



General Assembly

February Session, 2002

Amendment

LCO No. 4552

SB0049904552SD0

Offered by:

SEN. FINCH, 22nd Dist.

SEN. PETERS, 20th Dist.

To: Subst. Senate Bill No. 499

File No. 531

Cal. No. 337

"AN ACT CONCERNING MUNICIPAL TAX COLLECTION."

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

3 "Section 1. Section 12-94d of the general statutes, as amended by
4 section 3 of public act 01-125, is repealed and the following is
5 substituted in lieu thereof (*Effective October 1, 2002, and applicable to*
6 *assessment years commencing on or after October 1, 2002*):

7 (a) As used in this section:

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

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

12 (b) For a period of ten years beginning with the assessment year

13 during which the value of an electric generation facility decreases as a
14 direct result of (1) restructuring of the electric industry, but in no event
15 later than October 1, 2005, (2) the requirements of sections 1 and 2 of
16 substitute house bill 5209 of the current session, as amended, or (3) the
17 regulations adopted by the Commissioner of Environmental Protection
18 pursuant to Executive Order No. 19 issued May 17, 2000, the
19 municipality in which the facility is located shall be entitled, in
20 addition to the amount of tax for which the owner of an electric
21 generation facility is liable under this chapter with respect to such
22 facility, to an amount as computed in subsection (c) of this section.

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

32 (2) The assessor or board of assessors shall calculate the additional
33 amount as follows: (A) For the assessment year during which the value
34 of such facility decreased as a direct result of said restructuring or
35 requirements, one hundred per cent of the amount computed under
36 subdivision (1) of this subsection; and (B) for each assessment year
37 thereafter, ten per cent less for each succeeding year until the
38 percentage is zero.

39 (d) On or before June fifteenth, annually, following the assessment
40 date for which the value of an electric generation facility decreases as a
41 direct result of (1) restructuring of the electric industry, (2) the
42 requirements of sections 1 and 2 of substitute house bill 5209 of the
43 current session, as amended, or (3) the regulations adopted by the
44 Commissioner of Environmental Protection pursuant to Executive
45 Order No. 19 issued May 17, 2000, the assessor or board of assessors of

46 a municipality in which such a facility is located shall certify to the
47 Secretary of the Office of Policy and Management, on a form furnished
48 by the secretary, the amount as computed in subsection (c) of this
49 section together with supporting information as the secretary may
50 require. The secretary may reevaluate any such facility when, in the
51 secretary's judgment, the valuation is inaccurate. The secretary shall
52 review each claim and modify the value of any facility included
53 therein when, in the secretary's judgment, the value is inaccurate or the
54 facility did not decrease in value as a direct result of (A) restructuring
55 of the electric industry, (B) the requirements of sections 1 and 2 of
56 substitute house bill 5209 of the current session, as amended, or (C) the
57 regulations adopted by the Commissioner of Environmental Protection
58 pursuant to Executive Order No. 19 issued May 17, 2000. Not later
59 than July first next succeeding the assessment date for which the
60 amount was approved by the assessor or assessors, the secretary shall
61 notify the municipality in which the facility is located of the
62 modification, in accordance with the procedure set forth in subsection
63 (e) of this section. The secretary shall, on or before July fifteenth,
64 annually, certify to the Department of Public Utility Control the
65 amount due the municipality under the provisions of this section,
66 including any modification of such amount made prior to July first,
67 and the department shall order the payment of such amount by the
68 appropriate electric distribution company to the municipality in which
69 the facility is located according to the following formula: Not later than
70 five business days following the date on which the taxes are paid by
71 the owner of an electric generation facility in July, but in no case prior
72 to July fifteenth, the balance required to equal an amount equal to half
73 of the amount of tax for which the owner of an electric generation
74 facility is liable under this chapter with respect to such facility plus
75 half of the amount calculated in subsection (c) of this section; on or
76 before the thirty-first day of January immediately following, the
77 balance required to equal an amount equal to half of the amount of tax
78 for which the owner of an electric generation facility is liable under
79 this chapter with respect to such facility plus half of the amount
80 calculated in subsection (c) of this section. Following the payment of

81 taxes by the owner of an electric generation facility in July, the town
82 shall certify to the Department of Public Utility Control the amount
83 paid by such owner of an electric generation facility. The amount paid
84 shall be recovered by the electric distribution company through the
85 systems benefits charge established pursuant to section 16-245l. If any
86 modification is made as the result of the provisions of this section on
87 or after the July fifteenth following the date on which the assessor has
88 provided the amount in question, any adjustments to the amount due
89 to a municipality for the period for which such modification was made
90 shall be made in the next payment the electric distribution company
91 shall make to such municipality pursuant to this section.

92 (e) If the Secretary of the Office of Policy and Management modifies
93 the amount calculated by the assessor or board of assessors pursuant
94 to subsection (c) of this section, the secretary shall send written notice
95 of such modification to the appropriate municipality. Not later than
96 thirty days after the date the municipality receives such notice, the
97 municipality may make application for a hearing before said secretary,
98 or his designee. Such application shall be in writing and shall set forth
99 the reasons why the amount in question should not be modified. The
100 secretary shall grant or deny such hearing request by written notice to
101 the municipality. If a request for hearing is denied by the secretary
102 such notice shall contain a statement of the reason for said denial. Not
103 later than sixty days after the date on which a hearing is held, said
104 secretary shall send notice of his decision concerning such appeal to
105 the municipality. If the municipality is aggrieved by the secretary's
106 decision concerning the disposition of the municipality's appeal or the
107 secretary's decision not to hold a hearing, such municipality may, not
108 later than thirty days after receiving a notice related thereto from the
109 secretary, make application in the nature of an appeal to the superior
110 court of the judicial district in which the electric generation facility is
111 located. Such application shall be accompanied by a citation to the
112 secretary to appear before said court, and shall be served and returned
113 in the same manner as is required in the case of a summons in a civil
114 action. Said court may grant such relief as may be equitable."

This act shall take effect as follows:	
Section 1	<i>October 1, 2002, and applicable to assessment years commencing on or after October 1, 2002</i>