

House Calendar

Friday, March 26, 2010

81st DAY OF ADJOURNED SESSION

House Convenes at 9:30 A.M.

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ACTION CALENDAR

Action Postponed Until April 6, 2010

Senate Proposal of Amendment

H. 456

An act relating to seasonal fuel assistance

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

Sec. 1. 33 V.S.A. § 2601 is amended to read:

§ 2601. POLICY AND PURPOSE

(a) It is the purpose of this chapter to secure the safety and health of low income Vermont households by providing needy Vermonters with assistance for the purchase of essential home heating fuel. To further this purpose, application acceptance, processing, and eligibility determination should as much as is practical be coordinated with other economic benefit programs administered by the agency of human services.

(b) This chapter establishes a home heating fuel assistance program in the agency of human services with both a seasonal fuel assistance component ~~for very low income households~~ and a crisis component ~~to supply fuel assistance to low income households in crisis situations.~~

Sec. 2. 33 V.S.A. § 2603 is amended to read:

§ 2603. HOME HEATING FUEL ASSISTANCE FUND

(a) There is created in the state treasury a fund to be known as the home heating fuel assistance fund.

(b) The fund shall consist of the receipts from any taxes dedicated to the fund and such other state funds as may be appropriated to it by the general assembly. ~~Funds from the home heating fuel assistance fund and the federal Low Income Home Energy Assistance Program (LIHEAP).~~ These funds shall be expended by the ~~director~~ secretary of human services or designee in accordance with this chapter, rules adopted pursuant to this chapter, and other relevant federal laws and rules adopted pursuant thereto law.

* * *

(d) The secretary or designee may spend, in anticipation of federal receipts into the home heating fuel assistance fund established under this section, a sum

no greater than 75 percent of the federal block grant funds allocated to Vermont for the current federal fiscal year under the Low Income Home Energy Assistance Program (LIHEAP), for the purpose of permitting preseason purchases of fuel and other cost-effective purchasing practices authorized by subsection 2602(c) of this title, in accordance with rules adopted by the secretary.

Sec. 3. 33 V.S.A. § 2604 is amended to read:

§ 2604. ELIGIBLE BENEFICIARIES; REQUIREMENTS

(a) Household income eligibility requirements. The secretary of human services or designee, by rule, shall establish household income ~~and asset~~ eligibility requirements of beneficiaries in the seasonal fuel assistance program including the income ~~and assets~~ of all residents of the household.

~~(1) The income eligibility requirements shall require that households have a net gross household income no greater than 125 185 percent of the federal poverty level in order to be potentially eligible for benefits. Net income shall be derived by making the following deductions from gross income: 20 percent of household members' gross earned income; 100 percent of federal or state earned income credits received by household members; dependent care expenses that are within an allowable maximum, paid by a household member, and necessary to support a household member's employment or training for employment, according to criteria established by the secretary by rule; child support or alimony payments made by a household member on behalf of a nonhousehold member that meet criteria established by the secretary by rule; \$250.00 for each household member who is 60 years of age or older or disabled according to criteria established by the secretary by rule; any deductions or exclusions required by federal law or regulations; and any other deduction or exclusion established by the secretary by rule. To the extent allowed by federal law, the secretary of human services or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.~~

~~(2) In order to be eligible, a household shall have net household assets no greater than \$5,000.00, or \$10,000.00 if one member of the household is 60 years of age or older. The secretary shall establish exclusions from the asset limit by rule.~~

(b) Fuel cost requirements. ~~The secretary shall adopt rules that specify the responsibility of the applicant households and their certified fuel supplier in providing the office of home heating fuel assistance with information that the office will use to establish an applicant household's heating fuel consumption~~

~~for the previous year.~~ The secretary of human services or designee shall by rule procedure establish a table that contains amounts that will function as a proxy for applicant households' annual heating fuel cost for the previous year. The seasonal fuel expenditure estimates contained within such table shall closely approximate the actual home heating costs experienced by participants in the home heating fuel assistance program. Such table shall be revised no less frequently than every three years based on data supplied by certified fuel suppliers, the department of public service, and other industry sources to the office of home heating fuel assistance, ~~as required by rule.~~ ~~The secretary shall also establish by rule minimum amounts of annual home heating fuel costs that vary based on the household's size and annual income.~~

(c) In determining heating fuel costs of households:

~~(1)(A) Households that make undesignated payments for energy for home heat in the form of rent and are not participating in a public, subsidized or Section 8 housing program shall be eligible for an annual home heating fuel assistance benefit in an amount equal to 30 percent of the benefit the household would have received if the household were purchasing energy for home heating fuel directly, or in the amount of \$50.00, whichever amount is greater.~~

~~(B) Households that make undesignated payments for energy for home heat in the form of rent and are participating in a public, subsidized or Section 8 housing program shall be eligible for a nominal annual home heating fuel assistance benefit of \$5.00. This benefit amount is effective beginning with the 1999-2000 program year.~~

