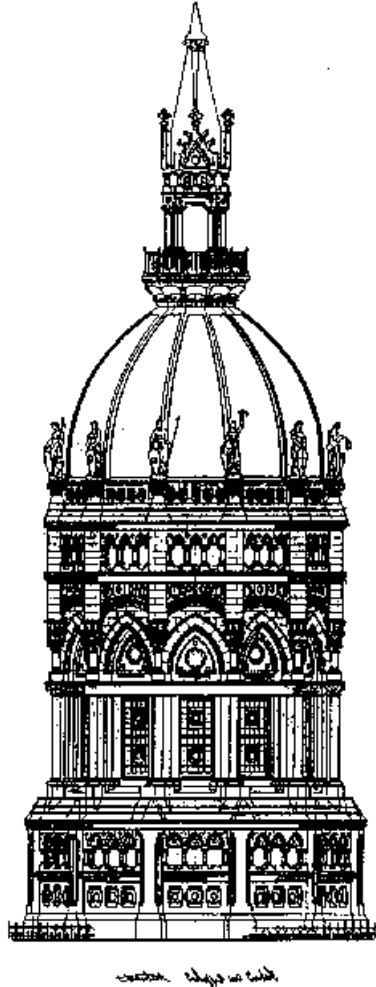


STATE MANDATES ON MUNICIPALITIES: ACTIONS IN 2020



a report by the
**CONNECTICUT ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS**

<https://portal.ct.gov/acir>

November, 2020

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Staff

Bruce Wittchen	Office of Policy & Management
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November, 2020

To the Leaders of the Connecticut General Assembly:

In accordance with Connecticut General Statutes (CGS) Sec. [2-32c](#), as amended by Sec. 107 of [PA 17-2 of the June Special Session](#) and Sec. 3 of [PA 19-193](#), the Advisory Commission on Intergovernmental Relations (ACIR) presents the attached list of new or expanded state mandates and mandate reductions arising from 2020's regular legislative session as well as the July and September special sessions.

There is no need to remind you of how unusual this year's sessions have been, with only a small fraction of the usual number of bills passed. In fact, none of the five bills passed were reviewed by a legislative committee; all were considered via emergency certification.

The statutory definition of mandate utilized in this listing includes actions that require a local government to create, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues. Specifically excluded are legislation that do the same but are enacted to comply with federal mandates, as well as legislation required by court order.

This year is so different from previous years that it seems pointless to compare the number of mandates this year to previous years. Suffice it to say that far fewer bills were passed and they contained far fewer mandates and no mandate reductions. Much of the state governing activity this year was accomplished by emergency executive orders issued by Governor Lamont. Through the year, the ACIR published executive order summaries focusing on sections relevant to municipalities and also published and regularly updated best practices guidelines each focused on different municipal functions.

In presenting this report, the ACIR points out that it is common for a single public act to include multiple sections imposing mandates or some imposing mandates and others providing mandate relief. The list of bills was developed by ACIR staff and, while the ACIR believes all new or increased mandates have been identified, the ACIR welcomes input from others regarding any sections of public acts that should be added or excluded.

In addition to the listing of the bills as required in the statute, this report provides several additional pieces of information to assist the General Assembly in reviewing this report:

Mandate Description - A short explanation of those portions of the bill which meet the mandate definition.

Committee(s) Reviewing Bill - A listing, beginning with the Committee of Cognizance, of all committees which considered the bill.

Office of Fiscal Analysis (OFA) Fiscal Impact Statement - The statements, if any, used by OFA to characterize the municipal fiscal impact of the mandate.

No matter how worthwhile, each mandate imposes a burden on municipalities. The burden of a specific mandate might be large, in and of itself, and the legislature's Office of Fiscal Analysis, as well as municipalities, school districts and organizations representing them call attention to such mandates during the legislative session. Many mandates, on the other hand, impose only a small burden individually and, therefore, attract little attention as focus is drawn to larger concerns. Multiple small mandates, however, can have a substantial cumulative impact, creating a hidden burden on municipalities and municipal officials.

The ACIR urges the General Assembly to consider the impact of state mandates on local governments. This is directly connected to the positive working relationship between the State and its cities and towns: state mandates represent the establishment of priorities and constraints for an individual city or town by officials representing other cities and towns. To the extent these mandates are unfunded or underfunded, such decisions can create an obligation for municipalities to raise additional funds or to change spending priorities from those that would reflect the will of the local community. Similar consideration should be also be given when enacting mandates that are funded at the onset, but whose funding might be reduced or discontinued in future years.

