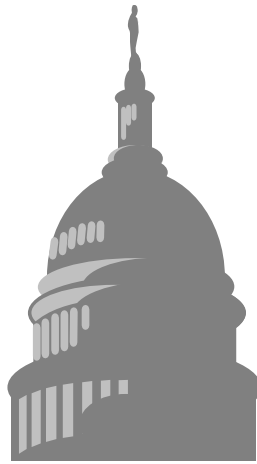


**COMPENDIUM OF STATUTORY AND
REGULATORY MANDATES ON MUNICIPALITIES
IN CONNECTICUT:**

2009 SUPPLEMENT



a report by the
**Connecticut Advisory Commission on
Intergovernmental Relations**

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January 2009

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W. David LeVasseur, Chairman

Director
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January 2009

To the Connecticut General Assembly:

In accordance with Section 2-79a of the Connecticut General Statutes (CGS), the Connecticut Advisory Commission on Intergovernmental Relations herewith submits this updated report on statutory and regulatory mandates affecting Connecticut municipalities. Section 2-79a requires the Commission to publish the complete compendium every four years, with supplements to the compendium published in the intervening years. The last complete compendium that the Commission published was in 2006. This 2009 supplement contains new mandates adopted in 2008, and eliminates any mandates that have been reduced or repealed.

The nature of state statutory direction of municipal responsibilities has its origin in the State Constitution which, in Article Tenth, establishes that the General Assembly "shall by law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization and form of government of such political subdivisions."

It has followed that the state statutes have been used to build a mosaic of authorizations, organizational frameworks and requirements regarding local government structure and operations. It is the degree of specificity of these state requirements that generally determines the policy relationship between the state and local governments. The greater the detail of the state law, the less flexibility and policy role exists for municipalities.

Regulatory mandates are those which are contained in formal state regulations, adopted in accordance with the Uniform Administrative Procedures Act. Regulations implement specific sections of the CGS and are usually more detailed.

Regulations cannot be enacted absent statutory authority. To the best of our knowledge, the mandates in this report all have such authority; although caution should be used to ensure that the underlying statute is still in effect. In the past, we have found regulations where the underlying statute has been repealed. In the normal course of events, the affected state agencies will repeal regulations in accordance with section 4-168(g) of the CGS; however, there may be a substantial period of time between the two events.

Users should be mindful that this publication is intended only as a reference guide. If an official provides regulatory information to the public, the appropriate source for such information is the *Regulations of Connecticut State Agencies*. The regulations are updated numerous times a year, with the most recent update available through the Commission on Legal Publications at (860) 741-3027.

This report is divided into two parts. Part I contains the changes in the statutory mandates and Part II contains the changes in the regulatory mandates. We have divided the statutory mandates into three sections to reflect three basically different types of mandates. Section A includes the general list of requirements which mandate actions on the part of municipalities; Section B includes statutes which mandate actions if a municipality chooses to perform a service which is not mandated (although which may be essentially unavoidable); and Section C includes statutes that are mandates on all entities performing certain functions including, but not limited to, municipalities.

The regulatory mandates are organized by Title and are broken down into two sections. Section A consists of regulations that implement statutes that require municipalities to take certain action. Section B consists of those regulations which requires municipalities to take certain actions, but only after they have voluntarily chosen to undertake a specific activity. In this case, once the activity is undertaken, the regulations contain requirements that necessitate additional municipal expenditures. For this 2008 report, there were no Section B regulations adopted in 2007.

Where a 2008 bill or regulation has changed an existing statute or regulation, boldface print has been used to signify that change. Also listed separately, following each section, are those bills that created new law but are as yet uncodified.

Many of the statutes and regulations included in this report have impacts which clearly meet the statutory definition of mandate, while others have minimal effect by themselves, but cumulatively have a significant impact on either specific local officials or municipalities as a whole. A series of statutory or regulatory requirements, all of which require attention and/or action by a local official (such as a school superintendent, a registrar of voters, or a town clerk), can have the effect of defining and mandating the essence of that job, while none of the individual requirements would be considered as being significantly intrusive.

At the same time, this listing of mandates should not be considered to be a "hit list" of bad statutes and regulations. State and local officials concur that some degree of state guidelines and direction is appropriate under our system of government from both legal and practical standpoints. Legally, the state is the sovereign entity and the municipalities are creatures of the state. Practically, there are many governmental issues that are administered by local governments, but in which statewide uniformity is important. These issues can range from elections to property assessment standards to police training to aspects of education administration, and beyond. It is the determination of these issues, as well as the details of the requirements and the costs involved which have been, are now, and will continue to be the subjects of discussion and debate.

MANDATE REDUCTIONS

A major concern of the Commission over the years has been mandate reduction. The 2007 General Assembly passed several pieces of legislation that reduced or eliminated state mandates on municipalities. That legislation includes:

- PA 08-43 An Act Concerning Continuation Of Water Liens.
- PA 08-150 An Act Concerning The Department Of Motor Vehicles.
- PA 08-184 An Act Concerning Revisions To Statutes Pertaining To The Department Of Public Health.

W. David LeVasseur
Chairman

Richard H. Van Ausdall
Director

Part I – Statutory Mandates

Codified Section A Mandates

Title 1: Provisions Of General Application

FREEDOM OF INFORMATION ACT

1-225 (Formerly 1-21) Meetings Of Government Agencies To Be Public. Recording Of Votes. Schedule And Agenda Of Meetings To Be Filed. Notice Of Special Meetings. Executive Sessions. - Requires all meetings of public agencies to be open to the public. Also requires that the minutes of such meeting be made available within seven days, that each agency file with the town clerk a schedule of all regular meetings of such agency for the ensuing year, and that the agenda for such meetings must be made available to the public twenty-four hours before the meeting. Notice of special meetings must be published at least twenty-four hours before the meeting and must specify the time, place and business to be transacted at the special meeting. **In addition, this act requires public agencies to post, on available websites, meeting dates, times and minutes required by law to be publicly disclosed.**

Enactment: 1957, PA 468

Amendments: 1967, PA 723 - act required filing schedules for meetings of public bodies with secretary of the state or clerks in political subdivisions of the state and made provisions regarding special meetings.

