

Legislative History for Connecticut Act

HB 2404 (PA 465) 1957

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Sen. 3148-64 (17)

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rule bill, H. B. 2404. Anyone in favor?

Rep. Marsters, Litchfield: I have here a memorandum to our committee from George Angevine of the Constitutional Amendments Committee and he desires me to read it to the committee:

"I have a strong personal desire to see effective home rule in this state which would reduce the number of bills requiring consideration by the General Assembly. However, H. J. R. 62, passed by the House in 1955, as a constitutional amendment would so drastically curtail the power of the legislature to review certain matters that there is a definite element of danger in passing it at this stage without further study. Specifically I would point to rulings by the attorney general that the legislature would not be able to validate acts of local government, nor would it be able to increase the debt limit for individual towns regardless of the need. I would recommend that H. B. 2404 be drafted in such a manner that bills of a local government nature would be prohibited except as they meet certain conditions as prescribed by the law. This could be by referendum, petition or any other method which would require the agreement by a substantial number of the local people that it was necessary to bring a particular matter before the legislature. This would have the effect of gradually applying the brakes so that individuals or small groups would be unable to introduce such legislation, yet would leave the door open for matters of an emergency nature. I believe this would have the effect of giving the home rule theory a chance to operate on a realistic basis. A home rule amendment could later be adopted for the constitution, based on the experience of the actual operation of the statute. As long as a reasonable method is provided for bringing emergency matters before the legislature, I believe the statute could be made to work. These suggestions are my own but are based on discussion of the problem with many members of my committee".

Rep. Pope, Fairfield: I would like to concur with the statement of Mr. Angevine, though I am very much concerned with the problem as is pointed out in the report of the Judiciary Sub-Committee. There are some technical questions on page 3 where the amendment is too stringent and prohibits action by the legislature which should not be prohibited. If we cannot go forward with this home rule amendment, at least we can bring out a statute where it will encourage the towns to take advantage of these procedure more than they have. I have read the report and I would say that it impresses me as a very great contribution to the

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solution of the problem. I think the sub-committee should be commended, particularly Mr. Parsells, its chairman. I believe strongly in the theory of home rule and would urge that this statute be adopted so that at least some progress can be made.

Chrmn. Pruyn: I would like to introduce Norman K. Parsells, chairman of the sub-committee who worked on this problem.

Norman K. Parsells, Fairfield: I am going to follow the outline that the sub-committee submitted to the Legislative Council. There are copies of it here on the table. When the Legislative Council was asked to draft a home rule statute, we had to do it in view of the provisions of the house joint resolution that was adopted in 1955 and, therefore, the scheme of this bill follows the dictates of that amendment, and that provided that we should set up general laws to set up the powers, and a law prescribing the method by which local charters are to be drafted, adopted and amended, provided that any charter or amended must be approved by a referendum before becoming effective. I would also point out under the constitutional amendment, Section 4 provides for the setting out of the method of political sub-divisions and consultation with another political sub-division, and that is the reason why we gave attention to that. The sub-committee worked for many months and could not get the bill done on time, so we continued to work on it and eventually with the help of hard working people reached the present result. I do not want to indicate that the bill should necessarily be adopted without change. We recognize that the final decision is up to this committee and the legislature as a whole. As far as the need for this is, no one would deny it. We want it so that the towns can do what they want to do at home, without waiting two years and then have to come up to put its burden on this general assembly. Twenty percent of them are home rule bills; over one-half strictly local legislation. The big problem is where to try to draw the line, that is, between local matters and matters of general law, and what matters should be prescribed for being home rule matters at home. Home rule runs quite a gamut before you reach a conclusion. The problem is where the house joint resolution is so tight that it would prevent the legislature from acting on certain matters where there might be a need to act. One problem is the question of financial legislation, so as to give certain specific units of local government power to exceed the debt limit, to issue

bonds, etc. If a constitutional amendment were in effect, it might prevent the legislature from giving permission to the towns. Another question is that of validating acts, but it did seem this could be met. The third question is local courts. The theory was that there are not any local courts and officials of town courts are state officials. We were worried about that problem and think we felt that in view of the dangers that might exist, that it would be better that it go into a statute and give it a chance to operate, such as in the case of the dual job bill. I think this is a particularly important matter as it would be a shame to tie this up and find there are things to be corrected and you are unable to do it. The danger, of course, is that in spite of the fact that there is a home rule bill, the legislature will continue to accept matters of legislation. Perhaps that can be taken care of in a statute, but think it can be taken care of by the legislature. I think if it does work, then you won't see it coming up in the legislature. After our public hearing, the question of how to handle pension rights or firemen, policemen and municipal employees came up. We had two meetings with police people and uniform firemen. It was the feeling of the committee that everything possible should be done to protect the pension rights of municipal employees. At the same time we did not feel that we should forever say to a city that once you have adopted a pension plan you cannot change it. Unless local pension legislation is in the home rule bill, you might as well forget the home rule bill. If the language used is not apt for the purpose you must make the decision to change it. We have in two places tried to meet that situation. In Section 2 of the bill it says "provided the rights or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated". We put similar language over in the section which has to do with specific powers which a municipality can exercise. If that does not protect them, the committee should see that proper language is adopted. I will outline the provisions of the bill and why we did what we did. Section 1 - In all cases there will be a charter commission set up which means the board of selectmen, the council or board of directors of a town, the common council or other body empowered to make ordinances in the city. Section 2 shows how the charter commission comes into existence, either by the affirmative vote of two-thirds of the membership of the appointing authority, or by a petition signed by

10% of the electors. There you have a difficult question - should it be a two-thirds vote or should it be a mere majority. The committee was divided on that question and voted on it a half dozen times and we decided to put it in, and leave it up to your committee. The question of 10% of a smaller number was discussed. In a town of 5000 population, it would require 500 people. Section 3 sets up the form of petition of drafting or amending a charter. Section 4 provides for the time of appointment and membership of the drafting commission, to be appointed within 30 days after vote; membership 5 to 15, not over 1/3 to hold public office, not over a bare majority from one political party and report within a year. The reasons for the provisions - I think it very obvious why it was thought not over one-third to hold public office in the town, plus the fact you will see later on when the commission's job is done and they come back for approval, and we thought it would be better if you had this provision in here. Section 5 provides that the charter commission shall hold public hearings and make its report to the appointing authority, who then holds a public hearing on the report. It was thought that there might be some changes that the public might suggest and if changes are suggested the commission has 30 days to consider them and make a final report. After that, the authority by a majority vote decides to accept or reject the matter. If it is rejected, it is dead for one year. If accepted it is published in the newspaper and submitted to the electors at either a general or special election and vote must be within one year. It becomes effective if approved by a majority vote at a general election; and if approved by a majority which is equal to 15% of the qualified electors at a special election. That is another problem. We adopted the recommendation of the MacDonald Commission in 1955 on that matter. We consulted with the selectmen's organization of Connecticut and they thought also it ought not be less than 10% or more than 15%. The thinking was that if you have a general election you are going to have a large turnout and we thought you would get a substantial vote. At a special election we felt you ought to get 15% of the qualified electors and if it is a matter of important you would not have trouble getting them. In section 6 provides that no town is given power to levy or collect any tax not authorized by general statutes; that present charters or special acts remain in effect until changed by action taken under this act; and that this is to be the sole way to amend charters in the future.

