

Legislative History for Connecticut Act

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**Public Act:** 00-229

**Bill Number:** 5865

**Senate Pages:** 2646-2647, 2650-2651

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**House Pages:** 4453-4497

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**Committee:** Finance: 403-407, 537-539, 664-666

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**Page Total:**

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
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002646

Senate

Wednesday, May 3, 2000

I move, I'm sorry, from Agenda 1, HB5778 should be marked Go.

SB605 from Agenda 1 should be marked Go.

From Agenda No. 1, I move HB5635 to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

From Agenda No. 2, HB5888 should be marked Go.

From Agenda No. 2, SB357 should be marked Go.

Madam President, a moment ago from Agenda No. 1 I asked that HB5778 be marked Go. I would move at this time, this bill to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Turning to today's Calendar, Page 2, Calendar 469, I move HB5495 to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 3, Calendar 502 should be marked Go.

Page 3, Calendar 4, I'm sorry, Page 3, Calendar 524, HB5865 I move to the Consent Calendar.

THE CHAIR:

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Senate

Wednesday, May 3, 2000

Without objection, so ordered.

SEN. JEPSEN:

Page 5, Calendar 534 should be marked Go.

Page 6, Calendar 542, HB5898 I move to the Consent  
Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Page 6, Calendar 149 should be marked Go.

Page 10, Calendar 200, SB32 I move to the Consent  
Calendar.

THE CHAIR:

Without objection, so ordered.

Excuse me, Senator Aniskovich.

SEN. ANISKOVICH:

Madam President, I think that that last item that  
was marked Consent should not be marked Consent.

SEN. JEPSEN:

Accordingly, we will not mark it consent. I would  
ask this item be taken off the Consent Calendar and be  
marked Go.

Page 10, Calendar 246, SB160 I move to the Consent  
Calendar.

THE CHAIR:

It has been voted on Consent Calendar.

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Senate

Wednesday, May 3, 2000

Substitute for HB5231.

HB5778.

Agenda 1, Page 2, Substitute for HB5635.

Going to today's Calendar, Calendar Page 2,  
Calendar 469, Substitute for HB5495.

Calendar Page 3, Calendar 524, Substitute for  
HB5865.

And Calendar Page 6, Calendar 542, Substitute for  
HB5898.

Madam President, that completes the Third Consent  
Calendar.

THE CHAIR:

Would you once again announce a roll call vote.

The machine will be opened.

THE CLERK:

The Senate is now voting by roll call on the  
Consent Calendar. Will all Senators please return to  
the Chamber.

An immediate roll call has been ordered in the  
Senate on the Consent Calendar. Will all Senators  
please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted?  
Senator Gaffey.

SEN. UPSON:

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Senate

Wednesday, May 3, 2000

Madam President.

THE CHAIR:

Senator Upson.

SEN. UPSON:

Just a quick comment. There's a cake out in the other room. I feel like Marie Antoinette, but if anyone wants any cake, please take some. Thank you very much.

THE CHAIR:

If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 3.

Total number voting, 36. Those voting "yea", 36; those voting "nay", 0. Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is adopted.

THE CLERK:

Turning to Calendar for today, Calendar Page 12, Calendar 201 previously removed from the Foot, Substitute for SB584, File 247, Substitute for SB584 An Act Concerning Limitations And Denials Of Health Insurance Claims. Favorable Report of the Committee on Insurance. The Clerk is in possession of amendments.

THE CHAIR:

Senator Bozek.

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House of Representatives

Friday, April 28, 2000

The Clerk please call Calendar 199.

CLERK:

On Page 22, Calendar 199, Substitute for House Bill 5695 AN ACT EXPANDING THE DEFINITION OF PERSONAL INJURY IN THE WORKERS' COMPENSATION ACT. Favorable Report of the Committee on Legislative Management.

DEPUTY SPEAKER HYSLOP:

Representative Godfrey.

REP. GODFREY; (110TH)

Mr. Speaker, I move that this item be referred to the Committee on Appropriations.

DEPUTY SPEAKER HYSLOP:

Seeing no objection, so ordered.

The Chamber will stand at ease.

The Chamber will come back to order. The Clerk please call Calendar 394.

CLERK:

On Page 28, Calendar 394, Substitute for HB5865 AN ACT CONCERNING THE PROPERTY TAX STATUS OF HISTORICALLY TAX-EXEMPT RESIDENTIAL HOUSING PROPERTIES. Favorable Report of the Committee on Planning and Development.

Representative McDonald.

REP. MCDONALD: (148TH)

Yes, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

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DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage. Will you remark?

REP. MCDONALD: (148TH)

Yes, Mr. Speaker. The Clerk has amendment 4431. Will he please call and I be allowed to summarize.

DEPUTY SPEAKER HYSLOP:

The Clerk please call LCO4431 to be designated House "A" and the Representative has asked leave to summarize.

CLERK:

LCO4431, House "A" offered by Representative McDonald.

DEPUTY SPEAKER HYSLOP:

Representative McDonald

REP. MCDONALD: (148TH)

Yes, Mr. Speaker. This amendment has about six different parts to it. I move acceptance of the amendment.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of House "A". Will you remark further?

REP. MCDONALD: (148TH)

If you look at your amendment, Section 1 will be explained to you by another Representative in a few

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minutes because it's he that is interest in that and can talk to you about it.

Section 2 allows, is a permissive piece of legislation that allows municipalities to give to special service districts within their municipality a portion of pilot money if they choose to do so. This does not affect pilot money in any way of what we're paying out. The municipality would have the money and then would be allowed to give it to a special service district in their town.

Number, Section 3 has to do with the taxation, getting the grand list ready for all the property within a municipality or a town and the towns of Ledyard and some other towns in eastern Connecticut do not have access to the Mashantucket Pequot or the Mohegan Tribe Indians.

So this will allow them to do their grand list excluding that property because the Indians won't let them on the property to do assessment of their value.

Section 4 is another piece of assessment, really assessment problem, when the municipality revalues, that their grand list will increase for veterans' exemption, it will be the next taxable grand list for such year of revaluation. And this is to keep veterans' allowances up to date.

Number 5, is another permissive piece of legislation. It allows municipalities to private grant to residential property owners in special service districts who are not delinquent in payments of their property taxes.

I've forgotten what town asked me to do that, but it's just a permissive piece of legislation. Just one moment.

That's all. Section 6 just tells when the bill will take effect. Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"? Representative O'Neill.

REP. O'NEILL: (69TH)

Thank you, Mr. Speaker. As Representative McDonald indicated, Section 1 belongs to another Representative and actually it belongs to a couple of us.

The purpose of Section 1 is to deal specifically with a problem that has arisen in the Town of Southbury involving a nonprofit nursing home wherein the assessor has constantly insisted upon putting the property back on the taxable list even though it has been off the tax list for 80 years and even though the Board of Assessment Appeals has on a couple of occasions put it off the taxable list. He insists on doing it. So

that's the principal reason for Section 1.