~~(C) Residents of the dwelling unit who make reasonable compensation in the form of room rent and who are not members of the same household shall be eligible for an annual home heating fuel assistance benefit in the amount of \$50.00.~~

~~(2) Residents of housing units subsidized by the federal, state, or local government shall be deemed to have incurred no annual home heating fuel costs, except to the extent required by any federal law or regulation if federal funds are utilized for the home heating fuel assistance program, and with the following additional exception. Housing unit residents who participate in Reach Up under chapter 11 of this title, or who receive Supplemental Security Income/Aid to the Aged, Blind, or Disabled (SSI/AABD), emergency assistance, or general assistance benefits that are used in whole or in part to pay for their housing or utility costs and do not receive other federal, state, or local government assistance targeted specifically to their housing or utility needs shall, with the exception of households for which the cost of heat is supplied by the landlord, be assumed to incur annual home heating fuel costs~~

and their eligibility for annual heating fuel assistance shall not be limited by this subsection.

~~(3)~~(2) The annual heating fuel cost for a household unit shall be only for the cost of the primary heating fuel source of the unit, which may be for wood, electricity, or any other fuel source, but annual heating fuel costs shall be only for the cost of heat and not include the cost of the fuel for any other uses of the household.

Sec. 4. 33 V.S.A. § 2605 is amended to read:

§ 2605. BENEFIT AMOUNTS

~~(a) The secretary shall by rule establish a table that specifies for households for which the cost of heat is not supplied by the landlord, maximum annual home heating fuel assistance benefit amounts. The maximum benefit amounts contained within this table shall vary by household size and annual household income. The annual home heating fuel assistance benefit for households that make undesignated payments for energy for home heat in the form of rent, and for households that pay room rent and who are not members of the same household with other residents of the dwelling unit, shall be the amounts established in section 2604(c)(1) of this title.~~

~~(b)~~ The secretary of human services or designee shall by rule establish a table that specifies maximum percentages of applicant households' annual heating fuel costs, based on the proxy table established pursuant to section 2604(b) of this title, that can be authorized for payment as annual home heating fuel assistance benefits for the following year. The maximum percentages contained within this table shall vary by household size and annual household income. In no instance shall the percentage exceed 90 percent.

(b) The maximum percentages of annual heating fuel costs table established in subsection (a) of this section shall provide proportionally higher benefit percentages to households with a gross income of 154 percent of the federal poverty guidelines or less and proportionally lower benefit percentages to households with a gross income of 155 to 185 percent of the federal poverty guideline.

~~(c) Annually, based on the number of eligible households that have applied and for which the cost of heat is not supplied by the landlord, these households' individual incomes and individual annual heating fuel cost, based on the proxy table established pursuant to subsection 2604(b) of this title, the number of eligible households that have applied and for which the cost of heat is supplied by the landlord, the cost of benefits for these households, and the amount of funds available in the home heating fuel assistance fund for the purpose of providing annual home heating fuel assistance benefits or are~~

projected to apply, and on the eligibility of households in the benefit categories established in this section, the secretary of human services or designee shall, by procedure, set the payment rate that shall be used to determine the amount of annual home heating fuel assistance for which each eligible household for which the cost of heat is not supplied by the landlord qualifies. In no event shall the payment rate be greater than 100 percent of the maximum percentage established by rule as required by subsection (b)(a) of this section.

~~(d) In the case of a household for which the cost of heat is not supplied by the landlord, the household's annual home heating fuel assistance benefit is the household's annual heating fuel cost for the previous year as defined in section 2604(b) of this title, multiplied by the maximum percentage for that household found in the table established by subsection (b)(a) of this section, multiplied by the payment rate established in subsection (c) of this section. In no event, however, shall the benefit paid for these households exceed the maximum benefit for a household of its income and size as established by rule as required in subsection (a) of this section. The annual home heating fuel assistance benefit for households that make undesignated payments for energy for home heat in the form of rent, and for households that pay room rent and who are not members of the same household with other residents of the dwelling unit, shall be the amounts established in subdivision 2604(e)(1) of this title.~~

(e) ~~[Repealed.]~~ Households that make undesignated payments for energy for home heat in the form of rent and that are not participating in a public, subsidized, or Section 8 housing program shall be eligible for an annual home heating fuel assistance benefit in an amount equal to 30 percent of the benefit the household would have received if the household were purchasing energy for home heating fuel directly or in the amount of \$50.00, whichever amount is greater.

(f) Households that make undesignated payments for energy for home heat in the form of rent and are participating in a public, subsidized, or Section 8 housing program shall be eligible for a nominal annual home heating fuel assistance benefit of \$5.00.

(g) Residents of the dwelling unit who make reasonable compensation in the form of room rent and who are not members of the same household shall be eligible for an annual home heating fuel assistance benefit in the amount of \$50.00.

(h) Households receiving benefits from 3SquaresVT whose head of household is not otherwise eligible for a fuel benefit under this section shall be eligible for a nominal annual home heating fuel assistance benefit of \$3.00.

