



An Act Facilitating Administration Of Various Tax Laws.

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

1 Section 1. Subsections (a) and (b) of section 12-15 of the general
2 statutes, as amended by section 1 of public act 99-121, are repealed and
3 the following is substituted in lieu thereof:

4 (a) No officer or employee, including any former officer or former
5 employee, of the state or of any other person who has or had access to
6 returns or return information in accordance with subdivision [(2)] 12 of
7 subsection [(c)] (b) of this section shall disclose or inspect any return or
8 return information, except as provided in this section.

9 (b) The commissioner may disclose (1) returns or return information
10 to (A) an authorized representative of another state agency or office,
11 upon written request by the head of such agency or office, when
12 required in the course of duty or when there is reasonable cause to
13 believe that any state law is being violated, or (B) an authorized
14 representative of an agency or office of the United States, upon written
15 request by the head of such agency or office, when required in the
16 course of duty or when there is reasonable cause to believe that any
17 federal law is being violated, provided no such agency or office shall
18 disclose such returns or return information, other than in a judicial or
19 administrative proceeding to which such agency or office is a party
20 pertaining to the enforcement of state or federal law, as the case may

21 be, in a form which can be associated with, or otherwise identify,
22 directly or indirectly, a particular taxpayer except that the names and
23 addresses of jurors or potential jurors and the fact that the names were
24 derived from the list of taxpayers pursuant to chapter 884 may be
25 disclosed by the judicial branch; (2) returns or return information to
26 the Auditors of Public Accounts, when required in the course of duty
27 under chapter 23; (3) returns or return information to tax officers of
28 another state or of a Canadian province or of a political subdivision of
29 such other state or province or of the District of Columbia or to any
30 officer of the United States Treasury Department or the United States
31 Department of Health and Human Services, authorized for such
32 purpose in accordance with an agreement between this state and such
33 other state, province, political subdivision, the District of Columbia or
34 department, respectively, when required in the administration of taxes
35 imposed under the laws of such other state, province, political
36 subdivision, the District of Columbia or the United States, respectively,
37 and when a reciprocal arrangement exists; (4) returns or return
38 information in any action, case or proceeding in any court of
39 competent jurisdiction, when the commissioner or any other state
40 department or agency is a party, and when such information is directly
41 involved in such action, case or proceeding; (5) returns or return
42 information to a taxpayer or its authorized representative, upon
43 written request for a return filed by or return information on such
44 taxpayer; (6) returns or return information to a successor, receiver,
45 trustee, executor, administrator, assignee, guardian or guarantor of a
46 taxpayer, when such person establishes, to the satisfaction of the
47 commissioner, that such person has a material interest which will be
48 affected by information contained in such [return] returns or return
49 information; (7) information to the assessor or an authorized
50 representative of the chief executive officer of a Connecticut
51 municipality, when the information disclosed is limited to (A) a list of
52 real or personal property that is or may be subject to property taxes in
53 such municipality or (B) a list containing the name of each person who
54 is issued any license, permit or certificate which is required, under the
55 provisions of this title, to be conspicuously displayed and whose

56 address is in such municipality; (8) real estate conveyance tax return
57 information or controlling interest transfer tax return information to
58 the town clerk or an authorized representative of the chief executive
59 officer of a Connecticut municipality to which the information relates;
60 (9) estate tax returns and estate tax return information to the Probate
61 Court Administrator or to the court of probate for the district within
62 which a decedent resided at the date of the decedent's death, or within
63 which the commissioner contends that a decedent resided at the date
64 of the decedent's death or, if a decedent died a nonresident of this
65 state, in the court of probate for the district within which real estate or
66 tangible personal property of the decedent is situated, or within which
67 the commissioner contends that real estate or tangible personal
68 property of the decedent is situated; (10) returns or return information
69 to the Secretary of the Office of Policy and Management for purposes
70 of subsection (b) of section 12-7a; (11) return information to the Jury
71 Administrator, when the information disclosed is limited to the names,
72 addresses, federal Social Security numbers and dates of birth, if
73 available, of residents of this state, as defined in subdivision (1) of
74 subsection (a) of section 12-701; (12) pursuant to regulations adopted
75 by the commissioner, returns or return information to any person to
76 the extent necessary in connection with the processing, storage,
77 transmission or reproduction of such returns or return information,
78 and the programming, maintenance, repair, testing or procurement of
79 equipment, or the providing of other services, for purposes of tax
80 administration; [and] (13) without written request and unless the
81 commissioner determines that disclosure would identify a confidential
82 informant or seriously impair a civil or criminal tax investigation,
83 returns and return information which may constitute evidence of a
84 violation of any civil or criminal law of this state or the United States to
85 the extent necessary to apprise the head of such agency or office
86 charged with the responsibility of enforcing such law, in which event
87 the head of such agency or office may disclose such return information
88 to officers and employees of such agency or office to the extent
89 necessary to enforce such law; and (14) names and addresses of
90 operators, as defined in section 12-407, as amended, to tourism