It's designed to achieve the following result which is that no one who is currently taxable would not be taxable. No one who is currently untaxed or nontaxable would be made taxable as a result of this. Anyone that's involved in a time limited agreement, and I understand there is at least one facility in that category would not be affected by this.

And as is always the case, this will not affect any pending litigation and it is my understanding that there are a couple of nursing homes that are engaged in pending litigation with the municipalities. This would not affect them in any way. It would not enhance their position, nor would it enhance the position of the municipality that is defending those suits.

It's really a peculiar piece of legislation in that it is designed to actually leave everyone exactly where they are and prevent them from being changed in the future by tax assessors which is something that has become a problem when people have been tax exempt to be pulled off that exemption status.

If I might for a question through you, Mr. Speaker, to Representative McDonald, I hope she is ready for it.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

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Please phrase your question.

REP. O'NEILL: (69TH)

Does this amendment preclude a licensed nonprofit nursing facility from claiming exemption as a charity under Section 12-81 sub 7 of the statutes, so long as the facility meets the requirements of this section? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative McDonald.

REP. MCDONALD: (148TH)

Through you, Mr. Speaker. I really don't know what that subsection that you're talking about is. Maybe you could explain it to me.

DEPUTY SPEAKER HYSLOP:

Representative O'Neill.

REP. O'NEILL: (69TH)

That's the section of the statutes that authorizes charities to be characterized as tax exempt. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative McDonald.

REP. DONALD: (148TH)

Yes. And through you, Mr. Speaker, what are you asking about these tax exempt properties?

DEPUTY SPEAKER HYSLOP:

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Representative O'Neill.

REP. O'NEILL: (69TH)

Through you, Mr. Speaker. The question that I'm trying to put forward is, does this affect the ability of a currently tax exempt facility from continuing to claim its tax exempt status? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative McDonald.

REP. MCDONALD: (148TH)

Through you, Mr. Speaker. No.

DEPUTY SPEAKER HYSLOP:

Representative O'Neill.

REP. O'NEILL: (69TH)

Thank you, Mr. Speaker. At this point, I would yield the floor to other members who may wish to comment.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Dargan.

REP. GARVEY: (67TH)

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Excuse me, I said Representative Dargan. I'm sorry.

REP. GARVEY: (67TH)

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I'm sorry.

REP. DARGAN: (115TH)

I would yield at this time to Representative Garvey, if you want me to, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Excuse me, Representative Garvey. He will yield to you. Would you accept the yield?

REP. GARVEY: (67TH)

Yes, Mr. Speaker. Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Thank you.

REP. GARVEY: (67TH)

Thank you, Mr. Speaker. I, too, would like to suggest that the Chamber support this bill. It's something that's long overdue and it's a matter of fairness to the nursing home that Representative O'Neill spoke of in Southbury.

I, too, have a great interest in this because I have been personally involved with it as well as Representative O'Neill and I'm sure the members of the Committee that heard about this at the hearing also know it's a matter of fairness. Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dargan.

REP. DARGAN: (115TH)

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Thank you, Mr. Speaker. A question to the proponent of the amendment.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. DARGAN: (115TH)

Thank you. Representative McDonald, underneath Section 3, if you could just give me clarification in reference to reevaluation dealing with the two Native American tribes dealing with the settlement boundary of 1983 and the Pequot Tribal Nation before 1999.

My question to you is, either through federal government of these tribes or the Department of Interior on or after June 8, 1999, how will the revaluation of real estate be impacted on this new section?

DEPUTY SPEAKER HYSLOP:

Representative McDonald.

REP. MCDONALD: (148TH)

Through you, Mr. Speaker. What this is, our statutes say that municipalities or towns have to assess the property of all property within their town.

This is effectively just eliminating the assessment of the reservations of Mashantucket Pequot Tribe and the Mohegan Tribe from the tax roles of Ledyard, I guess part of Stonington, I forget what those two towns are, Montville. And because they can't include these in

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their grand list because the Indians are a separate nation and even though they are within the town, the town is not going to realize the property tax that would be applicable otherwise.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dargan.

REP. DARGAN: (115TH)

Just one final question, then, to the Representative. If in fact in the future that these communities are impacted in reference to settlement claims of the expansion of these two Native American tribes, how will that impact the respective communities within these Native American communities?

DEPUTY SPEAKER HYSLOP:

Representative McDonald.

REP. MCDONALD: (148TH)

Through you, Mr. Speaker. I don't know. Perhaps the questioner would like to refer his question to Representative McGrattan.

DEPUTY SPEAKER HYSLOP:

Representative Dargan, would you like to refer your question to Representative McGrattan.

REP. DARGAN: (115TH)

Yes. I don't know if she heard my question and

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then if I could yield to --

DEPUTY SPEAKER HYSLOP:

Representative McGrattan, would you like to respond to Representative Dargan?

REP. MCGRATTAN: (42ND)

Through you, Mr. Speaker, in 1983 when the federal government gave recognition to the Mashantucket Pequots, they allowed them a reservation of approximately 2200 acres. They were told at the time that they were allowed, you know, when property came up for sale, they could purchase the sale, pay off the mortgage and have it taken into trust.

Out of the 2200 acres, approximately 1350 acres are in trust. Even though this is property that used to be privately owned, it was taken off our tax rolls.

When I presented this problem last year to the Governor's office, we were given \$250,000 to cover the property that was taken off the tax rolls.

The other part of the bill said that any future property taken into trust, we would get 100% reimbursement. That property, 100% pilot. That property we would then have to reval.

But what we're mainly talking about in this bill are the casinos and the hotels on both the, in Montville and Ledyard. That's the main part of the bill. It's

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really the big properties.

DEPUTY SPEAKER HYSLOP:

Representative Dargan.

REP. DARGAN: (115TH)

Thank you very much, Mr. Speaker, for those answers.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Mr. Speaker, with regard to the amendment I stand here to support the amendment and a couple of comments on the nursing home situation.

I want to assure all the members here that if you currently have a nonprofit nursing home in your district, it will stay that way.

This particular amendment does not in any way change that. In fact, it essentially codifies the fact that based upon the criteria used by your assessor in establishing its nonprofit status, it will remain that way.

Secondly, there was a discussion about Section 5 special service districts. There are some towns in the state where there are special service districts and they're tax districts, and sometimes funds come into the town and because of the structure of the town they're

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currently not able to pass those funds on to the special districts. This would allow that to occur.

Mr. Speaker, this amendment cleans up a number of open items and I urge passage.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Carter.

REP. CARTER: (7TH)

Mr. Speaker, to the proponent of the amendment.

DEPUTY SPEAKER HYSLOP:

Please phrase your question.

REP. CARTER: (7TH)

It is my understanding and maybe I've been misled is that the property that the Indians have where the hotels are and where the casinos are, they pay those individual towns taxes that do not come through the Mashantucket Pequot Fund up here.

