



General Assembly

Amendment

January Session, 2001

LCO No. 7998

Offered by:

SEN. SULLIVAN, 5th Dist.
SEN. PETERS, 20th Dist.
SEN. FINCH, 22nd Dist.
SEN. PENN, 23rd Dist.
REP. SAMOWITZ, 129th Dist.

REP. COCCO, 127th Dist.
REP. MARTINEZ, 128th Dist.
REP. REINOSO, 130th Dist.
REP. KEELEY, 125th Dist.

To: Subst. Senate Bill No. 1145

File No. 646

Cal. No. 426

"AN ACT CONCERNING REFUNDS OF PAYMENTS, TAX CREDIT EXCHANGES, AND CERTAIN BUSINESS TAX CREDITS."

1 Strike everything after the enacting clause and insert the following
2 in lieu thereof:

3 "Section 1. Section 12-94d of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 (a) As used in this section:

6 (1) "Municipality" means each town, city, borough, consolidated
7 town and city and consolidated town and borough and each district, as
8 defined in section 7-324; and

9 (2) "Next succeeding" means the second such date.

10 (b) For a period of ten years beginning with the assessment year
11 during which the value of an electric generation facility decreases as a
12 direct result of restructuring of the electric industry, or as a direct
13 result of house bill 6365 of the current session, but in no event later
14 than October 1, 2005, the municipality in which the facility is located
15 shall be entitled, in addition to the amount of tax for which the owner
16 of an electric generation facility is liable under this chapter with
17 respect to such facility, to an amount as computed in subsection (c) of
18 this section.

19 (c) (1) The additional amount shall be a percentage of (A) the
20 difference between the value of an electric generation facility as it
21 would have been assessed were it not for said restructuring or house
22 bill 6365 of the current session, taking into account depreciation and
23 the assessed value of such facility, (B) multiplied by the mill rate of the
24 municipality in which the facility is located for the applicable
25 assessment year, (C) minus the amount of any increase in property tax
26 revenues to such municipality as a result of any increase in value of the
27 facility or an additional electric generation facility in the municipality.

28 (2) The assessor or board of assessors shall calculate the additional
29 amount as follows: (A) For the assessment year during which the value
30 of such facility decreased as a direct result of said restructuring or
31 house bill 6365 of the current session, ninety per cent of the amount
32 computed under subdivision (1) of this subsection; and (B) for each
33 assessment year thereafter, ten per cent less for each succeeding year
34 until the percentage is zero.

35 (d) On or before June fifteenth, annually, following the assessment
36 date for which the value of an electric generation facility decreases as a
37 direct result of restructuring of the electric industry or house bill 6365
38 of the current session, the assessor or board of assessors of a
39 municipality in which such a facility is located shall certify to the
40 Secretary of the Office of Policy and Management, on a form furnished
41 by the secretary, the amount as computed in subsection (c) of this
42 section together with supporting information as the secretary may

43 require. The secretary may reevaluate any such facility when, in the
44 secretary's judgment, the valuation is inaccurate. The secretary shall
45 review each claim and modify the value of any facility included
46 therein when, in the secretary's judgment, the value is inaccurate or the
47 facility did not decrease in value as a direct result of restructuring of
48 the electric industry or house bill 6365 of the current session. Not later
49 than December first next succeeding the conclusion of the assessment
50 year for which the amount was approved by the assessor or assessors,
51 the secretary shall notify the municipality in which the facility is
52 located of the modification, in accordance with the procedure set forth
53 in subsection (e) of this section. The secretary shall, on or before
54 December fifteenth, annually, certify to the Department of Public
55 Utility Control the amount due the municipality under the provisions
56 of this section, including any modification of such amount made prior
57 to December first, and the department shall order the payment of such
58 amount by the appropriate electric distribution company to the
59 municipality in which the facility is located on or before the thirty-first
60 day of the December immediately following. The amount paid shall be
61 recovered by the electric distribution company through the systems
62 benefits charge established pursuant to section 16-245l. If any
63 modification is made as the result of the provisions of this section on
64 or after the December fifteenth following the date on which the
65 assessor has provided the amount in question, any adjustments to the
66 amount due to a municipality for the period for which such
67 modification was made shall be made in the next payment the electric
68 distribution company shall make to such municipality pursuant to this
69 section.

70 (e) If the Secretary of the Office of Policy and Management modifies
71 the amount calculated by the assessor or board of assessors pursuant
72 to subsection (c) of this section, the secretary shall send written notice
73 of such modification to the appropriate municipality. Not later than
74 thirty days after the date the municipality receives such notice, the
75 municipality may make application for a hearing before said secretary,
76 or [his] a designee. Such application shall be in writing and shall set

77 forth the reasons why the amount in question should not be modified.
78 The secretary shall grant or deny such hearing request by written
79 notice to the municipality. If a request for hearing is denied by the
80 secretary such notice shall contain a statement of the reason for said
81 denial. Not later than sixty days after the date on which a hearing is
82 held, said secretary shall send notice of [his] the decision concerning
83 such appeal to the municipality. If the municipality is aggrieved by the
84 secretary's decision concerning the disposition of the municipality's
85 appeal or the secretary's decision not to hold a hearing, such
86 municipality may, not later than thirty days after receiving a notice
87 related thereto from the secretary, make application in the nature of an
88 appeal to the superior court of the judicial district in which the electric
89 generation facility is located. Such application shall be accompanied by
90 a citation to the secretary to appear before said court, and shall be
91 served and returned in the same manner as is required in the case of a
92 summons in a civil action. Said court may grant such relief as may be
93 equitable.

94 Sec. 2. This act shall take effect October 1, 2001, and shall apply to
95 assessment years commencing on and after said date."