It would not prevent the general assembly from acting on its own initiative if it decided to do so. Section 7 points out basic things that must be in any charter - a legislative body, budget authority, membership in legislative body and method of electing members, chief executive officer and powers and duties of chief executive officer. Section contains a general grant of powers. This was drafted by taking every special charter that had been adopted in the last five years and checking to try to see that we had every power in here that everyone had asked for. We think it is complete. In sections 9 to 16 it gives the method for consolidation of a city, borough or district with a town within which it is located. These would not have to be enacted in the home rule bill. We did it because the constitutional amendment provided it should be done at some time. The method is not too different from the method in the home rule bill itself. On the final vote on consolidation the vote is a majority of at least 15% - that is the difference. As far as the other provisions of the bill are concerned, we have taken the present statutes on special districts and put them in here in better shape, but basically unchanged.

Mr. Googel: You have some 55 subsections. Tell me where one of the powers give the right to regulate rent control if the occasion arose.

Mr. Parsells: That is not a specifically granted power. I do not think it would give that power.

Mr. Googel: Will you tell the committee who was on the subcommittee that worked out this act.

Mr. Parsells: Just cant remember them all right at this moment. They were pruyun, O'Brien, E. O. Smith, Kirker, Sen. Ryan, Joe Longo.

Mr. Googel: One more thought. Why was the word "appointing authority" used.

Mr. Parsells: That got us in all kinds of difficulty because it has another meaning in the statutes.

Mr. Dudley: In regard to some of these towns - they do not have charters, they have special acts.

Mr. Parsells: They continue to do that until they decide to adopt a charter.

Mr. Dreyfus: In Section 5, majority of the drafting committee.

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I wonder whether or not the committee must be only a bare majority, whether it would be advisable to raise the majority so as to prevent the party who is in the majority - Would you object to making it one more than a bare majority. Perhaps that would be advisable.

Mr. Parsells: That is possible. We did not really consider that. The feeling was that you always have the voters sitting back and watching this and having control.

Mr. Dreyfus: Regarding special elections - some times it is a third carry.

Mr. Parsells: I think you have to decide basically whether you are going to continue to protect a minority who decides they will stay at home. If you have something that is basic, both political parties are going to see that the people know about it and go out and vote on it. There is no reason why they should not be completely informed as to what is going on.

Mr. Dreyfus: If it is reached, then they start all over again.

Mr. Parsells: That is correct.

Mr. Matthews: As to special acts, if a town does not adopt a charter. . .

Mr. Parsells: The legislature under this can still pass special acts or amend a charter if they want to. The chairman of Cities and Boroughs in regard to this section did his best to send some things back to the town and say you can work it yourself.

Mr. Matthews: My question - if they do not have an amendment to the constitution they would put it in the statutes.

Mr. Parsells: That is I think what Mr. Angevine suggested. The danger is if you put it in the statutes, then you have to go in and amend the statutes.

Mr. Matthews: If you do not have a prohibition, do you think the towns will stop coming to the legislature?

Mr. Parsells: Depends on what it is. If they find they could adopt a lot of things at home, I think they would. The legislature does not care about some of those things.

Mr. Matthews: They would have to go through the procedure.

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Mr. Parsells: The only thing is that you have to have a referendum.

Mr. Dudley: Some of the towns' local powers are by special acts. Just for an amendment they apparently have to adopt a charter and they may not want to go through the thing.

Mr. Parsells: They have to do it under this. I think our thought was that they would have to adopt a charter.

Mr. Schlossbach: Do you not think this is putting a great responsibility on a small town board of selectmen?

Mr. Parsells: I come from a town with a board of selectmen and I do not think there is a problem.

Chrmn. Pruyn: Is there anyone else in favor of this bill?

Rep. O'Connor, Winchester: I wish to register in favor. I have read the bill and feel that the Legislative Council has done a very thorough job in its preparation. There are two things of issue on which I would like to speak. One is the matter of exceeding its debt limit. After three sessions on the Finance Committee, I am of the opinion that the legislature should have the opportunity to review or decide whether or not any town should exceed its debt limit. In regard to the right to petition - think it should be 10% of the electors. But any amendments should be made so it can be adopted in this session. We have several problems pending which, if this was adopted, it could be settled to everyone's satisfaction.

Rep. Dugas, Norwich: I am a member of the Cities & Boroughs Committee and Constitutional Amendments Committee. I know what you are up against and would like to state some of the experiences we have had on the Cities & Boroughs Committee. On the Cities and Boroughs Committee I have seen people come up with one gripe, and the town has a hard time keeping them quiet and all the gripe has to do with something that pertains to their own town. But this is the problem that I am concerned with. Mr. Parsells stated there was nothing exciting about the consolidating section. First the sub-committee says it is not essential but was put in at the suggestion of the Connecticut Public Expenditure Council. I think you would be wise in disregarding this section. The object is to relieve congestion in the legislature. The Cities and Boroughs has only had two or three bills as far

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as consolidation is concerned. It would allow a large section of a town to consolidate a small section and the small section would be drawn in against its will. We have gone through this. A charter was passed in this assembly about 6 years ago and it was broad. If you want this and if you think it is right, act accordingly. We have had bills from Bridgeport. Again it was a large section absorbing a small section. We threw it out. Do not remove that protection because it will be a terrible thing in some towns. As far as a constitutional amendment goes, suppose it does not work. You have it that it should be done by statute.

Rep. Cunningham: Has anyone called your attention to the editorial in the Hartford Courant? I will read to your committee in part: "With one month remaining to the constitutional end of the 1957 session, the Assembly is following the pattern of its predecessors. At last week end it had acted on less than 1/5 of the bills presented to it. While many of them may be consolidated with other measures, or not see the light of day, it is still clear that a heavy workload lies ahead. Why can't the General Assembly pace itself reasonably? There are many reasons, most of them concerned with the public policy and the nature of the legislative system. This year, with solid Republican majorities in both houses, speed and sense were believed much more practicable than in other sessions. But time must always be consumed in the legislative process itself - public hearings, committee meetings, the matching of appropriations with revenue measures. And the Assembly has foolishly held onto powers that should be delegated in home rule manner, letting local communities handle local matters. It has a biennial chance to change that. The public hearing on a comprehensive 1957 home rule measure is slated for today. The rank and file of the Assembly must depend on the men it has chosen as its leaders to set their program, and see it through. They accepted the responsibility, and theirs are the decisions, difficult though they may be. The time for those decisions is now." And I wish to register in favor of this bill.