Sec. 5. 33 V.S.A. § 2606 is amended to read:

§ 2606. APPLICATION PERIOD; ASSISTANCE

~~(a) In order to make a timely determination of benefit levels, there shall be an application period during which all beneficiaries shall apply for home heating fuel assistance for the ensuing heating season. The application period shall be from July 15 through August 31. The secretary of human services or designee may accept applications on an ongoing basis beginning on April 1, 2010. The secretary or designee may establish by rule the procedure for accepting applications and determining eligibility under this subsection.~~

~~(b) The secretary shall accept applications after the application period has closed, but no later than the last day of February. No qualified applicant shall be penalized through a reduction of benefits for a late-filed application, except that such applicant shall not be entitled to receive benefits for any period prior to the month of application.~~

~~(c) The director of home energy assistance~~ secretary of human services or designee shall supply or contract for staff to carry out application processing process applications and related tasks including assisting households in applying and providing required information, and locating and contacting fuel suppliers certified under section 2607 of this title.

~~(d) Notwithstanding subsections (a) and (b) of this section, the secretary may accept applications on an ongoing basis for the 2010-2011 heating season beginning on March 1, 2010 and may establish by rule the procedure for accepting applications and determining eligibility under this subsection. No later than January 15, 2010, the secretary shall provide draft legislation to modify the process for application, eligibility, and calculation and issuance of benefits under the seasonal fuel assistance program using a new eligibility system to the house committee on human services and the senate committee on health and welfare.~~

Sec. 6. 33 V.S.A. § 2607 is amended to read:

§ 2607. PAYMENTS TO FUEL SUPPLIERS

(a) ~~The director~~ secretary of human services or designee shall certify fuel suppliers, excluding firewood and wood pellet suppliers, to be eligible to participate in the home heating fuel assistance program, ~~and beneficiaries.~~ Beneficiaries may obtain assistance for fuel deliveries use their seasonal fuel assistance benefit to obtain home heating fuel or energy only from a fuel supplier certified by the director, except that beneficiaries who heat with firewood or wood pellets may obtain their firewood or wood pellets from any supplier they choose.

(b) Certified fuel suppliers shall agree to conduct reasonable efforts in order to inform and assist beneficiaries in their service areas, maintain records of amounts and costs of all fuel deliveries, send periodic statements to customers receiving home heating fuel assistance informing them of their account's credit or debit balance as of the last statement, deliveries or usage since that statement and the charges for such, payments made or applied, indicating their source, since that statement, and the ending credit or debit balance. Certified fuel suppliers shall also agree to provide the ~~director~~ secretary of human services or designee such information deemed necessary for the efficient administration of the program, including information required to pay beneficiary's benefits to the certified supplier after fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.

(c) Certified fuel suppliers shall not disclose the beneficiary status of recipients of home heating fuel assistance benefits, the names of recipients, or other information pertaining to recipients to anyone, except for purposes directly connected with administration of the home heating fuel assistance program or when required by law.

~~(d) A supplier of wood fuel may be certified by the director only if the supplier is, in the normal course of business, a supplier of wood fuel; maintains a Social Security number or a federal tax identification number for such business; and provides that number to the director.~~

(e) Certified fuel suppliers shall also agree to enter into budget agreements with beneficiaries for annualized monthly payments for fuel supplies provided the beneficiary meets accepted industry credit standards, and shall grant program beneficiaries such cash discounts, preseason delivery savings, automatic fuel delivery agreements, and any other discounts granted to any other heating fuel customer or as the secretary of human services or designee may negotiate with certified fuel suppliers.

~~(f)~~(e) ~~The office of home heating fuel assistance~~ secretary of human services or designee shall provide each certified fuel supplier with a list of the households who are its customers and have been found eligible for annual home heating fuel assistance for the current year, the total amount of annual home heating fuel assistance that has been authorized for each household, and how the total amount has been allocated over the heating season. Each authorized amount shall function as a line of credit for each eligible household. ~~The office of home heating fuel assistance~~ secretary or designee shall disburse authorized home heating fuel assistance benefits to certified fuel suppliers on behalf of eligible households ~~in accordance with the allocation schedule~~ after

fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.

~~(g) In the event that on April 30 of any year a credit balance exists in a certified fuel supplier's account for a household that has received annual home heating fuel assistance during the previous 12 months, that certified fuel supplier is required to pay the amount of this credit balance to the office of home heating fuel assistance no later than May 31 of the same year.~~

~~(h)~~(f) The ~~director~~ secretary of human services or designee shall negotiate with one or more certified fuel suppliers to obtain the most advantageous pricing and, payment terms, and delivery methods possible for eligible households.