Last year, when I asked the question of the Mashantucket Pequot, they gave me a list of those buildings and those properties that they pay taxes on and for them to get the taxes from the Mashantucket Pequot and then get another tax, to me that seems like it's double dipping. Do you know anything about it?

DEPUTY SPEAKER HYSLOP:

Representative McDonald.

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REP. MCDONALD: (148TH)

Through you, Mr. Speaker. I think that what it is is not a tax. They do pay a payment to the towns where they're located but it's not called a tax because you can't tax Indian reservations which are separate nations. But again, I don't feel all that comfortable with the knowledge of it and I think maybe Representative Carter would like to direct her question to Representative McGrattan. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Carter, would you like to direct your question to Representative McGrattan?

REP. CARTER: (7TH)

I have no problem with that, Mr. Speaker. Mr. Speaker, through you to Representative McGrattan. I received a list from the Mashantucket Pequots last year and they gave me a list of properties in which they pay the towns around there because those hotels sit on their land. They pay them taxes on it.

Are you aware of that?

DEPUTY SPEAKER HYSLOP:

Representative McGrattan.

REP. MCGRATTAN: (42ND)

Through you, Mr. Speaker. Representative Carter, what we're talking about is the land on the reservation

within the settlement boundary. Yes, they do pay taxes on any property they own outside that reservation boundary.

DEPUTY SPEAKER HYSLOP:

Representative Carter.

REP. CARTER: (7TH)

Through you, Mr. Speaker to Representative McGrattan. So when you get reimbursed from the federal government for the taxes, let's say the kids are going to your schools, whatever, when it comes to the Indians because they are federally recognized. You get paid for that, too, don't you?

DEPUTY SPEAKER HYSLOP:

Representative McGrattan.

REP. MCGRATTAN: (42ND)

Through you, Mr. Speaker. We get the same payment that we do for military children. But what this bill addresses is the casino and the hotels on the reservation for which we get no money.

DEPUTY SPEAKER HYSLOP:

Representative Carter.

REP. CARTER: (7TH)

And through you, Mr. Speaker. So now that you've been paid for the land and you no longer own the land, you still want to get payment for it, not if you don't

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even own it?

DEPUTY SPEAKER HYSLOP:

Representative McGrattan.

REP. MCGRATTAN: (42ND)

Through you, Mr. Speaker. We're talking about the 2200 acres --

REP. CARTER: (7TH)

That you don't own.

REP. MCGRATTAN: (42ND)

Some of it is still privately owned. This is the land that was made the tribe reservation back in 1983. They have taken 1350 of those 2200 acres. They have taken them into trust. On the trust land is the hotels and the casinos and other ventures.

It's time for the town to reval. We want to be exempted from revaluing that property for which we receive no pilot and no compensation and if the Indians invoke their sovereign nation status, they don't have to give us any information.

DEPUTY SPEAKER HYSLOP:

Representative Carter.

REP. CARTER: (7TH)

Through you, Mr. Speaker, to Ms. McGrattan. But they have not refused to give you any information that you have asked for and the land that you are talking

about is land that they paid you for which is not in the trust. There is land that they own that is not in the trust that you do get taxes on.

And so I don't understand, how you, you want to double dip. For instance, Hartford had almost a billion dollars worth of property that the state is on but they don't pay us full, well, Maria tells me \$3 billion, but we don't get paid full pilot for it.

And you seem to want pilot for it and I don't understand how one town would be able to do that and another town wouldn't.

DEPUTY SPEAKER HYSLOP:

Representative McGrattan.

REP. MCGRATTAN: (42ND)

Through you, Mr. Speaker. We did not receive any money from the tribe for the land that they own, the 1350 acres that's in trust.

DEPUTY SPEAKER HYSLOP:

Representative Carter.

REP. CARTER: (7TH)

Through you, Mr. Speaker, to Representative McGrattan. The town gave them some land with no money reimbursement?

DEPUTY SPEAKER HYSLOP:

Representative McGrattan.

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REP. MCGRATTAN: (42ND)

Through you, Mr. Speaker, the town gave them no land.

DEPUTY SPEAKER HYSLOP:

Representative Carter.

REP. CARTER: (7TH)

So then I guess I misunderstand. You did get money at the time that, before it went into trust? You did get money before it went into the trust for the land?

REP. MCGRATTAN: (42ND)

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative tive McGrattan.

REP. MCGRATTAN: (42ND)

The land that was privately owned, we did get taxes on before it was purchased by the tribe.

DEPUTY SPEAKER HYSLOP:

Representative Carter, through the Chair, please.

REP. CARTER: (7TH)

Through you, Mr. Speaker, to Representative McGrattan. And after it was purchased by the tribe, which is purchased, they bought the land and so the Indian tribe right now is just like the base down there, what is that based called?

REP. MCGRATTAN: (42ND)

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Sub base.

REP. CARTER: (7TH)

Sub base. It's just like the sub base. It's federally owned, the sub base is federally owned. You don't ask any more from the sub base for taxes, but you're now asking more of them and that's the part I don't understand, I guess.

DEPUTY SPEAKER HYSLOP:

Representative McGrattan.

REP. MCGRATTAN: (42ND)

Through you, Mr. Speaker, we are not asking the tribe for any money. We are asking the state to exempt us from doing reval on the property that is taken into trust that is owned by the federal government for the tribe. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Carter.

REP. CARTER: (7TH)

I will sit down. This act is getting on my nerves.

(Laughter) Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Samowitz.

REP. SAMOWITZ: (129TH)

Through you, Mr. Speaker, a question to the proponent of Section 1. I believe that's Representative

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O'Neill.

DEPUTY SPEAKER HYSLOP:

Representative O'Neill. Representative O'Neill.  
Representative O'Neill there's a question to you on  
Section 1. Representative Samowitz.

REP. SAMOWITZ; (129TH)

Thank you. Through you, Mr. Speaker. I have in my  
district a nonprofit community, a nonprofit living  
center called 3030 Park Avenue in Bridgeport,  
Connecticut. Would this now no longer have to pay  
property taxes if this amendment passes?

DEPUTY SPEAKER HYSLOP:

Representative O'Neill.

REP. O'NEILL: (69TH)

Through you, Mr. Speaker. The second subsection  
near the end of Section 1 of the amendment which deals  
with any written agreement that is now in existence, a  
time limited agreement, I believe that should be  
subsection 2.

REP. SAMOWITZ: (129TH)

Through you, Mr. Speaker. Let me clarify it.  
There is no written agreement between this residential  
assisted living center and the City of Bridgeport.  
They, for many years were not paying property taxes and  
not as a tax exempt entity.

Recently, the City of Bridgeport has assessed them and they're now paying property tax although I think it's in litigation.

DEPUTY SPEAKER HYSLOP:

Excuse me, Representative Samowitz. (GAVEL) I would ask that the Chamber come to some semblance of order. There are some people on this side of the Chamber who cannot hear the debate and we would ask that if you had conversation, would you please be respectful of your colleagues and take your conversations outside the House Chamber so that we can continue with the debate.

