



# OLR RESEARCH REPORT

## ACTS AFFECTING MUNICIPALITIES



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## **NOTICE TO READERS**

This report provides highlights of new laws (public acts) affecting municipalities and municipal employees enacted during the 2011 regular and special legislative sessions. In each summary we indicate the public act (PA) number. The report does not cover special acts, public acts that were vetoed unless the veto was overridden, or public acts that affect only one or a few municipalities.

Not all provisions of the acts are included here. Complete summaries are available on OLR's webpage:

<http://www.cga.ct.gov/olr/publicactsummaries.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.ct.gov/default.asp>.

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## **DEVELOPMENT**

### ***Extending Land Use Permits' Expiration Time***

**PA 11-5** gives developers more time to complete certain ongoing projects without seeking reapproval from a land use commission or an inland wetlands agency. It does so by extending the initial and extended deadlines that apply to subdivision plans, wetlands permits, and small-scale site plans approved before July 1, 2011, on which approval has not expired by the act's effective date (May 9, 2011).

EFFECTIVE DATE: Upon passage

### ***Credits for Converting Non-Residential Property to Residential Uses***

Prior law authorized tax credits for converting certified historic commercial and industrial property to mixed residential and nonresidential use. To qualify for the credits, at least 33% of the rehabilitated property's square footage had to be for residential use. **PA 11-48** extends the range of credit-eligible property to cultural buildings; institutional and mixed residential and nonresidential property; and former municipal, state, and federal property. (To be eligible, the property must be a historic

commercial or industrial property listed on the national or state Register of Historic Places or located in an historic district on the national or state register.)

The act explicitly assigns certain administrative tasks to the State Historic Preservation Office. The office must develop standards for rehabilitating historic property, certify whether rehabilitation plans meet these standards, and verify that rehabilitation conforms with these plans. Prior law assigned these tasks to Connecticut Committee on Culture and Tourism (CCCT).

EFFECTIVE DATE: July 1, 2011, and applicable to income years commencing on or after January 1, 2011

### ***Bonds and Surety for Approved Site Plans and Subdivisions***

**PA 11-79** expands the types of bonds or surety that a person may use to fulfill a bond requirement which a municipal land use commission may require for modified site plan or subdivision approval. Under prior law, a commission could require a bond in an amount and with surety and conditions it set. The act specifies that other bond or surety forms may be used, including, for example, letters of credit, as long as the commission approves (1) the bond or surety form and (2) the financial

institution or other entity issuing any letter of credit.

The act changes the timing of the surety process and provides additional options for the person posting the bond or surety (with certain limitations).

The act also:

1. caps the bond amount a zoning commission may require for site plan modifications;
2. for phased development, applies the surety requirements as if each phase is approved as a separate site plan or subdivision; and
3. prohibits any land use commission from requiring a bond or other surety to secure the maintenance of roads, streets, or other maintenance associated with a site plan or subdivision for maintenance occurring after a municipality has accepted the improvements.

The act requires a commission to (1) release all or part of a site plan or subdivision related bond within 65 days of a request by the person who posted the bond, if the commission is reasonably satisfied required work has been completed or (2) explain in writing what work is still required for release, if it is not reasonably satisfied.

EFFECTIVE DATE: October 1, 2011

### ***Designated Rehabilitation Areas***

The law allows municipalities to defer an increased property tax assessment on property located in a designated rehabilitation area if the owner agrees to rehabilitate the property or build new multifamily rental or cooperative housing on it. **PA 11-96** allows municipalities to also defer an assessment increase if the property is a brownfield site and the owner agrees to build the same housing described above, a new common interest community, or a mixed-use or commercial structure on it.

Brownfields are abandoned or underutilized sites where groundwater or soil contamination discourages redevelopment or reuse.

EFFECTIVE DATE: October 1, 2011

### ***CDA Bond Financing***

**PA 11-103** makes permanent two Connecticut Development Authority (CDA) programs that provide bond financing for large-scale development projects. Prior law would have prohibited CDA from approving new projects under both programs on or after July 1, 2012.

