

WEEKLY UPDATE:
**BILLS PROPOSING NEW STATE MANDATES ON
MUNICIPALITIES
2008 GENERAL ASSEMBLY**

(Report as of March 28, 2008)



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The following is a select list of pending bills that propose new state mandates on towns and cities, which have been reported out of committee to the respective chambers for consideration. Some of these bills would have a significant fiscal impact on municipalities and their residential and business property taxpayers.

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Please call Gian-Carl Casa, Ron Thomas, Kachina Walsh-Weaver or Bob Labanara
at (203) 498-3000 if you have any questions.

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Please note that many of these proposals have good public policy goals. However, when the General Assembly mandates municipal expenditures without reimbursement it drives up the cost of local government, forcing municipalities to choose between raising property taxes, curtailing other local services, or both. If the State decides such mandates are good policy, it should pay for them.

H.B. 5629, the Mega Workers' Compensation Mandate

Although recently amended, HB 5629 is not a compromise. It is still a mega-state mandate on local governments and still bad public policy. HB 5629 would breathe life back into the original H&H mandate and create new costly mandates. Specifically, as amended it would:

- (1) mandate new special workers' compensation benefits for paid police officers and paid firefighters, hired after July 1, 1996, for "**cardiac emergencies**", and
- (2) mandate new special workers' compensation benefits for *all* paid and volunteer police officers, firefighters, and local constables for **certain infectious and contagious diseases**.

These proposed mandates would still turn the workers' compensation system on its head. Employees would not have to prove the job-relatedness of their illnesses. The burden of proof would be shifted to towns and cities to show the illnesses are not job-related.

H.B. 5629:

- ✓ Would impose unprecedented state mandates on towns and cities -- and it is **not a compromise** -- *it's still bad policy*.
- ✓ Is **unnecessary**. Currently, all an employee has to do is offer a plausible link between contracting a disease and a job-related incident, and she/he receives the benefits.
- ✓ Is **not medically justified**. There is no conclusive medical evidence to support these special benefits. Studies have failed to consistently demonstrate that the rate of death from cardiovascular disease for firefighters is greater than that of the general population. The same is true for infectious and contagious diseases. In fact, the Centers for Disease Control (CDC) concluded that first responders are not at a greater risk than the general population for Hepatitis C. Similarly, a study by the U.S. National Institute of Occupational Safety documented that neither for hepatitis C [proposed in HB 5629] nor other blood-borne viral infections are firefighters at increased risk.
- ✓ Would immediately **negate any effort to enact much needed property tax relief**.
- ✓ Is **simply unaffordable**. Local budgets are already struggling to sustain services amidst the burdensome property tax, rising healthcare costs, and through-the-roof energy costs. The fiscal impacts and compounding effects of this mega-mandate would be significant.

For more information, please contact Bob Labanara at rlabanara@ccm-ct.org or 203-498-3000.

BILLS CURRENTLY IN THE HOUSE

HB 5138	<p><u>CURBSIDE RECYCLING</u> Would mandate that all municipalities and solid waste haulers currently providing curbside pick-up also provide curbside recycling pick-up.</p> <p>CCM has concerns about the fiscal implications on local government budgets to implement the provisions of Section 7 of this bill. Municipal budgets are already pressured by multiple state mandates. While the intentions of Section 7 of this bill are to increase recycling rates across the state, the way in which it would be accomplished would be through imposing a new unfunded state mandate on some municipalities.</p> <p>CCM urges the <u>deletion of Section 7 of this bill</u> prior to any action.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
HB 5334	<p><u>FAILURE TO "PROMPTLY" PROVIDE MEDICAL SERVICES</u> Among other things, this bill would apply ambiguous language to mandate that the failure to "promptly" provide medical services under Workers' Compensation be presumed an unreasonable delay in treatment and thus, deemed worthy of a penalty of up to \$1,000 – paid to the claimant.</p> <p>Under this bill, it is possible that by simply seeking a second medical opinion, which subsequently agrees with the first opinion – it could be deemed a failure to "promptly" provide medical services, and is thus subject to a fine.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
HB 5438	<p><u>MILITARY SPOUSE EXEMPTION</u> Would make permanent the military spouse exemption under the unemployment compensation act.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
HB 5508	<p><u>HEALTH INSURANCE COVERAGE OF STUDENTS</u> Would mandate that local and regional boards of education ensure that students provide proof of health insurance. In the event a student is unable to provide proof, this bill would mandate that local and regional boards of education supply such students with information, including applications, for state-sponsored health insurance programs for children.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
HB 5629	<p><u>MEGA-MANDATE: SPECIAL BENEFITS FOR PUBLIC SAFETY EMPLOYEES</u> This bill, as amended by the Labor Committee, would (1) mandate special workers' compensation benefits to paid police officers and paid firefighters, hired after July 1, 1996, for "cardiac emergencies", and (2) mandate that certain infectious and contagious diseases are job-related for all paid and volunteer police officers, firefighters, and local constables.</p> <p>See page 2 for more information.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>

