



State of Connecticut
GENERAL ASSEMBLY
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

April 30, 2013

Representative Tim Larson
Chair, M.O.R.E. Commission

Representative Mae Flexer
Vice-Chair, M.O.R.E. Commission

Senator Steve Cassano
Vice-Chair, M.O.R.E. Commission

Representative Chris Davis
Ranking Member, M.O.R.E. Commission

Senator Len Fasano
Ranking Member, M.O.R.E. Commission

Re: M.O.R.E. Municipal Tax Authority Sub-Committee Recommendations

The Bi-Partisan Municipal Tax Authority Sub-Committee has held eight meetings over the past several weeks with legislators, municipal leaders and various advocacy organizations. During this time the Sub-Committee was able to hear from many experts and reviewed several relevant reports and studies in order to come up with the following proposed recommendations. These comprehensive proposals call for both short and long term objectives regarding revisions to Connecticut's tax structure and addressing the fiscal disparity that exist amongst municipalities, including but not limited to changes to municipal property tax on motor vehicles. The Sub-Committee's goal was to propose reforms that will reduce the State's overreliance on the property tax and bring balance to overall tax structure, in a way that addresses the unique issues of our local municipalities both fairly and efficiently.

The Sub-Committee proposals consist of four Working Drafts with language from LCO (see attached):

- (1) AAC the Mill Rate for Motor Vehicles, the Assessment of Antique, Rare or Special Interest Motor Vehicles, the Registration of Certain Motor Vehicles and Fees for Rental Passenger Motor Vehicles and Rental Trucks.
- (2) AAC Municipal Revenue
- (3) AAC Land Value Taxation and Requiring a Tax Incidence Study
- (4) AAC Special Benefit Assessments on Central Business Districts

Additional recommendations of the Sub-Committee not covered by the Working drafts are as follows:

- 1) Study Property tax sharing amongst municipalities (Minnesota Model)
- 2) Create a local option to split property tax bills into two separate mill rates for local education and general government services (see attached OLR report and status report on Bifurcation in Connecticut)
- 3) Reform the ECS formula to strike a better balance between property value and income wealth
- 4) Consider conducting property tax revaluations on a statewide or regional level to save towns money
- 5) Explore using one of the four different models that would base the municipal car tax on the purchase price of a vehicle (MSRP) or the transfer of title (see attached models)

On behalf the Municipal Tax Authority Sub-Committee we hope these recommendations prove useful in developing legislation to address property tax reform and changes to our overall state tax system.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Berger". The signature is stylized and cursive.

Representative Jeff Berger
Chairman, Municipal Tax Authority Sub-Committee

Cc: Representative J. Brendan Sharkey, Speaker of the House
Municipal Tax Authority Sub-Committee Member

M.O.R.E. Municipal Tax Authority Mission Statement

The Municipal Opportunities & Regional Efficiencies (M.O.R.E.) Municipal Tax Authority Sub-Committee strives to provide comprehensive recommendations for both short and long term objectives regarding revisions to Connecticut's tax structure and addressing the fiscal disparity that exist amongst municipalities, including but not limited to changes to municipal property tax on motor vehicles.

The Sub-Committee's goal is to propose reforms that will reduce the State's overreliance on the property tax and bring balance to overall tax structure, in a way that addresses the unique issues of our local municipalities both fairly and efficiently.

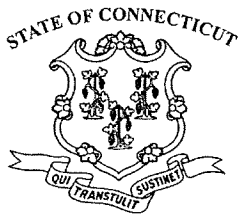
Such changes will serve to provide equitable funding for the Education Cost Sharing (ECS) grant, special education, and other general government services provided on the local level; while simultaneously encouraging regional cooperation and smart economic growth among municipalities.

The recommendations of the MTA Sub-Committee will be specific, measurable and based in objective empirical methodology, with the assistance of the General Assembly's non-partisan Office of Fiscal Analysis, Office of Legislative Research and Legislative Commissioners' Office.

In addition, the committee will be guided by the principles of the National Conference of State Legislatures (NCSL) for a high quality tax revenue system as recommended by the 2006 Report of the Connecticut Program Review and Investigations Committee on our State Tax System.

These principles require the Sub-Committee recommendations to be:

- Complementary
- Balanced
- Reliable
- Equitable
- Economically Competitive
- Neutral
- Accountable
- Fair, and
- Efficiently Administered.



WORKING DRAFT

General Assembly

January Session, 2013

Raised Bill No.

LCO No. 6270



Referred to Committee on

Introduced by:

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AN ACT CONCERNING THE MILL RATE FOR MOTOR VEHICLES, THE ASSESSMENT OF ANTIQUE, RARE OR SPECIAL INTEREST MOTOR VEHICLES, THE REGISTRATION OF CERTAIN MOTOR VEHICLES AND FEES FOR RENTAL PASSENGER MOTOR VEHICLES AND RENTAL TRUCKS.

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

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) For the fiscal year
2 commencing July 1, 2014, each municipality shall levy property tax on
3 motor vehicles subject to taxation under chapter 203 of the general
4 statutes in accordance with the provisions of this section. Commencing
5 in said fiscal year, any municipality may establish a mill rate for motor
6 vehicles that is different from the municipality's mill rate for real
7 property, provided any such motor vehicle mill rate is established in
8 accordance with the provisions of subsection (b) of this section.

9 (b) Municipal mill rates for motor vehicles shall be established as
10 follows: (1) For the fiscal year commencing July 1, 2014, no
11 municipality shall establish a mill rate for motor vehicles that exceeds
12 eighty mills; (2) for the fiscal year commencing July 1, 2015, no
13 municipality shall establish a mill rate for motor vehicles that exceeds

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14 seventy-two mills; (3) for the fiscal year commencing July 1, 2016, no
15 municipality shall establish a mill rate for motor vehicles that exceeds
16 sixty-two mills; (4) for the fiscal year commencing July 1, 2017, no
17 municipality shall establish a mill rate for motor vehicles that exceeds
18 fifty-two mills; (5) for the fiscal year commencing July 1, 2018, no
19 municipality shall establish a mill rate for motor vehicles that exceeds
20 forty-two mills; (6) for the fiscal year commencing July 1, 2019, no
21 municipality shall establish a mill rate for motor vehicles that exceeds
22 thirty-two mills; (7) for the fiscal year commencing July 1, 2020, no
23 municipality shall establish a mill rate for motor vehicles that exceeds
24 twenty-two mills; (8) for the fiscal year commencing July 1, 2021, no
25 municipality shall establish a mill rate for motor vehicles that exceeds
26 twelve mills; (9) for the fiscal year commencing July 1, 2022, no
27 municipality shall establish a mill rate for motor vehicles that exceeds
28 two mills; and (10) for fiscal years commencing on and after July 1,
29 2023, no municipality shall tax motor vehicles.

30 Sec. 2. (NEW) (*Effective from passage*) There is established an account
31 to be known as the "municipal reimbursement and revenue account"
32 which shall be a separate, nonlapsing account within the General
33 Fund. The account shall contain any moneys required by law to be
34 deposited in the account.

35 Sec. 3. Subsection (b) of section 12-71 of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective*
37 *October 1, 2015, and applicable to assessment years commencing on and after*
38 *said date*):

39 (b) Except as otherwise provided by the general statutes, property
40 subject to this section shall be valued at the same percentage of its then
41 actual valuation as the assessors have determined with respect to the
42 listing of real estate for the same year, except that any antique, rare or
43 special interest motor vehicle, as defined in section 14-1, as amended
44 by this act, shall be assessed at a value of not more than two thousand
45 five hundred dollars. The owner of such antique, rare or special

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46 interest motor vehicle may be required by the assessors to provide
47 reasonable documentation that such motor vehicle is an antique, rare
48 or special interest motor vehicle, provided any motor vehicle for which
49 special number plates have been issued pursuant to section 14-20, as
50 amended by this act, shall not be required to provide any such
51 documentation. The provisions of this section shall not include money
52 or property actually invested in merchandise or manufacturing carried
53 on out of this state or machinery or equipment which would be eligible
54 for exemption under subdivision (72) or (76) of section 12-81 once
55 installed and which cannot begin or which has not begun
56 manufacturing, processing or fabricating; or which is being used for
57 research and development, including experimental or laboratory
58 research and development, design or engineering directly related to
59 manufacturing or being used for the significant servicing, overhauling
60 or rebuilding of machinery and equipment for industrial use or the
61 significant overhauling or rebuilding of other products on a factory
62 basis or being used for measuring or testing or metal finishing or in the
63 production of motion pictures, video and sound recordings.

64 Sec. 4. Subdivision (3) of section 14-1 of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective*
66 *October 1, 2015*):

67 (3) "Antique, rare or special interest motor vehicle" means a motor
68 vehicle [twenty] thirty years old or older [which] that is being
69 preserved because of historic interest and [which] that is not altered or
70 modified from the original manufacturer's specifications;

71 Sec. 5. Subdivision (49) of section 14-1 of the general statutes is
72 repealed and the following is substituted in lieu thereof (*Effective*
73 *October 1, 2015*):

74 (49) "Modified antique motor vehicle" means a motor vehicle
75 [twenty] thirty years old or older [which] that has been modified for
76 safe road use, including, but not limited to, modifications to the drive

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77 train, suspension, braking system and safety or comfort apparatus;

78 Sec. 6. Section 14-20 of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective July 1, 2013*):

80 (a) The Commissioner of Motor Vehicles may issue special number
81 plates for antique, rare or special interest motor vehicles, including
82 antique, rare or special interest motor vehicles that have been
83 modified, such special number plates to be issued on a permanent
84 basis, except as provided in subsection (c) of this section. The
85 commissioner shall charge a fee for such plates which shall cover the
86 entire cost of making the same. An owner of such antique, rare or
87 special interest motor vehicle may use such owner's own porcelain
88 number plate in place of the plates issued by the commissioner
89 provided (1) such plate was originally issued by the department, [and]
90 (2) such owner files with the commissioner a description and the
91 number of such plate, and (3) such owner certifies that such motor
92 vehicle is not driven more than two thousand miles in a two-year
93 period and provides any additional information the commissioner
94 may require. Any fee collected by the commissioner for registration of
95 an antique, rare or special interest motor vehicle shall be deposited
96 into the "municipal reimbursement and revenue account" established
97 pursuant to section 2 of this act.

98 (b) Notwithstanding the provisions of subsection (a) of this section,
99 section 14-18 and section 14-21b, the owner of such antique, rare or
100 special interest motor vehicle may be authorized by the commissioner
101 to display a number plate originally issued by the Commissioner of
102 Motor Vehicles corresponding to the year of manufacture of such
103 antique, rare or special interest motor vehicle. The commissioner shall
104 issue a certificate of registration, as provided in section 14-12. Such
105 registration shall be valid, subject to renewal, as long as the
106 commissioner permits. Thereafter, the registration number and
107 number plates, if any, which were assigned to such motor vehicle
108 before such registration and number plates were issued under this

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109 section, shall be in effect. Each such number plate authorized for use
110 by the commissioner shall be displayed in a conspicuous place at the
111 rear of such motor vehicle at all times while the vehicle is in use or
112 operation upon any public highway. A sticker shall be affixed to each
113 such number plate to denote the expiration date of the registration,
114 unless the commissioner authorizes the sticker, or other evidence of
115 the period of the registration, to be placed elsewhere or carried in such
116 motor vehicle. Such sticker may contain the corresponding letters and
117 numbers of the registration and number plate. The commissioner may
118 adopt regulations, in accordance with chapter 54, to implement the
119 provisions of this section.

120 (c) On and after October 1, 2015, any person who has been issued a
121 special number plate for an antique, rare or special interest motor
122 vehicle that is less than thirty years old on said date shall forfeit such
123 special number plate upon renewal of a registration for such motor
124 vehicle pursuant to section 14-12.

125 Sec. 7. Subsection (b) of section 14-58 of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective July*
127 *1, 2013*):

128 (b) Each such licensee shall, instead of registering each motor
129 vehicle owned by such licensee or temporarily in such licensee's
130 custody, make application to the commissioner for a general
131 distinguishing number and mark, and the commissioner may issue to
132 the applicant a certificate or certificates of registration containing the
133 distinguishing number and mark assigned to such applicant, and
134 made in a form and containing any further information that the
135 commissioner may determine, and, thereupon, each motor vehicle
136 owned by the applicant or temporarily in the applicant's custody shall
137 be regarded as registered under and having assigned to it such general
138 distinguishing number and mark until sold. For the registration of all
139 motor vehicles registered under a general distinguishing number and
140 mark, the commissioner shall charge a fee at the rate of seventy dollars

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141 per year and shall deposit such fee into the "municipal reimbursement
142 and revenue account" established pursuant to section 2 of this act. No
143 new car dealer may be issued more than one such registration for each
144 ten sales transactions in a year and no repairer or limited repairer may
145 be issued more than three registrations in a year, unless such licensee
146 makes application for an additional registration to the commissioner,
147 in such form and containing such information as the commissioner
148 may require to substantiate such request. No used car dealer may be
149 issued more than three such registrations in a year, provided an
150 additional registration may be issued for each ten sales transactions in
151 excess of thirty such transactions upon submission of such application
152 for an additional registration. The commissioner may issue to each
153 such licensee such additional registrations as the commissioner deems
154 necessary. The commissioner may withdraw any registration
155 previously issued or may limit the number of registrations which any
156 licensee is eligible to receive or to hold, if the commissioner determines
157 that a licensee does not require such number of registrations or if a
158 licensee has been found to be in violation of any of the provisions of
159 section 14-64.

160 Sec. 8. Subsections (a) and (b) of section 12-692 of the general
161 statutes are repealed and the following is substituted in lieu thereof
162 (*Effective July 1, 2013*):

163 (a) For purposes of this section:

164 (1) "Passenger motor vehicle" means a passenger vehicle, which is
165 rented without a driver and which is part of a motor vehicle fleet of
166 five or more passenger motor vehicles that are used for rental purposes
167 by a rental company.

168 (2) "Rental truck" means a (A) vehicle rented without a driver that
169 has a gross vehicle weight rating of twenty-six thousand pounds or
170 less and is used in the transportation of personal property but not for
171 business purposes, or (B) trailer that has a gross vehicle weight rating

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172 of not more than six thousand pounds.

173 (3) "Rental company" means any business entity that is engaged in
174 the business of renting passenger motor vehicles, rental trucks without
175 a driver or machinery in this state to lessees and that uses for rental
176 purposes a motor vehicle fleet of five or more passenger motor
177 vehicles, rental trucks or pieces of machinery in this state, but does not
178 mean any person, firm or corporation that is licensed, or required to be
179 licensed, pursuant to section 14-52, (A) as a new car dealer, repairer or
180 limited repairer, or (B) as a used car dealer that is not primarily
181 engaged in the business of renting passenger motor vehicles or rental
182 trucks without a driver in this state to lessees.

