



General Assembly

February Session, 2012

Raised Bill No. 262

LCO No. 1328

01328_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING THE ASSESSMENT OF FARM MACHINERY AND LIVESTOCK AND THE TRANSFER OF LAND CLASSIFIED AS FARM LAND, OPEN SPACE LAND, FOREST LAND AND MARITIME HERITAGE LAND.

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

1 Section 1. Subdivision (68) of section 12-81 of the 2012 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2012, and applicable to assessment years*
4 *commencing on or after said date*):

5 (68) Any livestock owned and kept in this state, [except that any
6 horse or pony shall be exempt from local property tax up to the
7 assessed value of one thousand dollars, with such exempt value
8 applicable in the case of each such horse or pony, provided any horse
9 or pony used in farming, in the manner required in section 12-91, shall
10 be totally exempt from local property tax as provided in said section
11 12-91] including any horse or pony;

12 Sec. 2. Subsection (a) of section 12-91 of the 2012 supplement to the
13 general statutes is repealed and the following is substituted in lieu

14 thereof (*Effective October 1, 2012, and applicable to assessment years*
15 *commencing on or after said date*):

16 (a) All farm machinery, except motor vehicles, as defined in section
17 14-1, to the assessed value of one hundred thousand dollars, [any
18 horse or pony which is actually and exclusively used in farming, as
19 defined in section 1-1,] when owned and kept in this state by, or when
20 held in trust for, any farmer or group of farmers operating as a unit, a
21 partnership or a corporation, a majority of the stock of which
22 corporation is held by members of a family actively engaged in farm
23 operations, shall be exempt from local property taxation; provided
24 each such farmer, whether operating individually or as one of a group,
25 partnership or corporation, shall qualify for such exemption in
26 accordance with the standards set forth in subsection (d) of this section
27 for the assessment year for which such exemption is sought. Only one
28 such exemption shall be allowed to each such farmer, group of
29 farmers, partnership or corporation. Subdivision (38) of section 12-81
30 shall not apply to any person, group, partnership or corporation
31 receiving the exemption provided for in this subsection.

32 Sec. 3. Subsection (g) of section 12-107d of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective*
34 *October 1, 2012, and applicable to assessment years commencing on or after*
35 *said date*):

36 (g) A report issued by a certified forester pursuant to subsection (c)
37 of this section shall be on a form prescribed by the State Forester and
38 shall set forth a description of the land, a description of the forest
39 growth upon the land, a description of forest management activities
40 recommended to be undertaken to maintain the land in a state of
41 proper forest condition and such other information as the State
42 Forester may require as measures of forest stocking, distribution and
43 condition and shall include the name, address and certificate number
44 of the certified forester and a signed, sworn statement that the certified
45 forester has determined that the land proposed for classification

46 conforms to the standards of forest stocking, distribution and
47 condition established by the State Forester. An application to an
48 assessor for classification of land as forest land shall be made upon a
49 form prescribed by such assessor and approved by the Commissioner
50 of Energy and Environmental Protection and shall set forth a
51 description of the land and the date of the issuance of the certified
52 forester's report and a statement of the potential liability for tax under
53 the provisions of sections 12-504a to 12-504e, inclusive, as amended by
54 this act. The certified forester's report shall be attached to and made a
55 part of such application. [No later than October first, such] Such
56 application shall be [submitted to the assessor] dated not later than
57 October first.

58 Sec. 4. Subsection (a) of section 12-504a of the general statutes is
59 repealed and the following is substituted in lieu thereof (*Effective*
60 *October 1, 2012, and applicable to assessment years commencing on or after*
61 *said date*):

62 (a) If at any time there is a change of ownership for any property
63 that is classified as farm land pursuant to section 12-107c, forest land
64 pursuant to section 12-107d, as amended by this act, open space land
65 pursuant to section 12-107e or maritime heritage land pursuant to
66 section 12-107g, a [revised] new application shall be filed with the
67 assessor pursuant to said section 12-107c, 12-107d, 12-107e or [section]
68 12-107g, provided such change of ownership is not an excepted
69 transfer pursuant to section 12-504c, as amended by this act.

70 Sec. 5. Section 12-504c of the general statutes is repealed and the
71 following is substituted in lieu thereof (*Effective October 1, 2012, and*
72 *applicable to assessment years commencing on or after said date*):

73 (a) The provisions of section 12-504a, as amended by this act, shall
74 not be applicable to the following: (1) Transfers of land resulting from
75 eminent domain proceedings; (2) mortgage deeds; (3) deeds to or by
76 the United States of America, state of Connecticut or any political
77 subdivision or agency thereof; (4) strawman deeds and deeds which

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

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

119 (b) Any person who obtains title to land as a result of a change of
120 ownership enumerated in subsection (a) of this section shall provide
121 notice of such change of ownership to: (1) The Commissioner of
122 Agriculture on a form prescribed by said commissioner if such land is
123 classified as farm land pursuant to section 12-107c or open space land
124 pursuant to section 12-107e; (2) the State Forester on a form prescribed
125 by said State Forester if such land is classified as forest land pursuant
126 to section 12-107d, as amended by this act; or (3) the Secretary of the
127 Office of Policy and Management on a form prescribed by said
128 secretary if such land is classified as maritime heritage land pursuant
129 to section 12-107g. In addition to the notice required under this
130 subsection, any person who obtains title to land classified as forest
131 land shall submit a report issued by a certified forester in accordance
132 with section 12-107d, as amended by this act, if such a report has not
133 been submitted prior to the change of ownership.

134 (c) For any change of ownership enumerated in subsection (a) of
135 this section, the ten-year period provided under section 12-504a, as
136 amended by this act, shall be measured from the date on which the
137 land was classified as farm land pursuant to section 12-107c, forest
138 land pursuant to section 12-107d, as amended by this act, open space
139 land pursuant to section 12-107e or maritime heritage land pursuant to
140 section 12-107g and shall not be affected by the date of such change of
141 ownership.

142 Sec. 6. Section 12-504f of the general statutes is repealed and the
143 following is substituted in lieu thereof (*Effective October 1, 2012, and*

144 *applicable to assessment years commencing on or after said date):*

145 The tax assessor shall file annually [, not later than sixty days after
 146 the assessment date,] with the town clerk a certificate for any land
 147 [which] that has been classified as farm land pursuant to section 12-
 148 107c, as forest land pursuant to section 12-107d, as amended by this
 149 act, as open space land pursuant to section 12-107e or as maritime
 150 heritage land pursuant to section 12-107g, which certificate shall set
 151 forth the date of the initial classification and the obligation to pay the
 152 conveyance tax imposed by this chapter. [Said] Such certificate shall be
 153 filed not later than sixty days after the assessment date, except that in a
 154 year in which a revaluation required under section 12-62 becomes
 155 effective, such certificate shall be filed not later than January thirty-first
 156 following the assessment date. Such certificate shall be recorded in the
 157 land records of such town. Any such classification of land shall be
 158 deemed personal to the particular owner who requests such
 159 classification and shall not run with the land. The town clerk shall
 160 notify the tax assessor of the filing in the land records of the sale of any
 161 such land. Upon receipt of such notice the tax assessor shall inform the
 162 new owner of the tax benefits of classification of such land as farm
 163 land, forest land or open space land.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012, and applicable to assessment years commencing on or after said date</i>	12-81(68)
Sec. 2	<i>October 1, 2012, and applicable to assessment years commencing on or after said date</i>	12-91(a)
Sec. 3	<i>October 1, 2012, and applicable to assessment years commencing on or after said date</i>	12-107d(g)

Sec. 4	<i>October 1, 2012, and applicable to assessment years commencing on or after said date</i>	12-504a(a)
Sec. 5	<i>October 1, 2012, and applicable to assessment years commencing on or after said date</i>	12-504c
Sec. 6	<i>October 1, 2012, and applicable to assessment years commencing on or after said date</i>	12-504f

Statement of Purpose:

To make all horses and ponies exempt from property taxation; to increase the property tax exemption for farm machinery; to amend the date on which a qualified foresters report must be submitted; to require property owners to provide notice of an excepted transfer of land classified as farm land, open space land, forest land or maritime heritage land, and to make other changes concerning the assessment of such classified land.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]