



General Assembly

January Session, 2011

Amendment

LCO No. 8049

HB0652908049HDO

Offered by:

REP. BERGER, 73rd Dist.
SEN. CRISCO, 17th Dist.
REP. HADDAD, 54th Dist.
SEN. FRANTZ, 36th Dist.
REP. CAMILLO, 151st Dist.
REP. BECKER, 19th Dist.
REP. COUTU, 47th Dist.
REP. D'AMELIO, 71st Dist.
REP. GENTILE, 104th Dist.
REP. JUTILA, 37th Dist.
SEN. KELLY, 21st Dist.

REP. NOUJAIM, 74th Dist.
REP. O'BRIEN E., 61st Dist.
REP. PERONE, 137th Dist.
REP. SANTIAGO, 130th Dist.
REP. VERRENGIA, 20th Dist.
REP. WILLIAMS, 68th Dist.
REP. ZALASKI, 81st Dist.
SEN. KANE, 32nd Dist.
REP. O'NEILL, 69th Dist.
REP. LABRIOLA, 131st Dist.

To: Subst. House Bill No. 6529

File No. 411

Cal. No. 258

"AN ACT PROMOTING ECONOMIC DEVELOPMENT IN THE AREA SURROUNDING OXFORD AIRPORT."

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

3 "Section 1. Section 32-75d of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2012*):

5 There [is] are established [an] two airport development [zone,]
6 zones, one of which is comprised of the following census tracts as

7 assigned on October 1, 2011, in the towns of Middlebury, Oxford and
 8 Southbury: 3442, 3461.01, 3461.02 and 3481.21, and one of which is
 9 comprised of the following census blocks as assigned on October 1,
 10 2011, in the towns of Windsor Locks, Suffield, East Granby and
 11 Windsor:

T1	090034701001022,	090034701003000,	090034701003001,
T2	090034701003002,	090034701003003,	090034701003004,
T3	090034701003005,	090034701003017,	090034701003018,
T4	090034701003019,	090034701003020,	090034701003021,
T5	090034701003025,	090034701003026,	090034735022009,
T6	090034735022010,	090034735022011,	090034735022012,
T7	090034735022013,	090034735025004,	090034735027000,
T8	090034735029000,	090034735029001,	090034735029002,
T9	090034735029003,	090034735029004,	090034735029006,
T10	090034761009000,	090034761009010,	090034761009011,
T11	090034761009012,	090034761009013,	090034762001023,
T12	090034762001025,	090034762002009,	090034762002013,
T13	090034763003004,	090034763009000,	090034763009001,
T14	090034763009002,	090034763009003,	090034763009004,
T15	090034763009005,	090034763009006,	090034763009007,
T16	090034763009008,	090034763009009,	090034763009010,
T17	090034763009011,	090034763009012,	090034763009013,
T18	090034763009014,	090034763009015,	090034763009016,
T19	090034763009017,	090034763009018,	090034763009020,
T20	090034763009021,	090034763009022,	090034763009023,
T21	090034763009024,	090034763009025,	090034763009026,
T22	090034763009031,	090034763009033,	090034771014005,
T23	090034771014011,	090034771014012,	090034771014013,
T24	090034771014014,	090034771014017,	090034771014018,
T25	090034771014019,	090034771014020,	090034771023025,
T26	090034771023026,	090034771023027,	090034771023036,
T27	090034701003006,	090034701003022,	090034701003023,
T28	090034701005000,	090034761001039,	090034763009028.

12 Sec. 2. Subparagraph (c) of subdivision (59) of section 12-81 of the
 13 general statutes, as amended by section 2 of public act 10-98, is
 14 repealed and the following is substituted in lieu thereof (*Effective*
 15 *October 1, 2012*):

