



WEEKLY UPDATE:

BILLS PROPOSING NEW STATE MANDATES ON MUNICIPALITIES 2009 GENERAL ASSEMBLY

(Report as of April 17, 2009)



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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, or Bob Labanara at (203) 498-3000 if you have any questions.

H.B. 6194, the Mega Workers' Compensation Mandate...It's Back!

Would mandate special workers' compensation benefits to all police officers, constables, firefighters, and emergency rescue workers – both paid and volunteers. Specifically, HB 6194 would:

- (1) Mandate new workers' compensation benefits for the following cancers: multiple myeloma, non-Hodgkin's lymphoma, prostate, and testicular; and
- (2) Mandate new workers' compensation benefits for the following infectious and contagious diseases: hepatitis, meningitis, and tuberculosis.

This proposal disregards the seriousness of the present economic crisis and the state of local budgets. What's not at issue is whether public safety personnel should be compensated for their sacrifice, and they are under the current workers' compensation system – but, whether or not the State should mandate such special coverage (coverage that already exists if they show job-relatedness) and force local taxpayers to pay for it. HB 6194 is bad public policy in good times — and even worse policy in the middle of a recession. Local officials have long supported public safety employees and their just compensation when injuries occur on duty and as a result of their work. In fact, local officials negotiated – just last year – reasonable benefits for specific cardiac emergencies while on duty. However, the special state-mandated presumptions for cancers and diseases proposed in HB 6194 are simply unreasonable, not medically justified and would bankrupt local budgets.

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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.

BILLS CURRENTLY IN THE SENATE

<p>SB 6 File#: 41 Sen. Cal#: 109</p>	<p><u>RX DRUG COPAYMENT</u> Would prohibit individual health insurance policies and group medical contracts covering prescription drugs from imposing different copayments for prescriptions based on where the prescription is filled (i. e., retail v. mail-order pharmacy). According to OFA, this mandate may increase costs to certain fully insured municipal plans which offer discounted copayments for prescriptions filled through the mail-order pharmacy in comparison to the local retail pharmacy, such as the Municipal Employees Health Insurance Plan, (MEHIP). This bill has been identified by OFA (file 41) as a “STATE MANDATE” on municipalities. <p style="text-align: right;"><i>Current Location: Senate Floor</i></p> </p>
<p>SB 73 File#: 342 Sen. Cal#: 277</p>	<p><u>SCHOOL CURRICULUM ON PERSONAL FINANCE</u> Would eliminate the requirement that the State Department of Education assist local school districts with curriculum on personal finance and leave such mandate solely with the municipality. <p style="text-align: right;"><i>Current Location: Senate Floor</i></p> </p>
<p>SB 80 File#: 47 Sen. Cal#: 115</p>	<p><u>UNEMPLOYMENT COMPENSATION PAYMENTS</u> Would require all employers with 100 or more employees who pay unemployment compensation taxes, or make payments in lieu of taxes, to make the payments electronically. CCM appreciates the intent of this proposal to encourage efficiency when processing unemployment payments -- however, such a state mandate in these extremely uncertain fiscal times could place undue administrative and fiscal burdens on many communities. <p style="text-align: right;"><i>Current Location: Senate Floor</i></p> </p>
<p>SB 155 File#: 344 Sen. Cal#: 282</p>	<p><u>HIGHWAY WORK ZONE SAFETY</u> Section 3(b) would require local and regional boards of education to add 15 additional minutes of driver education training for highway work zone safety. Section 4 would require the Division of the State Police within the Department of Public Safety, the Police Officer Standards Training (POST) Council, or municipal police departments in the state add two hours to the already packed police-training curriculum for highway work zone safety. The training requirement mandates would create additional costs for municipalities. Training requirements, while necessary, already obligate critical local resources -- resources which are becoming scarcer as the affects of the recession unfold. <p style="text-align: right;"><i>Current Location: Senate Floor</i></p> </p>

