

1 S.288

2 Introduced by Committee on Economic Development, Housing and General  
3 Affairs

4 Date: February 16, 2010

5 Subject: Economic development; state fiscal stabilization funds; jobs;  
6 broadband infrastructure

7 Statement of purpose: This bill proposes to provide economic incentives for  
8 businesses and farms across Vermont to create and preserve jobs and to  
9 improve Vermont's technological infrastructure and economic environment.

10 An act relating to the Vermont recovery and reinvestment act of 2010

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 \* \* \* VRRR 2010 Legislative Intent \* \* \*

13 Sec. 1. LEGISLATIVE INTENT

14 (a) This act is intended to supplement and support the programs and  
15 policies established in No. 54 (H.313) of the Acts of 2009, the Vermont  
16 Recovery and Reinvestment Act of 2009, and to provide other economic  
17 incentives.

18 (b) The provisions of this act provide short-term economic stimulus to  
19 certain sectors of the Vermont economy, and invest in long-term strategies that

1 are consistent with the four principal goals of economic development identified  
2 by the commission on the future of economic development which are:

3 (1) Vermont's businesses, educators, nongovernmental organizations,  
4 and government form a collaborative partnership that results in a highly skilled  
5 multigenerational workforce to support and enhance business vitality and  
6 individual prosperity.

7 (2) Vermont invests in its digital, physical, and human infrastructure  
8 as the foundation for all economic development.

9 (3) Vermont state government takes advantage of its small scale to  
10 create nimble, efficient, and effective policies and regulations that support  
11 business growth and the economic prosperity of all Vermonters.

12 (4) Vermont leverages its brand and scale to encourage a diverse  
13 economy that reflects and capitalizes on our rural character, entrepreneurial  
14 people, and reputation for environmental quality.

15 \* \* \* SFSF General Services Fund Appropriations \* \* \*

16 Sec. 2. STATE FISCAL STABILIZATION FUND; GENERAL SERVICES  
17 FUND; APPROPRIATIONS

18 (a) In fiscal year 2010, \$8,670,000.00 from the state fiscal stabilization  
19 fund general services fund that remains available to Vermont under the  
20 American Recovery and Reinvestment Act of 2009 (ARRA), Pub.L.  
21 No. 111-5, is hereby appropriated as prescribed in Secs. 3-17 of this act.

1        (b) For the specific purpose of ensuring SFSF funds are expended in a  
2        timely fashion and in accordance with the deadlines and restrictions  
3        established under ARRA, and also to ensure that the objectives of the  
4        appropriations contained herein are accomplished, the secretary of  
5        administration is authorized to substitute general fund appropriations for the  
6        SFSF appropriations in this section, and in such an event, the secretary is  
7        authorized to expend the SFSF funds on any other authorized general fund  
8        expenditure.

9        Sec. 3. ENTREPRENEURS' SEED CAPITAL FUND

10       (a) The amount of \$1,000,000.00 is appropriated to the entrepreneurs' seed  
11       capital fund established under chapter 14A of Title 10.

12       (b) This appropriation will supplement the \$1,000,000.00 of ARRA funds  
13       in the clean energy development fund transferred to the seed capital fund  
14       pursuant to Sec. 18 of this act, as well as the \$2,150,000.00 appropriated to the  
15       fund under No. 54 of the Acts of 2009 and the \$1,000,000.00 in federal funds  
16       received by the fund manager, Vermont center for emerging technologies  
17       (VCET), from the economic development initiative of the United States  
18       Department of Housing and Urban Development, and pledged as a match to  
19       the seed fund.

20       (c) Equity capital is a major basis upon which lenders make loan decisions.  
21       Unfortunately, early stage equity capital remains a vital financing gap for

1 Vermont entrepreneurs, preventing job creation and new tax revenue  
2 generation. To accelerate job growth by helping emerging firms get across this  
3 funding gap, the entrepreneurs' seed capital fund was initiated last year. The  
4 fund manager has already identified 38 firms across Vermont in sectors such as  
5 life sciences, agriculture, energy, software, and manufacturing, who are now  
6 seeking over \$45,000,000.00 in early-stage equity capital with an estimated  
7 three-year job creation of nearly 700 jobs. In order to attract high potential  
8 firms and maximize this revolving fund's ability and competitiveness to  
9 leverage dollars from both newly available federal and private sources, the size  
10 of the fund must be at least \$5,000,000.00.

11 (d) The entrepreneurs' seed capital fund is now focused on high  
12 opportunity, value-adding employers rather than more general retail and  
13 services sectors, which presently have ample access to financial resources and  
14 lenders. In fact, unlike last year, Vermont banks have seen dramatic increases  
15 in the making of commercial loans, and liquidity and credit in debt form have  
16 returned significantly. On the other hand, venture capital investment remains  
17 at dramatic lows, down nearly 33 percent in the last year alone.

18 (e) Vermont's capitalization of the entrepreneurs' seed capital fund  
19 represents a one-time investment in financial infrastructure that shall revolve  
20 forward for at least 10 years. The seed fund does not require an annual state  
21 subsidy.

1 Sec. 4. RURAL BROADBAND; VTA

2 (a) The amount of \$2,850,000.00 is appropriated to the Vermont  
3 telecommunications authority (VTA) for the purpose of making broadband  
4 services available to at least 10,000 households or businesses in locations  
5 where such services are not currently available, as provided in 30 V.S.A.  
6 § 8079, as established in Sec. 19 of this act. Of the appropriation made in this  
7 subsection, up to \$500,000.00 may be used for upgrades in underserved  
8 business districts, as specified in 30 V.S.A. ~~§ 8079(f)~~ § 8079(e).

9 (b) No portion of the appropriation made in subsection (a) of this section  
10 shall be encumbered or disbursed until a detailed itemization of the specific  
11 manner in which the funds shall be spent is presented to and approved by the  
12 joint fiscal committee, after obtaining input from the senate committee on  
13 economic development, housing and general affairs and the house committee  
14 on commerce and economic development.