Rep. Davies, Canaan: I do not think it is time to go into a small detail, but wish to point out in Section 4 that the charter revision commission should have more than a bare majority of any one political party. I would point out that the ratio is four to one.

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If you do not give more than a bare majority, then you give undue wait. In some towns there are a large number not registered in either party and in what way would this give representation if they are entitled to it.

Rep. Budd, Wethersfield: I wish to comment that the sub-committee did a very fine job and spent hours and hours on this. As a member of the Constitutional Amendments Committee, I feel strongly that the happiest bit of legislature would be home rule. I am very much in favor but am not convinced that it should go through this session of the general assembly. Certainly as a member of the Constitutional Amendments Committee I would not like to bring out an amendment which would create serious problems. The problem is not the granted powers to the towns. As I see it, it is not going to accomplish to see that the towns do use the powers that are given them in this statute. I do not know how you are going to do it.

Mr. Pinney: It is possible that the legislature would see to it. It is done under the dual job bill and think it might work the same way.

Hubert Stone, Connecticut Public Expenditure Council, Inc.: Our executive director, Mr. Carter Atkins, was here and had to leave but left a statement which he wanted me to read: (See statement of Mr. Atkins attached, page 12a). The question was raised as to the possible action of this very tight home rule amendment. The question would come up only in emergencies. What would a town do? There are two states, one of which is Ohio, and I got in touch with a Cleveland attorney. He stated that the provision became effective in 1912 and there have been no emergencies in that state that had to go to the legislature.

Jasper McLevy, mayor of Bridgeport: I am in favor of the general bill. I feel that it certainly is something that not only ought to be adopted and that the time is long since passed that it should have been adopted. There is so much confusion, not only misunderstanding, but the average person cannot possibly realize or appreciate what the problems are in Bridgeport or any other town, and there ought to be some provisions where the towns and cities can act. One of the previous speakers stated that the majority can override the minority. I do not think you can have government of any kind where the majority does not operate the government itself. In Bridgeport there is the

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Submitted to the Judiciary and Governmental Functions Committee,  
1957 General Assembly  
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Mr. Chairman and members of the Committee:

House Bill 2404 contains proposals which are clearly good for Connecticut's 169 towns and good for the General Assembly. It may prove to be one of the most important bills in the current session.

The bill is pointed toward making it easier for townspeople to shape their local governments to the demands of changing times, and, in addition, it can help to relieve the General Assembly of a tremendous load of local legislation. In the current session, 800 bills, more than 20 per cent of the 3,600 bills introduced, deal with strictly local matters.

This bill contains the legislation needed to carry out the provisions of the Home Rule Constitutional Amendment which was started on its way to adoption in the 1955 special session of the General Assembly, and which now awaits the action of the House and the Senate. The procedures for drafting, adopting, and amending municipal charters under the proposed Amendment are spelled out by House Bill 2404, as are the powers to be exercised by municipalities. It has been subjected to the painstaking scrutiny and thoughtful consideration of the Legislative Council's Judiciary Subcommittee at numerous meetings, and is sponsored by the Legislative Council.

Adoption of this bill will enable the General Assembly, to devote its attention to increasingly urgent problems of statewide interest unencumbered by matters of purely local concern. The bill vests in the towns and cities the responsibility, adequately safeguarded against abuse, for dealing with their local problems. The people of the State and the municipalities are bound to gain by this sensible distribution of powers and duties.

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financial difficulty and you want to determine what you want to do as far as bond houses are concerned. At that time we had the right only from the legislature to issue bonds, but every meeting of your Finance Board and questions come up whether we could float the bonds or not. We are not having that trouble now, but the thing that you do face. And yet the only way is to advance and develop and that is where most of your money is being spent, and yet you are harassed. You have not right to put lights in the first district because it does not happen to be a part of the city proper. On the other hand, you have part of your school house in that district and you have spent most of your money there. Yet the people in that district only paid 22.6 of a tax rate and the rest of the city 37.9. There is no way it can be changed outside of coming to the legislature to have them pass on it. Under the home rule act many of these things could be decided by those that do have an intelligent concept as to what the problem is. Those are none better than the people back home and think the legislature could use their time to problems that affect the whole state. I do not see anything too much to complain about. I am in favor of the act and it is long overdue.

Frederick U. Conard, Jr., West Hartford: I would like to register generally in favor of this bill. I have not been able to take the time to give the bill a careful study, but would comment on a few things. The one thing I do object to is the words "home rule". It is a confusing thing. Some people think home rule means we take our local government back to local area. If that were the case we would have chaos. The important thing is the matter of this question of powers of special acts in regard to home rule. My first interest in this came when the city of Hartford attempted to pervert and pass a rent control charter, and they could argue that it could give them their power. I find some 30 charters that might be so interpreted, but generally quite similar to the one in Hartford, that pointed to me a similar or serious problem. The reason for all this comes from the growing population of the state, changing it from large cities with rural areas to large homogeneous people living all over the state. No small town is a farm town alone. This means that our problems in the state are more intertwined. We are rubbing shoulders with one another. The problems are more mutual than they were before. It is most important that the legislature

shall have the power to determine the powers to be exercised by the towns. It must be. It becomes more important so that one town cannot adopt a housing or rent control ordinance that cannot be adopted in another town. These matters are for all of the people of the state and it is more important that this body makes final policy. I think though home rule is important too, we find that the special acts for the separate towns are no good any longer. It must consider whole areas, but if it has a mass of special acts, we lose site of the relationship between these various powers. The crux is to in some way limit action by legislation to be special acts for towns and which will take in all towns of the state and classify them together. And if we can work out a way to treat the municipal government in that way, I think we have solved the whole problem, and if we take a step which deprives the legislature of its power, it will be back.

Mr. Dreyfus: Could we not avoid this whole act and reach the same result by lowering the present percentage and give the towns the chance to broaden, take 26% and lower it or something like that?

Mr. Conard: I would hesitate to take that point of view, because I feel it is the responsibility of this legislature to examine the powers that we are allowing these towns to have. I would favor legislation digging into this. I think you have charters that you do not know you have. Just to lower the percentage does not work. I would prefer that you dig deeper than that.

Robert Fleischer, Waterbury Tax Association: We support this bill. One of the previous speakers said something contrary to my feeling - I think home rule is a very good name and we all know the merits of home rule, not because of the name, but the essential ingredient. I might say that Waterbury has turned out very well with the decisions the general assembly has made. I think the legislature by and large know the problems of towns and they have heard bills pro and con in all sessions. But that is not the point - if you are going to let this system work. The opportunity to vote is how are they going to participate. I am particularly satisfied with the fact that there will be a study on every issue. I think you have to recognize this has to come about if we are going to implement our government and I think the constitutional amendment is important to the success of this measure.

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Leon Kirscher, secretary & treasurer, Uniform Firemen's Association: I wish to commend the Legislative Council for drawing up such a fine piece of work. I appeared before the hearing in September and also the hearing before the Constitutional Amendments Committee and on both occasions opposed the bills involved. We would now like to register our support. Our objections on those occasions revolved around the question of pensions. The very thought of it was abhorrent to us. We felt that when an employee enters into a pension system, he has the right to expect a town to meet them. At the public hearing in September the chairman of the committee, Mr. Parsells, assured us that that was not the intention of the committee. Mr. Parsells has lived up to that promise and we are very grateful. In going over the bill itself, we feel perhaps there could be some small technical changes made. We do not want to get too involved because we do not want to impede its passage. I would call your attention to Section 3, page 2, in spelling out the form for submitting a petition. We note there is no indication in the form as to what the purpose of the petition is and it might be buying a pig in a poke. I think it should be spelled out. Another point touched on by some of the previous speakers is veto powers of the appointing authority under this bill. We think it reasonable that the appointing authority initiate the petition and appoint a charter revision commission and if that commission comes up with language they are dissatisfied with, it is obvious they should have a power of legislation. However, if 10% sign a petition and they appoint a charter revision commission to draft the language, then we think it should come before the people. We do feel it would be much more democratic if the matter was issued by petition and not permit the appointing authority to veto it. In spelling out the blanket powers of a town on page 11, section 8, sub-section 50, it makes no mention of hours of employment. Perhaps it is an oversight. If you added the words "and hours of employment" you would accomplish our point. Over-all, this is an extremely good bill and in the interest of all the people.

George Kosten, representing the fire, police and highway departments of the town of Westport: In section 2, 7th line the bill states "granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated". It is also found under paragraph 56 of Section 8, and we are very pleased that the drafting committee has included this very

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important proposition and just like to bring it to the attention of your committee and that through our experience have found it is not easy to ascertain what a diminishment is. The thought does come to mind that when reviewing the record of this hearing, the committee might put some attention to giving a closer definition to what a diminishment might be, or to establish in the act how a matter which may be contested as being a diminishment could be resolved. My assumption is it might be by court action. However, that is the essential though I bring this morning and wish to convey the opinions of the three departments that I represent that they are in favor.

Mrs. William T. Lusk, League of Women Voters of Connecticut:  
We have studied this bill as implementing the constitutional amendment. If it is not to be adopted at this session, we hope that something can be included in our legislation concerning the enactment of special local bills. This act has already been hailed in the press as "one of the most far-reaching state governmental reforms of this generation". The league is in full agreement. This bill in setting forth the essential procedures and powers attendant upon home rule seems to combine the best elements of direction with a degree of flexibility sufficient for our cities and towns to meet their individual needs. Opponents of home rule sometime argue that if local affairs are handled without benefit of the legislature, municipalities will be at the mercy of pressure groups and the quality of local government undermined. There are various checks, however, provided in this act which would seem to forestall the imposition of undesirable measures on a community. One such check is the veto power over the recommendations of a charter commission which is vested in the appointing authority. Another is the requirement that charters adopted or amended at a special election, must secure majority approval of at least 15% of the electors. Fears were expressed at the September hearing that ratification by a simple majority vote alone could, at special elections, open the way to abuses by a small handful of voters. In calling for such a vote only at general elections and stepping up the voting requirement for those normally less well attended, this bill offers a fair compromise. Finally, the stipulation that municipalities shall have no powers inconsistent with the general statutes with regard to the levying of taxes and extent of borrow-

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ing, should refute the contentions of those who see financial irresponsibility following in the wake of home rule. In our study of the bill, a few points were raised concerning the intent and possible interpretation of certain sections. These we should like to pass on to this committee for its consideration. The first is in Section 5, page 3, line 17. This has to do with the reactivating of charter commission proposals rejected by the appointing authority. The sentence "and no further action, etc." - might this not be interpreted quite literally to mean that an exact duplication of the rejected matter could not be taken up within a year, but that a variation of it might not be subject to this limitation? If the intent is to curb possibly over zealous groups from trying to get charter changes through at frequent intervals, might there not be a restriction against the appointment of a charter commission within a specified time after the adoption or rejection of proposals by either the appointing authority or the voters in referendum. Such a prohibition might have the added effect of making the charter drafting process a more careful and deliberate one. In addition it would help to allay the fears of those who feel that home rule may produce too many frequent and expensive referenda. Turning to Section 6, page 4, the question has been raised as to whether or not it imposes an undue burden on the small town which is currently conducting its affairs entirely, or largely under the general statutes. Under the terms of Section 6 there seems to be no way in which such a town can adopt or amend a special act unless it goes through the complex process of drafting and adopting a charter. Might it not be possible to provide for these town which are generally satisfied with the status quo to make limited changes if the need arises? They would be subject, of course, to the same procedural requirements as in the case of charters. Finally, in Section 7 - charters may provide for a legislative body of a board of selectmen, etc. In this it is apparent that the board of selectmen is intended to be analogous to a council of 5 or more members. Perhaps it would be appropriate to set a minimum figure here in order to avoid confusion with the traditional 3 man board of selectmen whose functions are basically administrative. These suggestions are of small importance in the light of the tremendous achievement which the bill represents. Only with home rule can the general assembly be freed, at last, from the pressures of cities and towns clamoring for attention to their

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problems, and only with home rule can responsibility for their solution be fixed where it belongs - with the citizens most concerned. It is the earnest hope of the league that this committee will make every effort to make home rule a reality in 1957.

Raymond J. Fitzpatrick, secretary to the mayor of the City of Waterbury: We are strongly in favor of this bill and hope that legislation either in this form or stronger form, will be adopted by this general assembly. We in Waterbury are in the situation of having local matters legislated by the general assembly. There is now before the general assembly a purchasing bill which would set up procedure that the city must buy a 10¢ pencil. This bill is a proposed city ordinance which was authorized in the City of Waterbury, and that is something that could be settled on the local level. We have many Waterbury bills in the legislature. In the case of our city and other cities, we have found it has been the practice of one political party unable to secure satisfaction, to bring a matter before the legislature if their party is in power. We hope that this home rule bill is adopted. We would raise two points. One is that of adoption of a single amendment to the local charter. We think a more simple method should be found. The other is the vote of two-thirds of the appointing authority. Our city and other communities have a different ratio and ours is 8 to 7, and it would be difficult to get a two-thirds majority. We wonder if you could not give consideration to this. We think it is needed.

Albert Salati, vice president, Local 825, New Haven: Our interest is on the pension and have always thought it was. We commend the sub-committee for this bill and it seems to have been a tremendous job, and we go on record in favor of it.

Alan Vermillya, Stratford: If we did have a home rule bill we would not have bills such as these coming to the legislature year after year - to provide a recreation area in the town of Columbia. That is just an example. We have heard some of the town do not have charters and, therefore, it would be rather cumbersome; but I think it is a fine chance for them to get started. It is about time they get started on a charter. You all know how many of these bills are a lot of rot. There was a discussion about bonds and the legislature controlling bonds, and think they should, but I wonder if their assessments are on a proper basis and would they have to exceed their

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bond limits. You have heard comments that no bill ever went through here that is perfect. I would call your attention to the fact that during the last ten years I have never seen a bill which I have thought more of than I do this. Let's put it through as an act. Let's iron the bugs out first.

Rep. Bennett, Wallingford: I am a member of the Cities & Boroughs Committee. We have had 550 bills in our committee which, out of a total of some 3200, constitutes somewhat less than 20% and think many of these bills could be taken care of at home. I am also a member of the constitutional amendments committee and an ardent fan of home rule. We have 16 bills from our town that could have been settled locally. I sincerely hope that you will give this bill your favorable consideration.

Edward Kelleher, Newington, Connecticut Association of Towns and Cities: It is the opinion of some that we should have a more rigorous home rule bill. The thought has been expressed that there would be conflict. I do not see how there can be any conflict. If the towns do not wish to do so, they do not have to adopt it. I personally feel that 80% of the bills coming in to this legislature are unnecessary. Our town has only come up with one or two bills, but bills do come in here and they are bugs. This legislation should be passed and the bugs can be ironed out later.

Rep. Farmer, Darien: I have not studied the details except the proposal of methods to adopting a new charter. I believe those provisions are completely adequate to give anybody an opportunity to be heard and an opportunity to have some influence over the adoption of any new charter or amendment to a charter. We have talked about this for years, but I do not feel competent to judge, but believe it high time we passed some kind of a good home rule bill. It will give the people a chance to have a voice in their own government.

Arthur Haas, selectman, town of Winsted: Speaking for the entire board of selectmen in registering our approval of this bill. We refrained from submitting a bill in this session of the legislature whereby we could have power to make a change, so we have quite a good deal at stake in this bill.

Charles Kastellus, New Canaan, first selectman, and on legis-

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lative committee of Connecticut Association of Towns and Cities: Two years ago both the First Selectmen's Association and the Connecticut Association of Towns and Cities put in many hours having a bill drafted. We feel that if it did not do anything more, it did something to encourage the work that has been done here. If there are any changes that should be made, it should be left to you and the Legislative Council to work out. The Legislative Council were before our association and we were in contact with them many times and urge your committee to come out with the act.

Rep. Arnold, Bridgeport: I wish to register myself, Sen. Sandula, Shannon, Bundock and Rep. D'Amicol as being in favor of this home rule bill.

Rep. Turner, Bethany: I know that my constituents will go on record in favor of this bill. I keep telling them in Bethany that they do not know what the problem is. We have home rule.

Chrmn. Pruyn: Is there anyone else in favor? Is there anyone opposed? The hearing is closed. That closes the the hearings for today.

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THE CLERK:

Cal. No. 1438, File No. 1011, House Bill 2404. An Act concerning Home Rule. As amended by House Amendment Schedule "A". Favorable report, Judiciary and Governmental Functions.

THE CHAIR:

The Senator from the 21st.

SENATOR SHANNON:

Mr. President, I move for acceptance of House Amendment Schedule "A".

THE CHAIR:

The question is upon the adoption of House Amendment Schedule "A" and the Clerk will read the amendment.

THE CLERK:

House Amendment Schedule "A" offered by Mr. Pruyn of the town of Colebrook. This bill is in the files as 1011. In section 19, line 15, after (b) insert "by the board of selectmen or". At the end of said line, add "or representative town meeting".

THE CHAIR:

The Senator from the 21st.

SENATOR SHANNON:

Mr. President, that was an omission that was corrected by that amendment. I think it's obvious and I move for its acceptance.

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THE CHAIR:

The question is upon the adoption of the amendment. Are there further remarks? All those in favor will signify by saying AYE, opposed? The amendment is adopted.

SENATOR SHANNON:

Mr. President, I move for acceptance of the committee's favorable report and passage of the bill as amended.

THE CHAIR:

The question is upon suspension, Senator, will you move for suspension?

SENATOR SHANNON:

I'll move for suspension of the rules for immediate consideration.

THE CHAIR:

Hearing no objection, the rules are suspended. The question is upon acceptance of the committee's favorable report and the passage of the bill as amended by House Amendment Schedule "A". All those in favor signify by saying AYE, opposed? The report is accepted and the bill is amended, passed.

The Senator from the 7th.

SENATOR SNYDER:

Mr. President, before you legislate my committee out of business, I would like to know something about this bill because

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I understand if this bill goes through I'm going to be out of business up here in the future, Cities and Boroughs, and I think the gentleman might want to say something about it so to sort of pacify me a little.

THE CHAIR:

Excuse me, I didn't mean to shut the Senator off.

The Senator from the 10th.

SENATOR HEALEY:

.....passage of the bill. I, too, would like to hear something from the Senator from the 21st.

THE CHAIR:

At least you've got a Chairman from the other side, you can't say there wasn't any conniving. The Senator from the 21st.

SENATOR SHANNON:

Mr. President, I have some remarks here on this bill and I'm very happy to have this opportunity to give them out to you.

THE CHAIR:

There was no intention to shut you off. It was a mistake.

SENATOR SHANNON:

I understand, Mr. President. This bill, Mr. President, is of course as we all know the so-called Home Rule Bill we've all been interested in and a great number of people have been working very, very hard on here to bring about, and it's a bill that

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perhaps won't meet, as no bill does, everybody's favor, I'm sure that there's a lot of merit in the bill and I would like to just briefly, if I may, go into some of the aspects of the bill.

Now, this Home Rule Bill, first of all, authorizes the local governing body whatever it happens to be, constitutes them the point of authority and will authorize them by a vote to initiate action. Two-thirds vote of that governing body, they are authorized to initiate a resolution to draft, amend, adopt a charter as the case may be. Section 2 also provides that a petition signed by not less than 10% of the electors of a particular municipality may also initiate action for Home Rule.

The petition which is directed to the governing body of the town requires the town to appoint a charter revision or a charter commission which shall constitute not less than five nor more than fifteen members, only one-third of whom may hold a town office and a fair majority of one particular political party. The commission is authorized to look into whatever the resolution provides, whether it be an amendment to the charter or a complete charter revision. The commission is obligated to report back to the appointive authority within one year from the date of its authorization. The commissioner is required to hold at least one public hearing and they may hold more if they desire to do so.