This list of mandates should not be considered to be a list of bad statutes. State and local officials concur that some state guidelines and requirements are appropriate under our system of government from both legal and practical standpoints. There are many governmental issues that are best administered by local governments, but in a manner that promotes statewide uniformity. These issues can range from elections to property assessment standards to police training to aspects of education administration and beyond. The details of such requirements and responsibility for the resulting costs have been, are now, and will continue to be the subjects of much debate.

If there are any questions regarding the enclosed report, please contact the ACIR via Bruce Wittchen at (860) 418-6323 or bruce.wittchen@ct.gov.

Sincerely yours,

Brendan Sharkey
Chair

Lyle Wray
Vice-Chair

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State Mandate Definition

[Connecticut General Statutes Sec. 2-32b](#). *State mandates to local governments. Definitions. Cost estimate required. Procedures re bills creating or enlarging mandates.*

(a) As used in this section:

(1) "Local government" means any political subdivision of the state having power to make appropriations or to levy taxes, including any town, city or borough, consolidated town and city or consolidated town and borough, any village, any school, sewer, fire, water or lighting district, metropolitan district, any municipal district, any beach or improvement association, and any other district or association created by any special act or pursuant to chapter 105, or any other municipal corporation having the power to issue bonds;

(2) "State mandate" means any constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state court and any legislation necessary to comply with a federal mandate;

(3) "Local government organization and structure mandate" means a state mandate concerning such matters as: (A) The form of local government and the adoption and revision of statutes on the organization of local government; (B) the establishment of districts, councils of governments, or other forms and structures for interlocal cooperation and coordination; (C) the holding of local elections; (D) the designation of public officers, and their duties, powers and responsibilities and (E) the prescription of administrative practices and procedures for local governing bodies;

(4) "Due process mandate" means a state mandate concerning such matters as: (A) The administration of justice; (B) notification and conduct of public hearings; (C) procedures for administrative and judicial review of actions taken by local governing bodies and (D) protection of the public from malfeasance, misfeasance, or nonfeasance by local government officials;

(5) "Benefit spillover" means the process of accrual of social or other benefits from a governmental service to jurisdictions adjacent to or beyond the jurisdiction providing the service;

(6) "Service mandate" means a state mandate as to creation or expansion of governmental services or delivery standards therefor and those applicable to services having substantial benefit spillover and consequently being wider than local concern. For purposes of this section, applicable services include but are not limited to elementary and secondary education, community colleges, public health, hospitals, public assistance, air pollution control, water pollution control and solid

waste treatment and disposal. A state mandate that expands the duties of a public official by requiring the provision of additional services is a "service mandate" rather than a "local government organization and structure mandate";

(7) "Interlocal equity mandate" means a state mandate requiring local governments to act so as to benefit other local governments or to refrain from acting to avoid injury to, or conflict with neighboring jurisdictions, including such matters as land use regulations, tax assessment procedures for equalization purposes and environmental standards;

(8) "Tax exemption mandate" means a state mandate that exempts privately owned property or other specified items from the local tax base;

(9) "Personnel mandate" means a state mandate concerning or affecting local government: (A) Salaries and wages; (B) employee qualifications and training except when any civil service commission, professional licensing board, or personnel board or agency established by state law sets and administers standards relative to merit-based recruitment or candidates for employment or conducts and grades examinations and rates candidates in order of their relative excellence for purposes of making appointments or promotions to positions in the competitive division of the classified service of the public employer served by such commission, board or agency; (C) hours, location of employment, and other working conditions and (D) fringe benefits including insurance, health, medical care, retirement and other benefits.

PUBLIC ACTS INCLUDED IN LISTING

PUBLIC ACT NO.	BILL NO.		PAGE
		<u>MANDATES</u>	
<u>20-1</u>	HB 5518	An Act Authorizing And Adjusting Bonds Of The State For Capital Improvements, Transportation And Other Purposes, And Concerning Municipal Reports On Certain Property Tax Exemptions, Validation Of A Referendum And Highway Projects	<u>1</u>
<u>20-1</u> (JSS)	HB 6004	An Act Concerning Police Accountability	<u>1</u>
<u>20-3</u> (JSS)	HB 6002	An Act Concerning Absentee Voting And Reporting Of Results At The 2020 State Election, Expanding Election Day Registration And Ratifying Certain Provisions Of An Executive Order That Relate To The August 11, 2020, Primary	<u>2</u>
<u>20-4</u> (SSS)	HB 7005	An Act Concerning A Municipal Election Monitor At The 2020 State Election And Processing Of Absentee Ballots For The 2020 State Election	<u>2</u>

