



# House of Representatives

General Assembly

**File No. 140**

February Session, 2010

Substitute House Bill No. 5059

*House of Representatives, March 25, 2010*

The Committee on Labor and Public Employees reported through REP. RYAN of the 139th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE APPOINTMENT OF MUNICIPAL ASSESSORS.**

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

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) Any town,  
2 consolidated town and city or consolidated town and borough may, by  
3 town or borough meeting vote, or, in those municipalities in which  
4 there is no such meeting, by a two-thirds majority of the members of  
5 the legislative body thereof, provide for the appointment of one or  
6 more but not more than five assessors. Any such municipality may  
7 establish the qualifications and compensation of such assessor or  
8 assessors, and may provide for the appointment by the assessor or  
9 board of assessors of clerical and other assistance within the limits of  
10 the appropriation therefor, provided, if there is more than one  
11 assessor, such assessors shall choose one of their number to be  
12 chairman of the board of assessors.

13 (b) Any assessor appointed pursuant to subsection (a) of this section

14 shall be sworn to the faithful performance of his or her duties by the  
15 clerk of the town.

16 Sec. 2. Section 7-105 of the general statutes is repealed and the  
17 following is substituted in lieu thereof (*Effective October 1, 2010*):

18 Each person [elected or] appointed an assessor or elected or  
19 appointed a member of the board of assessment appeals or a collector  
20 of town taxes in any town shall be sworn before entering upon the  
21 duties of the office to which he has been elected or appointed.

22 Sec. 3. Section 9-185 of the general statutes is repealed and the  
23 following is substituted in lieu thereof (*Effective October 1, 2010*):

24 Unless otherwise provided by special act or charter, [assessors,]  
25 members of boards of assessment appeals, selectmen, town clerks,  
26 town treasurers, collectors of taxes, constables, registrars of voters,  
27 members of boards of education and library directors shall be elected,  
28 provided any town may, by ordinance, provide for the appointment,  
29 by its chief executive authority, of (1) a constable or constables in lieu  
30 of constables to be elected under section 9-200, or (2) a town clerk,  
31 town treasurer or collector of taxes in lieu of the election of such  
32 officers as provided in section 9-189. Unless otherwise provided by  
33 special act or charter, all other town officers shall be appointed as  
34 provided by law and, if no other provision for their appointment is  
35 made by law, then [by] (A) by the chief executive officer of such  
36 municipality, [or] (B) where the legislative body is a town meeting, by  
37 the board of selectmen, or (C) by such other appointing authority as a  
38 town may by ordinance provide, and except that, if a board of finance  
39 is established under the provisions of section 7-340, the members  
40 thereof shall be elected as provided in section 9-202. [and except that  
41 assessors may be elected or appointed under the provisions of section  
42 9-198.] Any town may, by a vote of its legislative body, determine the  
43 number of its officers and prescribe the mode by which they shall be  
44 voted for at subsequent elections.

45 Sec. 4. Section 9-199 of the general statutes is repealed and the

46 following is substituted in lieu thereof (*Effective October 1, 2010*):

47 (a) Unless otherwise provided by law, each town shall elect [three  
48 assessors and] a board of assessment appeals consisting of three  
49 members and shall elect such officers at regular municipal elections for  
50 terms of four years. Such [assessors and] members of the board of  
51 assessment appeals shall hold office for the term for which they are  
52 elected and until their successors are elected and have qualified. When  
53 the number of [assessors or the number of] members of the board of  
54 assessment appeals to be elected by any town is even, no person shall  
55 vote for more than one-half the number, and when the number to be  
56 elected is odd, no person shall vote for more than a bare majority of the  
57 number, provided the legislative body of any town may provide that  
58 the electors of such town vote for the full number of [assessors or]  
59 members to be elected thereat, any provision of the special acts to the  
60 contrary notwithstanding. The candidates in number sufficient to fill  
61 such offices who have the highest number of votes shall be elected.  
62 Nothing in this section shall be construed to affect the method of  
63 rotation of [assessors or] members of a board of assessment appeals  
64 legally in effect on October 1, 1976.

65 (b) The legislative body of a municipality or, in the case of a  
66 municipality for which the legislative body is a town meeting or a  
67 representative town meeting, the board of selectmen may appoint an  
68 alternate for each member of the board of assessment appeals. Each  
69 alternate member shall be an elector of the municipality. When seated,  
70 an alternate member shall have all the powers and duties of a member  
71 of the board of assessment appeals.

72 (c) Notwithstanding the provisions of subsection (a) of this section  
73 or of any special act, municipal charter or home rule ordinance, a  
74 municipality may, by ordinance, authorize its legislative body to  
75 appoint additional members to the board of assessment appeals for  
76 any assessment year.

77 Sec. 5. Section 9-198 of the general statutes is repealed. (*Effective*  
78 *October 1, 2010*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	7-105
Sec. 3	<i>October 1, 2010</i>	9-185
Sec. 4	<i>October 1, 2010</i>	9-199
Sec. 5	<i>October 1, 2010</i>	Repealer section

**LAB**      *Joint Favorable Subst.*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill provides that municipal assessors be appointed rather than elected. This does not result in any fiscal impact to the state or municipalities.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis**

**sHB 5059**

**AN ACT CONCERNING THE APPOINTMENT OF MUNICIPAL ASSESSORS.**

**SUMMARY:**

This bill eliminates a municipality's option to elect assessors and only allows towns to appoint them. Under current law, a town can (1) choose to elect or appoint up to five assessors by a town or borough meeting vote or a two-third vote of the legislative body in a municipality without meetings, (2) set the assessor's qualifications and compensation, and (3) allow the assessor or board of assessors to appoint clerical or other assistants within appropriations. The bill limits these provisions to appointed assessors and eliminates provisions on setting terms of office and terminating terms of assessors in office.

The bill also requires the town clerk to swear the assessor to the faithful performance of his or her duties. The law already requires an assessor to be sworn before beginning his or her duties.

The bill does not affect provisions relating to election and appointment of members of a board of assessment appeals.

EFFECTIVE DATE: October 1, 2010

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/16/2010)