Within thirty days after they make their report to the

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appointive authorities the appointive authorities are required to hold a public hearing and they may make any suggestions or amendments that they deem fit. They then confer with the charter commission and the charter commission may accept or reject these amendments as it sees fit. In any event, the governing body may within fifteen days recommend these changes to the commission and within thirty days thereafter the commission shall submit its final report to the appointive authority.

Within fifteen days thereafter the appointive authority, the governing body, shall approve or reject the report. If they reject the report of the commission, that's the end of the matter. If they approve, within thirty days after such approval, the proposal shall be published at least once and then submitted to the electorate for their approval. That vote may be either at a general election and if so, the majority of those voting shall carry the proposal or at a special election, and if that's the case, fifteen per cent of the registered voters are required, a majority of fifteen per cent of the registered voters rather is required in order to obtain approval.

I might point out that this act does not authorize any municipality, does not give them the right to levy or collect any taxes not presently authorized by the statutes. There are fifteen, or rather fifty-seven particular powers which this bill

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authorizes a town to adopt under home rule and for the sake of time, they're printed in the file on No. 1011, I won't go into those.

Now, any charter under this bill must have the following requirements: it must be a legislative body which either may be a town meeting, a representative town meeting, a board of selectmen or directors or aldermen or burgesses, a combination town meeting, representative town meeting of one of the boards, either selectmen, directors, burgesses or aldermen. The town shall have a chief executive who may be either a first selectman, a chief administrative officer appointed by the board of selectmen, a mayor elected by the people, a warden elected from the borough, a manager appointed by the governing body or chief administrative officer appointed by the mayor. If a town manager, the town may also have a mayor as the legislative presiding officer and ceremonial head as it sees fit. The town may also have other officers of the board.

Section 9 of this Act provides for the consolidation of the town government with the city borough or district government of such town, provided for by vote of the legislative body or by petition of ten per cent of the voters, appointment of a consolidation commission and approval of the voters to the general or special election as I mentioned previously.

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Section 16 specifically repeals particular sections of the general statutes.

Section 17 provides for fire, sewer districts, villages and associations may or may not consolidate with the town. It also provides for a petition of twenty or more voters in any district which is not within the limits of the town or city after approval may become a body politic and legislate on lighting, fire, sewers, garbage commissions, that sort of thing. Officers of the district may vote to terminate its existence and submit it to the voters in the district.

Section 19, in addition to the amendment which was read by the Clerk, it also provides that hereafter the general assembly after the 1957 session of the general assembly, the assembly is prohibited from enacting any special legislation relative to the powers of local government unless either a resolution is adopted by two-thirds of the council, the governing body, or by a majority vote of the town meeting in any town not having a council or board of directors, and it also provides that a request for enactment of special legislation may be initiated by a petition signed by not less than ten per cent of the electors of the town, city, borough, or other unit of government as determined by the last completed registry, if a desire is evidenced to come to the general assembly and have special legislation amended.

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I think that covers it fairly well, Mr. President, and I move for its adoption.

THE CHAIR:

The Senator from the 10th.

SENATOR HEALEY:

Section 5 of the bill, lines 33 down to 40, which provides, I'd like to direct the question to the Senator from the 21st through the Chair, if I may. This section in part provides, in discussing a charter amendment, it provides, quote, "Such proposed charter, amendment or amendments shall become effective on a date or dates to be specified therein, if approved by a majority of the town, city or borough electors voting thereon at a general election or if voted by a majority equal to at least fifteen per cent of the electors of the town, city or borough as determined by the last completed registry list of such town, city or borough at a special election."

Now, the statute presently provides for twenty-six per cent of the electors to vote in any election involving a new charter. Why, may I ask the gentleman from the 21st, or what were the reasons for lowering it to fifteen per cent.

THE CHAIR:

The Chair recognizes the Senator from the 31st.

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SENATOR RYAN:

Mr. President, when we were discussing this in the legislative council sub-committee, and it was a long and arduous job getting it ready, it was felt, we spent much time on what percentage of the electors at a special election we should set to adopt or amend the charter. We felt that the twenty-six per cent that the gentleman of the 10th speaks of was too high a percentage, that it wasn't workable, wasn't feasible, and from all sides we'd been asked to lower that percentage to something that was really more practical. Fifteen per cent, a majority equal to fifteen per cent of the electors seemed to be adequate and practical.

THE CHAIR:

The Senator from the 7th.

SENATOR SNYDER:

Mr. President, in answer somewhat, too, to the Senator from the 10th, I might add that the way it's reading now which is a result of the recommendations of the interim rules committee on this bill, fifteen per cent was thought to be sufficient instead of twenty-six because if you have any contest at all, the bill reads, I believe, that fifteen per cent must be in favor, not just simply fifteen per cent voting on the bill either way. You have to have a majority, at least a majority of fifteen per

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cent of your electors in favor, and if you had a close contest, you might run twenty-six or twenty-five or more actually voting upon the proposition. Under the present act, we got twenty-six per cent must vote in favor of the bill, not twenty-six vote on the bill, but its got to be twenty-six vote in favor of the bill and if you have a close contest you might have twenty-six per cent in favor or twenty-five per cent in favor and twenty-four per cent against and that would make a total of forty-nine percent of the voters in town voting on it and, well, the Senator asked why bring it down, I might add that the Republicans had a bill, a home rule bill, they had fifty per cent in 1951 and the Democrats wanted it twenty-five per cent. Well, we went along a little further and we amended it next time and we brought it down to twenty-six and of course we couldn't bring it down to the twenty-five because that's what the other side had recommended some time ago. But now, we found from experience throughout the state that even twenty-six or twenty-five is not feasible to operate on.

An occasion happened shortly after the twenty-six per cent down in, in the 1953 session, down in the city of Norwalk, when they wanted to put through certain things under a special referendum and everybody was agreed, the Democrats and the Republicans and the Socialists and everybody was agreed and they had a

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special referendum. Well, believe it or not, with everybody working to get the vote out they only got a nineteen per cent vote out in the city. People will just not come out to vote on special referendums and so forth, and they couldn't, with everybody working they only got nineteen per cent out and they went through all the motions and all the expense and it didn't mean nothing. We thought in the Interim Rules Committee that let's make this thing workable. This is going to be coming up, I hope, in another two years with the constitutional amendment which will be started through again this year. The other one wasn't feasible after we got it started, and this, I believe, is more of a stop gap measure to help out some of these towns from coming up here to Hartford to ask whether or not they can pay somebody a pension or something else. Because it certainly is going to take at least seventy-five per cent of the bills out of the Cities and Boroughs Committee of which we had over six hundred this time.

THE CHAIR:

Are there further remarks? The Senator from the 10th.