One uses property tax and other specified revenues to repay bonds CDA issues on a municipality's behalf for cleaning up and redeveloping contaminated property or

developing land for information technology uses. The revenue may include some or all of the increase in the property tax revenue these improvements generate (i.e., tax incremental financing).

The other program uses incremental sales, hotel, cabaret, and admission tax revenue to repay bonds CDA issues for projects that create jobs or stimulate significant business activity.

EFFECTIVE DATE: July 1, 2011

### ***Extension of Economic Development Incentives***

**PA 11-140** extends several economic development incentives that were previously targeted to enterprise zones and targeted investment communities (TIC) to more types of businesses. It extends the incentives (which include certain property tax exemptions, corporation tax credits, and job creation grants) to a range of businesses in other areas, including those within a Department of Economic and Community Development (DECD)-designated industry cluster and economic-base businesses.

It also requires the DECD commissioner to adopt regulations for certifying whether service businesses qualify for enterprise zone or TIC incentives.

EFFECTIVE DATE: July 1, 2011

### ***Neighborhood Assistance Act (NAA) Tax Credits***

**PA 11-140** changes the NAA, which provides business tax credits to companies that invest in certain municipally-approved community activities and programs, by:

1. extending NAA eligibility to companies subject to the state's business entity tax,
2. increasing the total amount of credits a company can claim per year, and
3. eliminating charitable contribution requirements.

EFFECTIVE DATE: October 1, 2011)

### ***Enterprise Zone Tax Benefits in Plainville***

**PA 11-140** extends enterprise zone tax benefits to certain businesses and commercial properties in sections of Plainville.

EFFECTIVE DATE: July 1, 2011

### ***Brownfields***

**PA 11-141** makes many changes in the laws and programs governing how contaminated property (i.e., brownfields) must be investigated and remediated. Among other things, it specifically:

1. updates the Office of Brownfield Remediation and Development's powers and duties (which include creating an

information website and expanding its communication and outreach efforts to include state programs for redeveloping and remediating brownfields);

2. makes permanent the municipal brownfield pilot program; and  
3. exempts “certifying parties” under the Transfer Act from investigating and remediating a release of hazardous substances that occurs after the property was remediated.

EFFECTIVE DATE: July 1, 2011

## **EDUCATION**

### ***High School Diplomas for Korean War Veterans***

**PA 11-17** allows school boards to award high school diplomas to veterans of the Korean hostilities who did not receive them because they left high school for military service. The authority applies to honorably discharged veterans who served actively from June 27, 1950 to October 27, 1953, in the United States Army, Navy, Marine Corps, Coast Guard, or Air Force or any of their reserve components, including the Connecticut National Guard.

EFFECTIVE DATE: July 1, 2011

### ***Substitute Teachers***

**PA 11-27** allows the education commissioner to waive a statutory requirement that

substitute teachers employed by local and regional boards of education have bachelor’s degrees. The commissioner may do so for good cause at the request of a school superintendent.

EFFECTIVE DATE: July 1, 2011

### ***Educating Students in Juvenile Detention Facilities***

**PA 11-51** makes local and regional boards of education responsible for providing, and paying part of the cost of, regular and special education and related services for students held in juvenile detention centers operated by, or under contract with, the Judicial Department.

### ***Development of a Model Teacher Performance Evaluation Program, Teacher Tenure Laws, and Cooperative Arrangements***

**PA 11-60 and PA 11-234** establish a charter school educator permit and allow the State Board of Education (SBE) to issue such a permit to someone who (1) is employed by a charter school as a teacher or administrator, (2) lacks state certification for the position, and (3) meets certain qualifications. It allows permit holders working as administrators to supervise and evaluate anyone providing instructional or pupil services in the school.



It limits the number who may hold the permit in any school year to no more than 30% of a charter school's teachers and administrators combined.

The act makes anyone holding a charter school educator permit a member of the appropriate teachers' or administrators' unit for collective bargaining purposes and requires permit holders to join the Teachers' Retirement System when they obtain state educator certificates.

