

Legislative History for Connecticut Act

HB 6466	PA 558	1983
Senate - 4482 - 4483, 4664 - 4665		4
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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1983

VOL. 26
PART 13
4361-4670

Regular Session
Monday, June 6, 1983

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dule "A".

THE CHAIR:

Will you remark on the bill as amended by House "A"?

SENATOR DORR:

Yes, Mr. President. Under existing law, all liquor permits must be renewed annually at the same fee statutorily prescribed for each category of permits. This bill would authorize the Department of Liquor Control to charge a \$100.00 penalty fee for late renewal of any permit except: 1. Package store permits. 2. One day permits. 3. Permits which are being questioned or challenged in court in a departmental review, and finally Mr. President, 4. Those permits which are not renewable under any other law, as an example, local ordinances banning night clubs, etc. Mr. President, if there are no objections, I move placement of this bill on the consent calendar.

THE CHAIR:

Is there any objection to placing the bill as amended by House "A" on the consent calendar? Hearing no objection, it'll go on the consent calendar.

SENATOR DORR:

Thank you, Mr. President.

THE CLERK:

Calendar 904, File 1000, Substitute for House Bill No. 6466. An Act Concerning Property Tax Deferrals In Enterprise Zones. Favorable Report of the Committee on Finance, Revenue and Bonding.

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THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark, Senator?

SENATOR AVALLONE:

Yes, Mr. President. Presently there are a series of tax deferrals for enterprise zones which involve real property. This amendment would strike - this bill would strike the word "real" and allow municipalities through this enabling legislation to allow tax abatements on personal property as well. If there is no objection, Mr. President, I'd move this be placed on the consent calendar.

THE CHAIR:

Is there any objection to placing this item on consent? Hearing no objection, it will go on the consent list.

THE CLERK:

Calendar 905, File 893, Substitute for House Bill No. 6069.

An Act Providing Exemption From Sales Tax For Sales Of Gold Or Silver Bullion And Gold Or Silver Legal Tender Of Any Nation. (As amended by House Amendment Schedule "A").

Favorable Report of the Committee on Finance, Revenue and Bonding.

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Well, you're going to get another crack at it because the Clerk indicates to me that the machine didn't record it. They must have known you were on the run, Senator. Clerk, make the announcement. We're going to have to take the vote over again.

THE CLERK:

Immediate roll call has been called for in the Senate. Will all Senators please be seated. Immediate roll call has been called for in the Senate. Will all Senators please take their seats.

THE CHAIR:

The issue is Calendar No. 656 upon which we just voted. The machine is open. If all the Senators would stay in the Chamber the next item of business is the consent calendar. Senator Schneller. Have all Senators voted? Machine is closed and locked. Total voting is 36, voting yes, 24. The measure is adopted. I believe everybody's in the Chamber. Clerk will proceed with the consent calendar. Would you give your attention to the Clerk because the consent calendar again this evening is rather long.

THE CLERK:

On page 7, calendar 719. Page 9, calendar 854, 855, 856, 857, 858. Page 10, calendar 859, 860, 884. Page 11, calendar 886, 889, 890, 891. Page 12, calendar 892, 893, 894, 895. Page 13, calendar 898, 900 and 901. Page 14, calendars 902, 903, 904, 905, 906. Page 15, calendars 908, 909 and 911. Page 16, calendars 912, 913, 914, 915 and 916. Page 17, calendars 918, 919, 920, 921. Page 20, calendars 265 and 459. Page

HB5250,
HB6327
HB5493
HB5697
HB6902
HB6955
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HB5634
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HB6960.

HB6975, HB7047, HB7060, HB7091, HB7236, HB7263, HB7268, HB5843,
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21, calendar 461, 487, 505. Page 22, calendar 538, 546, 594, 596, 667.
Page 23, calendar 673, 454. Page 24, calendar 531 and 846 and on page 25,
calendar 836.

SB 565, HB6511,
SB989, SB1036,
SB1144, SB1155
SB237, SB355,
SB928, SB438,
SB832, SB1165,
SR30

THE CHAIR:

Are there any corrections or omissions on the consent calendar? Senator Skowronski?

SENATOR SKOWRONSKI:

Thank you, Mr. President. Mr. President, I would move that on page 7, item 719 be removed from the consent calendar and have a separate roll call after the consent calendar. I wish to vote against that bill and make some very brief remarks.

THE CHAIR:

Is there any other notation on the consent calendar? If not, the machine is open. Senator Morano. The machine'll be closed and locked. Total voting is 36, voting yes is 36. The consent calendar is adopted. The Clerk will recall calendar 719.

THE CLERK:

Calendar No. 719, File Nos. 821, 967 and 1129, Substitute for House Bill No. 7218. An Act Protecting The First Amendment Rights Of Employees.

Favorable Report of the Committee on Labor and Public Employees.

THE CHAIR:

The bill was previously moved for adoption, Senator. Remarks were given by the Chairman of the committee. You care to speak in opposi-

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GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

VOL. 26
PART 21
7384-7720

House of Representatives

Thursday, June 2, 1983

Would the Clerk please announce the tally?

CLERK:

House Bill No. 5905, as amended by House Amendment
Schedule "A".

Total number Voting	148
Necessary for Passage	75
Those voting Yea	137
Those voting Nay	11
Those absent and not Voting	3

SPEAKER STOLBERG:

The bill is passed.

At this time, I would like to invite to take the
Chair, the distinguished Chairman of the Education
Committee, Rep. Dorothy Goodwin. (Applause)

CLERK:

Please turn to Page 16, Calendar No. 819, Substitute
for House Bill No. 6466, AN ACT CONCERNING PROPERTY TAX
DEFERRALS IN ENTERPRISE ZONES, Favorable Report of the
Committee on Finance, Revenue and Bonding.

REP. SMOKO: (91st)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Yes, Rep. Smoko.

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REP. SMOKO: (91st)

I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

ACTING SPEAKER GOODWIN:

Would you proceed?