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SB 459 File#: 44 Sen. Cal#: 111	<p><u>PROHIBITING COPAYMENTS FOR PREVENTIVE CARE</u></p> <p>Would prohibit copayments, deductibles or other out-of-pocket expenses for preventive care services.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 735 File#: 394 Sen. Cal#: 302	<p><u>ROAD CONSTRUCTION AND IMPROVEMENT REQUIREMENTS</u></p> <p>Would require that at least 1% of all funds expended on roads be used to provide facilities for all users including, but not limited to, bikeways and sidewalks with appropriate curb cuts and ramps, except if a municipal project manager demonstrates and documents with respect to a highway, road or street that: (1) Non-motorized usage is prohibited; (2) there is a demonstrated absence of need; or (3) the accommodation of all users would be excessively expensive to the total project cost.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 913 File#: 540 Sen. Cal#: 386	<p><u>US SENATE VACANCIES</u></p> <p>Would create a new unfunded mandate on local election officials by eliminating the governor's authority to fill U.S. Senate vacancies by appointment and instead require a special election under most circumstances.</p> <p>According to the fiscal note special elections can cost a city upwards of \$75,000 - \$85, 000 and small towns in the range of \$10,000 - \$15,000. Such costs would be unexpected and not budgeted for.</p> <p>The costs of a special election to fill a statewide seat should be fully paid for by the State.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 1011 File#: 425 Sen. Cal#: 314	<p><u>RECYCLING IN SCHOOLS</u></p> <p>Would require local and regional boards of education to (1) create and implement a plan for recycling in their schools; (2) post such plan on their school district's website; (3) train personnel on how to properly implement and maintain the new recycling plan; and (4) provide an appropriate number of receptacles to meet the needs of the plan.</p> <p>Contrary to the fiscal note, there will be costs associated with this bill -- administrative time and costs to create and implement a recycling plan in all schools and post such plan on local district websites; administrative and personnel costs associated with the new training programs; and capitol costs for purchasing new receptacles.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>

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SB 1020 File#: 650 Sen. Cal#: 432	<p><u>INTEGRATED PEST MANAGEMENT PROGRAMS</u></p> <p>Would extend to July 1, 2010, from 2009, the sunset date for municipalities to continue to be allowed to utilize integrated pest management (IPM) programs.</p> <p>The United States Environmental Protection Agency (EPA) “recommends that schools use IPM to reduce pesticide risks and exposure to children” and that it is a “safer” and “less costly option for pest management in a school community.” The EPA plan calls for all schools to utilize IPM by 2012.</p> <p>CCM urges this bill to be amended to remove the sunset and require the use of IPM's moving forward.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 1089 File#: 683 Sen. Cal#: 468	<p><u>AUTOMATIC EXTERNAL DEFIBRILLATORS</u></p> <p>Would require that (1) boards of education develop and implement policies regarding the “availability and use” of automatic external defibrillators (AED) during high school sports activities, and (2) someone trained in AED is on the premises at all times during high school sporting events.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 1095 File#: 358 Sen. Cal#: 291	<p><u>MUNICIPAL CONSTRUCTION ZONES</u></p> <p>Would mandate that municipalities post a sign at the beginning of a municipal construction zone which reads: "Road Work Ahead Fine Doubled," and at the end of such zone which shall read follows: "End Utility Work."</p> <p>This proposal would have fiscal impacts for municipalities, particularly small towns. Local officials are struggling amidst a recession and growing deficits. While posting these signs is a minimal requirement, purchasing these signs would necessitate additional costs by municipalities, and we urge the state to identify an appropriate method of reimbursement for these costs.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>

BILLS CURRENTLY IN THE HOUSE

HB 5249 File#: 148 Hse. Cal#: 148	<p><u>UNREASONABLE DELAY IN TREATMENT PRESUMPTION</u></p> <p>Would, among other things, apply ambiguous language to expand the scenarios by which towns could be penalized -- by mandating that the failure to “promptly” provide medical services be presumed an unreasonable delay in treatment and thus, deemed worthy of a penalty of up to \$1,000 – paid to the workers compensation claimant.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
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HB 5825 File#: 578 Hse. Cal#: 389	<p><u>PROVISIONAL BALLOTS</u></p> <p>Would expand the use of Provisional Ballots for state and municipal elections and primaries; under the same circumstance they are currently available in federal elections and primaries. However, would also eliminate the Secretary of the State's responsibility to provide such provisional ballots to local elections officials and leaves that responsibility <i>and cost</i> with local election officials.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
HB 5934 File#: 492 Hse. Cal#: 327	<p><u>EXPANSION OF REQUIREMENTS ON LOCAL INLAND WETLAND AGENCIES</u></p> <p>Would expand the requirements on what local inland wetland agencies must evaluate when considering an application for a regulated activity within such areas.</p> <p>The fiscal note inaccurately indicates no impact; however the bill is significantly expanding the responsibilities of the local agencies and thus will have a corresponding increase in costs for meeting these new requirements.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
HB 6187 File#: 67 Hse. Cal#: 109	<p><u>PAID SICK LEAVE MANDATE</u></p> <p>Would, among other things, mandate that towns and cities (with 100 or more employees) provide paid sick days to their employees for use for the employee's sickness, the employee's child's sickness, or to deal with sexual assault or family violence issues. Identified by OFA in File 67 as a "STATE MANDATE" on towns.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
HB 6189 File#: 50 Hse. Cal#: 93	<p><u>WAGE REPORTING MANDATE</u></p> <p>Would create a new administrative burden on towns and cities by mandating local officials include the wages, gender and job classification of each employee -- on a quarterly basis -- when collecting data for the Labor Commissioner to be included in annual wage reports. Identified by OFA -- this mandate "could result in a minimal cost associated with printing, postage, and programming costs of the updated report form." What's deemed "minimal" in theory by analysts -- could be administratively "significant" in reality in town halls across the state -- particularly in the middle of a recession.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
HB 6194 File#: 624 Hse. Cal#: 135	<p><u>MEGA-WORKERS' COMPENSATION MANDATE</u></p> <p>Would mandate special workers' compensation benefits to all police officers, constables, firefighters, and emergency rescue workers -- both paid and volunteers. Specifically, HB 6194 would:</p> <p>(1) Mandate new workers' compensation benefits for the following cancers: multiple myeloma, non-Hodgkin's lymphoma, prostate, and testicular; and</p>

