



**Substitute Senate Bill No. 26**

**Public Act No. 08-185**

**AN ACT CONCERNING CERTAIN PROGRAMS ADMINISTERED BY THE OFFICE OF POLICY AND MANAGEMENT, THE DEFINITION OF "BIOMASS", THE ESTABLISHMENT OF PRIVATE DEVELOPMENT DISTRICTS WITHIN ADRIAEN'S LANDING, AND MUNICIPAL OPTIONS TO PROVIDE CERTAIN PROPERTY TAX EXEMPTIONS AND TO MAKE ANNUAL ADJUSTMENTS IN REAL PROPERTY VALUATIONS.**

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

Section 1. Subsection (e) of section 20-280 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2008*):

(e) The board, subject to the provisions of chapter 67, may employ an executive director and such other personnel as may be necessary to carry out the provisions of sections 20-279b to 20-281m, inclusive. The board may enter into such contractual agreements as may be necessary for the discharge of its duties, within the limit of its appropriated funds and in accordance with established procedures, as it deems necessary in its administration and enforcement of said sections. It may appoint committees or persons to advise or assist the board in such administration and enforcement as it may see fit. [Said board shall be within the Office of Policy and Management for administrative purposes only.]

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Sec. 2. Subsection (g) of section 32-657 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) The Stadium Facility Enterprise Fund, the revenue account, the operating expense account and any other account holding state moneys associated with the stadium facility shall be subject to the provisions of sections 3-112, 3-114, 4-32 and 4-33, except to the extent inconsistent with express provisions of this section, and shall be audited on a comprehensive annual basis by [an independent auditing firm in accordance with generally accepted auditing standards, selected by the secretary from a list of at least four firms supplied by the Comptroller. The cost of such audit shall be treated as an expense of stadium facility operations. In addition, between August 8, 2003, and November 30, 2003, the Auditors of Public Accounts shall conduct an audit of internal controls of stadium facility operations] the Auditors of Public Accounts. Such [audit] audits shall be conducted at the sole expense of the Auditors of Public Accounts and with advance notice to the secretary.

Sec. 3. Subsection (f) of section 32-606 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The powers and duties granted to the authority pursuant to this section shall terminate July 1, [2008] 2013.

Sec. 4. Subdivision (45) of subsection (a) of section 16-1 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(45) "Sustainable biomass" means biomass that is cultivated and harvested in a sustainable manner. "Sustainable biomass" does not mean construction and demolition waste, as defined in section 22a-

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208x, finished biomass products from sawmills, paper mills or stud mills, organic refuse fuel derived separately from municipal solid waste, or biomass from old growth timber stands, except where (A) such biomass is used in a biomass gasification plant that received funding prior to May 1, 2006, from the Renewable Energy Investment Fund established pursuant to section 16-245n of the 2008 supplement to the general statutes, or (B) the energy derived from such biomass is subject to a long-term power purchase contract pursuant to subdivision (2) of subsection (j) of section 16-244c of the 2008 supplement to the general statutes entered into prior to May 1, 2006, [or] (C) such biomass is used in a renewable energy facility that is certified as a Class I renewable energy source by the department until such time as the department certifies that any biomass gasification [plan] plant, as defined in subparagraph (A) of this [subsection] subdivision, is operational and accepting such biomass, in an amount not to exceed one hundred forty thousand tons annually, is used in a renewable energy facility that was certified as a Class I renewable energy source by the department prior to December 31, 2007, and uses biomass, including construction and demolition waste as defined in section 22a-208x, from a Connecticut-sited transfer station and volume-reduction facility that generated biomass during calendar year 2007 that was used during calendar year 2007 to generate Class I renewable energy certificates, or (D) in the event there is no facility as described in subparagraph (A) or (C) of this subdivision accepting such biomass, in an amount not to exceed one hundred forty thousand tons annually, is used in one or more other renewable energy facilities certified either as a Class I or Class II renewable energy source by the department, provided such facilities use biomass, including construction and demolition waste as defined in said section 22a-208x, from a Connecticut-sited transfer station and volume-reduction facility that generated biomass during calendar year 2007 that was used during calendar year 2007 to generate Class I renewable energy certificates. Notwithstanding the provisions of subparagraphs (C) and (D) of this

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subdivision, the amount of biomass specified in said subparagraphs shall not apply to a biomass gasification plant, as defined in subparagraph (A) of this subdivision.

Sec. 5. Subsection (4) of section 32-600 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) "Convention center facilities" means (A) the convention center and the related parking facilities, as defined in section 32-651, to the extent such related parking facilities are developed, owned or operated by the authority, [and may include] (B) the on-site related private development, as defined in section 32-651, to the extent any such on-site related private development is developed, owned or operated by the authority pursuant to a determination by the Secretary of the Office of Policy and Management and the authority that such development, ownership or operation by the authority is necessary and in the public interest, and (C) a central heating and cooling plant serving the convention center, the related parking facilities, the related private development and, to the extent of any surplus capacity, other users. "Convention center facilities" does not include the convention center hotel.

Sec. 6. Section 32-600 of the general statutes is amended by adding subdivision (8) as follows (*Effective from passage*):

(NEW) (8) "Private development district" means any land on the Adriaen's Landing site that is designated jointly by the Secretary of the Office of Policy and Management and the authority as available for the purpose of on-site related private development and in need of inducement for private development and operation. Only land on which construction of a building or improvement is to commence on or after July 1, 2008, shall be so designated. Any land so designated shall remain part of the private development district during the term,

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including any extensions, of any agreement providing for payments to the authority in lieu of real property taxes entered into pursuant to subsection (d) of section 32-602, as amended by this act, and thereafter, until the Secretary of the Office of Policy and Management and the authority certify that such designation is no longer a needed inducement to private development and operation. As used in this subdivision, "land" includes an easement to use air space, whether or not contiguous to the surface of the ground.

Sec. 7. Section 32-602 of the general statutes is amended by adding subsection (d) as follows (*Effective from passage*):

(NEW) (d) The authority shall have the power to negotiate, and, with the approval of the Secretary of the Office of Policy and Management, to enter into an agreement with any private developer, owner or lessee of any building or improvement located on land in a private development district, as defined in section 32-600, as amended by this act, providing for payments to the authority in lieu of real property taxes. Such an agreement shall be made a condition of any private right of development within the private development district, and shall include a requirement that such private developer, owner or lessee make good-faith efforts to hire, or cause to be hired, available and qualified minority business enterprises, as defined in section 4a-60g, to provide construction services and materials for improvements to be constructed within the private development district in an effort to achieve a minority business enterprise utilization goal of ten per cent of the total costs of construction services and materials for such improvements. Such payments to the authority in lieu of real property taxes shall have the same lien and priority, and may be enforced by the authority in the same manner, as provided for municipal real property taxes. Such payments as received by the authority shall be used to carry out the purposes of the authority set forth in subsection (a) of this section.

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Sec. 8. Subsection (b) of section 32-664 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each license, permit and approval required or permitted to be issued, and each administrative action required or permitted to be taken pursuant to the general statutes in connection with the overall project, shall be issued or taken upon application to the particular commissioner or commissioners having the jurisdiction over such license, permit, approval or other administrative action or such other state official as such commissioner shall designate. No agency, commission, council, committee, panel or other body whatsoever other than such commissioner shall have jurisdiction over or cognizance of any licenses, permits, approvals or administrative actions concerning the overall project. No notice of any tentative determination or any final determination regarding any such license, permit, approval or administrative action and no notice of any such license, permit, approval or administrative action shall be required except as expressly provided in this section. No ordinance, law or regulation adopted by, or authority granted to, any municipality or any other political subdivision of the state, other than the authority, shall apply to the overall project, or to the operation of improvements in the private development district to the extent such matters of operation are otherwise governed by this chapter, chapter 588x or other applicable provisions of state law, except that the stadium facility and the stadium facility project shall comply with the provisions of any local noise ordinance that embraces the ambient noise standard, as provided in section 22a-69, except that such local noise ordinance shall not apply to The University of Connecticut sporting events. Any enforcement action shall be based on objective scientific measurements. No municipality shall impose, as a condition of the availability of any state or federal funds under a program administered by such municipality, any requirement that such municipality would not have the authority

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to impose directly by operation of this subsection, except as otherwise mandated by federal law.

Sec. 9. Section 32-666 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any land on the Adriaen's Landing site leased by the secretary for purposes of site acquisition for an initial term of at least ninety-nine years shall, while such lease remains in effect, be deemed to be state-owned real property for purposes of sections 12-19a and 12-19b and subdivision (2) of section 12-81 of the 2008 supplement to the general statutes and the state shall make grants in lieu of taxes with respect to such land to the municipality in which the same is located as otherwise provided in sections 12-19a and 12-19b.

(b) Any land that comprises a private development district designated pursuant to section 32-600, as amended by this act, and all improvements on or to such land shall, while such designation continues, be deemed to be state-owned real property for purposes of sections 12-19a and 12-19b and subdivision (2) of section 12-81, and the state shall make grants in lieu of taxes with respect to such land and improvements to the municipality in which the same is located as otherwise provided in sections 12-19a and 12-19b. Section 32-666a shall not be applicable to any such land or improvements while designated as part of the private development district.

Sec. 10. Section 13b-53 of the general statutes, as amended by public act 08-101, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner may, on behalf of the state, acquire, own, construct, maintain or operate, upon, at or near the seaboard or any navigable waterway, land, or any harbor, wharf, dock, pier, quay, canal, slip or basin, or any appropriate harbor facility, shed, warehouse

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of any kind, vault, railroad track, yard, terminal or equipment, or such other facility related to the transportation of goods or people by water as he deems necessary to the fulfillment of the purposes of this chapter. The commissioner, with the approval of the State Properties Review Board, the Office of Policy and Management and the Attorney General, may lease or grant any interest at the State Pier in New London or any navigation property owned or under the control of the Department of Transportation to any person and in any manner, as he deems appropriate, except that after initiating such approval, the commissioner may temporarily lease any such interest with the approval of the Secretary of the Office of Policy and Management. A temporary lease shall be effective only until a final decision is made by the Office of Policy and Management, the State Properties Review Board and the Attorney General. Leases of land of the state shall be for periods determined by the commissioner with the approval of the State Properties Review Board and may provide for the construction of buildings on the land. The commissioner may confer the privilege of concessions of supplying, upon such facilities, goods, commodities, service and facilities.

Sec. 11. Section 12-81b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage, and applicable to assessment years commencing on or after October 1, 2007*):

Any municipality may, by ordinance, provide that the property tax exemption authorized by any of subdivisions (7) to (16), inclusive, (18), (27) and (29) of section 12-81 of the 2008 supplement to the general statutes shall be effective as of the date of acquisition of the property to which the exemption applies and shall, in such ordinance, provide procedure for reimbursement of the tax-exempt organization for any tax paid by it for a period subsequent to said date and for any tax paid by the prior owner for a period subsequent to said date for which such organization reimbursed such owner on the transfer of title to such

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property.

Sec. 12. (NEW) (*Effective October 1, 2008*) (a) Commencing with the first grand list following implementation of a revaluation of property which occurs on or after October 1, 2005, any municipality may, upon approval of its legislative body, require the assessor to value all real property for purposes of assessment in accordance with the provisions of subsections (b) and (c) of this section. Any increase in the valuation of real property in a grand list resulting solely from the implementation of this section shall not be deemed to require the mailing of a written notice of assessment increase pursuant to subsection (b) of section 12-55 of the general statutes.

(b) Commencing with the grand list immediately following the grand list in which a revaluation takes place, the market value of all real estate within a municipality may be adjusted annually to reflect the average annual adjustment in the value of each category of property within the municipality. Such adjustment may be made by specific geographic areas of the municipality. The annual adjustment shall be derived from a compilation of all fair market sales within the municipality during the twelve months preceding the assessment date, provided the assessor may use fair market sales from a prior period or other data that may be lawfully used by an assessor for valuation purposes, if insufficient data exists during such twelve-month period to derive an accurate average annual adjustment. For purposes of this section, property shall be categorized in accordance with the administrative abstract coding system established by the Office of Policy and Management. In no event shall the adjustment under this section exceed five per cent for any assessment year. Any municipality that requires such annual adjustment shall continue such annual adjustment until the next succeeding revaluation in such municipality.

(c) In addition to adjustments in market value determined in accordance with subsection (b) of this section, each municipality shall

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continue to adjust the value of real estate for property tax purposes to reflect the value of new construction in accordance with the provisions of section 12-53a of the general statutes.

(d) Nothing in this section shall be construed as constituting an exception to the requirement to implement a revaluation pursuant to the provisions of section 12-62 of the general statutes.

Approved June 12, 2008