



# House of Representatives

## File No. 655

General Assembly

February Session, 2000

**(Reprint of File No. 231)**

Substitute House Bill No. 5677  
As Amended by House  
Amendment Schedules "A", "B" and "C"

Approved by the Legislative Commissioner  
April 19, 2000

### ***An Act Concerning The Duties Of Town Clerks.***

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

1 Section 1. Section 7-29 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 When any town clerk has recorded any instrument [, known to him]  
4 that the town clerk knows to be a release, partial release or assignment  
5 of [any] a mortgage or lien recorded on the records of such town, [he]  
6 the town clerk shall make a [memorandum] notation on the first page  
7 where such mortgage or lien is recorded, stating the book and page  
8 where such release, partial release or assignment is recorded. If the  
9 land records are not maintained in a paper form, the town clerk shall  
10 make the notation on the digitized image of the first page of such  
11 mortgage or lien in a form or manner approved by the Public Records  
12 Administrator.

13 Sec. 2. Section 7-34a of the general statutes is repealed and the  
14 following is substituted in lieu thereof:

15 (a) Town clerks shall receive, for recording any document, ten  
16 dollars for the first page and five dollars for each subsequent page or  
17 fractional part thereof, a page being not more than eight and one-half  
18 by fourteen inches. Town clerks shall receive, for recording the  
19 information contained in a certificate of registration for the practice of  
20 any of the healing arts, five dollars. Town clerks shall receive for  
21 recording documents conforming to, or substantially similar to, section  
22 47-36c, which are clearly entitled "statutory form" in the heading of  
23 such documents, as follows: For the first page of a warranty deed, a  
24 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten  
25 dollars; for each additional page of such documents, five dollars; and  
26 for each marginal notation of an assignment of mortgage, subsequent  
27 to the first two assignments, one dollar. Town clerks shall receive, for  
28 recording any document with respect to which certain data must be  
29 submitted by each town clerk to the Commissioner of Revenue  
30 Services in accordance with section 10-261b, the sum of two dollars in  
31 addition to the recording fee. Any person who offers any written  
32 document for recording in the office of any town clerk, which  
33 document fails to have legibly typed, printed or stamped directly  
34 beneath the signatures the names of the persons who executed such  
35 document, the names of any witnesses thereto and the name of the  
36 officer before whom the same was acknowledged, shall pay one dollar  
37 in addition to the regular fee. Town clerks shall receive for recording  
38 any deed, except a mortgage deed, conveying title to real estate, which  
39 deed does not contain the current mailing address of the grantee, the  
40 sum of five dollars in addition to the regular recording fee. Town  
41 clerks shall receive, for filing any document, five dollars, for receiving  
42 and keeping a survey or map, legally filed in the town clerk's office,  
43 five dollars and for indexing such survey or map, in accordance with  
44 section 7-32, five dollars, except with respect to indexing any such  
45 survey or map pertaining to a subdivision of land as defined in section  
46 8-18, in which event town clerks shall receive fifteen dollars for each  
47 such indexing. Town clerks shall receive, for [making] a copy of any  
48 document either recorded or filed in their offices, one dollar for each  
49 page or fractional part thereof, as the case may be; for certifying any

50 copy of the same, one dollar, for making a copy of any survey or map,  
51 the actual cost thereof; and for certifying such copy of a survey or map,  
52 one dollar. Town clerks shall receive, for recording the commission  
53 and oath of a notary public, ten dollars; for certifying under seal to the  
54 official character of a notary, two dollars.

55 (b) The fees set forth in subsection (a) of this section received by  
56 town clerks for recording documents include therein payment for the  
57 return of each document which shall be made by the town clerk to the  
58 designated addressee.

59 (c) Compensation for all services other than those enumerated in  
60 subsection (a) of this section which town clerks are required by the  
61 general statutes to perform and for which compensation is not fixed by  
62 statute shall be fixed and paid by the selectmen or other governing  
63 body of the town or city in which such services are performed.

64 Sec. 3. Section 7-51a of the general statutes is repealed and the  
65 following is substituted in lieu thereof:

66 Any person eighteen years of age or older may purchase certified  
67 copies of marriage and death records, and copies of records of births  
68 which are at least one hundred years old, in the custody of any  
69 registrar of vital statistics. During all normal business hours, members  
70 of genealogical societies incorporated or authorized to do business or  
71 conduct affairs in this state shall (1) have full access to all vital records  
72 in the custody of any registrar of vital statistics, including certificates,  
73 ledgers, record books, card files, indexes and database printouts,  
74 except confidential files on adoptions, (2) be permitted to make notes  
75 from such records and (3) be permitted to purchase certified copies of  
76 such records.