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	<p>(2) Mandate new workers' compensation benefits for the following infectious and contagious diseases: hepatitis, meningitis, and tuberculosis.</p> <p>This proposal disregards the seriousness of the present economic crisis and the state of local budgets. What's not at issue is whether public safety personnel should be compensated for their sacrifice, and they are under the current workers' compensation system – but, whether or not the State should mandate such special coverage (coverage that already exists if they show job-relatedness) and force local taxpayers to pay for it. HB 6194 is bad public policy in good times — and even worse policy in the middle of a recession. Local officials have long supported public safety employees and their just compensation when injuries occur on duty and as a result of their work. In fact, local officials negotiated – just last year – reasonable benefits for specific cardiac emergencies while on duty. However, the special state-mandated presumptions for cancers and diseases proposed in HB 6194 are simply unreasonable, not medically justified and would bankrupt local budgets.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
<p>HB 6496 File#: 513 Hse. Cal#: 342</p>	<p><u>GREEN CLEAN SCHOOLS</u></p> <p>Certainly the intention of this proposal, to utilize only “green” cleaning products in schools, is laudable. But this bill would be an unfunded mandate to local and regional school districts.</p> <p>It is difficult to understand how the Office of Fiscal Analysis is able to state that this bill would have a neutral fiscal impact. While there is a opportunity to purchase the cleaning products through a cooperative purchasing program with the Department of Administrative Services and potentially realize some savings - there will be personnel costs associated with the training and administrative and mailing costs associated with the notice requirement, to mention a few.</p> <p>CCM urges you to (1) establish a voluntary program that would allow municipalities to procure “green” products through the Department of Administrative Services; (2) establish a list of vendors who provide these products and distribute it to local purchasing agents; and, (3) create an educational program to share with local school districts on the benefits and proper use of these products.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
<p>HB 6541 File#: 231 Hse. Cal#: 199</p>	<p><u>FIRE FIGHTING TRAINING MANDATE</u></p> <p>Would mandate training in CPR and AEDs for firefighters. While local officials understand the intent of this proposal -- it, in effect, creates an unfunded mandate on towns -- in the midst of very difficult fiscal times.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>

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HB 6696 File#: 675 Hse. Cal#: 456	<p><u>MUNICIPAL ETHICS MANDATE</u></p> <p>Would require all municipalities to adopt a code of ethical conduct by October 1, 2010 for its public officials, public employees and paid consultants. Each such code of ethical conduct would have to include the provisions set forth in the bill at a minimum. Any municipalities with a code of ethical conduct already in place must update their code, as necessary, to ensure it includes the minimum provisions set forth in this bill.</p> <p>CCM's position on municipal ethics has <i>consistently been</i> that we can accept a mandate to require all municipalities to (1) adopt a code of ethics; (2) establish a mechanism for addressing allegations of unethical behavior; and (3) report to the state as to what they have, or put, in place to meet the requirement.</p> <p>This bill would potentially require all municipalities to take some sort of action. Those without codes would be required to adopt one and those with codes would be mandated to revise them. Both tasks will incur costs for municipalities to accomplish - the time and costs of staff and municipal attorneys to draft and review, public notice, town meetings, etc.</p> <p style="text-align: right;"><i>Current Location: House Floor</i></p>
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BILLS CURRENTLY IN COMMITTEE

