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H.665

Introduced by Representatives Masland of Thetford, Greshin of Warren, and
Hoyt of Norwich

Referred to Committee on

Date:

Subject: Taxation; uniform capacity tax; solar

Statement of purpose of bill as introduced: This bill proposes to apply the
uniform capacity tax consistently across the State while ensuring that
municipal revenues are not adversely affected.

An act relating to the uniform capacity tax

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

Sec. 1. 32 V.S.A. § 3802(17) is amended to read:

(17) Real and personal property composing a renewable energy plant
generating electricity from solar power, to the extent the plant is ~~exempt from~~
~~taxation under~~ subject to chapter 215 of this title.

Sec. 2. 32 V.S.A. § 5401(10)(J) is amended to read:

(J) Buildings and fixtures of:

(+) wind-powered electric generating facilities taxed under section
5402c of this title; ~~and~~

1 ~~(ii) renewable energy plants generating electricity from solar~~
2 ~~power that are taxed under section 8701 of this title.~~

3 Sec. 3. 32 V.S.A. § 8701 is amended to read:

4 § 8701. UNIFORM CAPACITY TAX

5 (a) As used in this section, the terms “kW,” “plant,” “plant capacity,” and
6 “renewable energy” shall be as defined in 30 V.S.A. § 8002; provided,
7 however, that any tax or exemption under this chapter shall only apply to the
8 fixtures and personal property of a plant, and not to the underlying land.

9 (b) There is assessed on any renewable energy plant in Vermont
10 commissioned to generate solar power an annual tax of ~~\$4.00~~ \$6.00 per kW
11 plant capacity. The tax shall be paid to the Department of Taxes no later than
12 April 15 of each year and accompanied by a return with such information as
13 the Department of Taxes may require. The Department of Taxes shall deposit
14 three-quarters of the taxes collected under this section into the Education Fund.
15 The Department of Taxes shall send to each town in which a renewable energy
16 plant subject to this tax is located one-third of the taxes collected from plants
17 in that town. The Department of Taxes may adopt procedures and rules
18 necessary to implement the tax in this section.

19 (c) A renewable energy plant that generates electricity from solar power
20 shall be exempt from taxation under this section if it has a plant capacity equal
21 to or less than 10 kW.

1 (d) The existence of a renewable energy plant subject to tax under
2 subsection (b) of this section shall not alter the exempt status of any underlying
3 property under section 3802 or subdivision 5401(10)(F) of this title.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on January 1, 2015.