I think, I'm looking at Representative O'Neill. He seems to be having difficulty hearing the questions that are being posed to him as well. So we would appreciate it if you'd take your conversations outside of the House Chamber at this time.

Representative Samowitz, would you repeat please for Representative O'Neill.

REP. SAMOWITZ: (129TH)

In the City of Bridgeport there is a nonprofit independent living center that for many years was not paying any property tax. Because it's a residential community and because the City of Bridgeport is taking the position that as a residential nonprofit, they

should be paying property tax and recently they started to pay property tax but it's in litigation, or it's highly contested.

My question, through you is, if we pass this amendment, how does that affect the, whether this entity should be paying property tax any more or not?

REP. O'NEILL: (69TH)

Through you, Mr. Speaker. I guess I'll try to answer the question this way. It is my understanding that the facility to which Representative Samowitz makes reference is in fact subject to a time limited written agreement in which they have agreed to make partial payments of property taxes.

And in fact it was specifically to deal with that kind of a situation that subsection 2 was crafted. But assuming that they are not subject to such an agreement, that the underlying amendment, or the rest of the amendment would leave them unchanged in their status.

If they are in litigation, they will continue in litigation because under Section 1-1u of our statutes, we do not change the status of litigation by passage or appeal of legislation. So if they're in litigation, we don't have any, this has no impact on them whatsoever.

If they are not in litigation but they are on the tax rolls now, and assuming they're not subject this

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time limited agreement, then they would be unaffected. They would continue to be taxable but retain their right to appeal any tax assessment that they would be given. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Samowitz.

REP. SAMOWITZ: (129TH)

Thank you, Representative O'Neill for that legislative intent.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"? If not, we'll try your minds. All those in favor signify by saying "aye".

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed? The ayes have it. House "A" is adopted. Will you remark further on the bill as amended? Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, very soon the Clerk is going to have an amendment that I would like called.

Mr. Speaker, the Clerk has an amendment 3697. Could he please call and I be allowed to summarize?

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DEPUTY SPEAKER HYSLOP:

Will the Clerk please call LC03697 which will be designated House "B".

CLERK:

LC03697, House "B", offered by Representative Prelli.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, what this amendment does is state that any time property in a town becomes owned 60% or more by either the State of Connecticut, a quasi-public agency, private land trust in more than ten contiguous acres or is classified as farmland, forest land or open space land, then the state will pay 100% of its pilot to that town.

If at any time the state does not pay 100% of the pilot, then any property owned by nonprofits will be 40% of the property tax that a town, and I move its adoption.

DEPUTY SPEAKER HYSLOP:

The question is on adoption. Will you remark further?

REP. PRELLI: (63RD)

Yes, Mr. Speaker. Mr. Speaker, I've had this

discussion about some of our smaller towns where the state and quasi-publics and now the new procedure for the state to buy land and turn it over to nonprofits, and those nonprofits now own it so it doesn't become state owned land, and all of a sudden more than half the town is owned by that state, is owned by that type of land and those towns don't have the change for development.

I think it was three years ago, and Representative Mikutel might correct me if my years are wrong, that we agreed that the Town of Voluntown, because they were owned by, more than 50% of the land in that town was owned by the State of Connecticut, we were going to give them 100% pilot.

Well, with our new open space program which I support 100% I think we should have more open space land in the State of Connecticut. With our new open space program, we're finding that a lot of the open space land that's being bought is contiguous to state owned land but it's not being owned by the State of Connecticut. It's being turned over to nonprofit agencies that own that land.

So therefore, we never go above that 50% level in any of those towns. But the towns can't develop that land, they can't do anything and they lose their tax

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dollars on it.

Mr. Speaker, I had a bill in very similar to this early in the session that we had a public hearing on and we were able to discuss but it didn't make it through all the committees. It was a little different in that I left it at 50% and I didn't include the title 490 land. But this includes the title 490 land.

Mr. Speaker, I don't believe that this is going to have a large cost on the towns. Why do I say that? Or on the state, I'm sorry. Why do I say that? Because not a lot of towns are ever going to meet this. It's going to be very small.

But I will use a town in my district that comes very close to this already. And that's the Town of Canaan which many people know as Falls Village. And Falls Village has Robin's Swamp. It has Canaan Mountain. It has a couple other state owned pieces of property and all of a sudden it has a lot of land that's being bought up by nonprofits and owned by nonprofits.

And Falls Village can't develop anything more. They have the highest tax rates for the small towns in that area around that area and they're having a problem.

Now, this doesn't say that we're going to spend 100% of the pilot on all the land that fits this category. What it says is that we will make 100% of the

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pilot of state owned land. We're going to go from 40% to 60%. It's fair to those small towns. When we're controlling the most land in those small towns by the State of Connecticut, it's fair.

Mr. Speaker, we've had many discussions about open space land. I think one of the objectives of the State of Connecticut should be buying open space land in areas that aren't already controlled by open space land. And that's in many of our suburban and our urban towns. Those are the towns we should be buying open space land in.

When we constantly buy open space land in our rural towns, we take away their ability to develop and move forward. Many people say well, you don't have to increase your schools. You don't have to give them any other services. There's no additional cost to the town.

I will tell you in a couple of my towns that have a population of less than 2,000 people, I can develop about 50 more houses and I will not have to increase the size of the school. It's already at the minimum size.

They don't have any water and sewers so I don't have to worry about that. We can talk about urban sprawl and how we look at zoning rules, but they all have two acre zoning so we're not worried about septic systems.

So I think that this is only fair to those towns. It's going to only be fair to the small towns because that's the only place it's going to apply.

Many of you heard the story about another one of my towns that I have to drive out of my district to get from one side of my town to the other side of the town.

Because there's an MDC reservoir right down the middle of my district and the easiest way for me to go is to leave West Hartland, drive through Barkhamstead and drive in East Hartland. It's all part of the Town of Hartland. There's this beautiful reservoir that's owned by the MDC. Does the town get some tax dollars for that? Yes. But there's also two state forests in that town and there's also a lot of nonprofit land owned in that town and they're not getting tax dollars for that.

So let me repeat just one point on this. I'm not asking for the state to pay 100% on the nonprofit lands.

I'm not saying that we should pay 100% on the quasi-public lands. All I'm saying is that if we've taken that much of the land out of being able to being developed in a town, we as a state should be willing to pay 100% of pilot in those lands that are owned by the State of Connecticut.

Mr. Speaker, I urge adoption. Thank you.

DEPUTY SPEAKER HYSLOP:

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The question is on adoption of House "B". Will you remark on House "B"? Representative McDonald.

REP. MCDONALD: (148TH)

Through you, Mr. Speaker. Representative Prelli you like surprises on Friday nights.

First of all, I'd like to say, in the first line you have after line 10, this amendment isn't drawn to the amendment. It's drawn to the original file copy. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, as usual, when we do amendments that might have had other amendments, LCO is able to fit that in because it's adding on to the end of the bill and then they would renumber. That's a usual procedure done with LCO and I believe it can be accomplished.

DEPUTY SPEAKER HYSLOP:

Representative McDonald.

REP. MCDONALD: (148TH)

Through you, Mr. Speaker. You said that you had put this bill in the hopper at the beginning of the session. Where did that bill go to? Environment Committee? Where did you put the bill?

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DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Through you, Mr. Speaker. I believe it started in the Planning and Development Committee.

DEPUTY SPEAKER HYSLOP:

Representative McDonald.

REP. MCDONALD: (148TH)

Well, through you, Mr. Speaker. This is a brand new idea that has never been talked about in Finance. We've never discussed it and it's a brand new program and it says in the fiscal note, its indeterminate cost. We're going to give 100% pilot to these lands.

I think it's very inappropriate that we start to take such large steps with no discussion, no pilot, no testimony from other people and try to adopt it at the last minute with an amendment on the bill.

So I would urge everybody here to oppose this amendment. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further? Representative McDonald, that was not a question, was it?

REP. MCDONALD: (148TH)

I was proposing denial. As long as I'm back on here, I ask for a roll call, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

The request is for a roll call vote when the vote is taken. All those in favor of a roll call signify by saying "aye".

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

When the vote is taken, it will be taken by roll. Will you remark further on House "B"? Representative Samowitz.

REP. SAMOWITZ: (129TH)

Thank you, Mr. Speaker. Let me see if I understand this amendment over here. The state now has a policy of providing for many certain towns open space and the enjoyment of the open space.

So we're going to be creating, and the open space for many, is purchased many times through state funds. So we take our state funds and we have a bill here today, present in the General Assembly for the open space trust.

So we're going to use state money to purchase land for open space, creating open space and enjoyment in certain areas of the state and then you want us to pay those towns for the loss of that open space by taxing the rest of the citizens so that certain communities who

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probably have a tax base to support these things can, will now have to pay to subsidize a pilot that's going to assist those towns that have, and the residents who now enjoy that open space.

Through you, Mr. Speaker, is that a correct idea of what this really does?

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. I heard most of the question so I'm going to try to answer it. If I miss a piece I hope the gentleman will rephrase his question but let me try to answer what I did hear.

There is a program to buy open space land. Sometimes that open space land is bought in rural towns in the State of Connecticut and it takes away the development rights of those towns.

When they buy that land and then turn it over to a nonprofit, the towns get absolutely no tax dollars for that land that's taken off their rolls. Before, if it was 490 land either forest or farmland, they were getting some tax dollars.

So now those tax dollars are taken off the rolls. What happens then is most of the town is now owned in nondevelopable land, pretty much bought by the State of

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Connecticut and so now the towns have lost those tax dollars and they can't use that for any other development.

And I'm saying if the state offers to assist in that, then they should be willing to pay 100% for the land that they own in the town, yes. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Samowitz.

REP. SAMOWITZ: (129TH)

Through you, Mr. Speaker. I really sympathize and I really understand Representative Prelli's problem.

I think the problem really is, we should examine the impact of what this open space is doing to all our communities in our state throughout the whole state because if that's the case, it's the open space that is creating this vacuum, so to speak, which is really causing the need for the subsidy.

And before we start giving out pilots and other things, we should also examine those type of procedures because pilots should be going to towns that need the help the most. This may or may not go to towns whose tax base can sufficiently withstand that loss of income and spreading it around.

So I think that at this point in time to take such

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a drastic change in public policy, probably deserves, you know, a lot more consideration before we take such measures to basically create a subsidy now to support open space policies and lack of development in this state.

And for those reasons I reluctantly urge defeat of this amendment.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Will you remark further on House "B"? Representative Mikutel.

REP. MIKUTEL: (45TH)

Yes. A question for the proponent of the amendment.

DEPUTY SPEAKER HYSLOP:

Please pose your question.

REP. MIKUTEL: (45TH)

Yes. Representative Prelli, under the amendment it says that 100% of pilot would go to those communities which 60% of the land, 60% of the land is owned either by the state or a quasi-public agency or a private land trust or a combination of all. Is that correct?

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Through you, Mr. Speaker. It also adds that if

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it's owned, it's classified as 490 land, which is the Section 2. So there's one other additional, but yes, adding that to what the good Representative said is correct.

DEPUTY SPEAKER HYSLOP:

Representative Mikutel.

REP. MIKUTEL: (45TH)

As you referred to earlier, through you, Mr. Speaker. As you referred to earlier, Voluntown, which I represent is a community in which the state owns over 50% of the town's land. I believe in that statute which we created for 100% of pilot to communities in which the state owns 50% or more of the land, would this supersede that?

On my memory, but I believe the statute was towns in which the state owns 50% or more of the land would get 100% of pilot. If this passed, would that supersede it and so it would have to make null and void what we did previously in Voluntown. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Through you, Mr. Speaker. Even though I've had the opportunity of visiting your beautiful town of Voluntown and with the 490 land in there you'd probably qualify

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for 60% as we have a mutual friend who happens to be a farmer in that town.

No, this would not supersede that. This would be an additional clause that would go on above the Voluntown ruling. This is not superseding that. This is not taking that out. This is in effect putting another criteria on where the towns could get 100%. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Mikutel.

REP. MIKUTEL: (45TH)

Yes. Hearing that, Mr. Speaker, I would support this amendment. I come from a small rural district and we went through an experience a few years ago where Voluntown is really owned mostly by the state and has most of the choice land and really restricts the economic development of the community.

Voluntown is also a distressed community. So I can share and sympathize with Representative Prelli where a community is in essence being annexed by the state or through some nonprofit organizations.

This does have a crippling economic impact on a community when most of the community's land is owned by the state. So Representative Prelli, I think your amendment is a good amendment. I think it will help

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communities. I will support it.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

Representative Davis.

REP. DAVIS: (50TH)

Thank you, Mr. Speaker. I rise in support of the amendment. As Representative Prelli said, the Planning and Development Committee had a public hearing on this bill during the session and we JFd the bill, I believe, over to the Appropriations Committee which is where it properly should have gone.

But it also speaks to another issue which we heard in front of the Planning and Development Committee this year, AN ACT CONCERNING RURAL COMMUNITIES, I think, which is that we need to look at our property tax system both in terms of our cities, our rural areas and our suburbs and understand on a statewide basis that whether it's a community like Representative Prelli's, whether it's a community like Representative Mikutel's, we have an over reliance on the property tax.

And those towns that have significant quantities of open space find themselves making the kinds of choices that they don't want to have to. Either they want to protect their rural character in which case they can't pay their taxes or they bring in economic development

into their town which will ruin the character of the town.

It's a broader issue we need to face and I think this is one step toward beginning to deal with it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Will you remark further on House "B"? Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Just in closing a couple of points. I apologize to Representative McDonald if she thinks that she has not heard this before the Finance Committee, but in all due respect, this is an Appropriations issue not a Finance issue so it wouldn't have come to the Finance Committee. P&D did send it to Finance. I would gladly talk in front of your Committee on this. I feel very strongly on this issue.