EFFECTIVE DATE: July 1, 2011

### ***Teacher Certification***

**PA 11-85** requires anyone seeking certification as an elementary education teacher to achieve a satisfactory evaluation on the appropriate State Department of Education (SDE)-approved math assessment.

EFFECTIVE DATE: July 1, 2011

### ***Juvenile Reentry and Education***

**PA 11-115** (1) expands a student's right to re-enroll in his or her old school district after being sent to a juvenile detention center, the Connecticut Juvenile Training School, or another residential placement for committing an offense for which he or she could be expelled from school; (2) requires school districts to immediately enroll or re-enroll a student transferring from either of the unified school

districts (USD) run by the departments of Correction and Children and Families (USD #1 and USD #2, respectively); and (3) requires school districts and charter schools to give students credit for instruction received in USD #2 within 30 days after receiving the student's records.

EFFECTIVE DATE: July 1, 2011

### ***Adult Education***

**PA 11-126** specifies that a student age 16 or older expelled for the first time need not withdraw from regular public school to attend adult education as part of an alternative educational opportunity during the expulsion. It also expressly allows such an expelled student to enroll in an adult education program without the approval of his or her school principal.

EFFECTIVE DATE: July 1, 2011

### ***Nonpublic School Teaching Experience and Professional Certification***

#### **PA 11-127:**

1. allows teachers to continue to use, or in the case of student teaching to start using, teaching experience at an SBE-approved private school to obtain Connecticut certificates;
2. requires teachers holding professional certificates who work in private schools to meet the same

- continuing education requirements as public school teachers; and
3. allows certified teachers working in private schools approved by the education commissioner to be cooperating teachers (assisting in the development of a student teacher), provided they pay to participate and the private school receives no state funds for cooperating teacher professional development activities.

The act also gives public school teachers first priority to enroll in the cooperating teacher program.

EFFECTIVE DATE: July 1, 2011

### ***Teacher Tenure***

**PA 11-135** preserves teachers' tenure and credited service toward tenure when their employing board enters a cooperative arrangement to provide educational services and their employment is transferred from a member district to a committee administering the arrangement.

EFFECTIVE DATE: July 1, 2011

### ***Teaching a Specialized Course***

**PA 11-136** authorizes the education commissioner, at a school board's request, to allow a certified teacher who holds an elementary education

endorsement to teach a specialized course, such as computer and information technology, in a kindergarten-through-grade-eight school in the district. The teacher must be (1) otherwise qualified to teach the specialized course and (2) employed in the K-8 school by the school board making the request.

EFFECTIVE DATE: July 1, 2011

### ***Charter School Applications***

**PA 11-179** extended, from 75 to 90 days after it receives the application, the deadline for the SBE to review and vote to approve or disapprove an application to establish a state charter school.

EFFECTIVE: Upon passage

### ***Early Childhood Education***

By July 1, 2013, **PA 11-181** creates a coordinated system of early care and education and child development and requires the governor to appoint a planning director to develop a plan to implement the new system. The act lists the new system's duties and requires various state agencies to assist the planning director in the plan's development. It (1) requires the system to collaborate with local and regional early childhood councils to implement the system at the local level and (2) lists the

childhood councils' duties in the collaboration.

EFFECTIVE DATE: July 1, 2011

### ***Strengthening School Bullying Laws***

**PA 11-232** expands the types of conduct that constitute school bullying and requires school officials to investigate and address it whether it occurs in or, in certain circumstances, outside of school. It expressly bars bullying based on the student's actual or perceived "differentiating" characteristics, such as race, gender, sexual orientation, or physical appearance. It also bars "cyberbullying," which is bullying using electronic communications or devices.

The act (1) makes the school principal responsible for investigating or designating someone to investigate and address bullying whether it occurs in- or out-of-school, if it affects the school or students in the school or school district, and (2) requires all school employees, not just teachers and administrators, to report bullying incidents they see or that are reported to them to the principal or his or her designee.

It requires schools and school districts to (1) establish deadlines for reporting, investigating, and notifying parents and guardians about bullying incidents; (2) prohibit retaliation against those who report bullying; and (3)

require school officials to notify police when they believe bullying conduct constitutes a crime.

