

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred Senate Bill No. 884  
3 entitled “An act relating to miscellaneous tax changes” respectfully reports that  
4 it has considered the same and recommends that the bill be amended by  
5 striking out all after the enacting clause and inserting in lieu thereof the  
6 following:

7 \* \* \* Technical and Administrative Provisions \* \* \*

8 \* \* \* Personal and Corporate Income Taxes \* \* \*

9 Sec. 1. 32 V.S.A. § 5862d is amended to read:

10 § 5862d. FILING OF FEDERAL FORM 1099

11 (a) Any individual or business required to file a federal form 1099 with  
12 respect to a nonresident who performed services within the State during the  
13 taxable year shall file a copy of the form with the Department. The  
14 Commissioner may authorize electronic filing of the form.

15 (b) Any individual or business required to file information returns pursuant  
16 to 26 U.S.C. § 6050W shall within 30 days of the date the filing is due to the  
17 Internal Revenue Service file with the Commissioner a duplicate of such  
18 information returns on which the recipient has a Vermont address. The  
19 Commissioner may authorize electronic filing of the form.

1 Sec. 2. 32 V.S.A. § 5862(c) is amended to read:

2 (c) Taxable corporations which received any income allocated or  
3 apportioned to this State under the provisions of section 5833 of this title for  
4 the taxable year and which under the laws of the United States constitute an  
5 affiliated group of corporations may elect to file a consolidated return in lieu of  
6 separate returns if such corporations qualify and elect to file a consolidated  
7 federal income tax return for that taxable year. Such an election to file a  
8 Vermont consolidated return shall continue for five years, including the year  
9 the election is made.

10 Sec. 3. 32 V.S.A. § 5930b(c)(9) is amended to read:

11 (9) Incentive claims must be filed annually no later than the last day of  
12 April of ~~each~~ the current year of the for the prior year's utilization period. For  
13 a claim to be considered a timely filing and eligible for an incentive payment,  
14 all forms and workbooks must be complete and all underlying documentation,  
15 such as that required pursuant to subsection 5842(c) of this title, must be filed  
16 with the Department of Taxes. Incomplete claims may be considered to have  
17 been timely filed if a complete claim is filed within the time prescribed by the  
18 Department of Taxes. If a claim is not filed each year of the utilization period,  
19 any incentive installment previously paid shall be recaptured in accordance  
20 with subsection (d) of this section and upon notice from the Department of  
21 Taxes that the business failed to file a complete timely claim, the Vermont

1 Economic Progress Council shall revoke all authority for the business to earn  
2 and claim incentives under this subchapter. The incentive return shall be  
3 subject to all provisions of this chapter governing the filing of tax returns. No  
4 interest shall be paid by the Department of Taxes for any reason with respect to  
5 incentives allowed under this section.

6 Sec. 4. 32 V.S.A. § 5824 is amended to read:

7 § 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

8 The statutes of the United States relating to the federal income tax, as in  
9 effect for taxable year ~~2012~~ 2013, but without regard to federal income tax  
10 rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the  
11 tax liability under this chapter.

12 Sec. 5. 32 V.S.A. § 7475 is amended to read:

13 § 7475. ADOPTION OF FEDERAL ESTATE AND GIFT TAX LAWS

14 The laws of the United States relating to federal estate and gift taxes as in  
15 effect on December 31, ~~2012~~ 2013, are hereby adopted for the purpose of  
16 computing the tax liability under this chapter, except:

17 (1) the credit for State death taxes shall remain as provided for under  
18 26 U.S.C. §§ 2011 and 2604 as in effect on January 1, 2001;

19 (2) the applicable credit amount shall under 26 U.S.C. § 2010 shall not  
20 apply; and the tax imposed under section 7442a of this chapter shall be

1 calculated as if the applicable exclusion amount under 26 U.S.C. § 2010 were  
2 \$2,750,000.00; and

3 (3) the deduction for State death taxes under 26 U.S.C. § 2058 shall not  
4 apply.

5 \* \* \* Tax Increment Financing Districts \* \* \*

6 Sec. 6. 2011 Acts and Resolves No. 45, Sec. 16 is amended to read:

7 Sec. 16. BURLINGTON TAX INCREMENT FINANCING

8 (a) Pursuant to ~~Sec. 83 of No. 54 of the Acts of the 2009 Adj. Sess. (2010)~~  
9 2010 Acts and Resolves No. 54, Sec. 83, the joint fiscal committee Joint Fiscal  
10 Committee approved a formula for the implementation of a payment to the  
11 ~~education fund~~ Education Fund in lieu of tax increment payments.

12 (b) The terms of the formula approved by the ~~joint fiscal committee~~ Joint  
13 Fiscal Committee are as follows:

14 (1) Beginning in the fiscal year in which there is the incurrence of new  
15 TIF debt, the ~~city~~ City will calculate and make an annual payment on  
16 December 10th to the ~~education fund~~ Education Fund each year until 2025.  
17 The April 1, 2010 grand list for the area encompassing the existing Waterfront  
18 TIF – excluding two parcels at 25 Cherry Street or the Marriott Hotel  
19 (SPAN#114-035-20755) and 41 Cherry Street – is the baseline to be used as  
20 the starting point for calculating the tax increment that will be divided  
21 25 percent to the ~~state education fund~~ State Education Fund and 75 percent to

1 the ~~city~~ City of Burlington. At the conclusion of the TIF in FY2025, any  
2 surplus tax increment funds will be returned to the ~~city~~ City of Burlington and  
3 ~~state education fund~~ State Education Fund in proportion to the relative  
4 municipal and education tax rates as clarified in a letter from Mayor Bob Kiss  
5 to the ~~chair of the joint fiscal committee~~ Chair of the Joint Fiscal Committee  
6 dated September 9, 2009.

7 (2) The formula for calculating the payment in lieu of tax increment is  
8 as follows: first, the difference between the grand list for the Waterfront TIF  
9 excluding the two hotel parcels from the fiscal year in which the payment is  
10 due and the April 1, 2010 grand list is calculated. Next, that amount is  
11 multiplied by the current education property tax rates to determine the  
12 increment subject to payment. Finally, this new increment is multiplied by  
13 25 percent to derive the payment amount.