77 Sec. 4. Section 7-73 of the general statutes is repealed and the  
78 following is substituted in lieu thereof:

79 (a) To the person performing the duties required by the statutes  
80 relating to registration of births, marriages and deaths, the following

81 fees shall be allowed: To the registrar for completing each record of  
82 birth by procuring and inserting the full name of the child, or for the  
83 recording, indexing, copying and endorsing of each birth, marriage or  
84 death certificate, two dollars; [for ascertaining, recording and indexing  
85 each birth or death of which no certificate has been returned to him,  
86 one dollar;] for the license to marry, ten dollars; for issuing each burial  
87 or removal permit, three dollars. [; for certifying to each certificate  
88 returned by physicians, midwives and persons having charge of burial  
89 places, five cents; for endorsing and recording each burial permit filed  
90 pursuant to law, ten cents; to the sexton or other person making  
91 returns required by section 7-72, fifty cents for each monthly return,  
92 and to the registrar, for recording the same, twenty-five cents for each  
93 certificate. All such fees, except those for certificates of license to marry  
94 and for removal permits, shall be paid by the town in which the duties  
95 for which said fees are allowed are performed.]

96 (b) A twenty-dollar surcharge shall be paid to the registrar for each  
97 license to marry in addition to the fee for such license established  
98 pursuant to subsection (a) of this section. The registrar shall retain one  
99 dollar from each such surcharge for administrative costs and shall  
100 forward the remainder, on or before the tenth day of the month  
101 following each calendar quarter, to the Department of Public Health.  
102 The receipts shall be deposited into an account of the State Treasurer  
103 and credited to the General Fund for further credit to a separate  
104 nonlapsing account established by the Comptroller for use by the  
105 Department of Social Services for shelter services for victims of  
106 household abuse in accordance with section 17b-850 and by the  
107 Department of Public Health for rape crisis services funded under  
108 section 19a-2a. Such funds shall be allocated for these purposes by the  
109 Office of Policy and Management in consultation with the  
110 Commissioners of the Department of Social Services and the  
111 Department of Public Health based on an evaluation of need, service  
112 delivery costs and availability of other funds. No such moneys shall  
113 supplant any state or federal funds otherwise available for such  
114 services.

115 Sec. 5. Section 7-76 of the general statutes is repealed and the  
116 following is substituted in lieu thereof:

117 The fees due registrars of vital statistics for the making of records,  
118 copies and endorsements relating to births and deaths, and marriages,  
119 when the residence of the parents of the child or of the deceased or of  
120 either party to a marriage is in some other town in this state than that  
121 in which the birth, death or marriage occurred, shall be paid by such  
122 other town except as they relate to vital statistics of inmates of any  
123 state institution. All bills for such fees shall be submitted by such  
124 registrars to such other towns on or before February first of each year,  
125 provided if a bill amounts to less than twenty-six dollars, no bill shall  
126 be sent and the amount shall not be due. If the registrar of vital  
127 statistics of any town or city receives a salary for the performance of  
128 his duties, the amount of fees due under the provisions of this section  
129 shall be paid to such town or city.

130 Sec. 6. Section 7-191 of the general statutes is repealed and the  
131 following is substituted in lieu thereof:

132 (a) The commission shall hold at least two public hearings on the  
133 proposed charter, charter amendments or home rule ordinance  
134 amendments; one prior to the beginning of any substantive work on  
135 such charter, charter amendments or home rule ordinance  
136 amendments, and one after the draft report to the appointing authority  
137 has been completed, but not submitted, after which hearings the  
138 commission may amend such report. The commission may hold such  
139 other public hearings as it deems necessary.

140 (b) The commission shall submit its draft report, including the  
141 proposed charter, charter amendments or home rule ordinance  
142 amendments, to the clerk of the municipality, who shall transmit such  
143 report to the appointing authority. The appointing authority shall hold  
144 at least one public hearing on the draft report and shall hold its last  
145 hearing [within] not later than forty-five days [of] after the submission  
146 of the draft report to such clerk. [Within] Not later than fifteen days

147 after its last hearing, the appointing authority shall make  
148 recommendations to the commission for such changes in the draft  
149 report as it deems desirable.

150 (c) If the appointing authority makes no recommendations for  
151 changes in the draft report to the commission within such fifteen days,  
152 the report of the commission shall be final and the appointing  
153 authority shall act on such report. If the appointing authority makes  
154 recommendations for changes in the draft report to the commission,  
155 the commission shall confer with the appointing authority concerning  
156 any such recommendations and may amend any provisions of the  
157 proposed charter, charter amendments or home rule ordinance  
158 amendments, in accordance with such recommendations, or the  
159 commission may reject such recommendations. In either case the  
160 commission shall make its final report to the appointing authority  
161 [within] not later than thirty days after receiving such  
162 recommendations.

