



OFFICE OF THE ATTORNEY GENERAL  
CONNECTICUT

WILLIAM TONG  
ATTORNEY GENERAL

September 24, 2024

**By Email**

The Honorable Vincent Candelora  
House Republican Leader  
Legislative Office Building, Room 4200  
300 Capitol Avenue  
Hartford, Connecticut 06106

The Honorable Stephen Harding  
Senate Republican Leader  
Legislative Office Building, Room 3400  
300 Capitol Avenue  
Hartford, Connecticut 06106

Re: *Request for Formal Opinion*

Dear Representative Candelora and Senator Harding:

You sought my formal legal opinion on the following two questions about the 2024 budgeting process:

- Whether 2024's House Bill 5523 – ultimately enacted as Public Act 24-81 – “constitutes a budget adjustment under our constitution and statutes.” Letter from House Republican Leader Vincent Candelora & Senate Republican Leader Stephen Harding to Attorney General William Tong (May 7, 2024). Under General Statutes § 2-35(a), “[i]n each even-numbered year,” the General Assembly’s Appropriations Committee “shall originate and report at least one bill which adjusts expenditures for the ensuing fiscal year in such manner as it deems appropriate.” You suggest that the General Assembly failed to comply with that provision in 2024, since – you imply – House Bill 5523 de facto changed (or “adjusted”) the prior year’s allocations but was not originated and reported by the Appropriations Committee; and
- Whether HB 5523 and a companion bill “prompt adoption of new revenue estimates as required pursuant to” § 2-35(b)(3), which directs the General Assembly’s Finance, Revenue, and Bonding Committee to “meet and revise” revenue estimates under specified circumstances. Letter from House Republican Leader Vincent Candelora & Senate Republican Leader Stephen Harding to Attorney General William Tong (May 20, 2024).

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I conclude that the General Assembly's 2024 budget process adhered to Connecticut's Constitution; the State's "bond lock" commitments; and all other applicable law. Neither of the procedural provisions that you reference from § 2-35 is constitutionally mandated; neither is required by Connecticut's bond covenants; and both are subject to change by legislative vote. When a supermajority of the General Assembly passed House Bill 5523, it superseded and supplanted any prior conflicting provisions – including those. The General Assembly exercised its clear authority to change its own past procedure.

My conclusion flows from three straightforward propositions of black-letter law.

First: Article Third, § 18 of our Constitution requires the General Assembly to enact a balanced budget by ensuring that expenditures do not exceed revenues. In 2023, the General Assembly complied with that requirement, passing a balanced budget for the biennium beginning July 1, 2023 and ending June 30, 2025. 2023 Conn. Pub. Act. No. 23-204. House Bill 5523 did nothing to change that compliance.

Second: under General Statutes § 3-20(bb), and the so-called "bond lock," Connecticut's Treasurer must promise some lenders that the General Assembly will adhere to a set of "fiscal guardrails." *See* Rute Pinho, Office of Legislative Research, *State Fiscal Controls* (Dec. 5, 2023), available at <https://www.cga.ct.gov/2023/rpt/pdf/2023-R-0299.pdf> (summarizing the obligations in Connecticut's bond lock.) House Bill 5523 is consistent with the bond lock, which does not commit the General Assembly to § 2-35's procedures for expenditure adjustments and revenue estimates.

Third: the General Assembly – subject to the Governor's veto – is empowered to decide both the process and substance of Connecticut's budget. Your letters express concern that the General Assembly altered the "normal process" of estimating revenue and adjusting the budget in even-numbered years. But the budget process – "normal" or not – can be changed by the General Assembly. The General Assembly defines that process through its lawmaking. So even assuming that House Bill 5523 deviated from pre-2024 statutory law, the General Assembly would be entirely within its lawful authority to change it. It may have made new law. But making and changing laws is the General Assembly's prerogative under our constitutional system, and a prior legislature's budgeting process cannot bind this legislature. House Bill 5523 superseded and supplanted any conflicting prior legislation.


Our Supreme Court has already resolved this issue, affirming the lawfulness of the General Assembly's process in a nearly identical context. In *Patterson v. Dempsey*, the Court held that the General Assembly, in passing a special act inconsistent with § 2-35's budgeting process, carved out an implicit exception to the earlier provisions. 152 Conn. 431, 439 (1965) ("To hold otherwise would be to hold that one General Assembly could effectively control the enactment of legislation by a subsequent General Assembly. This obviously is not true, except where vested rights, protected by

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the constitution, have accrued under the earlier act.”); see *Caldwell v. Meskill*, 164 Conn. 299, 305 (1973); *Preveslin v. Derby & Ansonia Dev. Co.*, 112 Conn. 129, 140 (1930) (“[O]ne legislature cannot control the exercise of the powers of a succeeding legislature.”).

A supermajority of both chambers was well within its authority to enact a law that superseded and supplanted the questioned provisions of § 2-35.

Very truly yours,



WILLIAM TONG