I would also like to just make a couple other points that, out of the questions it's made, Representative Samowitz said how do we know that a town that's more than 60% in these categories needs our assistance.

I would like you to just think about that. Sixty percent of the land is not able to be taxed. Therefore, they're only living on 40% of the land. Think about

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that in any one of your towns. I would love to see the open space land money going to the cities. I would love to say to Representative Samowitz and I would always support that any time we had open space land to Bridgeport that we should buy it.

Any time that we had open space land in Cheshire, we should buy it. Or Farmington, or Simsbury, or any of those communities that are being overgrown.

The problem is, we're buying it in the same towns that have plenty of open space land. Think about what I'm saying in this. I'm saying 60% of your town is open space.

You don't have room for development. Is that going to affect a lot of our towns? If this affects more than five towns in the State of Connecticut I will be totally surprised. If this affects more than 10 towns after we finish the whole open space program, I would be totally surprised.

And if we're not buying additional land we're only looking at that pilot, at that land that's owned by the State of Connecticut.

I'd like to answer that why it didn't make it through. As Representative Davis said, it did go through P&D. It was sent to Approps and Approps decision it wasn't sent back. Those are the committees

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it should have gone to. We should be looking at that. There might be an argument it has to go to Environment.

I'm not saying we should send this bill off any place else. I wouldn't make that recommendation on my own amendment.

Do I believe that after this discussion as well as hopefully, I've argued it, that we're going to see this go up and I'm going to win. I'm not that naive. But I think it's a question that we should be addressing in the State of Connecticut and we should be thinking about and the effects we are having on our small towns.

Mr. Speaker, I ask all of you from small towns, all of you that care about open space land and all that want to see the beauty in Connecticut restored and kept up, please support this amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Will you remark further on House "B"? If not, staff and guests to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber.

The House is voting House Amendment Schedule "B" by roll call. Members to the Chamber.

DEPUTY SPEAKER HYSLOP:

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Have all members voted? Have all members voted?  
Please check the machine to make sure your vote is properly recorded. The machine will be locked. The Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

House Amendment Schedule "B" for House Bill 5865.

Total Number Voting	147
Necessary for Adoption	74
Those voting Yea	54
Those voting Nay	93
Those absent and not voting	4

DEPUTY SPEAKER HYSLOP:

House "B" fails. Will you remark further on the bill as amended? Will you remark further on the bill as amended? Representative Caron.

REP. CARON: (44TH)

Thank you, Mr. Speaker. Good evening.

DEPUTY SPEAKER HYSLOP:

Good evening.

REP. CARON: (44TH)

Mr. Speaker, the Clerk is in possession of an amendment, LCO4458. If he would call, may I be given leave to summarize.

DEPUTY SPEAKER HYSLOP:

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Excuse me, Representative Caron, would you repeat please, Sir?

REP. CARON: (44TH)

The Clerk is in possession of LCO4458.

DEPUTY SPEAKER HYSLOP:

The Clerk please call LCO4458 to be designated House "C".

CLERK:

LCO4458, House "C" offered by Representatives Caron, Davis and Senator Williams.

DEPUTY SPEAKER HYSLOP:

Representative Caron.

REP. CARON: (44TH)

Thank you, Mr. Speaker. Mr. Speaker, any town that is the host of a parimutuel facility receives a portion of the gross handle as a host town. Most towns receive 1%. Currently the Town of Plainfield receives eight tenths of one percent and two tenths of one percent goes to a nonprofit called the Northeastern Economic Alliance.

This amendment would reinstate the full 1% to the Town of Plainfield which would take effect, or waiving the two tenths for this current fiscal year coming up and the full 1% would be reinstated June 30th, after June 30, 2001.

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I move adoption.

DEPUTY SPEAKER HYSLOP:

The question is on adoption. Will you remark on House "C"? Will you remark further on House "C"? Will you remark on House "C"? Representative McDonald.

REP. MCDONALD: (148TH)

Yes, Mr. Speaker. I consider this a friendly amendment and urge adoption.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "C"? Will you remark further on House "C"? If not, we'll try your minds.

All those in favor signify by saying "aye".

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed?

REPRESENTATIVES:

No.

DEPUTY SPEAKER HYSLOP:

The ayes have it. House "C" is adopted. Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests to the well of the House. The machine will be opened.

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CLERK:

The House of Representatives is voting by roll call. Members to the Chamber.

The House is voting by roll call. Members to the Chamber please.

DEPUTY SPEAKER HYSLOP:

Representative Knopp, would you like to vote today?  
Representative Truglia.

Have all members voted? If all members have voted, please check the machine to make sure your vote is properly recorded. The machine will be locked. The Clerk will take a tally.

Representative Metz, how would you like to be recorded? Representative Metz, how would you like to be recorded? They have you on the machine. Representative Amann, how would you like to be recorded?

REP. METZ: (101ST)

In the affirmative, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Metz in the affirmative.

The Clerk will take a tally. Representative Farr, how would you like to be recorded?

REP. FARR: (19TH)

In the affirmative.

DEPUTY SPEAKER HYSLOP:

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Representative Farr in the affirmative. The Clerk will now take a tally.

The Clerk will announce the tally.

CLERK:

House Bill 5865 as amended by House "A" and "C".

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

DEPUTY SPEAKER HYSLOP:

The bill as amended passes. Are there announcements or points of personal privilege?

REP. DYSON: (94TH)

Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94TH)

Thank you, Sir. For the purpose of an announcement. A bill has been referred to the Appropriations Committee today and we are planning to have a meeting as soon as the House stands at ease so that we can go and vote on the bill and ship it back.

So I would ask all Appropriations Committee members to report to Room 310. Room 310 immediately upon the

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MAURA RUBY: No, they have not.

REP. BELDEN: Thank you.

SEN. LOONEY: Thank you.

Are there any other questions from committee members?

If not, thank you, Ms. Ruby.

MAURA RUBY: Thank you.

SEN. LOONEY: Next is Judy Begley, followed by Marshall Collins and then William Schilling.

JUDY BEGLEY: Good afternoon. Thank you for the opportunity to meet with you. My name is Judy Begley. I'm the Administrator of the Lutheran Home of Southbury. And testimony, written testimony, has been submitted by Edith Lohr, the President of the Lutheran Social Service of New England and also the President of the Lutheran Home of Southbury and Middletown. In terms of we are here to support HB-5865, AN AT CONCERNING THE PROPERTY TAX STATUS OF HISTORICALLY TAX-EXEMPT RESIDENTIAL HOUSING PROPERTY.

In terms of the Lutheran Home of Southbury, for the past 80 years have been in the tax-exempt, non-profit category. In that also, we have -- we continue as health care continues to change to provide essential services to the frail and ill elderly.