REP. SMOKO: (91st)

Yes, Madam Speaker. This bill, very simply, extends the property tax deferrals in enterprise zones on a permissive basis by the municipalities to include personal property as well as real property. It is an effort to make enterprise zones more attractive for the location and expansion of business opportunities within those zones and I would urge passage of the bill.

ACTING SPEAKER GOODWIN:

Passage of the bill has been urged. Will you remark?

REP. SAMOWITZ: (129th)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Yes, Rep. Samowitz.

REP. SAMOWITZ: (129th)

The Clerk has LCO No. 6291. Would the Clerk please call and read LCO No. 6291 and may I be permitted to summarize?

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ACTING SPEAKER GOODWIN:

The Clerk has LCO No. 6291, which will be designated House "A". Will the Clerk please call?

CLERK:

LCO No. 6291, designated House Amendment Schedule "A", offered by Rep. Samowitz of the 129th District.

ACTING SPEAKER GOODWIN:

Yes, please, will you summarize.

REP. SAMOWITZ: (129th)

What this amendment would do is, in addition to allowing tax abatements in an enterprise zone, which in an enterprise zone, the abatements are unlimited, what the bill itself does is, it abates taxes both for real property and for personal property. Prior to the passage of this bill, the abatements were only for real property. This extends it to, in the enterprise zone, to a base personal property.

What this amendment will do, is areas outside the enterprise zone in distressed municipalities, and distressed municipalities are designated. They are Ansonia, Bridgeport, Derby, Killingworth, Meriden, New Britain, New Haven, New London, Norfolk, Norwalk, Putnam, Torrington, Waterbury, and West Haven. In these areas, it will permit the town to, on its own, use

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permissive legislation. It's not necessary that they use it, but in permissive legislation, designate in their area and allow for limited tax abatements.

It isn't as broad as in the enterprise zone, because the period of time is limited by statute. The seven years for new construction and eleven years thereafter. So, there's a limited period of time.

It also allows only tax abatements for property that's valued over \$5,000. And I'll tell you why something like this bill is necessary. There are areas outside of the enterprise zone where industry may be saying well, do we choose between, let's say a town like Bridgeport. Stay in Bridgeport or do we move down south. This will allow us to compete.

So much around here we hear about we don't want to give money to the cities. We don't want to give from the state. This allows the cities themselves to enact this legislation and, on their own, compete with other areas of the country, basically, and to do the things that would bring in businesses. And, I would urge the adoption of this amendment.

ACTING SPEAKER GOODWIN:

The amendment has been moved. Is there further discussion?

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REP. SMOKO: (91st)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Smoko.

REP. SMOKO: (91st)

Madam Speaker, we considered this proposal, or a derivation of it, in the Finance Committee. And the final result was the file copy that you have before you unamended.

I appreciate the remarks of Rep. Samowitz, but the real problem in the Finance Committee that we did have was the dilution of the distinctions between the taxing authorities between enterprise zone or rehabilitation area. We want to provide as clear and distinct an advantage for an enterprise zone to attract the type of development that they need.

What this amendment would do, and again I understand and appreciate the sentiments of Rep. Samowitz, but it would diminish that distinction. It would diminish the competitive advantage that an enterprise zone enjoys in competing for this type of business expansion. And, on that basis, Madam Speaker, I would oppose the amendment.

ACTING SPEAKER GOODWIN:

Is there further discussion?

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REP. SAMOWITZ: (129th)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Samowitz.

REP. SAMOWITZ: (129th)

Madam Speaker, I'd like to point out that the bill that came out of Planning and Development unanimously was basically this bill. In the Finance Committee, it was changed to the enterprise zone. But, I think the distinctions which Rep. Smoko points out are important, and still being maintained.

Enterprise zones are given an advantage. Their advantage is that their abatements are unlimited. And the other areas, there's a restricted and a very elaborate procedure in how to get these abatements. It has to go through the town council; it has to be published in the newspaper; there's a great deal of public disclosure; it requires input from various entities within the city; and it gives the city a chance to, for a limited period of time, give an abatement that's not as great as the enterprise zone.

But there's nothing so holy about the enterprise zone. The enterprise zone, incidentally, is something that is a distinction which comes from the state. The

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state designates certain areas as enterprise zones.

For instance, in the City of Bridgeport, we have an enterprise zone, but it only covers a certain portion of the City of Bridgeport. There are other areas that may need it in a distressed municipality. There maybe factories that are closing that aren't in these designated enterprise zones which could use these abatements in order to entice the owners from moving. And this is why I think the passage of this bill is very important. And I urge its adoption.

ACTING SPEAKER GOODWIN:

Is there further debate?

REP. BELDEN: (113th)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Belden.

REP. BELDEN: (113th)

Thank you, Madam Speaker. I think the amendment, because it is permissive, is probably a reasonable and good amendment. And I fully intend to support it. I would just like to mention to the Chamber when we're talking in the area of tax abatements that I would hope that none of these communities come back to the general assembly in future years concerning the tax differentials for their

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towns. This has been an ongoing problem within Hartford for some other reasons.

But I would just caution that I don't think that the general assembly forced that in the past. And, I hope these communities would keep that in mind when we do grant these exemptions.

ACTING SPEAKER GOODWIN:

Thank you, Rep. Belden. Is there further discussion?

REP. SAMOWITZ: (129th)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Samowitz, for the third time. Is there objection? Seeing none, you may proceed.

REP. SAMOWITZ: (129th)

In response to the point taken by Rep. Belden, the point is well taken. I would like to point out that under section 12-65 of the Connecticut general statutes, the right to allow tax abatements for real property has existed for 10 years. And there hasn't been any problem. The issue here is to extend it to machinery and equipment and personal property of value over \$5,000. The reason being is that tax abatement in many areas of the distressed municipality for real property is somewhat of a meaningless and not a significant enticement.

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The real action is where -- is in the personal property, especially as develop more towards the high tech and sophisticated equipment. And that's why this bill is important.

ACTING SPEAKER GOODWIN:

Is there further discussion? Is there further discussion? Are you ready to vote? Will all staff and guests please -- oh, I'm sorry. This is to be a voice vote.

REP. SAMOWITZ: (129th)

May this be by roll call?

ACTING SPEAKER GOODWIN:

There has been a request for a roll call vote. All those in favor, please say aye.

REPRESENTATIVES:

Aye.

ACTING SPEAKER GOODWIN:

Good enough 20% for me, I guess. We will have a roll call vote at the appropriate time.

Is there further discussion? Are you ready for the roll call, then?

REP. DYSON: (94th)

Mr. Speaker.

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ACTING SPEAKER GOODWIN:

Rep. Dyson.

REP. DYSON: (94th)

Mr. Speaker, I've listened to the comments relative to the amendment that has been presented. And, I am somewhat bothered as to what the final impact will be because I think, in terms of the history of this Chamber and the rationale employed when we went about the business of establishing the enterprise zones. And the reasons for doing that is that we were looking for distressed areas that were unattractive to business to encourage them to come in and to enhance the attractiveness of those areas.

I think that anything that we might do that might make it possible that that focus can be further scattered moreso that what it is today, does some damage somewhat, I think, to the focus that we intended for it to be last year or the year before.

So, I have some apprehensions about the amendment, Miss Speaker, and I feel that in light of the enterprise zone not having an opportunity yet to prove themselves, that we ought to allow them that opportunity to do so. And, in that light, Miss Speaker, I think I shall vote against the amendment. Thank you.

kbb

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ACTING SPEAKER GOODWIN:

Is there further discussion?

REP. FARR: (19th)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Farr.

REP. FARR: (19th)

Madam Speaker, I would just like to agree with Rep. Dyson on this. I think what we end up doing is diluting the attractiveness of the enterprise zone because someone can locate within the same community outside of the enterprise zone and get the same tax advantage. And the idea of the enterprise zone was to target a very distressed area.

And, I think by passing this we're going to reduce the attractiveness of the enterprise zones. Thank you.

ACTING SPEAKER GOODWIN:

Is there further discussion? Are you ready for a vote? Then would all guests and staff members please come to the well of the House. And the machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

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The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

Have all the members voted? Will the members please cast their votes? Have all the members voted? Have all the members voted? Will the Clerk please close the machine. The machine is locked. Will the Clerk please take a tally?

REP. NIEDERMEIER: (134th)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Niedermeier.

REP. NIEDERMEIER: (134th)

Madam Speaker, may I please be recorded in the negative.

ACTING SPEAKER GOODWIN:

Rep. Niedermeier will be recorded in the negative.

REP. NIEDERMEIER: (134th)

Thank you.

REP. MOSLEY: (72nd)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Mosley.

REP. MOSLEY: (72nd)

In the negative, please.

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ACTING SPEAKER GOODWIN:

Rep. Mosley in the negative.

REP. WOODCOCK: (14th)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Woodcock.

REP. WOODCOCK: (14th)

Madam Speaker, in the negative, please.

ACTING SPEAKER GOODWIN:

Rep. Woodcock in the negative. Anybody else?

REP. TULISANO: (29th)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Tulisano.

REP. TULISANO: (29th)

In the negative, please.

ACTING SPEAKER GOODWIN:

Rep. Tulisano in the negative.

REP. CHASE: (120th)

Rep. Goodwin.

ACTING SPEAKER GOODWIN:

Rep. Chase.

REP. CHASE: (120th)

Can I change my vote to the positive, please.

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ACTING SPEAKER GOODWIN:

Rep. Chase from the negative to the positive,
please. Anybody else?

Will the Clerk please read the tally?

CLERK:

House Bill No. 6466, Amendment "A".

Total number Voting 147

Necessary for Passage 74

Those voting Yea 30

Those voting Nay 117

Those absent and not Voting 4

ACTING SPEAKER GOODWIN:

The amendment fails. Does anybody want to remark
further on the bill?

REP. SMOKO: (91st)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Smoko.

REP. SMOKO: (91st)

Yes, Madam Speaker, I think when I initially
explained the bill, I have adequately demonstrated its
worth to the membership and I would urge passage.

REP. SAMOWITZ: (129th)

Madam Speaker.

House of Representatives Thursday, June 2, 1983

ACTING SPEAKER GOODWIN:

Rep. Samowitz, on the bill.

REP. SAMOWITZ: (129th)

Madam Speaker, may the amendment be placed in the Journal.

ACTING SPEAKER GOODWIN:

Yes, the amendment will be printed in the Journal.

House Amendment Schedule "A".

After line 7, insert the following:

"Section 2. (NEW) As used in sections 2 to 5, inclusive of this act:

(1) "Distressed municipality" means any municipality so designated pursuant to subsection (b) of section 32-9p of the general statutes;

(2) "Rehabilitation: means the improvement or repair of a structure or facilities appurtenant thereto and the installation therein of machinery, equipment and any other item of personal property exceeding five thousand dollars in value, exclusive of the general maintenance or minor repairs;

(3) "Construction" means the construction of new structures, facilities appurtenant thereto and the installation therein of machinery, equipment and other personal property.

Sec. 3. (NEW) (a) The legislative body of any distressed municipality may, in accordance with the provisions of this act, adopt a resolution establishing criteria for eligibility of property within the municipality for deferral, as provided in section 4 of this act, of any increased assessment attributable to rehabilitation or construction. Such criteria shall include the initial condition of the property, the extent and nature of

improvements compatible with the plan of development of the municipality and subdivision and zoning regulations, if any, and in compliance with such state building and health codes and local housing code requirements, as may apply, and acceptable uses for such property. Such criteria shall be determined with the advice of the local building official and housing code enforcement officer or other authority designated by the municipality to enforce the provisions of sections 19a-355, 47a-14a to 47a-14g, inclusive, 47a-51, 47a-53, 47a-54, 47a-54a, 47a-55, 47a-56, 47a-56a, 47a-56d to 47a-56j, inclusive and 47a-57 to 47a-61, inclusive, of the general statutes.

