



House of Representatives

File No. 767

General Assembly

January Session, 2003

(Reprint of File No. 379)

Substitute House Bill No. 5589
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 23, 2003

AN ACT CONCERNING THE AUTHORITY OF SPECIAL DISTRICTS AND TERMINATION OF LOCAL BOARDS BY ORDINANCE.

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

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding the
2 provisions of any special act or sections 7-324 to 7-329, inclusive, of the
3 general statutes, any district established by special act may, by
4 majority of the voters present at the annual meeting or any special
5 meeting of the district called in accordance with the provisions of such
6 special act, provide for the following: (1) An increase in the number of
7 commissioners from three to five, (2) voting by voting machine from
8 six o'clock a.m. to eight o'clock p.m. for an annual or special meeting,
9 and (3) notice, in writing, by a person intending to run for
10 commissioner to the clerk of the city or town in which such district is
11 located of such person's intent to run not later than thirty days prior to
12 such meeting. Such clerk shall publish the names of each such
13 candidate and a description of any issue to be placed on the ballot of
14 such meeting in a newspaper having a general circulation in such city
15 or town, not later than fifteen days prior to such meeting.

16 Sec. 2. Section 7-192 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective from passage*):

18 (a) Every charter, special act and home rule ordinance in effect on
19 October 1, 1982, shall continue in effect until repealed or superseded
20 by the adoption of a charter, charter amendments or home rule
21 ordinance amendments in accordance with this chapter, the provisions
22 in any charter in existence on said date governing revision or
23 amendment to the contrary notwithstanding. Nothing in this section
24 shall prohibit the adoption of a revised home rule ordinance or home
25 rule ordinance amendments by any method established in such home
26 rule ordinance if the provisions concerning such method were in effect
27 on July 15, 1959. Any municipality administering its local affairs under
28 the provisions of the general statutes or special acts adopted prior to
29 said date may continue to so administer its local affairs until the
30 electors of such municipality avail themselves of the provisions of this
31 chapter. Any municipality having as its organic law a home rule
32 ordinance or a revised or amended home rule ordinance shall after any
33 revision or amendment of such ordinance publish, in a single
34 document, any such home rule ordinance and shall make such
35 ordinance available at a nominal cost to any member of the public.

36 (b) Notwithstanding the provisions of subsection (a) of this section,
37 the provisions of any special act relative to the number of holders of an
38 office, or members of a board, commission, department or agency of a
39 municipality (1) which does not administer its affairs under a charter,
40 and (2) for which the legislative body, as defined in section 1-1, is a
41 town meeting may be superseded by adoption of a municipal
42 ordinance that is not otherwise inconsistent with the Constitution of
43 the state or the general statutes.

44 (c) Notwithstanding the provisions of subsection (a) of this section,
45 any consolidated town and city which (1) was consolidated after 1900, (2)
46 has a mayor and board of aldermen form of government, and (3) has a
47 population of more than one hundred thousand may terminate a board
48 established by special act in such consolidated town upon majority

49 vote of the board of aldermen. The clerk of any such consolidated town
 50 and city shall notify the Secretary of the State of such termination not
 51 more than ten days after such vote. The provisions of this subsection
 52 shall not apply to the board created by special act 01-1.

53 (d) Notwithstanding the provisions of subsection (a) of this section,
 54 any municipality which (1) administers its affairs under a charter and
 55 for which the legislative body is a town meeting, and (2) has a
 56 population of less than twelve thousand may terminate a board
 57 established in the municipality by special act by adoption of an
 58 ordinance that is not otherwise inconsistent with the Constitution of
 59 the state or the general statutes.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

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

Municipal Impact: None

Explanation

This bill allows certain municipalities to terminate boards created by special act. The Waterbury Financial Planning and Assistance Board is exempt from the bill's authorization. The bill also allows special taxing districts to take certain actions by majority vote at their annual or special meeting. At an annual or special meeting, district voters can increase the number of commissioners from three to five, allow machine voting from 6:00 am to 8:00 pm, and require candidates to provide 30 day written notice of their candidacy to the municipal clerk. The clerk must publish the candidate's name and any district ballot issue in a local newspaper. This bill has no fiscal impact on the state.

House "A" exempts the Waterbury Financial Planning and Assistance Board from the provision of the underlying bill that allows certain municipalities to terminate a board established by special act. House "A" has no fiscal impact on the state.

House "B" allows special districts' voters, at an annual or special meeting, to increase the number of commissioners from three to five, allow machine voting from 6:00 am to 8:00 pm, and require candidates to provide 30 day written notice of their candidacy to the municipal clerk. The clerk must publish the candidate's name and any district ballot issue in a local newspaper. It is anticipated that municipalities with special taxing districts will be able to publish newspaper ads within their normal budgetary resources.

OLR Bill Analysis

sHB 5589 (as amended by House "A" and "B")*

**AN ACT CONCERNING THE AUTHORITY OF SPECIAL DISTRICTS
AND TERMINATION OF LOCAL BOARDS BY ORDINANCE****SUMMARY:**

This bill gives certain municipalities operating under a home rule charter or special act the authority to terminate a board that was established by special act. Current law allows them to do this through the statutory process for adopting or amending a charter in a way that repeals or supersedes the special act that established the board. The bill allows their legislative bodies to terminate the board by a majority vote or through the adoption of an ordinance. It specifies that the authority explicitly does not apply to the Waterbury Financial Planning and Assistance Board created by Special Act 01-1.

The bill also allows special taxing districts operating under special acts to take certain actions without asking the legislature to amend their special acts. At an annual or special meeting, the district's voters can, by majority vote:

1. increase the number of commissioners from three to five,
2. require candidates for district commissioner to notify the town or city clerk about their candidacy within 30 days prior to the meeting, and
3. allow machine voting from 6:00 am to 8:00 pm at the meeting.

The bill also requires town clerks to publish the candidates' names in a local newspaper within 15 days before the meeting. The newspaper notice must also describe any issue the district will place on the ballot for the meeting.

*House Amendment "A" adds the provision banning Waterbury's legislative body from terminating the Waterbury Financial Planning and Assistance Board.

*House Amendment "B" modified the actions special district voters can take at an annual or special meeting. It extends the time period for machine voting from 6:00 am to 6:00 pm to 6:00 am to 8:00 pm, requires candidates for district commissioners to notify towns clerks instead of the public, and requires the clerks to run a newspaper ad informing voters about the candidates and describing any ballot issues.

EFFECTIVE DATE: Upon passage

TERMINATING SPECIAL ACT BOARDS

The bill allows cities with populations over 100,000 to terminate boards created by special act if they have a mayor-alderman form of government and were consolidated with a town after 1900 (i.e., Waterbury). The board of aldermen can end the special act board by majority vote, and the city's clerk must notify the secretary of the state no later than 10 days after the vote. The bill explicitly bans Waterbury's board of aldermen from terminating the city's Financial Planning and Assistance Board.

The bill also allows charter towns with populations under 12,000 to terminate special act boards if their legislative body is a town meeting. They can do this by ordinance as long as it is consistent with the state's constitution and the statutes.

BACKGROUND

Waterbury Financial Planning and Assistance Board

SA 01-1 created this seven-member board to oversee Waterbury's finances and operations. The Office of Policy and Management secretary chairs the board, which also consists of the state treasurer, the city's mayor, and four gubernatorial appointees. The latter include a city resident, someone who runs a business in the city, a financial expert, and a chief executive officer (CEO) of a Waterbury municipal union who was recommended by a majority of the CEOs of all Waterbury municipal unions.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
Yea 16 Nay 0