

1 H.490

2 Introduced by Representative Malcolm of Pawlet

3 Referred to Committee on

4 Date:

5 Subject: Taxation; use value appraisal program

6 Statement of purpose: This bill proposes to make clear that wastewater  
7 permits issued for farmland and forestland that are not intended for  
8 development do not trigger the two-year window for expulsion from the  
9 current use program.

10 An act relating to the types of wastewater permits used for the current use  
11 program

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

13 Sec. 1. 32 V.S.A. § 3757(a) is amended to read:

14 (a)(1) Land which has been classified as agricultural land or managed  
15 forest land pursuant to this chapter shall be subject to a land use change tax on  
16 the earliest of ~~either~~:

17 (A) the development of that land, as defined in section 3752 of this  
18 chapter; or

19 (B) two years after the issuance of all permits legally required by a  
20 municipality for any action constituting development; or

1            (C) two years after the issuance of a ~~wastewater system and potable~~  
2 ~~water supply~~ potable water supply and wastewater system permit under 10  
3 V.S.A. § 1973, but not including wastewater permits issued on agricultural  
4 land and used in whole or in part for farming, as defined in 10 V.S.A.  
5 § 6001(22).

6            (2) Said tax shall be at the rate of 20 percent of the full fair market value  
7 of the changed land determined without regard to the use value appraisal; or  
8 the tax shall be at the rate of 10 percent if the owner demonstrates to the  
9 satisfaction of the director that the parcel has been enrolled continuously more  
10 than 10 years. If changed land is a portion of a parcel, the fair market value of  
11 the changed land shall be the fair market value of the changed land prorated on  
12 the basis of acreage, divided by the common level of appraisal. Such fair  
13 market value shall be determined as of the date the land is no longer eligible  
14 for use value appraisal. This tax shall be in addition to the annual property tax  
15 imposed upon such property. Nothing in this section shall be construed to  
16 require payment of an additional land use change tax upon the subsequent  
17 development of the same land, nor shall it be construed to require payment of a  
18 land use change tax merely because previously eligible land becomes  
19 ineligible, provided no development of the land has occurred.

1       Sec. 2. TRANSITION RULE

2           Notwithstanding Sec. 37(11) (effective dates) of No. 45 of the Acts of 2011,  
3           Sec. 13a (use value appraisal) of No. 45 of the Acts of 2011 and the provisions  
4           of this act shall apply only to permits issued on or after January 1, 2012.

5       Sec. 3. EFFECTIVE DATE

6           This act shall take effect January 1, 2012.