



General Assembly

**Amendment**

January Session, 2007

LCO No. 9630

**\*SB0143509630SD0\***

Offered by:

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. DAILY, 33<sup>rd</sup> Dist.

REP. STAPLES, 96<sup>th</sup> Dist.

To: Senate Bill No. 1435

File No. 623

Cal. No. 505

(As Amended)

**"AN ACT EXTENDING THE FILING DEADLINE FOR CERTAIN TAX CREDITS."**

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

3 "Section 1. (*Effective from passage*) Notwithstanding the provisions of  
4 section 12-225 of the general statutes, any company located in the town  
5 of Trumbull for the income year of 2002, that was otherwise eligible for  
6 a tax credit in 2002 pursuant to section 12-217j of the general statutes,  
7 except that such company failed to file an amended return within the  
8 time period prescribed, shall be regarded as having filed said amended  
9 return in a timely manner if such company files said amended return  
10 not later than thirty days after the effective date of this section.

11 Sec. 2. (*Effective from passage*) Notwithstanding the provisions of  
12 subparagraph (B) of subdivision (72) of section 12-81 of the general  
13 statutes, any person otherwise eligible for a 2006 grand list exemption

14 pursuant to said subdivision (72) in the town of East Hartford, except  
15 that such person failed to file the required exemption application  
16 within the time period prescribed, shall be regarded as having filed  
17 said application in a timely manner if such person files said application  
18 not later than thirty days after the effective date of this section, and  
19 pays the late filing fee pursuant to section 12-81k of the general  
20 statutes. Upon confirmation of the receipt of such fee and verification  
21 of the exemption eligibility of the machinery and equipment included  
22 in such application, the assessor shall approve the exemption for such  
23 property. If taxes have been paid on the property for which such  
24 exemption is approved, the town of East Hartford shall reimburse such  
25 person in an amount equal to the amount by which such taxes exceed  
26 the taxes payable if the application had been filed in a timely manner.  
27 Notwithstanding the provisions of subsection (c) of section 12-94b of  
28 the general statutes and section 12-94e of the general statutes, the  
29 assessor of the town of East Hartford may submit such approved  
30 exemption application to the Secretary of the Office of Policy and  
31 Management together with a request for reimbursement of the tax loss  
32 resulting from such exemption. Subject to the secretary's review and  
33 approval of such exemption, such reimbursement shall be included in  
34 the next certification the secretary makes to the Comptroller under the  
35 provisions of section 12-94b of the general statutes.

36 Sec. 3. (*Effective from passage*) Notwithstanding the provisions of  
37 subparagraph (B) of subdivision (72) of section 12-81 of the general  
38 statutes, any person otherwise eligible for a 2004 grand list exemption  
39 and a 2005 grand list exemption pursuant to said subdivision (72) in  
40 the town of Milford, except that such person failed to file the required  
41 exemption applications within the time period prescribed, shall be  
42 regarded as having filed said applications in a timely manner if such  
43 person files said applications not later than thirty days after the  
44 effective date of this section and pays the late filing fees pursuant to  
45 section 12-81k of the general statutes. Upon confirmation of the receipt  
46 of such fees and verification of the exemption eligibility of the  
47 machinery and equipment included in such applications, the assessor

48 shall approve the exemptions for such property. If taxes have been  
49 paid on the property for which such exemptions are approved, the  
50 town of Milford shall reimburse such person in an amount equal to the  
51 amount by which such taxes exceed the taxes payable if the  
52 applications had been filed in a timely manner. Notwithstanding the  
53 provisions of subsection (c) of section 12-94b of the general statutes  
54 and section 12-94e of the general statutes, the assessor of the town of  
55 Milford may submit such approved exemption applications to the  
56 Secretary of the Office of Policy and Management together with a  
57 request for reimbursement of the tax loss resulting from such  
58 exemptions. Subject to the secretary's review and approval of such  
59 exemptions, such reimbursement shall be included in the next  
60 certification the secretary makes to the Comptroller under the  
61 provisions of section 12-94b of the general statutes.

62       Sec. 4. (*Effective from passage*) Notwithstanding the provisions of  
63 subparagraph (B) of subdivision (74) of section 12-81 of the general  
64 statutes, any person otherwise eligible for a 2005 grand list exemption  
65 and a 2006 grand list exemption pursuant to said subdivision (74) in  
66 the town of Stafford, except that such person failed to file the required  
67 exemption applications within the time period prescribed, shall be  
68 regarded as having filed said applications in a timely manner if such  
69 person files said applications not later than thirty days after the  
70 effective date of this section and pays the late filing fees pursuant to  
71 section 12-81k of the general statutes. Upon confirmation of the receipt  
72 of such fees and verification of the exemption eligibility of the vehicle  
73 included in such applications, the assessor shall approve the  
74 exemptions for such property. If taxes have been paid on the property  
75 for which such exemptions are approved, the town of Stafford shall  
76 reimburse such person in an amount equal to the amount by which  
77 such taxes exceed the taxes payable if the applications had been filed in  
78 a timely manner. Notwithstanding the provisions of subsection (b) of  
79 section 12-94b of the general statutes and section 12-94e of the general  
80 statutes, the assessor of the town of Stafford may submit such  
81 approved exemption applications to the Secretary of the Office of

82 Policy and Management together with a request for reimbursement of  
83 the tax loss resulting from such exemptions. Subject to the secretary's  
84 review and approval of such exemptions, such reimbursement shall be  
85 included in the next certification the secretary makes to the  
86 Comptroller under the provisions of section 12-94b of the general  
87 statutes.

