SA 11-009

HB6103

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2011

Testimony

Bart Russell, Executive Director

Connecticut Council of Small Towns

Before the Appropriations Committee

April 5, 2011

RE: SB-1121 - AN ACT ESTABLISHING A TASK FORCE TO STUDY THE DISTRIBUTION OF STATE FUNDS TO MUNICIPALITIES

State aid to municipalities is a vital source of revenue to towns that is needed to fund critical programs and services, such as education, public safety, roads and bridges and other infrastructure. The Connecticut Council of Small Towns (COST) therefore understands the need to study the distribution of state funds to municipalities, as called for under SB-1121.

In fact, we support the Governor's proposal to review the Education Cost Sharing formula, as called for under HB-6385, and the review of special education funding issues called for under HB-6103. It is unclear how these studies correlate to the study outlined in SB-1121.

In addition, as drafted, the task force does not include any representatives from municipalities, such as small towns. We are concerned, then, that the task force will not benefit from this important perspective in recommending ways to revise distribution formulas for state funds. COST therefore recommends that the task force be broadened to ensure that municipalities, including small towns, have a seat at the table.

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H – 1104

CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2011

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you all get a chance to meet him.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the resolution? Would you care to remark further?

If not, let me try your minds.

All those in favor of the resolution please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The resolution is adopted.

Will the Clerk please call Calendar 129.

THE CLERK:

On page -- on page 37, Calendar 129, Substitute for House Bill Number 6103, AN ACT CONCERNING A REVIEW OF THE COSTS TO MUNICIPALITIES OF STATE MANDATED SPECIAL EDUCATION REQUIREMENTS, favorable report of the Committee on Government Administration and Elections.

SPEAKER DONOVAN:

Representative Linda Gentile.

REP. GENTILE (104th):

Bon giorno, Mr. Speaker.

SPEAKER DONOVAN:

Bon giorno.

REP. GENTILE (104th):

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark?

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, this bill requires the Commissioner of Education to conduct a comprehensive review and study of state-mandated special education requirements and then report back to the Education Committee by February of 2012.

I -- I urge passage.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further?

Representative Bill Aman.

REP. AMAN (14th):

Mr. Speaker, once again Planning and Development gets to start off the day's session.

This bill actually deals with what is a major problem for our boards of education in the special education field. They -- any time you look at their budget, depending on the town, they talk anywhere from a small to a very large percentage of their budget is tied in with special education costs. They've had a couple of problems that they have addressed to us regarding special education in that there's the federal mandates, then there's the State mandates, and then there's the mandates that they don't know where they came from but they think that they have to do anyhow.

The other problem that all of the municipalities are running into is with the burden of proof that more and more of the time the boards of education will say we don't have to perform the service, we don't think this student needs it. But the way things are set up currently, if the student hires an attorney and they win, the cost of legal fees probably well exceeds the cost of educating the

student. And so there has been a cottage industry developing of suing or threatening to sue the boards of education as they look for special education help. And the interpretation of what special education is continually grows.

So I hope that through this study, not only can they identify what the mandates are, but they can also come up with some recommendations on how to discuss the problems of legal representation, how to discuss when someone actually is in need of help and a better system for arbitrating out between the parents, the guardians and the school systems for special ed.

So I encourage my colleagues to support the bill, and I look forward very much for the study, and I expect that Planning and Development will have legislation in front of this Chamber next spring regarding the outcome of this study.

Thank you very much, Mr. Speaker.

SPEAKER DONOVAN:

Thank you so much, sir.

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Good afternoon.

SPEAKER DONOVAN:

Good afternoon, madam.

REP. HOVEY (112th):

Thank you.

Through you, a couple of questions to the proponent of the bill please.

SPEAKER DONOVAN:

Please proceed.

REP. HOVEY (112th):

Thank you, sir.

Through you, Mr. Speaker.

Do we here in the State of Connecticut have a list of our state mandates that are over and above the federal IDEA mandates? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I am not aware of any such list and therein is part of the problem. That's why we're looking to do this study.