91 districts, as defined in section 32-302, as amended.

92 Sec. 2. Subsection (b) of section 12-35 of the general statutes is
93 repealed and the following is substituted in lieu thereof:

94 (b) (1) Any such warrant on any intangible personal property of any
95 person may be served by mailing a certified copy of such warrant by
96 certified mail, return receipt requested, to any third person in
97 possession of, or obligated with respect to, receivables, bank accounts,
98 evidences of debt, securities, salaries, wages, commissions,
99 compensation or other intangible personal property subject to such
100 warrant, ordering such third person to forthwith deliver such property
101 or pay the amount due or payable to the state collection agency which
102 has made out such warrant, provided such warrant may be issued only
103 after the state collection agency making out such warrant has notified
104 the person owning such property, in writing, of its intention to issue
105 such warrant. The notice of intent shall be: [(1)] (A) Given in person;
106 [(2)] (B) left at the dwelling or usual place of business of such person;
107 or [(3)] (C) sent by certified mail, return receipt requested, to such
108 person's last known address, not less than thirty days before the day
109 the warrant is to be issued.

110 (2) Any such warrant on any intangible personal property of any
111 person may be served by electronic mail or facsimile machine on any
112 third person in possession of, or obligated with respect to, receivables,
113 bank accounts, evidences of debt, securities, salaries, wages,
114 commissions, compensation or other intangible personal property
115 subject to such warrant, ordering such third person to forthwith
116 deliver such property or pay the amount due or payable to the state
117 collection agency which has made out such warrant provided such
118 warrant may be issued only after the state collection agency making
119 out such warrant has notified the person owning such property, in
120 writing, of its intention to issue such warrant. The notice of intent shall
121 be: (A) Given in person; (B) left at the dwelling or usual place of
122 business of such person; or (C) sent by certified mail, return receipt
123 requested, to such person's last-known address, not less than thirty

124 days before the day the warrant is to be issued.

125 Sec. 3. Subdivision (1) of subsection (a) of section 12-226 of the
126 general statutes is repealed and the following is substituted in lieu
127 thereof:

128 (a) (1) Any company whose income, profits or earnings are changed,
129 adjusted or corrected for any income year by any official of the United
130 States government, or any agency thereof, in any respect affecting the
131 tax imposed by this part, shall [within] provide notice of such change,
132 adjustment or correction to the commissioner by filing, on or before the
133 date that is ninety days after the final determination of such change,
134 adjustment or correction, or as otherwise required by the
135 commissioner, [submit to the commissioner an affidavit disclosing
136 such changes or adjustments,] an amended return under this chapter,
137 and shall concede the accuracy of such determination or state wherein
138 it is erroneous, and thereafter promptly furnish to the commissioner
139 any information, schedules, records, documents or papers relating to
140 such change, adjustment or correction as [he] the commissioner
141 requires. The time for filing such [affidavit] return may be extended by
142 the commissioner upon due cause shown. If, upon examination, the
143 commissioner finds that the company is liable for the payment of an
144 additional tax, [he] the commissioner shall, within a reasonable time
145 from the receipt of such [affidavit] return, notify the company of the
146 amount of such additional tax, together with interest thereon
147 computed at the rate of one per cent per month or fraction thereof from
148 the date when the original tax became due and payable. Within thirty
149 days of the mailing of such notice, the company shall pay to the
150 commissioner, in cash or by check, draft or money order, drawn to the
151 order of the Commissioner of Revenue Services, the amount of such
152 additional tax and interest. If, upon examination of such [affidavit]
153 return and related information, the commissioner finds that the
154 company has overpaid the tax due the state and has not received from
155 or been allowed by the United States government, or any agency
156 thereof, a credit or a benefit as a deduction or otherwise, for or by
157 reason of such overpayment, the State Treasurer shall pay the

158 company, upon order of the State Comptroller, the amount of such
159 overpayment. If the commissioner determines that the company's
160 claim of overpayment is not valid, either in whole or in part, [he] the
161 commissioner shall mail notice of the proposed disallowance in whole
162 or in part of the claim to the company, which notice shall set forth
163 briefly the commissioner's findings of fact and the basis of
164 disallowance in each case decided in whole or in part adversely to the
165 claimant. Sixty days after the date on which it is mailed, a notice of
166 proposed disallowance shall constitute a final disallowance except
167 only for such amounts as to which the company has filed, as provided
168 in subdivision (2) of this subsection, a written protest with the
169 commissioner.

170 Sec. 4. Subsection (a) of section 12-229 of the general statutes is
171 repealed and the following is substituted in lieu thereof:

172 (a) If any company fails to pay the amount of tax reported to be due
173 on its return [or affidavit] within the time specified under the
174 provisions of this part, there shall be imposed a penalty equal to ten
175 per cent of such amount due and unpaid, or fifty dollars, whichever
176 amount is greater. Such amount shall bear interest at the rate of one
177 per cent per month or fraction thereof, from the due date of such tax
178 until the date of payment.

179 Sec. 5. Subsection (a) of section 12-231 of the general statutes is
180 repealed and the following is substituted in lieu thereof:

181 (a) Any person required under this part to pay any tax, or required
182 under this part or by regulations adopted in accordance with the
183 provisions of section 12-242 to make a return, [or affidavit,] keep any
184 records or supply any information, who wilfully fails to pay such tax,
185 make such return, [or affidavit,] keep such records or supply such
186 information, at the time required by law or regulations, shall, in
187 addition to any other penalty provided by law, be fined not more than
188 one thousand dollars or imprisoned not more than one year or both.
189 Notwithstanding the provisions of section 54-193, no person shall be

190 prosecuted for a violation of the provisions of this subsection
191 committed on or after July 1, 1997, except within three years next after
192 such violation has been committed. As used in this subsection, person
193 includes any officer or employee of a company under a duty to pay
194 such tax, make such return, [or affidavit,] keep such records or supply
195 such information.

196 Sec. 6. Subdivision (3) of subsection (c) of section 12-264 of the
197 general statutes is repealed and the following is substituted in lieu
198 thereof:

199 (3) Each electric distribution company shall, on or before the last
200 day of January, April, July and October of each year, render to the
201 Commissioner of Revenue Services [under oath of its treasurer, or the
202 person performing the duties of treasurer, or of an authorized agent or
203 officer,] a return on forms prescribed or furnished by the commissioner
204 and signed by its treasurer, or the person performing the duties of
205 treasurer, or of a authorized agent or officer, with such other
206 information as the Commissioner of Revenue Services deems
207 necessary.

208 Sec. 7. Subsection (a) of section 12-293a of the general statutes is
209 repealed and the following is substituted in lieu thereof:

210 (a) Each licensed distributor and dealer shall file with the
211 Commissioner of Revenue Services, on or before the twenty-fifth day
212 of each month, a report for the calendar month immediately preceding
213 in such form and containing such information as the commissioner
214 may prescribe. The return shall be accompanied by a payment of the
215 amount of the tax shown to be due thereon. The commissioner by
216 regulation may exempt from the monthly reporting requirements of
217 this section those distributors and dealers who do not acquire
218 unstamped cigarettes and in lieu thereof [he] may require an [affidavit
219 or] annual report, prescribed as to form by the Commissioner of
220 Revenue Services and bearing notice to the effect that false statements
221 made in such report are punishable, if, in [his] the commissioner's

222 discretion, the enforcement of this chapter would not be adversely
223 affected.

