

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 510
3 entitled “An act relating to a Vermont Child Tax Credit and the Vermont
4 Social Security income exclusion” respectfully reports that it has considered
5 the 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 * * * Child Tax Credit * * *

9 Sec. 1. 32 V.S.A. § 5830f is added to read:

10 § 5830f. VERMONT CHILD TAX CREDIT

11 (a) A resident individual or part-year resident individual who is entitled to a
12 child tax credit under the laws of the United States shall be entitled to a
13 refundable credit against the tax imposed by section 5822 of this title for the
14 taxable year. The total credit per taxable year shall be in the amount of
15 \$1,000.00 per qualifying child, as defined under 26 U.S.C. § 152(c), who is
16 five years of age or younger as of the close of the calendar year in which the
17 taxable year of the taxpayer begins. For a part-year resident individual, the
18 amount of the credit shall be multiplied by the percentage that the individual’s
19 income that is earned or received during the period of the individual’s
20 residency in this State bears to the individual’s total income.

1 (b) Notwithstanding subsection (a) of this section, the amount of the credit
2 per child under this section shall be reduced, but not below zero, by \$125.00
3 for each \$10,000.00, or fraction thereof, by which the individual’s adjusted
4 gross income exceeds \$55,000.00, irrespective of the individual’s filing status.
5 For purposes of this subsection, spouses filing jointly shall be considered an
6 individual.

7 (c) Notwithstanding any provision of law to the contrary, the refundable
8 credit and its payment authorized under this section shall be treated in the same
9 manner as the federal Earned Income Tax Credit and shall not be considered as
10 assets, income, or resources to the same extent the credit and its payment
11 would be disregarded pursuant to 26 U.S.C. § 6409 and the general welfare
12 doctrine for purposes of determining eligibility for benefits or assistance, or the
13 amount or extent of those benefits or assistance, under any State or local
14 program, including programs established under 33 V.S.A. § 3512 and
15 chapters 11, 17, 19, 21, 25, and 26. This subsection shall only apply to the
16 extent that it does not conflict with federal law relating to the benefit or
17 assistance program and that any required federal approval or waiver is first
18 obtained for that program.

19 (d) An individual who is eligible for the credit under this section but who is
20 not required to file a tax return under section 5861 of this title may claim the
21 credit in the form and manner prescribed by the Commissioner of Taxes,

1 provided the form and manner are as simple and easy to understand as
2 possible.

3 * * * Child and Dependent Care Tax Credit * * *

4 Sec. 2. 32 V.S.A. § 5822(d) is amended to read:

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

11 * * *

12 Sec. 3. 32 V.S.A. § 5828c is amended to read:

13 § 5828c. ~~LOW INCOME CHILD AND DEPENDENT CARE CREDIT~~

14 A resident of this State ~~with federal adjusted gross income less than~~
15 ~~\$30,000.00 (or \$40,000.00 for married, filing jointly)~~ shall be eligible for a
16 refundable credit against the tax imposed under section 5822 of this title. The
17 credit shall be equal to ~~50 percent of~~ the federal child and dependent care
18 credit allowed to the taxpayer for the taxable year for child or dependent care
19 services provided in this State ~~in a registered home or licensed facility certified~~
20 ~~by the Agency of Human Services as meeting national accreditation or national~~
21 ~~credential standards endorsed by the Agency. A credit under this section shall~~

1 ~~be in lieu of any child and dependent care credit available under subsection~~
2 ~~5822(d) of this title.~~

3 * * * Student Loan Interest Deduction * * *

4 Sec. 4. 32 V.S.A. § 5811 is amended to read:

5 § 5811. DEFINITIONS

6 ~~The following definitions shall apply throughout~~ As used in this chapter
7 unless the context requires otherwise:

8 * * *

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

11 * * *

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

14 * * *

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

18 * * *

19 (vi) the amount of interest paid by a qualified resident taxpayer
20 during the taxable year on a qualified education loan for the costs of attendance
21 at an eligible educational institution; and

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(29) As used in subdivision (21)(B)(vi) of this section:

(A) “Qualified education loan” and “eligible educational institution”

shall have the same meanings as under 26 U.S.C. § 221(d).