183 (4) "Lessee" means any person who leases a passenger motor
184 vehicle, rental truck or machinery from a rental company for such
185 person's own use and not for rental to others.

186 (5) "Machinery" means heavy equipment without an operator that
187 may be used for construction, mining or forestry, including, but not
188 limited to, bulldozers, earthmoving equipment, well-drilling
189 machinery and equipment or cranes.

190 (b) (1) [There] Except as provided in subdivision (2) of this
191 subsection, there is hereby imposed a three per cent surcharge on each
192 passenger motor vehicle or rental truck rented within the state by a
193 rental company to a lessee for a period of less than thirty-one days. The
194 rental surcharge shall be imposed on the total amount the rental
195 company charges the lessee for the rental of a motor vehicle. Such
196 surcharge shall be in addition to any tax otherwise applicable to any
197 such transaction and shall be includable in the measure of the sales
198 and use taxes imposed under chapter 219.

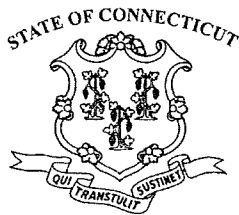
199 (2) In addition to the three per cent surcharge in subdivision (1) of
200 this subsection, for the fiscal year commencing July 1, 2013, and ending
201 June 30, 2014, there is hereby imposed a three per cent surcharge, and
202 for the fiscal year commencing July 1, 2014, and ending June 30, 2015,

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203 there is hereby imposed a six per cent surcharge, on each passenger
204 motor vehicle or rental truck rented within the state by a rental
205 company to a lessee for a period of less than thirty-one days. The rental
206 surcharge shall be imposed in the same manner as provided in
207 subdivision (1) of this subsection. On or before February 15, 2014, and
208 the fifteenth of February annually thereafter until February 15, 2016,
209 each rental company shall remit to the Commissioner of Revenue
210 Services for deposit into the municipal reimbursement and revenue
211 fund established in section 2 of this act the aggregate amount of the
212 surcharge collected under this subdivision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2015, and applicable to assessment years commencing on and after said date</i>	12-71(b)
Sec. 4	<i>October 1, 2015</i>	14-1(3)
Sec. 5	<i>October 1, 2015</i>	14-1(49)
Sec. 6	<i>July 1, 2013</i>	14-20
Sec. 7	<i>July 1, 2013</i>	14-58(b)
Sec. 8	<i>July 1, 2013</i>	12-692(a) and (b)



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General Assembly

January Session, 2013

Bill No.

LCO No. 6193



Referred to Committee on

Introduced by:

AN ACT CONCERNING MUNICIPAL REVENUE.

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

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) As used in this section,
2 "municipality" means any town, city, borough, consolidated town and
3 city or consolidated town and borough.

4 (b) Any municipality may, upon approval by its legislative body, or,
5 in any town in which the legislative body is a town meeting, by the
6 board of selectmen, establish by ordinance any type of tax, including,
7 but not limited to, a retail sales tax, a tax on food and beverages, an
8 amusements tax, a hotel tax, payroll taxes or hospital bed taxes.

9 (c) The municipality shall conduct an annual review of any tax
10 imposed pursuant to this section, commencing one year after the date
11 of its original imposition. Such municipality's legislative body, or, in
12 any town in which the legislative body is a town meeting, the board of
13 selectmen, shall conduct such review and such legislative body or
14 board of selectmen shall thereafter amend or approve such tax in the
15 same manner as provided in subsection (b) of this section. If a tax is

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16 not so amended or approved, it shall expire at the end of the current
17 calendar quarter or thirty days after the annual review required
18 pursuant to this subsection, whichever is later.

19 (d) Any municipal tax imposed pursuant to this section shall be in
20 addition to any state tax imposed on the same activity.

21 (e) (1) Any tax imposed by a municipality under the provisions of
22 this section shall be collected and administered by the Department of
23 Revenue Services, in the same manner as such taxes are currently paid,
24 and in accordance with the laws governing such taxes. The department
25 shall segregate the amount paid that is attributable to any municipal
26 tax and, commencing on the first day of the calendar quarter next
27 succeeding the institution of such municipal tax, remit to the
28 municipality such amount. Thereafter, the department shall remit
29 quarterly to the municipality any amounts received attributable to a
30 municipal tax.

31 (2) For the fiscal years ending June 30, 2014, and June 30, 2015, the
32 department may deduct from the amounts received attributable to
33 municipal taxes any costs directly associated with the administration
34 and collection of such taxes by the department.

35 (f) A municipality may use the revenue generated by any tax
36 enacted under the provisions of this section for the general fund of the
37 municipality, capital expenditures or any regular or special purpose as
38 provided in the budget enacted each year by the municipality.

39 Sec. 2. Subdivision (2) of subsection (c) of section 7-148 of the
40 general statutes is repealed and the following is substituted in lieu
41 thereof (*Effective July 1, 2013*):

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

43 (B) Assess, levy and collect taxes for general or special purposes on
44 all property, subjects or objects which may be lawfully taxed, and

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45 regulate the mode of assessment and collection of taxes and
46 assessments not otherwise provided for, including establishment of a
47 procedure for the withholding of approval of building application
48 when taxes or water or sewer rates, charges or assessments imposed
49 by the municipality are delinquent for the property for which an
50 application was made;

51 (C) Make appropriations for the support of the municipality and
52 pay its debts;

53 (D) Make appropriations for the purpose of meeting a public
54 emergency threatening the lives, health or property of citizens,
55 provided such appropriations shall require a favorable vote of at least
56 two-thirds of the entire membership of the legislative body or, when
57 the legislative body is the town meeting, at least two-thirds of those
58 present and voting;

59 (E) Make appropriations to military organizations, hospitals, health
60 care facilities, public health nursing organizations, nonprofit museums
61 and libraries, organizations providing drug abuse and dependency
62 programs and any other private organization performing a public
63 function;

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

66 (G) When not specifically prescribed by general statute or by
67 charter, prescribe the form of proceedings and mode of assessing
68 benefits and appraising damages in taking land for public use, or in
69 making public improvements to be paid for, in whole or in part, by
70 special assessments, and prescribe the manner in which all benefits
71 assessed shall be collected;

72 (H) Provide for the bonding of municipal officials or employees by
73 requiring the furnishing of such bond, conditioned upon honesty or
74 faithful performance of duty and determine the amount, form, and

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75 sufficiency of the sureties thereof;

76 (I) Regulate the method of borrowing money for any purpose for
77 which taxes may be levied and borrow on the faith and credit of the
78 municipality for such general or special purposes and to such extent as
79 is authorized by general statute;

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

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

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

86 (M) Notwithstanding any provision of the general statutes, impose a
87 surcharge on any fee established pursuant to the general statutes for a
88 municipal service, which surcharge shall not exceed the costs to the
89 municipality to provide the service for which the fee is assessed,
90 including, but not limited to, the costs of (i) reviewing and acting on
91 applications and petitions, (ii) certified mailings, (iii) publications of
92 notices and decisions, (iv) monitoring compliance with permit
93 conditions, and (v) the salary attributable to employees engaged in
94 providing the service.

95 Sec. 3. (NEW) (*Effective October 1, 2013*) (a) There is established an
96 account to be known as the "municipal revenue enhancement account"
97 that shall be a separate, nonlapsing account within the General Fund.
98 The account shall contain any moneys required by law to be deposited
99 in the account. Moneys in the account shall be expended by the
100 Secretary of the Office of Policy and Management in accordance with
101 subsection (b) of this section.

102 (b) On January 1, ____, and quarterly thereafter, the secretary shall
103 distribute the funds in the account as follows: ____.

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104 (c) Any municipality that receives funds distributed pursuant to
105 subsection (b) of this section shall use such funds for the costs of public
106 safety services, to provide support for maintaining property tax levels
107 or ____.

108 (d) On or before July 1, ____, and semiannually thereafter, any
109 municipality that receives funds distributed pursuant to subsection (b)
110 of this section shall report to the Secretary of the Office of Policy and
111 Management regarding its use of such funds. On or before January 1,
112 ____, and annually thereafter, the Secretary of the Office of Policy and
113 Management shall prepare a report concerning the use of such funds
114 by such municipalities, and shall submit such report to the joint
115 standing committees of the General Assembly having cognizance of
116 matters relating to planning and development and finance, revenue
117 and bonding, in accordance with the provisions of section 11-4a of the
118 general statutes.

119 Sec. 4. Section 51-56a of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective October 1, 2013*):

121 (a) Each clerk of the Supreme Court and Superior Court shall
122 account for and pay or deposit all fees, fines, forfeitures and
123 contributions made to the Criminal Injuries Compensation Fund and
124 the proceeds of judgments of such clerk's office in the manner
125 provided by section 4-32. If any such clerk fails to so account and pay
126 or deposit, such failure shall be reported by the Treasurer to the Chief
127 Court Administrator who may thereupon remove the clerk. When any
128 such clerk dies before so accounting and paying or depositing, the
129 Treasurer shall require the executor of such clerk's will or
130 administrator of such clerk's estate to so account. If any such clerk is
131 removed from office, the Treasurer shall require such clerk to account
132 for any money of the state remaining in such clerk's hands at the time
133 of such removal and, if such clerk neglects to so account, the Treasurer
134 shall certify the neglect to the Chief Court Administrator.

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135 (b) The state shall remit to the municipalities in which the violations
136 occurred all amounts received in respect to the violation of subdivision
137 (2) of subsection (a) of section 14-12, sections 14-251, 14-252, 14-253a
138 and 14-305 to 14-308, inclusive, or any regulation adopted thereunder
139 or ordinance enacted in accordance therewith. Each clerk of the
140 Superior Court or the Chief Court Administrator, or any other official
141 of the Superior Court designated by the Chief Court Administrator,
142 shall, on or before the thirtieth day of January, April, July and October
143 in each year, certify to the Comptroller the amount due for the
144 previous quarter under this subsection to each municipality served by
145 the office of the clerk or official, provided prior to the institution of
146 court proceedings, a city, town or borough shall have the authority to
147 collect and retain all proceeds from parking violations committed
148 within the jurisdiction of such city, town or borough.

149 (c) For the purpose of providing additional funds for municipal and
150 state police training, each person who pays in any sum as (1) a fine or
151 forfeiture for any violation of section 14-12, 14-215, 14-219, 14-222, 14-
152 224, 14-225, 14-227a, 14-266, 14-267a, 14-269 or 14-283, or (2) a fine or
153 forfeiture for any infraction, shall pay an additional fee of one dollar
154 for each eight dollars or fraction thereof of the amount such person is
155 required to pay, except if such payment is made for violation of such a
156 section which is deemed to be an infraction, such additional fee shall
157 be only on the first eighty-eight dollars of such fine or forfeiture. Such
158 additional fee charged shall be deposited in the General Fund.

159 (d) Each person who pays in any sum as a fine or forfeiture for any
160 violation of sections 14-218a, 14-219, 14-222, 14-223, 14-227a, sections
161 14-230 to 14-240, inclusive, sections 14-241 to 14-249, inclusive, section
162 14-279 for the first offense, sections 14-289b, 14-299, 14-301 to 14-303,
163 inclusive, or any regulation adopted under said sections or ordinance
164 enacted in accordance with said sections shall pay an additional fee of
165 fifteen dollars. The state shall remit to the municipalities in which the
166 violations occurred the amounts paid under this subsection. Each clerk
167 of the Superior Court or the Chief Court Administrator, or any other

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168 official of the Superior Court designated by the Chief Court
169 Administrator, on or before the thirtieth day of January, April, July
170 and October in each year, shall certify to the Comptroller the amount
171 due for the previous quarter under this subsection to each
172 municipality served by the office of the clerk or official.

173 (e) The state shall remit to the municipalities in which the violation
174 occurred all fine amounts received in respect to the violation of section
175 14-279 after crediting twelve per cent of such fine amounts to the
176 Special Transportation Fund established under section 13b-68 and
177 crediting eight per cent of such fine amounts to the General Fund. Each
178 clerk of the Superior Court or the Chief Court Administrator, or any
179 other official of the Superior Court designated by the Chief Court
180 Administrator, shall, on or before the thirtieth day of January, April,
181 July and October in each year, certify to the Comptroller the amount
182 due for the previous quarter under this subsection to each
183 municipality served by the office of the clerk or official.

184 (f) Each person who pays in any sum as a fine or forfeiture for any
185 violation of (1) section 14-12, 14-213b, 14-215, 14-215a, 14-215b, 14-219,
186 14-222, 14-224, 14-225, 14-227a, 14-240, 14-240a, 14-266, 14-267a, 14-269,
187 14-283 or 14-296aa, as amended by this act, or (2) any provision of title
188 14 deemed an infraction shall pay an additional fee of one dollar for
189 each five dollars or fraction thereof of the amount such person is
190 required to pay. The state shall deposit into the municipal revenue
191 enhancement account, established in section 3 of this act, the amounts
192 paid under this subsection after crediting fifty per cent of such
193 amounts to the General Fund. Each clerk of the Superior Court or the
194 Chief Court Administrator, or any other official of the Superior Court
195 designated by the Chief Court Administrator, shall, on or before the
196 thirtieth day of January, April, July and October in each year, certify to
197 the Comptroller the amount due for the previous quarter under this
198 subsection to each municipality served by the office of the clerk or
199 official.

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200 Sec. 5. Section 14-296aa of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective October 1, 2013*):

202 (a) For purposes of this section, the following terms have the
203 following meanings:

204 (1) "Mobile telephone" means a cellular, analog, wireless or digital
205 telephone capable of sending or receiving telephone communications
206 without an access line for service.

207 (2) "Using" or "use" means holding a hand-held mobile telephone to,
208 or in the immediate proximity of, the user's ear.

209 (3) "Hand-held mobile telephone" means a mobile telephone with
210 which a user engages in a call using at least one hand.

211 (4) "Hands-free accessory" means an attachment, add-on, built-in
212 feature, or addition to a mobile telephone, whether or not permanently
213 installed in a motor vehicle, that, when used, allows the vehicle
214 operator to maintain both hands on the steering wheel.

215 (5) "Hands-free mobile telephone" means a hand-held mobile
216 telephone that has an internal feature or function, or that is equipped
217 with an attachment or addition, whether or not permanently part of
218 such hand-held mobile telephone, by which a user engages in a call
219 without the use of either hand, whether or not the use of either hand is
220 necessary to activate, deactivate or initiate a function of such
221 telephone.

