



House of Representatives

General Assembly

File No. 228

February Session, 2024

Substitute House Bill No. 5274

House of Representatives, April 3, 2024

The Committee on Planning and Development reported through REP. KAVROS DEGRAW of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REVISING THE CHARTER OF THE SECRET LAKE ASSOCIATION.

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

1 Section 1. Section 8 of number 450 of the special acts of 1931 is
2 amended to read as follows (*Effective from passage*):

3 The annual meeting of the association shall be held on [the first
4 Saturday of June, in each year, at two o'clock in the afternoon] a date
5 determined by the vote of a simple majority of the attending board
6 members at the May monthly board meeting in each year, regardless of
7 having achieved a quorum for such meeting. In no event shall the
8 annual meeting be set after the second Saturday of June in any year.
9 Notice of such annual meeting shall be sent via regular mail or
10 personally delivered to each board member not less than ten days before
11 the annual meeting date. Special meetings of the association may be held
12 and warned in such a manner as the [by-laws] bylaws may prescribe,
13 provided notice for any special meeting shall specify the object for

14 which such meeting is called. Not less than [twelve] five members of the
15 association shall constitute a quorum for the transaction of business at
16 any regular meeting or special meeting except for the purpose of
17 establishing the next annual meeting date.

18 Sec. 2. Section 9 of number 450 of the special acts of 1931 is amended
19 to read as follows (*Effective from passage*):

20 Notices of the annual meeting and of all special meetings of the
21 association [shall be signed by the president or by the vice president and
22 by two other members of the executive board, and] may be given by
23 mail or personally delivered. [In case they] If such notices are given by
24 mail, [written notice of] such notices shall be in writing and specify the
25 time and place of such meetings, and shall be sent [at least five] not less
26 than ten days before the time appointed [,] by letter mailed in Hartford
27 county and addressed to each member of [said] the association [,] at [his]
28 such member's legal residence, or if [he] such member shall be at the
29 time dwelling within the limits of said territory, at such dwelling.
30 Personal notice may be [given] delivered by leaving with such member
31 a written notice of such time and place of meeting [, at least five] not less
32 than ten days before the time [appointed] of such meeting.

33 Sec. 3. Section 11 of number 450 of the special acts of 1931 is amended
34 to read as follows (*Effective from passage*):

35 The executive board shall have the care, custody and management of
36 all funds and property of the association and, when assembled
37 according to law, shall have power to make regulations for the
38 management and control of such property and its transfer and
39 conveyance; to make regulations concerning the time and place of
40 meetings of said executive board and of said association so far as they
41 are not inconsistent with any of the special provisions of [this act] special
42 act 450 of the special acts of 1931, as amended by this act; to regulate the
43 method of assessment and collection of taxes for association purposes
44 and to prescribe the duties and compensation of all officers and
45 employees of the association. The president, [vice president] vice-
46 president, clerk and treasurer shall serve without compensation [,]

47 except that they shall receive reimbursement for their agreed upon
48 actual expenses.

49 Sec. 4. Section 18 of number 450 of the special acts of 1931, as
50 amended by number 41 of the special acts of 1949 and section 9 of special
51 act 75-35, is amended to read as follows (*Effective from passage*):

52 [The clerk of said board shall, on or before the first day of June of each
53 year, prepare an assessment list of all the real estate in said territory,
54 including therein the value of houses and buildings and improvements
55 thereon, placing in the name of each member of the association such
56 lands, buildings and improvements as are assessed to such member on
57 the last assessment list of the towns of Avon and Canton, at the value at
58 which they stand assessed on such assessment list, provided, whenever
59 there has been a change in title any property between the first day of
60 October next preceding and the first day of July said property shall be
61 listed in the name of the person then owning it. Said clerk shall, on or
62 before the first day of June, report such list to the executive board, which
63 shall revise such list and if said board shall find that in any particular it
64 does not correspond with the last assessment list of the towns of Avon
65 and Canton, except as hereinbefore provided, said board shall correct
66 the same, and such list, when so revised and if necessary corrected, shall
67 be adopted by said executive board and shall then be and constitute the
68 assessment list of The Secret Lake Association, Incorporated. Such list
69 shall be so revised and completed and recorded by the clerk in the books
70 of the association, on or before the fifteenth day of July, and shall be
71 open to inspection by any member of the association.]

72 The association shall have the power, for the purposes of
73 apportioning among all owners of land or other real property the cost
74 or expense of exercising the powers granted by special act 450 of the
75 special acts of 1931, as amended by this act, to lay and collect an annual
76 assessment which may be levied by the directors during the month of
77 July each year, and which shall be an assessment equal as to rate upon
78 all owners of record of any improved lots within said territory on the
79 fifteenth day of June in each year. Unimproved land, including separate

80 unimproved lots, shall be assessed equally but at a rate less than the
81 assessment rate for improved lots. Joint owners of the same land shall
82 be considered as one owner for the purposes of such assessment. Such
83 assessments shall be due and payable within thirty days after being
84 billed. The directors shall provide the tax collector of the association a
85 rate book setting forth all necessary information concerning such
86 assessments of the members, and such tax collector shall have the same
87 powers and duties as have tax collectors of the respective towns of Avon
88 and Canton with respect to the collection of taxes. If such assessments
89 and forfeitures are not paid within thirty days after their due date, such
90 assessments shall be then due without demand with interest at the
91 statutory rate applicable for delinquent taxes in the state of Connecticut
92 from their due date. Such unpaid assessments shall constitute a lien
93 without record upon all real estate owned of record by the person upon
94 whom any such assessment was levied within the limits of the territory
95 of the association, and if such unpaid assessment is not paid within one
96 hundred twenty days after such assessment's due date, such real estate
97 may be liened by the tax collector of the association in a manner similar
98 to that provided by law for tax liens upon real estate, and any such lien
99 shall have precedence over all other liens except those for state and town
100 taxes.