The act requires certified and noncertified employees, as well as certain contractors, working in public schools to receive annual training in how to identify, intervene, and prevent bullying and suicide among students.

Finally, the act requires (1) each school to carry out a biennial assessment of its school climate, using instruments disseminated by SDE; (2) school superintendents and principals to designate staff members and school committees to be responsible for school climate and responses to bullying in each school and district; and (3) SDE to establish a statewide network to provide resources, materials, and training on school bullying to school districts in the state.

EFFECTIVE DATE: July 1, 2011

### ***Evaluation of Students for Special Education Services***

By law, school districts must evaluate children to determine their eligibility for special education and related services.

**PA 11-235** requires the evaluation to be conducted without delay and according to state and federal special education laws.

EFFECTIVE DATE: July 1, 2011

## **ELECTIONS**

### ***Primary and Election Contingency Planning***

**PA 11-46** establishes procedures to address issues that may arise at polling places during a primary or election. Namely, it requires registrars of voters, in consultation with town clerks, to develop a municipal emergency contingency plan addressing, for example, ballot shortage solutions. After the local legislative body approves the plan, it must remain on file with the town clerk until it is amended.

No later than 31 days before an election or 21 days before a primary, the act requires registrars of voters and town clerks to jointly certify to the secretary of the state the number of ballots they ordered for each polling place. If registrars and clerks do not submit this certification, the act requires them to order one ballot for each registered voter. The act allows registrars and clerks to jointly, for good cause, apply to the secretary for a waiver from the certification requirements.

EFFECTIVE DATE: Upon passage

### ***Campaign Finance Statements***

By law, town clerks are the filing repository for campaign finance statements from certain political committees (known as PACs) and municipal office

candidates. **PA 11-48 (§§ 286-301)** eliminates duplicative filing requirements, expands the list of items and services that are not considered contributions, and changes reporting requirements. Among other things, the act:

1. eliminates the requirement that town committees file copies of reports with the applicable town clerk (they already file with the State Elections Enforcement Commission (SEEC));
2. eliminates the requirement that slate committees for the office of justice of the peace file a duplicate report with the SEEC (they already file with the applicable town clerk);
3. expands contribution exemptions for, among other things, slate cards, food sold by a town committee, and de minimis campaign activities (e.g. , posting or displaying the name or names of one or more candidates at a town fair, county fair, local festival, or similar gathering by a party committee); and
4. requires slate or town committees financing a candidate for chief executive officer of a town, city, or borough to indicate in their campaign finance statements whether a person contributing over \$400 in the aggregate has, or is associated with, a business that has a

contract valued at over \$5,000 with the town, city, or borough.

EFFECTIVE DATE: January 1, 2012 and applicable to primaries and elections held on or after that date, except the provisions on duplicate campaign finance statements are effective upon passage.

### ***Preparation for and Conduct of Primaries and Elections***

**PA 11-173** makes changes to election laws affecting voter registry lists, election officials, voting equipment and polling places, and post-election procedures. Among other things, the act authorizes towns to publish joint notices of elections and primaries in a newspaper with a general circulation in those towns. It also eliminates the requirement that town clerks submit to the secretary of the state a list of offices to be filled at regular state elections, but retains the requirement for municipal elections.

#### ***Voter Registry Lists.***

Concerning voter registry lists, the act generally eliminates processing deadlines and duplication requirements rendered obsolete as a result of the centralized voter registration system. For example, it eliminates the deadline by which the preliminary registry list must be completed and provided to town clerks and instead requires it to be available in the registrar of voters' office.

***Nominations.*** The act expands the information that minor parties must include in the list of nominations that they file with the secretary of the state or town clerk, whichever applies. Specifically, it requires the certification to include not only a list of nominated candidates, but also (1) their names as they authorize them to appear on the ballot, (2) their signature, (3) their full address, and (4) the office and district for which each is nominated.

***Ballots.*** The act maintains the requirement that town clerks prepare and print absentee ballots, including those for a referendum. But it authorizes registrars of voters to provide comments to clerks before the ballots are printed concerning the content and form.