15 (c) This appropriation is in addition to the proposed \$5,000,000.00  
16 appropriation to the VTA in the fiscal year 2011 capital bill, intended to allow  
17 VTA to construct telecommunications infrastructure (towers and fiber optic  
18 cable). Together, an appropriation of almost \$8,000,000.00 will allow the  
19 VTA to leverage access estimated to between \$10,000,000.00 and  
20 \$20,000,000.00 in moral obligation bonding as authorized under No. 79 of the  
21 Acts of 2007.

1        (d) Access to telecommunications and broadband services is this era's  
2        equivalent to rural electrification in the 1930s. Viewed as uneconomical, at  
3        that time, private electric companies were unwilling to operate lines and  
4        distribute electricity in rural areas. Under the authority of the Rural  
5        Electrification Act of 1936, the United States Department of Agriculture began  
6        making direct loans and loan guarantees to electric utilities to serve customers  
7        in rural areas. Rural electrification is now viewed as an achievement that has  
8        been a tremendous force for positive social change and social equality in rural  
9        areas.

10       Sec. 5. VERMONT EMPLOYMENT TRAINING PROGRAM

11       (a) The amount of \$1,000,000.00 is appropriated to the department of  
12       economic, housing, and community development for the program operations of  
13       the Vermont employment training program established under 10 V.S.A. § 531.

14       (b) This appropriation, when combined with the *proposed* fiscal year 2011  
15       \$1,700,000.00 appropriation, will add up to historic high funding for the  
16       training program. In fiscal year 2010, \$1,900,000.00 was appropriated to the  
17       training program.

18       (c) The Vermont training program works with businesses and educational  
19       institutions to develop programs targeting the manufacturing, health care,  
20       information technology, telecommunications, and environmental engineering  
21       sectors; and can cover up to 50 percent of the cost of training. It is estimated

1 that the fund will be depleted in March 2010, denying up to 2,000 Vermonters  
2 the opportunity to receive workforce training.

3 Sec. 6. TOURISM AND MARKETING; MEDIA ADVERTISING

4 (a) The amount of \$300,000.00 is appropriated to the department of  
5 tourism and marketing to supplement the fiscal year 2010 \$1,950,000.00  
6 appropriation (later subject to a rescission of \$181,000.00) to increase the  
7 frequency of and expand the media buys in the state's key regional markets for  
8 Vermont's winter recreation and hospitality operations. The additional media  
9 advertising is aimed at increasing the number of visitors that will decide to  
10 visit Vermont. Should circumstances require, a portion of the appropriation  
11 will be spent to supplement the planned \$600,000.00 spring and summer media  
12 advertising campaigns. ~~This appropriation~~ *The \$300,000.00 appropriation*  
13 *made in this subsection also* supplements the \$100,000.00 appropriated to the  
14 Vermont Convention Bureau, which is attached to the Lake Champlain  
15 Regional Chamber of Commerce, in No. 54 of the Acts of 2009.

16 (b) Particularly during the current recession and at a time when other states,  
17 such as Connecticut, are curtailing their travel advertising, Vermont should  
18 continue to invest in marketing and tourism and optimize the opportunities to  
19 have a positive impact on our hospitality businesses.

1       Sec. 7. AGRICULTURE; VERMONT FARMERS

2           (a) The amount of \$1,000,000.00 is appropriated to the Vermont economic  
3       development authority (VEDA) to be used by the Vermont agricultural credit  
4       corporation for the Vermont agricultural credit program established under  
5       10 V.S.A. § 374a to assist Vermont farmers with capital to meet operating and  
6       related needs. *With this appropriation, the agricultural debt consolidation*  
7       *program is expected to leverage \$21,000,000.00 in loan activity.*

8           (b) This appropriation is intended to supplement the \$1,000,000.00 general  
9       fund appropriation to VEDA contained in No. 4 of the Acts of 2009 (the  
10       budget adjustment act), which was aimed at helping farmers meet spring 2009  
11       operating expenses.

12           (c) Vermont lost more than 100 farms in the last two years alone, and  
13       thousands in previous years. From January to July, 2009, 33 farms have  
14       ceased operations. With every working farm that shuts down, Vermont suffers  
15       economically, environmentally, and socially.

16           (d) At present, the cost of dairy production exceeds the price farmers are  
17       paid for milk. The national dairy crisis in 2009 was caused by a decline in  
18       demand for dairy products on the national and international markets due to the  
19       global economic crisis. The imbalance in supply and demand caused the price  
20       paid to dairy farmers to decline by over 40 percent from 2008. The decline in  
21       milk prices has caused Vermont dairy farmers to either go out of business or

1 go severely into debt and has created a great deal of hardship for dairy farmers  
2 and related businesses.

3 Sec. 8. FARM-TO-PLATE INVESTMENT PROGRAM

4 (a) The amount of \$100,000.00 is appropriated to the Vermont sustainable  
5 jobs fund program established in 10 V.S.A. § 328 to further the initiatives of  
6 the Farm-to-Plate investment program established in 10 V.S.A. § 330 and  
7 support entities that will enhance the production, storage, processing, and  
8 distribution infrastructure of the Vermont food system. *This appropriation*  
9 *supplements the \$100,000.00 appropriation made to the program pursuant to*  
10 *No. 54 of the Acts of 2009.* The funds shall be competitively awarded by the  
11 program director, in consultation with the secretary of agriculture, food and  
12 markets and the Vermont sustainable agriculture council, in the form of grants  
13 to nonprofit farmers' markets and like entities that are ready to implement their  
14 business plans or expand their existing operations to provide additional  
15 capacity and services within the food system. The funds also may be used for  
16 the coordination and implementation of the recommendations contained in the  
17 strategic plan of the Farm-to-Plate investment program.