224 Sec. 8. Section 12-348 of the general statutes is repealed and the
225 following is substituted in lieu thereof:

226 The Commissioner of Revenue Services may require, from any
227 corporation, institution, society, association or trust claiming
228 exemption from the succession tax upon any transfer to it pursuant to
229 the provisions of section 12-347, as amended, or claiming a refund
230 under the provisions of said section 12-347, as amended, [an affidavit
231 under oath of] a declaration, prescribed as to form by the
232 Commissioner of Revenue Services and bearing notice to the effect that
233 false statements made in such declaration are punishable, by its
234 president or chief executive officer to the effect that no officer,
235 member, shareholder or employee thereof is receiving or has
236 previously received any pecuniary profit from the operation thereof
237 except reasonable compensation for services in effecting one or more of
238 the purposes for which it is formed or as a proper beneficiary of a
239 strictly charitable purpose.

240 Sec. 9. Subdivision (1) of subsection (e) of section 12-349 of the
241 general statutes is repealed and the following is substituted in lieu
242 thereof:

243 (e) (1) If, within ten years immediately following the death of the
244 decedent, real property in the gross estate of the decedent, classified as
245 farm land in accordance with section 12-107c and the value of which,
246 for purposes of the tax imposed under this chapter, was determined in
247 accordance with provisions applicable to farm land in section 12-63, as
248 amended, as provided in subsection (a) of this section, is transferred to
249 anyone other than a beneficiary or distributee in class AA, A or B as
250 provided in section 12-344 or is no longer classified as farm land in
251 accordance with section 12-107c, such beneficiary or distributee shall
252 be liable for a tax applicable to such transfer or change in classification.
253 Said tax shall be in an amount equal to the difference between the

254 amount of tax paid under this chapter with respect to such farm land
255 and the amount of tax which would have been paid if such farm land
256 had been assessed at fair market value for purposes of determining the
257 amount of tax under this chapter, and accordingly, the succession tax
258 return of the decedent shall include, in such manner as required by the
259 Commissioner of Revenue Services for purposes of this section, a
260 [sworn statement] declaration, prescribed as to form by the
261 Commissioner of Revenue Services and bearing notice to the effect that
262 false statements made in such declaration are punishable, as to the fair
263 market value of such farm land, based on its highest and best use
264 value, as of the date of death of the decedent. Said tax shall be paid to
265 the Commissioner of Revenue Services within sixty days following the
266 date of such transfer or change in classification, and if not so paid shall
267 bear interest at the rate of twelve per cent per annum, commencing at
268 the expiration of such sixty days, until paid. The Commissioner of
269 Revenue Services may, for cause shown, on written application of the
270 beneficiary or distributee, filed with said commissioner at or before the
271 expiration of such sixty days, extend the time for payment of said tax
272 or any part thereof.

273 Sec. 10. Subsection (a) of section 12-359 of the general statutes is
274 repealed and the following is substituted in lieu thereof:

275 (a) Except as herein provided, within six months after the death of
276 the transferor the administrator, executor, administrator for tax
277 purposes, administrator c.t.a. or administrator d.b.n. or administrator
278 d.b.n., c.t.a. or, if there is no such fiduciary, any transferee of property,
279 the transfer of which may be taxable under the provisions of section
280 12-341, 12-341b, 12-342, 12-343, 12-345 or sections 12-345b to 12-345e,
281 inclusive, shall file with the court of probate for the district within
282 which the transferor resided at the date of his or her death or, if the
283 transferor died a nonresident of this state, with the court of probate for
284 the district within which the real estate or tangible personal property is
285 situated, a [sworn] return, in duplicate, containing all items necessary
286 to the correct computation and assessment of the tax. Such return shall
287 include among other things: (1) A copy of the written instrument