***Transfer of Duties to Registrars of Voters.*** The act transfers several election-related duties from town clerks to registrars of voters, generally conforming law to practice. For example, it requires registrars of voters, instead of town clerks, to (1) submit sample ballots to the secretary of the state for approval and provide them to each polling place and (2) provide ballots for an adjourned primary resulting from a tie vote. The act requires the secretary to direct registrars, rather than town clerks, to cancel an adjourned primary when one of the candidates withdraws or become disqualified. It similarly transfers most responsibilities town clerks

had with respect to a canvass to registrars of voters, including maintaining possession of the voting tabulator keys.

The act requires the secretary to send (1) the explanatory text for proposed constitutional amendments to registrars, not just town clerks and (2) posters explaining these amendments to registrars, rather than clerks. It also makes registrars responsible for displaying the posters at polling places and other required locations.

EFFECTIVE DATE: Upon passage, except the provision concerning joint notices of elections and primaries is effective July 1, 2011.

## **ENERGY**

**PA 11-80**, among other things:

1. allows municipalities to establish a loan program to finance energy efficiency and renewable energy projects, whose costs are recovered by an assessment on the benefitted property;
2. allows municipal customers of electric companies to share net metering credits among buildings the municipality owns (virtual net metering);
3. explicitly authorizes state agencies and municipalities to enter into energy saving performance contracts;
4. requires the Energy Conservation Management Board to develop standardized performance contracting procedures, and authorizes municipalities to use these procedures or ones they develop themselves;
5. allows municipalities to adopt ordinances exempting class I renewable energy projects from municipal building permit fees;
6. requires electric and gas companies, starting January 1, 2012, to provide town level aggregate customer usage information that preserves the confidentiality of individual customers to any municipal legislative body that requests this information; and
7. requires utilities that cut and permanently patch a public highway in the course of repairs or installations to, one year after the permanent patch is made (a) inspect the patch, (b) make any additional repairs as may be necessary, and (c) certify to the municipality where it is located that it meets generally accepted standards of repair - it also allows a municipality, by vote of its legislative body, to elect not to enforce these requirements.

EFFECTIVE DATE: July 1, 2011, but upon passage for virtual net metering and providing aggregate customer usage information.

## **FINANCE AND TAXES**

### ***Telecommunications Companies***

**PA 11-1** allows municipal tax collectors to bill telecommunications companies for half the personal property taxes due in 2011 before they would otherwise be due. It allows them to mail or deliver the bill in two installments, the first one before the July 1, 2011 due date and the second on or after that date. The first installment must equal half the company's 2010 assessment multiplied by the municipality's mill rate for FY 11. The second installment must equal the other half of the 2010 assessment multiplied by the municipality's FY 12 mill rate.

The act subjects telecommunications companies to generally applicable property tax collection laws for assessment years beginning on or after October 1, 2011.

EFFECTIVE DATE: Upon passage

### ***Manufacturing Transition Grants***

**PA 11-6**, as amended by **PA 11-61**, eliminates the payments in lieu of taxes (PILOTs) for manufacturing machinery and

equipment (MME) and commercial trucks for assessment years that begin on or after October 1, 2011. To mitigate the loss of the PILOTs, the act requires the state to distribute "manufacturing transition grants" to municipalities. The grants must equal the PILOT grant amounts each municipality received in FY 11. The act allocates a portion of the sales, luxury, and state conveyance tax to fund these grants.

The state must distribute any remaining funds to municipalities as follows: 50% on a per capita basis and 50% according to an existing property tax relief formula.

EFFECTIVE DATE: July 1, 2011

### ***Property Tax Credit Reduction***

**PA 11-6** reduces, from \$500 to \$300, the maximum property tax credit against the personal income tax and phases out the credit at a steeper rate, thus reducing the number of taxpayers eligible for the credit.

EFFECTIVE DATE: Upon passage and applicable to tax years starting on or after January 1, 2011.