1971, PA 499 - act required that votes taken in closed executive sessions be available for public inspection and recorded in the minutes.

P.A. 75-342 - excluded the general assembly and its committees from provision requiring that schedule of meetings be filed, expanded provisions re special meetings and changed vote margin required to hold closed executive session from simple majority to two-thirds majority.

P.A. 76-435 - made technical changes.

P.A. 77-609 - required that the general assembly provide in its joint rules for giving notice of meetings, made provisions regarding agendas for regular public meetings and required that written notice of special meetings be sent to agency members.

P.A. 83-67 - required multitown districts and agencies to notify their member towns of the schedule of regular and special meetings and to file minutes of such meetings.

P.A. 83-148 - added a new Subsec. (b) which clarifies the method to be used in determining the time in which a notice or agenda is required to be given, deleting provisions in former language, now Subsec. (a), made redundant by its inclusion and adding provisions in Subsec. (a) requiring secretary or clerk to post notice in his office and requiring that notice be given at least twenty- four hours before time of special meeting.

P.A. 84-546 - amended Subsec. (b) to apply provisions to "offices of the clerk of each municipal member of any multitown district or agency".

P.A. 85-613 - made technical changes, deleting reference to Sec. 2-45.

P.A. 08-3 (June Special Session) – added provision that public agencies post, on available websites, meeting dates, times and minutes required by law to be publicly disclosed.

Estimated Cost Characterization: Minor

Title 10: Education And Culture

EDUCATIONAL OPPORTUNITIES - GENERAL

10-18 Courses In United States History, Government and Duties And Responsibilities Of Citizenship. - Requires all high, prep, secondary and elementary schools to provide a program of United States history, government and the responsibilities of citizenship, including a program on democracy in their **third**, fourth or fifth grade curriculum. Prohibits graduating any student who has not passed these courses.

Enactment: Prior to 1949

Amendments: 1959, PA 411 - changed references in Subsecs. (a) and (f) from state teachers colleges.

1971, PA 758 - deleted state colleges from requirement for citizenship course, deleted former detailed provisions in former Subsecs. (b), (c), (f) and part of (d), replacing them with general requirement for programs of study of US. history and government and citizenship for "High, preparatory, secondary and elementary schools".

P.A. 77-614 and P.A. 78-303 - substituted commissioner of education for secretary of the state board of education.

P.A. 78-218 - substituted "Each local or regional board of education" for "The board of education of each school district".

P.A. 82-83 - deleted Subsec. (c) which had required filing of course descriptions of United States history, government and citizenship with the commissioner of education.

P.A. 84-255 - added provision to clarify that instruction in United States government is to include instruction in local, state and national government.

P.A. 07-138 - added requirement that elementary schools include a program on democracy in their fourth or fifth grade curriculum.

P.A. 08-153 – added the third grade to the fourth and fifth grade curriculum requirement for a program on participatory democracy.

Estimated Cost Characterization: Moderate

BOARDS OF EDUCATION

10-220a In-Service Training. Professional Development. Institutes For Educators. Cooperating And Beginning Teacher Programs, Regulations. - Requires local and regional boards of education to provide an in-service training program, which includes risk reduction education, **bullying prevention** and the specific items listed for PA 98-243 and 04-227 in the amendment section below, for its teachers, administrators and pupil personnel who hold the initial educator, provisional educator or professional educator certificate, in a manner prescribed by this section. The board of education must also review and revise their plans to provide for the ongoing and systematic professional development of the professional staff every five years. Requires that the cooperating teachers [**and beginning teacher support and assessment**] program operates in accordance with state regulations, that student teachers must be placed with trained cooperating **teachers [and that**

beginning teachers must participate in a beginning teacher support and assessment program. School districts are responsible for providing support to beginning teachers, in a manner prescribed by this section.] Cooperating Teachers and teacher mentors are selected by the boards of education. (mandate reduction)

Enactment: 1973, P.A. 632

Amendments: P.A. 75-211 - included instruction re alcohol and its effects in in-service training programs and health education programs.

P.A. 78-218 - specified applicability of provisions to local and regional boards in Subsecs. (a) and (b), deleted phrase "of every school district" and deleted September 1, 1974, deadline for establishment of programs in said Subsecs. and deleted Subsec. (c) re policy statements on procedures to deal with drug sales or use.

P.A. 82-75 - deleted Subsec. (b) which had required development of an ongoing program on drug and alcohol abuse repealed, but see sections 10-16b and 10-19.

P.A. 84-314 - added new Subsecs. (b) and (c) re development of plans to provide for the ongoing and systematic professional development of the professional staff members of boards of education and annual institutes to be held by the state department of education.

P.A. 85-377 - substituted commissioner of education for state board.

May Sp. Sess. P.A. 86-1 - added Subsec. (d) re cooperating teacher program and institutes and beginning teacher program.

P.A. 87-352 - included certified teachers at approved private special education facilities in the cooperating teacher and teacher mentor programs and made a technical change in Subsec. (d).

P.A. 87-499 - in Subsec. (c) provided that the institutes be provided in cooperation with one or more regional educational service centers and amended Subsec. (d) to provide that funding be in cooperation with one or more regional educational service centers and that the programs pay stipends that institutes be for teacher mentors in Subdiv. (2) and made technical changes.

P.A. 88-96 - added a reference to the Connecticut Humanities Council in Subsec. (d).

P.A. 88-273 - in Subsec. (d) added "who are Connecticut public school teachers" and provided that after July 1, 1989, the cooperating teacher and beginning teacher programs operate in accordance with regulations, that for the fiscal year ending June 30, 1989, selection of teachers be made pursuant to Subsec. (e) added by the same act rather than based on state guidelines, that all provisions concerning teacher negotiation law, Secs. 10-153a to 10-153n, inclusive, not apply to certain aspects of participation in the program and that the state board of education protect and save harmless certain persons and added Subsec. (e) re cooperating teacher and teacher mentor selection, placement and compensation for the fiscal years up to and including the fiscal year ending June 30, 1989.

