



General
Assembly

January Session,
2011

**Committee Bill No.
5782**

LCO No. 4953

04953HB05782PD_

Referred to Committee on Planning and Development

Introduced by:

(PD)

AN ACT CONCERNING THE HOTEL TAX.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subdivision (1) of section 12-408 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011, and applicable to sales occurring on or after said date*):

(1) For the privilege of making any sales, as defined in subdivision (2) of subsection (a) of section 12-407, at retail, in this state for a consideration, a tax is hereby imposed on all retailers at the rate of six per cent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail or from the rendering of any services constituting a sale in accordance with subdivision (2) of subsection (a) of section 12-407, except, in lieu of said rate of six per cent, (A) at a rate of ~~twelve~~ fifteen per cent with respect to each transfer of occupancy, from the total amount of rent received for such occupancy of any room or rooms in a hotel or lodging house for the first period not exceeding thirty consecutive calendar days, (B) with respect to the sale of a motor vehicle to any individual who is a member of the armed forces of the United States and is on full-time active duty in Connecticut and who is considered, under 50 App USC 574, a resident of another state, or to any such individual and the spouse thereof, at a rate of four and one-half per cent of the gross receipts of any retailer from such sales, provided such retailer requires and maintains a declaration by such individual, prescribed as to form by the commissioner and bearing notice to the effect that false statements made in such declaration are punishable, or other evidence, satisfactory to the commissioner, concerning the purchaser's state of residence under 50 App USC 574,

(C) (i) with respect to the sales of computer and data processing services occurring on or after July 1, 1997, and prior to July 1, 1998, at the rate of five per cent, on or after July 1, 1998, and prior to July 1, 1999, at the rate of four per cent, on or after July 1, 1999, and prior to July 1, 2000, at the rate of three per cent, on or after July 1, 2000, and prior to July 1, 2001, at the rate of two per cent, on or after July 1, 2001, at the rate of one per cent, (ii) with respect to sales of Internet access services, on and after July 1, 2001, such services shall be exempt from such tax, (D) with respect to the sales of labor that is otherwise taxable under subparagraph (C) or (G) of subdivision (2) of subsection (a) of section 12-407 on existing vessels and repair or maintenance services on vessels occurring on and after July 1, 1999, such services shall be exempt from such tax, (E) with respect to patient care services for which payment is received by the hospital on or after July 1, 1999, and prior to July 1, 2001, at the rate of five and three-fourths per cent and on and after July 1, 2001, such services shall be exempt from such tax. The rate of tax imposed by this chapter shall be applicable to all retail sales upon the effective date of such rate, except that a new rate which represents an increase in the rate applicable to the sale shall not apply to any sales transaction wherein a binding sales contract without an escalator clause has been entered into prior to the effective date of the new rate and delivery is made within ninety days after the effective date of the new rate. For the purposes of payment of the tax imposed under this section, any retailer of services taxable under subparagraph (I) of subdivision (2) of subsection (a) of section 12-407, who computes taxable income, for purposes of taxation under the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, on an accounting basis which recognizes only cash or other valuable consideration actually received as income and who is liable for such tax only due to the rendering of such services may make payments related to such tax for the period during which such income is received, without penalty or interest, without regard to when such service is rendered.

Sec. 2. Subdivision (1) of section 12-411 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011, and applicable to sales occurring on or after said date*):

(1) An excise tax is hereby imposed on the storage, acceptance, consumption or any other use in this state of tangible personal property purchased from any retailer for storage, acceptance, consumption or any other use in this state, the acceptance or receipt of any services constituting a sale in accordance with subdivision (2) of subsection (a) of section 12-407, purchased from any retailer for consumption or use in this state, or the storage, acceptance, consumption or any other use in this state of tangible personal property which has been manufactured, fabricated, assembled or processed from materials by a person, either within or without this state, for storage, acceptance, consumption or any other use by such person in this state, to be measured by the sales price of materials, at the rate of six per cent of the sales price of such property or services, except, in lieu of said rate of six per cent, (A) at a rate of ~~twelve~~ fifteen per

cent of the rent paid for occupancy of any room or rooms in a hotel or lodging house for the first period of not exceeding thirty consecutive calendar days, (B) with respect to the storage, acceptance, consumption or use in this state of a motor vehicle purchased from any retailer for storage, acceptance, consumption or use in this state by any individual who is a member of the armed forces of the United States and is on full-time active duty in Connecticut and who is considered, under 50 App USC 574, a resident of another state, or to any such individual and the spouse of such individual at a rate of four and one-half per cent of the sales price of such vehicle, provided such retailer requires and maintains a declaration by such individual, prescribed as to form by the commissioner and bearing notice to the effect that false statements made in such declaration are punishable, or other evidence, satisfactory to the commissioner, concerning the purchaser's state of residence under 50 App USC 574, (C) with respect to the acceptance or receipt in this state of labor that is otherwise taxable under subparagraph (C) or (G) of subdivision (2) of subsection (a) of section 12-407 on existing vessels and repair or maintenance services on vessels occurring on and after July 1, 1999, such services shall be exempt from such tax, (D) (i) with respect to the acceptance or receipt in this state of computer and data processing services purchased from any retailer for consumption or use in this state occurring on or after July 1, 1997, and prior to July 1, 1998, at the rate of five per cent of such services, on or after July 1, 1998, and prior to July 1, 1999, at the rate of four per cent of such services, on or after July 1, 1999, and prior to July 1, 2000, at the rate of three per cent of such services, on or after July 1, 2000, and prior to July 1, 2001, at the rate of two per cent of such services, on and after July 1, 2001, at the rate of one per cent of such services, and (ii) with respect to the acceptance or receipt in this state of Internet access services, on or after July 1, 2001, such services shall be exempt from tax, (E) with respect to the acceptance or receipt in this state of patient care services purchased from any retailer for consumption or use in this state for which payment is received by the hospital on or after July 1, 1999, and prior to July 1, 2001, at the rate of five and three-fourths per cent and on and after July 1, 2001, such services shall be exempt from such tax.

Sec. 3. (NEW) (*Effective October 1, 2011*) The Commissioner of Revenue Services shall segregate twenty per cent of the taxes collected from sales within the meaning of subparagraph (H) of subdivision (2) of subsection (a) of section 12-407 of the general statutes and subparagraph (A) of subdivision (1) of section 12-411 of the general statutes, as amended by this act, by any hotel or lodging house. Funds segregated under this subsection shall be allocated as follows: (1) The commissioner shall return one-third of such taxes segregated to the municipality in which the hotel or lodging house paying such tax is located; and (2) the commissioner shall deposit two-thirds of such taxes segregated into the hotel tax account established in section 5 of this act.

Sec. 4. (NEW) (*Effective October 1, 2011*) On April 1, 2012, and annually thereafter, the Office of Policy and Management shall distribute the moneys deposited in the hotel tax account established in section 5 of this act as follows: (1) Fifty per cent of such moneys

shall be distributed to the tourism district in which the hotel or lodging house paying the taxes segregated pursuant to section 3 of this act is located; and (2) fifty per cent of such moneys shall be distributed to the regional planning agency established pursuant to chapter 127 of the general statutes in whose area of operation the hotel or lodging house paying such segregated taxes is located, provided such regional planning agency has conformed its geographical boundaries to be coterminous with an economic development district designated by the Governor pursuant to subsection (b) of section 32-743 of the general statutes.

Sec. 5. (NEW) (*Effective October 1, 2011*) There is established an account to be known as the "hotel tax account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the Office of Policy and Management in accordance with section 4 of this act.

Sec. 6. Section 16a-4b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

Any town, city or borough [which] that has been included in any planning region as designated or defined by the Secretary of the Office of Policy and Management, or his predecessor, under the provisions of subsection (4) of section 16a-4a, may petition, upon a vote of its legislative body, the secretary for a redefinition or redesignation as part of a different planning region. The secretary shall determine the time and place for a hearing upon such petition and shall give notice thereof, except that said secretary shall reject such petition if the petitioner has been included in a planning region that is coterminous with a designated economic development district pursuant to section 16a-4c, as amended by this act. In determining the appropriateness of such redesignation, the secretary shall consider, among other factors, whether or not the services that such petitioner needs can be better or more logically provided by a planning region other than the one to which it has been previously assigned.

Sec. 7. Section 16a-4c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) The Secretary of the Office of Policy and Management shall designate or redesignate the boundaries of planning regions so the state contains eight such planning regions. To the extent that the Governor has designated any economic development district pursuant to subsection (b) of section 32-743, said secretary shall designate or redesignate the planning region to be coterminous with the economic development district.

[(a)] (b) On or before January 1, 2012, and at least every twenty years thereafter, the Secretary of the Office of Policy and Management, within available appropriations, shall

conduct an analysis of the boundaries of logical planning regions designated or redesignated under section 16a-4a. As part of such analysis, the secretary shall develop criteria to evaluate the impact of urban centers on neighboring towns. Such criteria shall include, but not be limited to, criteria to (1) evaluate trends in economic development and the environment, including trends in housing patterns, employment levels, commuting patterns for the most common job classifications in the state, traffic patterns on major roadways, and local perceptions of social and historic ties; and (2) establish a minimum size for logical planning areas that takes into consideration the number of municipalities, total population and the total square mileage.

~~[(b)]~~ (c) (1) The secretary shall, not later than January 1, 2012, notify the chief executive officer of each municipality located in a planning region in which the boundaries are proposed for redesignation. If the legislative body of the municipality objects to such proposed redesignation, the chief executive officer of the municipality may, not later than thirty days after the date of receipt of the notice of redesignation, petition the secretary to attend a meeting of such legislative body. The petition shall specify the location, date and time of the meeting. The meeting shall be held not later than forty-five days after the date of the petition. The secretary shall make a reasonable attempt to appear at the meeting, or at a meeting on another date within the forty-five-day period. If the secretary is unable to attend a meeting within the forty-five-day period, the secretary and the chief executive officer of the municipality shall jointly schedule a date and time for the meeting, provided such meeting shall be held not later than one hundred twenty days after the date of the notice to the chief executive officer. At such meeting, the legislative body of the municipality shall inform the secretary of the objections to the proposed redesignation of the planning area boundaries. The secretary shall consider fully the oral and written objections of the legislative body and may redesignate the boundaries, except that said secretary shall not redesignate such boundaries if such planning area is coterminous with a designated economic development district pursuant to subsection (a) of this section. Not later than forty-five days after the date of the meeting, the secretary shall notify the chief executive officer of the determination concerning the proposed redesignation. The notice of determination shall include the reasons for such determination. As used in this subsection, "municipality" means a town, city or consolidated town and borough; "legislative body" means the board of selectmen, town council, city council, board of alderman, board of directors, board of representatives or board of the major and burgesses of a municipality; and "secretary" means the secretary or the designee of the secretary.

(2) Any revision to the boundaries of a planning area, based on the analysis completed pursuant to subsection ~~[(a)]~~ (b) of this section or due to a modification by the secretary in accordance with this subsection, shall be effective on the first day of July following the date of completion such analysis or modification.



This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011, and applicable to sales occurring on or after said date</i>	12-408(1)
Sec. 2	<i>October 1, 2011, and applicable to sales occurring on or after said date</i>	12-411(1)
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section
Sec. 5	<i>October 1, 2011</i>	New section
Sec. 6	<i>October 1, 2011</i>	16a-4b
Sec. 7	<i>October 1, 2011</i>	16a-4c

Statement of Purpose:

To provide an additional source of revenue to municipalities; to require the Secretary of the Office of Policy and Management and the Commissioner of Economic and Community Development to redesignate planning regions so that the boundaries of such regions are coterminous with any economic development districts approved by the Governor, and to further provide that the state shall not contain more than eight planning regions; to provide incentives to regional planning agencies to voluntarily redesignate their boundaries to be coterminous with the boundaries of any planning region redesignated pursuant to this act; and to encourage regional tourism activities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. SHARKEY, 88th Dist.; SEN. LOONEY, 11th Dist.

REP. DILLON, 92nd Dist.; REP. FRITZ, 90th Dist.

REP. LEMAR, 96th Dist.

[H.B. 5782](#)



General
Assembly

*January Session,
2011*

***Proposed Bill No.
5178***

LCO No. 457

Referred to Committee on Planning and Development

Introduced by:

REP. O'BRIEN T., 24th Dist.

AN ACT CONCERNING NOTICE OF ZONE CHANGES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That section 8-3b of the general statutes be amended to allow municipal zoning commissions to send notice of proposed zone changes to regional planning organizations by verified electronic mail.

Statement of Purpose:

To save time and taxpayer money by authorizing municipal zoning commissions to send notice of proposed zone changes to regional planning organizations by verified electronic mail rather than by certified mail.



Making Great Communities Happen

Connecticut Chapter of the American Planning Association Government Relation Committee

Chair: Christopher S. Wood, AICP Phone: 203 558-0654 woodplanning@charter.net www.ccapa.org

POSITION STATEMENT

PLANNING AND DEVELOPMENT COMMITTEE – FEBRUARY 18, 2011

BILLS:

- **HB 6339 An Act Authorizing Municipalities to Publish Notices On the Internet**
- **SB 862 An Act Concerning Liability of Zoning Enforcement Officers**

OVERVIEW: These proposed bills address two distinct opportunities to update and improve land use regulatory procedures.

ANALYSIS: HB 6339 would reduce costs to municipalities and applicants for land use permits by permitting the use of contemporary communications methods in lieu of printed notices in local newspapers for public notices. SB 862 would remove the treble damages liability of zoning enforcement officers for issuance of a citation found by the court to be frivolous or without probable cause. Neither of these bills would impose any costs to municipalities.

CCAPA POSITION: CCAPA supports the adoption of contemporary communications techniques and believes that the benefits of public notice and transparency in municipal functions will be fully served through the use of electronic communications. The Committee may wish to consider providing an enhanced public registry, such as required for zoning commission-initiated zone change proposals pursuant to CGS 8-7d, to ensure that interested citizens without internet access receive adequate notice.

CCAPA strongly supports SB 862 to revise Section 8-12a. Because of the risk and uncertainty to municipal staff, many municipalities are unwilling to adopt an ordinance to establish a citation procedure and, even if adopted, enforcement officers may be unwilling to exercise such citation authority. The result is less effective and more costly regulation enforcement, largely due to legal costs of pursuing court imposition of fines. This proposal has been raised in the General Assembly several times over the past five years and no public comments on the concept have identified any specific examples of abuse of authority by zoning enforcement officers. CCAPA believes the treble damages clause is unnecessary and counterproductive to efficient and effective zoning regulations enforcement. A more comprehensive explanation of CCAPA's position was provided to the Committee during last year's General Assembly and is attached here for reference.



Connecticut

Connecticut Chapter of the American Planning Association

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MARCH 1, 2010

PLANNING AND DEVELOPMENT COMMITTEE

RB – 226: AN ACT CONCERNING ZONING ENFORCEMENT OFFICERS

SUMMARY: RB-226 would amend Connecticut General Statutes Section 8-12a to remove the treble damages liability of zoning enforcement officers for issuance of a citation found by the court to be frivolous or without probable cause.

ANALYSIS: Section 8-12a authorizes municipalities to adopt an ordinance establishing penalties for zoning violations. This revision of that statute would remove the liability clause that exposes enforcement officers to treble damages if the court finds that a citation under such an ordinance was issued frivolously or without probable cause.

Currently, the General Statutes provide a comprehensive procedure intended to ensure effective enforcement of regulations while protecting the rights of property owners. Any decision of an enforcement officer may be appealed to a Zoning Board of Appeals, under Section 8-7. The decision of that board may be appealed to court in accordance with Section 8-8, which may result in a mediation process defined in Section 8-8a. Where an ordinance is adopted to establish a violation penalty procedure, the imposition of any fine is in accordance with the hearing procedures established by Section 7-152c, which such action can be appealed to court. Ample safeguards are in place to prevent abuse of the process by enforcement officers.

Because of the risk and uncertainty to municipal staff, many municipalities are unwilling to adopt an ordinance to establish a citation procedure and, even if adopted, enforcement officers may be unwilling to exercise such citation authority. The result is less effective and more costly regulation enforcement, largely due to legal costs of pursuing court imposition of fines. **CCAPA** is not aware of any similar provision applying to a public employee, such as a building inspector, fire marshal, or sanitarian, fulfilling his or her code enforcement responsibility.

FISCAL IMPACT: This bill could reduce municipal costs for the enforcement of zoning regulations. The bill would have no State fiscal impacts.

CCAPA POSITION: **CCAPA** strongly supports RB – 226 to revise Section 8-12a. This proposal has been raised in the General Assembly several times over the past five years and no public comments on the concept have identified any specific examples of abuse of authority by zoning enforcement officers. **CCAPA** believes the treble damages clause is unnecessary and counterproductive to efficient and effective zoning regulations enforcement.

Municipal Mandate Bills – March 29, 2011

[Proposed H.B. No. 5050](#)

AN ACT REQUIRING A TWO-THIRDS VOTE TO ENACT NEW MUNICIPAL MANDATES

To require new municipal mandates to be approved by at least two-thirds of the members of the House and Senate.

1/5/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed H.B. No. 5051](#)

AN ACT CONCERNING THE PROCESS OF LEGISLATIVE APPROVAL OF STATE MANDATES

To provide state mandate relief to municipalities.

1/5/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed H.B. No. 5055](#)

AN ACT REQUIRING A TWO-THIRDS VOTE TO ENACT NEW MUNICIPAL MANDATES

To require new municipal mandates to have the support of at least two-thirds of the members of the General Assembly.

1/5/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed H.B. No. 5141](#)

AN ACT CONCERNING NEW MUNICIPAL MANDATES

To reduce the number of unfunded mandates on municipalities.

1/10/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed S.B. No. 77](#)

AN ACT REQUIRING A TWO-THIRDS VOTE TO ENACT NEW UNFUNDED MUNICIPAL MANDATES

To provide relief to local governments by requiring new, unfunded municipal mandates to be approved by a super majority of the members of the House and Senate.

1/10/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed S.B. No. 78](#)

AN ACT IMPOSING A MORATORIUM ON NEW, UNFUNDED MUNICIPAL MANDATES

To provide municipal relief from new, unfunded mandates for three years after passage.

1/10/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed H.B. No. 5180](#)

AN ACT CONCERNING THE CREATION AND EXPANSION OF NEW STATE MANDATES

To require unfunded state mandates to have the support of at least two-thirds of the General Assembly.

1/11/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed H.B. No. 5181](#)

AN ACT IMPOSING A FOUR-YEAR MORATORIUM ON UNFUNDED MANDATES

To limit the passage of unfunded mandates to municipalities.

1/11/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed S.B. No. 91](#)

AN ACT CONCERNING NEW MUNICIPAL MANDATES

To reduce financial burdens on municipalities by requiring new municipal mandates to be passed by a super majority of the House and Senate.

1/13/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed H.B. No. 5257](#)

AN ACT REQUIRING A TWO-THIRDS VOTE FOR ENACTING UNFUNDED MANDATES ON TOWNS AND CITIES

To establish a two-thirds vote requirement for unfunded mandates.

1/13/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed H.B. No. 5251](#)

AN ACT CONCERNING NEW MUNICIPAL MANDATES

To require a vote of two-thirds of the members of the General Assembly before passing a new unfunded state mandate to municipalities.

1/13/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed H.B. No. 5252](#)

AN ACT CONCERNING UNFUNDED STATE MANDATES FOR MUNICIPALITIES

To provide property tax relief.

1/13/2011 Referred to Joint Committee on Planning and Development

1/19/2011 (PD) Reserved for Subject Matter Public Hearing

[Proposed S.B. No. 452](#)

AN ACT CONCERNING STATE MANDATES

To provide municipal mandate relief.

1/21/2011 Referred to Joint Committee on Appropriations

2/16/2011 (APP) Reserved for Subject Matter Public Hearing

3/18/2011 Public Hearing 04/05

[Raised H.B. No. 6411](#)

AN ACT ESTABLISHING A TASK FORCE TO STUDY WAYS IN WHICH TO PROVIDE MUNICIPAL MANDATE RELIEF

To study ways to provide mandate relief to municipalities.

2/17/2011 Referred to Joint Committee on Planning and Development

3/17/2011 Public Hearing 03/21