14 (3) ~~The city of Burlington will prepare a report annually, beginning~~  
15 ~~July 1, 2010, for both the joint fiscal committee and the department of taxes,~~  
16 ~~which will contain:~~

17 (A) ~~the calculation set out in subdivision (2) of this subsection;~~

18 (B) ~~a listing of each parcel within the Waterfront TIF District and the~~  
19 ~~1996 original taxable value, 2010 extended base value, and the most recent~~  
20 ~~values for all homestead and nonresidential property;~~

21 (C) ~~a history of all of the TIF revenue and debt service payments; and~~

1           ~~(D) details of new debt authorized, including repayment schedules.~~

2           [Repealed.]

3           Sec. 7. 24 V.S.A. § 1894(b) and (c) are amended to read:

4           (b) Use of the education property tax increment. For only debt ~~and related~~  
5           ~~costs~~ incurred within the period permitted under subdivision (a)(1) of this  
6           section after creation of the district, and related costs, up to 75 percent of the  
7           education tax increment may be retained for up to 20 years, beginning with the  
8           education tax increment generated the year in which the first debt incurred for  
9           improvements financed in whole or in part with incremental education  
10          property tax revenue. Upon incurring the first debt, a municipality shall notify  
11          the Department of Taxes and the Vermont Economic Progress Council of the  
12          beginning of the 20-year retention period of education tax increment.

13          (c) Use of the municipal property tax increment. For only debt ~~and related~~  
14          ~~costs~~ incurred within the period permitted under subdivision (a)(1) of this  
15          section after creation of the district, and related costs, not less than an equal  
16          share of the municipal tax increment pursuant to subsection (f) of this section  
17          shall be retained to service the debt, beginning the first year in which debt is  
18          incurred, pursuant to subsection (b) of this section.

19          Sec. 8. 24 V.S.A. § 1894(e) is amended to read:

20          (e) Proportionality. The municipal legislative body may ~~pledge and~~  
21          ~~appropriate~~ commit the State education and municipal tax increments received

1 from properties contained within the tax increment financing district for the  
2 financing of improvements and for related costs only in the same proportion by  
3 which the improvement or related costs serve the district, as determined by the  
4 Council when approved in accordance with 32 V.S.A. § 5404a(h), and in the  
5 case of an improvement that does not reasonably lend itself to a proportionality  
6 formula, the Council shall apply a rough proportionality and rational nexus  
7 test.

8 Sec. 9. 24 V.S.A. § 1895 is amended to read:

9 § 1895. ORIGINAL TAXABLE VALUE

10 As of the date the district is created, the lister or assessor for the  
11 municipality shall certify the original taxable value and shall certify to the  
12 legislative body in each year thereafter during the life of the district the amount  
13 by which the ~~original taxable value has increased or decreased and the~~  
14 ~~proportion which any such increase bears to the total assessed valuation of the~~  
15 ~~real property for that year or the proportion which any such decrease bears to~~  
16 ~~the original taxable value~~ total valuation as determined in accordance with  
17 32 V.S.A. chapter 129 of all taxable real property located within the tax  
18 increment financing district has increased or decreased relative to the original  
19 taxable value.

1 Sec. 10. 24 V.S.A. § 1896(a) is amended to read:

2 (a) In each year following the creation of the district, the listers or assessor  
3 shall include no more than the original taxable value of the real property in the  
4 assessed valuation upon which the ~~listers or assessor~~ treasurer computes the  
5 rates of all taxes levied by the municipality, ~~the school district~~, and every other  
6 taxing district in which the tax increment financing district is situated; but the  
7 ~~listers or assessor~~ treasurer shall extend all rates so determined against the  
8 entire assessed valuation of real property for that year. In each year for which  
9 the assessed valuation exceeds the original taxable value, the municipality shall  
10 hold apart, rather than remit to the taxing districts, that proportion of all taxes  
11 paid that year on the real property in the district which the excess valuation  
12 bears to the total assessed valuation. The amount held apart each year is the  
13 “tax increment” for that year. No more than the percentages established  
14 pursuant to section 1894 of this subchapter of the municipal and ~~state~~ State  
15 education tax increments received with respect to the district and committed  
16 for the payment for financing for improvements and related costs shall be  
17 segregated by the municipality in a special tax increment financing account  
18 and in its official books and records until all capital indebtedness of the district  
19 has been fully paid. The final payment shall be reported to the ~~listers or~~  
20 ~~assessor~~ treasurer, who shall thereafter include the entire assessed valuation of  
21 the district in the assessed valuations upon which municipal and other tax rates

1 are computed and extended and ~~taxes are remitted to all taxing districts~~  
2 thereafter no taxes from the district shall be deposited in the district's tax  
3 increment financing account.

4 Sec. 11. 24 V.S.A. § 1901(3) is amended to read:

5 (3) Annually:

6 (A) ~~include in the municipal audit cycle prescribed in section 1681 of~~  
7 ~~this title a report of finances of~~ ensure that the tax increment financing district,  
8 ~~including~~ account required by section 1896 of this subchapter is subject to the  
9 annual audit prescribed in section 1681 of this title. Procedures must include  
10 verification of the original taxable value and annual and total municipal and  
11 education tax increments generated, ~~annual and total expenditures on~~  
12 ~~improvements and related costs, all indebtedness of the district, including the~~  
13 ~~initial debt, interest rate, terms, and annual and total principal and interest~~  
14 ~~payments, an accounting of revenue sources other than property tax revenue by~~  
15 ~~type and dollar amount, and an accounting of the special account required by~~  
16 ~~section 1896 of this subchapter, including revenue, expenditures for debt and~~  
17 related costs, and current balance;

18 (B) on or before January 15 of each year, on a form prescribed by the  
19 Council, submit an annual report to the Vermont Economic Progress Council  
20 and the Department of Taxes, including the information required by  
21 subdivision (2) of this section if not already submitted during the year, all

1 information required by subdivision (A) of this subdivision (3), and the  
2 information required by 32 V.S.A. § 5404a(i), including performance  
3 indicators and any other information required by the Council or the  
4 Department of Taxes.