18 (b) According to the United States Department of Agriculture's 2007  
19 census of agriculture and the Vermont department of labor's 2007 quarterly  
20 census of employment and wages, jobs throughout Vermont's entire food  
21 system represent approximately 20 percent (or 54,334) of all private sector

1 jobs, and food-system-related enterprises comprise 31 percent (or 9,166) of all  
2 private establishments

3 Sec. 9. FARM-TO-INSTITUTION PARTNERSHIPS

4 (a) The amount of \$100,000.00 is appropriated to the secretary of  
5 agriculture, food and markets for the purpose of providing grants for capital  
6 upgrades or the development of programs to support farm-to-institution  
7 partnerships which can be used as models for similar partnerships throughout  
8 Vermont.

9 (b) The purpose of the farm-to-institution initiatives is to increase  
10 institutional purchases of fresh, locally grown food. The participation of  
11 institutional buyers, such as hospitals, schools, and businesses, will play an  
12 important role in stimulating greater local food production and keeping more  
13 money in the local economy and further sustain the key role that agriculture  
14 plays in the vibrant past and future of Vermont's economy.

15 Sec. 10. ADDISON COUNTY; CHAMPLAIN BRIDGE CLOSURE;  
16 VERMONT JOBS FUND

17 (a) The amount of \$800,000.00 is appropriated to the Vermont economic  
18 development authority (VEDA) to provide interest-rate subsidies through the  
19 Vermont jobs fund established under 10 V.S.A. § 234, and to provide loans to  
20 businesses negatively affected by the closure of the Lake Champlain bridge at  
21 Crown Point as provided in subsections (b) and (c) of this section.

1        (b) Addison County; Priority on Funds. For a period of 90 days after the  
2 enactment of this act, ~~for-profit business-~~ *businesses and non-profit health care*  
3 *organizations* ~~operations~~ in Addison County that have incurred economic  
4 losses as a direct result of the closure of the Lake Champlain bridge at Crown  
5 Point may apply to VEDA for loans to assist with maintaining payroll,  
6 ordering inventory, and covering operational expenses, including increased  
7 expenses resulting from increased travel costs. VEDA shall make the loans  
8 from the Vermont jobs fund, subject to the following requirements:

9            (1) The minimum loan issue shall be \$1,000.00; the maximum  
10 \$25,000.00.

11            (2) All applicants must have been in business and operational prior to  
12 October 16, 2009.

13            (3) Interest rates shall be established by the VEDA board of directors,  
14 but shall not exceed the current maximum interest rate applicable under the  
15 Vermont jobs fund, and may be zero.

16        (c) With respect to loans made under subsection (b) of this section, VEDA  
17 shall establish underwriting criteria and standards to ensure that eligible  
18 businesses are creditworthy, but for the three-month closure of the Lake  
19 Champlain bridge at Crown Point; term limits that are based upon individual  
20 business circumstances; criteria for determining which economic losses qualify

1 as the direct result of the bridge closure; and any other terms and conditions it  
2 deems appropriate and necessary to accomplish the purposes of this section.

3 (d) Any appropriation not used to make loans to eligible Addison County  
4 businesses under subsection (b) of this section may be used by VEDA to make  
5 loans through the Vermont jobs fund to provide interest-rate subsidies to  
6 applicants unless there is a demonstrated financial need.

7 Sec. 11. VEDA; VERMONT JOBS FUND

8 (a) The amount of \$1,000,000.00 is appropriated to the Vermont economic  
9 development authority to provide interest-rate subsidies on loans approved  
10 under the Vermont jobs fund established in 10 V.S.A. § 234.

11 ~~(b) In the event \$1,000,000.00 in funds from the clean energy development~~  
12 ~~fund, established in 10 V.S.A. § 6523, is not transferred to the entrepreneur's~~  
13 ~~seed capital fund, established in 10 V.S.A. § 291, by act of the 2010 legislative~~  
14 ~~session, the \$1,000,000.00 appropriation in subsection (a) of this section shall~~  
15 ~~be made to the entrepreneur's seed capital fund.~~

*(b) The appropriation made in subsection (a) of this section supplements*  
*the \$1,000,000.00 appropriation made to the Vermont jobs fund pursuant to*  
*No. 54 of the Acts of 2009. To date, with \$1,400,000.00 in subsidy funding*  
*(both state and ARRA funds), VEDA has been able to buy down the interest*  
*rate on commercial loans in the aggregate amount of approximately*  
*\$17,600,000.00. The proceeds of those loans have generated approximately*  
*\$58,000,000.00 of economic activity and, of that amount, have had a*  
*stimulative economic effect of \$28,000,000.00.*

16 Sec. 12. DOWNTOWN AND VILLAGE CENTER PROGRAM

1       (a) The amount of \$100,000.00 shall be transferred to the general fund in  
2 fiscal year 2011 to cover the costs of allocating \$100,000.00 worth of tax  
3 credits in calendar year 2010 under the downtown and village center program  
4 pursuant to 32 V.S.A. § 5930ee, which amount is in addition to the statutory  
5 cap of \$1,700,000.00.

6       (b) In the Vermont Statutes Annotated, the annotations under 32 V.S.A.  
7 § 5930ee shall reflect the additional \$100,000.00 worth of tax credits  
8 authorized in calendar year 2010 pursuant to this section.

9       Sec. 13. BTV; AVIATION TECHNICAL TRAINING CENTER

10       (a) The amount of \$150,000.00 is appropriated to the Burlington  
11 International Airport (BTV) to continue the process of planning and designing  
12 a new aviation technical training center.

13       (b) This appropriation supplements the \$1,000,000.00 grant in 2009 to  
14 BTV from the National Aeronautics and Space Administration (NASA) for the  
15 aviation technology training program, and a contemplated \$1,500,000.00 grant,  
16 also from NASA. NASA grants cannot be used for facility construction or  
17 planning.

18       (c) BTV shall consult with career centers and adult education directors  
19 from around Vermont to develop a plan that ensures the aviation training  
20 program is available to students from all geographic locations around Vermont.

1       Sec. 14. COMMUNITY CAPITAL OF VERMONT; JOB START LOAN  
2                    FUND

3           (a) The amount of \$50,000.00 is appropriated to community capital of  
4           Vermont for the job start loan fund to support low and moderate income  
5           business owners who do not have access to conventional bank loans.