(b) No such resolution or criteria shall be adopted (1) until after a public hearing, notice of the time, place and purpose of which shall be given by publication in a newspaper having a general circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less than two days prior to the date of such hearing; and (2) following such hearing, in any municipality having a planning commission or combined planning and zoning commission, such proposal has been referred to such commission for a report in accordance with the provision of section 8-24 of the general statutes, and in the event such commission disapproves the proposal, the vote on adoption by the municipality shall be in accordance with the provisions of said section 8-24 of the general statutes.

(c) Notice of the adoption of the resolution and criteria shall be published by the legislative body, in a newspaper having a general circulation in the municipality, not later than fifteen days after its adoption. A copy of such resolution and criteria shall be filed in the office of the town clerk of such municipality.

Sec. 4. (NEW) Any distressed municipality which has adopted a resolution, in accordance with the provision of section 3 of this act may, upon application of the owner of any property located in such area who agrees to the rehabilitation of such property or construction thereon by the owner or another party authorized by the owner, enter into an agreement to fix the assessment of any or all of the property rehabilitated or constructed during the period of rehabilitation or construction, as of the date of the agreement, but for not longer than seven years, and

upon completion of such rehabilitation or construction, to defer any increase in assessment attributable to such rehabilitation or construction for a period not to exceed eleven years, contingent upon the continued use of the property for the purposes specified in the agreement, provided such property meets the criteria established by such municipality in accordance with section 3 of this act and provided further such deferral shall be determined as follows: For the first year following completion of such rehabilitation or construction, the entire increase shall be deferred; thereafter a minimum of ten per cent of the increase shall be assessed against the property each year until one hundred per cent of such increase has been so assessed. The agreement shall provide that, in the event of a general revaluation by the municipality in the year in which such rehabilitation or construction is completed resulting in any increase in the assessment on such property, only that portion of the increase resulting from such rehabilitation or construction shall be deferred; and in the event of a general revaluation in any year after the year in which such rehabilitation or construction is completed, such deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such general revaluation. Such agreement shall further provide that such rehabilitation or construction shall be completed by a date fixed by the municipality and that the completed rehabilitation or construction shall be subject to inspection and certification by the local building official as being in conformance with the criteria established under section 3 of this act and such provisions of the state building and health codes and the local housing code as may apply. Any such tax deferral shall be contingent upon the continued use of the property for those purposes specified in the agreement creating such deferral and such deferral shall cease upon the sale or transfer of the property for any other purpose unless the municipality shall have consented thereto.

Sec. 5. (NEW) Any person aggrieved by any decision or action, or failure to take action, by a municipality under the provisions of this act may appeal within fifteen days of the notice of such decision or action, or in the case of failure to take action, within fifteen days after the expiration of sixty-five days from the date of the submission of the request for action to the legislative body of the municipality, to the superior court for the judicial district

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in which the municipality lies."

Renumber the remaining section accordingly.

REP. SAMOWITZ: (129th)

And, despite the outcome of this vote, I nevertheless feel that the way the bill is right now it is extremely important despite the fact that the benefits cannot be extended to serve a greater number of people. And I urge its adoption.

ACTING SPEAKER GOODWIN:

Will you remark further? Will you remark further? Then, will all members please take their seats. Staff and guests come to the well of the House. And the machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

Have all the members cast their votes? Have all the members voted? Have all the members voted? Is your vote properly recorded? Have all the members voted? Then the machine will be locked. And the Clerk will take a tally.

Would the Clerk please read the tally?

House of Representatives

Thursday, June 2, 1983

CLERK:

House Bill No. 6466.

Total number Voting	149
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Necessary for Passage	75
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Those voting Yea	149
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Those voting Nay	0
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Those absent and not Voting	2
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ACTING SPEAKER GOODWIN:

The bill is passed. Will the Clerk please return to the call of the Calendar.

CLERK:

Calendar No. 820, Substitute for House Bill No. 7236, AN ACT CONCERNING LOANS TO SMALL CONTRACTORS AND SMALL MANUFACTURERS, Favorable Report of the Committee on Finance, Revenue and Bonding.

REP. GROppo: (63rd)

Madam Speaker.

ACTING SPEAKER GOODWIN:

Rep. Groppo.

REP. GROppo: (63rd)

Madam Speaker, may this item be passed temporarily, please.

ACTING SPEAKER GOODWIN:

Is there objection to passing this bill temporarily?

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING &
DEVELOPMENT
PART 2
356-613**

1983

MR. MAHLER: (continued)

on Local Government, the town's methods of dealing with the town budgetary process, especially when a town is in - you know, begins to hit July 1 and they don't have a budget and they're into the second and third month of the next fiscal year. This is something that we were grappling with. The other area that we were looking into and which will require legislation in the future is the whole question of special districts and I think that we - in a way have a monster on our hands. We're creating these special districts and they have unlimited powers, powers to do almost anything a town can do and yet it's so easy for a special district to be constituted and formed. One of the things we were looking into is the town, or the municipal government, or the town or the incorporated city, should say well, perhaps we don't want to have a special district. Maybe we should provide the function and it's a very, very complicated issue. There isn't a constituency for special districts, as you have with cities and towns and I think we were just getting into it and everything comes down to a and if the commission isn't extended after March - well, it's over now, right? I think it would be something that the local government committee or the Planning and Development Committee might want to look at. Thank you.

REP. GARAVEL: Are there any questions? Thank you. Austin Reed to be followed by Charles Agli.

MR. AUSTIN F. REED: Mr. Chairman, Senator Smith, members of the committee, may it please the committee, my name is Austin Reed. I'd like to thank the committee for this opportunity to speak in behalf of proposed committee bill 6466, An Act Concerning Property Tax Deferrals on Construction and on Personal Property.

I am an attorney practicing with Cummings and Lockwood but I'm here testifying on my own behalf and not on behalf of any client. As one who has had difficulties in attempting to assist a Connecticut business remain in Connecticut, I strongly urge the legislative enactment of committee bill 6466. There exists glaring statutory inadequacies in the current version of what is referred to as the rehabilitation area statute, Connecticut Gen. Stat. 1265C through 1265F that would be resolved by the relatively simple amendments contained in this bill.