Sec. 7. 33 V.S.A. § 2609 is amended to read:

§ 2609. CRISIS RESERVES

Annually, the secretary of human services or designee shall determine ~~by rule~~ an appropriate amount of funds in the home heating fuel assistance fund to be set aside for expenditure for the crisis ~~reserve~~ fuel assistance component of the home heating fuel program. The secretary ~~or designee~~ shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis ~~reserve~~ funds, and to establish the income and asset eligibility requirements of households for receipt of crisis ~~reserve~~ home heating fuel assistance, provided that no household shall be eligible whose gross household income is greater than ~~150~~ 200 percent of the federal poverty level based on the income of all persons residing in the household. To the extent allowed by federal law, the secretary or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

Sec. 8. EXPEDITED RULES

Notwithstanding the provisions of chapter 25 of Title 3, the agency of human services shall adopt rules to implement this act pursuant to the following:

(1) The secretary of human services or designee shall file final proposed rules with the secretary of state and the legislative committee on administrative rules under 3 V.S.A. § 841, after publication in three daily newspapers with the highest average circulation in the state of a notice that lists the rules to be adopted pursuant to this process and a seven-day public comment period following publication.

(2) The secretary of human services or designee shall file final proposed rules with the legislative committee on administrative rules no later than 28 days after the effective date of this act.

(3) The legislative committee on administrative rules shall review, and may approve or object to, the final proposed rules under 3 V.S.A. § 842, except that its action shall be completed no later than 14 days after the final proposed rules are filed with the committee.

(4) The secretary of human services or designee may adopt a properly filed final proposed rule after the passage of 14 days from the date of filing final proposed rules with the legislative committee on administrative rules or after receiving notice of approval from the committee, provided the secretary or designee:

(A) has not received a notice of objection from the legislative committee on administrative rules; or

(B) after having received a notice of objection from the committee, has responded pursuant to 3 V.S.A. § 842.

(5) Rules adopted under this section shall be effective upon being filed with the secretary of state and shall have the full force and effect of rules adopted pursuant to chapter 25 of Title 3. Rules filed by the secretary of human services or designee with the secretary of state pursuant to this section shall be deemed to be in full compliance with 3 V.S.A. § 843, and shall be accepted by the secretary of state if filed with a certification by the secretary of human services or designee that the rule is required to meet the purposes of this section.

Sec. 9. IMPLEMENTATION

No later than September 1, 2011, the secretary of human services or designee shall implement a payment system to pay fuel benefits to certified fuel suppliers after the fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.

And the title shall be amended to read:

“An act relating to fuel assistance.”

(For text see House Journal 5/5/09)

Third Reading

H. 783

An act relating to miscellaneous tax provisions

Amendment to be offered by Rep. Clark of Vergennes and Scheuermann of Stowe to H. 783

Reps. Clark of Vergennes and Scheuermann of Stowe move that the bill be amended as follows:

First: By striking Sec. 26 in its entirety and inserting in lieu thereof the following:

Sec. 26. 32 V.S.A. § 7475 is amended to read:

§ 7475. ADOPTION OF FEDERAL ESTATE AND GIFT TAX LAWS

The laws of the United States, relating to federal estate and gift taxes as in effect on January 1, 2009, are hereby adopted for the purpose of computing the tax liability under this chapter, except:

(1) the credit for state death taxes shall remain as provided for under Sections 2011 and 2604 of the Internal Revenue Code as in effect on January 1, 2001; and

~~(2) the applicable credit amount shall remain as provided for under Section 2010 of the Internal Revenue Code as in effect on January 1, 2008; and~~

~~(3) the deduction for state death taxes under Section 2058 of the Internal Revenue Code shall not apply.~~

Second: In Sec. 36, by adding a subdivision (9) to read:

(9) Sec. 26 of this act (estate tax) shall apply to estates of decedents dying on or after January 1, 2011.

and by renumbering the remaining subdivisions of Sec. 36 to be numerically correct

Amendment to be offered by Rep. Ancel of Calais to H. 783

Rep. Ancel of Calais moves that the bill be amended as follows:

First: By adding Secs. 36 and 37 to read as follows:

Sec. 36. 32 V.S.A. 9701(48) is added to read:

(48) Prescription: means a direction in the form of an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed health care professional.

Sec. 37. 32 V.S.A. § 9741(13) is amended to read:

(13) Sales of food, food stamps, purchases made with food stamps, food products and beverages sold for human consumption off the premises where sold; provided, however, dietary supplements are not exempt unless purchased pursuant to a prescription.

Fourth: By renumbering the existing Sec. 36 to be numerically correct and adding at the end of that section the following:

(14) Sec. 37 (dietary supplements) shall take effect on July 1, 2010.

Amendment to be offered by Reps. Wright of Burlington, Hubert of Milton and Turner of Milton to H. 783

Reps. Wright of Burlington, Hubert of Milton and Turner of Milton move that the bill be amended by adding Secs. 42–44 to read:

Sec. 42. HOMESTEAD PROPERTY TAX REFUND

(a) Any taxpayer who, in 2009 only, failed to timely file a homestead declaration may, prior to June 1, 2010, apply to the commissioner of taxes for a refund of amounts of property tax overpaid as a result of the failure to timely file a homestead declaration; provided, however, that the taxpayer shall have the burden of proving to the commissioner that one of the following substantially contributed to the taxpayer's failure to timely file:

(1) The taxpayer suffered from a serious medical illness or disability lasting at least from April 1, 2009, through September 1, 2009; or

(2) The taxpayer was given inaccurate information by an official of the taxpayer's municipality regarding the taxpayer's homestead status.

(b) Upon such an adequate showing of proof, the taxpayer shall be entitled to a refund, without interest, which the commissioner shall make from the education fund. The commissioner's determination as to the adequacy of the taxpayer's proof required in subdivision (a)(1) or (2) of this section shall be final.

Sec. 43. USE OF EDUCATION FUNDS

In addition to the uses of education funds set forth in 16 V.S.A. § 4025(b), the commissioner of taxes is authorized for the period of June 1, 2010, through August 30, 2010, only, to use education funds to refund without interest, any overpayment of education property taxes received by the education fund and due to a taxpayer upon successful petition to the commissioner made pursuant to section (a) of Sec. 42 of this act.

Sec. 44. APPROPRIATION

There is appropriated in fiscal year 2011 from the education fund to the commissioner of taxes the sum of \$75,000.00 for pro rata payment of refunds related to 2009 property taxes and allowed under Secs. 42 and 43 of this act. The pro rata calculation under this section shall be on the basis of the amount of the taxpayer's refund as a portion of the total qualifying refund claims related to 2009 property taxes, but no pro rata portion distributed to a taxpayer shall exceed the actual refund amount due to the taxpayer. Any amount not distributed to taxpayers under this section shall revert to the education fund.

and renumbering the existing Sec. 42 to be Sec. 45

Amendment to be offered by Reps. Wright of Burlington, Hubert of Milton and Turner of Milton to H. 783

Reps. Wright of Burlington, Hubert of Milton and Turner of Milton move that the bill be amended by inserting a new Sec. 42 to read as follows:

Sec. 42. 32 V.S.A. § 5410(b) and (g) are amended to read:

(b)(1) Annually on or before the due date for filing the Vermont income tax return, without extension, each homestead owner shall, on a form prescribed by the commissioner, which shall be verified under the pains and penalties of perjury, declare his or her homestead, if any, as of, or expected to be as of, April 1 of the year in which the declaration is made for property that was acquired by the declarant or was made the declarant's homestead after April 1 of the previous year. The declaration of homestead shall remain in effect until the earlier of:

(A) the transfer of title of all or any portion of the homestead; or

(B) that time that the property or any portion of the property ceases to qualify as a homestead.

(2) Within 30 days of the transfer of title of all or any portion of the homestead, or upon any portion of the property ceasing to be a homestead, the declarant shall provide notice to the commissioner on a form to be prescribed by the commissioner.

* * *

(g) If the property identified in a declaration under subsection (b) of this section is not the taxpayer's homestead, or if the owner of a homestead fails to declare a homestead as required under this section, or fails to file a notice of transfer or change in qualification pursuant to subdivisions (b)(1)(A) and (B) of this section, the commissioner shall notify the municipality and the municipality shall issue a corrected tax bill that includes a penalty in an amount equal to three percent of the education tax on the property if the municipality's nonresidential tax rate is higher than the municipality's

homestead tax rate for the tax year to which the declaration or failure pertains, or in any other case shall assess the taxpayer a penalty in an amount equal to eight percent of the education tax on the property. ~~The municipality shall also assess the taxpayer a penalty in an amount equal to one percent of the education tax on the property; or if~~ If the commissioner determines that the declaration or failure to declare was with fraudulent intent, then the municipality shall assess the taxpayer a penalty in an amount equal to 100 percent of the education tax on the property; plus any interest and late-payment fee or commission which may be due. Any penalty imposed under this section and any additional property tax interest and late-payment fee or commission shall be assessed and collected by the municipality in the same manner as a property tax under chapter 133 of this title.

and by renumbering Sec. 41 to be Sec. 42 and adding at the end of the section the following:

(18) Sec. 42 (homestead declaration) shall apply to homestead declarations filed for property tax year 2010 and after.