P.A. 88-360 - in Subdiv. (2) of Subsec. (d) added that the institutes be for Connecticut public school teachers, in Subdiv. (3) of Subsec. (d) added that the beginning teacher program be for "other qualified persons approved by the commissioner of education" and that it be for persons who serve as assessors for beginning teachers and provided for the selection of qualified persons by the commissioner of education and made a technical change.

P.A. 89-137 - in Subsec. (d) provided that the Connecticut Humanities Council cooperate in offering continuing education institutes and not in offering the cooperating teacher program and the beginning teacher support and assessment program, substituted "educators" for "teachers" as persons for whom continuing education institutes are to be provided and provided that funds available under the subsection be paid directly to school districts for specified purposes.

P.A. 89-168 - changed the name from "standard" certificate to "professional educator" certificate and added a new Subdiv. (2) which includes information on health and mental issues affecting children, including child abuse and youth suicide as component of in-service training program.

P.A. 90-324 - in Subsec. (a) substituted "pupil personnel" for "guidance personnel", added "educator" after "initial" and "provisional" and required the commissioner of education rather than the state board of education to approve the program and in Subsec. (b) added administrators and their bargaining representatives as persons who may advise boards of education on the development of five-year plans and added that such plans may include provisions concerning career incentives and parent involvement in Subdiv. (1) and added new Subdiv. (2) re comprehensive professional development plans.

P.A. 90-325 - in Subsec. (a) added Subdiv. (3) re the providing of information as to the growth and development of exceptional children, in Subsec. (d) provided that certain private special education facilities be approved by the commissioner of education, rather than the state board of education, that teachers at facilities designated by the commissioner be able to participate in the cooperating teacher and beginning teacher support and assessment programs and added that the institutes in Subdiv. (2) be for assessors and that funds available under the subsection are for professional development activities for assessors, deleted Subsec. (e) re cooperating teachers and teacher mentors and made technical changes.

P.A. 91-220 - replaced requirement that program be approved by the commissioner with requirement that it be submitted to the commissioner in Subsec. (a).

P.A. 91-264 - in Subsec. (c) added language concerning the charging of fees.

P.A. 91-303 - in Subsec. (b)(2) added provision for submission of a plan on and after April 1, 1994, and provided for revision of plans every five years rather than every three years.

June Sp. Sess. P.A. 91-7 amended Subsec. (d) to remove provision for stipends for teachers who train student teachers and for mentors, added specific requirements pertaining to beginning teacher support and assessment programs and added provision regarding different requirements than those specified in regulations for the fiscal year ending June 30, 1992.

P.A. 93-23 - amends subsec (a) to have in-service training for teachers include risk reduction education.

P.A. 96-244 - expands the in-service training program for teachers and administrators to include information on computer and other information technology as applied to student learning and classroom instruction, communications and data management.

P.A. 97-45 amended Subsec. (a) to add provision concerning the Great Famine in Ireland.

P.A. 97-61 amended Subsec. (a) to expand the list of topics for in-service training programs by adding African-American history, Puerto Rican history, Native American history, personal financial management and topics approved by the State Board of Education at the request of local or regional boards of education.

P.A. 98-243 amended Subsec. (a) to add Subdiv. (7) re teaching of language arts, reading and reading readiness, effective July 1, 1998.

P.A. 00-220 amended Subsec. (a) to remove a requirement to submit the program to the Commissioner of Education;

P.A. 03-76 made technical changes in Subsecs. (c) and (d), effective June 3, 2003;

P.A. 03-174 amended Subsec. (d) by deleting provision allowing for less than six observations, substituting provisions requiring assessment by educators with teaching experience in same field for provision not requiring assessment by teacher with certification endorsement in same field and making a technical change, effective July 1, 2003;

P.A. 03-211 amended Subsec. (a)(3) by including children with attention-deficit hyperactivity disorder or learning disabilities, effective July 1, 2003;

P.A. 04-227 amended Subsec. (a) by adding Subdiv. (8) re second language acquisition, effective July 1, 2004.

P.A. 08-160 – added provision that boards of education, except those that implement an evidence-based model, to provide in-service training to teachers in bullying prevention. The act also eliminated the Beginning Educator Support and Training (BEST) program.

Estimated Cost Characterization: Moderate

- 10-222d Policy On Bullying Behavior. – Requires that each board of education adopt and implement policies addressing the existence of bullying in its schools, which includes notifying students annually on the process for reporting bullying.
- Enactment:** 2002, P.A. 119
- Amendment:** P.A. 06-115 – added the annual student notification process for reporting bullying to the school policy on addressing bullying in the schools.
P.A. 08-160: added provision that boards of education implement the anti-bullying policies that were previously developed.
- 10-223e **State-Wide Education Accountability Plan.** - Requires any school or school district identified as “in need of improvement” and requiring corrective action pursuant to the No Child Left Behind Act to be designated as low achieving and subject to intensified supervision by the State Board of Education. New supervisory actions include additional training and technical assistance for parents and guardians of children attending the school or a school in the district; requiring local and regional boards of education to undergo training to improve their operational efficiency and effectiveness as leaders of their districts improvement plan; and submittal of an annual action plan to the Commissioner of Education outlining how, when and in what manner their effectiveness can be monitored.
- Enactment:** 2002, P.A. 7 (May Special Session)
- Amendments:** P.A. 07-3 (June Sp. Sess.) - added Subsecs. (c) to (f) re low achieving schools or districts and direction by the State Board of Education, re monitoring of progress by State Board of Education, re evaluation by Commissioner of Education and re study of academic achievement, respectively, effective July 1, 2007.
P.A. 08-153 – added requirement that any school district designated as low achieving undergo training to improve their operational efficiency and effectiveness as leaders of their districts improvement plan and submit an annual action plan to the Commissioner of Education outlining how, when and in what manner their effectiveness can be monitored.
- 10-262i **Grant Payments. Expenditures For Educational Purposes Only. Prohibition Against Supplanting Local Funding. Penalty.** - allows any town that is a member of a 7-12 or 9-12 regional school district and has fewer students attending the school district, to meet its minimum budget requirement by appropriating the legal minimum percentage of its ECS increase (15%) for FY '08 and FY '09.
- Enactment:** 1988, P.A. 358
- Amendments:** P.A. 89-124 - in Subsec. (b) provided that the balance be paid in March rather than April for towns which have not adopted the uniform fiscal year and which would not otherwise receive such payment within their fiscal year;
P.A. 98-168 amended Subsec. (c) to add prohibition against using an increase to supplant local funding, effective July 1, 1998;
P.A. 05-245 amended Subsec. (c) by adding language re appropriation not less than the amount for previous year plus increase in funds and added Subsec. (d) re penalty, effective July 1, 2005;

