

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 911
3 entitled “An act relating to changes in Vermont’s personal income tax and
4 education financing system” respectfully reports that it has considered the
5 same and recommends that the Senate propose to the House that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 * * * Personal Income Tax Changes * * *

9 * * * Taxable Income * * *

10 Sec. 1. 32 V.S.A. § 5811 is amended to read:

11 § 5811. DEFINITIONS

12 * * *

13 (21) “Taxable income” means, in the case of an individual, federal
14 adjusted gross income determined without regard to 26 U.S.C. § 168(k) and:

15 * * *

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

18 (i) income from U.S. government obligations;

19 (ii) with respect to adjusted net capital gain income as defined in

20 26 U.S.C. § 1(h) reduced by the total amount of any qualified dividend

21 income: either the first \$5,000.00 of such adjusted net capital gain income; or

1 40 percent of adjusted net capital gain income from the sale of assets held by
2 the taxpayer for more than three years, except not adjusted net capital gain
3 income from:

4 (I) the sale of any real estate or portion of real estate used by
5 the taxpayer as a primary or nonprimary residence; or

6 (II) the sale of depreciable personal property other than farm
7 property and standing timber; or stocks or bonds publicly traded or traded on
8 an exchange, or any other financial instruments; regardless of whether sold by
9 an individual or business; and provided that the total amount of decrease under
10 this subdivision (21)(B)(ii) shall not exceed 40 percent of federal taxable
11 income; ~~and~~

12 (iii) recapture of State and local income tax deductions not taken
13 against Vermont income tax; and

14 (iv) the portion of federally taxable benefits received under the
15 federal Social Security Act that is required to be excluded under section 5830e
16 of this chapter; and

17 (C) Decreased by the following exemptions and deductions:

18 (i) ~~the amount of personal exemptions taken at the federal level a~~
19 personal exemption of \$4,150.00 per person for the taxpayer, for the spouse or
20 the deceased spouse of the taxpayer whose filing status under section 5822 of
21 this chapter is married filing a joint return or surviving spouse, and for each

1 individual qualifying as a dependent of the taxpayer under 26 U.S.C. § 152,
2 provided that no exemption may be claimed for an individual who is a
3 dependent of another taxpayer;

4 (ii) ~~for taxpayers who do not itemize at the federal level, the~~
5 ~~amount of the a standard deduction taken at the federal level~~ determined as
6 follows:

7 (I) for taxpayers whose filing status under section 5822 of
8 this chapter is unmarried (other than surviving spouses or heads of households)
9 or married filing separate returns, \$6,000.00;

10 (II) for taxpayers whose filing status under section 5822 of
11 this chapter is head of household, \$9,000.00;

12 (III) for taxpayers whose filing status under section 5822 of
13 this chapter is married filing joint return or surviving spouse, \$12,000.00; and

14 (iii) ~~for taxpayers who itemize at the federal level:~~

15 (I) ~~the amount of federally itemized deductions for medical and~~
16 ~~dental expenses and charitable contributions;~~

17 (II) ~~the total amount of federally itemized deductions, other~~
18 ~~than deductions for State and local income taxes, medical and dental expenses,~~
19 ~~and charitable contributions, deducted from federal adjusted gross income for~~
20 ~~the taxable year, but in no event shall the amount under this subdivision exceed~~

1 ~~two and one half times the federal standard deduction allowable to the~~
2 ~~taxpayer; and~~

3 ~~(III) in no event shall the total amount of deductions allowed~~
4 ~~under subdivisions (I) and (II) of this subdivision (21)(C)(iii) reduce the total~~
5 ~~amount of itemized deductions below the federal standard deduction allowable~~
6 ~~to the taxpayer an additional deduction of \$1,000.00 for each federal deduction~~
7 ~~for which the taxpayer qualified and received under 26 U.S.C. § 63(f); and~~

8 (iv) the dollar amounts of the personal exemption allowed under
9 subdivision (i) of this subdivision (21)(C), the standard deduction allowed
10 under subdivision (ii) of this subdivision (21)(C), and the additional deduction
11 allowed under subdivision (iii) of this subdivision (21)(C) shall be adjusted
12 annually for inflation by the Commissioner of Taxes by using the percentage
13 increase in the Consumer Price Index beginning with taxable year 2019 and
14 ending with the taxable year in question. As used in this subdivision,
15 “consumer price index” means the last Consumer Price Index for All Urban
16 Consumers published by the U.S. Department of Labor.