(B) “Qualified resident taxpayer” means an individual qualifying for

residency as defined under subdivision (11) of this section and whose adjusted

gross income is equal to or less than:

(i) \$120,000.00 if the individual’s filing status is single, head of

household, or married filing separately; or

(ii) \$200,000.00 if the individual’s filing status is married filing

jointly.

* * * Statutory Purposes for Tax Expenditures * * *

Sec. 5. 32 V.S.A. § 5813 is amended to read:

§ 5813. STATUTORY PURPOSES

* * *

~~(c) The statutory purpose of the Vermont credit for child and dependent~~

~~care in subsection 5822(d) of this title is to provide financial assistance to~~

~~employees who must incur dependent care expenses to stay in the workforce in~~

~~the absence of prekindergarten programming. [Repealed.]~~

* * *

1 (r) The statutory purpose of the Vermont ~~low-income~~ child and dependent
2 care tax credit in section 5828c of this title is to provide cash relief to ~~lower-~~
3 ~~income~~ employees who incur dependent care expenses ~~in certified centers~~ to
4 enable them to remain in the workforce.

5 * * *

6 (y) The statutory purpose of the Vermont child tax credit in section 5830f
7 of this title is to provide financial support to families with young children.

8 (z) The statutory purpose of the exclusion from income of student loan
9 interest paid in subdivision 5811(21)(B)(vi) of this title is to lessen the
10 financial impact of higher education debt on Vermonters.

11 * * * Sunsets; Tax Credits and Deduction * * *

12 Sec. 6. REPEAL; CHILD TAX CREDIT

13 32 V.S.A. § 5830f (Vermont child tax credit) is repealed.

14 Sec. 7. 32 V.S.A. § 5822(d) is amended to read:

15 (d)(1) A taxpayer shall be entitled to a credit against the tax imposed under
16 this section of 24 percent of each of the credits allowed against the taxpayer's
17 federal income tax for the taxable year as follows: ~~the~~ credit for people who
18 are elderly or permanently totally disabled, ~~and the~~ investment tax credit
19 attributable to the Vermont-property portion of the investment, and child care
20 and dependent care credits.

21 * * *

1 Sec. 8. 32 V.S.A. § 5828c is amended to read:

2 § 5828c. LOW-INCOME CHILD AND DEPENDENT CARE CREDIT

3 A resident of this State with federal adjusted gross income less than
4 \$30,000.00 (or \$40,000.00 for married, filing jointly) shall be eligible for a
5 refundable credit against the tax imposed under section 5822 of this title. The
6 credit shall be equal to 50 percent of the federal child and dependent care
7 credit allowed to the taxpayer for the taxable year for child or dependent care
8 services provided in this State in a registered home or licensed facility certified
9 by the Agency of Human Services as meeting national accreditation or national
10 credential standards endorsed by the Agency. A credit under this section shall
11 be in lieu of any child and dependent care credit available under subsection
12 5822(d) of this title.

13 Sec. 9. 32 V.S.A. § 5811(21)(B) is amended to read:

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

16 * * *

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

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(r) The statutory purpose of the Vermont low-income child and dependent care tax credit in section 5828c of this title is to provide cash relief to lower-income employees who incur dependent care expenses in certified centers to enable them to remain in the workforce.

* * *

~~(y) The statutory purpose of the Vermont child tax credit in section 5830f of this title is to provide financial support to families with young children.~~

[Repealed.]

~~(z) The statutory purpose of the exclusion from income of student loan interest paid in subdivision 5811(21)(B)(vi) of this title is to lessen the financial impact of higher education debt on Vermonters. [Repealed.]~~

* * * Retirement Income Exclusions * * *

Sec. 11. 32 V.S.A. § 5811(21)(B)(iv) is amended to read:

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

Sec. 12. 32 V.S.A. § 5830e is amended to read:

§ 5830e. RETIREMENT INCOME; SOCIAL SECURITY INCOME

1 (a) Social Security income. The portion of federally taxable Social
2 Security benefits excluded from taxable income under subdivision
3 5811(21)(B)(iv) of this chapter shall be as follows:

4 (1) For taxpayers whose filing status is single, married filing separately,
5 head of household, or ~~qualifying widow or widower~~ surviving spouse:

6 (A) If the federal adjusted gross income of the taxpayer is less than or
7 equal to ~~\$45,000.00~~ \$50,000.00, all federally taxable benefits received under
8 the federal Social Security Act shall be excluded.