222 (6) "Engage in a call" means talking into or listening on a hand-held
223 mobile telephone, but does not include holding a hand-held mobile
224 telephone to activate, deactivate or initiate a function of such
225 telephone.

226 (7) "Immediate proximity" means the distance that permits the
227 operator of a hand-held mobile telephone to hear telecommunications
228 transmitted over such hand-held mobile telephone, but does not

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229 require physical contact with such operator's ear.

230 (8) "Mobile electronic device" means any hand-held or other
231 portable electronic equipment capable of providing data
232 communication between two or more persons, including a text
233 messaging device, a paging device, a personal digital assistant, a
234 laptop computer, equipment that is capable of playing a video game or
235 a digital video disk, or equipment on which digital photographs are
236 taken or transmitted, or any combination thereof, but does not include
237 any audio equipment or any equipment installed in a motor vehicle for
238 the purpose of providing navigation, emergency assistance to the
239 operator of such motor vehicle or video entertainment to the
240 passengers in the rear seats of such motor vehicle.

241 (b) (1) Except as otherwise provided in this subsection and
242 subsections (c) and (d) of this section, no person shall operate a motor
243 vehicle upon a highway, as defined in section 14-1, while using a
244 hand-held mobile telephone to engage in a call or while using a mobile
245 electronic device while such vehicle is in motion. An operator of a
246 motor vehicle who types, sends or reads a text message with a hand-
247 held mobile telephone or mobile electronic device while such vehicle is
248 in motion shall be in violation of this section, except that if such
249 operator is driving a commercial motor vehicle, as defined in section
250 14-1, such operator shall be charged with a violation of subsection (e)
251 of this section.

252 (2) An operator of a motor vehicle who holds a hand-held mobile
253 telephone to, or in the immediate proximity of, his or her ear while
254 such vehicle is in motion is presumed to be engaging in a call within
255 the meaning of this section. The presumption established by this
256 subdivision is rebuttable by evidence tending to show that the
257 operator was not engaged in a call.

258 (3) The provisions of this subsection shall not be construed as
259 authorizing the seizure or forfeiture of a hand-held mobile telephone

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260 or a mobile electronic device, unless otherwise provided by law.

261 (4) Subdivision (1) of this subsection shall not apply to: (A) The use
262 of a hand-held mobile telephone for the sole purpose of
263 communicating with any of the following regarding an emergency
264 situation: An emergency response operator; a hospital, physician's
265 office or health clinic; an ambulance company; a fire department; or a
266 police department, or (B) any of the following persons while in the
267 performance of their official duties and within the scope of their
268 employment: A peace officer, as defined in subdivision (9) of section
269 53a-3, a firefighter or an operator of an ambulance or authorized
270 emergency vehicle, as defined in section 14-1, or a member of the
271 armed forces of the United States, as defined in section 27-103, while
272 operating a military vehicle, or (C) the use of a hand-held radio by a
273 person with an amateur radio station license issued by the Federal
274 Communications Commission, or (D) the use of a hands-free mobile
275 telephone.

276 (c) No person shall use a hand-held mobile telephone or other
277 electronic device, including those with hands-free accessories, or a
278 mobile electronic device while operating a moving school bus that is
279 carrying passengers, except that this subsection shall not apply to (1) a
280 school bus driver who places an emergency call to school officials, or
281 (2) the use of a hand-held mobile telephone as provided in
282 subparagraph (A) of subdivision (4) of subsection (b) of this section.

283 (d) No person under eighteen years of age shall use any hand-held
284 mobile telephone, including one with a hands-free accessory, or a
285 mobile electronic device while operating a moving motor vehicle on a
286 public highway, except as provided in subparagraph (A) of
287 subdivision (4) of subsection (b) of this section.

288 (e) No person shall type, read or send text or a text message with or
289 from a mobile telephone or mobile electronic device while operating a
290 commercial motor vehicle, as defined in section 14-1, except for the

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291 purpose of communicating with any of the following regarding an
292 emergency situation: An emergency response operator; a hospital;
293 physician's office or health clinic; an ambulance company; a fire
294 department or a police department.

295 (f) Except as provided in subsections (b) to (e), inclusive, of this
296 section, no person shall engage in any activity not related to the actual
297 operation of a motor vehicle in a manner that interferes with the safe
298 operation of such vehicle on any highway, as defined in section 14-1.

299 (g) Any law enforcement officer who issues a summons for a
300 violation of this section shall record on such summons the specific
301 nature of any distracted driving behavior observed by such officer.

302 (h) Any person who violates this section shall be fined one hundred
303 [twenty-five] fifty dollars for a first violation, [two hundred fifty] three
304 hundred dollars for a second violation and [four] five hundred dollars
305 for a third or subsequent violation.

306 (i) An operator of a motor vehicle who commits a moving violation,
307 as defined in subsection (a) of section 14-111g, while engaged in any
308 activity prohibited by this section shall be fined in accordance with
309 subsection (h) of this section, in addition to any penalty or fine
310 imposed for the moving violation.

311 (j) The state shall remit to a municipality twenty-five per cent of the
312 fine amount received for a violation of this section with respect to each
313 summons issued by such municipality. Each clerk of the Superior
314 Court or the Chief Court Administrator, or any other official of the
315 Superior Court designated by the Chief Court Administrator, shall, on
316 or before the thirtieth day of January, April, July and October in each
317 year, certify to the Comptroller the amount due for the previous
318 quarter under this subsection to each municipality served by the office
319 of the clerk or official.

320 (k) A record of any violation of this section shall appear on the

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321 driving history record or motor vehicle record, as defined in section
322 14-10, of any person who commits such violation, and the record of
323 such violation shall be available to any motor vehicle insurer in
324 accordance with the provisions of section 14-10.

325 Sec. 6. Section 14-137a of the general statutes is repealed and the
326 following is substituted in lieu thereof (*Effective October 1, 2013*):

327 The Commissioner of Motor Vehicles shall adopt regulations in
328 accordance with the provisions of chapter 54, setting forth the number
329 of points chargeable against the owner of an operator's license for
330 conviction of any violation of the motor vehicle laws deemed
331 appropriate by the commissioner for the assessment of such points.
332 Such regulations shall provide specific information as to the number of
333 points assessed for the conviction of each specified violation, the total
334 number of points which, in a period of time specified by the
335 commissioner, shall require a hearing before the commissioner or
336 permit automatic suspension without prior hearing, and the period of
337 time during which any such suspension shall extend. Such regulations
338 shall provide that (1) not less than two points shall be assessed for
339 conviction of a violation of subsection (d) of section 14-100a, (2) not
340 more than one point shall be assessed for conviction of a violation of
341 section 14-219 and (3) no points shall be assessed for an infraction or
342 any violation specified in subsection (b) of section 51-164n for which
343 the person sends payment of the fine and any additional fees or costs
344 established for such infraction or violation to the Centralized
345 Infractions Bureau in accordance with the provisions of subsection (c)
346 of section 51-164n, except not less than one point shall be assessed for
347 any violation of section 14-296aa, as amended by this act. If such
348 regulations provide for participation in a driver improvement course
349 or system for the owner of an operator's license, the commissioner may
350 charge a fee of fifty dollars for registration for such course or system.

351 Sec. 7. (*Effective from passage*) (a) There is established a task force to
352 study issues concerning the prevention of distracted driving in the

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353 state. Such task force shall (1) evaluate the effectiveness of existing
354 laws prohibiting distracted driving, (2) examine distracted driving
355 enforcement, (3) consider any federal efforts to prevent distracted
356 driving, (4) consider any distracted driving efforts in other states, and
357 (5) develop recommendations, including any necessary legislative
358 changes, to prevent distracted driving in Connecticut.

359 (b) The task force shall consist of the following members:

360 (1) Two appointed by the speaker of the House of Representatives;

361 (2) Two appointed by the president pro tempore of the Senate;

362 (3) One appointed by the majority leader of the House of
363 Representatives;

364 (4) One appointed by the majority leader of the Senate;

365 (5) One appointed by the minority leader of the House of
366 Representatives;

367 (6) One appointed by the minority leader of the Senate;

368 (7) The Commissioner of Motor Vehicles, or the commissioner's
369 designee; and

370 (8) The Commissioner of Transportation, or the commissioner's
371 designee.

372 (c) Any member of the task force appointed under subsection (b) of
373 this section may be a member of the General Assembly.

374 (d) All appointments to the task force shall be made not later than
375 thirty days after the effective date of this section. Any vacancy shall be
376 filled by the appointing authority.

377 (e) The speaker of the House of Representatives and the president
378 pro tempore of the Senate shall select the chairpersons of the task force

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379 from among the members of the task force. Such chairpersons shall
380 schedule the first meeting of the task force, which shall be held not
381 later than sixty days after the effective date of this section.

382 (f) The administrative staff of the joint standing committee of the
383 General Assembly having cognizance of matters relating to
384 transportation shall serve as administrative staff of the task force.

385 (g) Not later than January 1, 2014, the task force shall submit a
386 report on its findings and recommendations to the joint standing
387 committee of the General Assembly having cognizance of matters
388 relating to transportation, in accordance with the provisions of section
389 11-4a of the general statutes. The task force shall terminate on the date
390 that it submits such report or January 1, 2014, whichever is later.

391 Sec. 8. Subsection (a) of section 7-73 of the general statutes is
392 repealed and the following is substituted in lieu thereof (*Effective*
393 *October 1, 2013*):

394 (a) To any person performing the duties required by the provisions
395 of the general statutes relating to registration of marriages, deaths and
396 fetal deaths, the following fees shall be allowed: (1) For the license to
397 marry, [ten] thirty dollars; and (2) for issuing each burial or removal,
398 transit and burial permit, [three] ten dollars.

399 Sec. 9. Subsection (b) of section 19a-323 of the general statutes is
400 repealed and the following is substituted in lieu thereof (*Effective*
401 *October 1, 2013*):

402 (b) If death occurred in this state, the death certificate required by
403 law shall be filed with the registrar of vital statistics for the town in
404 which such person died, if known, or, if not known, for the town in
405 which the body was found. The Chief Medical Examiner, Deputy Chief
406 Medical Examiner, associate medical examiner, an authorized assistant
407 medical examiner or other authorized designee shall complete the
408 cremation certificate, stating that such medical examiner or other

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409 authorized designee has made inquiry into the cause and manner of
410 death and is of the opinion that no further examination or judicial
411 inquiry is necessary. The cremation certificate shall be submitted to the
412 registrar of vital statistics of the town in which such person died, if
413 known, or, if not known, of the town in which the body was found, or
414 with the registrar of vital statistics of the town in which the funeral
415 director having charge of the body is located. Upon receipt of the
416 cremation certificate, the registrar shall authorize such certificate, keep
417 such certificate on permanent record, and issue a cremation permit,
418 except that if the cremation certificate is submitted to the registrar of
419 the town where the funeral director is located, such certificate shall be
420 forwarded to the registrar of the town where the person died to be
421 kept on permanent record. If a cremation permit must be obtained
422 during the hours that the office of the local registrar of the town where
423 death occurred is closed, a subregistrar appointed to serve such town
424 may authorize such cremation permit upon receipt and review of a
425 properly completed cremation permit and cremation certificate. A
426 subregistrar who is licensed as a funeral director or embalmer
427 pursuant to chapter 385, or the employee or agent of such funeral
428 director or embalmer shall not issue a cremation permit to himself or
429 herself. A subregistrar shall forward the cremation certificate to the
430 local registrar of the town where death occurred, not later than seven
431 days after receiving such certificate. The estate of the deceased person,
432 if any, shall pay the sum of one hundred fifty dollars for the issuance
433 of the cremation certificate, provided the Office of the Chief Medical
434 Examiner shall not assess any fees for costs that are associated with the
435 cremation of a stillborn fetus. No cremation certificate shall be
436 required for a permit to cremate the remains of bodies pursuant to
437 section 19a-270a. When the cremation certificate is submitted to a town
438 other than that where the person died, the registrar of vital statistics
439 for such other town shall ascertain from the original removal, transit
440 and burial permit that the certificates required by the state statutes
441 have been received and recorded, that the body has been prepared in
442 accordance with the Public Health Code and that the entry regarding

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443 the place of disposal is correct. Whenever the registrar finds that the
444 place of disposal is incorrect, the registrar shall issue a corrected
445 removal, transit and burial permit and, after inscribing and recording
446 the original permit in the manner prescribed for sextons' reports under
447 section 7-66, shall then immediately give written notice to the registrar
448 for the town where the death occurred of the change in place of
449 disposal stating the name and place of the crematory and the date of
450 cremation. Such written notice shall be sufficient authorization to
451 correct these items on the original certificate of death. The fee for a
452 cremation permit shall be [three] ten dollars and for the written notice
453 one dollar. The Department of Public Health shall provide forms for
454 cremation permits, which shall not be the same as for regular burial
455 permits and shall include space to record information about the
456 intended manner of disposition of the cremated remains, and such
457 blanks and books as may be required by the registrars.

458 Sec. 10. Section 30-53 of the general statutes is repealed and the
459 following is substituted in lieu thereof (*Effective October 1, 2013*):

460 Each permit granted or renewed by the Department of Consumer
461 Protection shall be of no effect until a duplicate thereof has been filed
462 by the permittee with the town clerk of the town within which the club
463 or place of business described in such permit is situated; provided the
464 place of filing of railroad and boat permits shall be the office of the
465 town clerk of the town of New Haven, and airline permits, the office of
466 the town clerk of the town of Hartford. The fee for such filing shall be
467 [two] twenty dollars.

