



SPONSOR: Rep. Carson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 214

1 AMEND House Bill No. 214 by inserting after line 3 and before line 4 the following:

2 “(a) The receiver of taxes and county treasurer shall collect school taxes in the same manner and at the same time
3 as provided by law for the collection of taxes for other purposes, and, except as provided in subsection (c) and (d) of this
4 section, shall allow no abatement or discount upon any taxes levied for school purposes required to be collected by them.
5 The Receiver of Taxes and County Treasurer for New Castle County only shall, after September 1 in the year in which the
6 tax rolls shall be delivered to them, assess a penalty of 5% to taxes which are due and owing but unpaid, and shall each
7 month thereafter add to such unpaid taxes a penalty of 1% per month until the same shall be paid. The Receiver of Taxes of
8 Kent and Sussex Counties only shall, after September 30 in the year in which the tax rolls shall be delivered to them, assess
9 a penalty of 1% per month until the same shall be paid.”

10 FURTHER AMEND House Bill No. 214 on line 10 by inserting after “in this State” and before the period: “for a
11 period of at least 3 consecutive years”.

12 FURTHER AMEND House Bill No. 214 by deleting “The burden of establishing legal domicile within the State
13 shall be upon the claimant.” as it appears on lines 12 and 13 and inserting in lieu thereof “The burden of establishing that
14 the claimant meets the definition of qualified person shall be upon the claimant.”.

15 FURTHER AMEND House Bill No. 214 by inserting after the period at the end of line 48 and before line 49 the
16 following: “A claimant must notify the receiver of taxes or county treasurer of any modification in status that results in the
17 claimant no longer meeting the definition of qualified person set forth in paragraph (d)(1) of this section.”

18 e. To the extent that a claimant qualifies for a credit pursuant to both this subsection and subsection (c) of this
19 section, the claimant shall be entitled to the credit authorized under this subsection and shall have no right to claim a
20 credit authorized under subsection (c) of this section.”

21 FURTHER AMEND House Bill No. 214 at line 57 by striking “§ 1919(c) and (d)” as it appears thereon and
22 substituting in lieu thereof “§ 1919 (e)”.

FURTHER AMEND House Bill No. 214 at line 57 by inserting "which" after the word "for" and before "the Secretary".

FURTHER AMEND House Bill No. 214 by striking "May 1, 2000," as it appears on line 72 and substituting in lieu thereof "May 1, 2022,".

FURTHER AMEND House Bill No. 214 by striking "section" as it appears on lines 90 and 94 and substituting in lieu thereof "section-subsection".

FURTHER AMEND House Bill No. 214 by striking "\$2,500,000" as it appears on lines 116 and 118 and substituting in lieu thereof "\$1,000,000".

FURTHER AMEND House Bill No. 214 by striking "Veteran" as it appears on lines 120 and 121 and substituting in lieu thereof "Veterans".

FURTHER AMEND House Bill No. 214 by striking "section" as it appears on lines 123 and 127 and substituting in lieu thereof "subsection".

FURTHER AMEND House Bill No. 214 by deleting "may" as it appears on line 131 and substituting in lieu thereof "shall".

FURTHER AMEND House Bill No. 214 by deleting lines 133 through 140 and substituting in lieu thereof the following:

"change to the current expense tax rate pursuant to this subsection. In the event that local school boards choose not to authorize the aforementioned credit against taxation, the sums appropriated herein will revert to the General Fund. In the first year after a school board authorizes a credit, the Secretary of Finance, in consultation with the receiver of taxes or county treasurer, shall determine the effective date of such credit based upon reasonable implementation requirements and operational capacity.

Section 4. This Act takes effect upon enactment.

Section 5. In FY 2022, the Secretary of Finance may use up to 5% of the amount appropriated for the Disabled Veterans Property Tax Relief and Education Expense Fund established pursuant to this Act to offset administrative expenses. The Secretary of Finance shall pay over to each receiver of taxes and county treasurer an amount equal to 2% of the amount appropriated for the Disabled Veterans Property Tax Relief and Education Expense Fund established pursuant to this Act to offset administrative expenses."

SYNOPSIS

This amendment does the following:

1. Makes technical corrections.

2. Lowers the reserve amount for the Disabled Veterans Property Tax Relief and Education Expense Fund to \$1 million.
3. Establishes that where an individual qualifies for both the Disabled Veterans and the Senior Property Tax Credit, they shall receive only the Disabled Veterans Credit – which entitles them to 100% tax relief on their school tax obligation and prevents the possibility of being credited an amount greater than the tax liability.
4. Provides an allocation of funds for administrative expenses of the counties and the Department of Finance.
5. Clarifies that a school board may choose to adopt the 100% credit set forth in the bill, but not a portion thereof.
6. Clarifies that the Act takes effect immediately, but a qualified person will not be eligible for the credit until after the Secretary of Finance and county officials implement the credit after a vote of a local school board.
7. Adds the requirement that a qualified person must be domiciled in Delaware for at least 3 years before becoming eligible for the Disabled Veterans Credit and requires that if a person ceases to qualify they must notify the county treasurer or receiver of taxes.