5 Sec. 12. 32 V.S.A. § 5404a(j) is amended to read:

6 (j) Tax increment financing district rulemaking, oversight, and  
7 enforcement.

8 \* \* \*

9 (2) Authority to issue decisions.

10 (A) The Secretary of Commerce and Community Development, after  
11 reasonable notice to a municipality and an opportunity for a hearing, is  
12 authorized to issue decisions to a municipality ~~regarding on~~ regarding on questions and  
13 inquiries ~~about~~ concerning the administration of tax increment financing  
14 districts, statutes, rules, noncompliance with 24 V.S.A. chapter 53,  
15 subchapter 5, and any instances of noncompliance identified in audit reports  
16 conducted pursuant to subsection (l) of this section.

17 (B) The Vermont Economic Progress Council shall prepare  
18 recommendations for the Secretary prior to the issuance of a decision. As  
19 appropriate, the Council may prepare such recommendations in consultation  
20 with the Commissioner of Taxes, the Attorney General, and the State  
21 Treasurer. In preparing recommendations, the Council shall provide a

1 municipality with a reasonable opportunity to submit written information in  
2 support of its position. The Secretary shall review the recommendations of the  
3 Council and issue a final written decision on each matter within 60 days of the  
4 ~~recommendation~~ receipt of the recommendations. However, pursuant to  
5 subdivision (5) of this subsection (j), the Secretary may permit an appeal to be  
6 taken by any party to a Superior Court for determination of questions of law in  
7 the same manner as the Supreme Court may by rule provide for appeals before  
8 final judgment from a Superior Court before issuing a final decision.

9 \* \* \*

10 Sec. 13. 32 V.S.A. § 5404a(1) is amended to read:

11 (l) The State Auditor of Accounts shall conduct performance audits of all  
12 tax increment financing districts according to a schedule, which will be arrived  
13 at in consultation with the Vermont Economic Progress Council. The cost of  
14 conducting each audit shall be considered a “related cost” as defined in  
15 24 V.S.A. § 1891(6) and shall be billed back to the municipality. Audits  
16 conducted pursuant to this subsection shall include a review of a municipality’s  
17 adherence to relevant statutes and rules adopted by the Vermont Economic  
18 Progress Council pursuant to subsection (j) of this section, an assessment of  
19 record keeping related to revenues and expenditures, and a validation of the  
20 portion of the tax increment retained by the municipality and used for debt  
21 repayment and the portion directed to the Education Fund.

1           (1) For municipalities with a district created prior to January 1, 2006 and  
2 a debt repayment schedule that anticipates retention of education increment  
3 beyond fiscal year 2016, an audit shall be conducted when approximately  
4 three-quarters of the period for retention of education increment has elapsed,  
5 and at the end of that same period, an audit shall be conducted for the final  
6 one-quarter period for retention of education increment, except that for the  
7 Milton Catamount/Husky district and the Burlington Waterfront district only a  
8 final audit shall be conducted to cover the period from the effective date of the  
9 rules pursuant to subdivision (j)(1) of this section to the end of the retention  
10 period.

11           (2) For municipalities with a district created after January 1, 2006 and  
12 approved by the Vermont Economic Progress Council, an audit shall be  
13 ~~conducted at the end of the 10 year period in which debt can be incurred and~~  
14 ~~again approximately halfway through the 20 year period for retention of~~  
15 ~~education increment; provided, however, that an audit shall occur no more than~~  
16 ~~one time in a five year period~~ five years after the first debt is incurred and a  
17 second audit seven years after completion of the first audit. A final audit will  
18 be conducted at the end of the period for retention of education increment.

\* \* \* Property Taxes \* \* \*

1  
2 Sec. 14. 32 V.S.A. § 3436(b) is amended to read:

3 (b) The ~~director~~ Director shall ~~determine~~ establish designations recognizing  
4 levels of achievement and the necessary course work or evaluation of  
5 equivalent experience required for to attain each designation as ~~Vermont~~  
6 ~~lister/assessor, Vermont property evaluator, and Vermont municipal assessor.~~

7 Designation for any one level shall be for a period of three years.

8 Sec. 15. 32 V.S.A. § 5408(a) is amended to read:

9 (a) Not later than ~~30~~ 35 days after ~~the receipt by its clerk~~ mailing of a  
10 notice under section 5406 of this title, a municipality may petition the Director  
11 of the Division of Property Valuation and Review for a redetermination of the  
12 municipality's equalized education property value and coefficient of  
13 dispersion. Such petition shall be in writing and shall be signed by the chair of  
14 the legislative body of the municipality or its designee.

15 Sec. 16. 32 V.S.A. § 5410(g) is amended to read:

16 (g) If the property identified in a declaration under subsection (b) of this  
17 section is not the taxpayer's homestead, or if the owner of a homestead fails to  
18 declare a homestead as required under this section, the Commissioner shall  
19 notify the municipality, and the municipality shall issue a corrected tax bill that  
20 may, as determined by the governing body of the municipality, include a  
21 penalty of up to three percent of the education tax on the property. ~~If~~