Amendment to be offered by Reps. Scheuermann of Stowe and Clark of Vergennes to H. 783

Reps. Scheuermann of Stowe and Clark of Vergennes move that the bill be amended as follows:

First: By inserting a new Sec. 29 to read:

Sec. 29. 32 V.S.A. § 5811(21) is amended to read:

(21) "Taxable income" means federal taxable income determined without regard to Section 168(k) of the Internal Revenue Code and:

(A) Increased by the following items of income (to the extent such income is excluded from federal adjusted gross income):

(i) interest income from non-Vermont state and local obligations;

(ii) dividends or other distributions from any fund to the extent they are attributable to non-Vermont state or local obligations; and

(iii) the amount in excess of \$5,000.00 of state and local income taxes deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; and

(B) Decreased by the following items of income (to the extent such income is included in federal adjusted gross income):

(i) income from United States government obligations;

(ii) ~~with respect to adjusted net capital gain income as defined in Section 1(h) of the Internal Revenue Code:~~

~~(I) if the taxpayer is aged 70 or older as of the last day of the tax year or for adjusted net capital gain income from the sale of a farm or from the sale of standing timber, each as defined in subdivision (26) of this section, 40 percent of adjusted net capital gain income but the total amount of decrease under this subdivision (ii)(I) shall not exceed 40 percent of federal taxable income; provided, however, that a taxpayer aged 70 or older as of the last day of the tax year may elect to subtract his or her adjusted net capital gains pursuant to subdivision (21)(B)(ii)(II) of this section.~~

~~(II) for taxpayers aged 70 or older as of the last day of the tax year who so elect and for all other capital gain income, the first \$2,500.00 \$5,000.00 of adjusted net capital gain income; and~~

(iii) recapture of state and local income tax deductions not taken against Vermont income tax.

Second: By renumbering the remaining Secs. to be numerically correct.

Third: In Sec. 42, by inserting a new subdivision (10) to read:

(9) Sec. 29 (treatment of capital gains) shall apply to tax years beginning on and after January 1, 2011.

and renumbering the remaining subdivisions and cross-references of Sec. 42 to be numerically correct

Amendment to be offered by Rep. Scheuermann of Stowe to H. 783

Rep. Scheuermann of Stowe moves that the bill be amended as follows:

First: By striking Sec. 20 in its entirety and inserting in lieu thereof the following:

Sec. 20. 32 V.S.A. § 6066(a) is amended to read:

(a) An eligible claimant who owned the homestead on April 1 of the year in which the claim is filed shall be entitled to an adjustment amount determined as follows:

(1)(A) For a claimant with household income of \$90,000.00 or more:

(i) the statewide education tax rate, multiplied by the equalized value of the housesite in the taxable year;

(ii) minus (if less) the sum of:

(I) the applicable percentage of household income for the taxable year; plus

(II) the statewide education tax rate, multiplied by the equalized value of the housesite in the taxable year in excess of \$200,000.00.

(B) For a claimant with household income of less than \$90,000.00 but more than \$47,000.00;

(i) the statewide education tax rate, multiplied by the equalized value of the housesite in the taxable year, minus the applicable percentage of household income for the taxable year;

(ii) minus (if less) the sum of:

(I) the applicable percentage of household income for the taxable year; plus

(II) the statewide education tax rate, multiplied by the equalized value of the housesite in the taxable year in excess of the maximum adjustment value.

(C) For a claimant whose household income does not exceed \$47,000.00, the statewide education tax rate, multiplied by the equalized value of the housesite in the taxable year, minus the lesser of:

(i) the sum of the applicable percentage of household income for the taxable year plus the statewide education tax rate, multiplied by the equalized value of the housesite in the taxable year in excess of maximum adjustment value; or

(ii) the statewide education tax rate, multiplied by the equalized value of the housesite in the taxable year reduced by \$15,000.00.

~~(D) A claimant whose household income does not exceed \$90,000.00 shall also be entitled to an additional adjustment amount under this section of \$10.00 per acre, up to a maximum of five acres, for each additional acre of homestead property in excess of the two-acre housesite. The adjustment amount under this section shall be shown separately on the notice of property tax adjustment to the claimant.~~

(2) “Applicable percentage” in this section means two percent, multiplied by the district spending adjustment under subdivision 5401(13) of this title for the property tax year which begins in the claim year for the municipality in which the homestead residence is located; but in no event shall the applicable percentage be less than two percent.

(3) a claimant whose household income does not exceed \$47,000.00 shall also be entitled to an additional adjustment amount equal to the amount by which the property taxes for the municipal fiscal year which began in the taxable year upon the claimant’s housesite, reduced by the adjustment amount

determined under subdivisions (1) and (2) of this subsection, exceeds a percentage of the claimant's household income for the taxable year as follows:

If household income (rounded to the nearest dollar) is:	then the taxpayer is entitled to credit for the reduced property tax in excess of this percent of that income:
\$0 – 9,999.00	2.0
\$10,000.00 – 24,999.00	4.5
\$25,000.00 – 47,000.00	5.0

(4) Credit limitation. In no event shall the credit provided for in subdivision (3) of this subsection exceed the amount of the reduced property tax.

(5) "Maximum adjustment value" in this section means the median housesite value of a claimant's municipality, as determined annually by the commissioner.

