

1 H.489

2 Introduced by Committee on Ways and Means

3 Date:

4 Subject: Taxation; income taxes; current use

5 Statement of purpose of bill as introduced: This bill proposes to (1) eliminate
6 the State income tax deduction for State and local taxes; (2) cap remaining
7 itemized deductions at 2.5 times the standard deduction; (3) have the
8 Commissioner of Taxes make recommendations on how to include income
9 from tax havens in the calculation of Vermont's corporate tax; (4) make
10 numerous changes to the current use program as previously passed the House
11 in H.272; and (5) prohibit lottery products from being sold in bars and
12 restaurants that serve alcohol.

13 An act relating to revenue

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 * * * Individual Income Taxes * * *

16 Sec. 1. 32 V.S.A. § 5811(21) is amended to read:

17 (21) "Taxable income" means federal taxable income determined
18 without regard to 26 U.S.C. § 168(k) and:

19 (A) Increased by the following items of income (to the extent such
20 income is excluded from federal adjusted gross income):

1 (i) interest income from non-Vermont state and local obligations;

2 (ii) dividends or other distributions from any fund to the extent

3 they are attributable to non-Vermont state or local obligations; ~~and~~

4 (iii) the amount ~~in excess of \$5,000.00~~ of State and local income

5 taxes deducted from federal adjusted gross income for the taxable year, but in

6 no case in an amount that will reduce total itemized deductions below the

7 standard deduction allowable to the taxpayer; and

8 (iv) the amount of total itemized deductions, other than State and

9 local income taxes, deducted from federal adjusted gross income for the

10 taxable year, that is in excess of two and one-half times the standard deduction

11 allowable to the taxpayer; and

12 * * *

13 * * * Corporate Income Taxes * * *

14 Sec. 2. TAX HAVENS

15 On or before January 15, 2016, the Commissioner of Taxes shall report to

16 the General Assembly with recommendations on how to include income from

17 tax havens in the calculation of Vermont's corporate income tax.

1 (b) Any owner of eligible land who wishes to withdraw land from use
2 value appraisal shall ~~petition for a determination of the fair market value of the~~
3 ~~land at the time of the withdrawal~~ notify the Director, who shall in turn notify
4 the local assessing official. In the alternative, if the Director determines that
5 development has occurred, the Director shall notify the local assessing official
6 of his or her determination. Thereafter, land which has been withdrawn or
7 developed shall be appraised and listed at its full fair market value in
8 accordance with the provisions of chapter 121 of this title and subsection
9 3756(d) of this title, according to the appraisal model and land schedule of the
10 municipality. ~~The determination of the fair market value shall be used in~~
11 ~~calculating the amount of the land use change tax that shall be due when and if~~
12 ~~the development of the land occurs.~~

13 (c) ~~The~~ For the purposes of the land use change tax, the determination of
14 the fair market value of the land ~~as of the date the land is no longer eligible for~~
15 ~~a use value appraisal, or as of the time of the withdrawal of the land from use~~
16 ~~value appraisal,~~ shall be made by the ~~Director~~ local assessing officials in
17 accordance with the provisions of subsection (b) of this section and divided by
18 the municipality's most recent common level of appraisal as determined by the
19 Director. The determination shall be made within 30 days after the Director
20 notifies the local assessing officials of the date that the owner ~~or assessing~~
21 ~~officials petition for the determination and shall be effective on the date of~~

1 ~~dispatch to the owner~~ has petitioned for withdrawal from use value appraisal or
2 that the Director or local assessing official has determined that development
3 has occurred. The local assessing officials shall notify the Director and the
4 owner of their determination, and the provisions for appeal relating to property
5 tax assessments in chapter 131 of this title shall apply.

6 (d) The land use change tax shall be due and payable by the owner 30 days
7 after the tax notice is mailed to the taxpayer. The tax shall be paid to the
8 Commissioner ~~for deposit into the General Fund~~ who shall remit to the
9 municipality the lesser of one-half the tax paid or \$2,000.00, and who shall
10 deposit the remainder of the tax paid into the General Fund. The
11 Commissioner shall issue a form to the assessing officials which shall provide
12 for a description of the land developed, the amount of tax payable, and the fair
13 market value of the land at the time of development or withdrawal from use
14 value appraisal. The owner shall fill out the form and shall sign it under the
15 penalty of perjury. After receipt of payment, the Commissioner shall furnish
16 the owner with one copy, shall retain one copy, and shall forward one copy to
17 the local assessing officials ~~and~~, one copy to the register of deeds of the
18 municipality in which the land is located, and one copy to the Secretary of
19 Agriculture, Food and Markets if the land is agricultural land and in all other
20 cases to the Commissioner of Forests, Parks and Recreation. ~~Thereafter, the~~