1 However, if the property incorrectly declared as a homestead is located in a  
2 municipality that has a lower homestead tax rate than the nonresidential tax  
3 rate, ~~the penalty shall be an amount equal to eight percent of the education tax~~  
4 ~~on the property, but if the homestead tax rate is higher than the nonresidential~~  
5 ~~tax rate, the penalty shall be in an amount equal to three percent of the~~  
6 ~~education tax on the property. If an undeclared homestead is located in a~~  
7 ~~municipality that has a lower nonresidential tax rate than the homestead tax~~  
8 ~~rate, the penalty shall be eight percent of the education tax liability on the~~  
9 ~~property, but if the nonresidential tax rate is higher than the homestead tax rate,~~  
10 ~~then the penalty shall be in an amount equal to three percent of the education~~  
11 ~~tax on the property~~ or if an undeclared homestead is located in a municipality  
12 that has a lower nonresidential tax rate than the homestead tax rate, then the  
13 governing body of the municipality may include a penalty of up to eight  
14 percent of the education tax liability on the property. If the Commissioner  
15 determines that the declaration or failure to declare was with fraudulent intent,  
16 then the municipality shall assess the taxpayer a penalty in an amount equal  
17 to 100 percent of the education tax on the property; plus any interest and  
18 late-payment fee or commission which may be due. Any penalty imposed  
19 under this section and any additional property tax interest and late-payment fee  
20 or commission shall be assessed and collected by the municipality in the same  
21 manner as a property tax under chapter 133 of this title. Notwithstanding

1 section 4772 of this title, issuance of a corrected bill issued under this section  
2 does not extend the time for payment of the original bill, nor relieve the  
3 taxpayer of any interest or penalties associated with the original bill. If the  
4 corrected bill is less than the original bill, any overpayment shall be reflected  
5 on the corrected tax bill and refunded to the taxpayer.

6 Sec. 17. 32 V.S.A. § 5410(i) is amended to read:

7 (i) An owner filing a new or corrected declaration, or rescinding an  
8 erroneous declaration, after ~~September 1~~ October 15 shall not be entitled to a  
9 refund resulting from the correct property classification; and any additional  
10 property tax and interest which would result from the correct classification  
11 shall not be assessed as tax and interest, but shall instead constitute an  
12 additional penalty, to be assessed and collected in the same manner as penalties  
13 under subsection (g) of this section. Any change in property classification  
14 under this subsection shall not be entered on the grand list.

15 Sec. 18. 32 V.S.A. § 6066a(f) is amended to read:

16 (f) Property tax bills.

17 (1) For taxpayers and amounts stated in the notice to towns on July 1,  
18 municipalities shall create and send to taxpayers a homestead property tax bill,  
19 instead of the bill required under subdivision 5402(b)(1) of this title, providing  
20 the total amount allocated to payment of homestead education property tax  
21 liabilities and notice of the balance due. Municipalities shall apply the amount

1 allocated under this chapter to current-year property taxes in equal amounts to  
2 each of the taxpayers' property tax installments that include education taxes.  
3 Notwithstanding section 4772 of this title, if a town issues a corrected bill as a  
4 result of the November 1 notice sent by the Commissioner under subsection (a)  
5 of this section, issuance of such corrected new bill does not extend the time for  
6 payment of the original bill, nor relieve the taxpayer of any interest or penalties  
7 associated with the original bill. If the corrected bill is less than the original  
8 bill, any overpayment shall be reflected on the corrected tax bill and refunded  
9 to the taxpayer.

10 (2) For property tax adjustment amounts for which municipalities  
11 receive notice ~~on or~~ after November 1, municipalities shall issue a new  
12 homestead property tax bill with notice to the taxpayer of the total amount  
13 allocated to payment of homestead property tax liabilities and notice of the  
14 balance due.

15 (3) The property tax adjustment amount determined for the taxpayer  
16 shall be allocated first to current-year property tax on the homestead parcel,  
17 next to current-year homestead parcel penalties and interest, next to any prior  
18 year homestead parcel penalties and interest, and last to any prior year property  
19 tax on the homestead parcel. No adjustment shall be allocated to a property tax  
20 liability for any year after the year for which the claim or refund allocation was

1 filed. No municipal tax-reduction incentive for early payment of taxes shall  
2 apply to any amount allocated to the property tax bill under this chapter.

3 (4) If the property tax adjustment amount as described in subsection (e)  
4 of this section exceeds the property tax, penalties, and interest, due for the  
5 current and all prior years, the municipality shall refund the excess to the  
6 taxpayer, without interest, within 20 days of the first date upon which taxes  
7 become due and payable or 20 days after notification of the adjustment amount  
8 by the Commissioner of Taxes, whichever is later.

9 \* \* \* Meals and Rooms Tax \* \* \*

10 Sec. 19. 32 V.S.A. § 9202(10)(D)(ii)(X) is amended to read:

11 (X) purchased ~~with food stamps~~ under the U.S.D.A. Supplemental  
12 Nutrition Assistance Program (SNAP);

13 \* \* \* Property Transfer Tax \* \* \*

14 Sec. 20. 32 V.S.A. § 9608(a) is amended to read:

15 (a) Except as to transfers which are exempt pursuant to subdivision  
16 9603(17) of this title, no town clerk shall record, or receive for recording, any  
17 deed to which is not attached a properly executed transfer tax return, complete  
18 and regular on its face, and a certificate in the form prescribed by the Natural  
19 Resources Board and the Commissioner of Taxes ~~signed under oath by the~~  
20 ~~seller or the seller's legal representative,~~ that the conveyance of the real  
21 property and any development thereon by the seller is in compliance with or

1 exempt from the provisions of 10 V.S.A. chapter 151. The certificate shall  
2 indicate whether or not the conveyance creates the partition or division of land.  
3 If the conveyance creates a partition or division of land, there shall be  
4 appended the current “Act 250 Disclosure Statement,” required by 10 V.S.A.  
5 § 6007. A town clerk who violates this section shall be fined \$50.00 for the  
6 first such offense and \$100.00 for each subsequent offense. A person who  
7 purposely or knowingly falsifies any statement contained in the certificate  
8 required is punishable by fine of not more than \$500.00 or imprisonment for  
9 not more than one year, or both.

10 \* \* \* Policy and Revenue Provisions \* \* \*

11 \* \* \* Tax on Distilled Spirits \* \* \*

12 Sec. 21. 7 V.S.A. § 422(b) is added to read:

13 (b) The retail sales of spirituous liquor made by a manufacturer or rectifier  
14 at a fourth class or farmers’ market license location shall be included in the  
15 gross revenue of a seller under this section, but only to the extent that the sales  
16 are of the manufacturer or rectifier’s own products, and not products purchased  
17 from other manufacturers and rectifiers.