H. 784

An act relating to the state's transportation program

Amendment to be offered by Reps. Masland of Thetford and Cheney of Norwich to H. 784

Reps. Masland of Thetford and Cheney of Norwich move that the bill be amended by striking Sec. 43 in its entirety and by inserting in lieu thereof a new Sec. 43 to read:

Sec. 43. RELINQUISHMENT OF U.S. ROUTE 5 AND NORWICH STATE HIGHWAY IN THE TOWN OF NORWICH

(a) Pursuant to 19 V.S.A. § 15(2), approval is granted for the secretary of transportation to enter into an agreement with the town of Norwich to relinquish to the town's jurisdiction a segment of the state highway known as VT Route 10A in the town of Norwich, beginning at the low-water mark of the Connecticut River at a point in the center of VT Route 10A and continuing 2,756 feet (approximately 0.52 miles) westerly to mile marker 1.218 where VT Route 10A intersects with U.S. Route 5 (this point also is station 78+00 on the U.S. Route 5 centerline of Highway Project Hartford-Norwich I 91-2(5)). The relinquishment shall continue 6,496 feet (approximately 1.230 miles) northerly and easterly along the center of U.S. Route 5 (Church Street) to its intersection

with the Norwich State Highway at approximately U.S. Route 5 mile marker 2.448.

(b) Control of the highways but not ownership of the lands or easements within the highway right-of-way shall be relinquished to the town of Norwich. The town of Norwich shall not sell or abandon any portion of the relinquishment areas or allow any encroachments within the relinquishment areas without written permission of the agency of transportation.

H. 789

An act making appropriations for the support of government

Amendment to be offered by Reps. Rodgers of Glover and Lewis of Derby to H. 789

Reps. Rodgers of Glover and Lewis of Derby move that the bill be amended by adding section E.701.3 to read as follows:

Sec. E.701.3. POSITION OF COMMISSIONER OF FISH AND WILDLIFE

(a) Beginning with fiscal year 2011, the position of commissioner of fish and wildlife shall be abolished, and the duties and authorities of the commissioner of fish and wildlife set forth in the Vermont Statutes Annotated shall be transferred to the commissioner of forests, parks and recreation. Funding appropriated to the agency of natural resources under this bill for the position of the commissioner of fish and wildlife shall be retained and reinvested by the agency of natural resources.

(b) Legislative council is directed through statutory revision to codify this section by replacing all references to the commissioner of fish and wildlife in the Vermont Statutes Annotated with references to the commissioner of forests, parks and recreation.

Amendment to be offered by Rep. Turner of Milton to H. 789

Rep. Turner of Milton moves that the bill be amended as follows:

First: In Sec. E.600, by adding a new subsection to be subsection (e) to read:

(e)(1) If undergraduate tuition established by the University of Vermont for the 2010–2011 academic year exceeds undergraduate tuition for the 2009–2010 academic year, then the general fund appropriation to the university under B.600 of this act shall be reduced by an amount equal to the sum of:

(A) the difference between the undergraduate tuition for out-of-state students in those academic years multiplied by the number of out-of-state

undergraduate students enrolled in the university in the 2010–2011 academic year; and

(B) the difference between the undergraduate tuition for in-state students in those academic years multiplied by the number of in-state undergraduate students enrolled in the university in the 2010–2011 academic year.

(2) If the general fund appropriation to the University of Vermont is reduced pursuant to subdivision (1) of this subsection, then a sum equal to the amount of the reduction is appropriated to the Vermont higher education endowment trust fund created in 16 V.S.A. § 2885 from the fiscal year 2011 general fund.

Second: In Sec. E.602, by adding a new subsection to be subsection (c) to read:

(c)(1) If the tuition established by the Vermont state colleges for the 2010–2011 academic year exceeds the tuition for the 2009–2010 academic year, then the general fund appropriation to the Vermont state colleges under B.602 of this act shall be reduced by an amount equal to the sum of:

(A) the difference between the tuition for out-of-state students in those academic years multiplied by the full-time-equivalent number of out-of-state students enrolled in the Vermont state colleges in the 2010–2011 academic year; and

(B) the difference between the tuition for in-state students in those academic years multiplied by the full-time-equivalent number of in-state students enrolled in the Vermont state colleges in the 2010–2011 academic year.

(2) If the general fund appropriation to the Vermont state colleges is reduced pursuant to subdivision (1) of this subsection, then a sum equal to the amount of the reduction is appropriated to the Vermont higher education endowment trust fund created in 16 V.S.A. § 2885 from the fiscal year 2011 general fund.

Third: By adding a new section to be Sec. E.606 to read:

Sec. E.606. LEGISLATIVE TRUSTEES; TUITION

No legislator serving as a trustee of the University of Vermont pursuant to 16 App. V.S.A. part 1, chapter 1, § 1-2 or of the Vermont state colleges pursuant to 16 V.S.A. § 2172(a)(3) may vote on the question of an increase in the undergraduate tuition charged by the institution for the 2011–2012 academic year.

Amendment to be offered by Reps. Howard of Cambridge, Clark of Vergennes and McDonald of Berlin to H. 789

Reps. Howard of Cambridge, Clark of Vergennes, and McDonald of Berlin move that the bill be amended by adding Secs. E.513.1 and E.513.2 to read:

Sec. E.513.1 16 V.S.A. § 4025(a)(2) is amended to read:

(2) For each fiscal year, the amount of the general funds and any other funds appropriated or transferred to the education fund, but excluding education property tax revenues, shall be ~~\$280,200,000.00~~ increased by the most recent New England economic project cumulative price index, as of November 15, for state and local government purchases of goods and services from fiscal year 2008 through the fiscal year for which the payment is being determined, plus an additional one-tenth of one percent an amount no less than 31.8 percent of the total education fund sources; and “total education fund sources” in this subdivision shall mean the amount of education fund sources as projected for the education tax rate adjustments under 32 V.S.A. § 5402b, but calculated with education spending at no more than the prior year’s education spending amount increased by the most recent New England economic project annual price index, as of November 15, for state and local government purchases of goods and services.

Sec. E.513.2 EFFECTIVE DATE FOR SEC. E.513.1

Sec. E.513.1 shall apply to fiscal years 2012 and after.

Amendment to be offered by Rep. Miller of Shaftsbury to H. 789

Reps. Miller of Shaftsbury and Heath of Westford move to amend H.789 adding a new Sec. E.318 to read:

Sec. E.318. CHILD CARE ELIGIBILITY; PROCESSING

Until July 1, 2011, the department for children and families shall continue to contract with community agencies for the determination of eligibility for the child care services program established in 33 V.S.A. § 3212.

Favorable

H. 773

An act relating to approval of amendments to the charter of the city of Burlington

Rep. Hubert of Milton, for the Committee on **Government Operations**, recommends the bill ought to pass.

(Committee Vote: 8-0-3)

Action Postponed Until May 28, 2010

Governors Veto

H. 436

An act relating to decommissioning funds of nuclear energy generation plants.

Pending Question: Shall the House sustain the Governor's veto?

NOTICE CALENDAR

H. 771

An act relating to approval of amendments to the charter of the town of Stowe

Rep. Townsend of Randolph, for the Committee on **Government Operations**, recommends the bill ought to pass.

(**Committee Vote: 9-0-2**)

Ordered to Lie

H.R. 19

House resolution urging the agency of natural resources to retain delegated authority to administer the federal Clean Water Act in Vermont.

Pending Question: Shall the House adopt the resolution?

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 285

House concurrent resolution congratulating the Lund Family Center in Burlington on its 120th anniversary

H.C.R. 286

House concurrent resolution congratulating the 2010 Green Mountain Glades USA Hockey Tier 1 New England Regional Squirt Division championship ice hockey team

H.C.R. 287

House concurrent resolution congratulating the 2010 Bellows Free Academy-St. Albans Comets Division I girls' championship ice hockey team

H.C.R. 288

House concurrent resolution congratulating the 2010 Hazen Union High School Wildcats Division III championship boys' basketball team

H.C.R. 289

House concurrent resolution congratulating the 2010 Rutland High School Raiders girls' alpine ski team on winning a fourth consecutive state championship

H.C.R. 290

House concurrent resolution congratulating the 2010 Rutland High School Raiders championship boys' alpine skiing team

H.C.R. 291

House concurrent resolution congratulating the 2010 Essex High School Hornets girls' indoor track and field championship team

H.C.R. 292

House concurrent resolution congratulating the 2010 Essex High School Hornets championship gymnastics team

H.C.R. 293

House concurrent resolution congratulating the 2010 Essex High School Hornets Division I boys' basketball team

H.C.R. 294

House concurrent resolution congratulating the 2010 Essex High School Hornets Division I cochampionship boys' indoor track team

H.C.R. 295

House concurrent resolution congratulating the Arts Council of Windham County on its 35th anniversary

H.C.R. 296

House concurrent resolution congratulating the 2010 Spaulding High School Crimson Tide Division I championship boys' ice hockey team

H.C.R. 297

House concurrent resolution congratulating the 2010 West Rutland High School Golden Horde Division IV girls' basketball championship team

H.C.R. 298

House concurrent resolution designating March 27, 2010, at 8:30 p.m.–9:30 p.m. (EDT) as Earth Hour

S.C.R. 45

Senate concurrent resolution congratulating Kelly Clark on her snowboarding triumphs at the 2010 Winter Olympics and U.S. Open

S.C.R. 46

Senate concurrent resolution honoring Middlebury attorney Peter Langrock on the fiftieth anniversary of his being called to the bar

Information Notice

House Appropriations Committee

Members' amendments to Fiscal Year 2011

Proposed Omnibus Appropriations Bill (H.789)

The House Appropriations Committee requests all members of the House, who intend to introduce amendments to the proposed FY 2011 omnibus appropriations bill, to meet with the committee on Thursday, March 25, at 8:30 a.m., OR for third reading, Friday, March 26, at 8:45 a.m., in Room 42. If possible, please talk to Theresa Utton-Jerman 828-5767 (Room: 40) or tutton@leg.state.vt.us to schedule a time.