SENATOR HEALEY:

I'm not referring to the fact that it's going to take some bills out of Cities and Boroughs. What I'm concerned about is the fact that it's going to reduce the amount, the percentage necessary to carry a charter. Now, I don't think it's any

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explanation to say, for a few people to say it's practical and feasible and emphasize the fact that this happens at special elections. Who are we to say that the rights of the people are to be considered as watered-down just because it's a special election, not a general election. The more you decrease this thing, the easier you make it for a minority group in the over-all community to push through a charter that's not for the benefit of all the people. Now I realize that it's justifiably going to take the load off the Cities and Boroughs Committee as it intended and it's a good purpose, but I don't think there's been, the Interim Rules Committee has apparently gone along with this, but I think that the basic question still hasn't been answered. As far as the people are concerned, and I'm talking about all the voters, when you lower the percentage anytime, you give the opportunity to a smaller, over-all group to take over. And I think that's bad because if they do they only represent a comparatively small percentage of the people.

THE CHAIR:

The Senator from the 5th.

SENATOR BAUER:

I would like to attempt to explain again to the Senator from the 10th, as I attempted to do under the charter revision bill concerning West Hartford, that this fifteen per cent

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requirement is a very fair and an important feature of any of these bills. The reason it is, is that it does not preclude even a hundred per cent turn out when there is an important question to be decided. When the people are really concerned about it and interested enough to come out and vote, they can come out a hundred per cent strong.

But on some of these questions which we hear referred to as technical changes and minor revisions and that sort of thing, the people are not aroused about them, they do not come out in numbers sufficient to justify the, or to authenticate the action because the thing might well be a very minor matter. And for that reason, it's unrealistic completely to put a percentage anything higher than fifteen per cent. Personally, I could be persuaded that ten per cent would be enough because to ask people to come out in droves on unimportant questions at a special election, experience shows that very few respond. The experience has been in some cases that as few as fifteen, twenty per cent of the total electors vote on some of these questions.

That's why this provision says that a majority of fifteen per cent of the total electorate need favor the bill simply so that you can get action on some of these questions which are not of such vital importance that the whole town or the total electorate turns out to express themselves on it.

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The experience under the present statute which requires that twenty-six per cent of the total electorate votes favorably on a question, the experience is that you simply do not get that kind of a vote on many of these questions which are put before the people. We certainly are not depriving the people of any of their rights. I, personally, decry the fact that people do not turn out one hundred per cent strong on all of these questions that they are asked to vote on, but the fact is, they do not. If fifteen per cent of the total electorate votes in favor of a question, it seems to me that that is sufficient because if it is a contested question then the total of almost thrity per cent would have to vote on it in order to pass the main.

THE CHAIR:

Will you remark further? The Senator from the 7th.

SENATOR SNYDER:

In further answer to the gentleman from the 10th, he seems to be the popular man on this question here in answering questions. I might strike an, I might cite an incident which happened right here in Hartford. In Hartford, in their charter, they have it also that they can change their charter by a fifteen per cent majority in favor of a bill of a charter change. They had six charter changes on their election in 1954. Of the six of them on there, there was only two of them that got the required

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fifteen per cent. The other four did not get the fifteen per cent although they got eleven and twelve thousand votes and so forth, it was only around eight or nine per cent on the other four questions, but everybody, well I say, everybody, over ninety-five per cent of the ones that voted on those particular questions voted in favor of them. There was practically no opposition to them, but people who went to the polls in a municipal election here in Hartford did not bother to vote on any of the six charter changes. They just voted on the municipal offices or the board of alderman and they forgot or didn't pass it. So, in the 1955 session the city of Hartford came over here and through the Cities and Borough we took the four charter changes that they wasn't able to get fifteen per cent to vote on them, let alone vote in favor of them, and we put them through favorably here in both Houses in the 1955. That goes to show you, people go into vote but they don't all think or forget or something happens and they don't vote on these charter changes, and it's awful hard to get at least fifteen per cent to vote in favor of something, because fifteen per cent in favor you might as well say is better than twenty or more per cent of the total people voting that's got to vote on it.

That's an experience in Hartford. That's one of the things of the Rules Committee that we took into effect when

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these things came up.

Of course, down in New Haven, I know that they're always up in the air all the time so they don't have too much trouble. They can start an argument at the drop of a hat so they don't have to worry so much.

THE CHAIR:

Will you remark further? The Senator from the 10th has spoken twice.

SENATOR HEALEY:

Mr. President, without answering anything that has been said in the last sixty seconds, I would like to make this observation. Is it a valid reason to lower the percentage, to advance such a reason for doing it, the fact that you haven't got a question on the referendum that is apparently of sufficient public interest to stimulate at least a minimum percentage of people to go out and vote on it. If the people indicate by not voting in such numbers or staying home, that percentage-wise they aren't interested in voting on the thing, who are we to go ahead and inflict our feelings on them and saying that, well, we can't get fifteen, we can't get twenty-six per cent out but maybe fifteen will do it. It seems to me that the people themselves when they come out are the sole judges and the sole indication of the degree of interest in a matter and the fact that you can't get

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the requisite number of people to come out to vote on the thing, seems in and of itself to indicate the amount of interest involved. Now, is that any real reason for lowering the percentage?

THE CHAIR:

Are there further remarks? The question is upon the acceptance of the committee's favorable report and the passage of the bill as amended by House Amendment Schedule "A". All those in favor signify by saying AYE, opposed? The report is accepted and the bill is passed.

THE CLERK:

Page 9, Cal. No. 1443, File 1078, House Bill 430. An Act concerning Drivers' Schools. Favorable report, Transportation.

THE CHAIR:

The Senator from the 24th.

SENATOR HUESTON:

I have an amendment, Mr. President.

THE CHAIR:

The Clerk will read the amendment.

THE CLERK:

Amendment offered by Senator Hueston of the 24th District. In Section 6, this jbill is in your files as File 1078. In

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a legal guardian appointed. This bill also points out specifically that a release by the parent or guardian will be binding.

THE SPEAKER:

Remark further. If not, question is on acceptance and passage. The 'ayes' have it. Bill is passed.

THE CLERK:

Cal. 1490. File 1027. Sub. for H.B. 2122. Concerning fractional shares and rights of stock.

GENERAL LAW.

MR. LARSON: (DEEP RIVER)

I move for acceptance and passage of the bill.

This bill amends the present law regarding the issuance of fractional shares in that the directors of corporations are given discretion to decide in what ~~manner~~ the payments in lieu of such fractional shares shall be made.

THE SPEAKER:

Will you remark further. If not, question is on acceptance and passage. The 'ayes' have it. Bill is passed.

THE CLERK:

Cal. 1492. File 1011. H.B. 2404. Concerning Home Rule. JUDICIARY AND GOVERNMENTAL FUNCTIONS.

MR. PRUYN: (COLEBROOK)

Clerk has an amendment.

THE CLERK:

H. Amend. Sched. "A" as offered by Mr. Pruyne of Colebrook to Sub. H.B. 2404, File 1011. In Section 19, line 15, after (b),

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insert "by the Board of Selectmen or." At the end of said line add "or representative town meeting."