6           (b) Community capital of Vermont is a community-based 501(c)(3)  
7           nonprofit serving the entire state of Vermont. Administration of the Vermont  
8           job start loan program was transferred from the Vermont economic  
9           development authority to community capital of Vermont as of May 1, 2008. *In*  
10           *addition to financing, community capital of Vermont provides post-loan*  
11           *technical assistance grants for specialized consulting services in the areas of*  
12           *marketing, financial management, inventory management, and human*  
13           *resources.*

14       Sec. 15. VERMONT FILM CORPORATION

15           (a) The amount of \$100,000.00 is appropriated to the Vermont film  
16           corporation to continue its work of creating jobs and growing the state's new  
17           media and film economy, as described in chapter 26 of Title 10. It is  
18           anticipated that the corporation will solicit funds from private sources pursuant  
19           to its authority under 10 V.S.A. § 645(3) to cover the remaining balance of its  
20           operational and other business expenses.

1        (b) On or before January 15, ~~2010~~ 2011 , the secretary of commerce and  
2        community development and the board of directors of the Vermont film  
3        corporation shall submit a recommendation to the senate committee on  
4        economic development, housing and general affairs and the house committee  
5        on commerce and economic development as to whether the work now done by  
6        the film corporation should be assumed by the department of ~~travel and~~  
7        tourism *and marketing* within the agency of commerce and community  
8        development or remain with the film corporation.

9        (c) Given its unique blend of creative, cultural, and educational resources,  
10       Vermont currently has an opportunity to become a destination for a new media  
11       and film industry.

12       (d) Vermont is home to authors, filmmakers, producers, and young people  
13       concentrating their educational and professional development in the emerging  
14       fields of communications, multi-media and film production, graphic and digital  
15       design, and the performing arts.

16       (e) Vermont's natural and seasonal beauty and the charm and character of  
17       its towns and regions equal or surpass other potential destinations for the  
18       media and film industry, and these strengths position Vermont as an ideal  
19       location for filming and producing movies, television, commercials, and other  
20       media.

1       (f) Vermont is home to at least five institutions of higher education that  
2       provide one or more degrees or certificate programs in media or film sectors,  
3       including Burlington College's cinema studies and film production program;  
4       Champlain College's communications and creative media division; the  
5       University of Vermont's film and television studies program; Marlboro  
6       College's undergraduate programs in media, visual, and performing arts; *the*  
7       *Johnson State College program which has produced five films to date*  
8       *exploring the history of various Vermont counties;* and Castleton State  
9       College's concentrations in communication, mass media, and digital media.

10       (g) Considering these substantial resources, it is the intent of the general  
11       assembly to encourage and promote the development of a strong and dynamic  
12       media and film sector within Vermont's creative economy.

13       Sec. 16. UVM; PARAMEDIC-LEVEL TRAINING PROGRAM

14       (a) The amount of \$70,000.00 is appropriated to the ~~University of~~  
15       ~~Vermont's initiative for rural emergency medical services.~~ *Vermont Technical*  
16       *College* for the purpose of establishing a statewide paramedic-level training  
17       program.

18       (b) This appropriation will supplement the \$25,840.00 already committed  
19       to the program by Essex Rescue and, when combined, will enable the program  
20       to leverage an additional \$503,360.00 of federal funds from the Federal  
21       Emergency Management Agency.

1        (c) Vermont is currently the only state without a statewide paramedic  
2        training program. The paramedic-level training program funded by this section  
3        will initially provide training to 15 students in the northwest region of the state  
4        and will establish Vermont's first statewide continuing education program for  
5        paramedics in Vermont.

6        Sec. 17. NEIGHBOR-TO-NEIGHBOR PROGRAM

7        (a) The amount of \$50,000.00 is appropriated to the department for  
8        disabilities, aging, and independent living to continue the neighbor-to-neighbor  
9        program administered through the Area Agencies on Aging. The funds  
10       appropriated in this section may be used as the required 20-percent match for  
11       AmeriCorps funds.

12       (b) Through the neighbor-to-neighbor program, the Area Agencies on  
13       Aging employ individuals from AmeriCorps to provide services to enable  
14       older adults and individuals with disabilities to live independently in their  
15       homes.

16       \* \* \* Reallocation of ARRA Funds in the CEDF: Seed Fund \* \* \*

17       ~~Sec. 18. 10 V.S.A. § 6523 is amended to read:~~

18       ~~§ 6523. VERMONT CLEAN ENERGY DEVELOPMENT FUND~~

19       ~~(a) Creation of fund.~~

20       ~~(1) There is established the Vermont clean energy development fund to~~  
21       ~~consist of all each of the following:~~

1 ~~(A) The proceeds due the state under the terms of the memorandum~~  
2 of understanding between the department of public service and Entergy  
3 Nuclear VY and Entergy Nuclear Operations, Inc. that was entered under  
4 public service board docket 6812; together with the proceeds due the state  
5 under the terms of any subsequent memoranda of understanding entered before  
6 July 1, 2005 between the department of public service and Entergy Nuclear  
7 VY and Entergy Nuclear Operations, Inc.

