

S.27

An act relating to maintaining the home health agency provider tax.

The House proposes to the Senate to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FY 2022 PROPERTY TAX RATES; COMMISSIONER'S

DECEMBER 1 LETTER; FY 2021 PROJECTED EDUCATION  
FUND DEFICIT

(a) Findings and purpose. Vermont law under 32 V.S.A. § 5402b(a) requires the Commissioner of Taxes, not later than December 1, 2020, to calculate and recommend statewide education property tax rates for fiscal year 2022. In making that recommendation, the Commissioner must calculate tax rates at an amount sufficient to cover any projected fiscal year 2021 deficit and to maintain the stabilization reserve under 16 V.S.A. § 4026 at five percent. In 2020 Acts and Resolves No. 122, Sec. 2, however, the General Assembly expressed its intent to address any projected deficit in the Education Fund for fiscal year 2021 by using federal funds, applying reversions, drawing down the stabilization reserve, using other sources of revenue, reducing costs, borrowing, or using any other source of funding, including making appropriations from the General Fund or other funds. The actions outlined in Act 122 with respect to a projected fiscal year 2021 deficit in the Education Fund are intended to relieve school boards of the responsibility for responding to such projected fiscal year 2021 deficit through school budgeting decisions

for fiscal year 2022. Given that the statutory requirements imposed on the Commissioner for tax rate recommendations would not reflect the General Assembly's express intent in Act 122, the Commissioner shall calculate and recommend statewide education property tax rates for fiscal year 2022 as established under this section.

(b) December 1 letter for fiscal year 2022. Notwithstanding any other provision of law, to the extent that the fiscal year 2022 consensus projections under 32 V.S.A. § 5402b include a deficit in the Education Fund for fiscal year 2021, when calculating and making recommendations for the fiscal year 2022 property dollar equivalent yield, income dollar equivalent yield, and nonhomestead property tax rate as required under 32 V.S.A. § 5402b(a), the Commissioner shall:

(1) disregard the projected deficit in the Education Fund for fiscal year 2021; and

(2) assume the stabilization reserve created under 16 V.S.A. § 4026 is maintained for fiscal year 2022 at the fiscal year 2021 amount published in the Education Fund Outlook on or before December 1, 2020 as required under 32 V.S.A. § 5402b(c).

Sec. 2. ADM ADJUSTMENT; DECLINE IN STUDENT ENROLLMENT

Notwithstanding 16 V.S.A. §§ 4001(1) and 4010(b), for the 2020–2021 school year, the Secretary of Education shall determine the average daily

membership (ADM) for each school district at a count of not less than the district's 2019–2020 school year ADM.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to the Commissioner of Taxes’ December 1 property tax rate letter for fiscal year 2022”