MR. REED: (continued)

Neither the current statute nor the statute as amended would cost the state a dime. Indeed, as I will explain in just a second, the contrary may be true. The current Rehabilitation Area Statute authorizes any municipality to designate itself, or any part thereof, as a rehabilitation area because of conditions which are deteriorated, deteriorating, substandard or detrimental to the safety, health, welfare or general economic well being of the community. This designation in turn permits the city or town in its discretion to negotiate agreements on its own terms with owners of real property located within the rehabilitation areas.

Under these agreements, the local government can provide tax deferral benefits, in accordance with criteria established by the municipal legislative body, in order to induce rehabilitation projects in a manner mutually beneficial to the parties. The current statute, the one that is now on the books, provides procedural safeguards and limits to available deferrals under the contract duration itself. Under the current plan, the one again that is in existence, no state or local funds are actually expended. Indeed, no state funds are effected in any manner whatsoever. Instead a temporary limited property tax deferral and/or waiver on increased assessments, attributable to the rehabilitation activities, is negotiated by the municipality in exchange for, among other things, the rehabilitation of property, and the prospect of a subsequent increase in the municipalities tax base as a result of the higher assessed evaluation.

The obvious side benefits of increased industrial activity and higher employment obviously can't be overstated. The amendments contained in the committee bill 6466 are not intended to change the basic nature of the vastly underutilized authorities granted to the municipalities. Instead the procedural process, the safeguards and the municipal discretion, would all remain the same. So would the time limitations and the tax deferral ceilings currently in effect. There would still be no effect on state funds except perhaps by the common increase in the business and other taxes generated as a result of increased business activity. The municipalities would similarly remain - or be able to maintain the same flexibility with respect to the establishment of eligibility

MR. REED: (continued)

criteria and the negotiated terms. The proposed changes are twofold. First, the statute would be amended to authorize the municipality, again, in its discretion, to extend tax deferrals with respect to not only real property, which it currently has the authority to do, but to personal property, such as machinery and equipment. Indeed, these means of operation oftentimes constitute a major portion of the cost of rehabilitation. Therefore, are often the key obstacle. Plus the current statute effectively handcuffs the municipality which recognizes the need to encourage personal property development and investment but can address only the real property aspects.

In the state economic development legislation, the state has recognized the need to encourage both real and personal property development. For example, both the distressed municipality through the Urban Jobs Program and the Urban Enterprise Statute provisions contemplates fund contributions under those programs to encourage development of both real and personal property. The omission of applicability of personal property under the local rehabilitation statute is therefore inconsistent with the state recognized needs and detrimental to the accomplishment of the goals underlined in the current program.

The second change is clarifying the applicability of the program to new construction, within a designated rehabilitation area. Currently it appears that eligibility is limited only to new - and again this is new construction, to new multi-family rental housing or cooperative housing while curiously, renovation activities relating to any kind of real property is eligible. They are eligible. Municipalities must be given a discretion and authority to determine that new construction with respect to any type of new property is or is not consistent with this rehabilitation plan and therefore, deserves inducement provided for or does not deserve the inducement provided for under current law, again at the discretion of the municipality.

The end result of this badly needed legislation would be the authorization of locally sponsored development areas, rehabilitation areas, without the necessity of any state expenditure. Instead, every city and town would have

MR. REED: (continued)

the opportunity, the opportunity to play a more active role in the preservation and development of its industrial and employment phase. This expansion of the process already in place would be highly complimentary to the Urban Jobs Program and to the Enterprise Zone Programs.

Government and industry partnerships seem to be the password of local officials today but those interested in economic development have oftentimes found themselves without the tools to be more than a cheerleader in the process. When state funded programs do not provide sufficient incentives or are inapplicable because of residual or eligibility based restrictions, local officials have often found themselves quite helpless. Although it's not quite analagous, the recent Bristol situation illustrates the legislative needs to provide additional authorities to the local officials. How many other industries have been lost to the state because the local officials have been unable to act?

This General Assembly has taken a small step in the recent past to foster economic development with the passage of the currently in effect rehabilitation area statute. The legislature took an obviously nice step with the Urban Jobs Program, a giant step with the Enterprise Zone legislation and I submit that it is imparative that the legislature take this relatively small but important step in expanding the authority provided in the current rehabilitation area by the means set forth in committee bill 6466 to further equip the municipalities with the tools that they need to again encourage economic development.

At a time when most of this legislature's attention is focused on other controversial proposals for industrial development and preservation, this rehabilitation area concept as now in effect and as amended would offer a constructive means for municipalites to compliment current state and federal economic programs and in fostering a healthier economic climate. Thank you for the opportunity to speak with you and if you have any questions, I'll be glad to try to answer them.

REP. GARAVEL: Are there any questions by members of the committee? Rep. Meyer.

REP. MEYER: You mentioned that this was, as is written now, very underutilized part of the statutes on the part of the municipalities. Do you feel that by expanding the area into which the municipalities can go, such as the personal property and equipment and the like, that this will be more utilized or do you think it's simply a financial fact of life that they're afraid to give up any income?

MR. REED: I would think that in dealing with the industries that would attempt to take advantage of these programs and therefore remain within the state, as opposed to dealing with other states that have similar types of programs and therefore are trying to lure them away, I think the addition of the personal property aspects of the legislation would be a very major impetus to increased activity. I think if municipalities were to one, see that they have additional authority, which they do not have now, and two, recognize that they are not having to experience an outlay of a dime in terms of cash, but simply have to defer investments, or I should say to defer the receipt of tax revenue, the tax revenue that would not be there if that industry picks up and moves, so they are really spending no money to hopefully make additional monies in the very near future.

