



General Assembly

Amendment

February Session, 2006

LCO No. 5472

HB0527305472HDO

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, or where the legislative
11 body is a town meeting, the board of selectmen, may adopt by
12 ordinance a new assessment classification for public golf course land.

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

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

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33 the general statutes is repealed and the following is substituted in lieu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

36 (b) Any land which has been classified by the record owner thereof
37 as open space land pursuant to section 12-107e, as amended, or as
38 public golf course land pursuant to section 1 of this act if sold,
39 developed, or transferred by him within a period of ten years from the
40 time he first caused such land to be so classified, shall be subject to a
41 conveyance tax applicable to the total sales price of such land, which

42 tax shall be in addition to the tax imposed under sections 12-494 to 12-
43 504, inclusive, as amended. Said conveyance tax shall be at the
44 following rate: (1) Ten per cent of said total sales price if sold within
45 the first year following the date of such classification; (2) nine per cent
46 if sold within the second year following the date of such classification;
47 (3) eight per cent if sold within the third year following the date of
48 such classification; (4) seven per cent if sold within the fourth year
49 following the date of such classification; (5) six per cent if sold within
50 the fifth year following the date of such classification; (6) five per cent
51 if sold within the sixth year following the date of such classification; (7)
52 four per cent if sold within the seventh year following the date of such
53 classification; (8) three per cent if sold within the eighth year following
54 the date of such classification; (9) two per cent if sold within the ninth
55 year following the date of such classification; and (10) one per cent if
56 sold within the tenth year following the date of such classification.
57 With regard to public golf course land, following the end of the tenth
58 year after the date of such classification, a conveyance tax of one per
59 cent shall be imposed on any record owner of such land at the time the
60 land ceases to be classified as open space pursuant to section 12-107e,
61 as amended, or as public golf course land pursuant to section 1 of this
62 act. Said conveyance tax shall be paid to the town in which the
63 classified land resides. No conveyance tax shall be imposed on such
64 record owner by the provisions of sections 12-504a to 12-504f,
65 inclusive, as amended by this act, following the end of the tenth year
66 after the date of such classification by the record owner or person
67 acquiring title to such land or causing such land to be so classified.

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

72 The provisions of section 12-504a, as amended by this act, shall not
73 be applicable to the following: (1) Transfers of land resulting from
74 eminent domain proceedings; (2) mortgage deeds; (3) deeds to or by
75 the United States of America, state of Connecticut or any political

76 subdivision or agency thereof; (4) strawman deeds and deeds which
77 correct, modify, supplement or confirm a deed previously recorded; (5)
78 deeds between husband and wife and parent and child when no
79 consideration is received, except that a subsequent nonexempt transfer
80 by the grantee in such cases shall be subject to the provisions of said
81 section 12-504a as it would be if the grantor were making such
82 nonexempt transfer; (6) tax deeds; (7) deeds of foreclosure; (8) deeds of
83 partition; (9) deeds made pursuant to a merger of a corporation; (10)
84 deeds made by a subsidiary corporation to its parent corporation for
85 no consideration other than the cancellation or surrender of the capital
86 stock of such subsidiary; (11) property transferred as a result of death
87 when no consideration is received and in such transfer the date of
88 acquisition or classification of the land for purposes of sections 12-504a
89 to 12-504f, inclusive, as amended by this act, whichever is earlier, shall
90 be the date of acquisition or classification by the decedent; (12) deeds
91 to any corporation, trust or other entity, of land to be held in
92 perpetuity for educational, scientific, aesthetic or other equivalent
93 passive uses, provided such corporation, trust or other entity has
94 received a determination from the Internal Revenue Service that
95 contributions to it are deductible under applicable sections of the
96 Internal Revenue Code; (13) land subject to a covenant specifically set
97 forth in the deed transferring title to such land, which covenant is
98 enforceable by the town in which such land is located, to refrain from
99 selling, transferring or developing such land in a manner inconsistent
100 with its classification as farm land pursuant to section 12-107c, as
101 amended, forest land pursuant to section 12-107d, as amended, or
102 open space land pursuant to section 12-107e, as amended, or public
103 golf course land pursuant to section 1 of this act, for a period of not
104 less than eight years from the date of transfer, if such covenant is
105 violated the conveyance tax set forth in this chapter shall be applicable
106 at the rate multiplied by the market value as determined by the
107 assessor which would have been applicable at the date the deed
108 containing the covenant was delivered and, in addition, the town or
109 any taxpayer therein may commence an action to enforce such
110 covenant; (14) land the development rights to which have been sold to

111 the state under chapter 422a; and (15) deeds to or from any limited
112 liability company when the grantors or grantees are the same
113 individuals as the principals or members of the limited liability
114 company. If action is taken under subdivision (13) of this section by a
115 taxpayer, such action shall commence prior to the ninth year following
116 the date of the deed containing such covenant and the town shall be
117 served as a necessary party.

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

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

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

141 The tax assessor shall file annually, not later than sixty days after
142 the assessment date, with the town clerk a certificate for any land

143 which has been classified as farm land pursuant to section 12-107c, as
144 amended, as forest land pursuant to section 12-107d, as amended, [or]
145 as open space land pursuant to section 12-107e, as amended, or as
146 public golf course land pursuant to section 1 of this act, which
147 certificate shall set forth the date of the initial classification and the
148 obligation to pay the conveyance tax imposed by this chapter. Said
149 certificate shall be recorded in the land records of such town. Any such
150 classification of land shall be deemed personal to the particular owner
151 who requests such classification and shall not run with the land. The
152 town clerk shall notify the tax assessor of the filing in the land records
153 of the sale of any such land. Upon receipt of such notice the tax
154 assessor shall inform the new owner of the tax benefits of classification
155 of such land as farm land, forest land or open space land.

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

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

177 a change in use of any such property occurs, the provisions of section
 178 12-504e, as amended by this act, shall apply in terms of determining
 179 the date of change and the classification of such land as farm land
 180 pursuant to section 12-107c, as amended, forest land pursuant to
 181 section 12-107d, as amended, or open space land pursuant to section
 182 12-107e, as amended, shall cease as of such date.

183 Sec. 7. (NEW) (*Effective July 1, 2006*) Any owner of public golf course
 184 land classified as such pursuant to section 1 of this act or classified as
 185 open space pursuant to section 12-107e of the 2006 supplement to the
 186 general statutes who intends to sell such land shall give written notice
 187 by first class mail or personal delivery to the chief elected official of the
 188 municipality in which the classified land is located. If the sale of the
 189 land will entail the discontinuance of the use of such land as public
 190 golf course land for golf or other recreational purposes, the notice shall
 191 include a statement advising the chief elected official of the intended
 192 sale and sale price, and shall be mailed or delivered at least one
 193 hundred twenty days prior to the sale. Not later than ninety days
 194 following receipt of the notice, the municipality shall have the right to
 195 enter a binding commitment to purchase the property upon the same
 196 terms and conditions set forth in the notice, except the purchase price
 197 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