### ***Real Estate Conveyance Tax***

**PA 11-6** (1) increases the state real estate conveyance tax rates by 0.25% and (2) makes permanent the 0.25% base municipal real estate conveyance

tax, previously scheduled to expire on June 30, 2011.

EFFECTIVE DATE: July 1, 2011, and applicable to conveyances occurring on or after that date.

### ***Land Use Document Recording Fee and Milk***

**PA 11-48** makes permanent a \$10 increase (from \$30 to \$40) in the land use document recording fee scheduled to expire July 1, 2011. The law imposes the fee to fund historic preservation, affordable housing, open space preservation, and agricultural programs and specifies how the fee revenue must be allocated among these purposes

The act also rearranges the distribution formula. It credits \$10 of each fee to the agricultural sustainability account, which PA 09-229 established. The law imposes a formula for making grants to milk producers from this account based on the federally set milk price and the amount needed to sustain dairy operations, as the U. S. agriculture secretary determines. Specifically, when that price falls below the minimum sustainable monthly cost to produce milk, a milk producer qualifies for a grant equal to the difference between these two figures.

The act re-establishes the distribution formula for the remaining recording fees that applied before July 1, 2009. That formula equally apportions the

revenue to CCCT, Connecticut Housing Finance Authority, Department of Environmental Protection, and Department of Agriculture. Under existing law, the latter must annually allocate its share to the:

1. Agricultural Sustainability Program,
2. Farm Transition Program,
3. Connecticut Grown, and
4. Connecticut Farm Link.

The act expands this list to include three entities that received a temporary annual allocation under PA 09-229:

1. Seafood Advisory Council,
2. Connecticut Farm Wine Development Council, and
3. Connecticut Food Policy Council.

EFFECTIVE DATE: July 1, 2011

### ***Truck and MME Property Tax Exemptions***

Beginning with the October 1, 2011 assessment year, **PA 11-61** exempts all eligible MME from local property taxes regardless of when it was purchased or acquired. This property was previously exempt under three separate programs for MME purchased or acquired (1) on or before October 1, 2006, (2) between October 2, 2006 and October 1, 2011, and (3) on or after October 1, 2011.

Prior law exempted from property taxes certain commercial trucks and other vehicles used to transport freight for hire, and required the state to



reimburse municipalities for the revenue loss (i. e. , payments in lieu of taxes or PILOTs). **PA 11-61** eliminates the PILOTs for commercial trucks for assessment years that begin on or after October 1, 2011.

EFFECTIVE DATE: July 1, 2011 and applicable to assessment years starting on or after October 1, 2011, except the repeal of the commercial truck PILOT is applicable to assessment years starting on or after October 1, 2011.

### ***Interest Waiver for Certain U.S. Armed Forces Members***

**PA 11-62** (1) expands, to those serving in Afghanistan, an existing property tax interest waiver for certain U.S. armed forces members called to active service in Iraq and (2) authorizes municipalities' legislative bodies to vote to waive property tax interest for certain U.S. armed forces members who have been called to active service outside the state.

EFFECTIVE DATE: October 1, 2011, and applicable to assessment years beginning on or after that date.

### ***Personal Property Declarations***

**PA 11-69** allows owners of taxable personal property to electronically sign and file their annual personal property declarations with municipal assessors for property tax

purposes. They can do so as long as the municipality (1) has the technological capability to accept electronic signatures and (2) agrees to accept electronic signatures.

It also allows assessors to send blank declaration forms to nonresident property owners electronically, as long as the taxpayer has made a written request to receive the electronic forms. Assessors must mail or electronically send the blank declaration forms at least 30 days before the filing deadline, rather than 15 days before as required under prior law.

EFFECTIVE DATE: October 1, 2011 and applicable to assessment years beginning on or after that date.

### ***Ten Mill Program***

**PA 11-198** allows an owner of forest land enrolled in the state's "10 mill program" (a forest land conservation program first enacted in 1913, amended several times, and long since closed to new participants) to convert to the state's forest preservation program, the "490 program" (named for act 490 of 1963, which created it), without penalty if the land's sale or donation to a nonprofit land preservation organization or placement of a permanent conservation easement on the land, occurs before the conversion. (The 490 Program allows forest land to be taxed based on its current use, which

can substantially reduce the property taxes due on the property.)

It also specifies that woodlands retaining a 10 mill classification on their 50<sup>th</sup>-year revaluation will be assessed at a tax rate not to exceed the similar properties classified as “forestland” under the 490 program.

EFFECTIVE DATE: Upon passage

### ***Hartford Property Tax Program***

**PA 11-212** requires Hartford to make annual adjustments to the assessment ratios for residential and apartment property, as long as the assessment ratio for any property class does not exceed 70%. It also allows voters in Hartford to petition for a referendum on any budget that increases the tax levy by more than 2.6% over that for the prior fiscal year.

EFFECTIVE DATE: Upon passage

### ***Revaluation Delays***

**PA 11-239** allows Cromwell, East Windsor, Farmington, Orange, Stamford, and Windham to delay a revaluation until the 2012 assessment year with the approval of their respective legislative bodies. The subsequent revaluation must recommence at the point in the schedule that the municipality was following prior to the delay.

EFFECTIVE DATE: upon passage

### ***Filing Deadline Waivers***

**PA 11-239** allows taxpayers in certain towns to receive property tax exemptions even through they missed the statutory deadlines for the exemptions.

EFFECTIVE DATE: Upon passage

### **GOVERNANCE**

#### ***Receipt by Electronic Mail of Municipal Tax Bills***

Under existing law, local tax collectors mail or hand to each person owing taxes a (1) bill for current taxes and (2) statement of the year and amount of any back taxes due. **PA 11-185** allows them to send the bill and statement by email, as long as the:

1. taxpayer consents in writing to receive them electronically and
2. community imposing the tax (a) posts its email address on its website and (b) establishes procedures to ensure that any such taxpayer receives the bill and statement and is provided the community’s return email address.

EFFECTIVE DATE: October 1, 2011, and applicable to assessment years starting on or after October 1, 2011.

## ***Agricultural Councils and Consideration of Agriculture Land Uses***

**PA 11-188** explicitly authorizes municipalities to establish local or regional agricultural councils. (Some municipalities currently have similar entities.)

It also requires a local conservation and development plan to recommend land in the municipality that can be best used for agricultural purposes and include a map showing this use and other proposed land uses. Under existing law, the uses are residential, recreational, commercial, industrial, conservation, and other purposes. By law, in preparing the plan, a planning commission or one of its special committees must consider agriculture protection and preservation.

By law, a municipal land use board must adopt zoning regulations giving reasonable consideration to their impact on agriculture. The act specifies that the statutory definition of agriculture applies.

EFFECTIVE DATE: October 1, 2011

## **MUNICIPAL ANIMAL SHELTERS**

### ***Treatment of Ill and Injured Animals***

**PA 11-111** authorizes any regional or municipal dog pound to contract with a public or

private nonprofit animal rescue organization to pay a licensed veterinarian to treat an injured, sick, or diseased animal that is impounded. The act (1) details what a contract must contain and (2) requires each pound to maintain a list of any nonprofit animal rescue organization that expresses an interest in entering into such a contract. The act specifies that the contract and its terms do not affect any protection provided any animal under state law and regulations or municipal ordinances.

Under the act, any person who observes or reasonably believes that a municipal or regional animal control officer (ACO) has failed to provide any animal under the ACO's custody with proper care, including veterinary care, may file a complaint with the Department of Agriculture's State Animal Control Division. The act requires the division, no later than 24 hours after receiving a complaint, to act as it deems necessary to secure proper care for the animal. However, if the division receives the complaint on a Saturday or Sunday, it must act on the next business day.

With exceptions, the act waives civil liability for actions a municipal pound, municipality, ACO, public or private nonprofit animal rescue organization, or veterinarian takes under the act's contract provisions.

The act also expands and changes how ACOs advertise impoundment of certain animals.