16 (c) The completion date of a manufacturing facility, manufacturing
17 plant or a service facility will be determined by the Department of
18 Economic and Community Development taking into account the
19 issuance of occupancy certificates and such other factors as it deems
20 relevant. In the case of a manufacturing facility, manufacturing plant
21 or a service facility which consists of a constructed, renovated or
22 expanded portion of an existing plant, the assessed valuation of the
23 facility or manufacturing plant is the difference between the assessed
24 valuation of the plant prior to its being improved and the assessed
25 valuation of the plant upon completion of the improvements. In the
26 case of a manufacturing facility, manufacturing plant or a service
27 facility which consists of an acquired portion of an existing plant, the
28 assessed valuation of the facility or manufacturing plant is the assessed
29 valuation of the portion acquired. This exemption shall be applicable
30 during each such assessment year regardless of any change in the
31 ownership or occupancy of the facility or manufacturing plant. If
32 during any such assessment year, however, any facility for which an
33 eligibility certificate has been issued ceases to qualify as a
34 manufacturing facility, manufacturing plant or a service facility, the
35 entitlement to the exemption allowed by this subdivision shall
36 terminate for the assessment year following the date on which the
37 qualification ceases, and there shall not be a pro rata application of the
38 exemption. Any person who desires to claim the exemption provided
39 in this subdivision shall file annually with the assessor or board of
40 assessors in the distressed municipality, targeted investment
41 community, enterprise zone designated pursuant to section 32-70 or in
42 [the] a town within [the] an airport development zone established
43 pursuant to section 32-75d, as amended by this act, in which the
44 manufacturing facility or service facility is located, on or before the
45 first day of November, written application claiming such exemption on
46 a form prescribed by the Secretary of the Office of Policy and
47 Management. Failure to file such application in this manner and form
48 within the time limit prescribed shall constitute a waiver of the right to
49 such exemption for such assessment year, unless an extension of time
50 is allowed pursuant to section 12-81k, and upon payment of the

51 required fee for late filing;

52 Sec. 3. Subparagraph (c) of subdivision (60) of section 12-81 of the
53 general statutes, as amended by section 3 of public act 10-98, is
54 repealed and the following is substituted in lieu thereof (*Effective*
55 *October 1, 2012*):

56 (c) This exemption shall terminate for the assessment year next
57 following if the manufacturing facility or service facility in which such
58 machinery and equipment is installed no longer qualifies for an
59 exemption under said subdivision (59), and there shall not be a pro
60 rata application of the exemption of such machinery and equipment in
61 the assessment year of such termination. Any person who desires to
62 claim the exemption provided in this subdivision shall file annually
63 with the assessor or board of assessors in the distressed municipality,
64 targeted investment community, enterprise zone designated pursuant
65 to section 32-70 or [the] a town in [the] an airport development zone
66 established pursuant to section 32-75d, as amended by this act, in
67 which the manufacturing facility or service facility is located, on or
68 before the first day of November, written application claiming such
69 exemption on a form prescribed by the Secretary of the Office of Policy
70 and Management. Failure to file such application in this manner and
71 form within the time limit prescribed shall constitute a waiver of the
72 right to such exemption for such assessment year, unless an extension
73 of time is allowed pursuant to section 12-81k, and upon payment of the
74 required fee for late filing. This exemption shall not apply to rolling
75 stock.

76 Sec. 4. Subsection (d) of section 32-9p of the general statutes, as
77 amended by section 5 of public act 10-98, is repealed and the following
78 is substituted in lieu thereof (*Effective October 1, 2012*):

79 (d) "Manufacturing facility" means any plant, building, other real
80 property improvement, or part thereof, (1) which (A) is constructed or
81 substantially renovated or expanded on or after July 1, 1978, in a
82 distressed municipality, a targeted investment community as defined

