



General Assembly

Amendment

February Session, 2002

LCO No. 4496

SB0049904496SD0

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 After the last section, insert the following:

2 "Sec. 2. Section 12-94d of the general statutes, as amended by section
3 3 of public act 01-125, is repealed and the following is substituted in
4 lieu thereof (*Effective October 1, 2002, and applicable to assessment years*
5 *commencing on or after October 1, 2002*):

6 (a) As used in this section:

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

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

11 (b) For a period of ten years beginning with the assessment year
12 during which the value of an electric generation facility decreases as a

13 direct result of (1) restructuring of the electric industry, but in no event
14 later than October 1, 2005, or (2) the requirements of sections 1 and 2 of
15 substitute house bill 5209 of the current session, as amended, the
16 municipality in which the facility is located shall be entitled, in
17 addition to the amount of tax for which the owner of an electric
18 generation facility is liable under this chapter with respect to such
19 facility, to an amount as computed in subsection (c) of this section.

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

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

36 (d) On or before June fifteenth, annually, following the assessment
37 date for which the value of an electric generation facility decreases as a
38 direct result of (1) restructuring of the electric industry, or (2) the
39 requirements of sections 1 and 2 of substitute house bill 5209 of the
40 current session, as amended, the assessor or board of assessors of a
41 municipality in which such a facility is located shall certify to the
42 Secretary of the Office of Policy and Management, on a form furnished
43 by the secretary, the amount as computed in subsection (c) of this
44 section together with supporting information as the secretary may
45 require. The secretary may reevaluate any such facility when, in the

46 secretary's judgment, the valuation is inaccurate. The secretary shall
47 review each claim and modify the value of any facility included
48 therein when, in the secretary's judgment, the value is inaccurate or the
49 facility did not decrease in value as a direct result of (A) restructuring
50 of the electric industry, or (B) the requirements of sections 1 and 2 of
51 substitute house bill 5209 of the current session, as amended. Not later
52 than July first next succeeding the assessment date for which the
53 amount was approved by the assessor or assessors, the secretary shall
54 notify the municipality in which the facility is located of the
55 modification, in accordance with the procedure set forth in subsection
56 (e) of this section. The secretary shall, on or before July fifteenth,
57 annually, certify to the Department of Public Utility Control the
58 amount due the municipality under the provisions of this section,
59 including any modification of such amount made prior to July first,
60 and the department shall order the payment of such amount by the
61 appropriate electric distribution company to the municipality in which
62 the facility is located according to the following formula: Not later than
63 five business days following the date on which the taxes are paid by
64 the owner of an electric generation facility in July, but in no case prior
65 to July fifteenth, the balance required to equal an amount equal to half
66 of the amount of tax for which the owner of an electric generation
67 facility is liable under this chapter with respect to such facility plus
68 half of the amount calculated in subsection (c) of this section; on or
69 before the thirty-first day of January immediately following, the
70 balance required to equal an amount equal to half of the amount of tax
71 for which the owner of an electric generation facility is liable under
72 this chapter with respect to such facility plus half of the amount
73 calculated in subsection (c) of this section. Following the payment of
74 taxes by the owner of an electric generation facility in July, the town
75 shall certify to the Department of Public Utility Control the amount
76 paid by such owner of an electric generation facility. The amount paid
77 shall be recovered by the electric distribution company through the
78 systems benefits charge established pursuant to section 16-245l. If any
79 modification is made as the result of the provisions of this section on
80 or after the July fifteenth following the date on which the assessor has

81 provided the amount in question, any adjustments to the amount due
82 to a municipality for the period for which such modification was made
83 shall be made in the next payment the electric distribution company
84 shall make to such municipality pursuant to this section.

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