1 ordinances or development plans. In determining estimated fair market value,  
2 the sale price of the property in question is one element to consider, but is not  
3 solely determinative.

4 \* \* \*

5 (C) For owner-occupied housing that is subject to a housing subsidy  
6 covenant, as defined in 27 V.S.A. § 610, imposed by a governmental,  
7 quasi-governmental, or public purpose entity, that limits the price for which the  
8 property may be sold, the housing subsidy covenant shall be deemed to cause a  
9 material decrease in the value of the owner-occupied housing, and the  
10 appraisal value means not more than 70 percent of what the fair market value  
11 of the property would be if it were not subject to the housing subsidy covenant.  
12 Every five years, starting in 2019, the Commissioner of Taxes shall report to  
13 the General Assembly on whether the percentage of appraised valued used in  
14 this subdivision should be altered, and the reasons for his or her determination.

15 (2) “Listed value” shall be an amount equal to 100 percent of the  
16 appraisal value. The ratio shall be the same for both real and personal  
17 property.

18 Sec. 23. 32 V.S.A. § 3839 is added to read:

19 § 3839. MUNICIPALLY OWNED LAKESHORE PROPERTY

20 (a) Notwithstanding section 3659 of this title, a town may vote to exempt  
21 from its municipal taxes, in whole or in part, any parcel of land, but not

1 buildings, that provides public access to public waters, as defined in 10 V.S.A.  
2 § 1422(6), and that is also:

3 (1) owned by the Town of Hardwick, and located in Greensboro,  
4 Vermont; or

5 (2) owned by the Town of Thetford, and located in Fairlee and West  
6 Fairlee, Vermont.

7 (b) An exemption voted by a town under subsection (a) of this section shall  
8 be for up to ten years. Upon the expiration of the exemption, a town may vote  
9 additional periods of exemption not exceeding five years each.

10 Sec. 24. 32 V.S.A. § 5401(10)(K) is added to read:

11 (K) Any parcel of land, but not buildings, that provides public access to  
12 public waters, as defined in 10 V.S.A. § 1422(6), and that is also:

13 (i) owned by the Town of Hardwick, and located in Greensboro,  
14 Vermont; or

15 (ii) owned by the Town of Thetford, and located in Fairlee and West  
16 Fairlee, Vermont.

17 Sec. 25. 32 V.S.A. § 3832(7) is amended to read:

18 (7) Real and personal property of an organization when the property is  
19 used primarily for health or recreational purposes, unless the town or  
20 municipality in which the property is located so votes at any regular or special  
21 meeting duly warned therefor, and except for the following types of property;

1           (A) Buildings and land owned and occupied by a health, recreation, and  
2 fitness organization which is:

3                   (i) exempt from taxation under 26 U.S.C. § 501(c)(3),

4                   (ii) used its income entirely for its exempt purpose, and

5                   (iii) promotes exercise and healthy lifestyles for the community and  
6 serve citizens of all income levels;

7           (B) real and personal property operated as a skating rink, owned and  
8 operated on a nonprofit basis, but not necessarily by the same entity, and which, in  
9 the most recent calendar year, provided facilities to local public schools for a sport  
10 officially recognized by the Vermont Principals' Association.

11                                   \* \* \* Solar Capacity Tax \* \* \*

12       Sec. 26. 32 V.S.A. § 3802(17) is amended to read:

13           (17) Real and personal property, except land, composing a renewable  
14 energy plant generating electricity from solar power, ~~to the extent the plant is~~  
15 ~~exempt from taxation under chapter 215 of this title~~ which has a plant capacity  
16 of less than 50 kW and is either:

17                   (A) operated on a net-metered system; or

18                   (B) not connected to the electric grid and provides power only on the  
19 property on which the plant is located.

20       Sec. 27. 32 V.S.A. § 3481(1)(D) is added to read:

21                   (D)(i) For real and personal property comprising a renewable energy  
22 plant generating electricity from solar power, except land and property that is

1 exempt under subdivision 3802(17) of this title, the appraisal value shall be  
2 determined by an income capitalization or discounted cash flow approach that  
3 includes the following:

4 (I) an appraisal model identified and published by the Director  
5 employing appraisal industry standards and inputs;

6 (II) a discount rate determined and published annually by the  
7 Director;

8 (III) the appraisal value shall be 70 percent of the value  
9 calculated using the model published by the Director based on an expected  
10 25-year project life and shall be set in the grand list next lodged after the plant  
11 is commissioned and each subsequent grand list for the lesser of the remaining  
12 life of the project or 25 years;

13 (IV) for the purposes of calculating appraisal value for net  
14 metered systems receiving a credit specified in 30 V.S.A. § 219a (h)(1)(k), the  
15 model used to calculate value will not incorporate a factor for electricity rate  
16 escalation; and

17 (V) for plants operating as a net-metered system as described in  
18 30 V.S.A. § 219a with a capacity of 50 kW or greater, the plant capacity used  
19 to determine value in the model shall be reduced by 50 kW and the appraisal  
20 value shall be calculated only on additional capacity in excess of 50 kW.

1                   (ii) The owner of a project shall respond to a request for  
2                   information from the municipal assessing officials by returning the information  
3                   sheet describing the project in the form specified by the Director not later than  
4                   45 days after the request for information is sent to the owner. If the owner  
5                   does not provide a complete and timely response, the municipality shall  
6                   determine the appraisal value using the published model and the best estimates  
7                   of the inputs to the model available to the municipality at the time, and the  
8                   provisions of section 4006 of this title shall apply to the information form in  
9                   the same manner as if the information form were an inventory as described in  
10                  that section. Nothing in this subdivision (1) shall affect the availability of the  
11                  exemption set forth in the provisions of section 3845 of this title or availability  
12                  of a contract under the provisions of 24 V.S.A. § 2741.