288 evidencing any transfer which may be taxable under the provisions of
289 subsection (c) or (d) of section 12-341 or 12-341b or of section 12-342,
290 12-343, 12-345 or sections 12-345b to 12-345e, inclusive, or, if there is no
291 written evidence, a written statement fully disclosing the
292 circumstances under which the transfer was made; provided, in the
293 case of a transfer evidenced by an insurance, annuity, pension plan,
294 profit-sharing plan or other similar contract with an insurance
295 company, in lieu of such copy of the written instrument, a summary
296 thereof may be so filed; (2) an appraisal by the fiduciary or transferee,
297 at its fair market value on the date of decedent's death, of each item of
298 property, the transfer of which may be taxable under the provisions of
299 section 12-341, 12-341b, 12-342, 12-343, 12-345 or sections 12-345b to 12-
300 345e, inclusive; (3) a statement as to whether, or to what extent, the
301 reported transfers are conceded taxable; (4) all items claimed as
302 deductions under the provisions of section 12-350 or 12-352, with an
303 explanation of the circumstances under which each deduction is
304 allowable; (5) a statement containing the name and relationship to the
305 transferor of each individual, corporation, institution, society,
306 association or trust benefiting by reason of any succession or transfer
307 of property as set forth in sections 12-340 to 12-343, inclusive, sections
308 12-345 and 12-345b to 12-345e, inclusive, and the value of the estate
309 passing to each such beneficiary; (6) such other information as the
310 Commissioner of Revenue Services may deem necessary for the correct
311 computation and assessment of the tax and the proper administration
312 thereof. The fiduciary or transferee may correct any item on the
313 succession tax return by filing with the probate court an amendment
314 thereto in duplicate, [sworn to as the original return,] containing such
315 changes in the return as the fiduciary desires to make, but no such
316 amendment shall be permitted which would change the reported
317 value of any property or withdraw a concession of taxability after a
318 hearing has been held thereon pursuant to the provisions of subsection
319 (b) of this section and no such amendment shall be permitted after the
320 computation of the tax has become final. The probate court shall,
321 within ten days of the filing of such return or an amendment thereto,
322 forward a certified copy thereof to the Commissioner of Revenue

323 Services.

324 Sec. 11. Section 12-390d of the general statutes is repealed and the
325 following is substituted in lieu thereof:

326 If the amount of federal generation-skipping transfer tax reported
327 on a federal generation-skipping transfer tax return is changed or
328 corrected by the United States Internal Revenue Service or other
329 competent authority, the person required to make and file the
330 generation-skipping transfer tax return under this chapter shall
331 [within] provide notice of such change or correction to the
332 commissioner by filing, on or before the date that is ninety days after
333 the final determination of such change or correction, or as otherwise
334 required by the commissioner, [submit to the commissioner an
335 affidavit disclosing such change or correction] an amended return
336 under this chapter, and shall concede the accuracy of such
337 determination or state wherein it is erroneous, and thereafter promptly
338 furnish to the commissioner any information, schedules, records,
339 documents or papers relating to such change or correction as [he] the
340 commissioner requires. The time for filing such [affidavit] return may
341 be extended by the commissioner upon due cause shown. If, upon
342 examination, the commissioner finds that such person is liable for the
343 payment of an additional tax, [he] the commissioner shall, within a
344 reasonable time from the receipt of such [affidavit] return, notify such
345 person of the amount of such additional tax, together with interest
346 thereon computed at the rate of one per cent per month or fraction
347 thereof from the date when the original tax became due and payable.
348 Within thirty days of the mailing of such notice, such person shall pay
349 to the commissioner, in cash or by check, draft or money order, drawn
350 to the order of the Commissioner of Revenue Services, the amount of
351 such additional tax and interest. If, upon examination of such affidavit
352 and related information, the commissioner finds that such person has
353 overpaid the tax due the state and has not received from or been
354 allowed by the United States government, or any agency thereof, a
355 credit or a benefit, as a deduction or otherwise, for or by reason of such
356 overpayment, such person shall be paid by the State Treasurer, upon

357 order of the Comptroller, the amount of such overpayment.

358 Sec. 12. Subsection (a) of section 12-398 of the general statutes is
359 repealed and the following is substituted in lieu thereof:

360 (a) If the amount of federal estate tax reported on an estate's federal
361 estate tax return is changed or corrected by the United States Internal
362 Revenue Service or other competent authority, the person required to
363 make and file the estate tax return under this chapter shall [, within]
364 provide notice of such change or correction to the commissioner by
365 filing, on or before the date that is ninety days after the final
366 determination of such change or correction, or as otherwise required
367 by the commissioner, [submit to the commissioner an affidavit
368 disclosing such change or correction] an amended return under this
369 chapter, and shall concede the accuracy of such determination or state
370 wherein it is erroneous, and thereafter promptly furnish to the
371 commissioner any information, schedules, records, documents or
372 papers relating to such change or correction as [he] the commissioner
373 requires. The time for filing such [affidavit] return may be extended by
374 the commissioner upon due cause shown. If, upon examination, the
375 commissioner finds that the estate is liable for the payment of an
376 additional tax, [he] the commissioner shall, within a reasonable time
377 from the receipt of such [affidavit] return, notify the estate of the
378 amount of such additional tax, together with interest thereon
379 computed at the rate of one per cent per month or fraction thereof from
380 the date when the original tax became due and payable. Within thirty
381 days of the mailing of such notice, the estate shall pay to the
382 commissioner, in cash or by check, draft or money order, drawn to the
383 order of the Commissioner of Revenue Services, the amount of such
384 additional tax and interest. If, upon examination of such [affidavit]
385 return and related information, the commissioner finds that the estate
386 has overpaid the tax due the state and has not received from or been
387 allowed by the United States government, or any agency thereof, a
388 credit or a benefit, as a deduction or otherwise, for or by reason of such
389 overpayment, the estate shall be paid by the State Treasurer, upon
390 order of the Comptroller, the amount of such overpayment.

391 Sec. 13. Subdivision (3) of subsection (b) of section 12-408c of the
392 general statutes is repealed and the following is substituted in lieu
393 thereof:

394 (3) The permit issued under subdivision (2) of this subsection shall
395 authorize the holder to the extent and in the manner specified in the
396 regulations adopted under said subdivision (2), to purchase tangible
397 personal property from a retailer on which the taxes imposed by this
398 chapter shall not be payable. The regulations adopted under this
399 subsection shall require (A) [an affidavit] a declaration, prescribed as
400 to form by the commissioner [, affirming] and bearing notice to the
401 effect that false statements made in such declaration are punishable,
402 stating that such property is purchased for a purpose permitted by this
403 subsection, (B) a report to be submitted with, and to be a part of, each
404 return that is required to be filed under section 12-414 by the holder of
405 such permit detailing the persons from whom such tangible personal
406 property was purchased during the period covered by such return, the
407 quantities in which and the dates on which such property was
408 purchased and any other information deemed necessary by the
409 commissioner, and (C) periodic registration, at least annually, for the
410 purpose of the issuance of a permit, including procedures relating to
411 the application for the permit [.] and notice concerning the penalty for
412 misuse of the permit. [, and required notarization of the application for
413 such permit.]

414 Sec. 14. Subsection (60) of section 12-412 of the general statutes, as
415 amended by section 21 of public act 99-173, is repealed and the
416 following is substituted in lieu thereof:

417 (60) The sale of any motor vehicle or vessel, as defined in section 15-
418 127, in this state when the purchaser of such motor vehicle or vessel is
419 not a resident of this state and does not maintain a permanent place of
420 abode in this state, provided such motor vehicle or vessel is not
421 presented for registration with the Department of Motor Vehicles in
422 this state and such purchaser submits [any affidavit] a declaration,
423 prescribed as to form by the commissioner and bearing notice to the

424 effect that false statements made in such declaration are punishable, or
425 other evidence as may be requested by the Commissioner of Revenue
426 Services concerning such purchaser's residency or place of abode.

427 Sec. 15. Subdivision (3) of subsection (a) of section 12-458 of the
428 general statutes is repealed and the following is substituted in lieu
429 thereof:

430 (3) Said tax shall not be payable on such fuel as may have been (A)
431 sold to the United States, (B) sold to a municipality of this state, (i) for
432 use by any contractor performing a service for such municipality in
433 accordance with a contract, provided such fuel is used by such
434 contractor exclusively for the purposes of and in accordance with such
435 contract or (ii) for use exclusively in a school bus, as defined in section
436 14-275, (C) sold to a municipality of this state, a transit district of this
437 state, or this state, at other than a retail outlet, for governmental
438 purposes and for use in vehicles owned and operated, or leased and
439 operated by such municipality, such transit district or this state, (D)
440 sold to a person licensed as a distributor in this state under section 12-
441 456, (E) transferred from storage within this state to some point
442 without this state, (F) sold to the holder of a permit issued under
443 section 12-458a for sale or use without this state, (G) sold to the holder
444 of a permit issued under subsection (63) of section 12-412, provided (i)
445 such fuel is not used in motor vehicles registered or required to be
446 registered to operate upon the public highways of this state, unless
447 such fuel is used in motor vehicles registered exclusively for farming
448 purposes, (ii) such fuel is not delivered, upon such sale, to a tank in
449 which such person keeps fuel for personal and farm use and (iii) [an
450 affidavit] a statement, prescribed as to form by the Commissioner of
451 Revenue Services [, affirming] and bearing notice to the effect that false
452 statements made under this section are punishable, that such fuel is
453 used exclusively for farming purposes, is submitted by such person to
454 the distributor, (H) sold exclusively to furnish power for an industrial
455 plant in the actual fabrication of finished products to be sold, or for the
456 fishing industry, (I) sold exclusively for heating purposes, (J) sold
457 exclusively to furnish gas, water, steam or electricity, if delivered to

458 consumers through mains, lines or pipes, (K) sold to the owner or
459 operator of an aircraft, as defined in section 15-34, exclusively for
460 aviation purposes, provided (i) for purposes of this subdivision,
461 "aviation purposes" means for the purpose of powering an aircraft or
462 an aircraft engine, (ii) such fuel is delivered, upon such sale, to a tank
463 in which fuel is kept exclusively for aviation purposes, and (iii) [an
464 affidavit] a statement, prescribed as to form by the Commissioner of
465 Revenue Services [, affirming] and bearing notice to the effect that false
466 statements made under this section are punishable, that such fuel is
467 used exclusively for aviation purposes, is submitted by such person to
468 the distributor, (L) sold to a dealer who is licensed under section 12-
469 462 and whose place of business is located upon an established airport
470 within this state, or (M) diesel fuel sold exclusively for use in portable
471 power system generators that are larger than one hundred fifty
472 kilowatts.

473 Sec. 16. Section 12-646 of the general statutes is repealed and the
474 following is substituted in lieu thereof:

475 The Commissioner of Revenue Services may require the donor or
476 the donee to show the property subject to the tax, as provided in this
477 chapter, to the commissioner upon demand and may employ a suitable
478 person to appraise the property. The donor shall [make and subscribe
479 his oath] submit a declaration, prescribed as to form by the
480 Commissioner of Revenue Services and bearing notice to the effect that
481 false statements made in such declaration are punishable, that the
482 property shown by [him] said donor on [his] said donor's return to the
483 commissioner includes all of the property transferred by gift for the
484 calendar year involved and not excluded herein.

485 Sec. 17. Subsection (b) of section 12-646a of the general statutes is
486 repealed and the following is substituted in lieu thereof:

487 (b) If, within ten years immediately following a transfer to a donee
488 where, as provided in subsection (a) of this section, the value is
489 determined in accordance with the provisions of section 12-63, as

490 amended, such farm land is transferred by the donee to a party other
491 than the donee's lineal descendant or the spouse thereof or is no longer
492 classified as farm land in accordance with section 12-107c, such donee
493 or, if such land was transferred to such donee's lineal descendant or
494 the spouse thereof, such descendant or the spouse thereof shall be
495 liable for the difference between the tax that was due from the donor
496 under the provisions of subsection (a) of this section and the tax that
497 would have been due if such land had been valued based upon its fair
498 market value, rather than at its value as land classified as farm land
499 pursuant to section 12-107c, at the time of such transfer by such donor.
500 The gift tax return of the donor shall include, in such manner as
501 required by the Commissioner of Revenue Services for purposes of this
502 section, a [sworn statement] declaration, prescribed as to form by the
503 Commissioner of Revenue Services and bearing notice to the effect that
504 false statements made in such declaration are punishable, as to the fair
505 market value of such farm land, based on its highest and best use
506 value, as of the time of such transfer by such donor. The tax imposed
507 under this subsection shall be paid to the commissioner within sixty
508 days following the date of such transfer or change in classification, and
509 if not so paid shall bear interest at the rate of one per cent per month or
510 fraction thereof, commencing at the expiration of such sixty days, until
511 paid. The commissioner may, for cause shown, on written application
512 of such donee or, if such land was transferred to the donee's lineal
513 descendant or the spouse thereof, such descendant or the spouse
514 thereof, filed with said commissioner at or before the expiration of
515 such sixty days, extend the time for payment of said tax or any part
516 thereof.

517 Sec. 18. This act shall take effect from its passage.

FIN Committee Vote: Yea 39 Nay 0 JFS