468 Sec. 11. Section 7-34a of the general statutes is repealed and the
469 following is substituted in lieu thereof (*Effective October 1, 2013*):

470 (a) Town clerks shall receive, for recording any document, ten
471 dollars for the first page and five dollars for each subsequent page or
472 fractional part thereof, a page being not more than eight and one-half
473 by fourteen inches. Town clerks shall receive, for recording the

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474 information contained in a certificate of registration for the practice of
475 any of the healing arts, [five] ten dollars. Town clerks shall receive, for
476 recording documents conforming to, or substantially similar to, section
477 47-36c, which are clearly entitled "statutory form" in the heading of
478 such documents, as follows: For the first page of a warranty deed, a
479 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten
480 dollars; for each additional page of such documents, five dollars; and
481 for each assignment of mortgage, subsequent to the first two
482 assignments, two dollars. Town clerks shall receive, for recording any
483 document with respect to which certain data must be submitted by
484 each town clerk to the Secretary of the Office of Policy and
485 Management in accordance with section 10-261b, two dollars in
486 addition to the regular recording fee. Any person who offers any
487 written document for recording in the office of any town clerk, which
488 document fails to have legibly typed, printed or stamped directly
489 beneath the signatures the names of the persons who executed such
490 document, the names of any witnesses thereto and the name of the
491 officer before whom the same was acknowledged, shall pay one dollar
492 in addition to the regular recording fee. Town clerks shall receive, for
493 recording any deed, except a mortgage deed, conveying title to real
494 estate, which deed does not contain the current mailing address of the
495 grantee, five dollars in addition to the regular recording fee. Town
496 clerks shall receive, for filing any document, [five] ten dollars; for
497 receiving and keeping a survey or map, legally filed in the town clerk's
498 office, [five] ten dollars; and for indexing such survey or map, in
499 accordance with section 7-32, [five] ten dollars, except with respect to
500 indexing any such survey or map pertaining to a subdivision of land as
501 defined in section 8-18, in which event town clerks shall receive
502 [fifteen] twenty dollars for each such indexing. Town clerks shall
503 receive, for a copy, in any format, of any document either recorded or
504 filed in their offices, one dollar for each page or fractional part thereof,
505 as the case may be; for certifying any copy of the same, two dollars; for
506 making a copy of any survey or map, the actual cost thereof; and for
507 certifying such copy of a survey or map, two dollars. Town clerks shall

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508 receive, for recording the commission and oath of a notary public, [ten]
509 twenty dollars; and for certifying under seal to the official character of
510 a notary, [two] five dollars.

511 (b) The fees set forth in subsection (a) of this section received by
512 town clerks for recording documents include therein payment for the
513 return of each document which shall be made by the town clerk to the
514 designated addressee.

515 (c) Compensation for all services other than those enumerated in
516 subsection (a) of this section which town clerks are required by the
517 general statutes to perform and for which compensation is not fixed by
518 statute shall be fixed and paid by the selectmen or other governing
519 body of the town or city in which such services are performed.

520 (d) In addition to the fees for recording a document under
521 subsection (a) of this section, town clerks shall receive a fee of three
522 dollars for each document recorded in the land records of the
523 municipality. Not later than the fifteenth day of each month, town
524 clerks shall remit two-thirds of the fees paid pursuant to this
525 subsection during the previous calendar month to the State Librarian
526 for deposit in a bank account of the State Treasurer and crediting to the
527 historic documents preservation account established under section 11-
528 8i. One-third of the amount paid for fees pursuant to this subsection
529 shall be retained by town clerks and used for the preservation and
530 management of historic documents. The provisions of this subsection
531 shall not apply to any document recorded on the land records by an
532 employee of the state or of a municipality in conjunction with said
533 employee's official duties. [As used in this section "municipality"
534 includes each town, consolidated town and city, city, consolidated
535 town and borough, borough, district, as defined in chapter 105 or
536 chapter 105a, and each municipal board, commission and taxing
537 district not previously mentioned.]

538 (e) In addition to the fees for recording a document under

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539 subsection (a) of this section, town clerks shall receive a fee of forty
540 dollars for each document recorded in the land records of the
541 municipality. The town clerk shall retain one dollar of any fee paid
542 pursuant to this subsection and three dollars of such fee shall become
543 part of the general revenue of the municipality and be used to pay for
544 local capital improvement projects, as defined in section 7-536. Not
545 later than the fifteenth day of each month, town clerks shall remit
546 thirty-six dollars of the fees paid pursuant to this subsection during the
547 previous calendar month to the State Treasurer. Upon deposit in the
548 General Fund, such amount shall be credited to the community
549 investment account established pursuant to section 4-66aa. The
550 provisions of this subsection shall not apply to any document recorded
551 on the land records by an employee of the state or of a municipality in
552 conjunction with such employee's official duties. [As used in this
553 subsection, "municipality" includes each town, consolidated town and
554 city, city, consolidated town and borough, borough, and district, as
555 defined in chapter 105 or 105a, any municipal corporation or
556 department thereof created by a special act of the General Assembly,
557 and each municipal board, commission and taxing district not
558 previously mentioned.]

559 (f) In addition to the fees for recording a document under subsection
560 (a) of this section, town clerks shall receive a fee of seven dollars for
561 each document recorded in the land records of the municipality. The
562 town clerk shall retain five dollars of any fee paid pursuant to this
563 subsection, which shall be deposited in a separate, nonlapsing account
564 of the municipality and be used to pay for the preservation and
565 management of electronic records, as defined in section 12 of this act.
566 Not later than the fifteenth day of each month, town clerks shall remit
567 two dollars of the fees paid pursuant to this subsection during the
568 previous calendar month to the State Librarian for deposit in a bank
569 account of the State Treasurer and crediting to the e-government
570 records management account established pursuant to section 12 of this
571 act. The provisions of this subsection shall not apply to any document

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572 recorded on the land records by an employee of the state or of a
573 municipality in conjunction with such employee's official duties.

574 (g) As used in this section, "municipality" includes each town,
575 consolidated town and city, city, consolidated town and borough,
576 borough, district, as defined in chapter 105 or 105a, and each
577 municipal board, commission and taxing district not previously
578 mentioned, provided for the purposes of subsection (e) of this section,
579 "municipality" also includes any municipal corporation or department
580 thereof created by a special act of the General Assembly.

581 Sec. 12. (NEW) (*Effective October 1, 2013*) (a) For the purposes of this
582 section, "preservation and management of electronic records" means
583 activities that include, but are not limited to, the following: (1) The use
584 of information technology to facilitate the performance of duties
585 integral to the maintenance and tracking of electronic records; (2) the
586 development of best practices and standards concerning the creation,
587 maintenance and preservation of electronic records; (3) the assessment,
588 implementation or upgrading of electronic records management
589 systems; (4) the development of an essential records program,
590 including disaster recovery; (5) the development and implementation
591 of a real property electronic recording system; and (6) the training of
592 personnel to perform duties integral to the maintenance and tracking
593 of electronic records.

594 (b) There is established an account to be known as the "e-
595 government records management account", which shall be a separate,
596 nonlapsing account within the General Fund. The account shall
597 contain any moneys required by law to be deposited in the account.
598 Moneys in the account shall be expended by the State Librarian for the
599 purposes of the preservation and management of electronic records,
600 including (1) the preservation and management of records in an
601 electronic format maintained by the State Library, and (2) the
602 development and implementation of a state-wide electronic records
603 management initiative for electronic records created and maintained

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604 by state agencies, municipalities and quasi-public agencies.

605 Sec. 13. Section 1-9 of the general statutes is repealed and the
606 following is substituted in lieu thereof (*Effective July 1, 2013*):

607 No person having custody of any permanent record or register in
608 any department or office of the state, or of any political subdivision
609 thereof, or of any probate district, shall use or permit to be used for
610 recording purposes any paper other than alkaline paper that meets or
611 exceeds the American National Standards Institute standards for
612 permanent paper and meets such additional specifications as may be
613 issued by the Public Records Administrator, unless such paper is not
614 available. [Said administrator shall furnish to each person having
615 custody of any such permanent record a list of such papers.] Any such
616 person shall maintain any permanent electronic record in accordance
617 with the authentication and preservation standards for electronic
618 documents issued by the Public Records Administrator under section
619 11-4d. Any person who violates any provision of this section shall be
620 fined not more than one hundred dollars.

621 Sec. 14. (NEW) (*Effective July 1, 2013*) Except as otherwise provided
622 by statute, "essential record" means a record necessary to (1) respond
623 to an emergency, (2) reestablish normal operations after any such
624 emergency, (3) protect the rights and interests of the state agency or
625 political subdivision, and (4) protect the rights and interests of
626 individuals for whom the state agency or political subdivision has
627 responsibility.

628 Sec. 15. (NEW) (*Effective July 1, 2013*) (a) For the purposes of this
629 section, "public agency" means any state agency within the executive
630 branch and any town, city, borough, district or other political
631 subdivision of the state, including probate districts, and "essential
632 record" has the same meaning as provided in section 14 of this act.

633 (b) In order to provide for the continuity of government during and
634 following a disaster or other emergency, the administrative head of

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635 each public agency shall identify such agency's essential records. Each
636 such administrative head shall transmit a list of essential records to the
637 Public Records Administrator on a form prescribed by the Public
638 Records Administrator. Each such administrative head shall review
639 such list not less than annually to ensure its completeness, and shall
640 notify the Public Records Administrator forthwith of any revisions
641 made to such list.

642 (c) Each administrative head of a public agency shall ensure the
643 protection of all essential records by any method approved by the
644 Public Records Administrator. Each public agency shall incorporate
645 the protection of essential records into any continuity of operations
646 plan or emergency operations plan adopted by such agency.

647 Sec. 16. (*Effective July 1, 2013*) For the fiscal year commencing July 1,
648 2013, the Auditors of Public Accounts shall conduct a pilot program to
649 audit the budget and financial condition of (1) one municipality with a
650 population equal to or less than thirty thousand, (2) one municipality
651 with a population of more than thirty thousand but less than seventy-
652 five thousand, and (3) one municipality with a population equal to or
653 more than seventy-five thousand. As part of such pilot program, the
654 auditors shall prepare a report of their review and make
655 recommendations for programmatic savings, efficiencies, financial
656 improvements and reforms for each of the selected municipalities and
657 shall submit such reports not later than February 5, 2014, to the joint
658 standing committees of the General Assembly having cognizance of
659 matters relating to planning and development, appropriations and
660 finance, revenue and bonding.

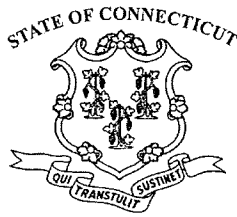
661 Sec. 17. (NEW) (*Effective from passage*) Not later than January 1, 2015,
662 the Secretary of the Office of Policy and Management shall, in
663 consultation with organizations that work with municipalities,
664 develop and implement a uniform system of accounting for municipal
665 revenues and expenditures.

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This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013</i>	7-148(c)(2)
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>October 1, 2013</i>	51-56a
Sec. 5	<i>October 1, 2013</i>	14-296aa
Sec. 6	<i>October 1, 2013</i>	14-137a
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>October 1, 2013</i>	7-73(a)
Sec. 9	<i>October 1, 2013</i>	19a-323(b)
Sec. 10	<i>October 1, 2013</i>	30-53
Sec. 11	<i>October 1, 2013</i>	7-34a
Sec. 12	<i>October 1, 2013</i>	New section
Sec. 13	<i>July 1, 2013</i>	1-9
Sec. 14	<i>July 1, 2013</i>	New section
Sec. 15	<i>July 1, 2013</i>	New section
Sec. 16	<i>July 1, 2013</i>	New section
Sec. 17	<i>from passage</i>	New section



WORKING DRAFT

General Assembly

January Session, 2013

Bill No.

LCO No. 6212



Referred to Committee on

Introduced by:

AN ACT CONCERNING LAND VALUE TAXATION AND REQUIRING A TAX INCIDENCE STUDY.

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

1 Section 1. Section 12-63h of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) The Secretary of the Office of Policy and Management shall
4 establish a pilot program in [a single municipality] up to three
5 municipalities whereby the [municipality] selected municipalities shall
6 develop a plan for implementation of land value taxation that (1)
7 classifies real estate included in the taxable grand list as (A) land or
8 land exclusive of buildings, or (B) buildings on land; and (2)
9 establishes a different mill rate for property tax purposes for each
10 class, provided the higher mill rate shall apply to land or land
11 exclusive of buildings. The different mill rates for taxable real estate in
12 each class shall not be applicable to any property for which a grant is
13 payable under section 12-19a or 12-20a.

14 (b) [To be eligible for the program a municipality shall (1) be a
15 distressed municipality, as defined in subsection (b) of section 32-9p;
16 (2) have a population of not more than twenty-six thousand; and (3)

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17 have a city manager and city council form of government.] The
18 secretary shall establish an application procedure and any other
19 criteria for the program and shall send a copy of such application
20 procedure and any other criteria to the joint standing committee of the
21 General Assembly having cognizance of matters relating to planning
22 and development. The secretary shall not select a municipality for the
23 pilot program unless the legislative body of the municipality has
24 approved the application. The secretary shall send a notice of selection
25 for the pilot program to the chief executive officer of the municipality
26 and to the joint standing committee of the General Assembly having
27 cognizance of matters relating to planning and development.

28 (c) After receipt of the notice of selection provided by the Secretary
29 of the Office of Policy and Management pursuant to subsection (b) of
30 this section, the chief [executive officer] elected official of such
31 municipality shall appoint a committee consisting of (1) a
32 representative of the legislative body of the municipality or where the
33 legislative body is the town meeting, a representative of the board of
34 selectmen; (2) a representative from the business community; (3) a land
35 use attorney; and (4) relevant taxpayers and stakeholders. [to] Such
36 committee shall prepare a plan for implementation of land value
37 taxation. Such plan shall [(1)] (A) provide a process for implementation
38 of differentiated tax rates; [(2)] (B) designate geographic areas of the
39 municipality where the differentiated rates shall be applied; and [(3)]
40 (C) identify legal and administrative issues affecting the
41 implementation of the plan. The chief executive officer, the chief
42 elected official, the assessor and the tax collector of the municipality
43 shall have an opportunity to review and comment on the plan. On or
44 before December 31, [2009] 2014, and upon approval of the plan by the
45 legislative body, the plan shall be submitted to the joint standing
46 committees of the General Assembly having cognizance of matters
47 relating to planning and development and to finance, revenue and
48 bonding.

49 Sec. 2. (NEW) (*Effective July 1, 2013*) (a) The Commissioner of

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50 Revenue Services shall, on or before December 31, 2014, and every
51 other year thereafter, submit to the joint standing committee of the
52 General Assembly having cognizance of matters relating to finance,
53 revenue and bonding, and post on said department's Internet web site
54 a report on the overall incidence of the income tax, sales and excise
55 taxes, the corporation business tax and property tax. The report shall
56 present information on the distribution of the tax burden as follows:

57 (1) For individuals:

58 (A) Income classes, including income distribution expressed for
59 every ten percentage points; and

60 (B) Other appropriate taxpayer characteristics, as determined by
61 said commissioner.

62 (2) For businesses:

63 (A) Business size as established by gross receipts;

64 (B) Legal organization; and

65 (C) Industry by NAICS code.

66 (b) The Commissioner of Revenue Services may enter into a contract
67 with any public or private entity for the purpose of preparing the
68 report required pursuant to subsection (a) of this section.

69 (c) (1) The sum of five hundred thousand dollars is appropriated to
70 the Department of Revenue Services from the General Fund for the
71 fiscal year ending June 30, 2014, for the purpose of preparing the
72 report required pursuant to subsection (a) of this section.

73 (2) The sum of two hundred thousand dollars is appropriated to the
74 Department of Revenue Services from the General Fund for the fiscal
75 year ending June 30, 2015, for the purpose of preparing the report
76 required pursuant to subsection (a) of this section.

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77 Sec. 3. (*Effective from passage*) (a) There is established an education
78 funding commission to study and evaluate options for increasing state
79 funding to local schools by (1) creating a dedicated state-wide revenue
80 stream, (2) establishing an education trust fund outside of the General
81 Fund to better protect the fund from annual budget fluctuations, and
82 (3) ensuring sufficiency, predictability and reliability of state funding.
83 Such study shall include an examination of ways in which to increase
84 funding for education cost sharing grants and special education.

85 (b) The commission shall consist of the following members:

86 (1) Two appointed by the speaker of the House of Representatives;

87 (2) Two appointed by the president pro tempore of the Senate;

88 (3) One appointed by the majority leader of the House of
89 Representatives;

90 (4) One appointed by the majority leader of the Senate;

91 (5) One appointed by the minority leader of the House of
92 Representatives;

93 (6) One appointed by the minority leader of the Senate;

94 (7) The Commissioner of Education, or the commissioner's designee;

95 (8) A representative of the Connecticut Conference of
96 Municipalities, who shall be appointed by the Governor; and

97 (9) A representative of the Council of Small Towns, who shall be
98 appointed by the Governor.

99 (c) Any member of the commission appointed under subdivision
100 (1), (2), (3), (4), (5) or (6) of subsection (b) of this section may be a
101 member of the General Assembly.

102 (d) All appointments to the commission shall be made not later than

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103 thirty days after the effective date of this section. Any vacancy shall be
104 filled by the appointing authority.

105 (e) The speaker of the House of Representatives and the president
106 pro tempore of the Senate shall select the chairpersons of the task
107 force, from among the members of the task force. Such chairpersons
108 shall schedule the first meeting of the task force, which shall be held
109 not later than sixty days after the effective date of this section.

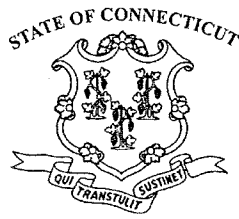
110 (f) The administrative staff of the joint standing committee of the
111 General Assembly having cognizance of matters relating to ____ shall
112 serve as administrative staff of the commission.

113 (g) Not later than ____, the commission shall submit a report on its
114 findings and recommendations to the joint standing committees of the
115 General Assembly having cognizance of matters relating to finance,
116 appropriations and education, in accordance with the provisions of
117 section 11-4a of the general statutes. The task force shall terminate on
118 the date that it submits such report or ____, whichever is later.

119 Sec. 4. (*Effective July 1, 2013*) The Center for Land Use Education and
120 Research shall, within available appropriations, conduct a study of the
121 public costs associated with sprawl and urban decay. Such study shall
122 include a state-wide build-out analysis that may be used to institute
123 land use policies and develop strategies to manage conservation and
124 growth.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	12-63h
Sec. 2	<i>July 1, 2013</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2013</i>	New section



WORKING DRAFT

General Assembly

January Session, 2013

Bill No.

LCO No. 6232



Referred to Committee on

Introduced by:

AN ACT CONCERNING SPECIAL BENEFIT ASSESSMENTS ON CENTRAL BUSINESS DISTRICTS.

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

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) On and after October
2 1, 2013, any municipality may, by ordinance, designate a central
3 business district within the municipality. Upon designation of a central
4 business district, a municipality may, by vote of its legislative body or,
5 where the legislative body is a town meeting, by vote of the board of
6 selectmen, impose a levy upon the taxable interests in real property
7 within such district, the revenues from which may be used at the
8 discretion of the governing board of the district to carry out capital
9 improvement projects within such district. All moneys collected
10 pursuant to such levy shall be deposited into a separate account to be
11 used by the officers of the district elected in accordance with
12 subsection (b) of this section for district initiatives.

13 (b) (1) For purposes of this subsection, "district" means a commercial
14 business district established pursuant to subsection (a) of this section
15 and "voter" means (A) any person who is an elector of the district, (B)

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16 any citizen of the United States of the age of eighteen years or more
17 who, jointly or severally, is liable to the district for taxes assessed
18 against such citizen on an assessment of not less than one thousand
19 dollars on the last-completed grand list of such district or who would
20 be so liable if not entitled to an exemption under subdivision (17), (19),
21 (21), (22), (24), (25) or (28) of section 12-81 of the general statutes, or (C)
22 holders of record of an interest in real property within the district.

23 (2) The chief elected officer of the municipality shall call an
24 organizational meeting of the district by publishing notice of such
25 meeting in a newspaper having a general circulation in such district at
26 least ten days before the day of such meeting, which notice shall
27 designate the time and place of such meeting and the business to be
28 transacted thereat. At the first organizational meeting of the district,
29 the voters shall fix the date of the annual meeting of the voters for the
30 election of district officers and the transaction of such other business as
31 may properly come before such annual meeting. At such
32 organizational meeting of the district, the voters shall elect a president,
33 vice-president, five directors, a clerk and a treasurer to serve until the
34 first annual meeting for the election of officers and thereafter such
35 officers shall be elected annually. Not fewer than three members of the
36 directors shall be residents of the state of Connecticut. Not fewer than
37 fifteen voters of the district shall constitute a quorum for the
38 transaction of business at such organizational meeting of the district. If
39 fifteen voters are not present at such meeting, the chief elected official
40 may adjourn such meeting from time to time, until at least fifteen
41 voters are present. Special meetings of the district may be called on the
42 application to the clerk of ten per cent of the total number of voters of
43 such district or twenty of the voters of such district, whichever is less,
44 or by the president or any three directors upon giving notice as
45 provided in this subdivision. Any special meeting called on the
46 application of the voters shall be held not later than twenty-one days
47 after the clerk receives such application. Notice of the holding of the
48 annual meeting and all special meetings shall be given by publication

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49 of a notice of such meetings in a newspaper having a general
50 circulation in such district at least ten days before the day of such
51 meetings, signed by the president or any three directors, which notice
52 shall designate the time and place of such meetings and the business to
53 be transacted thereat. Two hundred or more persons or ten per cent of
54 the total number of voters of such district, whichever is less, may
55 petition the clerk of such district, in writing, at least twenty-four hours
56 prior to any such meeting, requesting that any item or items on the call
57 of such meeting be submitted to the voters not less than seven or more
58 than fourteen days after the date of such petition, on a date to be set by
59 the district meeting or, if the district meeting does not set a date, by the
60 board of directors, or a vote by paper ballots or by a "yes" or "no" vote
61 on the voting machines, during the hours between twelve o'clock noon
62 and eight o'clock p.m., except that any district may, by vote of its
63 board of directors, provide for an earlier hour for opening the polls but
64 not earlier than six o'clock a.m. The paper ballots or voting machine
65 ballot labels, as the case may be, shall be provided by the clerk. When
66 such a petition has been filed with the clerk, the president, after
67 completion of other business and after reasonable discussion, shall
68 adjourn such meeting and order such vote on such item or items in
69 accordance with the petition; and any item so voted may be rescinded
70 in the same manner. The clerk shall phrase such item or items in a
71 form suitable for printing on such paper ballots or ballot labels. Not
72 fewer than fifteen voters of the district shall constitute a quorum for
73 the transaction of business at any meeting of the district. If fifteen
74 voters are not present at such meeting, the president of the district or,
75 in such president's absence, the vice-president, may adjourn such
76 meeting from time to time, until at least fifteen voters are present. All
77 meetings of the district where a quorum is present may be adjourned
78 from time to time by a vote of a majority of the voters voting on the
79 question.

80 (3) For purposes of voting at meetings held by such district, any
81 tenant in common of any interest in real property shall have a vote

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82 equal to the fraction of such tenant in common's ownership of such
83 interest. Any joint tenant of any interest in real property shall vote as if
84 each such tenant owned an equal fractional share of such real
85 property. A corporation shall have its vote cast by the chief executive
86 officer of such corporation, or such officer's designee. Any entity that is
87 not a corporation shall have its vote cast by a person authorized by
88 such entity to cast its vote. No owner shall have more than one vote.

89 (4) No holder of record of an interest in real property shall be
90 precluded from participating in any district meeting or referendum
91 because of the form of entity that holds such interest, whether such
92 holder of record is (A) a corporation, partnership, unincorporated
93 association, trustee, fiduciary, guardian, conservator or other form of
94 entity, or any combination thereof, or (B) an individual who holds
95 interests jointly or in common with another individual or individuals,
96 or with any one or more of the entities listed in subparagraph (A) of
97 this subdivision.

98 (5) The district may contract with a town, city or person for carrying
99 out any of the purposes for which such district was established
100 pursuant to subsection (a) of this section.

101 (6) The clerk of the district shall submit project activity reports
102 quarterly to the legislative body of the municipality or, where the
103 legislative body is a town meeting, to the board of selectmen of the
104 municipality. Such reports shall provide information and updates on
105 the projects undertaken by the district, including the status of any
106 items as the legislative body or board of selectmen may request.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	New section
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Statement of Purpose:

No SOP.

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



OTHER OPTIONS

There are other ways of distinguishing the education budget from the general municipal operations budget. One is to list two mill rates on budget and tax documents, one each for education and operations costs, and another is to pose two questions in a budget referendum.

Two Mill Rates. Providing two mill rates within the same tax bill (i.e., one to cover education costs and one to cover operations costs) would make it easier for taxpayers to determine the tax implications of the school board's education budget. For example, because municipalities often send taxpayers information on increases or decreases in the mill rate, taxpayers would be able to see whether one portion of the budget is predominantly responsible for a change in property taxes.

Bifurcating Town Budget Referenda. In 2004, the Connecticut Supreme Court held that municipalities may amend their charters to permit voters to accept or reject the school board and municipal operating budgets separately (*Board of Education v. Naugatuck*, 268 Conn. 295 (2004)). In deciding the charter provision was permissible, the court found that while education is an issue of statewide concern, procedures surrounding municipal budgets is a local issue, and therefore, may be set in municipal charters. The court noted that because there are state laws prohibiting municipalities from adopting inadequate education budgets, giving voters a say in the education budget would not adversely impact the state's interest in ensuring schools are adequately funded (i.e., voters would only have input on expenditures beyond those necessary to meet statutory obligations). At least 20 Connecticut towns bifurcate their budget referenda (for examples, see Hebron's report, below).

Attached you will find a 2011 report by Hebron's Bifurcation Study Committee discussing bifurcation of town budgets in Connecticut. This report discusses a few variations on bifurcation, as well as the impact of bifurcation on education and municipal operations budgets, a municipality's bond rating, and property tax values and rates. You can also access the document here:

<http://www.hebronct.com/uploads/documents/Bifurcation%20Report%20-%20Final.pdf>.

I hope this information is helpful. Please let me know if I can be of further assistance.

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Bifurcation in Connecticut:

A Status Report



Bifurcation Study Committee

Loreta McDonnell, Chair

Carla Pomproicz, Vice Chair

Lorraine Davey

Marie Egbert

Judith Podell

Richard White

Kathy Williams

January 13, 2011

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 - a. Responses to Hebron survey (11/2010)
6. List of bifurcated towns (39)
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Scope of Work

In the spring of 2010, the Hebron Board of Selectmen addressed the possibility of bifurcating (i.e., separating) the municipal and local education budgets during referenda. Prior to forming a Charter Revision Commission to consider such a change, the Board voted to form a study committee to investigate what has been the impact of such an action on other Connecticut towns and provide the Board with a report of its findings. This document is the final report of the Bifurcation Study Committee (BSC).

Overall Study Objectives

- Examine the pros and cons of bifurcation as expressed by other towns
- Understand the voting process when budgets are bifurcated*
- Understand the impact of bifurcation on:
 - Bond rating
 - CMT scores
 - Property values
 - Education funding levels
 - Ability to set a mill rate
 - Voter turnout
 - Working relationship between the town and school system

* For purposes of this report, our study of “bifurcation” refers only to voting on the local municipal budget separate from the local education budget; it does not refer to Regional School budgets.

Acronyms used in report:

BOE – Board of Education
BOF – Board of Finance
BOS – Board of Selectmen
BSC – Bifurcation Study Committee
CCM – Connecticut Conference of
Municipalities

CERC – Connecticut Economic Resource
Center
CIP – Capital Improvement Plan
CMT – Connecticut Mastery Test
ECS – Educational Cost Sharing

Research Methodology

Research was primarily based on secondary data compiled from State public sources (see Appendix for sourcing and raw data).

The information in this report is based on those sources we determined to be the best available to us. Our understanding of our charge was to collect, synthesize and analyze the data and present it to the Board of Selectmen. We worked as a group to be objective, unbiased and accurate.

The quotes included in this report are taken directly from the returned surveys or from in-person or telephone interviews.

At our request, Lisa Hancock, Hebron's Finance Director provided an overview of town financing, (setting of the mill rate, municipal bonding, etc.)

We determined that we would seek feedback from all 169 towns. We tried, unsuccessfully, to enlist the services of a college intern to assist in phone surveys but were unable to do so as the semester had already begun. Given the limited research time available, the decision was made to survey the 169 towns by email.

Two surveys were developed, a survey (A) of 10 questions for those towns where we understood (based on the secondary data) that they bifurcated their budgets, and a second survey (B) of 4 questions to the remaining towns confirming that they did not bifurcate, but also asking if they had ever considered bifurcation. Surveys were submitted to Dr. Han Srinivasan from UCONN's School of Business for review of the format and suitability of the questions. (See Appendix for copies of all surveys and responses.)

We collected basic demographic data on all 169 towns in Connecticut. We received 65 responses to our surveys in varying degrees of completeness, 21 from towns that bifurcate, 44 from towns that do not.

Trying to synthesize the data into meaningful intelligence, the committee decided to focus on the towns most similar to Hebron, that is, those towns with a population between 7,500 and 15,000, with a classification from CERC (Connecticut Economic Resource Center) data as "Suburban," (vs. Urban Core, Urban Periphery, Wealthy, or Rural), that have a Board of Selectmen form of government and are governed by a charter.

We excluded 2 of the 11 towns that fit this criteria (Burlington and Woodbury) as they belong to Regional School Districts K-12 and have State-mandated bifurcated budgets. Of the remaining 9 towns, 5 towns bifurcate: Clinton, Cromwell, Ellington, Old Saybrook and Oxford, and 4 do not: Hebron, Granby, Orange and Suffield.

We supplemented the secondary data by interviewing officials in Ellington, Oxford, Old Saybrook, Clinton and Cromwell. These case studies reflect the views of the interviewees and provide a snapshot in time of how these towns, similar in many ways to Hebron, address the issue of bifurcation.

Detailed Study Objectives Specified by Members of the Boards of Selectmen and of Finance

Below are answers based on the publicly available data. See Appendix for more detail.

1. When was bifurcation permitted by State Statute? 2004 per Naugatuck decision. (See Appendix for full text of decision.) We are assuming that the towns that were bifurcated prior to that were “grandfathered” and allowed to continue with their existing process.
2. How many towns have bifurcated their budgets? What should be a simple question to answer is not. Reliable sources are dated and inaccurate. To the best of our knowledge, 39 of CT’s 169 towns bifurcate their budgets, an additional 25 with K-12 school systems are bifurcated by State Statute. We are most confident of the 21 “yes” responses we received to our survey (A).
3. Of towns that once bifurcated, how many have put their budgets back together? One, Salem. The initiation of the lawsuit involving Naugatuck caused Salem to reverse their bifurcation decision and they have not revisited it since then.
4. What is the format for bringing bifurcated budgets to referendum? There are almost as many ways to handle this as there are towns. Here are some examples from different town charters stipulating the process.
 - ❖ If one question fails, both parts fail and go back for a re-vote (N. Stonington, Watertown).
 - ❖ If one question fails, only the failed part will go back for a re-vote (Colchester, Ellington, Milford, Weston).
 - ❖ The town will use the previous year's budget until the new budget passes (Ellington, Hamden, Milford, Weston, Watertown).See Appendix for detailed examples.
5. How often does a bifurcated budget fail, and what parts fail most often? No discernible pattern.
6. When one bifurcated budget fails, must all the elements of the budget pass in its entirety before funds can be released? Yes. What happens if part of the budget fails to pass by June 30th? State Statute §7-405 and §12-123 of the CT General Statutes dictate the process (see Appendix for text of Statutes as well as a legal opinion from Town Attorney, Donald Holtman, letter 1/7/11). Also individual towns’ charters outline the specifics of their procedures. A Charter Revision Commission would be advised to review charters of other towns that seem to have worked out an effective process, (see Appendix for examples).
7. What has happened to general government funding in bifurcated towns? In the limited survey response, it either remained the same or went down, but it appears from the comments and interviews that the economy or a major funding project has more impact on whether or not a budget fails or succeeds than the fact that the budgets are bifurcated.

Detailed Study Objectives Specified by Members of the Boards of Selectmen and of Finance (continued)

8. How are revenues allocated? Which budget receives ECS and education-related state and federal revenues? Bifurcation has no affect on ECS revenue allocation. (See Appendix for details on current formula).

Between bifurcated and non-bifurcated towns, compare:

9. Per pupil expenditures
10. Student performance
11. Per capita general government expenditure
12. Per capita education
13. Property tax rates
14. Property values

Bifurcation is only one possible variable influencing questions 9-14. The state of the economy overall, the particular experience of a town, (i.e., the loss of a major taxpayer, the construction of a new school) will have an impact. Our limited research did not indicate any significant changes due to bifurcation.

Bifurcation and a Town's Bond Rating*

Bifurcation, by itself, appears to have little impact on a town's bond rating.

- The Bond rating process is based on 4 major criteria, (each of which includes multiple factors):
 1. Economic Strength
 2. Finance Performance and Flexibility
 - Appropriate fund balance reserves
 - Approved budgets--ability to fund and provide continuous services
 - Meeting budget goals--revenue and expenditures
 - Appropriate planning for capital improvements
 3. Debt
 4. Administration/Management Strategies
- Based on the above criteria, multiple referenda — whether in a bifurcated town or a non-bifurcated town — certainly has a negative impact on the score.
- The chart below shows the Bond Ratings of the 9 towns that are classified Suburban according to the CERC data, all have a Board of Selectmen form of government, population between 7,500 and 15,000 and have charters. The chart that follows shows the comparison of the three agencies that issue bond ratings for towns. (We used Moody's for our research as the data was readily available through CERC data sheets, however, please note that Hebron uses Standard & Poor's rating.)

Bifurcated Towns

Non-Bifurcated Towns

Orange	Aa2	Clinton	A1
Old Saybrook	Aa3	Cromwell	A1
Suffield	Aa3	Granby	A1
Ellington	A2	Hebron **	A1
		Oxford	A1

Presentation by Lisa Hancock, Hebron Finance Director (see Appendix for full presentation)

** Hebron uses Standard and Poor's rating when issuing bonds; that rating is AA.

	Moody's	Standard & Poors	Fitch
Best Quality	Aaa	AAA	AAA
High Quality	Aa1	AA+	AA+
	Aa2	AA	AA
	Aa3	AA-	AA-
Upper Medium Grade	A1	A+	A+
	A2	A	A
	A3	A-	A-
Medium Grade	Baa1	BBB+	BBB+
	Baa2	BBB	BBB
	Baa3	BBB-	BBB-

Key Findings

1. There are no definite trends. Bifurcation by itself has not had a significant effect on any of the issues we were asked to consider. Our analysis of the 169 towns confirmed the similarities between towns that are bifurcated and those that are not.

2. Several towns, both bifurcated and non-bifurcated, voiced concern that bifurcation could “divide” the town; we found no evidence to support this concern.

“The advantage of separate Town/[Board of Education] BOE budgets is a somewhat greater opportunity for critical analysis. The disadvantage is a tendency to promote a ‘us vs. them’ mentality between the Town and the BOE.” First Selectman, Eastford

“It was discussed when the town moved from its annual town budget meeting to budget referendum in 2004 (Charter Revision) but dismissed — did not want to create animosity between the Town and BOE budgets.” Town Clerk, Branford

3. In speaking with the town administrators of five bifurcated towns, we formed the impression that excellent, ongoing dialog between school and town officials was critical to coming up with workable budget solutions, thus reducing potential tensions between groups of voters and increasing the likelihood that the budgets would pass on the first round.

“Bifurcation can work if there’s a clear understanding that we work together.” First Selectman, Old Saybrook

4. The town officials we interviewed (whatever their personal feelings about bifurcation), as a whole, felt that bifurcation made their jobs easier in clarifying where changes to the budgets had to be made. They also felt that “advisory” questions on the ballots were NOT beneficial and only confused the issue.

5. Some of the questions we were asked to research (effect on property values, bonding, tax rate) we did not feel could be answered with any certainty that bifurcation was the only or primary reason for any changes to them. Some towns that have only recently bifurcated (such as Oxford) do not have enough history to be able to say what the effect has been, although their Finance Director pointed out that a town’s bond rating is almost certainly negatively affected by multiple attempts to pass a budget. Other towns that have “always” (i.e., 30+ years) been bifurcated couldn’t relate to that question as they have nothing to compare it to.

6. A common justification for bifurcation — reducing voting events and their attendant costs does not always happen. For example, in Watertown, even with bifurcation, it recently took 4 votes to get to a budget. Similarly in Old Saybrook, where bifurcation has been in place for many years, bifurcated budgets used to fail continually.

“This last year it took three town meetings on the elementary school budget and that is the first time since I’ve been in town, which is 1986.” Town Clerk, Scotland

(Such anecdotal responses would seem to validate our finding that a stressful economy rather than the fact of bifurcation has much to do with voting patterns.)

Key Findings (continued)

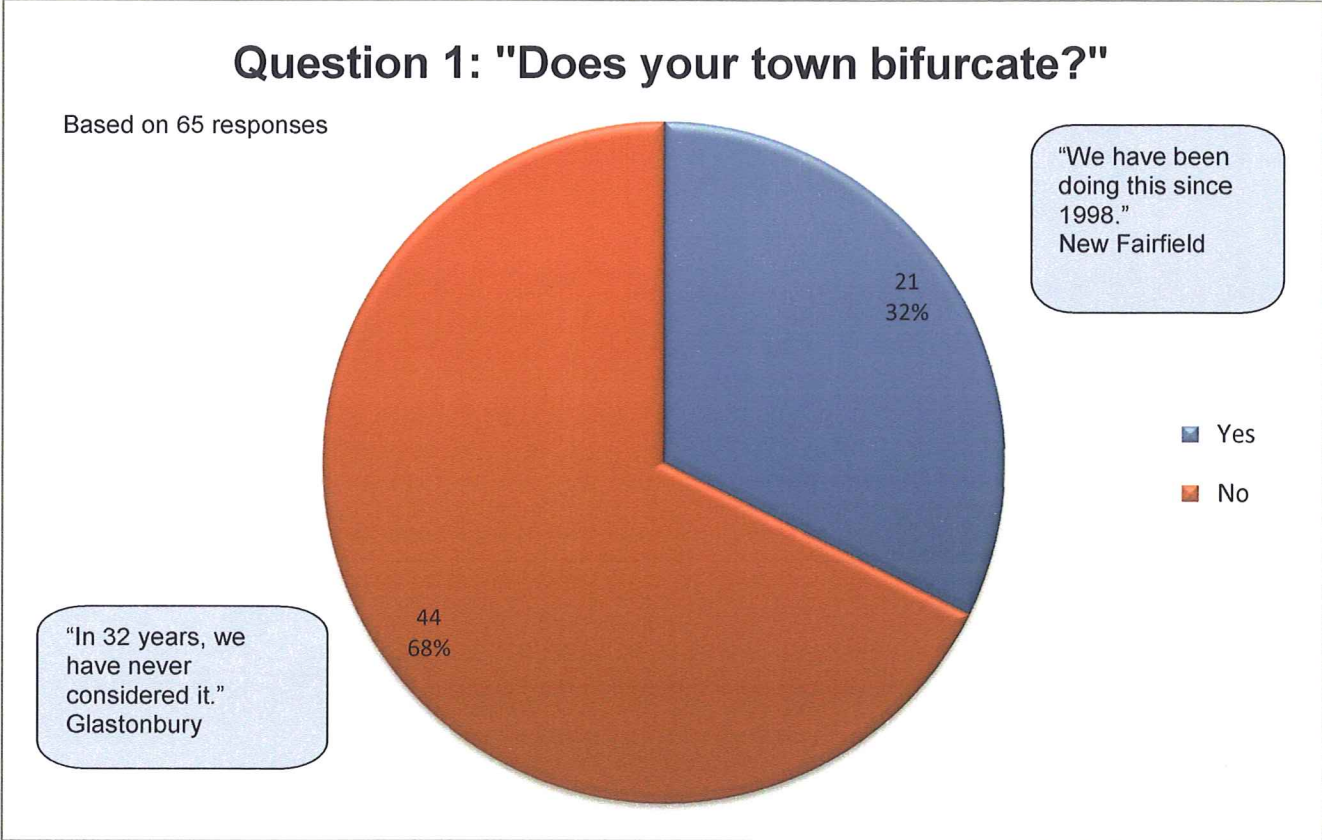
7. Some towns, like Ellington, have changed their charter to allow the option of bifurcation, but in Ellington's case, since that possibility has been instituted, they have never used it.
8. The majority of respondents reported that things have basically "stayed the same" when it came to questions on voter turnout, and any changes in funding for school and town budgets.
9. Cultural and economic change, (e.g., changing demographics from blue collar industrial to white collar workers, from Rural to Suburban populations) seem to have a greater impact on voting patterns than splitting the budget. (Our finding reinforces 20 years of data collected by the CT Office of Policy and Management. See Appendix).
10. A major financial commitment such as a new school building, seems to cause the most friction, leading to multiple votes in order to pass a budget. We saw it happen in Hebron over RHAM, and it happened in Oxford, one of the state's fastest growing towns, over a new high school.

*"Taxes were increasing, we were opening a new high school and were dealing with start up costs... it probably would have settled down after the school was up and running."
Finance Director, Oxford*

Survey (A) Responses

The following pages contain graphic depictions of Survey "A" data collected from bifurcated towns that responded to our email request. The quotes are samples of comments taken directly from the actual survey response forms that can be found in their entirety in the Appendix.

Survey A (Bifurcated Towns)

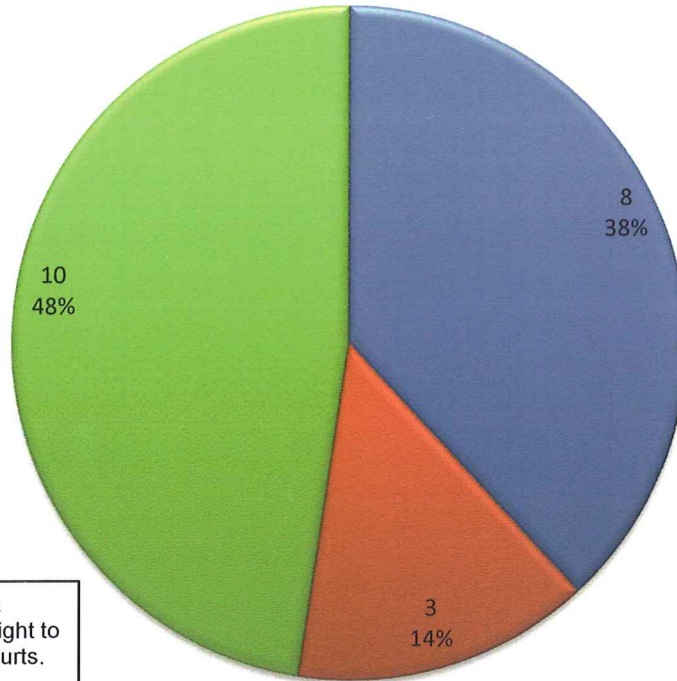


Survey A (Bifurcated Towns)

Question 2: "When was that decision made?"

Based on 21 responses

"The Town of Voluntown has voted on the BOS's budget and Board of Education's budget separately for as long as I can remember." Voluntown



- Before 2004*
- After 2004
- No response

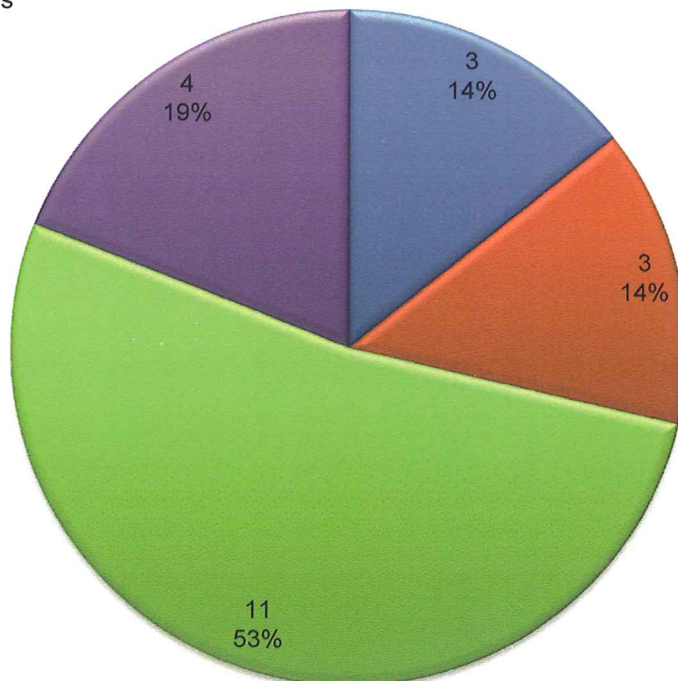
*2004 is when the Naugatuck decision in favor of a town's right to bifurcate was made by the courts.

"Ages ago-- before 1945." Hampton

Question 3: "How was that decision made?"

Based on 21 responses

"Charter revision November, 2008, FY 09-10 budget first year with separate questions." Colchester

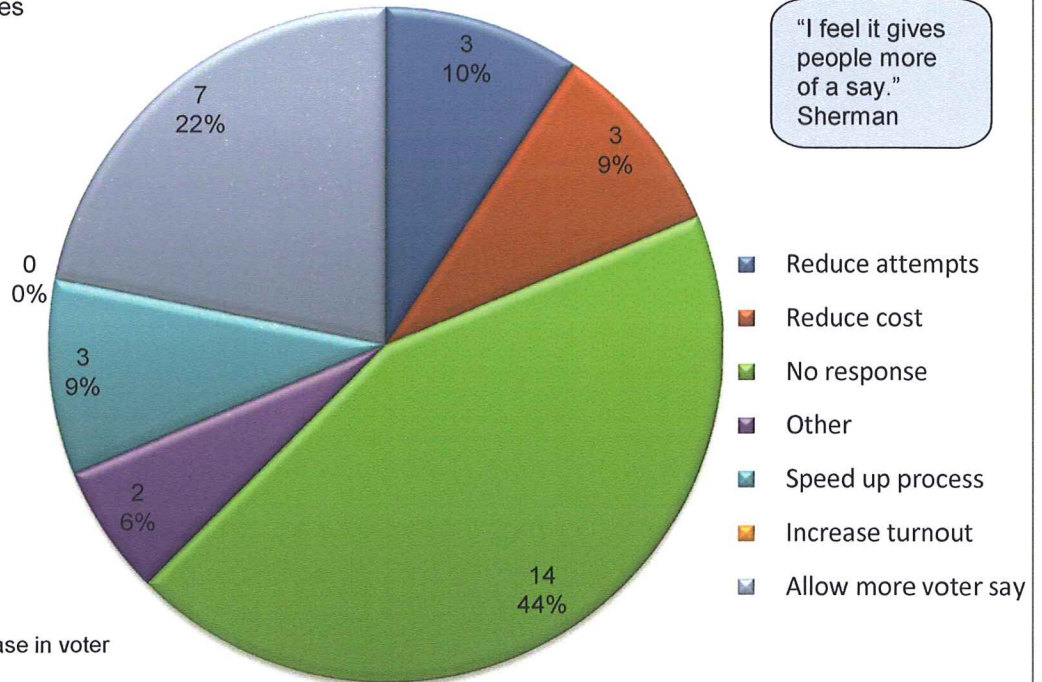


- At town meeting
- By governing body
- No response
- Other

Survey A (Bifurcated Towns)

Question 4: "What were you trying to achieve with bifurcation?"

Based on 21 responses

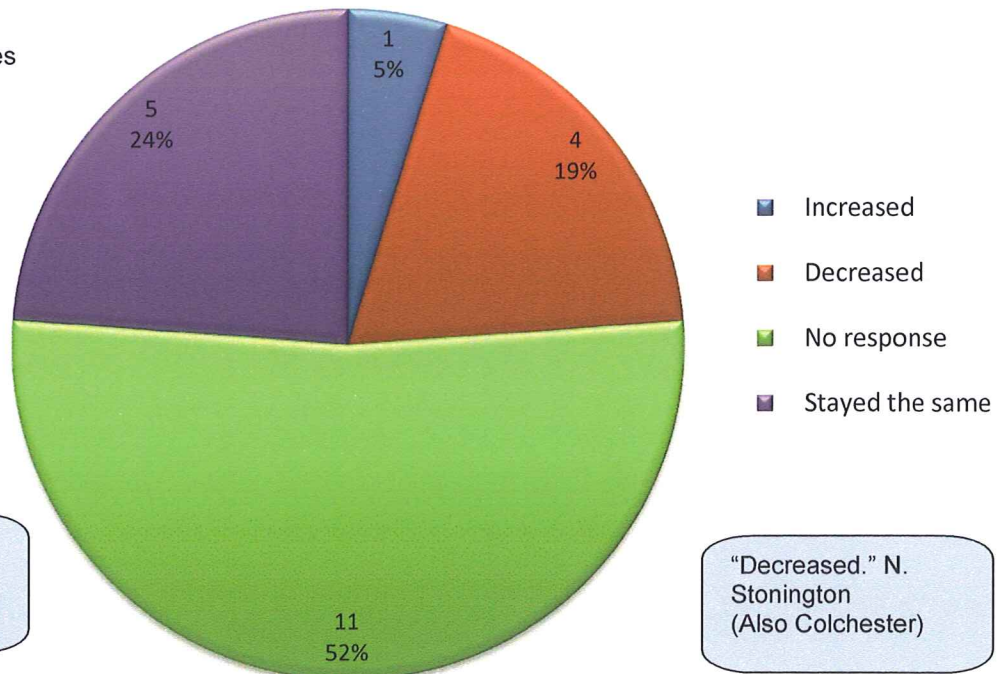


"I feel it gives people more of a say."
Sherman

0% = no response "increase in voter turnout"

Question 5: "Has there been a change in the number of voting events since bifurcation?"

Based on 21 responses



"Stayed the same."
Simsbury
(Also Sterling,
Hampton, Scotland)

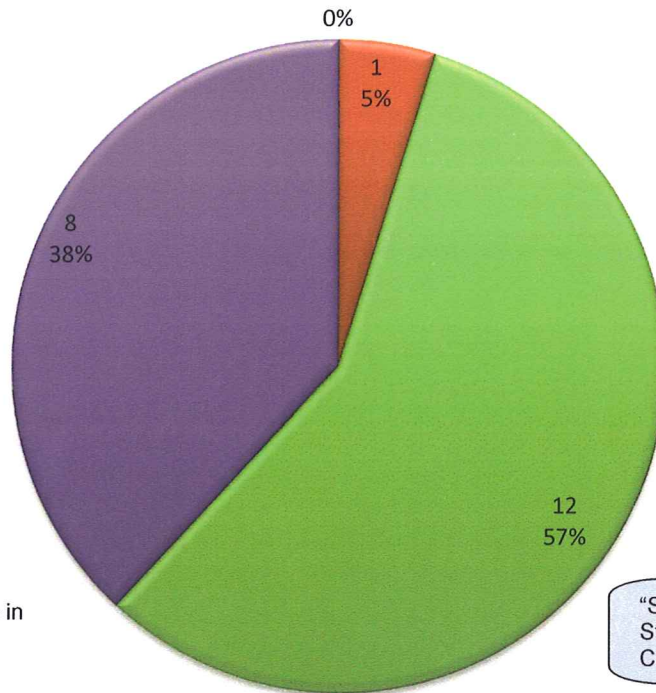
"Decreased." N.
Stonington
(Also Colchester)

Survey A (Bifurcated Towns)

Question 6: "Has there been a change in voter turnout?"

Based on 21 responses

"Decreased."
Simsbury



- Increased
- Decreased
- No response
- Stayed the same

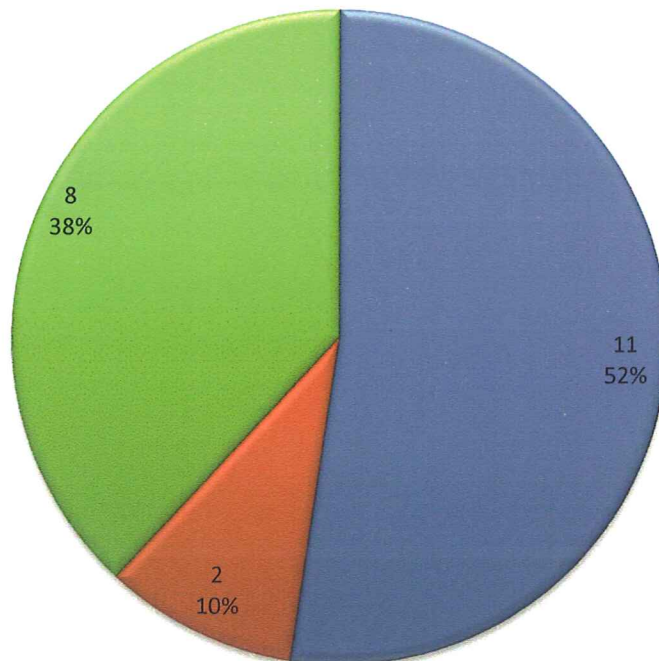
0% = no one indicated increase in voter turnout

"Stayed the same."
Sterling (Also Scotland, Colchester, Hampton)

Question 7: "How many budget items do you vote on?"

Based on 21 Responses

"Budgets that are self supporting (e.g., sewer use, non-public school fund, dog fund) and debt retirement are combined into one question." Simsbury

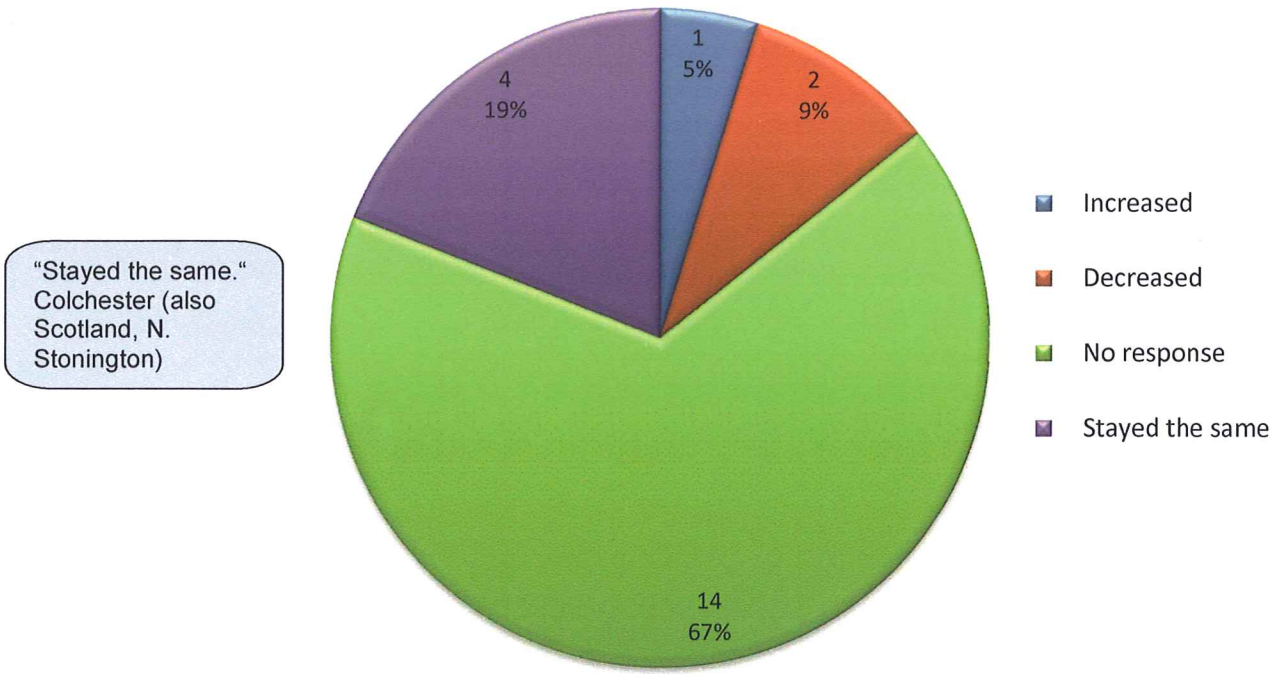


Most common 3:
Town, BOE, CIP.
Additions typically include Regional School District.

- 3 or less
- More than 3
- No response

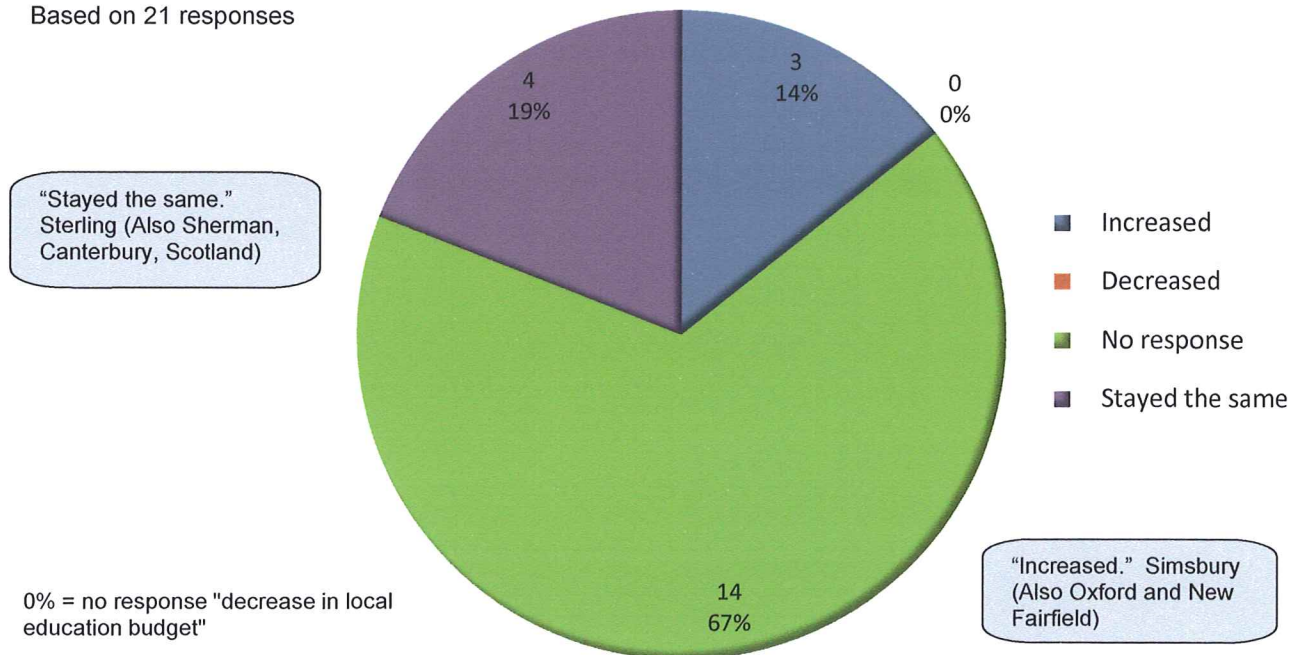
Survey A (Bifurcated Towns)

Question 8: "Has there been a change in the town's operational budget?"



Question 9: "Has there been a change in the local education budget since bifurcation?"

Based on 21 responses



Case Studies

- Ellington.....Telephone Interview, Judith Podell 12/7/10**
- Oxford.....In person interview, Loreta McDonnell & Judith Podell 12/9/10**
- Old Saybrook.....In person interview, Loreta McDonnell & Judith Podell 12/21/10**
- Clinton.....In person interview, Loreta McDonnell 12/22/10**
- Cromwell.....In person interview, Loreta McDonnell & Judith Podell 1/5/11**

Ellington: Interview with First Selectman, Maurice Blanchette

Blanchette is in his first year of a 2-year term as First Selectman (de facto Town Manager), of a 7-person Board of Selectmen. Previously he served on the Ellington BOE for 15 years. Ellington is a bedroom community with little commercial development that has managed to maintain education standards even with low per pupil spending, "We do well for what we spend." (Sixteen years ago, Ellington ranked 130th out of 169 towns in per pupil spending, today, they rank lower, "We've gone backwards"). Blanchette attributes some of that decline to the fact that, "Education cost-sharing from the State hasn't kept up, and now it's capped — and that doesn't keep up with our growing student population." Ellington has a single school system, K-12; Blanchette acknowledges that 2/3 of the budget goes to education, but adds (only half jokingly), "That's our main mission... education and keeping the roads open."

About 12 years ago, passing the budget took 7 votes which is when discussion about bifurcation first came up and it was after that when the Charter was changed.* Blanchette explained that Ellington's charter [as amended in 2007] includes the provision that they have the option to bifurcate after the first (referendum) vote fails. In that case, if the budget vote doesn't pass, the BOF can revise the rejected budget and the BOS can choose to bifurcate the municipal and education budgets. (Ellington's Charter also provides for a petition to change any decision of the Town Meeting process, requiring signatures of 5% of the electorate.) In the last several years, the budget has passed on the first vote so the provision for bifurcation has never been used, "we haven't seen it in action." "The BOS hasn't pushed for it." In recent years Blanchette says, "we've been better in passing."

As to why the budget process has become easier, Blanchette responds, "The way the people in charge speak about the process affects the way people vote. The tone of the BOS, the BOF, and the BOE has, I believe, a big influence on the perception of the voters."

"I think our Boards are talking to each other, working together better. But we're not spending enough — on our infrastructure, and on student spending." Blanchette thinks both the town and education side of the budget are equally important, "if the roads don't get plowed it doesn't matter how good the schools are."

Currently, the school budget, the municipal budget and CIP are voted on together. There have been petitions or referenda called — as allowed in the Charter, but not over the budget, rather over individual issues. For example, recently the Town received a \$200,000 grant for a fire training center. The issue passed at Town Meeting, was petitioned (by the required 5% of voters), went to referendum and failed, so the training center was not built.

Blanchette personally thinks that separating out the education budget could hurt the schools. "I believe it would destroy our education system." Asked whether he didn't think that the State mandates on minimum spending level thresholds for schools was a protection against townspeople cutting education budgets too deeply, he said no, that the State levels were so low, that almost all of Connecticut's 169 towns already exceed that minimum and that the requirements haven't kept up with inflation.

*(He mentioned that the Charter was modified about 10 years ago and again in 2007 to take effect in 2008).

Oxford: Interview with Finance Director, James Hliva

Hliva has served as Finance Director of Oxford since 2006 having moved there after he retired from a long career as Finance Director in Hamden. Oxford bifurcated their budgets more than 4 years ago, but a court challenge by a resident delayed the implementation for two years. Oxford is one of the fastest growing towns in the state, and when the issue of bifurcation first came up, they were opening a new high school, taxes were increasing, start up costs were high, they were still paying tuition for their local students to continue at out of town schools, and the previous three years had required multiple attempts to pass the budget, culminating in 6 votes in the last year before they decided to bifurcate.

They have now gone through 2 budget cycles with bifurcation and both budgets have passed on the first try. Bifurcation has had no impact on the process of voting, which remains the same. The Finance Director prepares a detailed budget (for everything but the education side) which goes to the BOS which then goes to the BOF and then to Town Meeting, where it may only be approved or decreased. After the Town Meeting vote it automatically goes to referendum. The education budget follows the same path. Hliva noted that even with Oxford's increasing student population, ECS funding has stayed the same, and the State has decreased funding in the areas of Special Ed and transportation.

When discussing the causes for friction between groups in towns, he described Oxford as having three distinct populations: an influx of wealthy retirees from western CT moving into single family "Over 55" golf communities — who strongly support education as the schools serve many of their grandchildren; young white collar workers and their families moving further up into Beacon Falls and Oxford, away from the more expensive coastal towns and finally, the older retired residents more concerned with taxes going up.

The vote itself to change to bifurcation was not controversial. The First Selectman suggested it based on the lengthy voting process. The idea of adding an advisory question did not work for them, "Too high, too low advisory questions were a failure, too confusing." He did note that attendance at Town Meetings has declined after bifurcation. The process was implemented by Ordinance, although Hliva thinks it may have been added to the Charter which has been amended since then. Eighty-five percent of Oxford's total budget is education-related, this includes CIP and school-bonded debt that is part of the Town's budget.

When asked about "transparency," Hliva ruefully points out that the town budget gets, "Dissected down to the penny" while the BOE comes in with a "Macro version." From his perspective, he thinks politics has a lot to do with how calm or how contentious the budget process is-- which he attributes to how the Boards work together. When the majority is the same party, he feels they cooperate more and there's less conflict. When the BOF and the BOE are the same party, the BOF will ask, "are you asking for enough money?" He did not feel these interactions were changed in any way by bifurcation. If he has any concern, it is what steps will need to be taken if the mill rate cannot be set as "even if one budget passes, until the second does, you can't set the mill rate."

The next few years Hliva believes will not be as smooth and will probably require multiple referenda on the budgets due to loss of revenue from a GE power transmission program that is not moving forward and revaluation coming up and he doesn't know, "what that will do to the mill rate." But as for bifurcation, Hliva sees it as a "win-win for everyone." "It's easier for those involved with the budget to determine what part to work on after it fails, then you only have to focus on fixing the one area."

Old Saybrook: Interview with First Selectman, Michael Pace

When Mike Pace came to Old Saybrook, (from Woodbury where he served for over 8 years as Assistant Superintendent of Schools), the town had been bifurcated for a number of years and budgets were contentious and divisive and even with advisory questions, “was the budget too high? Too low,” it required multiple referenda in order to pass the budget. When he was elected First Selectman 12 years ago, he was the fifth First Selectman in 4 years.

Pace implemented a collaborative approach to budget preparation and implementation in an effort to create a sense of community — this cultural change took two years, “at first, people didn’t trust me.”

Under Pace’s leadership the municipal and school budgets are prepared virtually together. The 3-member BOS, the BOF and the BOE communicate 12 months a year about the budget. Pace talks monthly, if not weekly, with the current Superintendent of Schools, with whom he has worked for the past 6 years. It’s critical, he says, to have a continuous, working relationship with the Superintendent, “if you don’t have that, it will just be politics.” In Old Saybrook, they feel the town shares a “common interest” in municipal and school budgets, so when the budgets go to Town Meeting, he, the First Selectman, presents both the town and the education parts of the budget. In their bifurcated system if one budget fails, they both fail. Pace insists on “quarterly meetings of all boards and a yearly vision” of where the town is going.

For the past 12 years the budgets have passed, “3 to 1, every time.” “Bifurcation can work if there’s a clear understanding that we work together.”

Pace describes Old Saybrook as having 3 distinct populations: “graying” older residents on fixed incomes (“a very high fixed income!”), new arrivals (“They want the best of everything”) and the summer contingent, (“The biggest percentage against the budgets, still, we try and reach out to them, explain about maintaining their property values.”)

He brings to the table a philosophy of government that combines the social, economic and financial. “Keep the balance sheet good and the debt service going down,” Old Saybrook only bonds, “brick and mortar” projects, and those projects are on the town side of the budget, he instituted a sinking fund for the School Board and has a separate one for the town.

He says, “25% of the public will always vote no, if you can get 60-65% you’re doing OK.” He believes in tackling the toughest issue first — “Don’t let people play the ‘us-them’ game — it is ALL us!”

Pace understands that there are differences in the needs of the town vs. the schools: while the Fire Department is capital expensive, the schools are labor intensive, but as he points out, “you can take away a fire truck, but you can’t take away a 4th grade...the kid isn’t getting it back.”

A bifurcated budget he feels, can “work for you or against you.” “Bifurcation forces you to better define your needs. It increases transparency for the town and for students. And...the public wants a say, and this gives it to them.” His caveat: “If you can’t work together, then don’t do it.”

Clinton: Interview with First Selectman, William Fritz

Clinton has been bifurcated for at least 10 years. They have had two charter revisions and are contemplating a third. This past year was a difficult budget season. The municipal budget failed twice and the school budget once. According to Fritz, the parents in Clinton rallied behind the school budget, but not the town budget. They didn't want taxes to go up but were unwilling to lose school services, so the town budget that ultimately passed didn't even cover their fixed costs. The Town was forced to lay off employees, including the Town Planner, and reduce transfer station hours to 2 days per week.

He feels strongly that the current national political climate influenced the local referendum. The electorate of Clinton just didn't want any increase of taxes. There was no one issue that drove the multiple votes.

The Superintendent and all boards work well together and in a collaborative manner. Fritz has weekly interface with members of all boards, not just the other Selectman (a BOS of 5), he also communicates regularly with the School Superintendent and members of the BOE and BOF. Representatives from these Boards are currently working quickly to replace the Finance Director that is a dual position serving both town and school. They have found it very effective to "have the same person wear both hats."

Fritz felt that this year's issues were exacerbated by not getting the message across to the electorate how the municipal budget would be negatively impacted by only supporting the school budget. He doesn't feel they adequately explained how bad it is, for example, not to keep up with CIP. "This impacts the schools too, but we didn't get that across...we'll have to do better this year."

Fritz describes Clinton as a "blue collar town," 83% residential, "we have 5 trailer parks...we're not a Guilford." Their per capita income is \$68,000; they have some seasonal residents, "who got hit really hard in last revaluation." The Clinton Outlet Mall is the largest share of their commercial tax base.

While personally disenchanted with bifurcation, Fritz, although frustrated with the process does feel that, "bifurcation helps with knowing where the problems are in your budget. In our case, even with all the boards working together, if people don't understand — you have a problem passing a budget."

well: Interview with First Selectman, John Flanders

nders, Cromwell's newly elected First Selectman (in office 14 months at the time of the), describes their budget process as "trifurcation," as town voters decide on 3 items: the cation budget, the municipal budget and bonded debt (the only one of the three that ed on the first ballot every time).

has been bifurcated since the 1990's, "People were upset with one budget or another e knew what to cut." Flanders served as a Selectman during that time, left to attend ol and subsequently served on the BOF. In those 20+ years he has not seen that e budget vote has brought any significant change. Generally, the town government asses, but "every couple of years, the Board of Education budget goes down." Why? igh...it only goes down when the economy is tanking." Whereas 20 years ago, budgets d on in Town Meeting, now it automatically goes to a referendum.

doesn't believe party politics plays much of a role in town; it's not Democrats vs. ans, but rather, "education against the rest of the community....It's been this way as far can remember."

has experienced significant growth over the past 50 years, the 1960 Census had the n at 3,500, today it is over 14,000. A spate of condo building in the 70's and 80's has mwell 1/3 of its households (originally occupied by singles and young couples starting /, because of the economic downturn, there are significantly more families with children re than expected — living in them). Cromwell has a "busy retail corridor" and their tax 0/30 residential/commercial.

at he would include on a "wish list," Flanders identified 3 items:

likes the "Rocky Hill model," where the town owns all the public buildings (including e schools), and while the BOE handles education issues, anything pertaining to the ildings is the Town's responsibility.

change to the State-funding formula, which he feels is "grossly underfunded" — and upid."

e BOE's absolute control of their budget (dictated by State statute) he believes acerbates conflict between town and the BOE. "It would be nice, from a fiscal indpoint, if the BOF had some line item control over parts of the BOE budget."

mentioned that in some larger communities, (16,000 -18,000 population range, he cky Hill, Berlin, Newington, Cheshire), they operate with a Town Manager and a Town 3-8 people). They skip the "public" (referendum) step and budget decisions are made uncil; a dramatically different process. He would prefer that Cromwell not get that d like "fewer houses, more office buildings."

any advice he would give Hebron regarding bifurcation, he said, "I would do it, for easons: if there's the political will, can impose frugality on the BOE, it's more ic."

Data Resources

CT Conference of Municipalities (CCM)	Survey: Separate Referenda Votes for Gen'l Gov't Budget and Board of Education (2009)	
Town profiles	http://www.cerc.com/TownProfiles/default.asp	
Town gov't type	http://www.ct.gov/opm/cwp/view.asp?A=2986&Q=383032	CEO List link on this page
CT definitions of county, town, municipality	http://www.cerc.com/TownProfiles/default.asp	
Five Connecticut classifications	http://www.ctsdc.uconn.edu/projections/5cts.html (CT State Data center at UCONN)	
Town Demographics	http://www.epodunk.com/communities_ct.html	select state first then check each town individually
Equalized mill rates, prop tax % of revenue, income per capita	http://www.ccm-ct.org/advocacy/2007-2008/011608/eq_mill_rates.pdf	Source: CT Office of Policy and Management: Municipal Fiscal Indicators, 2006; Department of Economic Community Development: Distressed Municipalities, 2007
Expenditures per pupil 06-08 - Page 15	http://www.ct.gov/opm/lib/opm/igp/munfinsr/fi2004-08_final_as_of_11-20-09.pdf	
Emails of CEO of towns/municipalities	http://www.ct.gov/opm/cwp/view.asp?A=2986&Q=383032	
Listing to town clerks, addresses, emails by town	http://www.ctclerks.com/content/2698/default.aspx	
List of town charters	http://www.jud.ct.gov/lib/ordinances.htm	
CMT Scores 2007-2010 by town/district	http://solutions1.emetric.net/captpublic/Index.aspx	
Home Rule	http://search.cga.state.ct.us/dtsearch_pub_statutes.html	
School funding in CT	www.ctappleseed.org/communications/1008/schoolfunding.pdf	