13                  Sec. 28. 32 V.S.A. § 3845 is amended to read:

14                  § 3845. ~~ALTERNATE~~ RENEWABLE ENERGY SOURCES

15                  (a) At an annual or special meeting warned for that purpose, a town may,  
16                  by a majority vote of those present and voting, exempt ~~alternate~~ renewable  
17                  energy sources, as defined herein, from real and personal property taxation.  
18                  Such exemption shall first be applicable against the grand list of the year in  
19                  which the vote is taken and shall continue until voted otherwise, in the same  
20                  manner, by the town.

1 (b) ~~For the purposes of~~ As used in this section, alternate renewable energy  
2 ~~sources includes any plant, structure or facility used for the generation of~~  
3 ~~electricity or production of~~ shall have the same meaning as in 30 V.S.A.  
4 § 8002(17) for energy used on the premises for private, domestic, or  
5 agricultural purposes, no part of which may be for sale or exchange to the  
6 public. The term shall include, but not be limited to grist mills, windmills,  
7 facilities for the collection of solar energy or the conversion of organic matter  
8 to methane, ~~net metering~~ net-metering systems regulated by the Public Service  
9 Board under 30 V.S.A. § 219a, and all component parts thereof ~~including, but~~  
10 ~~excluding~~ land upon which the facility is located, not to exceed one-half acre.

11 Sec. 29. 32 V.S.A. § 8701(c) is amended to read:

12 (c) A renewable energy plant that generates electricity from solar power  
13 shall be exempt from taxation under this section if it has a plant capacity ~~equal~~  
14 ~~to or less than 10 kW~~ less than 50kW.

15 Sec. 30. 2012 Acts and Resolves No. 127, Sec. 4 is amended to read:

16 Sec. 4. ~~PROSPECTIVE REPEAL;~~ REPORT

17 ~~32 V.S.A. §§ 8701(c) and 3802(17) (exemptions for small renewable energy~~  
18 ~~plants) shall be repealed on January 1, 2023. By~~ On or before January 15,  
19 2021, the ~~department of taxes~~ Department of Taxes shall report to the ~~senate~~  
20 ~~committees on finance and on natural resources and energy and the house~~  
21 ~~committees on ways and means and on natural resources and energy~~ Senate

1 Committees on Finance and on Natural Resources and Energy and the House  
2 Committees on Ways and Means and on Natural Resources and Energy with a  
3 recommendation on whether the exemptions in 32 V.S.A. §§ 8701(c) and  
4 3802(17) should be retained or allowed to be repealed and whether the rate of  
5 tax in 32 V.S.A. § 8701(b) should be altered.

6 \* \* \* Valuation of Natural Gas and Petroleum Infrastructure \* \* \*

7 Sec. 31. 32 V.S.A. § 3621 is added to read:

8 § 3621. PETROLEUM AND NATURAL GAS INFRASTRUCTURE

9 For purposes of the statewide education property tax in chapter 135 of this  
10 title, the Director shall determine the appraised value of all property and  
11 fixtures composing and underlying a petroleum or natural gas facility,  
12 petroleum or natural gas transmission line, or petroleum or natural gas  
13 distribution line located entirely within this State. The Director shall value  
14 such property at its fair market value, an assessment it shall reach by the cost  
15 approach to value by employing an actual cost-based methodology, adjusting  
16 that actual cost using a cost factor from industry-specific inflation indexes, and  
17 depreciating the resulting present cost using a depreciation schedule based on  
18 the property's estimated remaining life; provided, however, that after the  
19 property has been depreciated to 30 percent of its present cost or less,  
20 exclusive of salvage value, the property shall be appraised at 30 percent of its  
21 cost. The Director shall inform the local assessing officials of his or her

1 appraised value under this section on or before May 1 of each year, and the  
2 local assessing officials shall use the Director's appraised value for purposes of  
3 assessing and collecting the statewide education property tax under chapter  
4 135 of this title.

5 \* \* \* Income Taxes \* \* \*

6 Sec. 32. 32 V.S.A. § 5870 is amended to read:

7 § 5870. REPORTING USE TAX ON INDIVIDUAL INCOME TAX  
8 RETURNS

9 The Commissioner of Taxes shall provide that individuals report use tax on  
10 their State individual income tax returns. Taxpayers are required to attest to  
11 the amount of their use tax liability under chapter 233 of this title for the period  
12 of the tax return. Alternatively, they may elect to report an amount that is ~~0.08~~  
13 0.10 percent of their Vermont adjusted gross income, as shown on a table  
14 published by the Commissioner of Taxes; and use tax liability arising from the  
15 purchase of each item with a purchase price in excess of \$1,000.00 shall be  
16 added to the table amount.

17 Sec. 33. 32 V.S.A. § 5830e is added to read:

18 § 5830e. ALTERNATE CALCULATION

19 For the purposes of calculating the taxes under section 5822 or 5832 of this  
20 chapter, dispensaries, established under 18 V.S.A. chapter 86, are permitted to

1 recalculate their State tax liability with an allowance for any expense that was  
2 denied at the federal level due to 26 U.S.C. § 280E.

3 \* \* \* Downtown and Village Center Tax Credits \* \* \*

4 Sec. 34. 32 V.S.A. § 5930ee(1) is amended to read:

5 (1) The total amount of tax credits awarded annually, together with sales  
6 tax reallocated under section 9819 of this title, does not exceed \$1,700,000.00  
7 \$2,200,000.00.

