



Maura L. Melley
Secretary of the State
Agnes L. Kerr
Deputy Secretary of the State

Office of the Secretary of the State
State of Connecticut
~~XXXXXXX~~ 30 Trinity Street
Hartford, Connecticut ~~XXXX~~ 06106

203-566-4346

November 15, 1982

TO: TOWN, CITY AND BOROUGH CLERKS

RE: INITIATION OF LOCAL LEGISLATION IN 1983 GENERAL ASSEMBLY

The provisions of Section 2-14 of the General Statutes of Connecticut prohibit the General Assembly from enacting special legislation relating to the powers, organization and form of government of any given town, city, borough, or other unit of local government, unless a request is made to the General Assembly for such special legislation either by resolution of the local governing body as set out in said statute, or by a petition signed by ten percent of the electors of the town, city, borough or other unit of local government. A certified copy of the resolution or text of the petition must be filed with the Secretary of the State by the town clerk not later than ten days prior to the convening of the General Assembly.

When a request for the enactment of such legislation is to be forwarded to the Secretary of the State by the clerk of such town, city, borough or other unit of local government, such a request shall be made on one of the appropriate forms enclosed herewith. In conformity with the statute, we ask that such request be filed with the Secretary of the State on or before Friday, December 24, 1982, and we also ask that you file your form in quadruplicate.

We call your attention to the enclosure, ARTICLE TENTH of the Constitution of the State of Connecticut, which specifies areas of special legislation which the General Assembly is precluded from enacting.

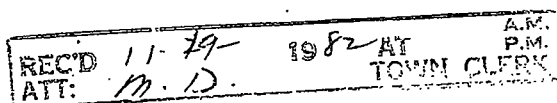
We appreciate your cooperation.

Sincerely yours,

A handwritten signature in cursive script that reads "Agnes L. Kerr".

Agnes L. Kerr
Deputy Secretary of the State

ALK:jap
Enclosures



INITIATION OF LOCAL LEGISLATION BY LOCAL GOVERNMENTAL BODIES

o: Secretary of the State

I, _____, being the Clerk of _____
Name of Town Clerk Town, City, Borough

_____, do hereby certify that on the _____
or other Unit of Local Government Day

of _____, 1982 the _____ being the local
Month Name of Local Legislative Body

legislative body of _____
Town, City, Borough or Other Unit of Local Government

adopted a Resolution requesting the 1983 Session of the Connecticut
General Assembly, pursuant to Section 2-14 of the General Statutes of
Connecticut to enact special legislation pertaining to _____
Town, City,

_____ in the following manner:
Borough or Other Unit of Local Government

(Place check (x) in the appropriate box)

o. By a two-thirds vote () of the Council or Board of Directors in
such town having such body; () of the Board of Aldermen, () Council or
() Board charged with the duty of making annual appropriations in such
city or consolidated town and city; () of the Board of Burgesses in
such borough or consolidated town and borough; or () of the Board of
Directors of District Committee in such district; or () by the Board of
Selectmen or by a majority vote of () the Town meeting or () represen-
tative Town meeting (in any town not having a Council or Board of
Directors), and that the following is the text of the Resolution:

_____ Date

_____ Town Clerk

INITIATION OF LOCAL LEGISLATION BY PETITION

To: Secretary of the State

I, _____, being the Clerk of _____
Name of Town Clerk Town, City, Borough or
_____, do hereby certify that a Petition
Other Unit of Local Government
signed by not less than ten per cent of the electors of _____
Town, City,
_____, has been filed with me on
Borough or Other Unit of Local Government
_____ of _____, 1982, relating to a request for the 1983 Session
Day Month
of the General Assembly to enact special legislation pertaining to
_____, that I further
Town, City, Borough or Other Unit of Local Government
certify that I have compared the names on said Petition with those
contained in the last-completed registry list and I certify its
sufficiency in accordance with Section 2-14 of the General Statutes of
Connecticut, and that the following is the text of the Petition:

Date

Town Clerk

GENERAL STATUTES OF CONNECTICUT

Sec. 2-14. Initiation of local legislation in general assembly. The general assembly shall enact no special legislation relative to the powers, organization and form of government of any town, city, borough or other unit of local government unless requested by a town, city, borough or other unit of local government, in the manner hereinafter prescribed, to enact such special legislation. A resolution requesting the general assembly to enact special legislation and specifying the purpose of such legislation shall be adopted: (a) By a two-thirds vote of the council or board of directors in any town having such a body; of the board of aldermen, council or body charged with the duty of making annual appropriations in any city or consolidated town and city; of the board of burgesses in any borough or consolidated town and borough; or of the board of directors or district committee in any district; or (b) by the board of selectmen or by a majority vote of the town meeting or representative town meeting in any town not having a council or board of directors. A request for the enactment of special legislation by the general assembly may also be initiated by a petition specifying the purpose of such legislation and signed by not less than ten per cent of the electors of the town, city, borough or other unit of local government as determined by the last-completed registry list and filed with the clerk of such town, city, borough or other unit of local government. Upon the filing of such petition, such clerk shall proceed forthwith to determine its sufficiency by comparing the names thereon with those contained in such registry list and shall certify its sufficiency or insufficiency. Such clerk shall file with the secretary of the state, not later than ten days prior to the convening of any session of the general assembly in which such proposed legislation is to be introduced, a certified copy of the resolution as adopted or the text of the petition as signed.

(1957, P.A. 465, S. 19.)

See Conn. Const. Art. X and chapter 99.

When this section is read in connection with Home Rule Act, chapter 99, it becomes clear legislature intended to provide two separate methods—one with, one without, action by general assembly—for inaugurating and securing adoption or amendment of municipal charter. 150 C. 24.

CONSTITUTION OF THE STATE OF CONNECTICUT

ARTICLE TENTH.

OF HOME RULE.

(Delegation of legislative authority to political subdivisions. Terms of town, city and borough elective officers. Special legislation.)

Sec. 1. The general assembly shall by general law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization, and form of government of such political subdivisions. The general assembly shall from time to time by general law determine the maximum terms of office of the various town, city and borough elective offices.¹ After July 1, 1969, the general assembly shall enact no special legislation relative to the powers, organization, terms of elective offices or form of government of any single town, city or borough, except as to (a) borrowing power, (b) validating acts, and (c) formation, consolidation or dissolution of any town, city or borough, unless in the delegation of legislative authority by general law the general assembly shall have failed to prescribe the powers necessary to effect the purpose of such special legislation.

¹ Under former constitutional provision: Whether a town can lawfully elect a single selectman, quare. 32 C. 109. Not applicable to assessors. 52 C. 216. Nor to members of school committee. 59 C. 60. Origin of provision for annual election of selectmen. 75 C. 462. Meaning of "officers of local police." 75 C. 347. Nature of office of selectman; 71 C. 724; as agents of town and agents of the law. 64 C. 100; 85 C. 498; 88 C. 306. Article authorizes delegation of responsibility for raising large part of funds for education to towns. 172 C. 615, 655 (Dissent).

(Regional governments and compacts.)

Sec. 2. The general assembly may prescribe the methods by which towns, cities and boroughs may establish regional governments and the methods by which towns, cities, boroughs and regional governments may enter into compacts. The general assembly shall prescribe the powers, organization, form, and method of dissolution of any government so established.