8 ~~(B) \$21,999,000.00 in funds received by the state under the~~  
9 ~~appropriation contained in the American Recovery and Reinvestment Act~~  
10 ~~(ARRA) of 2009, Pub.L. No. 111-5, to the state energy program authorized~~  
11 ~~under 42 U.S.C. § 6321 et seq.~~

12 ~~(C) \$9,593,500.00 received by the state under ARRA from the~~  
13 ~~United States Department of Energy through the energy efficiency and~~  
14 ~~conservation block grant (EECBG) program.~~

15 ~~(D) Any other monies that may be appropriated to or deposited into~~  
16 ~~the fund.~~

17 \* \* \*

18 (h) ARRA funds. All ~~ARRA~~ American Recovery and Reinvestment Act  
19 (ARRA) funds ~~placed in the clean energy development fund described in~~  
20 section 6524 of this title shall be disbursed, administered, and accounted for in  
21 ~~a manner that ensures rapid deployment of the funds and is consistent with all~~

1 ~~applicable requirements of ARRA, including requirements for administration~~  
2 ~~of funds received and for timeliness, energy savings, matching, transparency,~~  
3 ~~and accountability. These funds shall be maintained in a separate account~~  
4 ~~specifically restricted to ARRA funds within the clean energy development~~  
5 ~~fund. These funds shall be expended for the following categories listed in this~~  
6 ~~subsection, provided that no single project directly or indirectly receives a~~  
7 ~~grant in more than one of these categories. The clean energy development~~  
8 ~~board shall have discretion to use non-ARRA moneys within the fund to~~  
9 ~~support all or a portion of these categories and shall direct any ARRA moneys~~  
10 ~~for which non-ARRA moneys have been substituted to the support of other~~  
11 ~~eligible projects, programs, or activities under ARRA and this section.~~

12 \* \* \*

13 (7)(A) \$880,000.00 to the 11 regional planning commissions  
14 (\$80,000.00 to each such commission) to conduct energy efficiency and energy  
15 conservation activities that are eligible under the EECBG program.

16 (B) \$1 million to the entrepreneurs' seed capital fund created under  
17 section 291 of this title to conduct ARRA-eligible activities related to clean  
18 energy resources or emerging energy efficient technologies.

19 (8) Concerning the funds authorized for use in subdivisions (4)–(7) of  
20 this subsection:

1 ~~(A) To the extent permissible under ARRA, up to five percent may~~  
2 ~~be spent for administration of the funds received.~~

3 (B) In the event that the clean energy development board determines  
4 that a recipient of such funds has insufficient eligible projects, programs, or  
5 activities to fully utilize the authorized funds, the clean energy development  
6 board shall have discretion to reallocate the balance to other eligible projects,  
7 programs, or activities under this section.

8 (9) The clean energy development board is authorized, to the extent  
9 allowable under ARRA, to utilize up to 10 percent of ARRA funds received  
10 for the purpose of administration. The board shall allocate a portion of the  
11 amount utilized for administration to retain permanent, temporary, or limited  
12 service positions or contractors to administer such funds and the remaining  
13 portion to the oversight of specific projects receiving ARRA funding through  
14 the clean energy development fund board.

15 \* \* \*

16 (j) Governor disapproval. The governor shall have the authority within 30  
17 days of approval or adoption to disapprove a project, program, or other activity  
18 approved by the clean energy development board to be funded by the clean  
19 energy development fund if the source of the funds is ARRA; and any rules  
20 ~~adopted under subsection (i) of this section. The governor may at any time~~

1 ~~waive his or her authority to disapprove any project, program, or other activity~~  
2 ~~or rule under this subsection.~~

*Sec. 18. CEDF; ARRA FUNDS; VERMONT SMALL-SCALE RENEWABLE ENERGY INCENTIVE PROGRAM; ENTREPRENEURS' SEED CAPITAL FUND*

*The general assembly finds that the Vermont small-scale renewable energy program, 10 V.S.A. § 6523(d)(1)(E)(ii), currently administered by the renewable energy resource center, is expected to receive \$5,275,000.00 in funding in 2010. These funds come from the American Recovery and Reinvestment Act of 2009 (ARRA), Pub.L. No-111-5, and the clean energy development fund established under 10 V.S.A. § 6523. Notwithstanding any other provision of law, the general assembly directs that \$1,000,000.00 of this amount be reallocated from the small-scale renewable energy program to the entrepreneurs' seed capital fund created under 10 V.S.A. § 291 to conduct ARRA-eligible activities related to "clean energy resources" or "emerging energy-efficient technologies" as those terms are defined under 10 V.S.A. § 6523(b)(1) and (4), respectively.*

3 \* \* \* VTA Broadband Infrastructure \* \* \*

4 Sec. 19. 30 V.S.A. § 8079 is added to read:

5 § 8079. BROADBAND INFRASTRUCTURE; INVESTMENT

6 (a) To achieve the goals established in subsection 8060(b) of this title, the  
7 authority is authorized to invest in broadband infrastructure or contract with  
8 retail providers for the purpose of making services available to at least 10,000  
9 households or businesses in locations where such services are currently  
10 unavailable or to upgrade services in underserved business districts, as  
11 determined by the authority. For purposes of this section, locations shall not  
12 be considered unserved if a broadband provider has a legally binding  
13 commitment to provide service to those locations or a provider has received a  
14 broadband stimulus grant to provide service to those locations.

1        (b) To accomplish the purpose of this section, the authority shall publish a  
2        request for proposals for (1) the construction of physical broadband  
3        infrastructure, to be owned by the authority; or (2) initiatives by public-private  
4        partnerships or retail vendors designed to provide broadband service to blocks  
5        of unserved locations; or both, as determined by the authority as necessary to  
6        provide 100 percent coverage to Vermont households and businesses within  
7        such blocks of unserved areas.

8        (c) The authority shall review proposals and award contracts based upon  
9        the price, quality of services offered, positive experience with infrastructure  
10       maintenance, retail service delivery, and other factors determined to be in the  
11       public interest by the authority.

12       (d) To the extent any funds appropriated by the general assembly are  
13       rendered unnecessary for the purpose of reaching unserved Vermonters due to  
14       a successful application to the broadband initiatives program under the Rural  
15       Utilities Service of the U.S. Department of Agriculture, such funds shall be  
16       placed in reserve by the authority to be used first to achieve 100-percent  
17       coverage pursuant to chapter 91 of Title 30 and, once that is achieved, to then  
18       deliver fiber-quality service to Vermont's public facilities, regional business  
19       hubs, and anchor businesses and institutions.

20       (e) Beginning July 1, 2010, the authority may invest up to \$500,000.00 for  
21       upgrades in broadband services in underserved business districts.