We are -- in this legislation, piece of legislation, we're looking for the support that will stop what's been occurring for the last three years in the town of Southbury. The assessor -- and this is the third year in a row -- has again submitted tax that this -- that as a non-profit, that we should be taxed. The Board of -- the appeal board, which we will be having a hearing again next week, overturned that again last year. This involves legal fees, fees, monies that we could be putting into -- back into patient care rather than continually to fight a battle to remain

off the tax list.

We receive donations and gifts. We provide care and services in a combination of funding sources that are provided to us, but also from the donations as a religious-affiliated organization.

I ask your support in this bill. And I'm open to any question you may have. And there is a testimony there.

SEN. LOONEY: Thank you, Ms. Begley.

Questions from committee members?

Yes. Representative Belden.

REP. BELDEN: Yes. Thank you.

Good afternoon. Normally, the assessors have a questionnaire they go through about the non-profit status, et cetera. What was the situation in your town? The assessor has declined to use that criteria that's used by many other assessors for non-profits?

JUDY BEGLEY: Basically, we have -- we're recognized as a non-profit through the IRS. We're recognized through the State of Connecticut. And our agency would have completed whatever questionnaire, and that would be through our President, Edith Lohr, any questionnaire to establish that.

The Board of Appeals basically have overturned this twice. When the tax assessor -- we were on the list and informed, received notification that we would be taxed. One member of the board resigned.

I believe they've replaced that member at this point. Because I think the sentiment and what we can see from the town and from the areas surrounding that we service, Woodbury, the sentiment is that this is a continued form of harassment that is costing us legal fees to continue.

So that by having this legislation, will it be a help to us and it will be a help to others also in

the same situation.

Yes?

REP. McDONALD: Can I ask a question?

SEN. LOONEY: Yes.

REP. McDONALD: I'm sorry, Dick. I thought you were finished. Go ahead.

REP. BELDEN: I don't really have a problem. I think most of us assume that non-profit nursing homes were tax-exempt. My concern with the legislation as I see it before me is that because it is so limited, if you have been in business more than 50 years, et cetera, et cetera, could, in fact, put the two nursing homes, non-profit nursing homes in my community, very large -- there's actually four different buildings and a number of -- would put -- perhaps the assessor in my town would then say, "Well, these are the only people that are exempt. Therefore, the rest of these non-profits are now taxable." So I think we have to work on this language a little bit.

JUDY BEGLEY: So perhaps you're saying that it focused on one situation that we've been dealing with for the third year in a row, but it has implications for others which would need to be looked at in terms of language.

REP. BELDEN: Well, as soon as -- every --

REP. BELDEN: I don't disagree.

REP. BELDEN: Every action we do causes reaction.

JUDY BEGLEY: Yes.

REP. BELDEN: And my concern is --

JUDY BEGLEY: We would not want to hurt somebody else.

REP. BELDEN: -- if you specifically say if you've been in business more than 50 years, then you're tax-exempt, then everybody else is going to jump on the

band wagon and assume if you've not been in business then you could be taxed. So we'll have to try to work on that a little bit.

JUDY BEGLEY: Okay. Thank you.

REP. McDONALD: I was just going to say you have this over-zealous assessor. Was he -- was he saying that the housing portion of the client, taking care of the housing needs, was why he was taking them? What was his reason? I mean as if they were in an apartment by themselves or something, the housing cost. Is that what he was taxing?

JUDY BEGLEY: That was something that was just raised to us and I need to research. We have two components to what we call the Lutheran Home of Southbury. One is the -- what's -- a skilled nursing facility or convalescent. The other is the rest home. At this point, he has not communicated, but I think that it's something that we have to pursue. Is it because it's called a rest home that it's considered more of a rent? It is a medical model. It is licensed under the State. So I think that's a point well made that I think we need to pursue.

And, as I said, we have an appeal hearing next week. The --

REP. McDONALD: I have no problems with this. He just seems -- we run into these over-zealous assessors every so often.

JUDY BEGLEY: Just to add, too, I know we've been -- I heard profit, you know, making profit, non-profit. In terms of the last two years' donations directly, besides volunteer service, in '98 the figure was 125,000 and -- no. This past year, '99, 125. The year before, 225. And this past year, based on reimbursement that's -- just as hospitals have been hit, our agency, the Lutheran Social Service of New England had contributed \$400,000.00 to assist in our operational cost. So I think that we clearly can show that we are a non-profit.

Thank you very much.

SEN. LOONEY: Thank you very much.

Next is Marshall Collins, to be followed by William Schilling and then Laura Gallo and then Commissioner Ray Gorman.

MARSHALL COLLINS: Good afternoon, Senator Looney and Representative McDonald. I'm pinch-hitting here, filling in for Lloyd Nurick, the Executive Director of the Connecticut Association of Not-For-Profit Providers for the Aging. And I'm here to testify in support of HB-5865 with some reservations.

As you just heard Judy Begley nicely summarize the issue there, this bill is designed really, as I understand it, to be a rifle shot to deal with a particular problem in the town of Southbury.

Unfortunately, as the way it is drafted, by our, by CANFPPA's calculations, there could be as many as 20 to 30 additional facilities that might lose their historic exemptions -- (Gap in testimony - changing from Tape 2-B to Tape 3-A.)

SEN. LOONEY: -- Mike DeVino.

WILLIAM SCHILLING: Chairman Looney, Representative McDonald, members of the joint committee, my name is William Schilling. I am General Counsel of the National Association of Professional Employer Organizations, the trade association for PEO's nationwide.

We've submitted to the committee a statement, a written statement, a longer written statement and some suggested substitute language for Raised Bill 588. I just want to make a few points in my testimony. And there are two other industry representatives who will be speaking to you from the State of Connecticut this afternoon.

The three points I'd like to make very briefly are that PEO's, professional employer organizations, are unique and require a separate and distinct definition in the tax code. Second, that PEO's do bring significant benefits to the state of Connecticut. And finally, that the current code

: That's right.

: (Indiscernible - not using microphone).

REVEREND ROBERT SCHIPUL: I wanted to commend you all on your stamina, yes, and your ability and your ability to ask good questions.

This is my first time testifying. So please bear with me. My name is Robert Schipul. I'm Chaplain of the Lutheran Home at Southbury, Connecticut and Dean of Chaplains for Lutheran Social Services of New England as we carry out our commitment to bring chaplaincy services to all of our 46 care sites throughout New England.

The -- and I speak in support of HB-5865. The Lutheran Home of Southbury had stood the test of time from the humble beginnings in 1918 when an immigrant German Church in Bridgeport and one in Waterbury got together and said, "We need to provide help for those people who have come to this country and disenfranchised themselves from their support systems in Europe as they got old." And so in 1918 we opened an old-age home. And it was a group of Lutherans. And the first person we welcomed in was a Methodist from Woodbury.

And that has continued to be not only our style but our commitment over these years. Probably the largest number of people in the Lutheran Home are Lutheran. The second largest group, of course, is Catholic. And then the Congregationalists and the Episcopalians and everyone else, including two Jewish ladies that live with us.

REP. McDONALD: Is she gone?