8 Sec. 35. 32 V.S.A. § 9741(39) is amended to read:

9 (39) Sales of building materials within any three consecutive years:

10 (i) in excess of one million dollars in purchase value, which may be  
11 reduced to \$250,000.00 in purchase value upon approval of the Vermont  
12 Economic Progress Council pursuant to section 5930a of this title, used in the  
13 construction, renovation, or expansion of facilities which are used exclusively,  
14 except for isolated or occasional uses, for the manufacture of tangible personal  
15 property for sale; or

16 ~~(ii) in excess of \$250,000.00 in purchase value incorporated into a~~  
17 ~~downtown redevelopment project as defined by rule by the Commissioner of~~  
18 ~~Housing and Community Affairs; provided that the municipality is not~~  
19 ~~receiving an allocation of sales tax receipts pursuant to section 9819 of this~~  
20 ~~title.~~

1       Sec. 36. FLOOD-RELATED PAYMENTS

2           Notwithstanding that the credit for qualified expenditures resulting from  
3           damage caused by a federally declared disaster in Vermont in 2011 authorized  
4           by 32 V.S.A. § 5930bb(d) is limited to individuals, a refundable credit not to  
5           exceed \$88,800.00 may be made to Latchis Arts Inc. for flood damage  
6           expenditures that would qualify under section 5930bb if made by an  
7           individual. The credit under this section shall be made subject to the credit  
8           limit under 32 V.S.A. § 5930bb.

9                           \* \* \* Research and Development Expense \* \* \*

10       Sec. 37. 32 V.S.A. § 5930ii is amended to read:

11       § 5930ii. RESEARCH AND DEVELOPMENT TAX CREDIT

12           (a) A qualified taxpayer of this State shall be eligible for a credit against  
13           the tax imposed under this chapter in an amount equal to ~~30 percent~~ 24 percent  
14           of the amount of the federal tax credit allowed in the taxable year for eligible  
15           research and development expenditures under 26 U.S.C. § 41(a) and which are  
16           made within this State.

17           (b) Any unused credit available under subsection (a) of this section may be  
18           carried forward for up to 10 years.

19           (c) As used in this section, “qualified taxpayer” means a taxpayer entitled  
20           to a credit under subsection (a) of this section and who has applied and been

1 approved for a credit by the Department of Taxes under the requirements of  
2 this section.

3 (d) To qualify for a credit under this section, a taxpayer shall apply to the  
4 Department of Taxes for a credit on or before September 15 of a given year.  
5 The application shall contain any information required by the Department of  
6 Taxes, but shall include the name of the taxpayer, the amount of the credit  
7 being applied for, the type of the qualified expenditure, and the year the  
8 qualified expenditure was made within this State. On or before December 15  
9 of that same year, the Commissioner shall notify the taxpayer of the amount of  
10 the credit for which he or she is approved. The Department of Taxes is  
11 authorized to adopt rules and procedures, and publish the appropriate forms  
12 and information necessary to implement this section.

13 (e) In order to qualify for a credit under this section, the taxpayer shall be  
14 required to waive any claim to confidentiality regarding the fact that the  
15 taxpayer was approved for any credit under this section by the Department of  
16 Taxes. The fact that a taxpayer was approved for any amount of the credit  
17 under this section shall not be considered a return or return information under  
18 section 3102 of this title, and such information shall not be exempt from public  
19 inspection and copying under any other provision of law.



1 promulgated by the appropriate executive agency of the United States. The tax  
2 is intended to be imposed only once upon the wholesale sale of any other  
3 tobacco product and shall be at the rate of 92 percent of the wholesale price for  
4 all tobacco products except snuff, which shall be taxed at ~~\$1.87~~ \$2.18 per  
5 ounce, or fractional part thereof, new smokeless tobacco, which shall be taxed  
6 at the greater of ~~\$1.87~~ \$2.18 per ounce or, if packaged for sale to a consumer in  
7 a package that contains less than 1.2 ounces of the new smokeless tobacco, at  
8 the rate of ~~\$2.24~~ \$2.62 per package, and cigars with a wholesale price greater  
9 than \$2.17, which shall be taxed at the rate of \$2.00 per cigar if the wholesale  
10 price of the cigar is greater than \$2.17 and less than \$10.00, and at the rate of  
11 \$4.00 per cigar if the wholesale price of the cigar is \$10.00 or more. Provided,  
12 however, that upon payment of the tax within 10 days, the distributor or dealer  
13 may deduct from the tax two percent of the tax due. It shall be presumed that  
14 all other tobacco products, snuff, and new smokeless tobacco within the State  
15 are subject to tax until the contrary is established and the burden of proof that  
16 any other tobacco products, snuff, and new smokeless tobacco are not taxable  
17 hereunder shall be upon the person in possession thereof. Licensed  
18 wholesalers of other tobacco products, snuff, and new smokeless tobacco  
19 shall state on the invoice whether the price includes the Vermont tobacco  
20 products tax.

1 Sec. 40. 32 V.S.A. § 7814 is amended to read:

2 § 7814. FLOOR STOCK TAX

3 (a) Snuff. A floor stock tax is hereby imposed upon every ~~retailer~~ retail  
4 dealer of snuff in this State in the amount by which the new tax exceeds the  
5 amount of the tax already paid on the snuff. The tax shall apply to snuff in the  
6 possession or control of the ~~retailer~~ retail dealer at 12:01 a.m. ~~o'clock~~ on  
7 July 1, ~~2006~~ 2014, but shall not apply to ~~retailers~~ retail dealers who hold less  
8 than \$500.00 in wholesale value of such snuff. Each ~~retailer~~ retail dealer  
9 subject to the tax shall, on or before July 25, ~~2006~~ 2014, file a report to the  
10 Commissioner in such form as the Commissioner may prescribe showing the  
11 snuff on hand at 12:01 a.m. ~~o'clock~~ on July 1, ~~2006~~ 2014, and the amount of  
12 tax due thereon. The tax imposed by this section shall be due and payable on  
13 or before August 25, ~~2006~~ 2014, and thereafter shall bear interest at the rate  
14 established under section 3108 of this title. In case of timely payment of the  
15 tax, the ~~retailer~~ retail dealer may deduct from the tax due two percent of the  
16 tax. Any snuff with respect to which a floor stock tax has been imposed and  
17 paid under this section shall not again be subject to tax under section 7811 of  
18 this title.

