Legislative History for Connecticut Act

FAX 2003

Act Number:	269	
Bill Number:	1098	
Senate Pages:	3427-3434, 3459-3460	**10**
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Committee:	Finance: 108-109	**2**

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2003

VOL. 46
PART 11
3227-3560

19. Those voting yea, 15; those voting nay, 21. Those absent and not voting, 0.

THE CHAIR:

The amendment is defeated. Will you remark further on the bill? Senator Murphy.

SEN. MURPHY:

Thank you, Mr. President. If there's no objection, I'd move this item to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar Page 16, Calendar 350, File 568, Substitute for S.B. 1098 An Act Concerning Municipal Grand Lists And Assessment Appeals. Favorable Report of the Committees on Finance, Revenue and Bonding, Planning and Development and Judiciary. The Clerk is in possession of amendments.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you, Mr. Chairman. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Will you remark?

SEN. DAILY:

Yes, Sir, thank you. There are two amendments and I would ask the Clerk to call first, LCO5710.

THE CHAIR:

Mr. Clerk, please call.

THE CLERK:

LCO5710 which will be designated Senate Amendment Schedule "A". It is offered by Senator Daily of the 33rd District.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you, Mr. President. I move passage of the amendment and I seek leave to summarize.

THE CHAIR:

Please proceed.

SEN. DAILY:

Thank you. This adds to the underlying bill a provision that veterans would be eligible for the same local property tax exemption on vehicles that veterans are now eligible for on owned vehicles.

THE CHAIR:

Will you remark further on the amendment?

SEN. DAILY:

Yes, I would, thank you.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you, Mr. President. It goes on to also address an issue that's been raised by many municipalities and it deals with the exemption from property tax that companies are eligible for.

When they fail to file a claim and then when they subsequently fail to file an appeal of that claim, they have now lost their right to the exemption.

This amendment grants them the right, grants the municipality the right to grant them that exemption should they choose.

THE CHAIR:

Will you remark further on the amendment? If not, the Chair will try your minds.

All in favor please signify by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

All opposed, "nay"? The amendment is adopted.

Senator Daily.

SEN. DAILY:

Thank you very much, Mr. President. I would ask

the Clerk to call LCO6926.

THE CHAIR:

Mr. Clerk.

LCO6926 which will be designated Senate Amendment Schedule "B". It is offered by Senator Daily of the 33rd District et al.

THE CHAIR:

Senator Daily.

SEN. DAILY:

I move acceptance of the amendment and seek leave to summarize.

THE CHAIR:

Will you remark?

SEN. DAILY:

This is a validating portion of the bill that validates the act of the assessors of Warren and Hartland with respect to the assessments and abstracts for the year, assessment year commencing October 1, 2002.

THE CHAIR:

Will you remark further on the amendment? Will you remark further? Senator Roraback.

SEN. RORABACK:

Thank you, Mr. President. Just briefly, to speak in support of the amendment and to thank Senator Daily

very much for her accommodation of the faux pas in two little towns in northwest Connecticut. Thank you, Senator Daily and thank you, Mr. President.

THE CHAIR:

Thank you, Sir. Will you remark further? If not, the Chair will try your minds. All those in favor of the amendment please signify by saying "aye"?

ASSEMBLY:

Aye.

THE CHAIR:

All opposed, "nay"? The amendment is adopted. Senator Daily.

SEN. DAILY:

Thank you very much Mr. President. The underlying bill is quite self-explanatory.

THE CHAIR:

Senator Daily.

SEN. DAILY:

I would yield to Senator Aniskovich.

THE CHAIR:

Senator Aniskovich, do you accept the yield?

SEN. ANISKOVICH:

I do, Mr. President. Mr. President, for purposes of an amendment. The Clerk is in possession of an amendment, LCO5601 and I'd ask him to please call it.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO5601 which will be designated Senate Amendment Schedule "C". It is offered by Senator Aniskovich of the 12th District.

THE CHAIR:

Senator Aniskovich.

SEN. ANISKOVICH:

Thank you, Mr. President. Mr. President, I move adoption of the amendment and request leave to summarize.

THE CHAIR:

The gentleman has sought leave to summarize. Please proceed.

SEN. ANISKOVICH:

Thank you, Mr. President. Mr. President, this is actually a simple bill that grew out of a series of revaluation episodes along the shoreline in the districts which I represent. We have seen not only delayed revaluations but massive increases in property values along the shoreline.