<p>HB 5637</p>	<p><u>ZONING FOR HALFWAY HOUSES</u> Would require multifamily buildings with community residences, childcare facilities, and halfway houses for ex-prisoners to be treated similarly to other multifamily buildings for zoning and neighborhood revitalization purposes. <i>Current Location: House Floor</i></p>
<p>HB 5711</p>	<p><u>SOLDIERS PROPERTY-TAX EXEMPTION</u> Would exempt active members of the armed forces from paying property taxes on motor vehicles. <i>Current Location: House Floor</i></p>
<p>HB 5714</p>	<p><u>MANDATED ZONING FOR STARTER HOMES</u> Would require that municipalities zone for starter homes. Land rezoned for residential use must provide that any development of more than 5 acres must reserve 20% of land for ½ acre for 1 or 2 family dwellings, if soil conditions support such development. <i>Current Location: House Floor</i></p>
<p>HB 5790</p>	<p><u>INTERNET SAFETY CURRICULUM IN SCHOOL</u> Would require each local school district to incorporate into its curriculum a component on internet safety to be taught at least once to students in grade three or above. Each school district is to be provided the educational materials for parents regarding child online safety. <i>Current Location: House Floor</i></p>
<p>HB 5888</p>	<p><u>MANDATED HAND-RECOUNT IN ALL REQUIRED RECANVASSING</u> Among other things, this bill would require a hand-recount if a recanvass is required in a municipality that used the new optical scan mark sense voting machines.</p> <p>The State recently pushed hard to move our elections from the lever voting machines to these new optical scan voting machines. These machines were touted as safe, reliable, and less able to be tampered with.</p> <p>While there may be an instance in which a hand-recount could help to confirm a vote tally, it should not be the first step. Rather, the suggestions that were reached in a joint meeting of the Secretary of the State and local election officials should be used. These included doing a physical examination of the ballots; sorting out ones that may be difficult to read by the machine; recounting obvious ballots through the machine; then carefully recounting remaining ballots to ensure voter intent is recorded.</p> <p>As witnessed in several elections this last fall, hand-recounts are costly and time-consuming. Unless the State is prepared to pay for and staff a hand-recount, no such provision should be required unless as a last resort.</p> <p>CCM urges the committee to delete Section 2 of this bill and embrace the method described above, which was determined to be the best way to address these recounts by both the Secretary of the State and local election officials.</p> <p><i>Current Location: House Floor</i></p>

BILLS CURRENTLY IN THE SENATE

SB 35	<p><u>SEX OFFENDER REGISTRANTS</u> Would require local police departments to develop policies and procedures to verify the accuracy of the information provided by sex offender registrants, as well as uniform procedures to investigate the registrant's continued compliance with the registration requirements and any violations of such requirements.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 64	<p><u>SCARRING AND DISFIGUREMENT MANDATE</u> Would create a new costly workers' compensation mandate by allowing commissioners to grant highly subjective compensation awards for scarring and disfigurement in "any area of the body."</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 217	<p><u>PAID SICK LEAVE</u> Among other things, would require towns and cities to provide paid sick leave to all municipal employees -- at a rate of one hour of paid sick leave for every 40 hours worked -- and also mandates that all employees are entitled to carry over unused, accrued paid sick leave from one year to the next.</p> <p>Similar to last year's proposal, S.B. 217 is problematic -- although it excludes "temporary workers" -- it does not distinguish between part-time, full-time employees, or seasonal employees -- for example, park and recreational camp counselors</p> <p>The bill also stipulates specific scenarios under which towns would be mandated to permit employees' use of sick time such as, being a victim of stalking.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 255	<p><u>DISCRETIONARY BENEFITS</u> Would extend the maximum number of weeks of additional workers' compensation benefits for partial permanent disabilities a workers' compensation commissioner may award after a claimant has exhausted the statutory schedule for regular benefits.</p> <p>The fiscal note on an identical bill from last session (SB 847) identified this proposal as a "significant STATE MANDATE" on municipalities.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 374	<p><u>AUDITS OF CERTAIN MUNICIPALITIES</u> Would allow the state auditors to audit the books and accounts of any municipality that receives more than 35% of its revenue from the state, and has a population over 70,000.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 442	<p><u>REQUIRED TOWN MEETINGS</u> Would require town meetings to act on questions unless the charter or ordinance authorizes action by the board of selectmen, and would update eligibility requirements for nonresident property owners to vote in local referenda and at town meetings.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>