1 ~~land which has been developed shall be appraised and listed at its full fair~~
2 ~~market value in accordance with the provisions of chapter 121 of this title.~~

3 (e) The owner of any classified land receiving use value appraisal under
4 this subchapter shall immediately notify the ~~director~~ Director, who in turn shall
5 notify the local assessing officials and the Secretary of Agriculture, Food and
6 Markets if the land is agricultural land, and in all other cases the Commissioner
7 of Forests, Parks and Recreation of:

8 * * *

9 (f) ~~The~~ When the application for use value appraisal of agricultural and
10 forestland, ~~once~~ has been approved by the State, the State shall ~~be recorded~~
11 record a lien against the enrolled land in the land records of the municipality
12 ~~and~~ which shall constitute a lien to secure payment of the land use change tax
13 to the State upon development. The landowner shall bear the recording cost.
14 The land use change tax and any obligation to repay benefits paid in error
15 shall not constitute a personal debt of the person liable to pay the same, but
16 shall constitute a lien which shall run with the land. All of the administrative
17 provisions of chapter 151 of this title, including those relating to collection
18 and enforcement, shall apply to the land use change tax.

19 Sec. 4. 32 V.S.A. § 3757(d) is amended to read:

20 (d) The land use change tax shall be due and payable by the owner 30 days
21 after the tax notice is mailed to the taxpayer. The tax shall be paid to the

1 Commissioner who shall remit to the municipality the lesser of one-half the tax
2 paid or \$2,000.00, ~~and who shall deposit the remainder of the tax paid into the~~
3 ~~General Fund.~~ The Director shall deposit three-quarters of the remainder of
4 the tax paid in the Education Fund, and one-quarter of the remainder of the tax
5 paid in the General Fund. The Commissioner shall issue a form to the
6 assessing officials which shall provide for a description of the land developed,
7 the amount of tax payable, and the fair market value of the land at the time of
8 development or withdrawal from use value appraisal. The owner shall fill out
9 the form and shall sign it under the penalty of perjury. After receipt of
10 payment, the Commissioner shall furnish the owner with one copy, shall retain
11 one copy, and shall forward one copy to the local assessing officials, one copy
12 to the register of deeds of the municipality in which the land is located, and
13 one copy to the Secretary of Agriculture, Food and Markets if the land is
14 agricultural land and in all other cases to the Commissioner of Forests, Parks
15 and Recreation.

16 Sec. 5. 32 V.S.A. § 3756(d) is amended to read:

17 (d) The assessing officials shall appraise qualifying agricultural and
18 managed forestland and farm buildings at use value appraisal as defined in
19 subdivision 3752(12) of this title. If the land to be appraised is a portion of a
20 parcel, ~~the assessing officials shall:~~

1 ~~(1) determine the contributory value of each portion such that the fair~~
2 ~~market value of the total parcel is comparable with other similar parcels in the~~
3 ~~municipality; and~~

4 ~~(2) notify the landowner according to the procedures for notification of~~
5 ~~change of appraisal. The portion of the parcel that is not to be appraised at use~~
6 ~~value shall be appraised at its fair market value any portion not receiving a use~~
7 ~~value appraisal shall be valued at its fair market value as a stand-alone parcel,~~
8 ~~and, for the purposes of the payment under section 3760 of this chapter, the~~
9 ~~entire parcel shall be valued at its fair market value as other similar parcels in~~
10 ~~the municipality.~~

11 Sec. 6. 32 V.S.A. § 3752(12) is amended to read:

12 (12) “Use value appraisal” means, with respect to land, the price per
13 acre which the land would command if it were required to remain henceforth in
14 agriculture or forest use, as determined in accordance with the terms and
15 provisions of this subchapter. With respect to farm buildings, “use value
16 appraisal” means zero percent of fair market value. ~~The Director shall~~
17 ~~annually provide the assessing officials with a list of farm sales, including the~~
18 ~~town in which the farm is located, the acreage, sales price, and date of sale.~~

19 Sec. 7. 32 V.S.A. § 3756(i) is amended to read:

20 (i) ~~The~~ After providing 30 days’ notice to the owner, the Director shall
21 remove from use value appraisal an entire parcel of managed ~~forest land~~

1 forestland and notify the owner in accordance with the procedure in subsection
2 (b) of this section when the Department of Forests, Parks and Recreation has
3 not received a required management activity report or has received an adverse
4 inspection report, unless the lack of conformance consists solely of the failure
5 to make prescribed planned cutting. In that case, the Director may delay
6 removal from use value appraisal for a period of one year at a time to allow
7 time to bring the parcel into conformance with the plan.

8 Sec. 8. USE VALUE APPRAISAL "EASY-OUT"

9 (a) Notwithstanding any other provision of law, an owner of property
10 enrolled in use value appraisal under 32 V.S.A. chapter 124 as of the passage
11 of this act who elects to discontinue enrollment of the entire parcel may be
12 relieved of the first \$50,000.00 of land use change tax imposed pursuant to
13 32 V.S.A. § 3757; provided that if the property owner does elect to discontinue
14 enrollment and be relieved of the first \$50,000.00 of land use change tax, the
15 owner shall pay the full property tax, based upon the property's full fair market
16 value, for the 2015 assessment, and no State reimbursement shall be paid for
17 that land. No property owner shall be relieved of more than \$50,000.00 in land
18 use change tax under this provision.

19 (b) An election to discontinue enrollment under this provision is effective
20 only if made in writing to the Director of Property Valuation and Review
21 between July 1, 2015 and October 1, 2015; and an owner who elects to

1 discontinue enrollment under this section or any successor owner may not
2 reenroll the entire withdrawn parcel, or any portion less than the entire
3 withdrawn parcel, in the succeeding five years.

4 (c) If the property owner withdraws less than the entire parcel, the
5 provisions of this section do not apply. Property composed of less than an
6 entire parcel that is withdrawn from use value appraisal shall be subject to the
7 land use change tax under the provisions of 32 V.S.A. § 3757 in effect at the
8 time of withdrawal.

9 (d) The “easy-out” provided for in this section shall not be available for
10 any land that has been developed, as that term is defined in 32 V.S.A.
11 § 3752(5), prior to July 1, 2015.

12 Sec. 9. MUNICIPAL REIMBURSEMENT PAYMENTS

13 (a) There is created a Use Value Appraisal Municipal Reimbursement
14 Study Committee to examine the existing formula for municipal
15 reimbursement payments (hold harmless payments) to determine if the
16 payments are equitable and appropriate in light of the reallocation of land use
17 change tax payments under this act and, if not, to propose an alternative
18 formula. The Committee shall issue a report on or before January 15, 2016,
19 and the report shall be submitted to the House Committees on Agriculture and
20 Forest Products and on Ways and Means and to the Senate Committees on
21 Agriculture and on Finance. The members of the Study Committee shall be:

1 (1) the Director of Property Valuation and Review, who shall serve as
2 the Chair of the Committee and shall call the first meeting of the Committee on
3 or before September 1, 2015;

4 (2) the Secretary of Agriculture, Food and Markets or designee;

5 (3) the Commissioner of Forests, Parks and Recreation or designee;

6 (4) the Executive Director of the Vermont Assessors and Listers
7 Association or designee;

8 (5) two representatives of the Vermont League of Cities and Towns, one
9 from a rural community and one from an urban community, appointed by its
10 Board of Directors;

11 (6) a member of the House appointed by the Speaker of the House;

12 (7) a member of the Senate appointed by the Committee on
13 Committees; and

14 (8) a member of the public appointed by the Governor who shall be a
15 land owner with land subject to use value appraisal.

16 (b) Members of the Committee who are not employees of the State of
17 Vermont shall be entitled to compensation as provided in 32 V.S.A. § 1010.
18 Legislative members of the Committee shall be entitled to the same per diem
19 compensation and reimbursement for necessary expenses for attendance at a
20 meeting when the General Assembly is not in session as provided to members
21 of standing committees under 2 V.S.A. § 406.

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* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

(a) This section shall take effect on July 1, 2015.

(b) Sec. 1 (itemized deductions) shall take effect retroactively on January 1, 2015.

(c) Sec. 2 (tax havens) shall take effect on July 1, 2015.

(d) Secs. 3 (land use change tax) and 5 (value of portions of a parcel) shall take effect on October 2, 2015.

(e) Sec. 4 (deposit of funds) shall take effect on July 1, 2016 and apply to fiscal year 2017 and forward.

(f) Secs. 6 (use value appraisals), 7 (notice), 8 (current use easy out), 9 (municipal reimbursements), 10 (assessment guidance) and 11 (lottery products) shall take effect on July 1, 2015.