17 * * *

18 * * * Personal Income Tax Rates * * *

19 Sec. 2. PERSONAL INCOME TAX RATES

20 (a) 2009 Spec. Sess. Acts and Resolves No. 2, Sec. 20 is repealed.

1 (b) For taxable year 2018 and after, income tax rates under 32 V.S.A.
2 § 5822(a)(1)-(5), after taking into consideration any inflation adjustments to
3 taxable income as required by 32 V.S.A. § 5822(b)(2), shall be as follows:

4 (1) taxable income that without the passage of this act would have been
5 subject to a rate of 3.55 percent shall be taxed at the rate of 3.35 percent
6 instead;

7 (2) taxable income that without the passage of this act would have been
8 subject to a rate of 6.80 percent shall be taxed at the rate of 6.60 percent
9 instead;

10 (3) taxable income that without the passage of this act would have been
11 subject to a rate of 7.80 percent shall be taxed at the rate of 7.60 percent
12 instead;

13 (4) taxable income that without the passage of this act would have been
14 subject to a rate of 8.80 percent shall be taxed at the rate of **X.XX** percent
15 instead; and

16 (5) taxable income that without the passage of this act would have been
17 subject to a rate of 8.95 percent shall be taxed at the rate of **X.XX** percent
18 instead;

19 (c) When preparing the Vermont Statutes Annotated for publication, the
20 Office of Legislative Council shall revise the tables in 32 V.S.A. § 5822(a)(1)-
21 (5) to reflect the changes to the tax rates and tax brackets made in this section.

1 * * * Charitable Credit; Earned Income Tax Credit; Social Security Income;

2 Other Adjustments * * *

3 Sec. 3. 32 V.S.A. § 5822 is amended to read:

4 § 5822. TAX ON INCOME OF INDIVIDUALS, ESTATES, AND TRUSTS

5 (a) A tax is imposed for each taxable year upon the taxable income earned
6 or received in that year by every individual, estate, and trust, subject to income
7 taxation under the laws of the United States, in an amount determined by the
8 following tables, and adjusted as required under this section:

9 * * *

10 (b) As used in this section:

11 (1) “Married individuals,” “surviving spouse,” “head of household,”
12 “unmarried individual,” “estate,” and “trust” have the same meaning as under
13 the Internal Revenue Code.

14 (2) The amounts of taxable income shown in the tables in this section
15 shall be adjusted annually for inflation by the Commissioner of Taxes; using
16 the ~~Consumer Price Index adjustment percentage, in the manner prescribed for~~
17 ~~inflation adjustment of federal income tax tables for the taxable year by the~~
18 ~~Commissioner of Internal Revenue, beginning with taxable year 2003~~
19 percentage increase in the Consumer Price Index beginning with taxable year
20 2019 and ending with the taxable year in question. As used in this subdivision,

1 “consumer price index” means the last Consumer Price Index for All Urban
2 Consumers published by the U.S. Department of Labor.

3 * * *

4 (d)(1) A taxpayer shall be entitled to a credit against the tax imposed under
5 this section of 24 percent of each of the credits allowed against the taxpayer’s
6 federal income tax for the taxable year as follows: credit for people who are
7 elderly or permanently totally disabled, investment tax credit attributable to the
8 Vermont-property portion of the investment, and child care and dependent care
9 credits.

10 * * *

11 (3) Individuals shall receive a nonrefundable charitable contribution
12 credit against the tax imposed under this section for the taxable year. The
13 credit shall be five percent of the charitable contributions made during the
14 taxable year that are allowable under 26 U.S.C. § 170. This credit shall be
15 available irrespective of a taxpayer’s election not to itemize at the federal level.

16 * * *

17 Sec. 4. 32 V.S.A. § 5828b(a) is amended to read:

18 (a) A resident individual or part-year resident individual who is entitled to
19 an earned income tax credit granted under the laws of the United States shall
20 be entitled to a credit against the tax imposed for each year by section 5822 of
21 this title. The credit shall be ~~32~~ 35 percent of the earned income tax credit

1 granted to the individual under the laws of the United States, multiplied by the
2 percentage ~~which~~ that the individual's earned income that is earned or received
3 during the period of the individual's residency in this State bears to the
4 individual's total earned income.

5 Sec. 5. 32 V.S.A. § 5830e is added to read:

6 § 5830e. SOCIAL SECURITY INCOME

7 The portion of federally taxable Social Security benefits excluded from
8 taxable income under subdivision 5811(21)(B)(iv) of this chapter shall be as
9 follows:

10 (1) For taxpayers whose filing status is single, married filing separately,
11 head of household, or qualifying widow or widower:

12 (A) If the federal adjusted gross income of the taxpayer is less than or
13 equal to \$45,000.00, all federally taxable benefits received under the federal
14 Social Security Act shall be excluded.

15 (B) If the federal adjusted gross income of the taxpayer is greater
16 than \$45,000.00 but less than \$55,000.00, the percentage of federally taxable
17 benefits received under the Social Security Act to be excluded shall be
18 proportional to the amount of the taxpayer's federal adjusted gross income
19 over \$45,000.00, determined by:

20 (i) subtracting the federal adjusted gross income of the taxpayer
21 from \$55,000.00;

1 (ii) dividing the value under subdivision (i) of this subdivision (B)
2 by \$10,000.00; and

3 (iii) multiplying the value under subdivision (ii) of this
4 subdivision (B) by the federally taxable benefits received under the Social
5 Security Act.

6 (C) If the federal adjusted gross income of the taxpayer is equal to or
7 greater than \$55,000.00, no amount of the federally taxable benefits received
8 under the Social Security Act shall be excluded under this section.

9 (2) For taxpayers whose filing status is married filing jointly:

10 (A) If the federal adjusted gross income of the taxpayer is less than or
11 equal to \$60,000.00, all federally taxable benefits received under the Social
12 Security Act shall be excluded.

13 (B) If the federal adjusted gross income of the taxpayer is greater
14 than \$60,000.00 but less than \$70,000.00, the percentage of federally taxable
15 benefits received under the Social Security Act to be excluded shall be
16 proportional to the amount of the taxpayer's federal adjusted gross income
17 over \$60,000.00, determined by:

18 (i) subtracting the federal adjusted gross income of the taxpayer
19 from \$70,000.00;

20 (ii) dividing the value under subdivision (i) of this subdivision (B)
21 by \$10,000.00; and

1 (iii) multiplying the value under subdivision (ii) of this
2 subdivision (B) by the federally taxable benefits received under the Social
3 Security Act.

4 (C) If the federal adjusted gross income of the taxpayer is equal to or
5 greater than \$70,000.00, no amount of the federally taxable benefits received
6 under the Social Security Act shall be excluded under this section.

7 Sec. 6. 32 V.S.A. § 5813 is amended to read:

8 § 5813. STATUTORY PURPOSES

9 * * *

10 (w) The statutory purpose of the partial exemption of federally taxable
11 benefits under the Social Security Act in section 5830e of this title is to lessen
12 the tax burden on Vermonters with low to moderate income who derive part of
13 their income from Social Security payments.

14 Sec. 7. 32 V.S.A. § 5824 is amended to read:

15 § 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

16 The statutes of the United States relating to the federal income tax, as in
17 effect for taxable year 2016 on December 31, 2017, but without regard to
18 federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the
19 purpose of computing the tax liability under this chapter.

1 **Sec. 8. FEDERAL TAX REFORM**

2 On or before November, 15, 2018, the Office of Legislative Council, with
3 the assistance of the Joint Fiscal Office and the Department of Taxes, shall
4 report to the Joint Fiscal Committee, the Senate Committee on Finance, and
5 the House Committee on Ways and Means on the federal and state
6 implementation of changes necessitated by the Tax Cut and Jobs Act and shall
7 identify potential areas for legislative or administrative reactions.

8 * * * Education Financing Changes * * *

9 * * * Yield, Applicable Percentage and Nonresidential Rate for

10 Fiscal Year 2019 * * *

11 **Sec. 9. PROPERTY DOLLAR EQUIVALENT YIELD AND INCOME**

12 **DOLLAR EQUIVALENT YIELD FOR FISCAL YEAR 2019**

13 (a) Pursuant to 32 V.S.A. § 5402b(b), for fiscal year 2019 only, the
14 property dollar equivalent yield shall be \$9,963.00.

