

pursuant to 10 V.S.A. chapter 159.

**Amendment to be offered by Rep. Browning of Arlington to H. 35**

By adding Secs. 49a and 49b to read as follows:

\* \* \* Tax Exemptions; Water Quality Impacts \* \* \*

Sec. 49a. 32 V.S.A. § 5401(10) is amended to read:

(10) “Nonresidential property” means all property except:

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

(B) Property which is subject to the tax on railroads imposed by subchapter 2 of chapter 211 of this title, the tax on telephone companies imposed by subchapter 6 of chapter 211 of this title, or the tax on electric generating plants imposed by chapter 213 of this title.

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

(D) Personal property, machinery, inventory and equipment, ski lifts, and snow-making equipment for a ski area; provided, ~~however,~~ that:

(i) prior to claiming an exemption under this subdivision, the owner or operator of a ski area located in a watershed listed by the Agency of Natural Resources as impaired under 33 U.S.C. § 1313 shall certify that he or she and all land owned or controlled by the ski area is operated or managed in accordance with the Vermont Water Quality Standards, does not have an active enforcement violation that has reached a final order with the Agency of Natural Resources, and is in compliance with all terms and conditions of a current permit issued by the Agency of Natural Resources;

(ii) this subdivision shall not exclude from the definition of “nonresidential property” the following real or personal property:

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

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

\* \* \*

Sec. 49b. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.

\* \* \*

(3) Agriculture feeds, seed, plants, baler twine, silage bags, agricultural wrap, sheets of plastic for bunker covers, liming materials, breeding and other livestock, semen breeding fees, baby chicks, turkey poults, agriculture chemicals other than pesticides, veterinary supplies, and bedding; ~~and fertilizers and pesticides~~ for use and consumption directly in the production for sale of tangible personal property on farms, including stock, dairy, poultry, fruit and truck farms, orchards, nurseries, or in greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities for sale.

**Amendment to be offered by Reps. Dickinson of St. Albans Town and Parent of St. Albans City to H. 35**

First: In Sec. 37, by striking 10 V.S.A. §§ 1387 and 1388 (Clean Water Fund), including the reader assistance preceding Sec. 37, in their entirety and inserting in lieu thereof the following:

\* \* \* Water Quality Funding; Clean Water Fund; Property Transfer Tax \* \* \*

§ 1387. PURPOSE

The General Assembly establishes in this subchapter a Vermont Clean Water Fund as a mechanism for financing the improvement of water quality in the State. The Clean Water Fund shall be used to:

(1) assist the State in complying with water quality requirements and construction or implementation of water quality projects or programs;

(2) provide necessary funding for staff programs of the Agency of Natural Resources and the Agency of Agriculture, Food and Markets; and

(3) provide funding to nonprofit organizations, regional associations, and other entities for implementation and administration of community-based water quality programs or projects.

§ 1388. CLEAN WATER FUND

(a) There is created a special fund to be known as the “Clean Water Fund.”