9 (B) If the federal adjusted gross income of the taxpayer is greater
10 than ~~\$45,000.00~~ \$50,000.00 but less than ~~\$55,000.00~~ \$60,000.00, the
11 percentage of federally taxable benefits received under the Social Security Act
12 to be excluded shall be proportional to the amount of the taxpayer's federal
13 adjusted gross income over ~~\$45,000.00~~ \$50,000.00, determined by:

14 (i) subtracting the federal adjusted gross income of the taxpayer
15 from ~~\$55,000.00~~ \$60,000.00;

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

18 (iii) multiplying the value under subdivision (ii) of this
19 subdivision (B) by the federally taxable benefits received under the Social
20 Security Act.

1 (C) If the federal adjusted gross income of the taxpayer is equal to or
2 greater than ~~\$55,000.00~~ \$60,000.00, no amount of the federally taxable
3 benefits received under the Social Security Act shall be excluded under this
4 section.

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

6 (A) If the federal adjusted gross income of the taxpayer is less than or
7 equal to ~~\$60,000.00~~ \$65,000.00, all federally taxable benefits received under
8 the Social Security Act shall be excluded.

9 (B) If the federal adjusted gross income of the taxpayer is greater
10 than ~~\$60,000.00~~ \$65,000.00 but less than ~~\$70,000.00~~ \$75,000.00, the
11 percentage of federally taxable benefits received under the Social Security Act
12 to be excluded shall be proportional to the amount of the taxpayer's federal
13 adjusted gross income over ~~\$60,000.00~~ \$65,000.00, determined by:

14 (i) subtracting the federal adjusted gross income of the taxpayer
15 from ~~\$70,000.00~~ \$75,000.00;

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

18 (iii) multiplying the value under subdivision (ii) of this
19 subdivision (B) by the federally taxable benefits received under the Social
20 Security Act.

1 (C) If the federal adjusted gross income of the taxpayer is equal to or
2 greater than ~~\$70,000.00~~ \$75,000.00, no amount of the federally taxable
3 benefits received under the Social Security Act shall be excluded under this
4 section.

5 (b) Civil Service Retirement System income. The portion of income
6 received from the Civil Service Retirement System excluded from taxable
7 income under subdivision 5811(21)(B)(iv) of this title shall be subject to the
8 limitations under subsection (e) of this section and shall be determined as
9 follows:

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

12 (A) If the federal adjusted gross income of the taxpayer is less than or
13 equal to \$50,000.00, the first \$10,000.00 of income received from the Civil
14 Service Retirement System shall be excluded.

15 (B) If the federal adjusted gross income of the taxpayer is greater
16 than \$50,000.00 but less than \$60,000.00, the percentage of the first
17 \$10,000.00 of income received from the Civil Service Retirement System to be
18 excluded shall be proportional to the amount of the taxpayer's federal adjusted
19 gross income over \$50,000.00, determined by:

20 (i) subtracting the federal adjusted gross income of the taxpayer
21 from \$60,000.00;

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 income received from the Civil Service Retirement
5 System.

6 (C) If the federal adjusted gross income of the taxpayer is equal to or
7 greater than \$60,000.00, no amount of the income received from the Civil
8 Service Retirement System 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 \$65,000.00, the first \$10,000.00 of income received from the Civil
12 Service Retirement System shall be excluded.

13 (B) If the federal adjusted gross income of the taxpayer is greater
14 than \$65,000.00 but less than \$75,000.00, the percentage of the first
15 \$10,000.00 of income received from the Civil Service Retirement System to be
16 excluded shall be proportional to the amount of the taxpayer's federal adjusted
17 gross income over \$65,000.00, determined by:

18 (i) subtracting the federal adjusted gross income of the taxpayer
19 from \$75,000.00;

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 income received from the Civil Service Retirement
3 System.