To what extent the municipality will be able to do this, I would think it would be a program that would be available to just about any municipality because again, it's not a question of it being available only to the municipalities that are fortunately on the upside of the economic picture. It's again the choice between losing revenue that you currently are receiving because an industry is in town and that doesn't require a large cash rich municipality in order to take advantage of the program so I think that without any real exception, any municipality, large or small, would be able to take advantage of the program. The reason for underutilization is I think also due to the fact that the reference to construction appears to be limited to the new construction of housing aspects and because of that I think it may have simply been overlooked on a number of occasions by municipalities who could have used it at least as real property aspects. But I can't over-emphasize the personal property machinery and equipment aspects. Oftentimes the renovation of a whole structure, while expensive, is dwarfed by the

MR. REED: (continued)

requirements of the retooling, modernization, within the structure and it appears according to the current reading of the legislation, it is ineligible for the benefits and therefore the statute as it now reads is fairly ineffective as an inducement even if the municipality is aware of it and wants to go along with it. So I think the two things together are important, both the real property aspects have to be expanded and the clarification on the new construction aspect must be expanded to permit the municipality to negotiate both the renovation of older business, or buildings and new construction in accordance with the rehabilitation plans to offer an effective program of inducement.

REP. GARAVEL: Okay. Thank you. Mr. Agli, good morning.

MR. CHARLES AGLI: Mr. Chairman, members of the committee, my name is Charles Agli. I am the Assistant Assessor of the City of New Britain. I'm here today to speak for the Connecticut Association of Assessing Officers. I'd like to speak on two bills today if I may. The first is Raised Committee Bill 7201, An Act Concerning the Payments to Municipalities Which Fail to Make Timely Reports. Municipal officials understand the problems of the Office of Policy and Management in certifying the various grants and payments in lieu of taxes. We understand the importance of a timely filing so that they can perform their functions in a timely fashion as well. However, we feel that this proposal involves an extremely severe penalty without providing a framework that would make - that would put some order in the filing process that would set up a definite system of notification and second notification and that would provide for some acknowledgment of the receipt of a proper filing.

I think it is extremely important if such a penalty is to be considered that there be some listing of which filings are involved, either filings that are involved in this legislation, the monthly filing for every sale that occurs in every city, for the computation of their GTB grant. This would involve hundreds and thousands of filings in the big cities that is necessary for the computation of the equalized net grand list. It is the failure to properly file those in the month following the sale, involved in the possible postponement of the

MR. AGLI: (continued)

pass. 4

The proposal in the current form is most one sided. If some sense is made of the present frame work of filing, and we have a fair process of notification and acknowledgment of receipt of form, then certainly the Office of Policy and Management should have some ability to render a penalty when a municipality has not followed through after we've gone through a process that has some fairness and some sense. The second bill which I would like to address is Bill 6466 which was considered at length by the previous speaker.

We have currently a number of statutes which allow municipalities to fix assessments, defer assessments, grant exemptions. Municipalities can fix assessments for up to seven years on a real property improvement in excess of \$3 million. Municipalities can fix assessments for up to 11 years in a rehabilitation area. We have a five year program in distressed municipalities for an 80% property tax exemption and six communities in the state now have the enterprise zone program which allows for seven year tax deferrals.

This proposal, when put up against the enterprise zone property tax benefits, is far in excess of what the enterprise zone benefits would provide for. New Britain happens to be one of the enterprise zone cities. The property tax benefit under the enterprise zone for a commercial property, not a manufacturer, but a commercial property would provide for a seven year deferral. This proposal would provide for an 11 year deferral with benefits considerably in excess of the enterprise zone statute. Enterprise zone statutes does not provide for any benefits for personal properties. This proposal would.

I offer this information as a caution to the Committee, if it is to move forward with Bill 6466. There would be a local cost in terms of the property tax. Any assessments which are deferred would have to be spread to other taxpayers. I would agree, however, that there may be other facets, other than property tax benefits which the city may enjoy. We currently have in the City of New Britain, a program under the current statutes

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MR. AGLI: (continued)

12-65c to 12-65f and we have found much difficulty with that program especially when we start to try to define what is a rehabilitation, current real estate. I believe this proposal as it is presently constructed does not do anything further to shed any light on what should we consider an improvement or a repair. That is the current language and this does nothing to further clarify that. In terms of adding personal property to the possibilities for fixing of an assessment or an assessment deferral, the only provision right now for the exemption on personal property is under the distressed municipality program which is an 80% exemption and the guidelines and the restrictions on what personal property will qualify are very, very particular. Very exact.

Within this bill that is currently proposed, other than including personal property as a type of property that can be exempted, there are no restrictions. I think there are some definite cautions that the committee should have in mind as it considers this bill for further route in the General Assembly. Thank you.

REP. GARAVEL: Thank you, any questions? Thank you.
Lawrence Cox.

LAWRENCE COX: Mr. Chairman, members of the Committee, if the Committee please, my name is Lawrence Cox. I'm an Attorney associated with the Hartford law firm of Robinson, Robinson and Cole. I'm here today speaking on behalf of Pond Place Tax District with respect to proposed bill No. 6511, An Act Validating Certain Actions of Pond Place Tax District.

I think you all have a copy of my testimony. I'd like to just read it which will take a minute and then I will be pleased to answer any questions you might have. Pond Place tax district is a special tax district organized under chapter 107 of the Connecticut General Statutes as amended. The District was organized on December 9, 1981 for the purpose of providing statutorily-authorized services to the residents of Pond Place, a planned residential community situated in Avon, Connecticut. The subject validating act is require to correct a procedural error in the timing of the district's first budget meeting.

MR. COX: (continued)

managed. It's run by, Jim Speich, who's president of the district and of the association and a hard core of some 10 or 12 volunteers who do a very good job. Basically, when the district was organized in December, the voters decided to hold their annual meeting on June 14 which happens to be Flag Day. It seemed like a good idea at the time, but they weren't aware of the 30 day requirement and when they became aware of it in the rush to get things done, there just wasn't enough time for the group of volunteers to do everything that had to be done in time for the meeting. So we decided to go ahead and hold it on the 14th and that's why we're here.

SEN. ROGERS: In other words, they're human.

REP. GARAVEL: Any other questions? Atty Maley.

ATTY. MALEY: You haven't filed (inaudible -- music playing in background)

MR. COX: Are you addressing me.

ATTY. MALEY: Yes.

MR. COX: Well I'm Attorney Cox but --

ATTY. MALEY: You represented the --

MR. COX: Yes, I'm under the \$500 limit. This is not a big interest here.

ATTY. MALEY: No, no -- 214 in the section of the General Statutes (inaudible)

MR. COX: Well, no, well I guess we haven't done that to my knowledge. I wasn't aware of it. What's that section. 2-14? That's the answer. Indeed. Thank you.

REP. GARAVEL: Okay, any other questions. Okay, Edward Musante, Jr.

EDWARD MUSANTE, JR.: ^{HB 6466} Good morning. My name is Edward Musante, Jr. I'm the assistant director of the Economic Development Office in Bridgeport. I've come to speak on Committee

MR. MUSANTE: (continued)

Bill 6466 which we've had two previous speakers talk about. I would like to start by just making a clarification. The speaker from New Britain said that under the Enterprise zone laws there is no tax abatement on machinery and equipment and I think that should be clarified. The Enterprise zone legislation calls for what basically is the extension of the urban jobs program which calls for an 80% local property tax abatement for real property as well as personal property.

The speaker also made some mention that this is -- that this program, the rehabilitation area statute is really more wide spread than the Enterprise Zone. As far as tax deferral, they may be on the same terms, however, the Enterprise Zone has several features which are not included in this legislation. I would also like to -- the point that we like to bring up in Bridgeport is that since the early 1970's there has been a shift from public redevelopment to private redevelopment. No longer are there large blocks of federal and state aid available to municipalities for redevelopment type projects. Since that time, cities like Bridgeport have been trying to find tools that they can use to encourage private re-development.

While section 12-65c through f of the Connecticut General Statutes certainly is one that can be used, and we would certainly like it to be expanded to be able to include new construction as well as personal property, tax deferrals. There's one other reason that we think that this might be -- that these changes will be good for Bridgeport and maybe for other communities. One of the major reasons is Bridgeport, we have received a grant for an Enterprise Zone and we have just started operation. But an area adjacent to the enterprise zone was one that was heavily considered when we submitted our application for designation.

However, the legislation for the enterprise zone only allows two census tracts. This area is really the area that we did not designate, it's really in tune with the two census tracts that we did chose. The same type of community base involvement, same kind of programs were ongoing. So what we have done in Bridgeport in our

MR. MUSANTE: (continued)

local ordinance to establish tax deferral for enterprise zone, we have also authorized the establishment of a rehabilitation area which will extend the tax deferral type benefits to that area adjacent to our enterprise zone. We do not have the benefit of the other state programs that we would -- that the enterprise zone does, but at least this does give some incentive for redevelopment in that area and as a matter of fact we are happy to announce today, we have one project that is ready to go that will be under this section 12-65.

I would also like to point out the speaker from New Britain cautioned the committee about passage of this bill, but this really is at the discretion of the municipality and if a municipality cares not to use this legislation, they don't have to. I think that those cities that need the tools for private redevelopment should be afforded the opportunity for this legislation. Thank you.

SEN. SMITH: Any questions from the committee persons.

REP. MEYER: Just one.

SEN. SMITH: Rep. Meyer.

REP. MEYER: It is especially the personal property, the equipment, machinery, that you are particularly concerned with.

MR. MUSANTE: Well, we are concerned in our -- specifically in our enterprise zone. We are concerned with the new construction part. As Attorney Reed had mentioned, there are two substantive changes in this legislation. One is the ability for any new construction to be eligible and for the deferment of the personal property. We see both as being a benefit. Specifically in our enterprise zone. We have some vacant lots -- I'm sorry the area adjacent to our enterprise zone which have designated as a rehabilitation area, there are some vacant lots which have been vacant for several years and we think now we can afford tax deferrals, -- tax deferrals to people, to companies, for whatever it may be, housing or commercial or industrial than these areas will be

MR. MUSANTE: (continued)
developed. So, we're concerned with both.

REP. MEYER: Thank you.

SEN. SMITH: Further questions. Thank you, sir. The next speaker is Mr. Richard Davis.

RICHARD DAVIS: Mr. Chairman, members of the Committee, I'd like to comment briefly on two bills -- I'm with the Home Builder's Association, 6971, An Act Concerning Frivolous Appeals for Land Use Decisions. A version of this bill is going to be taken up in the Judiciary Committee and if the -- this is a bill which we have in concept introduced for three years now. However, this bill has some problems in regard to further right to review for the appellate session and in our opinion doesn't carry the bonding provisions and will in effect just defeat the purpose of moving frivolous appeals through the court system.

We'd like to have this matter reviewed in the Judiciary version of the bill. I think Rep. Fox may be familiar with that last year. I believe you examined the idea of posting a bond commeserate with the lay. That's the version that will come up in Judiciary. Specifically a \$5,000 bond to cover legal and court fees occasioned by the town. The principal bill that I'd like to speak to is 6521, An Act Concerning the Suspension of Applications for Municipal Land Use Permits. We urge your opposition to this proposal. Some of the negative effects should be rather obvious.

First, it will rais the cost of housing if implemented by taking development off the market for up to 9 months. Secondly, with the housing industry having just come out of the worst depression in history many builders especially small ones who make up the bulk of our industry anxiously await a recovery which hopefully will begin this spring and gives us perhaps a 15% increase in production over last year's dismal production of approximately 6,000 single family homes.

If we're luck we may see more momentum in terms of a recovery in 1984. This may total four or nearly five years before a developer's ready to resume construction. This is one

MS. AMBLER: (continued)

provide the kind of citizen understanding that would be helpful in this kind of provision of these new kinds of residences for people. We're very much in favor of your bill and hope it will meet your JF.

REP. GARAVEL: Thank you. Any questions? Thank you. Scott Cleveland followed by Patricia from the Catholic Conference. Is she here? No, okay. Looks like you're going to be last Scott.

MR. SCOTT CLEVELAND: There's going to be more of you than there is of us! I'm Scott Cleveland. I am the Municipal Development Program officer of the City of New Haven, Office of Economic Development. I'm here to speak in support of committee bill 6466, which is a bill concerning property tax deferrals on construction and small properties.

In an effort to retain and attract manufacturing in Connecticut cities over the past decade, the state has developed the urban jobs program. That program provides various incentives to manufacturers who wish to expand or invest in urban areas in the form of job training, employment grants, a state corporate tax credit and an 80% abatement of property taxes, including personal property and equipment. This important program has exceeded in at least slowing the trend for manufacturing industries to leave the old industrial sections of Connecticut and the northeast. This, however, has no comparable program for the abatement of personal property and equipment taxes for non-manufacturing firms despite the fact that all analyses have shown that the real growth in the economy will most likely be placed on the service sector. It is presently possible for municipalities to provide property tax abatements on real property but not on personal property and equipment which in many industries represents by far the largest part of their investment and their tax bill.

This committee bill is intended to empower the municipalities in special areas the tax abatement on the personal property and equipment of non-manufacturing industries. This action will provide cities with no cost to the state increased flexibility in attracting new investment service sector industries. In New Haven, that translates directly to new job opportunities for the unemployed, improved job skill levels for the underskilled, the rehabilitation

MR. CLEVELAND: (continued)
and the reuse of underutilized or abandoned properties
and has a substantial increase in the tax base as the
new assessments are phased in. For the City of New
Haven, I urge your support of this bill. Thank you.

REP. GARAVEL: Thank you. Are there any questions? That's
a change from usually. Attorney Maley, do you have a
question?

ATTORNEY MALEY: Just one.

REP. GARAVEL: Okay.

ATTORNEY MALEY: On bills 1101 and 1102 on _____ were
also generated by the City of New Haven. Is there any
comment on these?

MR. CLEVELAND: I'm afraid I didn't come prepared to comment
on this but I am sure I support those bills (laughter).

REP. GARAVEL: Any other questions? Very good. Thank you.
Pat Brenner. Is Pat Brenner here? Charles LaKriski.
Anyone else who would like to testify? No? Okay.

WRITTEN TESTIMONY



Testimony
of the
Connecticut Conference of Municipalities
Concerning
Municipal and Planning and Zoning Legislation
to the
Committee on Planning and Development
March 31, 1983

The Connecticut Conference of Municipalities is testifying today to:
(1) urge you to favorably report H.B. No. 6466. "An Act Concerning Property Tax Deferrals On Construction and On Personal Property", (2) urge you to box S.B. No. 1109. "An Act Concerning Community Residences for Mentally Ill Adults", (3) urge you to box H.B. No. 7238. "An Act Concerning the Encouragement of Family Day Care Homes", (4) urge you to box S.B. No. 1112. "An Act Concerning the Subdivision of Land", and (5) urge you to box H.B. No. 7239, "An Act Concerning Judicial Approval of Settlements in Planning and Zoning Cases."

1. S.B. No. 6466. "An Act Concerning Property Tax Deferrals on Construction and on Personal Property."

This bill would allow municipalities, at local option, to grant property tax deferrals for new business-type construction, installation of equipment, machinery and other personal property.

This bill will enable cities and towns to offer additional property tax incentives so as to attract additional economic development and jobs to their communities.

CCM asks that you favorably report S.B. No. 6466.

2. S.B. No. 1109, "An Act Concerning Community Residences for Mentally Ill Adults."
3. S.B. No. 7238, "An Act Concerning the Encouragement of Family Day Care Homes."

CCM recognizes the need that these two bills are trying to address.

However, CCM has reservations when such legislation calls for an override of local zoning powers.

The issue of residential placement of such community homes for the mentally ill and others deserves thorough study. CCM suggests that a formal study commission, composed of all interested parties, be formed to deliberate and make recommendations to the 1984 General Assembly.

4. S.B. No. 1112, "An Act Concerning the Subdivision of Land."

CCM believes that this bill -- which is 25 pages in length and composed of over 750 lines -- calls for such far-reaching changes in present statutes regarding the subdivision of land that it must be studied further. Only through a thorough study of such a comprehensive piece of legislation can the full ramifications of its contents be assessed.

CCM recommends that a formal study commission, composed of all interested parties, be formed to deliberate and make recommendations to the 1984 General Assembly.

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MR. AGLI: (continued)

of 80,000 or more and that the improvement be \$10 million or more in cost. The bill as it now stands has no population requirement and the limit is a \$3 million limit. This bill would further change that statute so that you could have a two year agreement on improvements down to \$500,000. We would just point out that in addition to the 7 year agreement on \$3 million improvements, we also have programs for 5 year 80% exemptions for real and personal property for manufacturers in distressed municipalities. We have 7 year deferrals for improvements in six enterprise zone communities.

And we have 11 year deferrals on certain residential real estate improvements in rehabilitation areas. We do have many bills that handle incentive types of programs for communities to encourage development. Further, there's another bill that is before this committee, 6466 which goes quite a bit further than even this proposal. It's not on the agenda today. It was given a favorable report from Planning and Development and that bill would permit any community to declare any part or the whole community to be a rehabilitation area for its general economic well-being and you could have up to an 11 year deferral on all kinds of improvements including personal property improvement.

So that there are a number of bills that are now within this committee to further enable communities to provide incentive programs and the Assessors Association, would just like to make you aware of what exists now, what is before you so that you can consider the whole picture. Bill 1161, would provide that the Motor Vehicle Commissioner would approve a price guide that would be used by assessors in all communities for motor vehicle assessments. I brought a briefcase and I will not unload it, but there are between 15 and 20 manuals in there that we use in the City of New Britain to price motor vehicles. I'm not sure which one, or which combination of manuals the Motor Vehicle Commissioner might recommend to the assessors to use in pricing motor vehicles.

But let me say this, currently the assessors producing the manual prices approximately 75% to 80% of the vehicles in the state. We have recently polled all assessors with a questionnaire. The goal of the poll was to seek to price