



General Assembly

Substitute Bill No. 1359

January Session, 2005

* SB01359FIN__042205__ *

AN ACT CONCERNING DONATION OF LAND FOR PUBLIC USE.

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

1 Section 1. Section 12-217ff of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005, and*
3 *applicable to income years commencing on or after January 1, 2005*):

4 (a) For purposes of this section, "donation of land for [educational]
5 public use" means the value of any land or interest in land conveyed
6 without financial consideration, or the value of any discount of the sale
7 price in any sale of land or interest in land, to any municipality or
8 political subdivision of the state for any public purpose, including, but
9 not limited to, educational use, as defined in section 16-43b, public
10 safety-related use, or municipal recreational use.

11 (b) There shall be allowed a credit for all taxpayers against the tax
12 imposed under section 12-217, in an amount equal to fifty per cent of
13 any donation of land for [educational use] public use. The chief elected
14 official of the municipality, or of the municipality wherein the political
15 subdivision is located shall approve such donation and the purpose for
16 which such donation shall be used. For purposes of calculating the
17 credit under this section the amount of donation shall be based on the
18 difference between the use value of the donated land and the amount
19 received for such land. For the purposes of this subsection, "use value"
20 means a fair market value of land at its highest and best use, as

21 determined by a certified real estate appraiser.

22 (c) A credit that is allowed under this section, with respect to any
 23 taxable year commencing on or after January 1, 2004, but is not used by
 24 a taxpayer may be carried forward to each of the successive income
 25 years until such credit is fully taken. In no case shall a credit that is not
 26 used be carried forward for a period of more than fifteen years.

27 Sec. 2. Section 16-43c of the general statutes is repealed and the
 28 following is substituted in lieu thereof (*Effective October 1, 2005*):

29 Notwithstanding the provisions of this chapter or section 12-217dd,
 30 any class III land acquired from a water company, as defined in section
 31 16-1, by a municipal corporation for [the purposes of construction of a
 32 school and related facilities in a town with a population between
 33 11,600 and 11,900, as enumerated by the 2000 federal decennial census]
 34 public use in any municipality, shall be treated as open space for
 35 purposes of establishing the right to acquire, ratemaking and taxes. For
 36 purposes of this section, "public use" includes, but is not limited to,
 37 educational use, as defined in section 16-43b, public safety-related use
 38 or municipal recreational use.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005, and applicable to income years commencing on or after January 1, 2005</i>	12-217ff
Sec. 2	<i>October 1, 2005</i>	16-43c

FIN *Joint Favorable Subst.*