Excuse me, sir. No. I was listening to him. I'm sorry, sir.

REVEREND robert SCHIPUL: That's all right.

REP. McDONALD: Were you finished already?

REVEREND ROBERT SCHIPUL: No.

REP. McDONALD: No. Okay.

REVEREND ROBERT SCHIPUL: No. I'm still --

REP. McDONALD: You can continue.

REVEREND ROBERT SCHIPUL: You know, even at three minutes, it's very hard for a clergyman --

REP. McDONALD: No. I was distracted by one of the staff members. I'm sorry, sir.

REVEREND ROBERT SCHIPUL: Ever since then, we have kept our doors open to all those in need. We are motivated by our mission statement, which says "In response to Christ's love, Lutheran Social Services of New England serves and cares for people in need."

That mission continues long and strong at the home at Southbury with a staff that goes the extra mile, volunteers who give their time freely, about 50 of them weekly and families who choose our home because of who we are that makes the place unique.

What we are is an example of a continuing testimony of how cooperation between the Church and the community and government can care for people who are in need. And I firmly believe, after being in this work for five years and nineteen years in the parish before that, that the farther we go in terms of health care and the older we get as a nation and especially as a state, (bell ringing) we're going to find that the best way to care for people is when community and Church and government can work together in the best ways. And we're committed to that.

So I speak in favor of the bill. We know it needs some polishing. It needs to be more inclusive. But it's a first step towards this whole question of non-profit care for people who are in need. We've always done the best job here in America when it's been that cooperation of the three. And I think that will prove out in the next two decades, also, as the boomers get into wheelchairs.

Thank you very much.

REP. McDONALD: Thank you, Reverend.

Are there any questions? No?

Thank you very much for waiting so long.

REVEREND ROBERT SCHIPUL: May the Lord bless you and keep you, the Lord make His face shine upon you and be gracious unto you and the Lord lift up his countenance upon you and give you His peace.

REP. McDONALD: Thank you. Thank you very much. That's very nice.

: We should have that at the end of every hearing. We need the blessing, yes.

REP. McDONALD: Vern Oyanadel? Yes, sir.

VERN OYANADEL: Good afternoon.

REP. McDONALD: Good afternoon.

VERN OYANADEL: As many of you know, I used to work for Senator Williams as of a couple of days. And I have a new job, actually, with the Latino and Puerto Rican Affairs Commission. And I'm here to speak about Raised Bill 564 on behalf of Fernando Betancourt, who is testifying in the Judiciary Committee right now.

So I appear before you this afternoon in support of Raised Bill 564, AN ACT EXPANDING THE CIRCUIT BREAKER PROPERTY TAX RELIEF PROGRAM. The Latino and Puerto Rican Affairs Commission believes that Raised Bill 564 would expand the current property tax circuit program to all low-income homeowners and would increase the income a homeowner may have and still be eligible for the credit. Current law makes this credit available only for low-income elderly and disabled persons.

And while expanding the property tax circuit breaker to low-income homeowners who are not

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TESTIMONY  
OF  
CONNECTICUT ASSOCIATION OF NOT FOR PROFIT  
PROVIDERS FOR THE AGING

March 10, 2000

Raised Bill No. 5865

Good morning. My name is Lloyd Nurick. I am President of the Connecticut Association of Not for profit Providers for the Aging. This association represents the full continuum of long term care: nursing homes, residential care homes, assisted living, senior housing, continuing care retirement communities, adult day centers and home care.

Bill 5865 has been introduced to stop the assessor of the Town of Southbury from annually attempting to assess a property tax against the Lutheran Home of Southbury, even though the Home is clearly tax-exempt under the law, had been tax exempt for generations prior to the arrival of this assessor, and even though the Board of Assessment Appeals has previously overruled the assessor. Without this legislation, the Lutheran Home will either have to appeal its case to the Board every year without certainty of a positive resolution and with the high continuing cost of legal representation, or will have to go to court, which is very expensive.

We believe the actions of the Southbury assessor are outrageous and deserve to be overridden.

Bill # 5865 is an understandable attempt to correct the problem for this one not for profit long term care facility. Our association is concerned however about

the wording of the bill. It could inadvertently and unintentionally create problems for those nonprofit nursing homes, rest homes and residential care homes that do not meet the very specific historical based standard in the bill.

There are 61 not for profit nursing and rest homes and about 35 residential care homes in Connecticut. We estimate that only about one-third to one-half of these nursing homes and two-thirds of these residential care homes could meet the requirements of this bill.

This bill, therefore, needs to be clarified to assure that passage of this proposed legislation will not in any way affect the entitlement of other not for profit nursing homes, rest homes and residential care homes to property tax exemption under Connecticut General Statutes section 12-81(7) and the case law interpreting that statute. This assurance should be written into the bill as "legislative intent" in a new first section.

Given very clear assurances of the intent of this bill, we can support it. Otherwise, it creates potentially devastating effects on many of the best caregiving institutions in Connecticut, and we would have to oppose its enactment.

Thank you for the opportunity to testify on this important legislation.

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Lutheran Home of Southbury

Speaker 15



Testimony of The Rev. Robert F. Schipul , Chaplain: Lutheran Home of Southbury and Dean of Chaplains: Lutheran Social Services of New England, in support of H.B. No. 5865

Presented to the Joint Committee on Finance, Revenue & Bonding, March 10, 2000.

Good morning Honorable Senators and Representatives and Members of the Finance, Revenue and Bonding Committee.

I speak today in favor of House Bill No. 5865, An Act Concerning The Property Tax Status of Historically Tax-Exempt Residential Housing Properties. The Lutheran Home of Southbury has stood the test of time. From humble beginnings in 1918 as a dream of immigrant parishes in Waterbury and Bridgeport, the Lutheran Home of Southbury opened its doors in 1918 to a Methodist from Woodbury. Ever since that day we have kept our doors opened to all who are in need. The Mission Statement of our Social Ministry organization says: "In Response to Christ's love, Lutheran Social Services of New England serves and care for people in need."

That mission continues loud and strong at the Lutheran Home of Southbury. Staff which goes the extra mile, volunteers who give of their time freely and families who choose our home because of who we are make this place unique. The Lutheran Home of Southbury is a continuing testimony of how cooperation between the church and community will continue to meet the needs of our aging population during the coming years. I am confident that the care we offer at Southbury will continue to be the most efficient and humane way to care for our aging society. To place undue burden on this model at a time when we will have to depend more upon the non-profit sector for service to the elderly seems to be foolish.

We know that the needs of our society cannot be ignored. Aging services will demand more and more of your attention in the years to come. We are our brothers keeper and we are serving our God when we care for one another. H.B.5865 helps to insure that our non-profit facility can continue our tradition to serve those in need.

Respectfully submitted

*Robert F. Schipul*  
Robert F. Schipul  
Chaplain  
Lutheran Home of Southbury

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In response  
to Christ's  
Love,  
Lutheran  
Social  
Services of  
New England  
serves and  
cares for  
people in  
need.

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