1           \* \* \* Vermont Employment Training Program: JFO Evaluation \* \* \*

2           Sec. 20. 10 V.S.A. § 531(i) is added to read:

3           ~~(i) Program Outcomes. Beginning in fiscal year 2011, the joint fiscal office~~  
4           ~~(JFO) or a contractor selected by JFO shall conduct an evaluation of the~~  
5           ~~outcomes of the employment training program every five years by reviewing~~  
6           ~~its operations, benchmarks, and outcomes to determine the economic and state~~  
7           ~~fiscal impact of the program. The evaluation of the program's outcomes shall~~  
8           ~~include the impact on real wages and personal income; the change in state~~  
9           ~~employment; the job growth across the manufacturing, information~~  
10           ~~technology, telecommunications, health care, and environmental engineering~~  
11           ~~industry sectors; job training; and business growth and retention. Costs~~  
12           ~~incurred in conducting the evaluation shall be reimbursed from the training~~  
13           ~~program fund up to \$15,000.00.~~

*(i)(1) Program Outcomes. The joint fiscal office shall prepare a training program performance report based on the following information submitted to it by the Vermont training program which is to be collected from each participating employer then aggregated:*

*(A) The number of full-time employees six months prior to the training and six months after its completion.*

*(B) For all existing employees, the median hourly wages prior to and after the training.*

*(C) The number of "new hires," "upgrades," and "crossovers" deemed eligible for the waivers authorized by statute and the median wages paid to employees in each category upon completion.*

*(D) A list and description of the benefits required under subdivision (c)(3) of this section for all affected employees, including the number of employees that receive each type of benefit.*

(E) The number of employers allowed to pay reduced wages in high unemployment areas of the state, along with the number of affected workers and their median wage.

(2) Upon request by the secretary of commerce and community development, participating employers shall provide the information necessary to conduct the performance report required by this subsection. The secretary, in turn, shall provide such information to the joint fiscal office in a manner agreed upon by the secretary and the joint fiscal office. The secretary and the joint fiscal office shall take such measures to ensure company-specific data and information remain confidential and are not publicly disclosed, except in aggregate form. The secretary shall submit to the joint fiscal office any program outcomes, measurement standards, or other evaluative approaches in use by the training program.

(3) The joint fiscal office shall review the information collected pursuant to subdivisions (1) and (2) of this subsection and prepare a training program performance report with recommendations relative to the program. The joint fiscal office shall submit its first training program performance report on or before January 15, 2011, to the senate committee on economic development, housing and general affairs and the house committee on commerce and economic development. A second performance report shall be submitted on or before January 15, 2016. In addition to the information evaluated pursuant to subdivision (1) of this subsection, the second report shall include recommendations as to the following:

(A) whether the outcomes achieved by the program are sufficient to warrant its continued existence.

(B) whether training program outcomes can be improved by legislative or administrative changes.

(C) whether continued program performance reports are warranted and, if so, at what frequency and at what level of review.

(4) The joint fiscal office may contract with a consultant to conduct the performance reports required by this subsection. Costs incurred in preparing each report shall be reimbursed from the training program fund up to \$15,000.00.

1                   \* \* \* Increased Moral Obligation for Vermont Jobs Fund \* \* \*

2           Sec. 21. 10 V.S.A. § 219(d) is amended to read:

3           (d) In order to assure the maintenance of the debt service reserve  
4           requirement in each debt service reserve fund established by the authority,  
5           there may be appropriated annually and paid to the authority for deposit in  
6           each such fund, such sum as shall be certified by the chair of the authority, to  
7           the governor or the governor-elect, the president of the senate, and the speaker  
8           of the house, as is necessary to restore each such debt service reserve fund to  
9           an amount equal to the debt service reserve requirement for such fund. The  
10          chair shall annually, on or about February 1, make, execute, and deliver to the  
11          governor or the governor-elect, the president of the senate, and the speaker of  
12          the house, a certificate stating the sum required to restore each such debt  
13          service reserve fund to the amount aforesaid, and the sum so certified may be  
14          appropriated, and if appropriated, shall be paid to the authority during the then  
15          current state fiscal year. The principal amount of bonds or notes outstanding at  
16          any one time and secured in whole or in part by a debt service reserve fund to  
17          which state funds may be appropriated pursuant to this subsection shall not  
18          exceed ~~\$70,000,000.00~~ \$100,000,000.00, provided that the foregoing shall not  
19          impair the obligation of any contract or contracts entered into by the authority  
20          in contravention of the Constitution of the United States.

21                   ~~\* \* \* Transferability of Downtown Tax Credits \* \* \*~~

1 Sec. 22. [DELETED] ~~32 V.S.A. § 5930dd(f) is added to read:~~

2 (f) In lieu of using a tax credit to reduce its own tax liability, an applicant  
3 may request the credit in the form of an insurance credit certificate that an  
4 insurance company may accept in return for cash and for use in reducing its tax  
5 liability under subchapter 7 of chapter 211 of this title in the first tax year in  
6 which the qualified building is placed back in service after completion of the  
7 qualified project or in the subsequent nine years. The amount of the insurance  
8 credit certificate shall equal the unused portion of the credit allocated under  
9 this subchapter, and an applicant requesting an insurance credit certificate shall  
10 provide to the state board a copy of any returns on which any portion of the  
11 allocated credit under this section was claimed.

12 ~~\*\*\* Estate Tax \*\*\*~~

13 Sec. 23. [DELETED] ~~32 V.S.A. § 7475(2) is amended to read:~~

14 ~~(2) the applicable credit amount shall remain as provided for under~~  
15 ~~Section 2010 of the Internal Revenue Code as in effect on January 1, 2008~~  
16 ~~2009; and~~

17 ~~\*\*\* Recovery Zone Facility Bond (RZFB) Program \*\*\*~~

18 Sec. 24. RZFB PROGRAM; PUBLIC OUTREACH

19 (a) The American Recovery and Reinvestment Act of 2009 (ARRA),  
20 Pub.L. No. 111-5, allocates authority for the issuance of \$135,000,000.00 of

1 recovery zone facility (private activity) bonds to Vermont, which must be  
2 issued before the end of calendar year 2010.

