



General Assembly

February Session, 2000

Amendment

LCO No. 5242

Offered by:

SEN. LOONEY, 11th Dist.

To: Subst. Senate Bill No. 530 File No. 602 Cal. No. 396
(As Amended)

***"An Act Concerning The Assessment Of The Personal
Property Of Certain Public Service Companies."***

1 After line 173, insert the following:

2 "Sec. 2. The assessor or board of assessors of Stamford, Hartford,
3 New Haven, Cheshire, Southbury, New London, Mansfield, Windsor,
4 Meriden, Fairfield and Bridgeport may perform an audit or require a
5 designee of the assessor to perform an audit of any personal property
6 required to be declared pursuant to section 12-80a of the general
7 statutes for the October, 1999, grand list. Such audit shall be governed
8 by the provisions of section 3 of this act. The assessor shall give notice
9 in writing to the owner, custodian or other person having knowledge
10 of any such property or the valuation of such property, of the time and
11 place of such audit with respect to such property. Such notice shall be
12 placed in the hands of such person or left at such person's usual place
13 of residence or business or shall be sent to such person by registered or
14 certified mail at the last-known place of residence or business. Such
15 notice shall direct the person named therein to appear before the

16 assessor or board of assessors, or before a designee of said assessor,
17 with books of account, papers, documents and other records for
18 examination under oath relative to any such property or the valuation
19 of such property. The methodology used to determine the assessment
20 of such property to which such audit or audits relate shall be that set
21 forth in section 12-80a of the general statutes.

22 Sec. 3. (a) Upon completing an audit of property assessed in
23 accordance with section 2 of this act, the assessors or board of assessors
24 shall send written notification to the property owner. Such notice shall
25 identify any property the assessor believes (1) was erroneously
26 included in the return the owner submitted under section 12-80a of the
27 general statutes, (2) was not included in said return, or (3) was
28 included in said return but was not valued in the manner required by
29 section 12-80a of the general statutes. Such notice shall be sent not later
30 than thirty days after such audit is completed and a copy of such
31 notice shall be sent to the Secretary of the Office of Policy and
32 Management.

33 (b) With respect to property discovered to have been included on a
34 return in error, the secretary shall determine the amount of the tax
35 represented by such property and shall deduct said amount from the
36 tax next certified by the secretary, under section 12-80a of the general
37 statutes, as payable to the municipality to which said amount was paid
38 in error. With respect to any other property, the owner shall be
39 required to submit to the secretary, not later than thirty days after the
40 date of the assessor's notice, an amended return or a written notice
41 refuting the assessor's findings.

42 (c) (1) An amended return required to be submitted under this
43 section shall reflect the value of any personal property that was not
44 included in the return on which the company's tax was based, as
45 determined in accordance with section 12-80a of the general statutes. If
46 the value of any property included in said return was inaccurate, the
47 amended return shall reflect the correct value of such property. Upon
48 receipt of an amended return submitted pursuant to this section, the

49 secretary shall determine the assessment of property included in such
50 return. Such assessment shall equal seventy per cent of the value of
51 such property plus the penalty calculated in accordance with this
52 subsection. The penalty for property not declared on the return that
53 formed the basis of the company's taxation shall equal twenty-five per
54 cent of such assessment. The penalty for property the value of which
55 was understated on the return that formed the basis of the company's
56 taxation shall equal ten per cent of such assessment. The secretary shall
57 determine the tax due for the assessment of such property, pursuant to
58 section 12-80a of the general statutes, and shall notify the owner to pay
59 the amount due to the municipality not later than thirty days after
60 such notice.

61 (2) If a property owner elects to refute the assessor's findings with
62 respect to an audit of property that was assessed and taxed under
63 section 12-80a of the general statutes, the owner shall submit a written
64 notice to that effect to the secretary. Such notice shall contain the
65 reasons why the owner believes the assessor's audit findings are
66 incorrect. Not later than sixty days after receiving such notice, the
67 secretary shall notify the property owner and the assessor of the town
68 having conducted the audit, in writing, of the time and place of a
69 hearing. The purpose of such hearing shall be to review the assessor's
70 findings and the property owner's response to such findings. The
71 secretary's decision with respect to such audit findings, including a
72 decision as to whether or not the property owner is required to file an
73 amended return, shall be issued not later than thirty days after the
74 conclusion of the hearing. Any property owner or municipality
75 aggrieved by the secretary's decision may file an appeal with the
76 superior court for the judicial district in which the property is located
77 or was purported to be located.

78 Sec. 4. On or before January 1, 2001, the assessor or board of
79 assessors of each town specified in section 2 of this act shall submit a
80 report to the joint standing committee of the General Assembly having
81 cognizance of matters relating to finance, revenue and bonding
82 regarding the audit conducted pursuant to section 2 of this act."