

Report of Committee of Conference

H.933

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon House Bill, entitled:

H.933. An act relating to miscellaneous administrative and policy changes to the tax laws.

Respectfully reports that it has met and considered the same and recommends that the House accede to the Senate proposal of amendment with further amendment thereto as follows:

First: By striking out Sec. 19, 3 V.S.A. § 24, in its entirety and inserting in lieu thereof a new Sec. 19 to read as follows:

Sec. 19. 3 V.S.A. § 24 is added to read:

§ 24. GOVERNOR'S LIST OF SCHOLARSHIP GRANTING

ORGANIZATIONS

(a) Annually on December 1, the Governor or designee may elect to provide a list of organizations that satisfy the conditions of subsection (b) of this section to the U.S. Secretary of the Treasury for purposes of making the federal qualified elementary and secondary education scholarship tax credit available for Vermont taxpayers under 26 U.S.C. § 25F. It shall be presumed

that an organization listed in the previous year will be listed in the subsequent year unless the Governor finds that the organization has failed to meet the requirements of this section.

(b) An organization shall not be listed unless the organization meets the following criteria:

(1) it qualifies as a “scholarship granting organization” as defined under 26 U.S.C. § 25F(c)(5);

(2) it is a nonprofit organization with the core mission of providing educational opportunities to economically underprivileged students through afterschool programs, summer programs, tutoring, and similar programs;

(3) all grants and scholarships provided by the organization are to students attending a public school, as defined in 16 V.S.A. § 11(a)(7), or an independent school, as defined in 16 V.S.A. § 11(a)(8), that is also capable of receiving public tuition;

(4) all grants and scholarships provided by the organization are for students to attend a program offered by a program provider that has entered into a memorandum of understanding pursuant to subsection (c) of this section with a public school, as defined in 16 V.S.A. § 11(a)(7); an independent school, as defined in 16 V.S.A. § 11(a)(8), that is also capable of receiving public tuition; or a school district, as defined in 16 V.S.A. § 11(a)(10); and

(5) when determining whether to award a scholarship, the organization does not discriminate against any student because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a student with a disability, as that term is defined under 21 V.S.A. § 495d(5).

(c) The memorandum of understanding between a program provider and school required under subdivision (b)(4) of this section shall include verification that the program provider offers a program that:

(1) is for after school, during a school break, for supplemental tutoring, or similar;

(2) is educational in nature; and

(3) does not discriminate against any student because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a student with a disability, as that term is defined under 21 V.S.A. § 495d(5).

(d) Annually, on or before January 15, each scholarship granting organization listed pursuant to subsection (a) of this section in the previous calendar year shall provide a report to the House and Senate Committees on Education providing the following information relating to activity in the previous year:

(1) the total amount provided in scholarships under this section;

(2) the total number of scholarships provided under this section;

(3) the total number of scholarship recipients;

(4) a complete list of afterschool programs, summer programs, tutoring, and similar programs that scholarship recipients attended using scholarship funds provided by the organization and the amount of scholarship funds received by each program;

(5) the total number of individuals who made donations to the organization, including the zip code of each individual donor;

(6) the total amount of money received as donations;

(7) the total amount spent on administrative costs with a description of those administrative costs and an accounting of any unspent funds currently held; and

(8) a list identifying all employees, officers, and board members of the organization that includes, for every individual, the name of the position held and compensation received.

(e) In the Governor's discretion, the Governor may audit an organization seeking placement on the list, or a program receiving scholarship funds under this section, to ensure the organization meets all the requirements for placement as provided by this section and applicable federal law. The Governor shall not list an organization that the Governor knows is not in compliance with the requirements of this section or 26 U.S.C. § 25F(c)(5).

(f)(1) If the Attorney General finds that any provision of this act is rendered invalid due to a federal act, federal agency rule, or court of competent jurisdiction, the Attorney General shall submit written notice of the invalidation to the Governor, the Speaker of the House, and President Pro Tempore of the Senate that the provision is invalid.