3 (b) The federal government issued the bonding authorizations to 11 of  
4 Vermont's 14 counties; however, in the opinion of the Vermont attorney  
5 general, Vermont counties do not have the necessary authority to issue or  
6 authorize others to issue facility bonds. ARRA allows the counties to waive  
7 their allocations to state government, which they did. In October 2009, the  
8 emergency board approved a plan designating the Vermont economic  
9 development authority (VEDA) as the entity responsible for issuing the bonds.

10 (c) The recovery zone facility bond (RZFB) program is designed to aid  
11 certain businesses through the issuance of tax-exempt bonds. Tax-exempt  
12 bonds traditionally carry lower interest rates than conventional bank loans  
13 because income earned by purchasers of these bonds is exempt from federal  
14 and, in some cases, state tax. VEDA is encouraged to take any steps necessary  
15 to increase public awareness of the RZFB program.

16 (d) VEDA is authorized to increase the current \$25,000,000.00 cap per  
17 project to \$50,000,000.00.

18 \* \* \* Vermont Redevelopment Authority \* \* \*

19 Sec. 25. VERMONT REDEVELOPMENT AUTHORITY; STUDY

20 (a) The Brattleboro Development Credit Corporation, in consultation with  
21 the other regional development corporations in Vermont, may develop a

1 proposal for enabling legislation that permits a municipality to form an  
2 economic development authority.

3 (b) The proposal shall include recommendations regarding the following:

4 (1) The powers that an economic development authority may exercise  
5 with respect to: eminent domain; permitting; access to bonding; access to  
6 lending through state authorities such as VEDA; property acquisition; and  
7 infrastructure investment;

8 (2) The goals of an economic development authority, such as increasing  
9 the grand list; increasing occupancy and rent levels; increasing employment  
10 opportunities; as well as benchmarks and indicators for measuring an  
11 authority's success with meeting those goals.

12 (c) The Brattleboro Development Credit Corporation is invited to submit its  
13 proposal to the general assembly by January 15, 2011.

14 \* \* \* Legislative Priorities for ARRA Funds \* \* \*

15 Sec. 26. LEGISLATIVE PRIORITIES FOR ARRA FUNDS

16 With respect to federal funds potentially available to the state of Vermont as  
17 competitive funds under the ARRA and in addition to any other legislatively  
18 identified priorities established with regard to ARRA funds, the general  
19 assembly establishes the following priorities as outlined in this section.

20 (1) Railroad projects determined by the Vermont office of economic  
21 stimulus and recovery as being consistent with Vermont's transportation plan.

1           (2) With respect to passenger rail funds requested by the state, *funds for*  
2 *making* upgrades to passenger rail service along the western corridor, such as  
3 the Ethan Allen Express improvements and extension corridor program. This  
4 corridor program consists of track and crossing improvements and a bridge  
5 project along the existing Ethan Allen Express Amtrak route as well as an  
6 extension of that service *from Hoosick, NY to Bennington*, from Bennington to  
7 Rutland and from Rutland to Burlington. The program will serve to support  
8 intercity passenger rail service through the most populous area of the state and  
9 further connect vital economic regions of the state to each other and to the state  
10 of New York.

11           (3) Telecommunications projects determined by Vermont's chief  
12 technology officer as being consistent with the goals and policies established  
13 under chapter 91 of Title 30.

14       Sec. 27. REPEAL; PRIORITIES FOR MUNICIPAL

15                       TELECOMMUNICATIONS

16           Sec. 17(d) of No. 54 of the Acts of 2009 (municipal priorities for municipal  
17 communications services) is repealed ~~and the remaining subdivisions of that~~  
18 ~~subsection are renumbered accordingly.~~

19       

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~~\*\* Simplified Licensing Process for Certain Commercial Lenders \*\*~~

20       ~~Sec. 28. 8 V.S.A. § 2200(1) is amended to read:~~

1 ~~(1) "Commercial loan" means any loan or extension of credit that is~~  
2 ~~described in subdivision 46(1), (2), or (4) of Title 9 and that is in excess of~~  
3 ~~\$25,000.00. The term does not include a loan or extension of credit for the~~  
4 ~~purpose of farming, as defined in subdivision 6001(22) of Title 10 and does~~  
5 ~~not include a loan or extension of credit for the purpose of financing secured in~~  
6 ~~whole or in part by an owner occupied one- to four-unit dwelling.~~

7 Sec. 29. 8 V.S.A. § 2202(d) is added to read:

8 (d) This section does not apply to a lender making only commercial loans.

9 Sec. 30. 8 V.S.A. § 2202a is added to read:

10 § 2202a. APPLICATION FOR COMMERCIAL LENDER LICENSE; FEES

11 (a) Application for a license for a lender making solely commercial loans  
12 shall be in writing, under oath, and in the form prescribed by the  
13 commissioner, and shall contain the name and address of the residence and the  
14 place of business of the applicant and, if the applicant is a partnership or  
15 association, of every member thereof, and, if a corporation, of each officer,  
16 director, and control person thereof; the county and municipality with street  
17 and number, if any, where the business is to be conducted; and such further  
18 information as the commissioner may require.

19 (b) At the time of making application, the applicant shall pay to the  
20 commissioner a \$500.00 fee for investigating the application and a \$500.00

1 ~~initial license fee for a period terminating on the last day of the current~~  
2 ~~calendar year.~~

3 (c) In connection with an application for a commercial lender license, the  
4 applicant and each officer, director, and control person of the applicant shall  
5 furnish to the Nationwide Mortgage Licensing System and Registry (NMLSR)  
6 information concerning the applicant's identity and the identity of each of the  
7 applicant's officers, directors, and control persons, including:

8 (1) Fingerprints for submission to the Federal Bureau of Investigation  
9 and for any other governmental agency or entity authorized to receive such  
10 information for a state, national, and international criminal history background  
11 check.

12 (2) Personal history and experience in a form prescribed by the  
13 NMLSR, including the submission of authorization for the NMLSR and the  
14 commissioner to obtain information related to any administrative, civil, or  
15 criminal findings by any governmental jurisdiction.

16 (3) Any other information required by the NMLSR or the commissioner.

17 Sec. 31. 8 V.S.A. § 2203(f) is added to read:

18 (f) This section does not apply to a lender making only commercial loans.

19 Sec. 32. 8 V.S.A. § 2204(d) is added to read:

20 (d) This section does not apply to a lender only making commercial loans.

21 ~~Sec. 33. 8 V.S.A. § 2204c is added to read.~~

~~§ 2204c. APPROVAL OF APPLICATION; ISSUANCE OF COMMERCIAL~~

LENDER LICENSE

(a) Upon the filing of the application and payment of the required fees, the commissioner shall issue and deliver a commercial lender license to the applicant upon findings by the commissioner as follows:

(1) That the experience, character, and general fitness of the applicant are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter. If the applicant is a partnership or association, such findings are required with respect to each partner, member, and control person. If the applicant is a corporation, such findings are required with respect to each officer, director, and control person.

(2) That the applicant and each officer, director, and control person of the applicant has never had a lender license, mortgage broker license, mortgage loan originator license, or similar license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation.

(3) That the applicant and each officer, director, and control person of the applicant has not been convicted of or pled guilty or nolo contendere to a felony in a domestic, foreign, or military court.

1 ~~(A) During the seven year period preceding the date of the~~  
2 ~~application for licensing, except a conviction for driving under the influence or~~  
3 ~~a similarly titled offense in this state or in any other jurisdiction; or~~

4 ~~(B) At any time preceding such date of application, if such felony~~  
5 ~~involved an act of fraud, dishonesty, or a breach of trust, or money laundering;~~

6 ~~(C) Provided that any pardon of a conviction shall not be a conviction~~  
7 ~~for purposes of this subsection.~~

8 ~~(b) If the commissioner does not find as set forth in subsection (a) of this~~  
9 ~~section, the commissioner shall not issue a license. Within 60 days of filing of~~  
10 ~~the completed application, the commissioner shall notify the applicant of the~~  
11 ~~denial, stating the reason or reasons therefore. If after the allowable period, no~~  
12 ~~request for reconsideration under subsection 2205(a) of this title is received~~  
13 ~~from the applicant, the commissioner shall return to the applicant the sum paid~~  
14 ~~by the applicant as a license fee, retaining the investigation fee to cover the~~  
15 ~~costs of investigating the application.~~

16 ~~(c) If the commissioner makes findings as set forth in subsection (a) of this~~  
17 ~~section, he or she shall issue the license within 60 days of filing the completed~~  
18 ~~application. Provided the licensee annually renews the license, the license~~  
19 ~~shall be in full force and effect until surrendered by the licensee or until~~  
20 ~~revocation, suspension, termination, or refusal to renew by the commissioner.~~

21 ~~Sec. 34. 8 V.S.A. § 2209(a)(6) is added to read:~~

1 ~~(6) For the renewal of a lender's license for a lender making only~~  
2 ~~commercial loans, \$500.00.~~

3 Sec. 35. 8 V.S.A. § 2224(b) is amended to read:

4 (b) Annually, within 90 days of the end of its fiscal year, each licensed  
5 lender, mortgage broker, and sales finance company shall file financial  
6 statements with the commissioner in a form and substance satisfactory to the  
7 commissioner, which financial statements must include a balance sheet and  
8 income statement. This subsection does not apply to a lender making only  
9 commercial loans.

10 Sec. 36. 9 V.S.A. § 46 is amended to read:

11 § 46. EXCEPTIONS

12 Section 43 of this title relating to deposit requirements and section 45 of this  
13 title relating to prepayment penalties shall not apply and the parties may  
14 contract for a rate of interest in excess of the rate provided in section 41a of  
15 this title in the case of:

16 \* \* \*

17 (2) obligations incurred by any person, partnership, association or other  
18 entity to finance in whole or in part income-producing business or activity, but  
19 not including obligations incurred to finance family dwellings of ~~two~~ four units  
20 ~~or less when used as a residence by the borrower or to finance real estate which~~

1 is devoted to agricultural purposes as part of an operating farming unit when  
2 used as a residence by the borrower, or

3 \* \* \*

*Sec. 28. COORDINATION OF FARM-TO-PLATE, FARM-TO-SCHOOL,  
AND FARM-TO-INSTITUTION PROGRAMS*

*For the purposes of avoiding duplication of administration and better  
coordinating resources, the Vermont farm-to-plate investment program shall  
include in its strategic plan for agricultural economic development required by  
10 V.S.A. § 330(c)(1), a recommendation for the oversight and coordination of  
the farm-to-plate investment program established under 10 V.S.A. § 330, the  
farm-to-school program established under 6 V.S.A. § 4721, and any other  
farm-to-institution partnerships designed to increase institutional purchases of  
fresh, locally grown food, such as those initiatives supported with funding  
under Sec. 9 of this act.*

4 \* \* \* Effective Dates \* \* \*

5 Sec. 37 EFFECTIVE DATES

6 This act shall be effective upon passage except:

7 (1) Sec. 11(a) of this act (appropriating \$1,000,000.00 to the Vermont  
8 economic development authority for the Vermont jobs fund) shall be effective  
9 only upon the passage of an act in the 2010 legislative session transferring  
10 \$1,000,000.00 from the clean energy development fund, established in  
11 10 V.S.A. § 6523, to the entrepreneur's seed capital fund, established in  
12 10 V.S.A. § 291.

13 (2) Sec. 22 of this act (relating to insurance credit certificates) shall take  
14 effect upon passage and shall apply to tax years beginning on or after  
15 January 1, 2010;

1 ~~(3) Sec. 23 (estate tax) shall apply to estates of decedents with a date of~~  
2 ~~death after December 31, 2010.~~

3 ~~*\* \* \* Effective Date \* \* \**~~

4 *Sec. 29. EFFECTIVE DATE*

5 *This act shall take effect on passage.*