4 (C) If the federal adjusted gross income of the taxpayer is equal to or
5 greater than \$75,000.00, no amount of the income received from the Civil
6 Service Retirement System shall be excluded under this section.

7 (c) Other contributory retirement systems; earnings not covered by Social
8 Security. Other retirement income, except U.S. military retirement income
9 pursuant to subsection (d) of this section, received by a taxpayer of this State
10 shall be excluded pursuant to subsection (b) of this section as though the
11 income were received from the Civil Service Retirement System and shall be
12 subject to the limitations under subsection (e) of this section, provided that:

13 (1) the income is received from a contributory annuity, pension,
14 endowment, or retirement system of:

15 (A) the U.S. government or a political subdivision or instrumentality
16 of the U.S. government;

17 (B) this State or a political subdivision or instrumentality of this
18 State; or

19 (C) another state or a political subdivision or instrumentality of
20 another state; and

1 (2) the contributory system from which the income is received was
2 based on earnings that were not covered by the Social Security Act.

3 (d) U.S. military retirement income. U.S. military retirement income
4 received by a taxpayer of this State shall be excluded pursuant to subsection
5 (b) of this section as though the income were received from the Civil Service
6 Retirement System and shall be subject to the limitations under subsection (e)
7 of this section.

8 (e) Requirement to elect one exclusion. A taxpayer of this State who is
9 eligible during the taxable year for the Social Security income exclusion under
10 subsection (a) of this section and any of the exclusions under subsections (b)–
11 (d) of this section shall elect either one of the exclusions for which the
12 taxpayer is eligible under subsections (b)–(d) of this section or the Social
13 Security income exclusion under subsection (a) of this section, but not both,
14 for the taxable year.

15 * * * Affordable Housing Tax Credit; Manufactured Homes * * *

16 Sec. 13. 32 V.S.A. § 5930u(g) is amended to read:

17 (g)(1) In any fiscal year, the allocating agency may award up to:

18 (A) \$400,000.00 in total first-year credit allocations to all applicants
19 for rental housing projects, for an aggregate limit of \$2,000,000.00 over any
20 given five-year period that credits are available under this subdivision (A);

1 the annual budget funding for the Aid for the Aged, Blind, and Disabled
2 program in fiscal year 2024 and after.

3 (b) In fiscal year 2023, to fund the Global Commitment investment
4 authorized under subsection (a) of this section, there is appropriated to the
5 Secretary's Office of the Agency of Human Services:

6 (1) the sum of \$750,000.00 from the General Fund; and

7 (2) the sum of \$950,000.00 from federal funds.

8 (c) To the extent permitted under federal law, any increase in payments
9 provided under subsection (a) of this section is intended to be retained by
10 recipients in residential care settings by increasing the individuals' personal
11 needs allowance.

12 Sec. 15. FY 2023 APPROPRIATION; CHILD CARE WORKER

13 RETENTION GRANT PROGRAM

14 In fiscal year 2023, the sum of \$3,500,000.00 is appropriated from the
15 General Fund to the Department for Children and Families to continue to fund
16 the early childhood staff and home-based provider retention grant program
17 established in 2021 Acts and Resolves No. 74, Sec. G.300(a)(30), as added by
18 2022 Acts and Resolves No. 83, Sec. 68.

19 * * * Effective Dates * * *

20 Sec. 16. EFFECTIVE DATES

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

1 (b) Notwithstanding 1 V.S.A. § 214, Secs. 1–5 (income tax credits and
2 exclusions) and 11 and 12 (retirement income exclusions) shall take effect
3 retroactively on January 1, 2022 and shall apply to taxable years beginning on
4 and after January 1, 2022.

5 (c) Secs. 6–10 (sunsets; tax credits and deduction) shall take effect on
6 January 1, 2025.

7 (d) Secs. 13 (affordable housing tax credit) and 14 and 15 (appropriations)
8 shall take effect on July 1, 2022.

9 and that after passage the title of the bill be amended to read: “An act
10 relating to tax reductions and other aid for Vermonters”

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15 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE