

House Calendar

Wednesday, March 27, 2019

78th DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 P.M.

TABLE OF CONTENTS

Page No.

ACTION CALENDAR

Third Reading

H. 205 The regulation of neonicotinoid pesticides.....	1170
H. 342 Qualification for a public defender.....	1170
H. 439 The Home Weatherization Assistance Program.....	1170
Rep. Chesnut-Tangerman, et al. Amendment.....	1170
Rep. Mattos Amendment.....	1172
Rep. Graham Amendment.....	1172
H. 513 Broadband deployment throughout Vermont.....	1173
H. 526 Town clerk recording fees and town restoration and preservation reserve funds.....	1173
H. 531 Vermont's child care and early learning system.....	1173
H. 533 Workforce development.....	1173
H. 536 Education finance.....	1173

Favorable with Amendment

H. 524 Health insurance and the individual mandate.....	1173
Rep. Houghton for Health Care	
Rep. Till for Ways and Means.....	1173
Rep. Lanpher for Appropriations.....	1175

Favorable

S. 14 An act relating to extending the moratorium on home health agency certificates of need.....	1176
Rep. Nicoll for Human Services	

NOTICE CALENDAR

Committee Bill for Second Reading

H. 541 Changes that affect the revenue of the State..... 1176
Rep. Ancel for Ways and Means

H. 542 Making appropriations for the support of government..... 1176
Rep. Toll for Appropriations

Ordered to Lie

H. 97 Fiscal year 2019 budget adjustments..... 1176

ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 205

An act relating to the regulation of neonicotinoid pesticides

H. 342

An act relating to qualification for a public defender

H. 439

An act relating to the Home Weatherization Assistance Program

Amendment to be offered by Reps. Chesnut-Tangerman of Middletown Springs and Yacovone of Morristown to H. 439

That the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. INCOME TAX RATES; APPROPRIATION

(a) Notwithstanding any other provision of law, for taxable year 2019 and after, income tax rates under 32 V.S.A. § 5822(a)(1)–(5), after taking into consideration any inflation adjustments to taxable income as required by 32 V.S.A. § 5822(b)(2), shall be changed so that taxable income that was subject to a rate of 8.75 percent in taxable year 2018 shall be taxed at the rate of 9.15 percent instead, in order to fund weatherization program under chapter 25 of Title 33. When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall revise the tables in 32 V.S.A. § 5822(a)(1)–(5) to reflect the changes to the tax rates and tax brackets made in this section.

(b) For fiscal year 2020 and after, it is the intent of the General Assembly to allocate \$5 million in income tax revenue raised in this bill to the existing recipients of the Home Weatherization Assistance Program, and to allocate an additional \$5 million in income tax revenue to expanding the Home Weatherization Assistance Program to benefit individuals with up to 120 percent of the area median income, or 120 percent of the State median income, whichever is higher, pursuant to 33 V.S.A. § 2502.

Sec. 2. 32 V.S.A. § 435 is amended to read:

§ 435. GENERAL FUND

(a) There is established the General Fund ~~which~~ that shall be the basic operating fund of the State. The General Fund shall be used to finance all expenditures for which no special revenues have otherwise been provided by law.

(b) The General Fund shall be composed of revenues from the following sources:

* * *

(5) ~~Individual~~ 98.9 percent of the income taxes levied pursuant to chapter 151 of this title;

* * *

Sec. 3. 33 V.S.A. § 2501 is amended to read:

§ 2501. HOME WEATHERIZATION ASSISTANCE FUND

* * *

(b) The Fund shall be composed of the receipts from the gross receipts tax on retail sales of fuel imposed by section 2503 of this title, 1.1 percent of the income taxes levied pursuant to 32 V.S.A. chapter 151, such funds as may be allocated from the Oil Overcharge Fund, such funds as may be allocated from the federal Low Income Energy Assistance Program, and such other funds as may be appropriated by the General Assembly.

* * *

Sec. 4. 33 V.S.A. § 2502(b)(3) is amended to read:

(3) The Director, in collaboration with the weatherization service providers and other stakeholders, shall develop the State program so that it will include:

* * *

(B) With regard to multi-family buildings, requiring either of the following requirements to be met:

(i) At least 25 percent or more of the tenants in the building are eligible for the Program.