(2) Upon receipt of the notice provided under subdivision (1) of this subsection, neither the Governor nor the Governor's designee shall provide a list of organizations to the U.S. Secretary of the Treasury under subsection (a) of this section until the General Assembly has enacted legislation addressing the invalidated provision.

Second: By striking out Sec. 22, repeal; Commissioner of Fish and Wildlife rule on fees for the use of Fish and Wildlife Department lands and facilities, in its entirety and inserting in lieu thereof a new Sec. 22 to read as follows:

Sec. 22. REPEAL; COMMISSIONER OF FISH AND WILDLIFE RULE ON
FEES FOR THE USE OF FISH AND WILDLIFE DEPARTMENT
LANDS AND FACILITIES

Notwithstanding 3 V.S.A. § 848, Commissioner of Fish and Wildlife Rule 2008-01, CVR 12-010-075, Fees for the Use of Fish and Wildlife Department Lands and Facilities will remain in effect through June 30, 2027, and will be repealed on July 1, 2027.

Third: By striking out Sec. 50, 24 V.S.A. § 138, in its entirety and inserting in lieu thereof a new Sec. 50 to read as follows:

Sec. 50. [Deleted.]

Fourth: In Sec. 63a, Burlington Waterfront Tax Increment Financing District; findings; intent, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) It is the intent of the General Assembly to clarify that the City of Burlington may retain State education tax increment and municipal tax increment until June 30, 2035, consistent with the methodology approved by the Joint Fiscal Committee on September 10, 2009, for the following three properties located at 49 Church Street and 75 Cherry Street, as designated on the City of Burlington's Tax Parcel Maps:

- (1) Parcel ID# 044-4-004-000;
- (2) Parcel ID# 044-4-004-001; and
- (3) Parcel ID# 044-4-033-000.

Fifth: By adding three new sections to be Secs. 63c, 63d, and 63e to read as follows:

Sec. 63c. 16 V.S.A. § 4025 is amended to read:

§ 4025. EDUCATION FUND

(a) The Education Fund is established to comprise the following:

* * *

(4) ~~29~~ 32.5 percent of the revenues from the meals and rooms taxes imposed under 32 V.S.A. chapter 225;

(5) ~~27~~ 21 percent of the revenues raised from the purchase and use tax imposed by 32 V.S.A. chapter 219, notwithstanding 19 V.S.A. § 11(1);

* * *

Sec. 63d. 32 V.S.A. § 435(b)(7) is amended to read:

(7) ~~65~~ 61.5 percent of the meals and rooms taxes levied pursuant to chapter 225 of this title;

Sec. 63e. LEGISLATIVE INTENT; TRANSPORTATION AND

EDUCATION FUNDS

It is the intent of the General Assembly, in future fiscal years, to gradually shift additional revenue generated by the motor vehicle purchase and use tax to the Transportation Fund. It is further intended that any future changes resulting in a decrease of revenues deposited in the Education Fund be accompanied by other revenue policy measures that mitigate any impact on statewide education property taxes.


Sixth: In Sec. 64, effective dates, by striking out subdivision (10) in its entirety and inserting in lieu thereof a new subdivision (10) to read as follows:

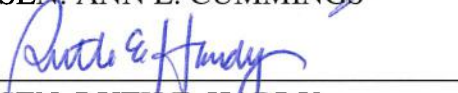
(10) Secs. 62 and 63 (deposit of meals and rooms tax and purchase and use tax revenues) shall take effect on July 1, 2026, and apply beginning with fiscal year 2027.

Seventh: In Sec. 64, effective dates, by adding a new subdivision to be subdivision (11) to read as follows:

(11) Secs. 63c and 63d (deposit of meals and rooms tax and purchase and use tax revenues) shall take effect on July 1, 2027, and apply beginning with fiscal year 2028.

COMMITTEE ON THE PART OF
THE SENATE


SEN. ANN E. CUMMINGS


SEN. RUTH E. HARDY


SEN. CHRISTOPHER P. MATTOS

COMMITTEE ON THE PART OF
THE HOUSE


REP. EMILIE K. KORNHEISER


REP. WILLIAM P. CANFIELD


REP. CHARLES A. KIMBELL