HB 5199 File#: 580 Hse. Cal#: 386	<p><u>CRIMINAL BACKGROUND CHECKS</u></p> <p>Would require that persons working at youth camps submit to a state and national background check (including paid and volunteer employees, as well as persons responsible for transporting youth). The criminal history check would be paid by the youth camps, including municipally run camps.</p> <p style="text-align: right;"><i>Current Location: Public Safety Committee</i></p>
HB 5474 File#: 493 Hse. Cal#: 321	<p><u>MANDATED RECYCLING</u></p> <p>Would, among other things (1) mandate municipalities that provide curbside solid waste pick-up to also provide curbside recycling; (2) require all public places to provide accessible recycling receptacles; and (3) expand the items that are required to be recycled.</p> <p>These new mandates will increase costs to local governments and further burden the local property tax. While the State has not fully identified which municipalities this may affect, CCM is concerned these proposals could have significant fiscal consequences.</p> <p style="text-align: right;"><i>Current Location: Planning and Development Committee</i></p>
HB 5532 File#: 207 Hse. Cal#: 171	<p><u>FIRE POLICE EQUIPMENT</u></p> <p>Mandates that municipalities provide certain equipment to fire police.</p> <p style="text-align: right;"><i>Current Location: Appropriations Committee</i></p>

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HB 6041 File#: 319 Hse. Cal#: 237	<u>ASSESSOR TRAINING</u> Would, among other things, mandate that volunteer members of boards of assessment appeals are trained. <i>Current Location: Appropriations Committee</i>
HB 6435 File#: 553 Hse. Cal#: 373	<u>ELECTION DAY REGISTRATION</u> Would allow certain people to register to vote on Election Day resulting in a cost to towns and cities to provide additional temporary election staff to accommodate the additional workload required of registrars of voters and voting day personnel. <i>Current Location: Planning and Development Committee</i>
HB 6466 File#: 449 Hse. Cal#: 299	<u>PROJECTS OF REGIONAL SIGNIFICANCE</u> Would require municipal and other agencies to allow applicants the ability to provide preliminary comments on “projects of regional significance”, summaries of the review process of the agency, and an opportunity for such applicants to discuss such projects with the municipality through RPOs. CCM is concerned about the workload this proposal may bring on communities – that this may add unnecessary administrative burdens on municipalities. A municipality’s participation should be voluntary and incentive-based. After all, it is in a municipality’s interest to participate so that economic development is done in a timely manner. <i>Current Location: Government Administration and Elections Committee</i>
HB 6488	<u>SECONDARY SCHOOL REFORM</u> Would, as of the 2016 graduating class, mandate more rigorous high school graduation requirements. While the bill does require that the State Department of Education provide grants to municipalities in order to implement these new requirements beginning in FY12, there is no assurance that such funding will be appropriated nor any protections for towns and cities if such funding is not forthcoming. It is clear that significant new financial resources will be needed in order to meet these new requirements. Without a clear delineation of where these resources will come from, no new mandate should be placed on local governments and their property taxpayers. At the very least, the language of the bill should specifically articulate that municipalities do not have to meet the requirements unless state funding is provided to cover the costs. Imposing a major mandate for new education standards without commensurate funding would echo federal action in "No Child Left Behind." <i>Current Location: Elementary and Secondary Education Committee</i>

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HB06683	<p><u>WORKERS' COMPENSATION LIEN NEGOTIATION PROCESS</u> Would strip employers' right and ability to participate in the lien negotiation process under workers' compensation. This would decrease employers' legitimate recoveries against at fault third parties in workers compensation claims, and will force them to increase costs for litigation.</p> <p style="text-align: right;"><i>Current Location: Judiciary Committee</i></p>
SB 995 File#: 464 Sen. Cal#: 357	<p><u>SINGLE HAULER REQUIREMENT</u> Among other things, would require any entity contracting for solid waste pick-up to also contract for recycling pick-up.</p> <p>Such a mandate would tie the hands of the consumer - whether residential, commercial, or governmental - to use the same hauler for both solid waste and recycling pick-ups regardless of whether or not there are more cost-effective ways to accomplish the same task.</p> <p style="text-align: right;"><i>Current Location: Judiciary Committee</i></p>
SB 1116	<p><u>CRIMINAL HISTORY RECORD CHECKS</u> Would require criminal history records checks for youth camp staff.</p> <p style="text-align: right;"><i>Current Location: Judiciary Committee</i></p>

Health Insurance Coverage Mandates

The following are several proposals that would mandate health insurance coverage for specific treatments, procedures and medical devices. Although well intended, the costs of these mandates would impact the local bottom-line and increase already skyrocketing costs of healthcare for municipalities.

SB 290 File#: 5 Sen. Cal#: 84	<p>AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR BONE MARROW TESTING.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 299 File#: 46 Sen. Cal#: 110	<p>AN ACT EXPANDING HEALTH INSURANCE COVERAGE FOR ROUTINE PATIENT CARE COSTS FOR CLINICAL TRIAL PATIENTS.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
SB 638 File#: 119 Sen. Cal#: 149	<p>AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR COLONOSCOPIES.</p> <p style="text-align: right;"><i>Current Location: Senate Floor</i></p>
HB 5021 File#: 34 Hse. Cal#: 85	<p>AN ACT EXPANDING HEALTH INSURANCE COVERAGE FOR OSTOMY SUPPLIES.</p> <p style="text-align: right;"><i>Current Location: Appropriations Committee</i></p>

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HB 5023 File#: 9 Hse. Cal#: 71	AN ACT REQUIRING HEALTH INSURANCE COVERAGE FOR WOUND CARE FOR INDIVIDUALS WITH EPIDERMOLYSIS BULLOSA. <i>Current Location: Appropriations Committee</i>
HB 5093 File#: 93 Hse. Cal#: 123	AN ACT CONCERNING PROSTHETIC PARITY. <i>Current Location: Appropriations Committee</i>
HB 5433 File#: 38 Hse. Cal#: 86	AN ACT CLARIFYING HEALTH INSURANCE COVERAGE FOR STEPCHILDREN. <i>Current Location: Appropriations Committee</i>
HB 5672 File#: 10 Hse. Cal#: 72	AN ACT EXPANDING INSURANCE COVERAGE FOR HEARING AIDS FOR CHILDREN. <i>Current Location: Appropriations Committee</i>
HB 5673 File#: 11 Hse. Cal#: 73	AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR WIGS FOR INDIVIDUALS WITH HAIR LOSS DUE TO A DIAGNOSED MEDICAL CONDITION. <i>Current Location: Appropriations Committee</i>
HB 6527 File#: 312 Hse. Cal#: 250	AN ACT CONCERNING MINOR CHANGES TO THE INSURANCE AND RELATED STATUTES. <p>Though well-intended, Section 6 through 10 would mandate extended health insurance benefits for such costly items as; (1) treatment of tumors and leukemia, (2) reconstructive surgery, (3) non-dental prosthesis, (4) chemotherapy, (5) general anesthesia, (6) nursing, and (7) related hospital services provided to a patient with a (i) complex dental condition that requires the procedure to be performed in a hospital, or (ii) developmental disability that places them at serious risk. Municipalities are coping with annual increases in the costs of health insurance. These requirements could further drive up that cost in fully insured municipalities in which collective bargaining contracts do not presently require such coverage (it would not affect self-insured municipalities).</p> <i>Current Location: Transportation Committee</i>
HB 6540 File#: 569 Hse. Cal#: 379	AN ACT CONCERNING PRESCRIPTION EYE DROP REFILLS. <i>Current Location: Human Services Committee</i>

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New Property Tax Exemptions

Not all state mandates are obvious. State mandates come in all shapes and sizes. Sometimes, although the State does not specifically direct a mandate to municipalities, it effectively imposes one. These “mandates in effect” pose a negative impact on local resources – particularly in the middle of a recession. In this fiscal climate, lawmakers should take no action on any proposals that would hurt municipal revenue or mandate expenditure of local money.

SB 1062	<p>AN ACT CONCERNING THE PROCESS OF ACCEPTANCE OF CLAIMS FOR THE VETERANS' PROPERTY TAX EXEMPTION.</p> <p style="text-align: right;"><i>Current Location: Finance Revenue and Bonding Committee</i></p>
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CCM – CONNECTICUT’S STATEWIDE ASSOCIATION OF TOWNS AND CITIES



The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities. CCM represents municipalities at the General Assembly, before the state executive branch and regulatory agencies, and in the courts. CCM provides member towns and cities with a wide array of other services, including management assistance, individualized inquiry service, assistance in municipal labor relations, technical assistance and training, policy development, research and analysis, publications, information programs, and service programs such as workers' compensation and liability-automobile-property insurance and risk management, and energy cost-containment. Federal representation is provided by CCM in conjunction with the National League of Cities. CCM was founded in 1966.

CCM is governed by a Board of Directors, elected by the member municipalities, with due consideration given to geographical representation, municipalities of different sizes, and a balance of political parties. Numerous committees of municipal officials participate in the development of CCM policy and programs. CCM has offices in New Haven (the headquarters) and in Hartford.

900 Chapel Street, 9th Floor
New Haven, Connecticut 06510-2807
Telephone (203) 498-3000 Fax (203) 562-6314

E-mail: ccm@ccm-ct.org
Web Site: www.ccm-ct.org

THE VOICE OF LOCAL GOVERNMENT