163 (d) [Within] Not later than fifteen days after receiving the final  
164 report, the appointing authority, by a majority vote of its entire  
165 membership, shall either approve the proposed charter, charter  
166 amendments or home rule ordinance amendments or reject the same  
167 or separate provisions thereof. [Within] Not later than forty-five days  
168 after a vote of the appointing authority to reject such matter, a petition  
169 for a referendum thereon, signed by not less than ten per cent of the  
170 electors of such municipality, as determined by the last-completed  
171 registry list thereof, and filed and certified in accordance with the  
172 provisions of section 7-188, may be presented to the appointing  
173 authority. [Within] Not later than thirty days after approval by the  
174 appointing authority or the certification of such a petition, the  
175 proposed charter, charter amendments or home rule ordinance  
176 amendments shall be published in full at least once in a newspaper  
177 having a general circulation in the municipality.

178 (e) The appointing authority shall, by a majority vote of its entire  
179 membership, determine whether the proposed charter, charter

180 amendments or home rule ordinance amendments shall be submitted  
181 to the electors for approval or rejection at a regular election or at a  
182 special election warned and held for that purpose, which shall be held  
183 not later than fifteen months after either the approval by the  
184 appointing authority or the certification of a petition for a referendum.

185 (f) The proposed charter, charter amendments or home rule  
186 ordinance amendments shall be prepared for the ballot by the  
187 appointing authority and may be submitted in the form of one or  
188 several questions; and, if approved by a majority of the electors of the  
189 municipality voting thereon at a regular election or if approved by a  
190 majority which number equals at least fifteen per cent of the electors of  
191 the municipality as determined by the last-completed active registry  
192 list of such municipality at a special election, such proposed charter,  
193 charter amendments or home rule ordinance amendments shall  
194 become effective thirty days after such approval unless an effective  
195 date or dates are specified therein, in which event the date or dates  
196 specified shall prevail.

197 (g) Every proposed charter, amendment or amendments or home  
198 rule ordinance or amendment or repeal of a home rule ordinance  
199 approved at any regular or special election held on or after November  
200 5, 1974, and prior to July 1, 1975, shall be deemed to have been  
201 effective as of the date of such approval, unless another effective date  
202 or dates were specified therein; provided any actions taken by a  
203 municipality or any administrative agency or official thereof, under the  
204 provisions of its charter or home rule ordinance in effect immediately  
205 prior to the date of such approval, between the date of such approval  
206 and July 1, 1975, shall be deemed valid.

207 (h) [Within] Not later than thirty days after the approval by the  
208 electors of any proposed charter, charter amendments or home rule  
209 ordinance amendments, the town or city clerk shall file, with the  
210 Secretary of the State, (1) three certified copies thereof, with the  
211 effective date or dates indicated thereon, and (2) in the case of the  
212 approval of charter or home rule ordinance amendments, three

213 certified copies of the complete charter or ordinance incorporating  
214 such amendments. The Secretary of the State shall distribute two  
215 copies to the State Library, where a file of such charters, charter  
216 amendments and home rule ordinance amendments shall be kept for  
217 public inspection.

218 Sec. 7. Section 12-100 of the general statutes is repealed and the  
219 following is substituted in lieu thereof:

220 All products of cuttings on classified land shall be taxed with a yield  
221 tax as provided in sections 12-97 and 12-98, except material cut for  
222 domestic use, which shall be limited to fuel and the construction of  
223 fences, buildings or other improvements which tend to develop the  
224 property of the owner and increase its taxable value, when such  
225 material is used by the owner of such land, or by a tenant with the  
226 permission of such owner, upon property belonging to such owner  
227 which is taxable in the same town as the timber land from which such  
228 material was removed. If such material is sold or otherwise disposed  
229 of or transferred to the ownership of other persons, it shall be subject  
230 to a yield tax as provided in sections 12-97 and 12-98. Whenever a  
231 cutting is made, other than as excepted above, the owner of the land  
232 shall file a sworn statement with the assessors and the State Forester of  
233 the quantity and stumpage value of all timber cut, before any of it is  
234 removed from the land. If the assessors deem the quantity or value to  
235 be incorrectly stated, they may themselves determine the quantity cut  
236 and stumpage value of the same. If the owner is unwilling to accept  
237 their valuation, the matter shall be referred to a special board  
238 consisting of the first selectman [and town clerk] of the town in which  
239 the land is located and the State Forester, and the decision of said  
240 board with regard to quantity and value shall be final. Upon the  
241 valuation thus determined, a yield tax as provided in sections 12-97  
242 and 12-98 shall be paid by the owner of the land. If it is necessary to  
243 remove any products of a cutting before the operation is completed,  
244 the owner of the land shall deposit with the tax collector a sufficient  
245 sum to cover the estimated yield tax. When the cutting is completed,  
246 such tax shall be levied as herein provided and the balance of such

247 deposit, if any, returned. If the products of a cutting have been  
248 unlawfully removed, the owner of the land and the owner of the  
249 timber shall be jointly liable to the town for the full value of both land  
250 and timber.

251 Sec. 8. Section 33-183 of the general statutes is repealed and the  
252 following is substituted in lieu thereof:

253 Seven or more persons of lawful age, inhabitants of this state, may,  
254 by written articles of agreement, associate themselves together for the  
255 purposes of trade or for carrying on any lawful mercantile, mechanical,  
256 manufacturing or agricultural business within this state, and, when  
257 such articles of association have been executed and filed in the office of  
258 the Secretary of the State, the franchise tax provided by section 33-187  
259 paid to, and such articles of association approved by, said secretary,  
260 [and a copy thereof certified by said secretary filed and recorded in the  
261 office of the town clerk in the town in which the association's principal  
262 office is located,] such persons shall become a corporation and enjoy all  
263 the powers and privileges and be subject to all the duties, restrictions  
264 and liabilities of other corporations, except so far as the same may be  
265 limited or enlarged by this chapter.

266 Sec. 9. Section 33-188 of the general statutes is repealed and the  
267 following is substituted in lieu thereof:

268 [Within] Not later than thirty days after the first meeting of the  
269 association, the board of managers shall prepare a report, setting forth  
270 the name of the association, the principal office of the association, the  
271 names of the respective business and residence addresses of the board  
272 of managers and officers of the association, the amount of capital stock,  
273 the par value of the shares, and the number of shares issued, together  
274 with a statement that such shares are fully paid or, if not fully paid, a  
275 statement of the amount payable in respect thereof, which report shall  
276 be filed and recorded in the office of the Secretary of the State, [and in  
277 the office of the town clerk of the town in which the association's  
278 principal office is located; and, on] On or before the tenth day of March

279 in each year thereafter, the board of managers shall prepare a like  
280 report of the same facts as they existed on the first day of such March  
281 and the same shall be filed and recorded in the office of the Secretary  
282 of the State, [and the office of the town clerk of the town in which the  
283 association's principal office is located.] All the statements provided  
284 for in this section shall be signed and sworn to by a majority of the  
285 board of managers.

286 Sec. 10. Section 33-268 of the general statutes is repealed and the  
287 following is substituted in lieu thereof:

288 The trustees of each Methodist Church shall be elected by ballot by  
289 the members of such church, of legal age, on the second Monday of  
290 October of each year, at the usual place of worship of such church; or  
291 in such other manner as the discipline of the Methodist Church may  
292 prescribe. Notice of such election shall be given from the pulpit of such  
293 church on at least two Sundays preceding or by having such notice  
294 posted on the door of the place of worship by the clerk of the board of  
295 trustees at least fifteen days next preceding the time of election, and  
296 such trustees shall hold their office until their successors are elected.  
297 The polls of such election shall remain open for at least one hour after  
298 the time designated in such notice and, in case of failure to elect on the  
299 day named in such notice, the election may be held on any subsequent  
300 day of the same month after legal notice thereof. If a vacancy occurs in  
301 the board of trustees, it may be filled at any special meeting called for  
302 that purpose, after giving the notice provided for in this section. At  
303 each election there shall be appointed by the electors present a  
304 chairman and clerk, who shall act jointly as inspectors of election,  
305 receive and count the votes for such trustees and certify under oath  
306 who have received the majority of the votes, [; which certificate shall  
307 be deposited with and kept on file by the town clerk.] Whenever the  
308 members of any Methodist Church fail to elect trustees as above  
309 provided, the quarterly conference of such church may elect trustees to  
310 fill the vacancy until the next ensuing annual election; and at each  
311 annual election the legal voters shall elect trustees to fill any vacancies  
312 for the unexpired terms. Upon the formation of any Methodist Church,

313 the first election of its trustees shall be made by the quarterly  
314 conference, and such trustees shall hold office until the next ensuing  
315 annual election. Said quarterly conference shall determine the number  
316 of trustees to be so elected, which number shall not be more than  
317 fifteen nor less than three.

318 Sec. 11. Section 33-271 of the general statutes is repealed and the  
319 following is substituted in lieu thereof:

320 The district superintendent or presiding elder and a majority of the  
321 district stewards appointed according to the discipline of the  
322 Methodist Church, residing in any ecclesiastical district, the whole or a  
323 part of which is in this state, and which has been or shall be created by  
324 an annual conference of said church as a district superintendent's or  
325 presiding elder's district, may organize a corporation by making,  
326 signing and acknowledging before some officer competent to take  
327 acknowledgments of deeds, and filing [in the office of the clerk of the  
328 town in which such corporation is to be located, and a duplicate  
329 thereof] in the office of the Secretary of the State, a certificate in writing  
330 in which shall be stated: The corporate name of such corporation; the  
331 town in such district in which it is to be located; the names, residences  
332 and official relations to the district of the persons signing such  
333 certificate; the number of trustees, not less than three nor more than  
334 fifteen, who shall manage the property and affairs of such corporation  
335 for the first year, and their names; and that the object of such  
336 corporation shall be to secure the benefits of this section and sections  
337 33-272, 33-273 and 33-274.

338 Sec. 12. Section 34-82 of the general statutes is repealed and the  
339 following is substituted in lieu thereof:

340 (1) Notwithstanding the provisions of sections 34-300 to 34-434,  
341 inclusive, any three or more persons, licensed or authorized to practice  
342 a profession by the state of Connecticut, may associate to practice such  
343 profession for profit, if the articles of association of the members  
344 provide that the association thereby formed and hereby authorized

345 shall have at least three of the following four attributes: (a) Continuity  
346 of life so that the death, insanity, bankruptcy, retirement, resignation  
347 or expulsion of any member will not cause a dissolution of the  
348 association; (b) centralized management so that any one or more but  
349 less than all of the members has continuing exclusive authority to  
350 make management decisions necessary to the conduct of the  
351 professional business for which the association was formed, and so  
352 that no member of the association, acting without the authority of the  
353 managing member or members, shall have the power to bind the  
354 association by his act; (c) limited liability so that the individual  
355 members of the association shall not be individually or severally liable  
356 for its debts; provided, however, the members shall in no way limit  
357 their individual or several liability in the articles of association, or  
358 otherwise, for any acts of reckless or wanton misconduct, negligence,  
359 malpractice, professional misconduct or tort; and (d) free  
360 transferability of interests so that each of its members or those  
361 members owning substantially all of the interests in the association  
362 have the power, without the consent of other members, to substitute  
363 for themselves in the same association a person duly licensed or  
364 authorized to practice the profession for which the association was  
365 formed who is not a member of the association, or, a modified form of  
366 free transferability of interests so that each member of the association  
367 can transfer his interest to a person so licensed or authorized who is  
368 not a member of the association only after having offered such interest  
369 to the association or to the other members of the association at its fair  
370 market value as established in the articles of association, or otherwise.

371 (2) The articles of association of any association, formed and  
372 authorized pursuant to paragraph (1) of this section, shall expressly  
373 state that the association is formed under said paragraph (1) and shall  
374 be signed and sworn to by all of the members. The articles of  
375 association, duly executed, shall be filed for record with the Secretary  
376 of the State, together with a filing fee of twenty-five dollars, [ and shall  
377 be filed for record in the office of the town clerk of the town wherein  
378 the association has its principal offices.] The Secretary of the State [and

379 the town clerk] shall index and keep the documents in files used  
380 exclusively for such purpose.

381 (3) Any association formed and authorized under paragraph (1) of  
382 this section shall be subject to the laws of the state of Connecticut  
383 regulating the practice of the profession of the individual members of  
384 the association.

385 (4) The articles of association shall be cancelled when the association  
386 is dissolved by all of its members or as otherwise provided in the  
387 articles of association. The articles of association shall be amended  
388 when (i) there is a change in the name or principal place of business of  
389 the association, (ii) the members desire to make a change in any other  
390 statement in the articles of association and have adopted such change  
391 in the manner provided in the articles of association.

392 (5) No amendment to the articles of association nor any dissolution  
393 of the association shall be effective until the amendment or an  
394 agreement of dissolution has been duly executed and filed for record  
395 with the Secretary of the State, together with a filing fee of ten dollars,  
396 [ and shall be filed for record in the office of the town clerk of the  
397 town wherein the association has its principal office.]

398 (6) An association formed under this section may become a  
399 professional service corporation, in accordance with section 33-182b,  
400 by complying with the provisions of chapter 594a and with this  
401 subsection. Upon the filing of a certificate of incorporation in  
402 compliance with section 33-182c, the association shall file with the  
403 Secretary of the State, in such form as the Secretary of the State shall  
404 prescribe, a certificate of cancellation of its articles of association and a  
405 consent of each member to the association becoming a professional  
406 service corporation, together with a filing fee of ten dollars. Upon the  
407 filing of such a certificate and consents and the incorporation of the  
408 professional service corporation, the association shall become a  
409 professional service corporation and the interests therein shall be  
410 converted to such number of shares of capital stock of the professional

411 service corporation as the members shall approve. The provisions of  
412 subdivisions (2), (3), (4) and (6) of subsection (a) of section 33-820 shall  
413 apply as though the professional service corporation was the surviving  
414 corporation in a merger and the association the merging corporation.

415 Sec. 13. Section 7-148h of the general statutes is repealed and the  
416 following is substituted in lieu thereof:

417 (a) Any town, city, district, as defined in section 7-324, or borough  
418 may, by charter provision or ordinance, establish a board, commission,  
419 council, committee or other agency to investigate allegations of  
420 unethical conduct, corrupting influence or illegal activities levied  
421 against any [municipal] official, officer or employee of such town, city,  
422 district or borough. The provisions of subsections (a) to (e), inclusive,  
423 of section 1-82a shall apply to allegations before any such agency of  
424 such conduct, influence or activities, to an investigation of such  
425 allegations conducted prior to a probable cause finding, and to a  
426 finding of probable cause or no probable cause. Any [such] board,  
427 commission, council, committee or other agency established pursuant  
428 to this section may issue subpoenas or subpoenas duces tecum,  
429 enforceable upon application to the Superior Court, to compel the  
430 attendance of persons at hearings and the production of books,  
431 documents, records and papers.

432 (b) Notwithstanding the provisions of any special act, municipal  
433 charter or ordinance to the contrary, an elected [municipal] official [,  
434 in] of any town, city, district or borough [which] that has established a  
435 board, commission, council, committee or other agency under  
436 subsection (a) of this section, has an interest [which] that is in  
437 substantial conflict with the proper discharge of [his] the official's  
438 duties or employment in the public interest and of [his] the official's  
439 responsibilities as prescribed by the laws of this state, if [he] the official  
440 has reason to believe or expect that [he, his] the official, the official's  
441 spouse [, a] or dependent child, or a business with which he is  
442 associated, as defined in section 1-79, will derive a direct monetary  
443 gain or suffer a direct monetary loss, as the case may be, by reason of

444 [his] the official's official activity. Any such elected [municipal] official  
445 does not have an interest [which] that is in substantial conflict with the  
446 proper discharge of [his] the official's duties in the public interest and  
447 of [his] the official's responsibilities as prescribed by the laws of this  
448 state, if any benefit or detriment accrues to [him, his] the official, the  
449 official's spouse [, a] or dependent child, or a business with which he,  
450 his spouse or such dependent child is associated as a member of a  
451 profession, occupation or group to no greater extent than to any other  
452 member of such profession, occupation or group. Any such elected  
453 [municipal] official who has a substantial conflict may not take official  
454 action on the matter.

455 Sec. 14. Subsection (b) of section 51-164n of the general statutes, as  
456 amended by section 1 of public act 99-23, section 8 of public act 99-163,  
457 section 27 of public act 99-194, section 4 of public act 99-255 and section  
458 31 of public act 99-268, is repealed and the following is substituted in  
459 lieu thereof:

460 (b) Notwithstanding any provision of the general statutes to the  
461 contrary, any person who is alleged to have committed (1) a violation  
462 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-18, 7-  
463 35, 7-41, 7-83, 7-104, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-  
464 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-  
465 170aa, 12-292, 12-326g, subsection (4) of section 12-408, subsection (3),  
466 (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,  
467 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124,  
468 13a-139, 13a-140, 13a-143b, 13a-247, 13a-253, subsection (f) of section  
469 13b-42, section 13b-90, 13b-221, 13b-224, 13b-292, 13b-336, 13b-337, 13b-  
470 338, 13b-410a, 13b-410b, 13b-410c, subsection (a), (b) or (c) of section  
471 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a,  
472 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,  
473 section 14-43, 14-49, 14-50a, 14-58, subsection (b) of section 14-66,  
474 section 14-66a, 14-66b, 14-67a, subsection (f) of section 14-80h, section  
475 14-97a, subsection (c) of section 14-100a, section 14-100b, 14-103a, 14-  
476 106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first violation as  
477 specified in subsection (f) of section 14-164i, section 14-219 specified in

478 subsection (e) of said section, subsection (b) of section 14-227a, section  
479 14-240, 14-249, 14-250, subsection (a), (b) or (c) of section 14-261a,  
480 section 14-267a, 14-269, 14-270, 14-275a, 14-278, 14-279, subsection (e)  
481 of section 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-  
482 325a, 14-326, 14-330, 14-332a, subdivision (1), (2) or (3) of section 14-  
483 386a, section 15-33, subsection (a) of section 15-115, section 16-256, 16-  
484 256e, 16a-15, 16a-22, subsection (a) or (b) of section 16a-22h, section  
485 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131,  
486 17b-137, 17b-407, 17b-451, 17b-734, subsection (b) of section 17b-736,  
487 19a-30, 19a-33, 19a-39, 19a-87, subsection (b) of section 19a-87a, section  
488 19a-91, 19a-105, 19a-107, 19a-108, 19a-215, 19a-219, 19a-222, 19a-224,  
489 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,  
490 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,  
491 20-265, 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597,  
492 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a,  
493 21a-21, 21a-25, 21a-26, 21a-30, 21a-31, subsection (a) of section 21a-37,  
494 section 21a-46, 21a-61, 21a-63, 21a-77, subsection (b) of section 21a-79,  
495 section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15,  
496 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-  
497 39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-  
498 100, 22-111o, 22-123, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326,  
499 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366,  
500 [22-379, 22-380,] 22-391, 22-413, 22-414, 22-415, 22a-66a, 22a-246,  
501 subsection (a) of section 22a-250, subsection (e) of section 22a-256h,  
502 section 22a-449, 22a-461, 23-37, 23-38, 23-46, 23-61b, subsection (a) or  
503 (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-  
504 40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117,  
505 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-221, 26-222, 26-  
506 224a, 26-227, 26-230, 26-234, 26-267, 26-269, 26-294, 28-13, 29-6a, 29-109,  
507 29-161a, 29-161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341,  
508 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-  
509 16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,  
510 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a, 31-54, subsection (a) or  
511 (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b, 31-  
512 134, subsection (g) of section 31-273, section 31-288, 36a-787, 42-230, 44-

513 3, 45a-450, 45a-634, 45a-658, subdivision (13) or (14) of section 46a-54,  
514 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-  
515 133, subsection (a) or (b) of section 53-211, section 53-212a, 53-249a, 53-  
516 252, 53-264, 53-301, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-  
517 331, 53-344 or 53-450, or (2) a violation under the provisions of chapter  
518 268, or (3) a violation of any regulation adopted in accordance with the  
519 provisions of section 12-484, 12-487 or 13b-410, shall follow the  
520 procedures set forth in this section.

521 Sec. 15. Subsection (a) of section 9-369b of the general statutes is  
522 repealed and the following is substituted in lieu thereof:

523 (a) Any municipality may, by vote of its legislative body, authorize  
524 the preparation and printing of concise explanatory texts of local  
525 proposals or questions approved for submission to the electors of a  
526 municipality at a referendum. Thereafter, each such explanatory text  
527 shall be prepared by the municipal clerk, subject to the approval of the  
528 municipal attorney, and shall specify the intent and purpose of each  
529 such proposal or question. Such text shall not advocate either the  
530 approval or disapproval of the proposal or question. The municipal  
531 clerk shall cause such question or proposal and such explanatory text  
532 to be printed in sufficient supply for public distribution and shall also  
533 provide for the printing of such explanations of proposals or questions  
534 on posters of a size to be determined by said clerk. At least three such  
535 posters shall be posted at each polling place at which electors will be  
536 voting on such proposals or questions. Any posters printed in excess of  
537 the number required by this section to be posted may be displayed by  
538 said clerk at his discretion at locations which are frequented by the  
539 public. The explanatory text shall also be furnished to each absentee  
540 ballot applicant pursuant to subsection (d) of section 9-140. Except as  
541 provided in subsection (c) of this section, no expenditure of state or  
542 municipal funds shall be made to influence any person to vote for  
543 approval or disapproval of any such proposal or question. Any  
544 municipality may, by vote of its legislative body and subject to the  
545 approval of its municipal attorney, authorize the preparation and  
546 printing of materials concerning any such proposal or question in

547 addition to the explanatory text if such materials do not advocate the  
548 approval or disapproval of the proposal or question. This subsection  
549 shall not apply to a written, printed or typed summary of an official's  
550 views on a proposal or question, which is prepared for any news  
551 medium or which is not distributed with public funds to a member of  
552 the public except upon request of such member.

553 Sec. 16. Sections 22-368 to 22-380, inclusive, 50-6 and 50-7 of the  
554 general statutes are repealed.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** None

**Municipal Impact:** Minimal Cost Savings, Minimal Cost

**Explanation**

**Municipal Impact:**

The amendment eliminates payments between towns for recording vital statistics when the amount is less than \$26. This will result in a minimal revenue loss to the towns that had bills less than \$26. Correspondingly, this will result in a minimal cost savings to other towns, who would have otherwise have to make such payments, frequently for amounts of only \$2. This may result in a workload decrease to all towns because there will be fewer invoices and checks to process.

The bill permits special districts to establish agencies to investigate allegations of unethical conduct by ordinance or by adopting a charter provision. There is no fiscal impact resulting from this change.

Additionally, the bill permits municipalities to prepare and print certain materials related to local proposals or referendum questions. It is anticipated that municipalities will only engage in such activity to the extent there are available budgetary resources, thus no fiscal impact will result.

House "A" reduces the threshold for eliminating payments between towns for recording vital statistics from \$50 to \$26. Decreasing the threshold further reduces the potential revenue loss and corresponding cost savings some municipalities may experience. Additionally, the amendment eliminates provisions which permitted printing a summary for a charter, charter amendment, or home rule, rather than printing the entire document. Eliminating this provision reduces the potential cost savings some municipalities may realize from the reduced printing requirements and associated costs.

House "B" adds the provisions allowing districts to establish ethics commissions, which has no fiscal impact.

House "C" permits municipalities to prepare and print certain referendum materials, which has no fiscal impact.

---

**OLR Amended Bill Analysis**

sHB 5677 (as amended by House "A", "B", and "C")\*

**AN ACT CONCERNING THE DUTIES OF TOWN CLERKS.****SUMMARY:**

This bill authorizes special districts to establish agencies to investigate charges of unethical conduct, corrupting influence, or illegal activities made against district officials, officers, and employees. They can do so by adopting a charter provision or ordinance. The bill also applies to an elected official of a district that has established an ethics board or commission the ban against taking official action on a matter on which the official has a substantial conflict of interest. Under the law, an official has a "substantial conflict" when he has reason to believe that he, his spouse, dependent child, or an associated business will derive a direct monetary gain or suffer a direct monetary loss as a result of an official action.

The bill makes minor changes to certain town clerks' duties and removes others that are obsolete. It:

1. adds recording a partial release or assignment of a mortgage or lien to clerks' recording duties and establishes directions for noting a release, partial release, or assignment when public records are not in paper form;
2. eliminates payments between towns for recording vital statistics when the annual amount is less than \$26;
3. requires all copies of marriage and death records that clerks provide to be certified at a cost of \$5 per copy; and
4. deletes requirements that cooperative and professional associations file with the town clerk where they are located.

Finally, the bill allows a town to prepare and print materials, other than an explanatory text, that relate to local proposals or questions that appear at a referendum as long as they do not advocate approval or

disapproval. The town's legislative body must vote to do so and its attorney must approve.

\*House Amendment "A" (1) reduces from \$50 to \$26 the threshold for eliminating vital statistics recording payments; (2) eliminates a provision permitting publishing a charter, charter amendment, or home rule summary; and (3) makes a conforming change to the repealer section.

\*House Amendment "B" adds the provision on district ethics commissions and conflicts of interest.

\*House Amendment "C" adds the provision on referendum materials.

EFFECTIVE DATE: October 1, 2000

### **MORTGAGE OR LIEN RECORDING**

The bill (1) requires clerks to note an assignment of a mortgage or lien and specifies that a release on a mortgage or lien also includes a partial release and (2) directs them to follow the public records administrator's rules when noting a release, partial release, or assignment when the land records are not in paper form.

### **VITAL STATISTICS**

By law, towns where a birth, marriage, or death occurred, annually bill the appropriate towns of residence of the child's parents, either party of the marriage, or the deceased for recording certificates and making copies and endorsements. The fee is \$2 per record. The bill prohibits registrars of vital statistics (town clerks) from sending annual invoices to towns for amounts less than \$26 and the payment is abated.

### **OBSOLETE PROVISIONS REMOVED**

The bill eliminates the following out-dated provisions.

1. It eliminates fees for obsolete registrar of vital statistics duties.
2. A cooperative association need not file a certified copy and the clerk need not record its articles of association, initial organizational details, and annual reports in the town where its

principal office is located. But it still must file the articles in the Office of the Secretary of the State.

3. It removes the requirement that town clerks receive articles of association of those forming a professional association in order to practice in the state as well as any amendments to them or a dissolution agreement.
4. The town clerk is removed from the special board convened to decide the quantity and stumpage value of cut timber subject to a yield tax when there is a dispute between the landowner and the town assessors. The removal leaves only the town's first selectman and the state forester on the board.
5. It deletes the requirements that town clerks receive a certificate of election of the trustees and the certificate of incorporation for each Methodist Church in the state.
6. It repeals laws regulating the impoundment, disposal, subsequent return, or sale of horses, cattle, asses, mules, sheep, goats, swine, or geese, the violation of which is an infraction.
7. It repeals the law requiring anyone who finds anything valued at over \$1 or a stray animal valued at up to \$5 whose owner is unknown to register a description with the town clerk where it was found, or if the value is greater, to advertise in a newspaper. It repeals the provisions on restoration to the owner and the procedures for unclaimed property.

## **BACKGROUND**

### ***Definition of "Districts"***

The bill applies to any fire district; sewer district; fire and sewer district; lighting district; village, beach or improvement association; and any other district or association, except a school district, wholly within a town that has the power to appropriate money and levy taxes (CGS § 7-324).

### ***Cooperative and Professional Associations***

Seven or more state residents can form a cooperative association for

trade or business purposes, such as a food or electrical cooperative. Currently, there are approximately 25 to 30 in the state.

Professionals, such as doctors or attorneys, can form professional associations to practice. However, typically they incorporate or form a limited liability company, and there are few professional associations now.

**Related Bill**

The bill’s provision on ethics boards or commissions for special districts is identical to HB 5819, “An Act Concerning Voting on Charter Revisions for Special Districts and the Establishment of Ethics Agencies by Special Districts” (File 280) on the House calendar.

**Legislative History**

On March 31, the House referred the bill to the Judiciary Committee, which gave it a favorable report on April 7. On April 11, the House referred it to the Environment Committee, which gave it a favorable report on April 17.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute Change of Reference  
Yea 22 Nay 0

Planning and Development Committee

Joint Favorable Report  
Yea 16 Nay 0

Judiciary Committee

Joint Favorable Report  
Yea 33 Nay 0

Environment Committee

Joint Favorable Report  
Yea 21 Nay 0