This bill, this amendment would seek to implement in Connecticut, a law similar to that in California which is popularly known as Proposition 13. What it

would do would be limit any increase in real property to 3% a year or 30% over a ten year period in order to flatten out the impact of these revaluations.

Clearly, that would have an impact on the mill rate to which the property valuation is applied, but I think for some more serious discussion of tax rates in our communities, and I would urge its adoption.

THE CHAIR:

Will you remark further on the amendment? Senator Daily.

SEN. DAILY:

Thank you very much, Mr. President. I would strongly urge rejection of this amendment. It's an important item but certainly something that's never come before a Committee, never had the benefit of a public hearing and I don't think it's appropriate on this bill.

THE CHAIR:

Will you remark further on the amendment? Senator Looney.

SEN. LOONEY:

Yes, thank you, Mr. President. I would ask for a roll call on the amendment.

THE CHAIR:

A roll call vote will be ordered. Will you remark further? If not, Mr. Clerk, would you announce the

pendency of a roll call vote. The machine will be opened.

THE CHAIR:

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

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

THE CHAIR:

Have all members voted? Mr. Clerk, please announce the tally. The machine will be closed.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "C".

Total number voting, 36. Necessary for adoption, 19. Those voting yea, 14; those voting nay, 22. Those absent and not voting, 0.

THE CHAIR:

The amendment is defeated. Senator Daily.

SEN. DAILY:

Thank you very much, Mr. President. If there's no objection, I would move the bill as amended to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CHAIR:

Calendar Page 13, Calendar 210, H.B. 5837.

Calendar 255, Substitute for S.B. 921.

Calendar Page 14, Calendar 295, Substitute for S.B. 486.

Calendar 307, Substitute for S.B. 894.

Calendar Page 15, Calendar 310, Substitute for S.B. 1153.

Calendar 316, Substitute for S.B. 1151.

Calendar 320, Substitute for S.B. 901.

Calendar Page 16, Calendar 350, Substitute for S.B. 1098.

Calendar Page 17, Calendar 358, Substitute for S.B. 863.

Calendar 417, Substitute for S.B. 1077.

Calendar Page 19, Calendar 59, Substitute for S.B. 212.

And Calendar Page 20, Calendar 363, Substitute for S.B. 951.

Mr. President, that completes those items previously placed on the Second Consent Calendar.

THE CHAIR:

Mr. Clerk, would you please announce the pendency of 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.

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

THE CHAIR:

Have all members voted? Seeing all members have voted, the machine will be locked. Mr. Clerk, please announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 2.

Total number voting, 36. Necessary for adoption, 19. Those voting yea, 36; those voting nay, 0. Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is adopted.

Senator Looney.

SEN. LOONEY:

Yes, thank you, Mr. President. Mr. President, at this point, would move that the Senate stand in recess what I hope will be brief caucuses to review the bills that were passed temporarily to prepare a final Go list for the evening, or actually morning, as we are now.

And so would move for a recess, Mr. President. Thank you.

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CONNECTICUT
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Please proceed, sir.

THE CLERK:

Page 14, Calendar 592, Substitute for SB No. 1098, An Act concerning municipal Grand Lists and assessment appeals. Favorable report of the Committee on Judiciary.

SPEAKER LYONS:

Representative Andrea Stillman.

REP. STILLMAN: (38th)

Thank you, Madam Speaker. I move the Joint Committee's favorable report and passage of the bill, in concurrence with the Senate.

SPEAKER LYONS:

The question is on acceptance and passage.

Will you remark?

REP. STILLMAN: (38th)

Yes. Thank you, Madam Speaker. The bill you see before you extends the property tax exemption currently applicable to single motor vehicles garaged out of state that is owned or held in trust for a U.S. Armed Forces member to include one such vehicle leased to an Armed Forces members or owned, leased or held in trust for a wartime veteran.

And with that, Madam Speaker, the Senate adopted two amendments. So first I would like to call Senate

Amendment "A", LCO No. 5710, and that I be allowed to summarize.

SPEAKER LYONS:

The Clerk has in his possession LCO 5710, which was designated House "A". Please call. The lady has asked leave to summarize.

THE CLERK:

LCO No. 5710, Senate "A", offered by Senator Daily.

SPEAKER LYONS:

Representative Andrea Stillman.

REP. STILLMAN: (38th)

Thank you, Madam Speaker. What Senate Amendment "A" does is it adds -- it strikes Section 5 of the underlying bill and adds five other sections -- adds Sections 5 through 10. What the bill does, as I said, extends the property tax exemption, towns electing to grant a waiver to a company that missed a deadline to file an application for property tax exemption is also in here. There are other sections in the bill that either result in no -- result in or no -- no or minimal fiscal impact because they make technical, minor changes.

And Senate Amendment "A" added the provision that requires applicants who missed filing deadlines for State-mandated and State-reimbursed five-year property

tax exemptions for certain machinery, equipment and commercial trucks to apply accordingly.

And with that, I urge passage of Senate Amendment "A".

SPEAKER LYONS:

The question before the Chamber is on adoption.

Will you remark? Will you remark on the amendment that's before us? If not, let me try your minds.

All those in favor please signify by saying Aye.

VOICES:

Aye.

SPEAKER LYONS:

Those opposed, Nay?

The Ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Representative Stillman.

REP. STILLMAN: (38th)

Yes. Thank you, Madam Speaker. The Senate also adopted another amendment marked Senate Amendment "B", LCO No. 6926. Would the Clerk call and I be allowed to summarize?

SPEAKER LYONS:

The Clerk has in his possession LCO 6926, designated Senate "B". Would the Clerk please call? The gentleman -- the lady has asked leave to summarize.

THE CLERK:

LCO No. 6926, Senate "B", offered by Senators Daily, Roraback and Representatives Miner, Wilber.

SPEAKER LYONS:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you, Madam Speaker. This amendment validates actions taken by the towns of Warren and Hartland concerning the approval of their October '02 Grand List and property tax assessments.

And I urge adoption of Senate Amendment "B".

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? Will you remark?

Representative Pawelkiewicz, on the amendment. On the amendment. On the amendment. Please proceed.

REP. PAWELKIEWICZ: (49th)

Through you, Madam Speaker. Will there be any loss to municipalities of revenue due to this amendment?

SPEAKER LYONS:

I believe that's a question to you, Representative Stillman.

REP. STILLMAN: (38th)

Thank you, Madam Speaker. I understand there will be savings to two communities that are specifically the

only two communities that are mentioned in this amendment.

SPEAKER LYONS:

Will you remark further?

Representative Chris Stone.

REP. STONE: (9th)

Yes.

SPEAKER LYONS:

Representative Stillman?

REP. STILLMAN: (38th)

I move adoption of the amendment.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? If not, let me try your minds.

All those in favor please signify by saying Aye.

VOICES:

Aye.

SPEAKER LYONS:

Those opposed, Nay?

The Ayes have it. The amendment is adopted.

Representative Stone.

REP. STONE: (9th)

Thank you, Madam Speaker. The Clerk has an amendment, LCO No. 7356. I ask that he call and I be allowed to summarize.

SPEAKER LYONS:

The Clerk has in his possession LCO 7356. Would the Clerk please call? The gentleman has asked leave to summarize.

THE CLERK:

LCO No. 7356, House "A", offered by Representative Stone, et al.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Thank you, Madam Speaker. This amendment would enable, just enable, not mandate, municipalities to delay by up to two years their next scheduled revaluation. It would have to be agreed to and approved by the legislative body of the town. At a time when we are reducing municipal aid, seeing increases in property taxes, reductions in local services, municipal employee layoffs and requests for union concessions at the municipal level, it seems to me that this would be an appropriate immediate short-term relief to our towns.

Many municipalities, including the Connecticut Conference of Municipalities, support this amendment.

I urge adoption. Thank you.

SPEAKER LYONS:

The question before the Chamber is on adoption.

Will you remark? Will you remark?

Representative Stillman.

REP. STILLMAN: (38th)

Thank you, Madam Speaker. In light of the fact there are approximately 32 people on this amendment, so, obviously, it has some wide-ranging support, I must rise in opposition to this amendment. I think we are going -- by allowing municipalities, even those it is permissive and even though it is for one year, I am very concerned that we would be setting a precedent on tinkering with reval laws that are currently in place. I think in the long run it will hurt these communities, not help them.

And I urge my colleagues to vote No on this amendment. Thank you.

REP. STONE: (9th)

Madam Speaker?

SPEAKER LYONS:

Will you remark further?

Representative Stone.

REP. STONE: (9th)

Yes, Madam Speaker. Again, this is an option our trust our municipalities will do what they consider to be the right thing in choosing to either postpone by either one or two years or not postpone at all.

Madam Speaker, when the vote is called, I ask that it be called by Roll.

SPEAKER LYONS:

The question before the Chamber is on a Roll Call vote.

All those in favor please signify by saying Aye?

VOICES:

Aye.

SPEAKER LYONS:

There will be a Roll Call vote.

Representative Belden.

REP. BELDEN: (113th)

It is on and I'm standing to speak on the amendment that was before us.

SPEAKER LYONS:

And, sir, you will be speaking on the amendment. I believe the gentleman has simply asked for a Roll Call. I did not close the debate.

REP. BELDEN: (113th)

Thank you, Madam. I did not hear.

SPEAKER LYONS:

So, with that, sir, if you would care to talk on the amendment, please proceed.

REP. BELDEN: (113th)

Thank you, Madam Speaker. And I apologize if I

jumped the gun.

SPEAKER LYONS:

That's okay.

REP. BELDEN: (113th)

But there's a lot of noise going on around --

SPEAKER LYONS:

No problem.

REP. BELDEN: (113th)

-- and it's very difficult to hear sometimes.

Madam Speaker, I also rise to oppose this amendment. The legislature, in its wisdom, whether we like it or not, set up a schedule of statistical revals and actual physical revals on a four-year cycle and every twelve years there has to be a physical reval in each of the towns. Those schedules are set up in such a way that hopefully there would be enough professional organizations out there to handle those revals when, in fact, they were scheduled. We've adjusted those schedules two or three times very slightly in the past three or four years.

This amendment says notwithstanding that any town can change their reval by up to two years. Through you, to the proponent of the amendment, Madam Speaker?

SPEAKER LYONS:

Please frame your question.

REP. BELDEN: (113th)

As I read Lines 9 and 10, a town could delay a physical reval by two years and, therefore, go to a fourteen-year cycle for the physical reval. Is that correct?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Stone.

REP. STONE: (9th)

Through you. That's correct.

SPEAKER LYONS:

Representative Belden.

REP. BELDEN: (113th)

Madam Speaker, we used to have a ten-year reval cycle. And, clearly, we found that the taxpayers in the towns were not appropriately paying their share of the property tax because of the rapidly changing values of commercial and regular residential properties. That's why we went the other way.

It's 11:10 on closing day. Here we are with an amendment. We're going to change policy.

Through you, Madam Speaker, to Representative Stillman.

SPEAKER LYONS:

Please frame your question, sir.

Representative Stillman. Representative Stillman? Representative Stillman, excuse me. I believe the gentleman is about to ask you a question.

Please frame your question.

REP. BELDEN: (113th)

Thank you, Madam Speaker. And through you, to the lady. I don't recall any public hearing in the Finance Committee with regard to changing the reval cycles. And, through you, Madam Speaker. Maybe I missed something during the session.

Through you, Madam Speaker, to the Chair of the Finance Committee. Do you recall any public hearings on changing the reval schedules?

SPEAKER LYONS:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you, Madam Speaker. Through you to Representative Belden. No, we did not. The co-chairs did not entertain bills such as that. And so you are correct, sir. You did not miss anything.

SPEAKER LYONS:

Representative Belden.

REP. BELDEN: (113th)

Thank you. Madam Speaker, that's why I'm very concerned about an amendment at closing day at 11:15

P.M. changing a significant policy in the state of Connecticut which will affect not only the municipalities but our constituents who live in them with regard to the valuation of their property. And is it fair and in relation to the other properties in the community?

And I think this is -- this is perhaps well-intended but not appropriate. And I certainly oppose it, Madam Speaker.

SPEAKER LYONS:

Thank you, sir.

The question before the Chamber is on the amendment. Will you remark?

Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. I think it's the first time this session that Representative Belden and I have disagreed on anything. It didn't have a public hearing because the leadership of the committee didn't want to have a public hearing on it. There were bills filed. Many of the towns, including the Council of Small Towns, supports this in the difficult financial times. And, frankly, it is my impression that the statistical reval hasn't worked as we had intended. This two-year delay will allow some towns to escape that, still have to do

the regular revaluation. And we'll be back in session to make a more informed decision after public hearings on whether we ought to continue what I find to be very expensive, which is a statistical reval.