MANDATES NOT SPECIFICALLY DIRECTED AT MUNICIPALITIES

PUBLIC ACT NO.	BILL NO.		PAGE
<u>20-1</u>	HB 5518	An Act Authorizing And Adjusting Bonds Of The State For Capital Improvements, Transportation And Other Purposes, And Concerning Municipal Reports On Certain Property Tax Exemptions, Validation Of A Referendum And Highway Projects	<u>4</u>
<u>20-2</u> (JSS)	HB 6001	An Act Concerning Telehealth	<u>4</u>
<u>20-4</u> (JSS)	HB 6003	An Act Concerning Diabetes And High Deductible Health Plans	<u>4</u>

NEW STATE MANDATE REDUCTIONS

PUBLIC ACT NO.	BILL NO.		PAGE
		No mandate reductions were approved in 2020's regular session and July special session.	<u>5</u>

New State Mandates

[PA 20-1](#) (HB 5518)

An Act Authorizing And Adjusting Bonds Of The State For Capital Improvements, Transportation And Other Purposes, And Concerning Municipal Reports On Certain Property Tax Exemptions, Validation Of A Referendum And Highway Projects

Mandate Description

Sec. 85 creates a new mandate that requires assessors to annually certify, on a form provided by OPM, the amount of machinery & equipment exemptions approved under specified provisions of CGS 12-81 for the most recent assessment year, with supporting information as required.

Committee(s) Reviewing Bill

Emergency Certification

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill)

OFA reported only the potential revenue gain resulting from other sections.

[PA 20-1](#) (HB 6004)
July Special Session

An Act Concerning Police Accountability

Mandate Description

Sec. 5 creates a new mandate that requires police chiefs to inform police officers of the crowd management policy adopted in regulations pursuant to this section and that it be included in training. Sec. 10 increases the existing mandate of CGS 7-291a by requiring a chief of police to report annually on efforts to recruit, retain, and promote minority police officers. Sec. 16 creates a new mandate that requires police officers to receive behavioral health assessments as specified. Sec. 18 creates a new mandate that requires municipal police departments to complete an evaluation of the feasibility and potential impact of the use of social workers by the department for calls where the experience and training of a social worker could provide assistance. Sec. 19 increases the mandate of CGS 29-6d by requiring all police officers to use body cameras as specified, vehicles to have dashboard cameras as specified, and data to be saved as specified, with the state reimbursing only a portion of the cost. Sec. 20 creates a new mandate that requires a municipality applying for a grant for costs associated with CGS 29-6d requirements to apply in the manner specified by OPM, which can prescribe additional technical or procurement requirements as a condition of receiving the grant. Sec. 30 increases the mandate of CGS 7-282e by expanding the

record-keeping and reporting requirements. Sec. 40 creates a new mandate that requires law enforcement agencies to submit a report on their inventory of controlled equipment possessed on the effective date of this section. Sec. 41 creates a new mandate that limits a municipality's immunity for a claim, demand, or suit instituted against a police officer for an act of the office and requires a municipality to protect and save harmless the officer from financial loss and expense, including legal fees, except that the municipality can be reimbursed by an officer who has a judgment entered against him or her for a malicious, wanton or wilful act. Sec. 44 increases the mandate of CGS 7-294ee by also requiring law enforcement units to obtain and maintain accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc..

Committee(s) Reviewing Bill

Emergency Certification

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill)

OFA reported: *Various Municipalities: STATE MANDATE-Potential Cost*, but did not quantify costs.

[PA 20-3](#) (HB 6002)
July Special Session

An Act Concerning Absentee Voting And Reporting Of Results At The 2020 State Election, Expanding Election Day Registration And Ratifying Certain Provisions Of An Executive Order That Relate To The August 11, 2020, Primary

Mandate Description

Sec. 4 increases the mandate of CGS 9-140 by requiring, for the 2020 state election, that municipal clerks mail absentee ballots within 48 hours if mailing is not handled by a third-party mailing vendor approved and selected by the Secretary of the State. Sec. 5 creates a mandate in CGS 9-140b for the state election of 2020 by requiring municipal clerks to designate a secure drop box in accordance with instructions by the Secretary of State and to handle absentee ballots received there or by mail as specified. Sec. 6 increases the mandate of CGS 9-140c by adding requirements regarding the receipt, handling, and sorting of absentee ballots for the state election of 2020. Additional state funding is expected, but the OFA fiscal note explains that it is not known if those funds will defray the additional costs. Sec. 9 increases the mandate of CGS 9-19j by requiring registrars to certify locations for the completion and processing of election day registration applications at least 31 days prior to the election.