EFFECTIVE DATE: October 1, 2011

## **MUNICIPAL LIABILITY**

### ***Easement on Land Use for Recreation Without Fee***

**PA 11-141**, as amended by **PA 11-61**, sets conditions protecting large municipalities from liability for property for which they have an easement and allow people to use for recreation without charge.

EFFECTIVE DATE: October 1, 2011

### ***Use of Municipal Land for Recreation Without Fee***

**PA 11-211** limits the liability of municipalities, other political subdivisions of the state, municipal corporations, special districts, and water or sewer districts that make certain types of land available to the public without charge for recreational purposes. Under the act, these entities, unlike other landowners, remain liable regarding certain structures, fields, or roads on such entities' land. Specifically, the act's liability limitation does not apply to:

1. swimming pools, playing fields or courts, playgrounds, buildings with electrical service, or machinery attached to the land, if these are in the municipality's or other entity's possession and control and

2. paved, public, or through roads that are open to the public for the operation of four-wheeled private passenger cars.

Existing law, unchanged by the act, limits the liability of political subdivisions of the state in other circumstances.

For all landowners (not just municipalities and the other entities listed above), the act adds bicycling to the non-exclusive list of recreational purposes for which the landowner may make the land available to the public and enjoy limited liability.

PA 11-141 adopted different provisions extending liability protection, but they were repealed by PA 11-61.

EFFECTIVE DATE: October 1, 2011

## **REGIONALISM**

### ***Interlocal Agreements***

**PA 11-99** establishes a single process through which towns can collaborate on municipal functions. Under prior law, towns and municipal bodies could enter into (1) a joint agreement to perform jointly any function the law allowed them to perform individually or (2) an interlocal agreement to collaborate on specified municipal functions and services. The act eliminates the joint agreement process and allows them to collaborate on any function the law allows them to perform individually, using the

statutory process for interlocal agreements. It also explicitly allows consolidated towns and cities and consolidated towns and boroughs to enter into these agreements.

Prior law required interlocal agreements to contain provisions addressing specified issues. The act eliminates these required components, thus giving towns more flexibility in negotiating their provisions. It also streamlines the process for approving these agreements.

EFFECTIVE DATE: October 1, 2011, except the repeal of required provisions in interlocal agreements is effective upon passage.

### ***Small Town Economic Assistance Program***

**PA 11-123** makes groups of municipalities eligible for Small Town Economic Assistance Program (STEAP) grants, as long as each municipality that is a member of the group is otherwise eligible for the grants. STEAP provides economic assistance to municipalities that do not qualify for the Urban Action grant program, which is meant mainly for cities and economically distressed towns. By law, distressed municipalities or public investment communities eligible for both programs can opt to participate in STEAP by following certain procedures. The act also makes such municipalities eligible to participate in STEAP as members

of a group by following the same procedures.

The law caps the total STEAP grant amount a municipality can receive each fiscal year at \$500,000. The act extends this cap to each municipality in the group and specifies that any municipality that receives a grant as part of a group is still eligible to receive STEAP grants equal to the difference between its proportionate share of the group grant and the \$500,000 cap.

EFFECTIVE DATE: Upon passage

### **SPECIAL TAX DISTRICT**

#### ***Ferry Service***

**PA 11-61** expands the list of purposes for which residents may vote to establish special taxing districts to include providing ferry service. The law already allows them to establish districts providing a wide range of public services and infrastructure.

EFFECTIVE DATE: upon passage

### **TRANSPORTATION**

#### ***Motor Vehicle Violator Payments to Towns***

**PA 11-6** increases, from \$10 to \$15, the fee paid in addition to a fine by people who violate certain motor vehicle laws and regulations, including speeding, traveling unreasonably fast, reckless driving, and driving

under the influence. By law, the state must remit this money to the municipalities in which the violations occur.

EFFECTIVE DATE: July 1, 2011

***Municipal Road Construction Zones***

**PA 11-256** extends the law that doubles the fine for speeding or committing other moving

offenses in a state highway construction zone to construction zones on municipal roads. It imposes the same signage requirements and liability protections for the municipal work zones as apply to state highway work zones.

EFFECTIVE DATE: October 1, 2011

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