



House of Representatives

General Assembly

File No. 280

February Session, 2000

Substitute House Bill No. 5819

House of Representatives, March 28, 2000

The Committee on Government Administration and Elections reported through REP. KNOPP of the 137th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Voting On Charter Revisions For Special Districts And The Establishment Of Ethics Agencies By Special Districts.

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

1 Section 1. Section 7-328a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) Any district, as defined by section 7-324, established by special
4 act may, by a two-thirds vote of the voters present at a district meeting,
5 elect to make its charter, including any amendments thereto adopted
6 by special act, subject to amendment by home rule action as hereinafter
7 provided, but no home rule charter amendment shall be adopted
8 which will grant to the district any authority exceeding that granted to
9 districts under this chapter.

10 (b) A home rule charter amendment shall be initiated by a two-
11 thirds vote of the entire membership of the board of directors or other

12 governing body of the district, or by a petition filed with the clerk of
13 the district for submission to the governing body and signed by not
14 less than ten per cent of the voters of the district. Upon the filing of
15 such petition the clerk shall determine its sufficiency by comparing the
16 signatures thereon with the names of the voters of the district and shall
17 certify its sufficiency or insufficiency to the governing body.

18 (c) The provisions of sections 7-189, 7-190 and 7-191 shall apply to
19 home rule charter amendments by districts; provided "appointing
20 authority" shall mean the board of directors or other governing body,
21 "electors of the town, city or borough" shall mean voters of a district,
22 "election" shall mean a district meeting or a regular election, and "town
23 or city clerk" shall mean the district clerk.

24 Sec. 2. Section 7-148h of the general statutes is repealed and the
25 following is substituted in lieu thereof:

26 (a) Any town, city, district, as defined in section 7-324, or borough
27 may, by charter provision or ordinance, establish a board, commission,
28 council, committee or other agency to investigate allegations of
29 unethical conduct, corrupting influence or illegal activities levied
30 against any [municipal] official, officer or employee of such town, city,
31 district or borough. The provisions of subsections (a) to (e), inclusive,
32 of section 1-82a shall apply to allegations before any such agency of
33 such conduct, influence or activities, to an investigation of such
34 allegations conducted prior to a probable cause finding, and to a
35 finding of probable cause or no probable cause. Any [such] board,
36 commission, council, committee or other agency established pursuant
37 to this section may issue subpoenas or subpoenas duces tecum,
38 enforceable upon application to the Superior Court, to compel the
39 attendance of persons at hearings and the production of books,
40 documents, records and papers.

41 (b) Notwithstanding the provisions of any special act, municipal
42 charter or ordinance to the contrary, an elected [municipal] official [,

43 in] of any town, city, district or borough [which] that has established a
44 board, commission, council, committee or other agency under
45 subsection (a) of this section, has an interest [which] that is in
46 substantial conflict with the proper discharge of [his] the official's
47 duties or employment in the public interest and of [his] the official's
48 responsibilities as prescribed by the laws of this state, if [he] the official
49 has reason to believe or expect that [he, his] the official, the official's
50 spouse [, a] or dependent child, or a business with which he is
51 associated, as defined in section 1-79, will derive a direct monetary
52 gain or suffer a direct monetary loss, as the case may be, by reason of
53 [his] the official's official activity. Any such elected [municipal] official
54 does not have an interest [which] that is in substantial conflict with the
55 proper discharge of [his] the official's duties in the public interest and
56 of [his] the official's responsibilities as prescribed by the laws of this
57 state, if any benefit or detriment accrues to [him, his] the official, the
58 official's spouse [, a] or dependent child, or a business with which he,
59 his spouse or such dependent child is associated as a member of a
60 profession, occupation or group to no greater extent than to any other
61 member of such profession, occupation or group. Any such elected
62 [municipal] official who has a substantial conflict may not take official
63 action on the matter.

Statement of Legislative Commissioners:

In section (2)(b), the existing language was restored for the second reference to the defined term "business with which he is associated", for statutory consistency.

GAE Committee Vote: Yea 21 Nay 0 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: None

Municipal Impact: See Explanation Below

Explanation

Municipal Impact:

Allowing special districts to hold the vote on a home rule charter amendment at a regular election may result in either a cost savings or a cost to municipalities depending upon whether the special district boundaries coincide with the voting district boundaries.

Special District Questions at Regular Elections where District and Voting Boundaries are Coterminous

Because municipalities bear the costs for special district elections, allowing the municipality to consider the question at a regular election where the special district boundaries are the same as the voting district boundaries, a cost savings will result. These cost savings are associated with the economies of scale that occur by holding the elections at the same time.

Special District Questions at Regular Elections where District and Voting Boundaries Differ

Municipalities where the voting districts differ from the special districts would require separate voting lists and machines to distinguish voters who may vote in the regular election from those who may also consider the special district question. This would result in a cost to the municipality because it would require the registrar to compile and print multiple copies of the voter registration lists, operate two types of voting machines and provide additional staff at the polling site to ensure that voters are properly directed to the appropriate voting machine.

OLR Bill Analysis

HB 5819

AN ACT CONCERNING VOTING ON CHARTER REVISIONS FOR SPECIAL DISTRICTS AND THE ESTABLISHMENT OF ETHICS AGENCIES BY SPECIAL DISTRICTS.**SUMMARY:**

This bill allows a special district to hold the vote on a home rule charter amendment at a regular election (see COMMENT). The law requires two-thirds of the total district board of directors to initiate, or at least 10% of the district's voters to petition, such an amendment. Under current law, voters in the district vote to approve the amendment at a district meeting

The bill authorizes districts to establish agencies to investigate charges of unethical conduct, corrupting influence, or illegal activities made against district officials, officers, and employees. They can do so by adopting a charter provision or ordinance. It also applies to an elected official of a district that has established an ethics board or commission the ban against taking official action on a matter on which an official has a substantial conflict of interest. Under the law, an official has a "substantial conflict" when he has reason to believe that he, his spouse, dependent child, or an associated business will derive a direct monetary gain or suffer a direct monetary loss as a result of an official action.

EFFECTIVE DATE: October 1, 2000

BACKGROUND***Definition of "Districts"***

The bill's provisions apply to any fire district; sewer district; fire and sewer district; lighting district; village, beach or improvement association; and any other district or association, except a school

district, wholly within a town that has the power to appropriate money and levy taxes (CGS § 7-324).

COMMENT

Incompatibility

Though the bill’s provision on holding the vote on a district’s home rule charter amendment at a regular election is permissive, if a district chooses to do so, it could result in compatibility problems for the town holding the election. Where the special district boundaries differ from the voting district boundaries, voter lists will be inconsistent. Also, in a special district, “voters,” including nonregistered voters who own property, can vote on the district question, though they cannot vote for candidates for the contested offices at the election.

The law permits and provides procedures for submitting a local question to voters who are not electors in a municipality in conjunction with an election, but does not cover the same situation in connection with a district question (CGS § 9-369d).

The town’s registrars of voters could agree to authorize the vote in a separate room as a nonpartisan activity (CGS § 9-236(a)).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report
Yea 21 Nay 0