Committee(s) Reviewing Bill

Emergency Certification

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill)

OFA reported: *Various Municipalities: STATE MANDATE-Potential Cost*, but does not quantify the cost.

[PA 20-4](#) (HB 7005) An Act Concerning A Municipal Election Monitor At The
Sept. Special Session 2020 State Election And Processing Of Absentee Ballots For
The 2020 State Election

Mandate Description

Sec. 1. For the 11/2020 state election only, requires Bridgeport to provide any necessary office space, supplies, equipment and services needed by a state-contracted election monitor..

Committee(s) Reviewing Bill

Emergency Certification

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill)

OFA reported, regarding Sec. 1: Bridgeport: STATE MANDATE - Potential Cost

Mandates Not Specifically Directed At Municipalities

[PA 20-1](#) (HB 5518) An Act Authorizing And Adjusting Bonds Of The State For Capital Improvements, Transportation And Other Purposes, And Concerning Municipal Reports On Certain Property Tax Exemptions, Validation Of A Referendum And Highway Projects

Mandate Description

Sec. 88 creates a new mandate that requires contracts for specified road projects financed in whole or in part with state funds to specify that sewer grates and utility service grates will be reasonably flush with the surface.

Committee(s) Reviewing Bill

Emergency Certification

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill)

OFA reported only the potential revenue gain resulting from other sections.

[PA 20-2](#) (HB 6001) An Act Concerning Telehealth
(July Special Session)

Mandate Description

Sec. 4 creates a new mandate that requires that group health insurance policies provide coverage for medical services provided through telehealth as specified.

Committee(s) Reviewing Bill

Emergency Certification

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill)

OFA reported: *Various Municipalities: STATE MANDATE-Potential Cost*, but did not quantify the cost.

[PA 20-4](#) (HB 6003) An Act Concerning Diabetes And High Deductible Health Plans

Mandate Description

Sec. 12 increases the mandate of 38a-518d by expanding coverage for diabetes treatment and limiting patient costs..

Committee(s) Reviewing Bill

Emergency Certification

Summary of OFA Municipal Fiscal Impact Statement (as relates to the mandate portion of the bill)

OFA reported: *Various Municipalities: STATE MANDATE-Potential Cost* and explained that the act may result in a cost to fully-insured municipalities who require cost sharing in excess of the bill's limits.

State Mandate Reductions

No mandate reductions were approved in 2020's regular session and July special session.

Appendix A

MANDATE LEGISLATION LISTED BY LEGISLATIVE COMMITTEE

Note: No bill passed this year was reviewed by a committee.

Emergency Certification

A procedure by which the speaker and president pro tempore jointly propose a bill and send it directly to the House or Senate floor for action without any committee referrals or public hearings.

<https://www.cga.ct.gov/asp/content/Terms.asp#E>

PA 20-1 (HB 5518)	An Act Authorizing And Adjusting Bonds Of The State For Capital Improvements, Transportation And Other Purposes, And Concerning Municipal Reports On Certain Property Tax Exemptions, Validation Of A Referendum And Highway Projects
PA 20-1 (HB 6004) July Special Session	An Act Concerning Police Accountability
PA 20-2 (HB 6001) July Special Session	An Act Concerning Telehealth
PA 20-3 (HB 6002) July Special Session	An Act Concerning Absentee Voting And Reporting Of Results At The 2020 State Election, Expanding Election Day Registration And Ratifying Certain Provisions Of An Executive Order That Relate To The August 11, 2020, Primary
PA 20-4 (HB 6003) July Special Session	An Act Concerning Diabetes And High Deductible Health Plans
PA 20-4 (HB 7005) Sept. Special Session	An Act Concerning A Municipal Election Monitor At The 2020 State Election And Processing Of Absentee Ballots For The 2020 State Election

Appendix B

Sec. 2-32c. **Submission to General Assembly of list of state mandates.** On and after July 1, 2019, the Connecticut Advisory Commission on Intergovernmental Relations, established pursuant to section 2-79a, shall, not more than ninety days after adjournment of any regular or special session of the General Assembly or November fifteenth immediately following adjournment of a regular session, whichever is later, submit to the speaker of the House of Representatives, the president pro tempore of the Senate, the majority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives, the minority leader of the Senate and the chief elected official of each municipality a report that lists each state mandate enacted during said regular or special session of the General Assembly. Not later than five days after receipt of the report, the speaker and the president pro tempore shall refer each state mandate to the joint standing committee or select committee of the General Assembly having cognizance of the subject matter of the mandate.