P.A. 06-13 made a technical change in Subsec. (b), effective May 2, 2006;
P.A. 08-170 – modified section to allow any town that is a member of a grade 7-12 or 9-12 regional school district and has a drop in the number of students from the town who attend school in the Regional District to meet its minimum budget requirement by appropriating the legal minimum percentage of its ECS increase (15% for FY '08 and FY '09, and 50% for FY 10).

10-292p

School-Based Health Clinic Projects. Any school-based health clinic that is located in or attached to a school building constructed on or after **[October 1, 2007] July 1, 2009 and sharing a first floor exterior wall with the school building** shall be constructed with an entrance that is separate from the entrance to the school building. (mandate reduction)

Enactment: 2007, P.A-185

Title 12: Taxation

PROPERTY TAX ASSESSMENT

12-71

Personal Property Subject To Tax. Computer Software Not Subject To Tax. Determination Of Situs Of Motor Vehicles And Snowmobiles For Tax Purposes. - Computer software is exempt from the property tax if the cost of the software is separately stated from the cost of computer hardware. Also, exempts aircraft from the property tax and establishes a fee based registration system based upon the gross weight of the aircraft. Municipalities will be reimbursed, at a declining percentage over 7 years, for a portion of the tax they would have collected from aircraft on their grand list of the previous October, and may retain all revenue they receive from the registration fees. This section stipulates that property subject to this section shall be valued at the same percentage of its then actual valuation with respect to the listing of real estate for the same year, except that any **[registered]** antique, rare or special interest motor vehicle shall be assessed at a rate of no more than five hundred dollars. Also, 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.

Enactment: Prior to 1949

Amendments: 1959, P.A. 239 - act provided for listing of property of nonresident.
1971, P.A. 668 - act added provisions allowing taxation of vessels either in town of owner's residence or in town where vessel usually operated.
P.A. 73-490 - divided previous provisions into Subsecs. (a) to (c) and added Subsec. (d) re validation stickers on construction equipment.
P.A. 73-531 - provided that antique automobiles not be assessed at value of more than five hundred dollars, effective June 11, 1973, and applicable to the first assessment date thereafter.
P.A. 77-432 - specifically included trailer-type vehicles in Subsec. (d).

P.A. 79-550 - removed goods, chattels and effects from exception in Subsec. (a) and added exception for farm machinery in Subsec. (b); effective June 21, 1979, and applicable to town assessment lists for 1979 and any list thereafter.

P.A. 81-20 - deleted special procedure for valuation of farm machinery, effective April 7, 1981, and applicable in any municipality to assessment year commencing October 1, 1981, and each assessment year thereafter.

P.A. 81-423 - eliminated vessels from personal property subject to property tax, effective July 1, 1981, and applicable to the assessment year commencing October 1, 1981, and thereafter.

P.A. 83-485 - amended Subsec. (a) for purposes of clarification with respect to provisions applicable to listing of personal property in the town where the owner resides and the listing of such property of a nonresident, effective June 30, 1983, and applicable in any town to the assessment year commencing October 1, 1983, and each assessment year thereafter.

P.A. 89-251 - added Subsec. (e) providing that for the assessment year commencing October 1, 1988, and thereafter computer software shall not be subject to tax as personal property, and including a definition of computer software.

May Sp. Sess. P.A. 92-17 - amended Subsec. (b) to set an assessment cap of five hundred dollars for aircraft manufactured prior to January 1, 1946, effective June 19, 1992, and applicable to assessment years of municipalities commencing on or after October 1, 1992.

P.A. 93-433 - exempted aircraft from municipal assessment and instituted a weight based fee system.

P.A. 99- 189 - added leasehold improvements classified as other than real property, deleted former Subsec. (c) re taxation of personal property in a town having two or more taxing districts, redesignated former Subsecs. (d), (e) and (f) as Subsecs. (c), (d) and (e) and made technical changes, effective June 23, 1999, and applicable to assessment years of municipalities commencing on or after October 1, 1999.

P.A. 99-272 - amended Subsec. (b) to exclude construction in progress property which is eligible for exemption under Sec. 12-81(72), effective June 15, 1999, and applicable to assessment years commencing on or after October 1, 1999.

P.A. 00-230 - made technical changes in Subsec. (b).

P.A. 04-228 made conforming and technical changes in Subsecs. (a) and (b) and added Subsec. (f) re criteria for determining the situs of motor vehicles and snowmobiles for property tax purposes, effective June 8, 2004, and applicable to any assessment year.

P.A. 08-150 – removed the requirement that an antique, rare or special motor vehicle be registered in order to be eligible for the special assessment.

Estimated Cost Characterization: Tax Exemption: No data available on monetary impact.

12-81(7)

Exemptions. (7) Property used for scientific, educational, literary, historical or charitable purposes. - Real property of, or held in trust for, a corporation organized exclusively for scientific, educational, literary, historical or charitable purposes, or for two or more such purpose and used exclusively for carrying out one or more of such purposes and the personal property of, or held in trust for, any such corporation. This exemption exists even if these organizations lease space to another charitable corporation, as well as property owned by a religious organization used exclusively as a daycare center. **The land must be used for charitable purposes in order to receive the exemption.**

Enactment: Prior to 1949

Amendments: P.A. 07-254 - allowed exemption even if organization leases space to another charitable corporation, as well as property owned by a religious organization used exclusively as a daycare center.