83 in section 32-222, an enterprise zone designated pursuant to section 32-
84 70 or [the] an airport development zone established pursuant to
85 section 32-75d, or (B) is acquired on or after July 1, 1978, in a distressed
86 municipality, a targeted investment community as defined in section
87 32-222, an enterprise zone designated pursuant to said section 32-70 or
88 [the] an airport development zone established pursuant to section 32-
89 75d, as amended by this act, by a business organization which is
90 unrelated to and unaffiliated with the seller, after having been idle for
91 at least one year prior to its acquisition and regardless of its previous
92 use; (2) which is to be used for the manufacturing, processing or
93 assembling of raw materials, parts or manufactured products, for
94 research and development facilities directly related to manufacturing,
95 for the significant servicing, overhauling or rebuilding of machinery
96 and equipment for industrial use, or, except as provided in this
97 subsection, for warehousing and distribution or, (A) if located in an
98 enterprise zone designated pursuant to said section 32-70, which is to
99 be used by an establishment, an auxiliary or an operating unit of an
100 establishment as such terms are defined in the Standard Industrial
101 Classification Manual, in the categories of depository institutions,
102 nondepository credit institutions, insurance carriers, holding or other
103 investment offices, business services, health services, fishing, hunting
104 and trapping, motor freight transportation and warehousing, water
105 transportation, transportation by air, transportation services, security
106 and commodity brokers, dealers, exchanges and services,
107 telemarketing or engineering, accounting, research, management and
108 related services including, but not limited to, management consulting
109 services from the Standard Industrial Classification Manual or in
110 Sector 48, 49, 52, 54, 55, or 62, Subsector 114 or 561, or industry group
111 5621 in the North American Industrial Classification System, United
112 States Manual, United States Office of Management and Budget, 1997
113 edition, which establishment, auxiliary or operating unit shows a
114 strong performance in exporting goods and services, and as further
115 defined by the commissioner through regulations adopted under
116 chapter 54, or (B) if located in an enterprise zone designated pursuant
117 to said section 32-70, which is to be used by an establishment primarily

118 engaged in supplying goods or services in the fields of computer
119 hardware or software, computer networking, telecommunications or
120 communications, or (C) if located in a municipality with an
121 entertainment district designated under section 32-76 or established
122 under section 2 of public act 93-311, is to be used in the production of
123 entertainment products, including multimedia products, or as part of
124 the airing, display or provision of live entertainment for stage or
125 broadcast, including support services such as set manufacturers,
126 scenery makers, sound and video equipment providers and
127 manufacturers, stage and screen writers, providers of capital for the
128 entertainment industry and agents for talent, writers, producers and
129 music properties and technological infrastructure support including,
130 but not limited to, fiber optics, necessary to support multimedia and
131 other entertainment formats, except entertainment provided by or
132 shown at a gambling or gaming facility or a facility whose primary
133 business is the sale or serving of alcoholic beverages, or (D) if located
134 in [the] an airport development zone established pursuant to section
135 32-75d, as amended by this act, (i) which is to be used for the
136 warehousing or motor freight distribution of goods transported by
137 aircraft to or from an airport located in such zone, or (ii) in the opinion
138 of the Commissioner of Economic and Community Development, is
139 dependent upon or directly related to such airport and which, except
140 as provided in this subparagraph, is to be used for any other business
141 service, including, but not limited to, information technology but
142 excluding any service provided by an organization that has a North
143 American Industrial Classification Code of 441110 to 454390, inclusive,
144 532111, 532112 or 812930; and (3) for which the department has issued
145 an eligibility certificate in accordance with section 32-9r, as amended
146 by this act. In the case of facilities which are acquired, the department
147 may waive the requirement of one year of idleness if it determines
148 that, absent qualification as a manufacturing facility under
149 subdivisions (59) and (60) of section 12-81, as amended by this act, and
150 sections 12-217e, 32-9p to 32-9s, inclusive, as amended by this act, and
151 32-23p, there is a high likelihood that the facility will remain idle for
152 one year. In the case of facilities located in an enterprise zone

153 designated pursuant to said section 32-70, (A) the idleness requirement
154 in subparagraph (B) of subdivision (1) of this subsection, for business
155 organizations which over the six months preceding such acquisition
156 have had an average total employment of between six and nineteen
157 employees, inclusive, shall be reduced to a minimum of six months,
158 and (B) the idleness requirement shall not apply to business
159 organizations with an average total employment of five or fewer
160 employees, provided no more than one eligibility certificate shall be
161 issued under this subparagraph for the same facility within a three-
162 year period. Of those facilities which are for warehousing and
163 distribution, only those which are newly constructed or which
164 represent an expansion of an existing facility qualify as manufacturing
165 facilities. In the event that only a portion of a plant is acquired,
166 constructed, renovated or expanded, only the portion acquired,
167 constructed, renovated or expanded constitutes the manufacturing
168 facility. A manufacturing facility which is leased may for the purposes
169 of subdivisions (59) and (60) of section 12-81, as amended by this act,
170 and sections 12-217e, 32-9p to 32-9s, inclusive, as amended by this act,
171 and 32-23p, be treated in the same manner as a facility which is
172 acquired if the provisions of the lease serve to further the purposes of
173 subdivisions (59) and (60) of section 12-81, as amended by this act, and
174 sections 12-217e, 32-9p to 32-9s, inclusive, as amended by this act, and
175 32-23p and demonstrate a substantial, long-term commitment by the
176 occupant to use the manufacturing facility, including a contract for
177 lease for an initial minimum term of five years with provisions for the
178 extension of the lease at the request of the lessee for an aggregate term
179 which shall not be less than ten years, or the right of the lessee to
180 purchase the facility at any time after the initial five-year term, or both.
181 For a facility located in an enterprise zone designated pursuant to said
182 section 32-70, and occupied by a business organization with an average
183 total employment of ten or fewer employees over the six-month period
184 preceding acquisition, such contract for lease may be for an initial
185 minimum term of three years with provisions for the extension of the
186 lease at the request of the lessee for an aggregate term which shall not
187 be less than six years, or the right of the lessee to purchase the facility

