2004 or 2005 assessment year to the 2006 assessment year (This will delay the costs associated with conducting property revaluations: the cost to a town to conduct a revaluation can range anywhere from \$14 to \$70 per parcel). Also, the bill reduces the requirement for statistical revaluations from once every four years to once every five years.

Committee(s) Reviewing Bill

Emergency Certification to the House Floor

PA 04-15 (HB 5428) An Act Concerning School Readiness Staff Qualifications.

Mandate Reduction Description

The bill allows school districts to hire teachers who have an associates or four-year degree in any field, as long as the person earned at least nine, and after July 1, 2005, twelve early childhood education or child development credits. Also, this bill adds a Connecticut teaching certificate with an early childhood or special education endorsement as an acceptable credential.

Committee(s) Reviewing Bill

Education - Committee of Cognizance

PA 04-126 (SHB 5477) An Act Concerning Enforcement Of Motor Vehicle Property Tax Delinquencies.

Mandate Reduction Description

The bill eliminates the requirement that towns pay a 50-cent fee for each motor vehicle or snowmobile they report to DMV for delinquent taxes and instead requires them to pay annual fees based on population.

Committee(s) Reviewing Bill

Finance, Revenue and Bonding – Committee of Cognizance

PA 04-141 (SHB 5433) An Act Revising Prequalification Requirements For State Construction Contracts.

Mandate Reduction Description

The bill removes the requirement that municipalities file status reports on construction projects, as defined in this section.

Committee(s) Reviewing Bill

Government Administration and Elections– Committee of Cognizance

PA 04-150 (HB 5486) An Act Concerning Building Officials And Inspectors.

Mandate Reduction Description

The bill eliminates the requirement that municipalities pay for the continuing education for building officials and inspectors.

Committee(s) Reviewing Bill

Public Safety - Committee of Cognizance

PA 04-168 (SSB 152) An Act Concerning Requirements For School Roofing Projects.

Mandate Reduction Description

The bill allows districts to replace an existing roof with one sloped at a minimum pitch of one-quarter inch per foot rather than one-half foot, if certain conditions are met.

Committee(s) Reviewing Bill

Education – Committee of Cognizance Environment

PA 04-255 (SHB 5628) An Act Concerning Funeral Directors And Vital Records.

Mandate Reduction Description

The bill removes the waiver for federal agencies of the \$5 fee for certified copies of birth certificates.

Committee(s) Reviewing Bill

Public Health – Committee of Cognizance

Appendix A

MANDATE LEGISLATION LISTED BY LEGISLATIVE COMMITTEE

Appropriations Committee

PA 215 (HB 5690)	An Act Concerning School Readiness.
Education Committee	
PA 137 (SB 533)	An Act Concerning Teachers Evaluations.
PA 181 (SHB 5429)	An Act Concerning Administration Of Medication In Schools, Concerning School Nurses, And Repealing An Obsolete Section Of The Statutes.
PA 197 (SSB 529)	An Act Concerning Vocational Agricultural Centers.
PA 243 (SSB 535)	An Act Concerning Termination Of Coaches.
PA 15 (HB 5428)	An Act Concerning School Readiness Staff Qualifications. (Mandate Reduction)
PA 168 (SSB 152)	An Act Concerning Requirements For School Roofing Projects. (Mandate Reduction)

Energy and Technology Committee

PA 226 (SHB 5422)	An Act Concerning Telecommunications Coverage
	Plans.

Environment Committee

PA 84 (SSB 119)	An Act Concerning Clean Cars.
PA 115 (SHB 5588)	An Act Concerning Forestry Management.
PA 185 (HB 5608)	An Act Concerning The Funding Of Municipal Clean Water Projects And The Registration Of Water Diversions.
PA 252 (SSB 595)	An Act Concerning Climate Change.

Finance, Revenue And Bonding

PA 40 (SB 600)	An Act Concerning Portability Of Certain Veterans' Property Tax Benefits.
PA 126 (SHB 5477)	An Act Concerning Enforcement Of Motor Vehicle Property Tax Delinquencies. (Mandate Reduction)
PA 228 (SHB 5475)	An Act Concerning The Situs Of Motor Vehicles For Property Tax Purposes.

Government Administration and Elections Committee

PA 117 (HB 5018)	An Act Concerning The Preparation Of Materials For Referenda Called For By A Regional School District And Concerning Budgets Of Regional School Districts.
PA 141 (SHB 5433)	An Act Revising Prequalification Requirements For State Construction Contracts. (Mandate Reduction)

Higher Education and Employment Advancement Committee

PA 227 (SHB 5438)	An Act Concerning English As A Second Language Instruction And In-Service Training For Teachers And Teacher Preparation Courses.
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Insurance Committee

PA 34 (HB 5464)	An Act Concerning Health Insurance Coverage For Wigs For Chemotherapy Patients.
PA 173 (HB 5201)	An Act Concerning Health Insurance Coverage For Medically Necessary Formula.

Judiciary Committee

PA 132 (HB 5356)	An Act Concerning The Conveyancing Of Real
	Property.

Labor and Public Employees Committee

PA 214 (HB 5340)	An Act Concerning Lump Sum Payments Under
	The Workers' Compensation Act And
	Disqualifications And Offsets Under The
	Unemployment Compensation Act.

Public Health Committee

PA 255 (SHB 5628)	An Act Concerning Funeral Directors And Vital Records. (Mandate and Mandate Reduction)
Public Safety Committee	
PA 150 (HB 5486)	An Act Concerning Building Officials And Inspectors. (Mandate Reduction)
PA 237 (HB 5488)	An Act Revising The State Building Code For Substantial Compliance With The Americans With Disabilities Act And Concerning Main Entrances In Places Of Public Assembly.
Select Committee on Children	

PA 224 (SHB 5344) An Act Concerning Childhood Nutrition In Schools, Recess And Lunch Breaks.