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ANALYSIS OF CONSTITUTIONAL PROVISIONS  
AFFECTING PUBLIC WELFARE IN THE STATE OF  
CONNECTICUT

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## PREFACE

This bulletin is one of a series presenting State constitutional provisions affecting public welfare, prepared to supplement the State by State digests of public welfare laws so as to provide in abstract form the basis for the public welfare services of the several States.

The provisions quoted are those concerned directly with public welfare administration and such others as may substantially affect a public welfare program, even though only indirectly related. It would be impossible to consider within the limits of this study every remotely connected constitutional provision. The indirectly related provisions included, therefore, have been restricted to those concerning finance, legislation, and the methods of constitutional amendment.

An attempt has been made, by a careful selection of the most recent cases decided by the highest courts of the States, to indicate wherever possible how these provisions have been construed. These cases are included in footnotes appended to the constitutional provisions shown.

It is hoped that these abstracts will be useful to those interested in public welfare questions in indicating how State and local public welfare administration may be affected by constitutional powers and limitations.

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Connecticut

ANALYSIS OF CONSTITUTIONAL PROVISIONS AFFECTING  
PUBLIC WELFARE IN CONNECTICUT<sup>1</sup>

I. Incidence of Responsibility for Welfare Program

No provision.<sup>2</sup>

II. Financial Powers and Limitations

A. Taxation and Assessments<sup>3</sup>

(1) State

(a) That all men when they form a social compact, are equal in rights; and that no man, or set of men are entitled to exclusive public emoluments or privileges from the community.<sup>4</sup>

<sup>1</sup>Constitution (1818), as published by the State in the Connecticut Register and Manual (1936), by authority of law; with all amendments to May 1, 1937.

<sup>2</sup>The legislative power of the General Assembly covers the whole field of legislation except as limited by the State Constitution and the Federal Constitution. *Beach vs. Bradstreet*, 85 Conn. 344, 82 A. 1030 (1912).

"Our Constitution [Art. III, Sec. 1] vests 'the legislative power of this state' in the General Assembly. That power covers the whole field of legitimate legislation, except so far as limitations are to be found in other provisions of this Constitution or in that of the United States." *Appeal of Allyn*, 81 Conn. 534, 71 A. 794 (1909).

The support by the State of its citizens *in need* is a public purpose. A statute granting pensions to Civil War veterans and their relatives *regardless of their need* was held invalid as not being for a public purpose. *Beach vs. Bradstreet*, 85 Conn. 344, 82 A. 1030 (1912).

<sup>3</sup>"The taxing power is an inherent attribute of sovereignty, and as such unlimited in character and scope save as limitations may be self imposed. Under our form of government its exercise is vested in the legislative department which may exercise it for lawful purposes in its discretion both as regards the choice of subject matter of taxation and the extent and manner of the tax, save as constitutional limitations may intervene \* \* \*." *State vs. Murphy*, 90 Conn. 662, 98 A. 343 (1916).

Under Art. IV, Sec. 4 of the Federal Constitution, guaranteeing a republican form of government, taxation may only be imposed for public purposes. See *Beach vs. Bradstreet*, 85 Conn. 344, 82 A. 1030 (1912), above.

<sup>4</sup>Constitution, Art. I, Sec. 1.

This section and Sec. 12 of Art. I (see p. 2, par. (b)) require equal protection of the law and due process of law, and have the same meaning in this regard as the Fourteenth Amendment to the Federal Constitution. *State ex rel. Brush vs. Sixth Taxing District*, 104 Conn. 192, 132 A. 561 (1926).

A statute which divided stockholders of a corporation into two classes for purposes of taxation, the effect of which was to assess the shares of residents at a different rate from those of nonresidents, was held valid. The Supreme Court in discussing the question of whether there was any constitutional requirement that "taxation shall be uniform and equal" stated: "There can be no claim that such a mandate

## II. Financial Powers and Limitations—Continued

### A. Taxation and Assessments—Continued

#### (1) State—Continued

(b) All courts shall be open, and every person, for an injury done him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.<sup>5</sup>

#### (2) Counties and Other Local Units

No provision.<sup>6</sup>

### B. Exemptions

No provision.<sup>7</sup>

### C. Borrowing and Use of Credit

#### (1) State

No provision.

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is directly expressed either in the state or national constitution. \* \* \* The provisions of our constitution exclude the possibility of a limitation of legislative power by any implied mandate that taxation shall be equal and uniform. \* \* \* In our national constitution we find provisions even more pointedly clashing with such a maxim." *State vs. Travelers Insurance Company*, 73 Conn. 255, 47 A. 299 (1900).

In classifying property for purposes of taxation the Legislature may exercise a wide latitude of discretion, but the classification must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation. An unreasonable classification violates the guarantee of equal protection of the laws contained in this section and the Fourteenth Amendment to the Federal Constitution. An act validating assessments against land held on 99-year leases in one county only was held invalid as containing an unreasonable classification. *Montgomery vs. Town of Branford*, 107 Conn. 697, 142 A. 574 (1928).

<sup>5</sup> Constitution, Art. I, Sec. 12.

<sup>6</sup> Towns and other local units have no inherent rights. They are mere creatures of the State, with such powers, and only such, as are granted by the Legislature. *State ex rel. Bulkeley vs. Williams*, 68 Conn. 131, 35 A. 24 (1896).

<sup>7</sup> "The power to prescribe what property shall be taxed implies the power to prescribe what property shall be exempt." *Baker vs. Town of West Hartford*, 89 Conn. 394, 94 A. 283, 285 (1915).