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\* \* \*

Sec. 43. 32 V.S.A. § 9745 is amended to read:

§ 9745. CERTIFICATE OR AFFIDAVIT OF EXEMPTION; DIRECT  
PAYMENT PERMIT

(a) Certificate or affidavit of exemption. The Commissioner may require that a vendor obtain an exemption certificate, which may be an electronic filing, with respect to the following sales: sales for resale; sales to organizations that are exempt under section 9743 of this title; and sales that qualify for a use-based exemption under section 9741 of this title. Acceptance of an exemption certificate containing such information as the Commissioner may prescribe shall satisfy the vendor's burden under subsection 9813(a) of this title of proving that the transaction is not taxable. A vendor's failure to possess an exemption certificate at the time of sale shall be presumptive evidence that the sale is taxable.

(b) Direct payment permit. The Commissioner may, in his or her discretion, authorize a purchaser, who acquires tangible personal property or services under circumstances which make it impossible at the time of acquisition to determine the manner in which the tangible personal property or services will be used, to pay the tax directly to the Commissioner and waive the collection of the tax by the vendor through the issuance of a direct payment permit. ~~The Commissioner shall authorize any~~ Any contractor, subcontractor,

1 or repairman who acquires tangible personal property consisting of materials  
2 and supplies for use by him or her in erecting structures for others, or building  
3 on, or otherwise improving, altering, or repairing real property of others, may  
4 apply for a direct payment permit to pay the tax directly to the Commissioner  
5 and waive the collection of the tax by the vendor. No such authority shall be  
6 granted or exercised except upon application to the Commissioner and the  
7 issuance by the Commissioner of a direct payment permit. If a direct payment  
8 permit is granted, its use shall be subject to conditions specified by the  
9 Commissioner and the payment of tax on all acquisitions pursuant to the  
10 permit shall be made directly to the Commissioner by the permit holder.

11 \* \* \* Use Tax – Telecommunication Services \* \* \*

12 Sec. 44. 32 V.S.A. § 9773 is amended to read:

13 § 9773. IMPOSITION OF COMPENSATING USE TAX

14 Unless property or telecommunications service has already been or will be  
15 subject to the sales tax under this chapter, there is imposed on every person a  
16 use tax at the rate of six percent for the use within this State, except as  
17 otherwise exempted under this chapter:

18 (1) ~~Of~~ of any tangible personal property purchased at retail;

19 (2) ~~Of~~ of any tangible personal property manufactured, processed, or  
20 assembled by the user, if items of the same kind of tangible personal property  
21 are offered for sale by him or her in the regular course of business, but the

1 mere storage, keeping, retention, or withdrawal from storage of tangible  
2 personal property or the use for demonstrational or instructional purposes of  
3 tangible personal property by the person who manufactured, processed or  
4 assembled such property shall not be deemed a taxable use by him or her; and  
5 for purposes of this section only, the sale of electrical power generated by the  
6 taxpayer shall not be considered a sale by him or her in the regular course of  
7 business if at least 60 percent of the electrical power generated annually by the  
8 taxpayer is used by the taxpayer in his or her trade or business;

9 (3) ~~Of~~ of any tangible personal property, however acquired, where not  
10 acquired for purposes of resale, upon which any taxable services described in  
11 subdivision 9771(3) of this title have been performed; ~~and~~

12 (4) ~~Specified~~ specified digital products transferred electronically to an  
13 end user; and

14 (5) telecommunications service except coin-operated telephone service,  
15 private telephone service, paging service, private communications service, or  
16 value-added non-voice data service.

17 \* \* \* Propane Canisters \* \* \*

18 Sec. 45. 33 V.S.A. § 2503 is amended to read:

19 § 2503. FUEL GROSS RECEIPTS TAX

20 (a) There is imposed a gross receipts tax of 0.5 percent on the retail sale of  
21 the following types of fuel:



1           (1) Notwithstanding 1 V.S.A. § 214, Secs. 1 (1099K filing requirement),  
2           2 (consolidated returns), and 3 (VEGI) shall take effect retroactively to  
3           January 1, 2014 and apply for tax year 2014 and after.

4           (2) Notwithstanding 1 V.S.A. § 214, Sec. 4 (annual income tax update)  
5           shall take effect retroactively to January 1, 2014 and apply to taxable years  
6           beginning on and after January 1, 2013.

7           (3) Notwithstanding 1 V.S.A. § 214, Sec. 5 (annual estate tax update)  
8           shall take effect retroactively to January 1, 2014 and apply to decedents dying  
9           on or after January 1, 2013.

10           (4) Secs. 16 (corrected tax bills due to late filing of declaration), 17 (last  
11           date for filing declaration), and 18 (corrected tax bills due to late filing of  
12           property tax adjustment claim) shall take effect on July 1, 2014 and apply to  
13           property appearing on grand lists lodged in 2014 and after.

14           (5) Sec. 21 (distilled spirits) shall take effect on July 1, 2014.

15           (6) Secs. 22 (shared equity housing), 23 (town voted exemption), 24  
16           (education property tax exemption), and 25 (health and recreation property)  
17           shall take effect on January 1, 2015 and apply to property appearing on grand  
18           lists lodged in 2015 and after.

19           (7) Secs. 26–30 (solar plant exemptions and valuation) and Sec. 31  
20           (valuation of natural gas and petroleum infrastructure) shall take effect on

1 January 1, 2015 and apply to property appearing on grand lists lodged in 2015  
2 and after.

3 (8) Secs. 32 (use tax reporting) and 33 (marijuana dispensaries) shall  
4 take effect January 1, 2015 and apply to tax year 2015 and after.

5 (9) Sec. 34 (downtown credits) shall apply to fiscal year 2015 and after.

6 (10) Secs. 35 (repeal of sales tax exemption), 38 (e-cigarettes),  
7 39 (snuff), 40 (floor tax), 41 (definition of sales), 42 (contractors),  
8 43 (certificates of exemption), 44 (telecommunications use tax), 45 (fuel gross  
9 receipts tax), and 46 (propane canisters) shall take effect on July 1, 2014.

10 (11) Sec. 37 (research and development) shall take effect July 1, 2014,  
11 and shall apply to any application or claims for credits filed after that date,  
12 regardless the tax year for which the credit is sought.

13

14

15 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE