



General Assembly

February Session, 2006

Amendment

LCO No. 5540

HB0527305540HDO

Offered by:

REP. ROY, 119th Dist.
SEN. FINCH, 22nd Dist.
REP. O'CONNOR, 35th Dist.
REP. RYAN, 139th Dist.
REP. WALLACE, 109th Dist.
REP. SAYERS, 60th Dist.
REP. MINER, 66th Dist.
REP. PISCOPO, 76th Dist.

REP. SAWYER, 55th Dist.
REP. ZALASKI, 81st Dist.
REP. ARESIMOWICZ, 30th Dist.
REP. WIDLITZ, 98th Dist.
SEN. MURPHY, 16th Dist.
SEN. DAILY, 33rd Dist.
SEN. RORABACK, 30th Dist.
SEN. DELUCA, 32nd Dist.

To: House Bill No. 5273

File No. 350

Cal. No. 228

"AN ACT CONCERNING THE TAXATION OF CERTAIN PUBLIC GOLF COURSES."

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

3 "Section 1. (NEW) (*Effective October 1, 2006, and applicable to*
4 *assessment years commencing on or after October 1, 2006*) (a) For purposes
5 of this section, "public golf course land" means any golf course
6 consisting of at least twenty-five acres of land that is open for use by
7 the public for golfing, derives at least fifty per cent of its annual
8 revenues from daily fees or group outings and consists of not less than
9 nine golf holes.

10 (b) The legislative body of a municipality may adopt by ordinance a
11 new assessment classification for public golf course land.

12 (c) Public golf course land that qualifies for open space
13 classification, pursuant to section 12-107e of the 2006 supplement to
14 the general statutes or that is classified as public golf course land
15 pursuant to subsection (b) of this section, shall be valued as open space
16 land without regard to golf course improvements such as greens and
17 tees. Buildings and parking lots that are associated with the public golf
18 course shall be valued at fair market value.

19 (d) The legislative body of a municipality may remove the open
20 space valuation or public golf course classification of any public golf
21 course land prior to the adoption of the grand list for the municipality
22 for the following year, and shall notify the owner of such public golf
23 course land, in writing, by certified mail not less than thirty days prior
24 to a meeting at which the legislative body will consider the removal of
25 said valuation. In the event of removal, the owner shall not be liable
26 for the conveyance tax imposed pursuant to section 12-504a of the 2006
27 supplement to the general statutes, as amended by this act, or subject
28 to the right of first refusal pursuant to section 7 of this act.

29 Sec. 2. Subsection (b) of section 12-504a of the 2006 supplement to
30 the general statutes is repealed and the following is substituted in lieu
31 thereof (*Effective October 1, 2006, and applicable to assessment years*
32 *commencing on or after October 1, 2006*):

33 (b) Any land which has been classified by the record owner thereof
34 as open space land pursuant to section 12-107e, as amended, or as
35 public golf course land pursuant to section 1 of this act if sold,
36 developed, or transferred by him within a period of ten years from the
37 time he first caused such land to be so classified, shall be subject to a
38 conveyance tax applicable to the total sales price of such land, which
39 tax shall be in addition to the tax imposed under sections 12-494 to 12-
40 504, inclusive, as amended. Said conveyance tax shall be at the
41 following rate: (1) Ten per cent of said total sales price if sold within

42 the first year following the date of such classification; (2) nine per cent
43 if sold within the second year following the date of such classification;
44 (3) eight per cent if sold within the third year following the date of
45 such classification; (4) seven per cent if sold within the fourth year
46 following the date of such classification; (5) six per cent if sold within
47 the fifth year following the date of such classification; (6) five per cent
48 if sold within the sixth year following the date of such classification; (7)
49 four per cent if sold within the seventh year following the date of such
50 classification; (8) three per cent if sold within the eighth year following
51 the date of such classification; (9) two per cent if sold within the ninth
52 year following the date of such classification; and (10) one per cent if
53 sold within the tenth year following the date of such classification.
54 With regard to public golf course land, following the end of the tenth
55 year after the date of such classification, a conveyance tax of one per
56 cent shall be imposed on any record owner of such land at the time the
57 land ceases to be classified as open space pursuant to section 12-107e,
58 as amended, or as public golf course land pursuant to section 1 of this
59 act. Said conveyance tax shall be paid to the town in which the
60 classified land resides. No conveyance tax shall be imposed on such
61 record owner by the provisions of sections 12-504a to 12-504f,
62 inclusive, as amended by this act, following the end of the tenth year
63 after the date of such classification by the record owner or person
64 acquiring title to such land or causing such land to be so classified.

65 Sec. 3. Section 12-504c of the 2006 supplement to the general statutes
66 is repealed and the following is substituted in lieu thereof (*Effective*
67 *October 1, 2006, and applicable to assessment years commencing on or after*
68 *October 1, 2006*):

69 The provisions of section 12-504a, as amended by this act, shall not
70 be applicable to the following: (1) Transfers of land resulting from
71 eminent domain proceedings; (2) mortgage deeds; (3) deeds to or by
72 the United States of America, state of Connecticut or any political
73 subdivision or agency thereof; (4) strawman deeds and deeds which
74 correct, modify, supplement or confirm a deed previously recorded; (5)
75 deeds between husband and wife and parent and child when no

76 consideration is received, except that a subsequent nonexempt transfer
77 by the grantee in such cases shall be subject to the provisions of said
78 section 12-504a as it would be if the grantor were making such
79 nonexempt transfer; (6) tax deeds; (7) deeds of foreclosure; (8) deeds of
80 partition; (9) deeds made pursuant to a merger of a corporation; (10)
81 deeds made by a subsidiary corporation to its parent corporation for
82 no consideration other than the cancellation or surrender of the capital
83 stock of such subsidiary; (11) property transferred as a result of death
84 when no consideration is received and in such transfer the date of
85 acquisition or classification of the land for purposes of sections 12-504a
86 to 12-504f, inclusive, as amended by this act, whichever is earlier, shall
87 be the date of acquisition or classification by the decedent; (12) deeds
88 to any corporation, trust or other entity, of land to be held in
89 perpetuity for educational, scientific, aesthetic or other equivalent
90 passive uses, provided such corporation, trust or other entity has
91 received a determination from the Internal Revenue Service that
92 contributions to it are deductible under applicable sections of the
93 Internal Revenue Code; (13) land subject to a covenant specifically set
94 forth in the deed transferring title to such land, which covenant is
95 enforceable by the town in which such land is located, to refrain from
96 selling, transferring or developing such land in a manner inconsistent
97 with its classification as farm land pursuant to section 12-107c, as
98 amended, forest land pursuant to section 12-107d, as amended, or
99 open space land pursuant to section 12-107e, as amended, or public
100 golf course land pursuant to section 1 of this act, for a period of not
101 less than eight years from the date of transfer, if such covenant is
102 violated the conveyance tax set forth in this chapter shall be applicable
103 at the rate multiplied by the market value as determined by the
104 assessor which would have been applicable at the date the deed
105 containing the covenant was delivered and, in addition, the town or
106 any taxpayer therein may commence an action to enforce such
107 covenant; (14) land the development rights to which have been sold to
108 the state under chapter 422a; and (15) deeds to or from any limited
109 liability company when the grantors or grantees are the same
110 individuals as the principals or members of the limited liability

111 company. If action is taken under subdivision (13) of this section by a
112 taxpayer, such action shall commence prior to the ninth year following
113 the date of the deed containing such covenant and the town shall be
114 served as a necessary party.

115 Sec. 4. Section 12-504e of the 2006 supplement to the general statutes
116 is repealed and the following is substituted in lieu thereof (*Effective*
117 *October 1, 2006, and applicable to assessment years commencing on or after*
118 *October 1, 2006*):

119 Any land which has been classified by the owner as farm land
120 pursuant to section 12-107c, as amended, as forest land pursuant to
121 section 12-107d, as amended, [or] as open space land pursuant to
122 section 12-107e, as amended, or as public golf course land pursuant to
123 section 1 of this act, if changed by him, within a period of ten years of
124 his acquisition of title, to use other than farm, forest or open space,
125 shall be subject to said conveyance tax as if there had been an actual
126 conveyance by him, as provided in sections 12-504a, as amended, and
127 12-504b, at the time he makes such change in use. For the purposes of
128 this section: (1) The value of any such property shall be the fair market
129 value thereof as determined by the assessor in conjunction with the
130 most recent revaluation, and (2) the date used for purposes of
131 determining such tax shall be the date on which the use of such
132 property is changed, or the date on which the assessor becomes aware
133 of a change in use of such property, whichever occurs first.

134 Sec. 5. Section 12-504f of the 2006 supplement to the general statutes
135 is repealed and the following is substituted in lieu thereof (*Effective*
136 *October 1, 2006, and applicable to assessment years commencing on or after*
137 *October 1, 2006*):

138 The tax assessor shall file annually, not later than sixty days after
139 the assessment date, with the town clerk a certificate for any land
140 which has been classified as farm land pursuant to section 12-107c, as
141 amended, as forest land pursuant to section 12-107d, as amended, [or]
142 as open space land pursuant to section 12-107e, as amended, or as

143 public golf course land pursuant to section 1 of this act, which
144 certificate shall set forth the date of the initial classification and the
145 obligation to pay the conveyance tax imposed by this chapter. Said
146 certificate shall be recorded in the land records of such town. Any such
147 classification of land shall be deemed personal to the particular owner
148 who requests such classification and shall not run with the land. The
149 town clerk shall notify the tax assessor of the filing in the land records
150 of the sale of any such land. Upon receipt of such notice the tax
151 assessor shall inform the new owner of the tax benefits of classification
152 of such land as farm land, forest land or open space land.

153 Sec. 6. Section 12-504h of the 2006 supplement to the general statutes
154 is repealed and the following is substituted in lieu thereof (*Effective*
155 *October 1, 2006, and applicable to assessment years commencing on or after*
156 *October 1, 2006*):

157 Any such classification of farm land pursuant to section 12-107c, as
158 amended, forest land pursuant to section 12-107d, as amended, [or]
159 open space land pursuant to section 12-107e, as amended, or public
160 golf course land pursuant to section 1 of this act, shall be deemed
161 personal to the particular owner who requests and receives such
162 classification and shall not run with the land. Any such land which has
163 been classified by a record owner shall remain so classified without the
164 filing of any new application subsequent to such classification,
165 notwithstanding the provisions of said sections 12-107c, 12-107d and
166 12-107e, until either of the following shall occur: (1) The use of such
167 land is changed to a use other than that described in the application for
168 the existing classification by said record owner, or (2) such land is sold
169 or transferred by said record owner. Upon the sale or transfer of any
170 such property, the classification of such land as farm land pursuant to
171 section 12-107c, as amended, forest land pursuant to section 12-107d,
172 as amended, or open space land pursuant to section 12-107e, as
173 amended, shall cease as of the date of sale or transfer. In the event that
174 a change in use of any such property occurs, the provisions of section
175 12-504e, as amended by this act, shall apply in terms of determining
176 the date of change and the classification of such land as farm land

177 pursuant to section 12-107c, as amended, forest land pursuant to
 178 section 12-107d, as amended, or open space land pursuant to section
 179 12-107e, as amended, shall cease as of such date.

180 Sec. 7. (NEW) (*Effective July 1, 2006*) Any owner of public golf course
 181 land classified as such pursuant to section 1 of this act or classified as
 182 open space pursuant to section 12-107e of the 2006 supplement to the
 183 general statutes who intends to sell such land shall give written notice
 184 by first class mail or personal delivery to the chief elected official of the
 185 municipality in which the classified land is located. If the sale of the
 186 land will entail the discontinuance of the use of such land as public
 187 golf course land for golf or other recreational purposes, the notice shall
 188 include a statement advising the chief elected official of the intended
 189 sale and sale price, and shall be mailed or delivered at least one
 190 hundred twenty days prior to the sale. Not later than ninety days
 191 following receipt of the notice, the municipality shall have the right to
 192 enter a binding commitment to purchase the property upon the same
 193 terms and conditions set forth in the notice, except the purchase price
 194 shall be ninety per cent of the purchase price contained in the notice."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006, and applicable to assessment years commencing on or after October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006, and applicable to assessment years commencing on or after October 1, 2006</i>	12-504a(b)
Sec. 3	<i>October 1, 2006, and applicable to assessment years commencing on or after October 1, 2006</i>	12-504c
Sec. 4	<i>October 1, 2006, and applicable to assessment years commencing on or after October 1, 2006</i>	12-504e

Sec. 5	<i>October 1, 2006, and applicable to assessment years commencing on or after October 1, 2006</i>	12-504f
Sec. 6	<i>October 1, 2006, and applicable to assessment years commencing on or after October 1, 2006</i>	12-504h
Sec. 7	<i>July 1, 2006</i>	New section