Under the statutes, to exempt from taxation property used for charitable or educational purposes it must appear that it is dedicated to the public use instead of to private gain. One of the attributes essential to such use is that no private profit can be realized from it. A school for dependent and neglected boys, maintained by a private nonprofit corporation, was held exempt from taxation. *Connecticut Junior Republic Association vs. Town of Litchfield*, 119 Conn. 106, 174 A. 304 (1934).

A Masonic Temple was held not to be used exclusively for "charitable purposes" within the meaning of the statute exempting property of corporations so used. *Masonic Building Association of Stamford, Connecticut vs. Town of Stamford*, 119 Conn. 53, 174 A. 301 (1934).

To exempt property from taxation under the statutes, it must be "sequestered from private and devoted to public use." Where the charter of a nonstock corporation which operated a school for girls but did not preclude payment of profits to its members or distribution of property on dissolution, its property was held not exempt from taxation even though there was no actual profit. *Female Academy of the Sacred Heart of Albany vs. Town of Davien*, 108 Conn. 136, 142 A. 678 (1928).

## II. Financial Powers and Limitations—Continued

## C. Borrowing and Use of Credit—Continued

## (2) Counties and Other Local Units

No provision.

## D. Other Income

The fund, called the School Fund, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public, or common schools throughout the state,<sup>8</sup> \* \* \*.

## E. Appropriations and Expenditures

No provision.

## III. Provisions Affecting Legislation

## A. Regular Sessions of Legislature

(1) The regular sessions of the general assembly shall commence on the Wednesday following the first Monday of the January next succeeding the election of its members.<sup>9</sup>

(2) The general assembly shall adjourn sine die not later than the first Wednesday after the first Monday in June following its organization.<sup>10</sup>

## B. Special Sessions of Legislature

\* \* \* the person administering the office of Governour, may on special emergencies, convene the General Assembly.<sup>11</sup> \* \* \*

## C. Powers of Initiative and Referendum

No provision.

## D. Legislative Enactment

(1) He (the Governor) shall, from time to time, give to the General Assembly, information of the state of the government and recommend to their consideration such measures as he shall deem expedient.<sup>12</sup>

<sup>8</sup> Constitution, Art. VIII, Sec. 2.

<sup>9</sup> Constitution, Amendment 27, Sec. 4, adopted (1884), amending Amendment 16, Sec. 3, and Art. III, Sec. 2.

Amendment 27, Sec. 2, adopted in 1884, provides that members of the Legislature are to be elected in November of the even numbered years.

<sup>10</sup> Constitution, Amendment 35, adopted 1912.

<sup>11</sup> Constitution, Art. III, Sec. 2.

<sup>12</sup> Constitution, Art. IV, Sec. 8.

## III. Provisions Affecting Legislation—Continued

## D. Legislative Enactment—Continued

(2) Each bill which shall have passed both houses of the general assembly shall be presented to the governor. If he shall approve, he shall sign and transmit it to the secretary of the state, but if he shall disapprove, he shall transmit it to the secretary with his objections, and the secretary shall thereupon return the bill to the house in which it originated, \* \* \* which shall proceed to reconsider the bill. If, after such reconsideration, that house shall again pass it, it shall be sent with the objections to the other house, which shall also reconsider it. If approved, it shall be a law \* \* \*. In case the governor shall not transmit the bill to the secretary, either with his approval or with his objections, within five calendar days, Sundays and legal holidays excepted after the same shall have been presented to him, it shall be a law at the expiration of the period unless the general assembly shall then have adjourned sine die, in which case the bill shall be a law unless the governor shall, within fifteen calendar days after the same shall have been presented to him, transmit it to the secretary with his objections, \* \* \*.

\* \* \* This amendment shall not impair the powers granted to the governor by Article XXXVII of the amendments to the Constitution.<sup>13</sup>

(3) The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, while at the same time approving the remainder of the bill, and the part or parts of the bill so approved shall become effective and the item or items of appropriation so disapproved shall not take effect unless the same are separately reconsidered and repassed in accordance with the rules and limitations prescribed for the passage of bills over the executive veto.<sup>14</sup> \* \* \*

## IV. Constitutional Amendment or Revision

## A. By Proposal of Legislature or People

Whenever a majority of the house of representatives shall deem it necessary to alter, or amend this constitution, they may propose such alterations and amendments; which proposed amendments shall be continued to the next General Assembly, and be published with the laws which may have been passed at the same session; and if two thirds of each house,

<sup>13</sup>Constitution, Amendment 40, adopted 1934, amending Art. IV, Sec. 12.  
For Art. XXXVII referred to, see par. (3), above.

<sup>14</sup>Constitution, Amendment 37, adopted 1924.



## IV. Constitutional Amendment or Revision—Continued

## A. By Proposal of Legislature or People—Continued

at the next session of said Assembly, shall approve the amendments proposed, by yeas and nays, said amendments shall, by the Secretary, be transmitted to the town clerk in each town in this state; whose duty it shall be to present the same to the inhabitants thereof, for their consideration, at a town meeting legally warned and held for that purpose; and if it shall appear in a manner to be provided by law, that a majority of the electors present at such meetings, shall have approved such amendments, the same shall be valid, to all intents and purposes, as a part of this constitution.<sup>15</sup>

## B. By Constitutional Convention

No provision.

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<sup>15</sup>Constitution, Art. XI.

