

1 H.315

2 Introduced by Representatives Donovan of Burlington and Macaig of

3 Williston

4 Referred to Committee on

5 Date:

6 Subject: Taxation; education property tax; exemptions; ski lifts and

7 snow-making equipment

8 Statement of purpose: This bill proposes to eliminate the education property
9 tax exemption for personal property, machinery, inventory and equipment, ski
10 lifts, and snow-making equipment owned by a ski area.

11 An act relating to eliminating the education property tax exemption for ski
12 areas

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

14 Sec. 1. 32 V.S.A. § 5401 is amended to read:

15 § 5401. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (10) "Nonresidential property" means all property except:

19 (A) Property which is exempt from the municipal property tax by law
20 and not by vote of the municipality.

1 (B) Property which is subject to the tax on railroads imposed by
2 subchapter 2 of chapter 211 of this title, the tax on steamboat, car and
3 transportation companies imposed by subchapter 3 of chapter 211 of this title,
4 the tax on telephone companies imposed by subchapter 6 of chapter 211 of this
5 title, or the tax on electric generating plants imposed by chapter 213 of this
6 title.

7 (C) Homesteads declared in accordance with section 5410 of this
8 title.

9 (D) ~~Personal property, machinery, inventory and equipment, ski lifts~~
10 ~~and snow-making equipment for a ski area; provided, however, this~~
11 ~~subdivision shall not exclude from the definition of "nonresidential property"~~
12 ~~the following real or personal property:~~

13 (i) ~~utility cables and lines, poles and fixtures (except those taxed~~
14 ~~under subchapter 6 of chapter 211 of this title); provided that utility cables,~~
15 ~~lines, poles and fixtures located on homestead property and owned by the~~
16 ~~person claiming the homestead shall be taxed as homestead property;~~

17 (ii) ~~gas distribution lines (except aboveground meters, regulators~~
18 ~~and gauges, and leased water heaters are excluded personal property).~~

19 (E) The excess valuation of property subject to tax increment
20 financing in a tax increment financing district established under subchapter 5
21 of chapter 53 of Title 24 to the extent that the taxes generated on the excess

1 property valuation are pledged and appropriated for interest and principal
2 repayment on bonded debt or prefunding future tax increment financing district
3 debt and to the extent approved for this purpose by the Vermont economic
4 progress council upon application by the district under procedures established
5 for approval of tax stabilization agreements under section 5404a of this title,
6 and that any such action shall be included in the annual authorization limits
7 provided in subdivision 5930a(d)(1) of this title.

8 (F) Property owned by a municipality which is located within that
9 municipality and which is used for municipal purposes including the provision
10 of utility services.

11 (G) Machinery and equipment used directly in the processing of
12 whey, whether or not such machinery or equipment is attached or affixed to
13 real property.

14 (H) Real property, excluding land, consisting of unoccupied new
15 facilities, or unoccupied facilities under renovation or expansion, owned by a
16 business that has obtained the approval of the Vermont economic progress
17 council under section 5930a of this title that is less than 75 percent complete,
18 not in use as of April 1 of the applicable tax year, and for a period not to
19 exceed two years.

20 (I) Real property consisting of the value of remediation expenditures
21 incurred by a business that has obtained the approval of the Vermont economic

1 progress council under section 5930a of this title for the construction of new,
2 expanded or renovated facilities on contaminated property eligible under the
3 redevelopment of contaminated properties program pursuant to 10 V.S.A.
4 § 6615a(f), including supporting infrastructure, on sites eligible for the United
5 States Environmental Protection Agency “Brownfield Program,” for a period
6 of ten years.

7 (J) Buildings and fixtures of wind-powered electric generating
8 facilities taxed under section 5402c of this title.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect for taxable year 2012 and after.