15 (b) Pursuant to 32 V.S.A. § 5402b(b), for fiscal year 2019 only, the income
16 dollar equivalent yield shall be \$11,920.00.

17 **Sec. 10. NONRESIDENTIAL PROPERTY TAX RATE FOR FISCAL YEAR**

18 2019

19 Notwithstanding any other provision of law, for fiscal year 2019 only, the
20 nonresidential education property tax imposed under 32 V.S.A. § 5402(a)(2)
21 shall be \$1.606 per \$100.00.

1 Sec. 11. 32 V.S.A. § 5402b(a)(4) is amended to read:

2 (4) the percentage change in the ~~median~~ average education tax bill
3 applied to nonresidential property, and the percentage change in the ~~median~~
4 average education tax bill of homestead property, and the percentage change in
5 the ~~median~~ average education tax bill for taxpayers who claim an adjustment
6 under subsection 6066(a) of this title are equal.

7 * * *Statewide education property tax bills* * *

8 Sec. 12. 32 V.S.A. § 5402(b) is amended to read:

9 (b) The statewide education tax shall be calculated as follows:

10 * * *

11 (2) Taxes assessed under this section shall be assessed and collected in
12 the same manner as taxes assessed under chapter 133 of this title with no tax
13 classification other than as homestead or nonresidential property; provided,
14 however, that the tax levied under this chapter shall be billed to each taxpayer
15 by the municipality in a manner that clearly indicates the tax is separate from
16 any other tax assessed and collected under chapter 133.

17 * * *

18 Sec. 13. 32 V.S.A. § 6066a(f) is amended to read:

19 (f) Property tax bills.

20 (1) For taxpayers and amounts stated in the notice to towns on July 1,
21 municipalities shall create and send to taxpayers a homestead property tax bill,

1 instead of the bill required under subdivision 5402(b)(1) of this title, providing
2 the total amount allocated to payment of homestead education property tax
3 liabilities and notice of the balance due. Nothing in this subdivision, however,
4 shall be interpreted as altering the requirement under subdivision 5402(b)(1) of
5 this title that the statewide education homestead tax be billed in a manner that
6 is stated clearly and separately from any other tax. Municipalities shall apply
7 the amount allocated under this chapter to current-year property taxes in equal
8 amounts to each of the taxpayers' property tax installments that include
9 education taxes. Notwithstanding section 4772 of this title, if a town issues a
10 corrected bill as a result of the November 1 notice sent by the Commissioner
11 under subsection (a) of this section, issuance of ~~such~~ the corrected new bill
12 does not extend the time for payment of the original bill, nor relieve the
13 taxpayer of any interest or penalties associated with the original bill. If the
14 corrected bill is less than the original bill, and there are also no unpaid ~~current~~
15 ~~year~~ current-year taxes, interest, or penalties and no ~~past-year~~ past-year
16 delinquent taxes or penalties and interest charges, any overpayment shall be
17 reflected on the corrected tax bill and refunded to the taxpayer.

18 * * *

19 * * * Effective Dates * * *

20 Sec. 14. EFFECTIVE DATES

21 (a) This section shall take effect on passage.

1 (b) Notwithstanding 1 V.S.A. § 214, Secs. 1-6 (income tax changes) shall
2 take effect retroactively on January 1, 2018 and apply to taxable year 2018 and
3 after.

4 (c) Notwithstanding 1 V.S.A. § 214, Sec. 7 (income tax link to the federal
5 tax statutes) shall take effect retroactively on January 1, 2017 and apply to
6 taxable years beginning on January 1, 2017 and after.

7 (d) Secs. 9-10 (yields; nonresidential rate) shall take effect on July 1, 2018
8 and apply to fiscal year 2019 only.

9 (e) Secs. 8 (federal tax reform), 11 (Commissioner’s recommendation), 12-
10 13 (tax bills) shall take effect on July 1, 2018.

11

12

13 (Committee vote: _____)

14

15

Senator _____

16

FOR THE COMMITTEE