SB 486	<p><u>FMLA MANDATE</u> Would mandate that towns and cities grant certain municipal employees benefits in accordance with the state Family Medical Leave Act (FMLA). Under current law, municipalities already fall under the purview of the federal FMLA. Therefore, HB 486 would unnecessarily subject municipalities to both federal and state FMLA standards for their employees – thus, creating potential policy conflicts in leave benefits among various employees.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 535	<p><u>PROPERTY TAX REFUNDS</u> Would require that towns provide a property tax refund of up to \$500 to owners whose land value has been affected by adjoining 345 kilovolt above-ground electric transmission lines.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 570	<p><u>TELECOMMUNICATIONS PROPERTY TAX EXEMPTION</u> Would mandate a 2-year property tax exemption to telecommunication companies (such as AT&T) for new high-speed internet infrastructure.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 671	<p><u>DISCLOSURE OF SOCIAL SECURITY NUMBERS</u> Would require that the State, municipalities, or businesses when requesting an individual to disclose such individual's Social Security number, inform such individual: (1) whether such disclosure is mandatory or voluntary, (2) by what statutory or other authority such number is solicited, and (3) what uses will be made of such number.</p> <p>Further, if the State, municipalities, or businesses lose custody of a record containing an individual's social security number, the entity must (1) provide written notification of the disclosure or loss to the individual not later than 7 business days after discovering the disclosure or loss, (2) provide the individual, at the individual's option, not less than 2 years of commercially available identity theft monitoring and protection at the cost of, essentially, the State, municipality or business.</p> <p>Finally, the bill would allow for individuals to sue in civil court for damages.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>

BILLS CURRENTLY IN COMMITTEE

HB 5812	<p><u>AUTOMATIC EXTERNAL DEFIBRILLATORS</u> Would, among other things, require all local public schools and all public buildings to provide and maintain at least one automatic external defibrillator.</p> <p style="text-align: right;"><i>Current Location: Appropriations Committee</i></p>
SB 339	<p><u>SCHOOL LUNCHES</u> Would require all local school districts with students eligible for reduced and free price lunches to sponsor summer food service programs instituted by the State.</p> <p style="text-align: right;"><i>Current Location: Appropriations Committee</i></p>

SB 538

REAL ESTATE PROPERTY VALUATION

Would make substantive changes in the **process in which towns value real estate.**

This is particularly onerous at several levels. First, an annual reval statute is unnecessary; CGS 12-55 presently permits municipalities to revalue all real estate or even a particular class of real estate should the Assessor determine such revaluation is required or necessary to effect fair assessment burden. This has been repeatedly upheld by the courts. Secondly, despite the apparent wording, section (c) of the proposed bill directly conflicts with CGS 12-63d. Perhaps worse, this will add additional work (without additional resources) to assessment staff in attempting to verify and confirm valid qualified sales, and will likely provide incentive to grantors and grantees with sufficient capital to disguise sales. We already have situations where large corporate properties are transferring by name change rather than by standard deed instrument. Further, this will not balance assessments, but will only shift burden to those residential properties of recent sale; similar to California assessment.

Current Location: Finance, Revenue, and Bonding Committee

MANDATES FACTS



30 NEW Mandates were passed in 2007



According to the CT Advisory Commission On Intergovernmental Relations, there are **1,203 State Mandates on municipalities.**



About **\$42 billion - - 16% - - of the statewide grand list is exempt from property taxation,** according to the Program Review and Investigations Committee, (2006, figures for FY 02-03)