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Subject: abatements

§ 5409. Duties of municipalities and administration

The following shall apply with regard to the statewide education tax imposed under this chapter:

(1) Late payments of the tax by a municipality to the State shall be assessed interest at a per diem rate of eight percent per annum of the amount due. If a payment is more than 90 days overdue, any State funds due the municipality shall be withheld.

(2) If by August 1 a municipality has failed to issue notices of assessment of the statewide education tax; or if the municipality fails for more than 90 days after the due date for any installment payment to enforce the tax in the municipality; then the Commissioner of Taxes shall either issue notices of assessment or collect the tax, or both, or bring appropriate court action to require the municipal officials to issue notices and collect the tax, as the Commissioner deems necessary.

(3) In any case of administration under subdivision (2) of this section by the Commissioner of Taxes of education property tax:

(A) Sections 5868, 5869, 5873, 5875, 5881-5887, and 5891-5895 of this title, as amended, shall apply in the same manner as to income tax.

(B) Persons aggrieved by decisions of the listers may appeal in the manner provided for property tax appeals in chapter 131 of this title; and the Commissioner of Taxes shall have all the powers described in chapter 133 of this title.

(C) The Commissioner may abate in whole or in part the statewide education taxes of a taxpayer who has been granted an abatement of municipal taxes under 24 V.S.A. § 1535.

(4) [Deleted.]

(5) In case of insufficient property tax payment by a taxpayer to a municipality, payments shall be allocated first to municipal property tax, and next to statewide education tax. In case of insufficient payment by a taxpayer to the Department of Taxes, payments shall be allocated first to liabilities other than education taxes, and next to education tax.

(6) In case of overpayment by a taxpayer who has an income tax liability under chapter 151 of this title and a homestead property tax liability, a refund of the overpayment, after accounting for any benefit amount allowed under chapter 154 of this title, shall be deemed to be a refund of income tax for purposes of debt setoff under subchapter 12 of chapter 151 of this title.

(7) Notwithstanding section 435 of this title, the Commissioner shall deposit the revenue from taxes imposed under this chapter in the education fund.

(8) A municipality's liability to the State for education taxes shall not be reduced by any early payment property tax discount or similar discount offered by the municipality.