101 Sec. 5. Section 20 of number 450 of the special acts of 1931, as
102 amended by section 10 of special act 75-35, is amended to read as follows
103 (*Effective from passage*):

104 [Said] The association, at its annual meeting or at any special meeting
105 called for [that] the purpose set forth in this section, by a majority vote
106 of those directors present at such meeting, may lay a tax, for the
107 purposes herein specified, [of not exceeding seven mills on the dollar of
108 the total value of said real estate as shown by the assessment list
109 hereinbefore provided for,] and shall appoint a collector to collect such
110 tax. [, and rate] Rate bills shall be made out [and signed by said board,]
111 and warrants may be issued for the collection of money due on such rate
112 bills [,] pursuant to the provisions of section 12-130 of the general
113 statutes.

114 Sec. 6. Section 21 of number 450 of the special acts of 1931, as
115 amended by section 11 of special act 75-35, is amended to read as follows
116 (*Effective from passage*):

117 Written notice of the rate of such tax, and of the amount apportioned
118 to each member of the association shall be sent by the tax collector of the
119 association on or before the first day of July, and such tax shall be due
120 and payable within thirty days from the sending of such notice, and, if
121 such tax be not paid when due, it shall bear interest at the rate [of nine
122 per centum per annum] set by the general statutes from the date when
123 it was so payable. The collector shall have all the power of collectors of
124 town taxes and shall be accountable to the executive board in the same
125 manner as town collectors are accountable to selectmen, and shall pay
126 the taxes as soon as collected to the treasurer of the association. Each
127 [such] tax shall be a lien upon the property upon which it shall be laid
128 for one year from the time of the laying of such tax, and may be collected
129 by suit in the name of said association, or by foreclosure of such lien.
130 Such lien may be continued by certificate to be recorded in the land
131 records of the town of Avon or Canton, pursuant to the provisions of
132 sections 12-173 and 12-174 of the general statutes.

133 Sec. 7. Section 22 of number 450 of the special acts of 1931, as
134 amended by section 12 of special act 75-35, is amended to read as follows
135 (*Effective from passage*):

136 No contract [which shall involve an] involving the expenditure of
137 money [in excess of one] exceeding five thousand dollars [or more] in
138 any year shall be made by the executive board unless [the same shall be]
139 such board is specially authorized by a vote of the association. The
140 directors shall not, within any year, make contracts or incur obligations
141 which shall, in the aggregate, amount to more than the sum of [two] ten
142 thousand dollars, unless [the same shall be] such contracts or
143 obligations are authorized by a vote of the association. [; nor are the] The
144 directors of the association are not authorized to borrow money without
145 [like] authority granted pursuant to a vote of the association.

146 Sec. 8. Sections 7, 19 and 23 of number 450 of the special acts of 1931

147 are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 450 of the special acts of 1931, Sec. 8
Sec. 2	<i>from passage</i>	Number 450 of the special acts of 1931, Sec. 9
Sec. 3	<i>from passage</i>	Number 450 of the special acts of 1931, Sec. 11
Sec. 4	<i>from passage</i>	Number 450 of the special acts of 1931, Sec. 18
Sec. 5	<i>from passage</i>	Number 450 of the special acts of 1931, Sec. 20
Sec. 6	<i>from passage</i>	Number 450 of the special acts of 1931, Sec. 21
Sec. 7	<i>from passage</i>	Number 450 of the special acts of 1931, Sec. 22
Sec. 8	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

Preexisting Sections 1, 6 and 10 were consolidated and reformatted for consistency with statutory repealer sections, and the bill sections were renumbered accordingly; in current Sections 1 to 8, inclusive, "of the special acts of 1931" was added after "number 450" in the leading language for accuracy; Section 2 was substantially rewritten for clarity; in Section 3, "this act" was changed to "[this act] special act 450 of the special acts of 1931, as amended by this act," for accuracy; in Section 4, "this act" was changed to "special act 450 of the special acts of 1931, as amended by this act" for accuracy, instances of "said Association" were changed to "the association" to conform with standard drafting conventions, instances of "Tax Collector" were changed to "tax collector" to conform with standard drafting conventions, and the second sentence was rewritten for clarity; in Section 5, "Said association" was changed to

"[Said] The association" to conform with standard drafting conventions, "that purpose" was changed to "[that] the purpose set forth in this section" for clarity, and "directors" was added before "present" for clarity; and Section 7 was substantially rewritten for clarity.

PD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Avon; Canton	See Below	See Below	See Below
Avon; Canton	Revenue Gain	Potential	Potential

Explanation

The bill makes changes to the way land is assessed in the Secret Lake Association and removes a seven-mill rate cap on property within the association. Beginning in FY 25, any fiscal impact will be dependent on how the property would have previously been assessed and the changes made to the mill rate for the Secret Lake Association without the mill rate cap.

The bill also increases the interest rate for delinquent taxes from 9% to the current statutory rate of 18%. This results in a potential revenue gain beginning in FY 25 associated with the increased interest rate.

The bill makes other various changes to the Secret Lake Association that do not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the mill rate set by the association.

OLR Bill Analysis

HB 5274

AN ACT REVISING THE CHARTER OF THE SECRET LAKE ASSOCIATION.

SUMMARY

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 21 Nay 0 (03/15/2024)