88 Sec. 5. (*Effective from passage*) Notwithstanding the provisions of  
89 subparagraph (B) of subdivision (72) of section 12-81 of the general  
90 statutes, any person otherwise eligible for a 2006 grand list exemption  
91 pursuant to said subdivision (72) in the town of Chester, except that  
92 such person failed to file the required exemption application within  
93 the time period prescribed, shall be regarded as having filed said  
94 application in a timely manner if such person files said application not  
95 later than thirty days after the effective date of this section and pays  
96 the late filing fee pursuant to section 12-81k of the general statutes.  
97 Upon confirmation of the receipt of such fee and verification of the  
98 exemption eligibility of the machinery and equipment included in such  
99 application, the assessor shall approve the exemption for such  
100 property. If taxes have been paid on the property for which such  
101 exemption is approved, the town of Chester shall reimburse such  
102 person in an amount equal to the amount by which such taxes exceed  
103 the taxes payable if the application had been filed in a timely manner.  
104 Notwithstanding the provisions of subsection (c) of section 12-94b of  
105 the general statutes and section 12-94e of the general statutes, the  
106 assessor of the town of Chester may submit such approved exemption  
107 application to the Secretary of the Office of Policy and Management  
108 together with a request for reimbursement of the tax loss resulting  
109 from such exemption. Subject to the secretary's review and approval of  
110 such exemption, such reimbursement shall be included in the next  
111 certification the secretary makes to the Comptroller under the  
112 provisions of section 12-94b of the general statutes.

113 Sec. 6. (*Effective from passage*) Notwithstanding the provisions of  
114 subparagraph (C) of subdivision (59) of section 12-81 of the general  
115 statutes and subparagraph (C) of subdivision (60) of said section 12-81,

116 any person otherwise eligible for a 2003 grand list exemption and a  
117 2004 grand list exemption pursuant to said subdivisions (59) and (60)  
118 in the city of Bridgeport, except that such person failed to file the  
119 required exemption applications within the time period prescribed,  
120 shall be regarded as having filed said applications in a timely manner  
121 if such person files said applications not later than thirty days after the  
122 effective date of this section and pays the late filing fees pursuant to  
123 section 12-81k of the general statutes. Upon confirmation of the receipt  
124 of such fees and verification of the exemption eligibility of the real and  
125 personal property included in such applications, the assessor shall  
126 approve the exemptions for such property. If taxes have been paid on  
127 the property for which such exemptions are approved, the city of  
128 Bridgeport shall reimburse such person in an amount equal to the  
129 amount by which such taxes exceed the taxes payable if the  
130 applications had been filed in a timely manner. Notwithstanding the  
131 provisions of section 32-9s of the general statutes, the assessor of the  
132 city of Bridgeport may submit such approved exemption applications  
133 to the Secretary of the Office of Policy and Management together with  
134 a request for reimbursement of the tax loss resulting from such  
135 exemptions. Subject to the secretary's review and approval of such  
136 exemptions, such reimbursement shall be included in the next  
137 certification the secretary makes to the Comptroller under the  
138 provisions of said section 32-9s.

139       Sec. 7. (*Effective from passage*) Notwithstanding the provisions of  
140 section 12-89 of the general statutes, any person otherwise eligible for a  
141 2005 grand list exemption, pursuant to subdivision (58) of section 12-81  
142 of the general statutes, in the city of Norwalk, except that such person  
143 failed to file the required exemption application within the time period  
144 prescribed, shall be regarded as having filed said application in a  
145 timely manner if such person files said application not later than thirty  
146 days after the effective date of this section. Upon confirmation of the  
147 receipt of such application and verification of the exemption eligibility  
148 of the property included in such application, the assessor shall  
149 approve the exemption for such property. If taxes have been paid on

150 the property for which such exemption is approved, the city of  
151 Norwalk shall reimburse such person in an amount equal to the  
152 amount by which such taxes exceed the taxes payable if the application  
153 had been filed in a timely manner.

154 Sec. 8. (*Effective from passage*) Notwithstanding the provisions of  
155 subparagraph (C) of subdivision (59) of section 12-81 of the general  
156 statutes and subparagraph (C) of subdivision (60) of said section 12-81,  
157 any person otherwise eligible for a 2006 grand list exemption pursuant  
158 to said subdivisions (59) and (60) in the city of Norwalk, except that  
159 such person failed to file the required exemption application within  
160 the time period prescribed, shall be regarded as having filed said  
161 application in a timely manner if such person files said application not  
162 later than thirty days after the effective date of this section and pays  
163 the late filing fee pursuant to section 12-81k of the general statutes.  
164 Upon confirmation of the receipt of such fee and verification of the  
165 exemption eligibility of the real and personal property included in  
166 such application, the assessor shall approve the exemption for such  
167 property. If taxes have been paid on the property for which such  
168 exemption is approved, the city of Norwalk shall reimburse such  
169 person in an amount equal to the amount by which such taxes exceed  
170 the taxes payable if the application had been filed in a timely manner.  
171 Notwithstanding the provisions of section 32-9s of the general statutes,  
172 the assessor of the city of Norwalk may submit such approved  
173 exemption application to the Secretary of the Office of Policy and  
174 Management together with a request for reimbursement of the tax loss  
175 resulting from such exemption. Subject to the secretary's review and  
176 approval of such exemption, such reimbursement shall be included in  
177 the next certification the secretary makes to the Comptroller under the  
178 provisions of said section 32-9s.

