



General Assembly

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Amendment

LCO No. 7486

HB0668207486SR0

Offered by:

SEN. HERLIHY, 8th Dist.

To: Subst. House Bill No. 6682

File No. 813

Cal. No. 558

"AN ACT CONCERNING SITING COUNCIL REVIEW OF UNDERGROUND OR UNDERWATER ELECTRIC TRANSMISSION LINES, RESTRICTIONS ON THE INSTALLATION OF CERTAIN ELECTRIC TRANSMISSION LINES AND THE ESTABLISHMENT OF A MUNICIPAL PARTICIPATION ACCOUNT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) As used in this section:

4 (a) For a period of ten years beginning with the assessment year
5 during which the value of a property decreases as a direct result of the
6 upgrading of an electric transmission facility to a capacity that is equal
7 to or greater than three hundred forty-five kilovolts, but in no event
8 later than October 1, 2010, the municipality in which the facility is
9 located shall be entitled, in addition to the amount of tax for which the
10 owner the subject property is liable under chapter 203 of the general
11 statutes with respect to such facility, to an amount as computed in
12 subsection (b) of this section.

13 (b) (1) The additional amount shall be a percentage of (A) the
14 difference between the value of a property affected by such upgrade as
15 it would have been assessed were it not for said electric transmission
16 facility taking into account depreciation and the assessed value of such
17 property, (B) multiplied by the mill rate of the municipality in which
18 the facility is located for the applicable assessment year, (C) minus the
19 amount of any increase in property tax revenues to such municipality
20 as a result of any increase in value of the property.

21 (2) The assessor or board of assessors shall calculate the additional
22 amount as follows: (A) For the assessment year during which the value
23 of such property decreased as a direct result of said upgrade, one
24 hundred per cent of the amount computed under subdivision (1) of
25 this subsection; and (B) for each assessment year thereafter, ten per
26 cent less for each succeeding year until the percentage is zero.

27 (c) On or before June fifteenth, annually, following the assessment
28 date for which the value of the subject property decreases as a direct
29 result of said upgrade, the assessor or board of assessors of a
30 municipality in which the subject property is located shall certify to the
31 Secretary of the Office of Policy and Management, on a form furnished
32 by the secretary, the amount as computed in subsection (b) of this
33 section together with supporting information as the secretary may
34 require. The secretary may reevaluate the subject property when, in
35 the secretary's judgment, the valuation is inaccurate. The secretary
36 shall review each claim and modify the value of the subject property
37 included therein when, in the secretary's judgment, the value is
38 inaccurate or the property did not decrease in value as a direct result of
39 said upgrade. Not later than July first next succeeding the assessment
40 date for which the amount was approved by the assessor or assessors,
41 the secretary shall notify the municipality in which the subject
42 property is located of the modification, in accordance with the
43 procedure set forth in subsection (d) of this section. The secretary shall,
44 on or before July fifteenth, annually, certify to the Department of
45 Public Utility Control the amount due the municipality under the
46 provisions of this section, including any modification of such amount

47 made prior to July first, and the department shall order the payment of
48 such amount by the appropriate owner of the electric transmission
49 facility to the municipality in which the facility is located according to
50 the following formula: Not later than five business days following the
51 date on which the taxes are paid by the owner of the facility in July,
52 but in no case prior to July fifteenth, the balance required to equal an
53 amount equal to half of the amount of tax for which the owner of the
54 facility is liable under this chapter with respect to such facility plus
55 half of the amount calculated in subsection (b) of this section; or on
56 before the thirty-first day of January immediately following, the
57 balance required to equal an amount equal to half of the amount of tax
58 for which the owner of the facility is liable under this chapter with
59 respect to such facility plus half of the amount calculated in subsection
60 (b) of this section. Following the payment of taxes by the owner of the
61 facility in July, the town shall certify to the Department of Public
62 Utility Control the amount paid by the owner of the facility. If any
63 modification is made as the result of the provisions of this section on
64 or after the July fifteenth following the date on which the assessor has
65 provided the amount in question, any adjustments to the amount due
66 to a municipality for the period for which such modification was made
67 shall be made in the next payment the owner of the facility shall make
68 to such municipality pursuant to this section.

69 (d) If the Secretary of the Office of Policy and Management modifies
70 the amount calculated by the assessor or board of assessors pursuant
71 to subsection (b) of this section, the secretary shall send written notice
72 of such modification to the appropriate municipality. Not later than
73 thirty days after the date the municipality receives such notice, the
74 municipality may make application for a hearing before said secretary,
75 or his designee. Such application shall be in writing and shall set forth
76 the reasons why the amount in question should not be modified. The
77 secretary shall grant or deny such hearing request by written notice to
78 the municipality. If a request for hearing is denied by the secretary
79 such notice shall contain a statement of the reason for said denial. Not
80 later than sixty days after the date on which a hearing is held, said

81 secretary shall send notice of his decision concerning such appeal to
82 the municipality. If the municipality is aggrieved by the secretary's
83 decision concerning the disposition of the municipality's appeal or the
84 secretary's decision not to hold a hearing, such municipality may, not
85 later than thirty days after receiving a notice related thereto from the
86 secretary, make application in the nature of an appeal to the superior
87 court of the judicial district in which the electric generation facility is
88 located. Such application shall be accompanied by a citation to the
89 secretary to appear before said court, and shall be served and returned
90 in the same manner as is required in the case of a summons in a civil
91 action. Said court may grant such relief as may be equitable."