SPEAKER DONOVAN:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

So I'm to understand that the State Department of Education Special Education Department, subdepartment, was not able to give this legislature a list of the mandates that are above and beyond the federal mandates?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I'm not aware of any such list. They did not provide it to me. Whether or not they provided it to the Education Committee, I do not know.

SPEAKER DONOVAN:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

And through you.

When this -- when the review of the cost to the municipalities of the state mandate -- I guess I'm understanding there are several components to it? First, there would be an identification of the

specific state mandates that are above and beyond the federal IDEA mandates and then, second, there would be an analysis, a fiscal analysis, of how those state mandates impact on municipalities.

Am I correct, through you, Mr. Speaker?

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That is absolutely correct.

SPEAKER DONOVAN:

Representative Hovey.

REP. HOVEY (112th):

Great. Thank you, Mr. Speaker.

And I thank the gentlewoman for her answers.

I think, Mr. Speaker, that it is very concerning that we, as a state, do not have a state Department of Education that can specifically outline every one of our mandates in special education that are above and beyond or a nuance twist to the federal IDEA specifications, and I actually find that extremely concerning.

And we have municipalities where we're trying to provide the best free and appropriate education

for every child but we also have families in each and every one of our communities that are asking our systems to assure that their children who are learning divergent are having their needs met. And so in my mind this is long overdue.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

Those of us in this Chamber who got elected from boards of education certainly have had experience with special ed issues. Coming before you usually is one or two parents or a guardian who is very anxious about what their child is going through in school. They're usually very concerned about what the next steps are going to be for that child. And lots of times what comes -- when it gets to the board of ed level, they're usually distraught because something has not been done or they believe that there ought to be law that covers what their child needs.

I think to a parent we find that those parents

want their child to be as close to home as possible and they would prefer to have those children be in the district or be in a school that's as close to home as possible. And so what happens is those parents come and they ask for services and those services sometimes are extremely expensive, are services that parents have -- I mean, I apologize -- that they boards of education or the school systems are not accustomed to providing because it may be an unusual circumstance.

So if I might, through you, Mr. Speaker, knowing that we've seen many of these issues come before our 169 towns oftentimes it can be separate from the elementary school to the high schools, could I -- may I please ask a question to the proponent of the bill?

SPEAKER DONOVAN:

Please proceed, madam.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

In looking at this particular bill it is very specific that the commissioner of Education shall conduct a comprehensive review of the state-mandated special education requirements. Through you, would

that -- would you be expecting that the commissioner would bring in others with expertise as he does the review?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I would assume that the commissioner would conduct the review and bring in whoever he deems is necessary to give us a comprehensive report.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

And if I might, what was the State Board of Education's response to this bill?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I do not have that information here. I don't know if they showed up at a public hearing, but I do not have that as part of the file.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. -- Mr. Speaker.

And I think thank the -- the Chairwoman for her answers.

I would hope that the State Department of Education in its wisdom would call in those from the both sides of the table, perhaps. Those from, perhaps, CABE, the Connecticut Association of Boards of Ed. Perhaps they would bring in special ed teachers. They would also bring in, I would hope, attorneys that represent those families that deal with special ed issues on a regular basis as they are reviewing the mandates and how they affect the towns.

My last hope would be this would not be limited to just state mandates, so it does say in the bill, because we do have the federal mandates as well that play into this.

So I would thank the Chairwoman for her answers and I am hoping that through legislative intent when the commissioner looks at the review that he will be doing of special education and the needs and how

they affect -- are affected by the mandates or what mandates actually that we could relieve the towns of that he would be looking at bringing in multiple people and hopefully having hearing as he does his review.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you.

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you very much, Mr. Speaker.

Good morning -- afternoon.

SPEAKER DONOVAN:

Good afternoon, madam.

REP. LAVIELLE (143rd):

I -- I rise in support of this bill, but I have a few remarks and a few questions for the proponent.

In the two towns that I represent, special education costs are quite a significant percentage of the school budget in -- in each one. And in speaking with the special ed specialists in both of my school districts what they have told me is that this is cause for, if not alarm, at least great concern because while no one would be skeptical

about the good effects of mainstreaming children with special needs, the disorders that are appearing now, not only on the autism spectrum but others, are becoming more and more specific to the individual. And at this point, some of the cases that they see are things they've never seen before. And the costs of dealing with those are just skyrocketing. We have several cases that can -- can really verge on something like $200,000 a year.