188 at any time after the initial three-year term, or both, and may also
189 include the right for the lessee to relocate to other space within the
190 same enterprise zone, provided such space is under the same
191 ownership or control as the originally leased space or if such space is
192 not under such same ownership or control as the originally leased
193 space, permission to relocate is granted by the lessor of such originally
194 leased space, and such relocation shall not extend the duration of
195 benefits granted under the original eligibility certificate. Except as
196 provided in subparagraph (B) of subdivision (1) of this subsection, a
197 manufacturing facility does not include any plant, building, other real
198 property improvement or part thereof used or usable for such
199 purposes which existed before July 1, 1978.

200 Sec. 5. Subsection (a) of section 32-9r of the general statutes, as
201 amended by section 6 of public act 10-98, is repealed and the following
202 is substituted in lieu thereof (*Effective October 1, 2012*):

203 (a) Any person may apply to the department for a determination as
204 to whether the facility described in an application qualifies as a
205 manufacturing facility or service facility. Applications for eligibility
206 certificates are to be made on the forms and in the manner prescribed
207 by the department. In evaluating each application the department may
208 require the submission of all books, records, documents, drawings,
209 specifications, certifications and other evidentiary items which it
210 deems appropriate. No eligibility certificate shall be issued after March
211 1, 1991, for a manufacturing facility located in a distressed
212 municipality which does not qualify as a targeted investment
213 community unless the department has issued to the applicant a
214 commitment letter for such facility prior to March 1, 1991.
215 Notwithstanding the provisions of this subsection, an eligibility
216 certificate may be issued by the department after March 1, 1991, for a
217 qualified manufacturing facility acquired, constructed or substantially
218 renovated in a distressed municipality provided the commissioner
219 determines that such acquisition, construction or substantial
220 renovation was initiated prior to March 1, 1991, and was legitimately
221 induced by the prospect of assistance under section 12-217e and

222 subdivisions (59) and (60) of section 12-81, as amended by this act,
223 respectively. The department may issue an eligibility certificate for a
224 qualified manufacturing facility or a qualified service facility located in
225 a targeted investment community upon determination by the
226 commissioner (A) that the acquisition, construction or substantial
227 renovation relating to the qualified manufacturing facility or qualified
228 service facility in such community was induced by the prospect of
229 assistance under section 12-217e and subdivisions (59) and (60) of said
230 section 12-81; and (B) the applicant demonstrates an economic need or
231 there is an economic benefit to the state. Notwithstanding the
232 provisions of this subsection, an eligibility certificate shall be issued by
233 the department after October 1, 2010, for a qualified manufacturing
234 facility located in [the] an airport development zone established
235 pursuant to section 32-75d, and may be issued by the department after
236 October 1, 2010, for a facility described in subparagraph (D) of
237 subdivision (2) of subsection (d) of section 32-9p, as amended by this
238 act, upon determination by the commissioner (i) that the acquisition,
239 construction or substantial renovation relating to the qualified
240 manufacturing facility or facility described in said subparagraph (D) in
241 the airport development zone was induced by the prospect of
242 assistance under section 12-217e and subdivisions (59) and (60) of said
243 section 12-81, as amended by this act; and (ii) the applicant
244 demonstrates an economic need and there is an economic benefit to the
245 state. The department shall issue an eligibility certificate if the
246 commissioner determines (1) that the manufacturing facility is located
247 in an enterprise zone designated pursuant to section 32-70 and is a
248 qualified manufacturing facility or (2) that the facility is a plant,
249 building, other real property improvement, or part thereof, which is
250 located in a municipality with an entertainment district designated
251 under section 32-76 or established under section 2 of public act 93-311,
252 and which qualifies as a "manufacturing facility" under subsection (d)
253 of section 32-9p, as amended by this act, in that it is to be used in the
254 production of entertainment products, including multimedia products,
255 or as part of the airing, display or provision of live entertainment for
256 stage or broadcast, including support services such as set

257 manufacturers, scenery makers, sound and video equipment providers
258 and manufacturers, stage and screen writers, providers of capital for
259 the entertainment industry and agents for talent, writers, producers
260 and music properties and technological infrastructure support
261 including, but not limited to, fiber optics, necessary to support
262 multimedia and other entertainment formats, except entertainment
263 provided by or shown at a gambling or gaming facility or a facility
264 whose primary business is the sale or serving of alcoholic beverages.

265 Sec. 6. Section 32-9s of the general statutes, as amended by section 7
266 of public act 10-98, is repealed and the following is substituted in lieu
267 thereof (*Effective October 1, 2012*):

268 The state shall make an annual grant payment to each municipality,
269 to each district, as defined in section 7-325, which is located in a
270 distressed municipality, targeted investment community, enterprise
271 zone or municipality within [the] an airport development zone
272 established pursuant to section 32-75d, as amended by this act, and to
273 each special services district created pursuant to chapter 105a which is
274 located in a distressed municipality, targeted investment community
275 or enterprise zone in the amount of fifty per cent of the amount of that
276 tax revenue which the municipality or district would have received
277 except for the provisions of subdivisions (59) and (60) of section 12-81,
278 as amended by this act, or subdivision (70) of said section 12-81. On or
279 before the first day of August of each year, each municipality and
280 district shall file a claim with the Secretary of the Office of Policy and
281 Management for the amount of such grant payment to which such
282 municipality or district is entitled under this section. The claim shall be
283 made on forms prescribed by the secretary and shall be accompanied
284 by such supporting information as the secretary may require. Any
285 municipality or district which neglects to transmit to the secretary such
286 claim and supporting documentation as required by this section shall
287 forfeit two hundred fifty dollars to the state, provided the secretary
288 may waive such forfeiture in accordance with procedures and
289 standards adopted by regulation in accordance with chapter 54. The
290 secretary shall review each such claim as provided in section 12-120b.

291 Any claimant aggrieved by the results of the secretary's review shall
 292 have the rights of appeal as set forth in section 12-120b. The secretary
 293 shall, on or before the December fifteenth next succeeding the deadline
 294 for the receipt of such claims, certify to the Comptroller the amount
 295 due under this section, including any modification of such claim made
 296 prior to December fifteenth, to each municipality or district which has
 297 made a claim under the provisions of this section. The Comptroller
 298 shall draw an order on the Treasurer on or before the fifth business
 299 day following December fifteenth, and the Treasurer shall pay the
 300 amount thereof to each such municipality or district on or before the
 301 following December thirty-first. If any modification is made as the
 302 result of the provisions of this section on or after the December first
 303 following the date on which the municipality or district has provided
 304 the amount of tax revenue in question, any adjustment to the amount
 305 due to any municipality or district for the period for which such
 306 modification was made shall be made in the next payment the
 307 Treasurer shall make to such municipality or district pursuant to this
 308 section. In the fiscal year commencing July 1, 2003, and in each fiscal
 309 year thereafter, the amount of the grant payable to each municipality
 310 and district in accordance with this section shall be reduced
 311 proportionately in the event that the total amount of the grants
 312 payable to all municipalities and districts exceeds the amount
 313 appropriated."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	32-75d
Sec. 2	<i>October 1, 2012</i>	12-81(59)(c)
Sec. 3	<i>October 1, 2012</i>	12-81(60)(c)
Sec. 4	<i>October 1, 2012</i>	32-9p(d)
Sec. 5	<i>October 1, 2012</i>	32-9r(a)
Sec. 6	<i>October 1, 2012</i>	32-9s