Thank you, Madam Speaker.

SPEAKER LYONS:

Thank you.

Representative Bob Farr.

REP. FARR: (19th)

Thank you, Madam Speaker. This is how it all -- some of the problems started in Waterbury. As I recall, it was over 20 years between revals. I understand this is a two-year extension. I guarantee you pass this, what do you think the bill is going to be in two years; for another extension.

I understand it's very difficult for towns to do this. And they're always going to be here no matter whether it's two years or ten years or twenty years between revals. They're always going to be here asking for extensions. We have to -- we have to have some discipline in this Chamber. I understand those people who are up for the revals probably feel they have an obligation to support it. I would hope the rest of the Chamber would reject it.

Thank you.

SPEAKER LYONS:

Thank you, sir.

Will you remark further?

Representative Reggie Beamon. Reggie, are you here?

REP. BEAMON: (72nd)

Thank you, Madam Speaker. I rise in opposition to this amendment for some of the reasons Representative Farr noted. The city of Waterbury on numerous occasions have come to this legislature and asked for extension of time. I believe that we were prudent in stopping those extensions, getting the reval done, establishing a Grand List and taxing on that Grand List. Yes, it hurt. But it took 22 years in order to do it.

I think, again, this would set a bad precedent. And for that reason, I stand opposed to this amendment.

SPEAKER LYONS:

Will you remark further on the amendment that's before us?

Representative Witkos.

REP. WITKOS: (17th)

Thank you, Madam Speaker. I rise in support of the amendment. We're very quick in this Chamber to pass on mandates and costs to the towns. It's about time we pass on some savings.

Thank you, Madam Speaker.

SPEAKER LYONS:

Will you remark further? If not, staff and guests come to the well. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting House Amendment Schedule "A" by Roll Call. Members to the Chamber.

SPEAKER LYONS:

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

Clerk, please announce the tally.

THE CLERK:

House Amendment Schedule "A" for SB 1098,

Total number voting, 146;

Necessary for adoption, 74;

Those voting Yea, 65;

Those voting Nay, 81;

Absent, not voting, 4.

SPEAKER LYONS:

The amendment fails.

Will you remark further on the legislation before us? Will you remark further? If not, staff and guests come to the well. Members take your seats. The machine will be opened.

THE 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.

SPEAKER LYONS:

Have all the members voted? Have all the members voted? Would the members please check the board to make sure that your vote is accurately recorded? If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

SB No. 1098, as amended by Senate "A" and "B", in concurrence with the Senate,

Total number voting, 146;

Necessary for passage, 74;

Those voting Yea, 146;

Those voting Nay, 0;

Absent, not voting, 4.

SPEAKER LYONS:

The bill as amended passes.

Representative Godfrey.

REP. GODFREY: (110th)

Madam Speaker, I move for suspension of our rules for the consideration of Calendar No. 621, which is on our calendar but not double-starred.

SPEAKER LYONS:

The question before the Chamber is suspension of the rules for Calendar 621. Hearing no objection, the rules are suspended.

And, with that, I would call Calendar 621.

THE CLERK:

On Page 19, Calendar 621, Substitute for SB No. 1004, An Act concerning the revitalization and redevelopment of certain housing projects. Favorable report of the Committee on Finance, Revenue and Bonding.

SPEAKER LYONS:

Representative Ken Green.

REP. GREEN: (1st)

Thank you, Madam Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill, in concurrence with the Senate.

SPEAKER LYONS:

Representative Ken Green, on acceptance and passage, sir, I believe. Please proceed.

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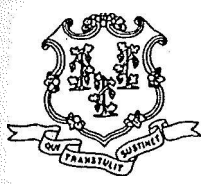

STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

Written Testimony Presented
by
W. David LeVasseur, Undersecretary
Intergovernmental Policy Division
Office of Policy and Management
to the
Finance, Revenue and Bonding Committee
March 18, 2003

Regarding Raised Senate Bill 1098: An Act Concerning Municipal Grand Lists And Assessment Appeals.

Good morning Senator Daily, Representative Stillman and distinguished members of the committee: my name is Dave LeVasseur and I represent the Office of Policy and Management (OPM).

I am submitting this testimony with regard to Raised Senate Bill 1098. This bill contains a serious of corrections to the statutes governing grand lists and appeals of assessment matters and seeks to clarify the classification of communication towers for property tax purposes.