The other factor that is of great concern to them is the unpredictability of special education costs from year to year. A child can enter the school system if his or her parents move into the district in the middle of the school year, thus completely changing the budget assumptions for that year. So knowing what an important issue this is, I have a couple of questions if I may, through you, Mr. Speaker.

One, I -- we -- we see here in the language of the bill some references to burden of proof and some references to the correspondence between state and federal mandates. Do we anticipate, through you, Mr. Speaker, that there will be, as well, a study of the viability of the way the excess cost

reimbursement for special education is currently calculated and what the threshold is?

Through you.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I would assume that that would be considered part of a comprehensive review.

SPEAKER DONOVAN:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker.

Also one of the issues that came up in the Education Committee, and we did have a bill pertaining to this, was the -- the necessity for speed in identifying the special needs of children at as early an age as possible. So is -- do we anticipate that there will be some attention given to how many resources need to be concentrated in the early years? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Yes, through you, Mr. Speaker.

Again, I don't know if that is specific in this bill but I would assume that as part of a comprehensive review and analysis that that certainly would be considered, I would hope.

REP. LAVIELLE (143rd):

Through you, Mr. Speaker. Thank you --

SPEAKER DONOVAN:

Representative Lavielle.

REP. LAVIELLE (143rd):

I'm sorry. Thank you.

And also a question about the burden of proof, I wondered if the good Representative would have any information on currently what the legal costs have been to either as a total or for the individual school districts in the State of Connecticut related to the burden of proof in special ed cases?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you.

Through you, Mr. Speaker.

I do not have those figures available.

SPEAKER DONOVAN:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker.

And -- and thank you for the answer.

I would hope that that would form part of the examination of burden of proof. And a final question on burden of proof. Because I've -- I've heard mixed answers on this actually through the course of the last couple of years. Do we have any notion of how many states, in the United States, do put the burden of proof on the school district?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I am -- I am not aware of the number of states.

SPEAKER DONOVAN:

Representative Lavielle.

REP. LAVIELLE (143rd):

Well, thank you, Mr. Speaker.

I -- that -- that is covered in the bill, and I -- I -- I hope that we will get some clarity on that

because that seems to be one of the biggest issues facing school districts at this time. And I've heard anywhere from two to 12 states in the country so I'm hoping to get some -- some confirmation through this exercise.

I -- I do believe that this is one of the most important issues that our -- our Department of Education, and others, as Representative Sawyer said, in the states can focus on -- in the State, excuse me, can focus on given the cost and the amount of time and the importance of this issue to children and families throughout Connecticut.

I thank the good Representative for her answers, and I do urge the members of the Chamber to vote in favor of this bill.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative James Crawford.

REP. CRAWFORD (35th):

Thank you, Mr. Speaker.

As a career educator and someone who's seen the rising cost in identification of special education, I think this an important first step. It's a first

step toward recognizing that special education is a responsibility of the state and the national government and that a burden has been placed on municipalities unfairly. I say that because as a -- as an educator who's watched parents actually try to shop for the best services for their special needs children, they actually move from town to town. And communities that provide the best services quite frequently will find that their budgets are in such flux that they can never determine from the end of one school year to the beginning of another what kind of costs they're going to entail.

So I -- I would not only identify what the costs are to municipalities, collectively, but I would identify it, individually, because I think we'll find that some communities are disproportionately paying an enormous amount of money for special ed costs, and it really needs to be an issue that the State and the federal government need to step up on. We have a very -- very poor percentage of special ed being reimbursed to municipalities today.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further?

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

The comments just made by the previous speaker prompted me to remember something that had been suggested to me a number of years ago. And I wanted to ask the proponent of the bill a couple of questions to see if this would fit in with the concepts that are contained in the bill.

SPEAKER DONOVAN:

Please proceed, sir.

REP. O'NEILL (69th):

Through you, Mr. Speaker.

The suggestion was made to me that in -- in light of the fact that you have this wild fluctuation from one year to another. A family can move into a district and -- and bring with them a couple of special education kids that are going to need a great deal of specialized type of help that's beyond even the norm of extra help that the district provides and then next year that family may choose to move out of the district. And so you'll have one

year of big increase and the next year a big drop. The -- the suggestion was made that we set up what amounts to a kind of insurance program at the state level whereby the -- the money would be set aside on the assumption that the number of people in the state overall probably doesn't fluctuate nearly as much, percentagewise, as it will happen on a district-by-district basis. So through you, Mr. Speaker, is -- is that one of the things that could be considered, that type of a pooling effort by this review?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That is not specified in this particular bill but I certainly -- that is part of the purpose of this bill to identify these things and think of ways that we could. But this is just to do the study at this point.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And I guess I would ask is -- is this -- I hope this is not an idea that for the first time is being broached here today. Is this something that's been considered previously and then rejected for some reason?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That I don't have the answer to. I can only answer for the amount of time that I've been here, and it is something that has been discussed on numerous occasions, but I'm not aware of any studies that have be previously done.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Well, actually I was aiming more at the issue of establishing a kind of a pool, a fund that is based on the number of special education students that we have statewide with the idea being that any

given town will experience an increase or a decrease that's beyond their control and they're almost unpredictable at times.

As again, as I said, a family could move or a couple of families could move into a district with a couple of children each that have special needs and these could be very heavy special needs that would require out of district placement and that sort of thing. And then one or both of those families might move out of the district after a year or two so you'll see your in costs increase tremendously and then drop tremendously. So but -- but across the entirety of the state as the -- as the population gets larger those sorts of fluctuations -- at least I assume -- tend to be smaller. So with this notion of, sort of, setting up a kind of Statewide pool, has that ever been -- was that broached during the course of the discussions of -- of this particular bill or previously in special education discussions?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I am not aware of a statewide effort and I can only answer from my own communities. I know that nothing like that has been in my own communities, but I'm unaware of anything being done on a statewide basis.

SPEAKER DONOVAN:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Well, I -- I feel a little embarrassed because this suggestions was made to me a couple of years ago and since I'm not on the Education Committee and it's never really been an area that I focused on, but it was a comment that was made in passing to me by an individual who said that the potential solution for the fluctuations from district to district would be to have this sort of statewide effort. And I would hope that when this review is completed and as we look forward at dealing with special education costs in the future that the sort of surprise effect that districts face from one year to another, perhaps, could be addressed by this, sort of, an effort to treat special education as a kind of an insurance policy that the State provides

to districts so that we have a certain amount of money allocated for recognizing that we're going to have to spend that on special education statewide that it presumably does not change that dramatically.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Terrie Wood.

REP. WOOD (141st):

Thank you, Mr. Speaker.

I have a couple of questions to the proponent of the bill.

SPEAKER DONOVAN:

Please proceed, madam.

REP. WOOD (141st):

One, I think it's -- I know there's a huge discussion and long discussion. I know I get it a lot from our board chair and a number of board chairs around the area on the burden of proof.

Why did the State Board of Education -- I know they didn't testify on this -- but why did this bill not start in the Education Committee?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That I do not have the answer to, but I can make an -- I can make an educated guess. And that is the purpose of this study since special education costs are the most volatile in any municipal budget. And since the Planning and Development Committee is -- has cognizance over matters concerning municipalities, I would assume that because this is an effort to identify those costs and stabilize those costs and how to help municipalities that's why it -- it originated within P and D.

SPEAKER DONOVAN:

Representative Wood.

REP. WOOD (141st):

Okay, fair point. Thank you.

Through you, Mr. Speaker.

This is an enormous bill. It's one of the bigger bills written in a short amount of space. So I'm just curious how -- and it's due February 1, 2012. That's a short period of time for a large undertaking. Who's going to oversee this study?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

The Commissioner of Education is responsible with -- for the task. So I assume that he's -- his department -- his or her department will work with their expertise and their staff and then they will report back to the Education Committee. And it would be up to the Education Committee to decide and make a recommendation what is done at that point.

SPEAKER DONOVAN:

Representative Wood.

REP. WOOD (141st):

Thank you.

What percent now are the special ed costs across the State? What percentage of the special education budget? Oh, excuse me -- what percentage are the special ed costs of the education budget --

SPEAKER DONOVAN:

Representative Gentile.

REP. WOOD (141st):

-- Through you, Mr. Speaker.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I do not know statewide. I know that the figure would vary from municipality to municipality, but I can make an assumption that it's quite large.

SPEAKER DONOVAN:

Representative Wood.

REP. WOOD (141st):

Thank you.

Will they be structuring this study on a study done on another state? I guess my concern and reason for the question is this is a large undertaking and we should be undertaking this. But I just wonder how they're going to structure it in such a short period of time.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Yes, thank you. Through you, Mr. Speaker.

Yes, I'm sure that other -- that other places have done this and have recommended this and I'm sure that there are models out there that they can use.

SPEAKER DONOVAN:

Representative Wood.

REP. WOOD (141st):

Thank you.

I keep wanting to come back to burden of proof because it is written in the -- in this bill and burden of proof is such a big issue. Is this another way to possibly overturn burden of proof in the State of Connecticut?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

I do not believe that this is -- that this is an attempt to overturn the burden of proof. I think, rather, that it is just an attempt to try to determine who is best suited to determine the burden of proof.

SPEAKER DONOVAN:

Representative Wood.

REP. WOOD (141st):

Thank you.

So -- in your words, what is the bottom line

goal of this legislation?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

The bottom line is simply to provide us with the data that we need to make educated decisions and good policy going forward.

SPEAKER DONOVAN:

Representative Wood.

REP. WOOD (141st):

Thank you.

To the proponent of the bill, I appreciate hearing your thoughts and your candor.

I will be supporting the bill today. I think it makes a lot of sense. We do need to look at our education, particularly special education. We need to look at the way we educate kids in general. And I look forward to hearing about this study next February. And I wish them well going forward.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on bill? Would you care to remark further?

If not, staff and guests please come to the well of the House. Members please take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House of Representatives is voting by roll call. Members to the Chamber please.

SPEAKER DONOVAN:

Have all members voted? Have all the members voted? Please check the roll call board to make sure your votes were properly cast.

If all members have voted, the machine will be locked. The Clerk will please take a tally.

Clerk, please announce the tally.

THE CLERK:

House Bill 6103.

Total Number voting	142
Necessary for passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

SPEAKER DONOVAN:

The bill is passed.

Will the Clerk please call Calendar Number 270.

THE CLERK:

On page 13, Calendar 270, House Bill Number 55 -- I'm sorry -- 5585, AN ACT CONCERNING DESIGNATED REHABILITATION AREAS, favorable report of the Committee on Planning and Development.

(Deputy Speaker Ryan in the Chair.)

DEPUTY SPEAKER RYAN:

Representative Gentile of the 104th, chairman of Planning and Development Committee, please proceed.

REP. GENTILE (104th):

Good afternoon, Mr. Speaker. Thank you.

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

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2011

committee and -- and find people to populate it and -- and the regional opportunity. The fact that so many times individual farms and -- and farm interests do cross municipalities -- that it could be, indeed, helpful both in terms of finding people to serve and in helping to develop a more consistent engagement between the municipalities and the -- and the farm activities involved. That's my thoughts.

REP. GENTILE: Thank you. Any questions or comments from committee members? Thank you, sir, for your time.

DAVID PINNEY: Thank you for your attention.

REP. GENTILE: Ron Thomas.

RON THOMAS: Last, but hopefully not least. Good afternoon, Senator Cassano, Representative Gentile, members of the PAD Committee. I'm Ron Thomas with the Connecticut Conference of Municipalities. I'm happy to be here this afternoon to talk about a few bills with concern to towns and cities -- especially some of the mandate reform proposals that are before you today.

HB6103
HB6410
HB5921
HB5470
HB5471
SB 991

I'd like to start by talking about 6107 regarding state grants in lieu of taxes and the assessment of property owned by universities and colleges -- and hospitals, rather. CCM supports this concept. We like the idea of the -- the colleges and hospitals being assessed by the town and the -- being reimbursed by the state. We'd ask that you consider a different approach to this bill and this is -- continue the payment in lieu of taxes to -- to towns and cities, but allow them to assess colleges and hospitals for the -- the remainder of the

amount that's due with -- with regard to the actual value of the property.

Currently towns and cities are being reimbursed up to 52 percent for colleges and hospitals. The State Statutes require 77 percent and even if there were a 77 percent reimbursement, it would still be -- represent towns losing more than 60 million dollars in terms of what the actual property is worth.

This property tax exemption is but one of 77 property tax exemptions and we've got them listed in the testimony. This obviously imposes a huge unfunded mandate to towns and cities. We estimate that it's about 50 billion dollars that the state is taking off the local tax rules. We think this is a fair and reasonable beginning to having the discussion about fairer pilots.

With regard to 6103, requiring -- concerning costs to municipalities with regard to special education requirements, we strongly support this. It would require a -- the Department of Education to conduct a study -- a review of the State Education -- special education requirements. Obviously, this is one of the big costly unfunded mandates to towns and cities. Special education expenditures passed the 1.5 million -- billion mark with the towns having to share in about one billion of that. Special education costs are about 15 percent of overall education costs. This is especially true and troubling for smaller towns when the arrival of a single new high cost special -- special education student during the school year can create a budget crisis. So I -- we really think this issue needs further study and examination.

We also support 6410 regarding the revision of Municipal Charters. This proposal will allow towns to make updates without wholesale rewrites. As was said earlier, we think it's a very reasonable approach in that it still allows towns to do the comprehensive examination if they want. We know of -- if -- that the current law causes a chilling effect with many municipalities not wanting to even get into the process of updating language. In some towns you have where -- where the language has -- has a -- has "he" instead of -- you know, the more up to date version of -- of discussing the -- of mentioning the profession or -- or whatever the case may be. Or, in some towns we -- we know of at least one town where they have some typos in the -- in the charter, but they're afraid to go in and -- and correct that. So this would provide some real relief to towns and I think smarter governing.

With regard to 5921, CCM thinks this proposal is another tool for towns to perhaps deal with the -- the foreclosure crisis. It has the potential -- as we see it for smaller towns and larger towns and we look forward to working with you to perhaps fashion some language that might be beneficial.

With regard to 5470, 5471 regarding making changes -- one, to local plans of conservation and development and zoning regulations. While we're sympathetic with the intent behind these proposals, we just have to remind the committee that there are costs associated with expanding the scope of plans and regulations -- especially when you're requiring that the plan be consistent with a particular statute.

With regard to 991, we would just ask you to institute some provision for -- to allow towns

TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

PLANNING AND DEVELOPMENT COMMITTEE

March 4, 2011

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate the opportunity to testify on the following bills of interest to towns and cities:

H.B. 6017, "An Act Modifying Certain State Grants in Lieu of Taxes and Authorizing the Assessment of Property Owned by Universities and Hospitals"

HB6103
HB6410
HB6108
HB5921
HB5470
HB5471
SB991

CCM supports this bill.

This bill would ease the financial burden on municipalities that have tax revenue loss due to property owned by any "private nonprofit institution of higher learning, nonprofit general hospital facility or free standing chronic disease hospital or urgent care facility".

Towns and cities are facing fiscal conditions not seen in generations. The State is not able to shower municipalities with additional revenue. Therefore, the State should provide communities with the wherewithal to assess entities the State has taken off the payrolls.

At the very least, the State should allow municipalities the option of recouping the difference between the current payment-in-lieu-of-taxes (PILOT) to colleges and hospitals and what the value of the property is worth.

Currently, municipalities are reimbursed for 52% in FY 11 of revenue lost due to the exemption of the *real* property of private colleges and general hospitals from local property taxes. There is *no* reimbursement for the *personal* property of these institutions. The statutory standard reimbursement rate for this PILOT program is 77%.

Municipalities will lose about $60 million in PILOT this year due to the capped appropriation.

revenue due to these state-mandated exemptions and low reimbursement rates. This total represents lost taxes on real property only and does not include revenue lost on personal property.

CCM urges the Committee to at least allow municipalities the ability to tax colleges and hospitals for losses not covered through PILOTs. Remember: this is a costly state-imposed mandate on towns and cities.

H.B. 6103, "An Act Concerning the Cost to Municipalities of State-Mandated Special Education Requirements"

CCM supports this bill.

H.B. 6103 would require the State Department of Education to conduct a comprehensive review of state-mandated special education requirements and report to the Education Committee by February 2012. The review must identify each state-mandated special education requirement that exceeds the minimum required under federal law and the cost to municipalities of complying with each such mandate.

With special education expenditures surpassing the $1.5 billion mark, the local share is almost $1 billion. Special education spending accounts for almost 15 percent of all education spending in Connecticut and costs keep growing faster than other school spending (5-6% vs. 3-4%). Complicating matters, unforeseen demands for the most expensive special education services too often result in local mid-year budget shuffling, supplementary appropriations, and other extraordinary measures. This is particularly true in smaller towns where the arrival of a single new high cost special education student during the school year can create a budget crisis.

Total cost of special education statewide for the 2009-10 school year was estimated to be over $1.5 billion, of which at least 60% was locally funded.

CCM urges the Committee to favorably report is bill.

H.B. 6410, "An Act Concerning the Revision of Municipal Charters"

CCM supports this bill.

The objective of charter revision statutes should be to encourage such revisions where they are necessary or appropriate. The existing law may actually be preventing municipalities from appointing charter revision commissions. There are a number of municipalities that would be amenable to updating specific parts of their charters which have become outdated or problematic over time, but don't want to run the risk of opening it up to a wholesale re-write. (CCM knows of at least one town that has typos in its charter, but will not correct it for fear of opening a long, unnecessarily laborious process.)

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CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
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Moving to calendar page 23, where we have 3 items. The first is Calendar 568, House Bill Number 6103. Move to place this item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar 570, House Bill Number 6336. Move to place this item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Final item on calendar page 23 is Calendar 573, House Bill Number 6434. Move to place this item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed…

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

Calendar 536, House Bill 5300. Calendar 537, House Bill 5482.

calendar page 18, Calendar 543, House Bill 6508. Calendar 544, House Bill 6412. Calendar 546, Substitute for House Bill 6538. Calendar 547, Substitute for House Bill 6440. Calendar 548, Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for House Bill 5802. Calendar 551, House Bill 6433. Calendar 552, House Bill 6413. Calendar 553, Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for House Bill 5415. Calendar 557, Substitute for House Bill 6318. Calendar 558, Substitute for House Bill 6565.

Calendar page 21, Calendar 559, Substitute for House Bill 6636.

Calendar page 22, Calendar 563, Substitute for House Bill 6600. Calendar 564, Substitute for House Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for House Bill 6103. Calendar 570, Substitute for House Bill 6336. Calendar 573, Substitute for House Bill 6434.

Calendar page 24, Calendar 577, Substitute for House Bill 5795.

Calendar page 25, Calendar 581, House Bill 6354.

Calendar page 26, Calendar 596, Substitute for House Bill 6282. Calendar 598, Substitute for House Bill 6629.

Calendar page 27, Calendar 600, House Bill 6314. Calendar 601, Substitute for House Bill 6529. Calendar 602, Substitute for House Bill 6438. Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615, Substitute for House Bill 6485. Calendar 616, Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for House Bill 6634. Calendar 627, Substitute for House Bill 6596.

Calendar page 32, Calendar 629, House Bill 5634. Calendar 630, Substitute for House Bill 6631. Calendar 631, Substitute for House Bill 6357. Calendar 632, House Bill 6642.

Calendar page 33, Calendar 634, Substitute for House Bill 5431. Calendar 636, Substitute for House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House Bill 6525.

Calendar page 48, Calendar 399, Substitute for Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for House Bill 6233. Calendar 412, House Bill 5178. Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for House Bill 6113.

Madam President, that completes the item placed on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll on the Consent Calendar, will all Senators please return to the Chamber.

Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item…

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)