179 Sec. 9. (*Effective from passage*) Notwithstanding the provisions of  
180 subparagraph (B) of subdivision (72) of section 12-81 of the general  
181 statutes, any person otherwise eligible for a 1999 grand list exemption  
182 pursuant to said subdivision (72) in the town of South Windsor, except  
183 that such person failed to file the required exemption application

184 within the time period prescribed, shall be regarded as having filed  
185 said application in a timely manner if such person files said application  
186 not later than thirty days after the effective date of this section, and  
187 pays the late filing fee pursuant to section 12-81k of the general  
188 statutes. Upon confirmation of the receipt of such fee and verification  
189 of the exemption eligibility of the machinery and equipment included  
190 in such application, the assessor shall approve the exemption for such  
191 property. If taxes have been paid on the property for which such  
192 exemption is approved, the town of South Windsor shall reimburse  
193 such person in an amount equal to the amount by which such taxes  
194 exceed the taxes payable if the application had been filed in a timely  
195 manner. Notwithstanding the provisions of subsection (c) of section  
196 12-94b of the general statutes and section 12-94e of the general statutes,  
197 the assessor of the town of South Windsor may submit such approved  
198 exemption application to the Secretary of the Office of Policy and  
199 Management together with a request for reimbursement of the tax loss  
200 resulting from such exemption. Subject to the secretary's review and  
201 approval of such exemption, such reimbursement shall be included in  
202 the next certification the secretary makes to the Comptroller under the  
203 provisions of section 12-94b of the general statutes.

204       Sec. 10. (*Effective from passage*) Notwithstanding the provisions of 12-  
205 541 of the general statutes, no tax shall be imposed upon any person  
206 making any admission charge at the Connecticut Convention Center in  
207 the city of Hartford on June 9, 2007, or June 10, 2007.

208       Sec. 11. (*Effective from passage*) Notwithstanding the provisions of  
209 section 7-7 of the general statutes, that the items on the call of a town  
210 meeting be submitted to the persons qualified to vote in such meeting  
211 not less than seven nor more than fourteen days thereafter, the vote  
212 cast by the voters of the town of Clinton at the referendum held on  
213 February 28, 2007, relating to the approval of an appropriation of six  
214 million three hundred seventy-two thousand five hundred dollars for  
215 various infrastructure improvements and the authorization of the  
216 issuance of bonds to defray said appropriation, otherwise valid except  
217 that the referendum vote was held twenty-one days after the item was

218 discussed at a town meeting, is hereby validated. All acts, votes and  
219 proceedings of the officers and officials of the town of Clinton  
220 pertaining to or taken in reliance on said referendum are validated and  
221 effective as of the date so taken.

222 Sec. 12. (*Effective from passage*) Notwithstanding the provisions of  
223 subparagraph (B) of subdivision (74) of section 12-81 of the general  
224 statutes, any person otherwise eligible for a 2003 grand list exemption  
225 and a 2004 grand list exemption pursuant to said subdivision (74) in  
226 the town of Stafford, except that such person failed to file the required  
227 exemption applications within the time period prescribed, shall be  
228 regarded as having filed said applications in a timely manner if such  
229 person files said applications not later than thirty days after the  
230 effective date of this section and pays the late filing fees pursuant to  
231 section 12-81k of the general statutes. Upon confirmation of the receipt  
232 of such fees and verification of the exemption eligibility of the vehicle  
233 included in such applications, the assessor shall approve the  
234 exemptions for such property. If taxes have been paid on the property  
235 for which such exemptions are approved, the town of Stafford shall  
236 reimburse such person in an amount equal to the amount by which  
237 such taxes exceed the taxes payable if the applications had been filed in  
238 a timely manner. Notwithstanding the provisions of subsection (b) of  
239 section 12-94b of the general statutes and section 12-94e of the general  
240 statutes, the assessor of the town of Stafford may submit such  
241 approved exemption applications to the Secretary of the Office of  
242 Policy and Management together with a request for reimbursement of  
243 the tax loss resulting from such exemptions. Subject to the secretary's  
244 review and approval of such exemptions, such reimbursement shall be  
245 included in the next certification the secretary makes to the  
246 Comptroller under the provisions of section 12-94b of the general  
247 statutes.

248 Sec. 13. (*Effective from passage*) Notwithstanding the provisions of  
249 subparagraph (C) of subdivision (59) of section 12-81 of the general  
250 statutes and subparagraph (C) of subdivision (60) of said section 12-81,  
251 any person otherwise eligible for a 2005 grand list exemption pursuant

252 to said subdivisions (59) and (60) in the town of East Hartford, except  
253 that such person failed to file the required exemption application  
254 within the time period prescribed, shall be regarded as having filed  
255 said application in a timely manner if such person files said application  
256 not later than thirty days after the effective date of this section and  
257 pays the late filing fee pursuant to section 12-81k of the general  
258 statutes. Upon confirmation of the receipt of such fee and verification  
259 of the exemption eligibility of the real and personal property included  
260 in such application, the assessor shall approve the exemption for such  
261 property. If taxes have been paid on the property for which such  
262 exemption is approved, the town of East Hartford shall reimburse such  
263 person in an amount equal to the amount by which such taxes exceed  
264 the taxes payable if the application had been filed in a timely manner.  
265 Notwithstanding the provisions of section 32-9s of the general statutes,  
266 the assessor of the town of East Hartford may submit such approved  
267 exemption application to the Secretary of the Office of Policy and  
268 Management together with a request for reimbursement of the tax loss  
269 resulting from such exemption. Subject to the secretary's review and  
270 approval of such exemption, such reimbursement shall be included in  
271 the next certification the secretary makes to the Comptroller under the  
272 provisions of said section 32-9s.

273       Sec. 14. (*Effective from passage*) Notwithstanding the provisions of  
274 subparagraph (C) of subdivision (59) of section 12-81 of the general  
275 statutes and subparagraph (C) of subdivision (60) of said section 12-81,  
276 any person otherwise eligible for a 2005 grand list exemption pursuant  
277 to said subdivisions (59) and (60) in the city of Bridgeport, except that  
278 such person failed to file the required exemption application within  
279 the time period prescribed, shall be regarded as having filed said  
280 application in a timely manner if such person files said application not  
281 later than thirty days after the effective date of this section and pays  
282 the late filing fee pursuant to section 12-81k of the general statutes.  
283 Upon confirmation of the receipt of such fee and verification of the  
284 exemption eligibility of the real and personal property included in  
285 such application, the assessor shall approve the exemption for such

286 property. If taxes have been paid on the property for which such  
287 exemption is approved, the city of Bridgeport shall reimburse such  
288 person in an amount equal to the amount by which such taxes exceed  
289 the taxes payable if the application had been filed in a timely manner.  
290 Notwithstanding the provisions of section 32-9s of the general statutes,  
291 the assessor of the city of Bridgeport may submit such approved  
292 exemption application to the Secretary of the Office of Policy and  
293 Management together with a request for reimbursement of the tax loss  
294 resulting from such exemption. Subject to the secretary's review and  
295 approval of such exemption, such reimbursement shall be included in  
296 the next certification the secretary makes to the Comptroller under the  
297 provisions of said section 32-9s.

298 Sec. 15. Subsection (a) of section 12-459 of the general statutes is  
299 repealed and the following is substituted in lieu thereof (*Effective July*  
300 *1, 2007, and applicable to claims for refund filed on or after that date*):

301 (a) The payment of the tax provided for by section 12-458 shall be  
302 subject to refund as provided herein when such fuel has been sold for  
303 use of any of the following: (1) Any person, other than one engaged in  
304 the business of farming, when such fuel is used other than in motor  
305 vehicles licensed or required to be licensed to operate upon the public  
306 highways of this state, except that no tax paid on fuel which is taken  
307 out of this state in a fuel tank connected with the engine of a motor  
308 vehicle and which is consumed without this state shall be refunded; (2)  
309 any person engaged in the business of farming, when such fuel is used  
310 other than in motor vehicles licensed or required to be licensed to  
311 operate upon the public highways of this state or such fuel is used in  
312 motor vehicles registered exclusively for farming purposes, except that  
313 no tax paid on fuel which is taken out of this state in a fuel tank  
314 connected with the engine of a motor vehicle and which is consumed  
315 without this state shall be refunded; (3) the United States; (4) a  
316 Connecticut motor bus company, as defined in subsection (e) of section  
317 12-455a, engaged in the business of carrying passengers for hire in this  
318 state in common carrier motor vehicles, or any person, association or  
319 corporation engaged in the business of operating taxicabs in this state

320 pursuant to a certificate under chapter 244a, when such fuel is used in  
321 such common carrier motor vehicle or taxicab on roads in this state,  
322 except that with respect to such fuel used in a taxicab only fifty per  
323 cent of the tax paid on any purchase of fuel applicable to mileage on  
324 any roads in this state shall be refunded; (5) any person, association or  
325 corporation engaged in the business of operating a motor vehicle in  
326 livery service pursuant to a permit issued under chapter 244b, or a  
327 motor bus over highways within this state and between points within  
328 and without this state pursuant to a permit issued under chapter 244,  
329 when such fuel is used in such motor bus on roads in this state for the  
330 exclusive purpose of transporting passengers for hire to or from  
331 airport facilities, except that with respect to any such motor vehicle in  
332 livery service pursuant to a permit issued under chapter 244b only fifty  
333 per cent of the tax paid on any purchase of fuel applicable to mileage  
334 on any roads in this state shall be refunded; (6) this state or a  
335 municipality of this state, when such fuel is used in vehicles owned  
336 and operated, or leased and operated, by this state or municipality for  
337 governmental purposes; (7) any school bus, as defined in section 14-  
338 275; (8) a hospital, when such fuel is used in an ambulance owned by  
339 such hospital; (9) a nonprofit civic organization approved by the  
340 commissioner, when such fuel is used in an ambulance owned by such  
341 organization; (10) a transit district formed under chapter 103a or any  
342 special act, when such fuel is used in vehicles owned and operated, or  
343 leased and operated, by such transit district for the purposes of such  
344 transit district; (11) a corporation or an employee of a corporation or of  
345 the United States, this state or a municipality of this state, when such  
346 fuel is used in a high-occupancy commuter vehicle on roads in this  
347 state, which vehicle is owned or leased by such corporation or such  
348 employee, seats at least ten but not more than fifteen passengers and  
349 has a minimum average daily passenger usage of nine persons to and  
350 from work, for the purpose of transporting such passengers to and  
351 from work daily; (12) a person, corporation or association operating a  
352 motor vehicle in livery service which is registered in accordance with  
353 the provisions of section 13b-83, when such fuel is used in such motor  
354 vehicle in livery service on roads in this state; [and] (13) a federally

355 funded nutrition program approved by the commissioner, when such  
356 fuel is used in a delivery vehicle on roads in this state for the exclusive  
357 purpose of delivering meals to senior citizens; and (14) a company,  
358 when such fuel has been used and consumed exclusively for hauling  
359 waste for the Connecticut Resource Recovery Authority's Mid-  
360 Connecticut Project.

