



House of Representatives

General Assembly

File No. 87

February Session, 2012

Substitute House Bill No. 5318

House of Representatives, March 22, 2012

The Committee on Planning and Development reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE REVISION OF MUNICIPAL CHARTERS.

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

1 Section 1. Subsection (b) of section 7-190 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2012*):

4 (b) The appointing authority shall direct the commission to consider
5 those recommendations included in the petition and may make other
6 recommendations to the commission. [The] Any commission
7 appointed prior to October 1, 2012, may also consider other items for
8 inclusion in the proposed charter, other changes to the charter or home
9 rule ordinance and such other items as it deems desirable or necessary.
10 Any commission appointed on or after October 1, 2012, may only
11 consider other items for inclusion in the proposed charter, other
12 changes to the charter or home rule ordinance and such other items as
13 it deems desirable or necessary if authorized by the appointing
14 authority. The commission shall in its reports comment on each

15 recommendation [which] that it has been directed to consider, if any,
16 and on such other changes or items, if applicable. The appointing
17 authority shall specify by resolution when the commission shall
18 submit its draft report, which shall be not later than sixteen months
19 from the date of its appointment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	7-190(b)

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 13 \$	FY 14 \$
Various Municipalities	Potential Cost/ Potential Cost Avoidance	Minimal	Minimal

Explanation

The bill prohibits charter commissions appointed on or after October 1, 2012 from considering additional items or changes without the appointing authority's approval may increase the likelihood that a charter commission is appointed in any given municipality. Minimal costs estimated at less than \$2,000 would be incurred for a commission to hold at least two public hearings (required per CGS Sec. 7-191).

The cost¹ of conducting charter revisions may be lessened, as the bill would potentially limit the scope of work undertaken by a commission. The potential cost avoidance due to limiting the scope of work is anticipated to be less than \$5,000.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ Charter commissions may expend appropriated funds to engage employees and enter into consultant contracts (per CGS Sec. 7-201).

OLR BILL ANALYSIS**sHB 5318*****AN ACT CONCERNING THE REVISION OF MUNICIPAL CHARTERS.*****SUMMARY:**

By law, a commission appointed to draft or amend a municipal charter or amend a home rule ordinance must consider the changes or items (1) specified in the petition that initiated the adoption or revision process, if applicable, and (2) anything else the appointing authority recommends. Under current law, the commission may consider additional changes and items it deems desirable or necessary. This bill prohibits a commission appointed on or after October 1, 2012 from considering additional items or changes without the appointing authority's authorization.

EFFECTIVE DATE: October 1, 2012

BACKGROUND***Charter Adoption and Revision Process***

The law authorizes towns to adopt or amend a charter or amend a home rule ordinance and specifies the process for doing so. The town's appointing authority, generally the board of selectmen or town council, or the town's voters can initiate the process by resolution or petition, respectively. The authority must appoint a commission, which must consider any item the authority or the petition specifies.

The commission and the authority must hold public hearings on the proposal according to a statutory schedule. The authority can recommend changes to the commission's proposal, but the commission does not have to accept them. After the commission finalizes its proposed charter or amendments, the authority can accept or reject all or parts of it. Voters can petition for a referendum on the rejected parts

and must ultimately vote on the proposal, regardless of whether the authority initially approved it.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/07/2012)