P.A. 08-174 - added the requirement that the land must be used for charitable purposes in order to receive the exemption.

DIVISION OF SPECIAL REVENUE AND GAMING POLICY BOARD

12-562 **Enforcement. Regulations.** Requires the special policemen in the Division of Special Revenue and the legalized gambling investigative unit in the Division of State Police within the Department of Public Safety to be responsible for the criminal enforcement of the provisions of **sections 7-169 to 7-186, inclusive**, this chapter and chapters 226b and **229a**. They shall have the powers and duties specified in section 29-7c. (mandate reduction)

Enactment: 1971, P.A. 865

Amendments: P.A. 77-573 added enforcement powers in chapter 226b; P.A. 79-404 gave executive director powers formerly held by commission on special revenue and required advice and consent of gaming policy board for regulations; P.A. 86-419 divided the section into Subsecs., adding Subsec. (b), requiring the special policemen in the division of special revenue and legalized gambling investigative unit to be responsible for criminal enforcement of chapters 226 and 226b and amended Subsec. (a) for consistency with Subsec. (b).

P.A. 08-70 – relieves local law enforcement agencies from responsibility for certain criminal enforcement activities associated with the Division of Special Revenue (sections 7-169 to 7-186).

Title 22a: Environmental Protection

COVERED ELECTRONIC DEVICES

22a-631 **An Act Concerning The Collection And Recycling Of Covered Electronic Devices.** – Requires municipalities, starting [**January 1, 2009**] July 1, 2009, to provide for the recycling of covered electronic devices, as defined by this section. This shall include making information readily available as to how the collection shall take place, the actual collection of such devices from the residents and the transportation of the collected items to a covered electronic recycler. (mandate reduction)

Enactment: 2007, P.A. 189

Amendment: P.A. 08-35 – postponed the starting date from January 1, 2009 to July 1, 2009.

Estimated Cost Characterization: Minor

Title 27: Armed Forces And Veterans

UNITED STATES ARMED FORCES

27-102a **Exemption From Fees, Taxes And Fines For Members Of Armed Forces.** - Requires municipalities to exempt one motor vehicle owned by an active member of the armed forces from local property taxes whether it is garaged in-state or out-of-state.

Enactment: 1973, P.A. 315

Amendment: P.A. 91-123 – divided section into three Subsecs., (1) adding a new Subsec. (b) which exempted residents on active duty with armed forces in Operation Desert Shield and Operation Desert Storm from penalties re late motor vehicle renewals and emissions inspection, and (2) adding a new Subsec. (c) to permit persons who qualify for late fee exemption under Subsec. (b) and who have paid late fee to apply for refund of fee.

P.A. 08-121 – added requirement that municipalities exempt one motor vehicle owned or leased by an active member of the armed forces and garaged out-of-state from the local property tax.

Estimated Cost Characterization: Minor

Title 29: Public Safety And State Police

FIRE MARSHALS AND FIRE HAZARDS. FIRE SAFETY CODE

29-305 **Inspections By Local Fire Marshals. Reports. Schedule Of Inspections.** - Requires local fire marshals to inspect, at least annually, all buildings of public service and all occupancies regulated by the fire safety code within the jurisdiction, except one or two family homes that must be inspected upon complaint or request of an owner or occupant. **Requires local fire marshal, upon receipt of information from an authentic source that any building is hazardous to life safety from fire, to inspect the building.** Requires each local fire marshal to submit a monthly report to the local appointing authority, and requires the municipality to pay the local fire marshal for his services.

Enactment: Prior to 1949

Amendments: Sec. 29-52 transferred to Sec. 29-305 in 1983.

P.A. 83-511 - included manufacturing establishments within the types of buildings and facilities that local and state fire marshals may inspect in the interests of public safety, effective July 1, 1984.

P.A. 89-42 - added an exception to requirement that local fire marshal inspect all buildings and occupancies each year for one and two family residential buildings which shall be inspected for smoke detection and warning equipment upon complaint or request of an owner or occupant.

P.A. 07-84 designated existing provisions as Subsec. (a), made technical changes therein and added Subsec. (b) permitting State Fire Marshal to adopt amendments to Fire Safety and Fire Prevention Codes re schedule of inspections.

P.A. 08-65 – added requirement that the local fire marshal, upon receipt of valid information that a building or facility is hazardous to life safety from fire, to inspect such building or facility.

Estimated Cost Characterization: Moderate

29-306

Abatement Of Fire Hazards. - Requires local fire marshals to order removal of materials or the remedying of conditions by the owner or occupants when there exists in any building or on any premises, circumstances which present a fire hazard. In the event of failure to abate by the owner or occupant, requires the local fire marshal to promptly notify in writing the local prosecutor and send a copy to the state fire marshal. **Also, this bill requires the local fire marshal to notify the State Fire Marshal if he determines that there exists in a building a risk of death or injury and if he determines that these conditions cannot be abated in four hours or less.**

Enactment: Prior to 1949

Amendments: 1959, P.A. 233 - act broadened conditions for ordering removal of materials or remedying of conditions and authorized application for injunction. 1967, P.A. 388 - act provided that owner or occupant of building is subject to penalties under Sec. 29-43 and penalty of ten dollars per day for each day he neglects to remedy hazardous conditions after he is ordered to do so; Sec. 29-53 transferred to Sec. 29-306 in 1983.

P.A. 83-47 - permitted the local fire marshal to request the chief executive officer of the municipality in which a fire hazard exists to apply for an injunction against an owner or occupant of a building and allowed the state fire marshal on his own initiative to seek such injunction.

P.A. 85-276 increased the penalty from ten to fifty dollars a day for each day of neglect for each violation.

P.A. 08-65 – added requirement for the notification of the State Fire Marshal if the local fire marshal determines that there exists in a building a risk of death or injury and if he determines that these conditions cannot be abated in four hours or less.

Estimated Cost Characterization: Minor

Title 54: Criminal Procedure

CRIMINAL RECORDS

54-142a

Erasure Of Criminal Records- **Requires police departments to erase certain electronic records, in a manner specified by this section, when the criminal case has been disposed of.**

Enactment: Prior to 1949

Amendments: 1963, P.A.s 482, 642 - acts substituted circuit court for court of common pleas, added provision for case when accused is found not guilty and provided for erasure of court records;

1967, P.A.s 181, 663 - acts added provisions re cases in common pleas, municipal and justice courts, reduced period to elapse before petition from three years to one year and added provisions requiring that petition have summons and proposed order appended, that copy of petition, summons and order be served at least fourteen days before return day on specified persons, that clerk not disclose information pertaining to erased charge,

that fee not be charged with respect to petition and that person subject of erasure order shall not be deemed to have been arrested ab initio with respect to erased proceedings; 1969, P.A.229 - act inserted new provisions designated as Subsecs. (a) and (b) re final judgment of not guilty or dismissal of charges, designated previous provisions as Subsecs. (c) and (e), amending Subsec. (c) to remove references to judgments of not guilty and dismissal of charge for which application was previously same as for nolle and rephrasing Subsec. (e), and inserted new provisions re pardons as Subsec. (d); 1971, P.A. 635 - act deleted requirement that petition have summons and proposed order appended and that copy of petition, summons and proposed order be served at least fourteen days before return day on specified persons; 1972 act added provisions applicable to continued cases in Subsec. (c); P.A. 73-276 deleted provisions re filing of petition with court granting nolle or with circuit court in matters pertaining to municipal court or justice of the peace and required that thirteen months rather than one year have elapsed since nolle before petition filed; P.A. 74-52 amended Subsec. (c) to delete reference to nolle in common pleas court, municipal court or by justice of the peace, adding provision re nolle entered in those courts and in superior and circuit courts prior to April 1, 1972; P.A. 74-163 amended Subsec. (d) to specify applicability before or on and after October 1, 1974, added provisions in Subsec. (e) re forwarding of erasure notices, etc. and re storage or destruction of records and added Subsec. (f) re disclosure of records to accused or defendant; P.A. 74-183 amended section to reflect transfer of circuit court jurisdiction to common pleas court, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 75-541 restated Subsec., prohibiting law enforcement agencies from disclosing information, referring to law enforcement agencies generally, rather than to persons, bodies or agencies including state department of police and required that court records and records of state's or prosecuting attorneys be sealed, replacing reference to unspecified records and added Subsec. (g) clarifying applicability of provisions re police or court records or records of state's or prosecuting attorneys; P.A. 76-345 added provisions in Subsec. (b) re police and court records and records of state's or prosecuting attorney, substituted nolle in common pleas court for those in circuit court in Subsec. (c) pursuant to requirements of P.A. 74-183 and added provisions in Subsec. (f) re disclosure of records in connection with perjury charge, re disclosure subject to records destruction program and re use of jury charge; P.A. 76-388 specified applicability re office of chief judge of court of common pleas; P.A. 76-436 amended section to reflect transfer of all trial jurisdiction to superior court, deleting references to chief judge, clerk and prosecuting attorneys of common pleas and other lesser courts and adding references to chief court administrator, effective July 1, 1978; P.A. 77-429 authorized disclosure to hospital or institution where accused confined in Subsec. (f); P.A. 77-452 confirmed substitution of chief court administrator for chief judge of common pleas court and other related changes made in Subsecs. (b), (c) and (e); Sec. 54-90 transferred to Sec. 54-142a in 1979; P.A. 81-218 provided that in a criminal case where the accused is found not guilty, the charge shall be erased upon expiration of time to file a writ of error or appeal or upon final determination of the appeal sustaining a finding of not guilty, required retention and control of records in the records center of the judicial department rather than in the office of chief court administrator, allowed a charge to be construed as nolle only if the charge has been continued at the request of the prosecuting attorney, rather than continued in superior or common pleas court, allowed court to order disclosure of records upon application of the accused, replacing provision which allowed disclosure if court finds that nondisclosure "may be harmful to the accused in a civil action" and added references to indictments in Subsec. (g); P.A. 83-486 amended Subsec. (a) by adding provision that erasure is not required of record pertaining to a charge for which the defendant was found, by reason of mental disease or defect, not guilty or guilty but not criminally responsible, amended Subsec. (b)

by adding provision that erasure is not required of record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect, and amended Subsec. (f) by deleting provision which authorized court to disclose records to "any hospital or institution to which an accused is confined under the provisions of section 53a-47";

P.A. 91-3 amended Subsec. (e) to permit disclosure of records to subject of record pursuant to guidelines of chief court administrator of satisfactory proof of identity and amended Subsec. (f) by deleting language re disclosure of records by the court to the accused;

P.A. 93-142 added "or dismissed" after "nolled";

P.A. 95-133 amended Subsec. (g) by deleting language re any count of any information which was nolled or dismissed and substituted indictment or information "containing more than one count" and added provision re disclosure and nonerasure of such information or indictment;

P.A. 96-63 added Subsec. (h) to provide that the term "court records" does not include a record or transcript of the proceedings made or prepared by an official court reporter, assistant court reporter or monitor;

P.A. 96-79 amended Subsec. (e) to add exception prohibiting the actual physical destruction of such records until three years have elapsed from the date of the final disposition of the criminal case to which such records pertain;

P.A. 99-215 amended Subsec. (g) by deleting former provision prohibiting erasure if conviction upon one or more counts of information and permitting disclosure of information or indictment and substituting provision prohibiting erasure while criminal case is pending or when criminal case is disposed unless and until all counts are entitled to erasure in accordance with the provisions of this section, effective June 29, 1999;

P.A. 02-132 amended Subsec. (g) by adding provision re information contained in the registry of protective orders established pursuant to Sec. 51-5c, effective January 1, 2003;

P.A. 08-151 – amended Subsection (g) by adding certain electronic records to the list of records to be erased when the criminal case has been disposed of.

Estimated Cost Characterization: Minor

Uncodified Section A Mandates - 2008 Public Acts

S.A. 08-7 An Act Water Diversion For The Durham Fair. – Allows the town of Durham to withdraw up to one hundred thousand gallons of water per day for three consecutive days per year without the water diversion permit normally required by statute. (mandate reduction)

Enactment: 2008, P.A. 32

P.A. 08-32 An Act Concerning Teenage Drivers. – Requires that any police officer, who issues an infraction to a motor vehicle operator for a violation of section 14-36g of the Connecticut General Statutes concerning operation of a motor vehicle by a 16-17 year old, file a written report, in a manner specified by this section, to the Commissioner of Motor Vehicles.

Enactment: 2008, P.A. 32

P.A. 08-57 An Act Concerning The Interstate Compact On Educational Opportunity For Military Children And Graduate Degrees For Members Of The Connecticut National Guard. – requires receiving schools to enroll and place transferring military children based on information provided in unofficial records if official records are not immediately available. The school in the receiving state shall request the official records from the school in the sending state, which will then have ten days to process and furnish the official records. Also, the local school district or education agency is prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other guardian who lives in a jurisdiction other than that of the custodial parent. The transitioning military child placed with someone other than the custodial parent in a jurisdiction other than that of the custodial parent may continue to attend the school where he was enrolled while residing with the custodial parent. (The requirements of this compact will not become effective until a minimum of ten states adopt the compact).

Enactment: 2008, P.A. 57

P.A. 08-61 An Act Concerning Workers' Compensation Coverage For Firefighters And Police Officers. – Stipulates that for paid police officers and firefighters any condition or impairment of health caused by a cardiac emergency is to be presumed to have happened in the line of duty.

Enactment: 2008, P.A. 61

P.A. 08-65 An Act Concerning The State Fire Prevention Code. – Requires the local fire marshal, whenever an owner or occupant of a building or facility has been notified of a fire code violation(s) and fails to remedy such violation(s) within a reasonable period of time, to notify the appropriate prosecuting attorney of all the relevant facts in writing, in a manner specified by this Section.

Enactment: 2008, P.A. 65

P.A. 08-65 An Act Concerning The State Fire Prevention Code. – Requires the local fire marshal whenever he receives an application for a variance from a part of the State Fire Code, to

forward the application, along with his recommendation, by first class mail to the State Fire Marshal within 15 days of receipt. (mandate reduction)

Enactment: 2008, P.A. 65

P.A. 08-137 An Act Concerning Environmental Health. – Requires the municipality to be responsible for any relocation assistance to anyone displaced from their home because of an order from the local department of health. The local department of health must give written notification, in a manner specified by this Section, to any person so displaced explaining their rights.

Enactment: 2008, P.A. 137

P.A. 08-137 An Act Concerning Environmental Health. – Requires the building inspector to give written notice of the application to the affected water company, in a manner specified by this Section, whenever a permit application is filed with said inspector for any project that includes certain use changes or installation of fixtures affecting the water system.

Enactment: 2008, P.A. 137

P.A. 08-141 An Act Concerning On-Line Procurement By State Agencies, Municipalities And Regional And Local School Districts. – Allows municipalities and school districts to use reverse auctions when awarding a contract for goods or supplies in order to secure more competitive prices from vendors. (mandate reduction)

Enactment: 2008, P.A. 141

P.A. 08-150 An Act Concerning The Department Of Motor Vehicles. – Exempts municipal motor vehicles used exclusively for the removal of leaves and similar organic materials from any road or street from the provisions of Sections 14-261, 14-261a and 14-262 of the Connecticut General Statutes. (mandate reduction)

Enactment: 2008, P.A. 150

P.A. 08-153 An Act Concerning Minor Changes To The Education Statutes. – Requires each local and regional board of education to establish a school district curriculum committee which will develop, review and approve all curriculum for the district.

Enactment: 2008, P.A. 153

Codified Section B Mandates

Title 10: Education And Culture

EDUCATIONAL OPPORTUNITIES: REGIONAL SCHOOLS

10-45 Referendum On Establishment Of Regional Districts. - Requires a referenda to be held on the same day in each of the participating towns seeking to establish a regional school district, in a manner determined by this section. **In addition, a referenda is also to be held in the case of a recommendation from a study committee or a regional board of education to add or withdraw grades from the regional school district pursuant to section 10-47b of the Connecticut General Statutes.**

Enactment: Prior to 1949

10-47b Addition Or Withdrawal Of Grades. – Requires a study committee to be set up whenever a regional school district that does not include all elementary and secondary grades wishes to determine if it should add or withdraw grades from the district. The study committee shall proceed in the same manner as the temporary regional school study committee except that the expenses of the committee shall be borne by the regional school district and cannot exceed an amount equal to three dollars times the number of students in the district. The section also requires the study committee to submit a report of its recommendations to the affected towns and if the committee recommends an addition to or withdrawal from the number of grades currently in the system, a referenda must be held in the district **Any such regional school district that has three member towns, each of which has a population between 3,000 and 7,500 and a combined population between 10,000 and 20,000 may recommend and develop a plan for the addition to or withdrawal of grades, in a manner specified by this section.** (mandate reduction)

Enactment: 1969, P.A. 698

BOARDS OF EDUCATION

10-233c Suspension Of Pupils. - Allows any school board to suspend any pupil, but requires school administrators to hold an informal hearing before such suspension can take place. Within twenty-four hours of suspension, the school administration must notify the superintendent of schools of the action and the reasons for such action. The school district must offer an administration specified program to those students who have been suspended for the first time. On and after **[July 1, 2008] July 1, 2009**, suspensions pursuant to this section, with certain exceptions, shall be in-school suspensions. (mandate reduction)