Section 1 of the bill revises §12-55, which is the statute that concerns municipal grand lists. This section has been amended at various times in the past but we feel it needs to be rewritten for purposes of clarity. We are also seeking the removal of the statute's $5 fine. The provision regarding this fine is not only unclear in terms of who would impose and receive it, but its very existence weakens the assessor certification requirement, in that an inference can be drawn that the payment of $5 negates the requirement that a certified assessor sign a town's grand list. (It should be noted that Public Act 02-89 repealed various similar provisions regarding fines for elected assessors and members of boards of assessment appeals who refuse to be sworn or accept the duties imposed by their offices.)

Section 2 of the bill amends §12-57a, by providing the assessor with the ability to waive the 25% assessment penalty that must now be imposed if a lessee fails to file information concerning personal property in the lessee's possession by November first. We feel that the ability to waive such a penalty could promote receipt of the required information. Lessees who receive such penalties should also be allowed to file an appeal with their local boards of assessment appeals, and provision for them to do so is included in this section of the bill.

Section 3 of the bill clarifies that communications towers are real property for purposes of property assessment and taxation. In *Eastern Connecticut Cable Television, Inc. v. Town of Montville*, the Supreme Court determined that the plaintiff's communications towers could not be assessed as real property. This was essentially due to the fact that §12-64 did not include the word "tower" when the case was adjudicated in the 1980's. (Based on this, OPM assesses telecommunications towers as personal property for companies that have elected for the central method of assessment under §12-80a.)

The word "structure" was added to §12-64 subsequent to the resolution of the above-mentioned court case and assessors in some towns have begun to assess towers as real property. However, as the word "structure" can mean something other than a tower, the statute should be clarified. Also, OPM has encountered problems with towns that assess as real property, the same tower being assessed under §12-80a as personal property.

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www.opm.state.ct.us

It should also be noted that, according to information from DRS regarding the sales and use tax:

> "Communications towers typically are tall steel structures mounted on concrete pads on the ground and secured to the ground with guy wires. There may also be buildings constructed at the tower sites. Tower owners may grant wireless communications companies the right to attach their equipment to the towers and install equipment in the buildings for a monthly fee. The towers are expected to remain in place indefinitely, because of the difficulty in removing them and considerations involved in Federal Communications Commission licensing contractual arrangements with communications companies, and zoning approvals. *The towers and equipment buildings are improvements to real property, not tangible personal property..." (Emphasis added.)*

The other proposed change to §12-64 will prohibit towns from filing a property tax lien on property that is owned by an agency of the State of Connecticut or a constituent unit of the Department of Higher Education and leased to a person or organization for use unrelated to a governmental use, in cases involving a tax delinquency by the lessee. Instead, towns would be able to use any other legal means available to collect such delinquent taxes, such as issuing an alias tax warrant under §12-162. (Such a warrant allows a state marshal to garnish a person's wages or make demand upon a banking institution for the amount of delinquent taxes, interest and penalties). It will also clarify the date that such property becomes taxable to a lessee.

Sections 4 and 5 amend §12-111 and §12-117. These amendments place the provision concerning an extension of the date for filing a written request for a hearing before the board of assessment appeals, in the statute that provides for such appeals. We feel it would alleviate taxpayer confusion about the filing date in a situation where the assessor receives an extension to file the grand list, if these provisions were included in the same statute, rather than two separate statutes as is now the case.

Additionally, the provision regarding a three-month extension of the date to complete the duties of an assessor, board of assessors or board of assessment appeals, in a town that fails to adopt its budget in the time prescribed §7-344, should be repealed since it serves no purpose. The provisions of §7-344 require a town's board of finance to meet "immediately after the board of assessment appeals has finished its duties and the grand list has been completed..." and requires the board of finance to make due provision for uncollectible taxes, abatements or other corrections. There is no possibility of the three-month extension provision in §12-117 ever occurring, since the board of finance must meet after the assessor or board of assessors has completed the grand list and the board of assessment appeals has heard appeals on that list. In fact, the board of finance must base its "estimate of the amount which should be raised by local property taxation for such ensuing year" on the grand list that the assessor or board of assessors already completed and the board of assessment appeals already perfected.

Thank you for the opportunity to present this testimony for your consideration. I urge the members of this Committee to favorably report this bill.