(ii) At least 50 percent of the units are weatherization affordable, and at least one tenant of the building has applied for the Program and has been determined to be eligible. For purposes of this subdivision, “weatherization affordable” means a unit having a rent that is established at less than 30 percent of the income level established by computing ~~80~~ 120 percent of the area median income level or ~~80~~ 120 percent of the State median

income level, whichever is higher, for the relevant household size. Relevant household size means the number of bedrooms in the unit, plus one.

(C) Establishing Program eligibility levels at ~~80~~ 120 percent of the area median income, or ~~80~~ 120 percent of the State median income, whichever is higher. Subject to the priority under section 2608 of this title given to participants in the Home Heating Fuel Assistance Program, the State program shall, when weighing factors to assign priority to buildings or units eligible for weatherization assistance, assign the greatest weight to those buildings and units that require the highest energy usage.

* * *

Sec. 5. EFFECTIVE DATES

(a) This section shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. 1 (income tax rates; appropriation) shall take effect retroactively on January 1, 2019 and the income tax rate change shall apply to taxable year 2019 and after.

(c) Secs. 2–3 (income tax allocation) and 4 (eligibility levels) shall take effect July 1, 2019 and apply to fiscal year 2020 and after.

Amendment to be offered by Rep. Mattos of Milton to H. 439

First: In Sec. 1 (fuel tax), in the section heading, after the word “FUEL” but before the word “TAX” by inserting the word “CARBON”

Second: By inserting a Sec. 1a to read as follows:

Sec. 1a. CONFORMING REVISIONS

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Council shall make the following revisions throughout the statutes as needed for consistency with Sec. 1 of this act, as long as the revisions have no other effect on the meaning of the affected statutes:

(1) replace references to the “fuel tax” in 33 V.S.A. § 2503 with “fuel carbon tax” in Title 33; and

(2) make revisions that are substantially similar to those described in subdivision (1) of this subsection in other titles of the Vermont Statutes Annotated.

Amendment to be offered by Rep. Graham of Williamstown to H. 439

In Sec. 1 (33 V.S.A. § 2503), in subdivision (a)(1), after the words “at the rate of ~~\$0.02~~ \$0.04 per gallon”, by inserting the following:

; provided, however, that dyed diesel fuel delivered to a farm business regulated under 6 V.S.A. chapter 215 shall be exempt from the tax under this subdivision

H. 513

An act relating to broadband deployment throughout Vermont

H. 526

An act relating to town clerk recording fees and town restoration and preservation reserve funds

H. 531

An act relating to Vermont's child care and early learning system

H. 533

An act relating to workforce development

H. 536

An act relating to education finance

Favorable with Amendment

H. 524

An act relating to health insurance and the individual mandate.

(Rep. Houghton of Essex will speak for the Committee on Health Care.)

Rep. Till of Jericho, for the Committee on Ways and Means, recommends the bill ought to pass when amended as follows:

First: By striking out Sec. 1, 32 V.S.A. chapter 244, in its entirety and inserting in lieu thereof the following

Sec. 1. 32 V.S.A. chapter 244 is amended to read:

CHAPTER 244. REQUIREMENT TO MAINTAIN MINIMUM
ESSENTIAL COVERAGE

§ 10451. DEFINITIONS

As used in this chapter:

(1) "Applicable individual" means, with respect to any month, an individual other than the following:

(A) an individual ~~with a religious conscience exemption~~ who is:

(i) a member of a recognized religious sect or division thereof that is described in 26 U.S.C. § 1402(g)(1) and is an adherent of established tenets or teachings of that sect or division; or

(ii) a member of a religious sect or division thereof that is not described in 26 U.S.C. § 1402(g)(1), who relies solely on a religious method of healing, and for whom the acceptance of medical health services would be inconsistent with the individual's religious beliefs;

(B) an individual not lawfully present in the United States; or

(C) an individual for any month if for the month the individual is incarcerated, other than incarceration pending the disposition of charges.

~~(2) "Eligible employer-sponsored plan" shall have the same meaning as in 26 U.S.C. § 5000A, as amended, and as in effect on December 31, 2017, and any related regulations.~~

~~(3) "Minimum essential coverage" shall have has the same meaning as in 26 U.S.C. § 5000A, as amended, and any related regulations and federal guidance, as in effect on December 31, 2017, and any related regulations. The term also includes any other coverage or health insurance product deemed by the Department of Financial Regulation to constitute minimum essential coverage based on the criteria established in federal law and guidance in effect on December 31, 2017.~~

§ 10452. REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE

An applicable individual shall ensure that the individual and any dependent of the individual who is also an applicable individual is covered at all times under minimum essential coverage.

§ 10453. REPORTING AND DOCUMENTATION OF COVERAGE

(a) Each applicable individual who files or is required to file an individual income tax return as a resident of Vermont, either separately or jointly with a spouse, shall indicate on the return, in a manner prescribed by the Commissioner of Taxes, whether the individual had minimum essential coverage in effect for each of the 12 months of the taxable year for which the return is filed as required by section 10452 of this chapter, whether covered as an individual or as a named beneficiary of a policy covering multiple individuals.

(b) An applicable individual who indicates on a Vermont income tax return that the individual had minimum essential coverage shall provide to the Department of Taxes, upon the Department's request, a copy of the statement

of coverage furnished to the individual pursuant to 26 U.S.C. § 6055 by the provider of the individual's minimum essential coverage.

(c) In the event that the requirement for providers of minimum essential coverage to furnish a statement of coverage to individuals pursuant to 26 U.S.C. § 6055 is suspended or eliminated for any taxable year, the Department of Vermont Health Access and each employer, health insurance carrier, and other entity providing minimum essential coverage to residents of this State shall submit a return to the Department of Taxes including the same information as had been provided to the Internal Revenue Service pursuant to 26 U.S.C. § 6055 at such time and in such form as the Commissioner of Taxes shall require.

§ 10454. OUTREACH TO UNINSURED VERMONTERS

The Department of Vermont Health Access, in consultation with the Office of the Health Care Advocate and other interested stakeholders, shall use information obtained from the Department of Taxes regarding Vermont residents without minimum essential coverage to provide targeted outreach to assist those residents in identifying and enrolling in appropriate and affordable health insurance or other health coverage.

Second: By striking out Sec. 3, 32 V.S.A. § 3112, in its entirety and inserting in lieu thereof the following:

Sec. 3. [Deleted.]

Third: By striking out Sec. 11, premium assistance expansion; legislative intent, in its entirety and inserting in lieu thereof the following:

Sec. 11. [Deleted.]

Fourth: In Sec. 13, effective dates, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) Sec. 2 (32 V.S.A. § 3102(e)) shall take effect on January 1, 2020.

Fifth: In Sec. 13, effective dates, in subsection (e), by striking out “11 (premium assistance; intent),”

(Committee Vote 11-0-0)

Rep. Lanpher of Vergennes, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Ways and Means and when further amended as follows:

In Sec. 9, health insurance affordability; report, as follows:

First: In subdivision (a)(1), by adding the word “and” following the semicolon at the end of subdivision (A), by striking out subdivision (B) in its entirety, and by redesignating subdivision (C) to be subdivision (B)

Second: In subsection (a), by adding the word “and” following the semicolon at the end of subdivision (2), by striking out subdivision (3) in its entirety, and by redesignating subdivision (4) to be subdivision (3)

(Committee Vote: 7-4-0)

Favorable

S. 14

An act relating to extending the moratorium on home health agency certificates of need

Rep. Nicoll of Ludlow, for the Committee on Human Services, recommends that the bill ought to pass in concurrence.

(Committee Vote: 10-0-1)

(For text see Senate Journal January 31, 2019)

NOTICE CALENDAR

Committee Bill for Second Reading

H. 541

An act relating to changes that affect the revenue of the State.

(Rep. Ancel of Calais will speak for the Committee on Ways and Means.)

H. 542

An act relating to making appropriations for the support of government.

(Rep. Toll of Danville will speak for the Committee on Appropriations.)

Ordered to Lie

H. 97

An act relating to fiscal year 2019 budget adjustments.

Pending Question: Shall the House concur in the Senate Proposal of Amendment to House Proposal of Amendment to Senate Proposal of Amendment?

Information Notice
House Appropriations Committee
Members' Amendments to Fiscal Year 2020
Proposed Omnibus Appropriations Bill (H.542)

The House Committee on Appropriations requests all members of the House, who intend to introduce amendments to the proposed FY 2020 omnibus appropriations bill (H.542), to meet with the Committee **in room 42 at 8:30 a.m. on Thursday, March 28, before 2nd reading, OR at 8:30 a.m. on Friday, March 29, before 3rd reading.** Schedule a time with Theresa Utton-Jerman at tutton@leg.state.vt.us, 828-5767 or Room: 40 to meet with the Committee.

In addition, please notify the Chair as soon as possible if you intend to offer an amendment.

Joint Assembly

Joint Assembly to vote on the retention of eight Superior Judges and one Magistrate March 27, 2019 at 10:30 am