MR. PRUYN:

This amendment is a purely technical one supplying words that should have been in the original bill. It has the approval of the Legislative Commissioner. I move its adoption.

THE SPEAKER:

Question is on the adoption of the amendment.

The 'ayes' have it. The amendment is adopted.

MR. PRUYN:

I now move the rules be suspended so that we may consider the bill as amended.

THE SPEAKER:

Question is on suspension for immediate consideration of the bill as amended. The 'ayes' have it. Rules are suspended.

MR. PRUYN:

I now move that the Committee's favorable report be accepted and the bill as amended be passed.

The problem of giving Home Rule to the various communities of this State has been before the General Assembly for a number of years. Several years ago a so-called Home Rule statute was adopted. This statute has not worked out very well, and the communities are still coming up here with their special bills amending their charters etc. At the 1955 session a proposed amendment to the Constitution was adopted providing that the Gen. Assembly would prescribe methods for the local communities to adopt charters and make amendments to their local government, and forbidding the Gen. Assembly to act in that regard, and the question of the drafting of the implementing legislation was referred to the Legislative Council, who went into this in great detail, and the sub-committee on Judiciary worked hard on drafting Home Rule legislation which is a very difficult thing. It involves so many aspects, facets and problems that have to be solved that the bill before us we hope is a very good bill. It tries to cover all the ground. We cannot say it is perfect, but it certainly is a step forward in the right direction.

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In the drafting of this bill the Council had the assistance of the Conn. Public Expenditure Counselor, Mr. H. Stone, an expert on municipal affairs. The kind of bill that was required is a bill that would prescribe the powers that would be exercised by the various communities and units of local government, and also prescribing the method by which charters are to be drafted and amended. That is what this bill attempts to do. It provides in the first section for appointing an authority which consists of the Council, Bd. of Directors, Bd. of Aldermen etc. of the local community as the initiating body to get a charter started. This Body sets up a drafting committee which can also be set up by a petition signed by 10% of the electors, and the bill provides the details of the appointment of this committee and how it shall operate, and when it must make its report....provides that the Committee will hold a public hearing; makes its report to the appointing authority who then holds a public hearing. The appointing authority can recommend changes....if no changes are made the report of the Committee is final and then it is submitted to a referendum. If changes are made then the Committee makes a final report. The appointing authority can decide to accept or reject the report. If it rejects then the matter is dead for a year; the purpose for that is so that it can't be repeated a few days at a time. If accepted the whole thing is published in a newspaper and then submitted to the electors at either a general or special election as the appointing authority may decide to be held within one year, and the charter or amendments become effective if approved by the majority of those votes if a general election, or if a special election by a majority which is equal to 15% of the qualified electors.

It goes on to grant a power, or powers, 57 of them...in Sec. 8 of the bill. These are powers granted by this Assembly in charters throughout the State. It takes care of the situation where town and city wish to consolidate; brings those laws up to date. It provides how districts, other than school districts, can operate their own government. It sets out basic provisions that have to be in every charter...has to be a legislative body, budget authority, Chief Exec. Officer and his powers.

We want to give this a try. We think it is a great forward step and we hope that the Legislature will approve it. Whatever imperfections or bugs can be corrected at the next session of the Legislature, and the only way to try the thing out is to pass the bill.

At the end of the bill we made a provision that the General Assembly shall not enact any special legislation affecting communities unless requested by either a vote of its governing or legislative body or a petition signed by 10% of its electorates. If the communities will carry out the provisions of this bill and not come up here a great deal of the work of this Assembly can be

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devoted to state-wide problems, and not to the problems that effect a particular local community. Of course, an absolute prohibition cannot be effective unless it is incorporated in the Constitution of the State, but we hope that this last session of the bill, Sec. 19, will act as a break.

We believe that this bill should be adopted, and I hope it is adopted unanimously.

MR. PADULA: (NORWALK)

Speaking from experience, I can say that Cities and Boroughs after this bill is enacted into law has no right to exist. And to that I say 'Amen'. There is no one in Cities and Boroughs capable of trying to wrestle with the problems of a local municipality better than the people themselves.

MR. GOOGEL: (NEW BRITAIN)

I think that all of us are greatly indebted to the gentleman from Colebrook for giving us this information on this great and lengthy bill. Just one question....this bill is in the nature of an experimental bill, is it not, and is meant to take care of what the amendments of the Constitution on the Home Rule proposition would have done?

MR. PRUYN:

That is correct. We hope it will be permanent, but it must be done by trial and error, and if it doesn't work out alright the 1959 and 1961 sessions can cure any defects.

MR. POPE:

I would like to answer the gentleman from New Britain. As most of you know the Home Rule amendment and Home Rule Statute altho' related are not dependent on one another...you can have the statute or the amendment. It is the amendment that will provide for true Home Rule in that that is the only way you can completely prevent the Legislature from acting on local legislation. We are now initiating a new Home Rule Amendment. Now we have before us the Home Rule Statute which would have been necessary in any event, and I would like to say that this is one of the more important pieces of legislation that we have acted on this session. It is a comprehensive Home Rule Bill and the best we have had so far. It represents a fine piece of work by the sub-committee of the Legislative Council which prepared it. I would like to emphasize again the part of this bill that is completely new and that is Sec. 19 and that has forbid the General Assembly after the 1957 session to enact special legislation save where there is a petition by 10% of the electors of the community or where there is a vote of 2/3 of the governing body

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of the town behind such legislation. It is not as effective as a Constitutional amendment could or would be, but until we have the constitutional amendment and if future legislatures respect the intent here this will provide for true Home Rule and therefore from here on out the Legislature ought to be relieved of some very onerous chores and the towns and cities throughout the State will have the benefit of true Home Rule.

MR. PINNEY: (BROOKFIELD)

This bill is frankly experimental. Still a number of areas under the bill which needs to be resolved.....whether or not the appointing authority ought to have a veto power.... whether or not towns operating under general law ought to be able to adopt sections of this without having to take a whole charter. Good arguments on both sides. The best way to resolve them is through trial and error.

THE SPEAKER:

Will you remark further. If not, question is on acceptance of the Committee's favorable report and passage of the bill.

The 'ayes' have it. Bill is passed.

THE CLERK:

Cal. 1493. File 1051. H.B. 194. Concerning Route 149 in the town of Colchester.

ROADS AND BRIDGES.

Mr. Frate: (Darien)

I move for acceptance and passage of this bill.

This bill would require the Highway Commission to maintain this road which is already in the Trunk Line System.

THE SPEAKER:

Remark further. If not, question is on acceptance and passage. The 'ayes' have it. Bill is passed.

THE CLERK:

Cal. 1494. File 1052. H.B. 195. Including North Cedar