Enactment: 1975, P.A. 609

Title 14: Motor Vehicles. Use Of The Highway By Vehicles. Gasoline

JURISDICTION AND PROCEDURE

14-108a Uniform Investigation Of Accident Report. - Requires the police to file, in a manner prescribed by this section, a report with the commissioner of transportation within five days of any motor vehicle accident in which any person is killed or injured. It also prescribes a uniform investigation of accident report to be used by all police departments. **In addition, this act requires that each police department or agency or individual responsible for investigating motor vehicle accidents develop a policy, in a manner specified by this section, for identifying and notifying a member of a person's family or household with respect to any motor vehicle accident in which a person is killed and that they so notify such person.**

Enactment: 1961, P.A. 318

Title 22a: Environmental Protection

HAZARDOUS WASTE

22a-133dd Entry Of Licensed Environmental Professional Onto Certain Property. **Requires any municipality that enters a home for the purpose of performing an environmental site assessment or investigation for any purpose provided for in this section to notify the property owner at least forty-five days prior by certified mail to the property owner's last known address.**

Enactment: 1998, P.A. 253

Uncodified Section B Mandates - 2007 Public Acts

P.A. 08-56 An Act Adopting The Uniform Real property Electronic Recording Act. – Allows town clerks to receive, index, store, archive, and transmit electronic documents, but stipulates if they do so they must still accept paper documents and place entries for both types of documents in the same index.

Enactment: 2008, P.A. 56

P.A. 08-170 An Act Concerning Various Education Grants And Changes To The Statutes Concerning Magnet Schools, Vocational Agriculture Centers And The Certification Of Bilingual Education Teachers. – Stipulates that any interdistrict magnet school that opens between July 1, 2008 and June 30, 2009, pursuant to the 2008 stipulation and order for Sheff v. O'Neill may operate without district participation agreements. If any board of education fails to pay, The Commissioner of Education will withhold from such boards in an amount equal to the unpaid tuition which will be forwarded to the magnet school. Any such interdistrict magnet school shall establish district participation agreements prior to the 2009-2010 school year.

Enactment: 2008, P.A. 170

Codified Section C Mandates

Title 19a: Public Health And Well Being

HEALTH SERVICES

19a-131j **Temporary Suspension Of Licensure Requirements. Allows out-of-state water system operators to temporarily function without Connecticut licensure during an emergency. (mandate reduction)**

Enactment: 2003, P.A. 236

Title 31: Labor

UNEMPLOYMENT COMPENSATION

31-236 **Disqualifications. Exceptions.. – Stipulates that any individual, whose spouse is on active duty and is required by the armed forces to relocate, is eligible to apply for unemployment compensation benefits.**

Enactment: Prior to 1949

Title 38a: Insurance

GROUP HEALTH INSURANCE

38a-514 **Mandatory Coverage For The Diagnosis And Treatment Of Mental Or Nervous Conditions. Exceptions. Benefits Payable Re Type Of Provider Or Facility. State's Claim Against Proceeds. - Requires group health insurance policies to cover benefits for the diagnosis and treatment of mental or nervous conditions and at no greater financial burden than treatment of physical health conditions. **Also, these policies must include benefits for treatment in a residential treatment facility for anyone with a serious mental or nervous condition when it is determined that the person cannot be treated in any other setting.****

Enactment: 1971, P.A. 238

Uncodified Section C Mandates

P.A. 08-132 An Act Requiring Insurance Coverage For Autism Spectrum Disorder Therapies. – Requires group health insurers, as of January 1, 2009, to include coverage for physical, speech and occupational therapy services for the treatment of autism spectrum disorders.

Enactment: 2008, P.A. 132

P.A. 08-137 An Act Concerning Environmental Health. – Requires that a municipal water company, upon receipt of notification by the building inspector of a project that includes water use changes or installation of certain fixtures, evaluate the project and notify the building inspector of its determination.

Enactment: 2008, P.A. 137

Part II – Regulatory Mandates

Section A Mandates

Title 9: Elections

9-242a*

The Use Of Marksense Voting [Machines] Tabulators Approved By The Secretary of State. - Requires municipalities to provide enough voting [machines] **tabulators**, voting booths, ballot boxes and ballots for every voter in every district, in a manner specified by this section. **The tabulators are to be stored in a secure, locked location, in a manner provided for by this section.** Registrars are required to ensure the working operation of the voting [machines] **tabulators** and the municipal clerk and registrars are required to get the ballots **and absentee ballots** printed, in a manner specified by this section and then get them delivered top the election officials. The registrar must inspect and test the voting [machine] **tabulator**, as prescribed by the Secretary of State and they must deliver the voting [machine] tabulators to the clerk for safe keeping until election morning.

The regulations stipulate how many election officials are needed at each voting district, their training and the duties that they must perform including, the method that election officials are to deliver voting machine tabulators and ballots to the polls and the manner in which the voting [machines] **tabulators** and ballots are to be prepared. Election officials include moderators, demonstrators, ballot clerks, assistant registrars and [machine]**voting tabulator** tenders.

At the close of the polls, the moderator must announce the [machine] **tabulator** results for each canidate and question. The moderators and assistant registrars must sign the original election results report for each [machine] **tabulator**, attach them to the moderator’s returns, which is filed with the clerk in a manner prescribed by this section. Finally, this section provides the procedure in which absentee ballots are to be counted, requires the filing of a ballot log summary, stipulates how the voting [machine] **tabulator** and polls are to be closed and the procedure for conducting a recanvass if one is needed. (Secretary of the State)

Title 48: Eminent Domain

48-52*

Office Of Ombudsman For Property Rights. - Establishes the requirements and procedures for municipal mediation of disputes between property owners and public agencies concerning eminent domain and/or related relocation assistance matters. (Office of Ombudsman For Property Rights)

Section B Mandates

Title 17b: Social Services

[17b - 78* General Assistance Policy Manual. - Requires Norwich to provide for and administer the General Assistance program. The manual is divided into three chapters. Chapter One covers the application process, due process, hearings, confidentiality and the Workfare program. Chapter Two covers those policies and procedures that are specific to the medical assistance program. Chapter Three covers the administrative aspects of the General Assistance program, including the reporting requirements and billing procedures. (Department Of Social Services)

* Transferred from 17-3a. Norwich is the only municipality which chose to stay under the old system.]