361 Sec. 16. (*Effective from passage*) Notwithstanding the provisions of  
362 section 4-7 of the general statutes, with respect to the confirmation by  
363 the Senate or the House of Representatives of an executive or  
364 legislative nomination within ten calendar days of the report of such  
365 nomination by the joint standing committee on executive and  
366 legislative nominations, any such nomination confirmed during the  
367 2007 regular session of the General Assembly which is otherwise valid  
368 is hereby validated and confirmed.

369 Sec. 17. Subsection (a) of section 4-7 of the general statutes is  
370 repealed and the following is substituted in lieu thereof (*Effective from*  
371 *passage*):

372 (a) On or before February 1, 1975, and quadrennially thereafter, the  
373 Governor shall submit each nomination for a department head to  
374 either house of the General Assembly. Such house shall immediately  
375 refer the nominations to its committee on executive nominations,  
376 which shall report thereon by resolution within fifteen calendar days  
377 from the date of reference. Such house, by resolution, shall confirm or  
378 reject the nomination. [within ten calendar days of the committee's  
379 report.] If confirmed, the nominee shall take office on the first day of  
380 March in the year in which the appointment is submitted, except as  
381 provided in section 4-6. If such house rejects the nomination before the  
382 first day of March in the year in which it is submitted, the procedure  
383 prescribed in subsection (b) of this section shall be followed.

384 Sec. 18. Section 12-217ii of the general statutes is repealed and the  
385 following is substituted in lieu thereof (*Effective July 1, 2007, and*  
386 *applicable to income years commencing on or after January 1, 2007*):

387 (a) As used in this section:

388 (1) "Commissioner" means the Commissioner of Economic and  
389 Community Development;

390 [(2) "Relocation to Connecticut" or "relocation" means the taxpayer  
391 creating the new job shall not have been conducting business in  
392 Connecticut prior to the taxpayer's application to the commissioner for  
393 an eligibility certificate under this section;]

394 [(3)] (2) "Income year" means, with respect to entities subject to the  
395 insurance premiums tax under chapter 207, the corporation business  
396 tax under this chapter or the utilities company tax under chapter 212,  
397 the income year as determined under each of said chapters, as the case  
398 may be;

399 [(4)] (3) "Taxpayer" means a person subject to tax under chapter 207,  
400 this chapter or chapter 212; [who was not conducting business in  
401 Connecticut prior to relocation to Connecticut;]

402 [(5)] (4) "New job" means a full-time job which (A) did not exist in  
403 this state prior to a taxpayer's application to the commissioner for an  
404 eligibility certificate under this section for a job creation credit, and (B)  
405 is filled by a new employee;

406 [(6)] (5) "New employee" means a person hired by the taxpayer to  
407 fill a new full-time job. A new employee does not include a person  
408 who was employed in Connecticut by a related person with respect to  
409 the taxpayer during the prior twelve months;

410 [(7)] (6) "Full-time job" means a job in which an employee is  
411 required to work at least thirty-five or more hours per week. A full-  
412 time job does not include a temporary or seasonal job;

413 [(8)] (7) "Related person" means (A) a corporation, limited liability  
414 company, partnership, association or trust controlled by the taxpayer,  
415 (B) an individual, corporation, limited liability company, partnership,  
416 association or trust that is in control of the taxpayer, (C) a corporation,

417 limited liability company, partnership, association or trust controlled  
418 by an individual, corporation, limited liability company, partnership,  
419 association or trust that is in control of the taxpayer, or (D) a member  
420 of the same controlled group as the taxpayer; and

421 [(9)] (8) "Control", with respect to a corporation, means ownership,  
422 directly or indirectly, of stock possessing fifty per cent or more of the  
423 total combined voting power of all classes of the stock of such  
424 corporation entitled to vote. "Control", with respect to a trust, means  
425 ownership, directly or indirectly, of fifty per cent or more of the  
426 beneficial interest in the principal or income of such trust. The  
427 ownership of stock in a corporation, of a capital or profits interest in a  
428 partnership, limited liability company or association or of a beneficial  
429 interest in a trust shall be determined in accordance with the rules for  
430 constructive ownership of stock provided in Section 267(c) of the  
431 Internal Revenue Code of 1986, or any subsequent corresponding  
432 internal revenue code of the United States, as from time to time  
433 amended, other than paragraph (3) of said Section 267(c).

434 (b) (1) There is established a jobs creation tax credit program  
435 whereby a taxpayer who creates at least [fifty] ten new jobs [pursuant  
436 to a relocation to] in Connecticut may be allowed a credit against the  
437 tax imposed under chapter 207, this chapter or chapter 212, in an  
438 amount up to [twenty-five] sixty per cent of the income tax deducted  
439 and withheld from the wages of new employees and paid over to the  
440 state pursuant to chapter 229.

441 (2) For each new employee, credits may be granted for five  
442 successive years.

443 (3) The credit shall be claimed in the income year in which it is  
444 earned. Any credits not used in a tax year shall expire.

445 (c) Any taxpayer planning to [relocate to Connecticut and] claim a  
446 credit under the provisions of this section shall apply to the  
447 commissioner in accordance with the provisions of this section. The  
448 application shall be on a form provided by the commissioner, and shall

449 contain sufficient information concerning the [nature of the relocation,  
450 including a detailed description of the type of business, the] number of  
451 new jobs to be created, feasibility studies or business plans for the  
452 [relocation] increased number of jobs, projected state and local revenue  
453 that might derive as a result of the [relocation] job growth and other  
454 information necessary to demonstrate [the financial viability of the  
455 relocation and] that there will be net benefits to the economy of the  
456 municipality and the state. The commissioner shall impose a fee for  
457 such application as the commissioner deems appropriate.

458 (d) The commissioner shall determine whether (1) the taxpayer  
459 making the application is eligible for the tax credit, and (2) the  
460 proposed [relocation] job growth (A) is economically viable only with  
461 use of the tax credit, [and] (B) would provide a net benefit to economic  
462 development and employment opportunities in the state, and (C)  
463 conforms to the state plan of conservation and development prepared  
464 pursuant to section 16a-24. The commissioner may require the  
465 applicant to submit such additional information as may be necessary  
466 to evaluate the application.

467 (e) (1) The commissioner, upon consideration of the application and  
468 any additional information the commissioner requires, [concerning a  
469 proposed relocation,] may approve the credit application, in whole or  
470 in part, if the commissioner concludes that the [relocation] increase in  
471 the number of jobs is economically viable only with the use of the tax  
472 credit and that the revenue generated due to economic development  
473 and employment opportunities created in the state exceeds the credit  
474 and any other credits to be taken. If the commissioner disapproves an  
475 application, the commissioner shall specifically identify the defects in  
476 the application and specifically explain the reasons for the disapproval.  
477 The commissioner shall render a decision on an application not later  
478 than ninety days after the date of its receipt by the commissioner.

479 (2) The total amount of credits granted to all taxpayers shall not  
480 exceed ten million dollars in any one fiscal year.

481 (3) A credit under this section may be granted to a taxpayer for not  
482 more than five successive income years.

483 (4) The commissioner may combine approval of a credit application  
484 with the exercise of any of the commissioner's other powers, including,  
485 but not limited to, the provision of other forms of financial assistance.

486 (f) Upon approving a taxpayer's credit application, the  
487 commissioner shall issue a credit allocation notice certifying that the  
488 credits will be available to be claimed by the taxpayer if the taxpayer  
489 otherwise meets the requirements of this section. No later than thirty  
490 days after the close of the taxpayer's income year, the taxpayer shall  
491 provide information to the commissioner regarding the number of new  
492 jobs created for the year and the income tax deducted and withheld  
493 from the wages of such new employees and paid over to the state for  
494 such year. The commissioner shall issue a certificate of eligibility that  
495 includes the taxpayer's name, the number of new jobs created, and the  
496 amount of the credit certified for the year. The certificate shall be  
497 issued by the commissioner sixty days after the close of the taxpayer's  
498 income year or thirty days after the information is provided,  
499 whichever comes first.

500 (g) The commissioner shall, upon request, provide a copy of the  
501 certificate of eligibility issued under subsection (f) of this section to the  
502 Commissioner of Revenue Services.

503 (h) (1) If (A) the number of new employees on account of which a  
504 taxpayer claimed the credit allowed by this section decreases to less  
505 than the number for which the commissioner issued an eligibility  
506 certificate during any of the four years succeeding the first full income  
507 year following the issuance of an eligibility certificate, and (B) those  
508 employees are not replaced by other employees who have not been  
509 shifted from an existing location of the taxpayer or a related person in  
510 this state, the taxpayer shall be required to recapture a percentage of  
511 the credit allowed under this section on its tax return, as determined  
512 under the provisions of subdivision (2) of this subsection. The

513 commissioner shall provide notice of the required recapture amount to  
514 both the taxpayer and the Commissioner of Revenue Services.

515 (2) If the taxpayer is required under the provisions of subdivision  
516 (1) of this subsection to recapture a portion of the credit during (A) the  
517 first of such four years, then ninety per cent of the credit allowed shall  
518 be recaptured on the tax return required to be filed for such year, (B)  
519 the second of such four years, then sixty-five per cent of the credit  
520 allowed for the entire period of eligibility shall be recaptured on the  
521 tax return required to be filed for such year, (C) the third of such four  
522 years, then fifty per cent of the credit allowed for the entire period of  
523 eligibility shall be recaptured on the tax return required to be filed for  
524 such year, (D) the fourth of such four years, then thirty per cent of the  
525 credit allowed for the entire period of eligibility shall be recaptured on  
526 the tax return required to be filed for such year.

527 Sec. 19. (NEW) (*Effective from passage and applicable to income years*  
528 *commencing on or after January 1, 2008*):

529 (a) As used in this section, the following terms shall have the  
530 following meanings unless the context clearly indicates another  
531 meaning:

532 (1) "Commission" means the Connecticut Commission on Culture  
533 and Tourism established pursuant to section 10-392 of the general  
534 statutes;

535 (2) "Certified historic structure" means an historic commercial or  
536 industrial property that: (A) Is listed individually on the National or  
537 State Register of Historic Places, or (B) is located in a district listed on  
538 the National or State Register of Historic Places, and has been certified  
539 by the commission as contributing to the historic character of such  
540 district;

541 (3) "Certified rehabilitation" means any rehabilitation of a certified  
542 historic structure for mixed residential and nonresidential uses  
543 consistent with the historic character of such property or the district in

544 which the property is located as determined by regulations adopted by  
545 the commission;

546 (4) "Owner" means any person, firm, limited liability company,  
547 nonprofit or for-profit corporation or other business entity which  
548 possesses title to an historic structure and undertakes the rehabilitation  
549 of such structure;

550 (5) "Placed in service" means that substantial rehabilitation work has  
551 been completed which would allow for issuance of a certificate of  
552 occupancy for the entire building or, in projects completed in phases,  
553 for individual residential units that are an identifiable portion of the  
554 building;

555 (6) "Qualified rehabilitation expenditures" means any costs incurred  
556 for the physical construction involved in the rehabilitation of a  
557 certified historic structure for mixed residential and nonresidential  
558 uses where at least thirty-three per cent of the total square footage of  
559 the rehabilitation is placed into service for residential use, excluding:  
560 (A) The owner's personal labor, (B) the cost of a new addition, except  
561 as required to comply with any provision of the State Building Code or  
562 the State Fire Safety Code, and (C) any nonconstruction cost such as  
563 architectural fees, legal fees and financing fees;

564 (7) "Rehabilitation plan" means any construction plans and  
565 specifications for the proposed rehabilitation of a certified historic  
566 structure in sufficient detail for evaluation by compliance with the  
567 standards developed under the provisions of subsections (b) to (d),  
568 inclusive, of this section; and

569 (8) "Substantial rehabilitation" or "substantially rehabilitate" means  
570 the qualified rehabilitation expenditures of a certified historic structure  
571 that exceed twenty-five per cent of the assessed value of such  
572 structure.

573 (b) (1) The commission shall administer a system of tax credit  
574 vouchers within the resources, requirements and purposes of this

575 section for owners rehabilitating certified historic structures.

576 (2) The credit authorized by this section shall be available in the tax  
577 year in which the substantially rehabilitated certified historic structure  
578 is placed in service. In the case of projects completed in phases, the tax  
579 credit shall be prorated to the substantially rehabilitated identifiable  
580 portion of the building placed in service. If the tax credit is more than  
581 the amount owed by the taxpayer for the year in which the  
582 substantially rehabilitated certified historic structure is placed in  
583 service, the amount that is more than the taxpayer's tax liability may be  
584 carried forward and credited against the taxes imposed for the  
585 succeeding five years or until the full credit is used, whichever occurs  
586 first.

587 (3) Any credits allowed under this section that are provided to  
588 multiple owners of certified historic structures shall be passed through  
589 to persons designated as partners, members or owners, pro rata or  
590 pursuant to an agreement among such persons designated as partners,  
591 members or owners documenting an alternative distribution method  
592 without regard to other tax or economic attributes of such entity. Any  
593 owner entitled to a credit under this section may assign, transfer or  
594 convey the credits, in whole or in part, by sale or otherwise to any  
595 individual or entity and such transferee shall be entitled to offset the  
596 tax imposed under chapter 207, 208, 209, 210, 211 or 212 of the general  
597 statutes as if such transferee had incurred the qualified rehabilitation  
598 expenditure.

599 (c) The commission shall develop standards for the approval of  
600 rehabilitation of certified historic structures for which a tax credit  
601 voucher is sought. Such standards shall take into account whether the  
602 rehabilitation of a certified historic structure will preserve the historic  
603 character of the building.

604 (d) The commission shall adopt regulations, in accordance with  
605 chapter 54 of the general statutes, to carry out the purposes of this  
606 section. Such regulations shall include provisions for the filing of

607 applications, rating criteria and for timely approval by the  
608 commission.

609 (e) Prior to beginning any rehabilitation work on a certified historic  
610 structure, the owner shall submit (1) a rehabilitation plan to the  
611 commission for a determination of whether or not such rehabilitation  
612 work meets the standards developed under the provisions of  
613 subsections (b) to (d), inclusive, of this section, (2) an estimate of the  
614 qualified rehabilitation expenditures, and (3) for projects pursuant to  
615 subdivision (2) of subsection (f) of this section, (A) the number of units  
616 of affordable housing, as defined in section 8-39a of the general  
617 statutes, to be created, (B) the proposed rents or sale prices of such  
618 units, and (C) the median income for the municipality where the  
619 project is located. In the case of a project pursuant to subdivision (2) of  
620 subsection (f) of this section the owner shall submit a copy of data  
621 required under subdivision (3) of this subsection to the Department of  
622 Economic and Community Development.

623 (f) If the commission certifies that the rehabilitation plan conforms  
624 to the standards developed under the provisions of subsections (b) to  
625 (d), inclusive, of this section, the commission shall reserve for the  
626 benefit of the owner an allocation for a tax credit equivalent to (1)  
627 twenty-five per cent of the projected qualified rehabilitation  
628 expenditures, or (2) for rehabilitation plans submitted pursuant to  
629 subsection (e) of this section on or after the effective date of this  
630 section, thirty per cent of the projected qualified rehabilitation  
631 expenditures if (A) at least twenty per cent of the units are rental units  
632 and qualify as affordable housing, as defined in section 8-39a of the  
633 general statutes, or (B) at least ten per cent of the units are individual  
634 homeownership units and qualify as affordable housing, as defined in  
635 section 8-39a of the general statutes. No tax credit shall be allocated for  
636 the purposes of this subdivision unless an applicant has submitted to  
637 the commission a certificate from the Department of Economic and  
638 Community Development pursuant to section 21 of this act confirming  
639 that the project complies with affordable housing requirements under  
640 section 8-39a of the general statutes.

641 (g) Following the completion of rehabilitation of a certified historic  
642 structure, the owner shall notify the commission that such  
643 rehabilitation has been completed. The owner shall provide the  
644 commission with documentation of work performed on the certified  
645 historic structure and shall submit certification of the costs incurred in  
646 rehabilitating the certified historic structure. The commission shall  
647 review such rehabilitation and verify its compliance with the  
648 rehabilitation plan. Following such verification, the commission shall  
649 issue a tax credit voucher to the owner rehabilitating the certified  
650 historic structure or to the taxpayer named by the owner as  
651 contributing to the rehabilitation. The tax credit voucher shall be in an  
652 amount equivalent to the lesser of the tax credit reserved upon  
653 certification of the rehabilitation plan under the provisions of  
654 subsection (f) of this section or (1) twenty-five per cent of the actual  
655 qualified rehabilitation expenditures, or (2) for projects including  
656 affordable housing pursuant to subdivision (2) of subsection (f) of this  
657 section, thirty per cent of the actual qualified rehabilitation  
658 expenditures. In order to obtain a credit against any state tax due that  
659 is specified in subsection (h) of this section, the holder of the tax credit  
660 voucher shall file the voucher with the holder's state tax return.

661 (h) The Commissioner of Revenue Services shall grant a tax credit to  
662 a taxpayer holding the tax credit voucher issued under subsections (e)  
663 to (i), inclusive, of this section against any tax due under chapter 207,  
664 208, 209, 210, 211 or 212 of the general statutes in the amount specified  
665 in the tax credit voucher. Such taxpayer shall submit the voucher and  
666 the corresponding tax return to the Department of Revenue Services.

667 (i) The commission may charge an application fee in an amount not  
668 to exceed ten thousand dollars to cover the cost of administering the  
669 program established pursuant to this section.

670 Sec. 20. (NEW) (*Effective from passage and applicable to income years*  
671 *commencing on and after January 1, 2008*) The aggregate amount of all tax  
672 credits which may be reserved by the Commission on Culture and  
673 Tourism upon certification of rehabilitation plans under section 19 of

674 this act shall not exceed fifty million dollars for the fiscal three-year  
675 period beginning July 1, 2008, and ending June 30, 2011, inclusive, and  
676 each fiscal three-year period thereafter. No project may receive tax  
677 credits in an amount exceeding ten per cent of such aggregate amount.

678 Sec. 21. (NEW) (*Effective from passage*) On or before October 1, 2009,  
679 and annually thereafter, the Commission on Culture and Tourism shall  
680 report the total amount of historic preservation tax credits and  
681 affordable housing tax credits reserved for the previous fiscal year  
682 under section 19 of this act, to the joint standing committees of the  
683 General Assembly having cognizance of matters relating to commerce  
684 and to finance, revenue and bonding. Each such report shall include  
685 the following information for each project for which tax credit has been  
686 reserved: (1) The total project costs, (2) the value of the tax credit  
687 reservation for the purpose of historic preservation, (3) a statement  
688 whether the reservation is for mixed-use and if so, the proportion of  
689 the project that is not residential, and (4) the number of residential  
690 units to be created, and, for affordable housing reservations, the value  
691 of the reservation and percentage of residential units that will qualify  
692 as affordable housing, as defined in section 8-39a of the general  
693 statutes.

694 (b) (1) If the total amount of such tax credits reserved in the first  
695 fiscal year of a fiscal three-year period is more than sixty-five per cent  
696 of the aggregate amount of tax credits reserved under section 19 of this  
697 act, then no additional reservation shall be allowed for the second  
698 fiscal year of such fiscal three-year period unless the joint standing  
699 committees of the General Assembly having cognizance of matters  
700 relating to commerce and to finance, revenue and bonding each vote  
701 separately to authorize continuance of tax credit reservations under  
702 the program.

703 (2) If the total amount of such credits reserved in the second year of  
704 a fiscal three-year period exceeds ninety per cent of the aggregate  
705 amount of tax credits reserved under section 19 of this act, then no  
706 additional reservation shall be allowed for the third fiscal year of such

707 fiscal three-year period unless the joint standing committees of the  
708 General Assembly having cognizance of matters relating to commerce  
709 and to finance, revenue and bonding each vote separately to authorize  
710 the continuance of tax credit reservations under the program.

711 (3) Any tax credit reservations issued before a suspension of  
712 additional tax credit reservations under subdivisions (1) and (2) of the  
713 subsection shall remain in place.

714 Sec. 22. (NEW) (*Effective July 1, 2007*) (a) The Commissioner of  
715 Economic and Community Development shall review applications for  
716 affordable housing tax credits submitted pursuant to subsection (e) of  
717 section 19 of this act. Upon determination that an application contains  
718 affordable housing as required by said section the commissioner shall  
719 issue a certificate to that effect. The commissioner shall monitor  
720 projects certified under this section to ensure that the affordable  
721 housing units are maintained as affordable for a minimum of ten years  
722 and may require deed restrictions or other fiscal mechanisms designed  
723 to ensure compliance with project requirements. The commissioner  
724 may impose a fee in an amount not exceeding two thousand dollars to  
725 cover the cost of reviewing applications and monitoring projects that  
726 qualify for affordable housing tax credits pursuant to section 19 of this  
727 act.

728 (b) The Commissioner of Economic and Community Development,  
729 in consultation with the Commission on Culture and Tourism, may  
730 adopt regulations, pursuant to chapter 54 of the general statutes, for  
731 monitoring of projects that qualify for affordable housing tax credits  
732 pursuant to section 19 of this act, by the Department of Economic and  
733 Community Development, or by local housing authorities,  
734 municipalities, other public agencies or quasi-public agencies, as  
735 defined in section 1-120 of the general statutes, designated by the  
736 department. Such regulations shall include provisions for ensuring  
737 that affordable units developed under subdivision (3) of subsection (e)  
738 of section 19 of this act, are maintained as affordable for a minimum of  
739 ten years and may require deed restrictions or other fiscal mechanisms

740 designed to ensure compliance with project requirements."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>July 1, 2007, and applicable to claims for refund filed on or after that date</i>	12-459(a)
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	4-7(a)
Sec. 18	<i>July 1, 2007, and applicable to income years commencing on or after January 1, 2007</i>	12-217ii
Sec. 19	<i>from passage and applicable to income years commencing on or after January 1, 2008</i>	New section
Sec. 20	<i>from passage and applicable to income years commencing on and after January 1, 2008</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>July 1, 2007</i>	New section