

# House Calendar

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WEDNESDAY, APRIL 1, 2009

85th DAY OF BIENNIAL SESSION

House Convenes at 1:00 P. M.

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## TABLE OF CONTENTS

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	<b>Page No.</b>
<b>ACTION CALENDAR</b>	
<b>Action Postponed Until Wednesday, April 1</b>	
<b>Third Reading</b>	
<b>H. 213</b> Fairness to Tenants in Contested Security Deposits .....	772
<b>Third Reading</b>	
<b>H. 86</b> Relating to Regulation of Professions and Occupations .....	772
<b>H. 249</b> Volunteer Nonprofit Service Org. and Casino Nights .....	772
<b>H. 438</b> State's Transportation program .....	772
Rep. Minter Amendment.....	772
Rep. Pugh Amendment .....	773
Rep. Aswad Amendment .....	777
Reps. Kilmartin and Marcotte Amendment .....	777
Reps. Marcotte and Kilmartin Amendment .....	777
Reps. Kilmartin and Marcotte Amendment .....	778
<b>NOTICE CALENDAR</b>	
<b>Committee Bill for Second Reading</b>	
<b>H. 441</b> Making Appropriations for the Support of Government.....	778
Rep. Heath for Appropriations	
<b>Favorable with Amendment</b>	
<b>H. 313</b> Relating to Near-term and Long-term Economic Development-	
Rep. Kitzmiller of Montpelier for Commerce and	

Economic Development.....	778
Rep. Clarkson for Ways and Means.....	807
<b>S. 115</b> Relating to Civil Marriage.....	808
Rep. Lippert for Judiciary	
<b>Action Postponed Until Tuesday, April 7, 2009</b>	
<b>For Action Under Rule 52</b>	
<b>J.R.H. 16</b> Designating April as Fair Housing Month in VT.....	815
<b>Favorable with Amendment</b>	
<b>H. 147</b> Operation of Motor Vehicle by Junior Operators/Seat Belts.....	815

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ORDERS OF THE DAY

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**ACTION CALENDAR**

**Action Postponed Until Wednesday, April 1**

**H. 213**

An act relating to provide fairness to tenants in cases of contested housing security deposit withholding.

**Pending Action:** Third reading of the bill.

**Third Reading**

**H. 86**

An act relating to the regulation of professions and occupations.

**H. 249**

An act relating to volunteer nonprofit service organizations and casino nights.

**H. 438**

An act relating to the state's transportation program.

**Amendment to be offered by Rep. Minter of Waterbury to H. 438**

Moves to amend the bill as follows:

First: In Sec. 30, subsection (e), by deleting "appropriated to" and inserting in lieu thereof "authorized for expenditure by"

Second: By adding a new Sec. 82 to read as follows:

Sec. 82. REST AREA COMMERCIALIZATION

By July 1, 2009, the secretary of the agency of transportation shall:

(1) request from the Federal Highway Administration a waiver from the provisions of Title 23, section 111 of the United State Code prohibiting commercial establishments from operating at rest areas along the interstate highway system; and

(2) seek the assistance of the state's federal congressional delegation for the purpose of securing the waiver.

and by renumbering Sec. 82 and any subsequent sections to be numerically correct

**Amendment to be offered by Rep. Pugh of South Burlington to H. 438**

moves that the bill as amended be further amended as follows:

First: By inserting a new Sec. 82 to read:

Sec. 82. 23 V.S.A. § 203 is amended to read:

§ 203. COUNTERFEITING OR MISUSING NUMBER PLATES,  
REGISTRATION CERTIFICATES OR OPERATING LICENSE

(a) A person shall not:

(1) Counterfeit or cause to be counterfeited or have in his or her possession any counterfeit number plate, ~~validating sticker~~, marker, inspection sticker, registration certificate, learner's permit, nondriver identification card, insurance identification card, or operator license, or alter or have in his or her possession any altered number plate or marker; or

\* \* \*

(6) Obtain or attempt to obtain a registration plate, ~~validation sticker~~, registration certificate, operator's license, learner's permit, nondriver identification card, or duplicate copy of any of such documents by the use of fraudulently obtained, fictitious, or altered identity documents or by the use of identity documents not his or her own; or

(7) Obtain or attempt to obtain a registration plate, ~~validation sticker~~, registration certificate, certificate of title, operator's license, learner's permit, nondriver identification card, duplicate copy of any of these documents, or obtain or attempt to obtain any other permit, license or special privilege from the department of motor vehicles through the submission of an application containing false or fictitious information; or

(8) Lend his or her identity documents to aid an applicant in his or her attempt to fraudulently obtain or actually obtain a registration plate, ~~validation sticker~~, registration certificate, operator's license, learner's permit, nondriver identification card, or duplicate copy of such documents.

\* \* \*

Second: By inserting Sec. 83 to read:

Sec. 83. 23 V.S.A. § 305 is amended to read:

§ 305. – WHEN ISSUED

\* \* \*

(c) The commissioner may issue number plates to be used for a period of

~~two or more years. Validating stickers shall be issued by the department of motor vehicles upon payment of the registration fee for the second and each succeeding year the plate is used. No plate is valid for the second and succeeding years unless the stickers are affixed to the plate in the manner prescribed by the commissioner.~~

Third: By inserting Sec. 84 to read:

Sec. 84. 23 V.S.A. § 326 is amended to read:

§ 326. REFUND UPON LOSS OF VEHICLE

The commissioner may cancel the registration of a motor vehicle when the owner thereof proves to his or her satisfaction that it has been totally destroyed by fire, or, through accident or wear, has become wholly unfit for use and has been dismantled. Upon the cancellation of such registration and the return to the commissioner of the number plates ~~and validation sticker (if issued for that year)~~, the commissioner shall certify to the commissioner of finance and management the fact of such cancellation, giving the name of the owner of such motor vehicle, his or her address, the amount of the registration fee paid, and the date of such cancellation. The commissioner of finance shall issue his or her warrant in favor of the owner for such percent of the registration fee paid as the unexpired term of the registration bears to the entire registration period, but in no case shall the commissioner retain less than \$5.00 of the fee paid.

Fourth: By inserting Sec. 85 to read:

Sec. 85. 23 V.S.A. § 327 is amended to read:

§ 327. REFUND WHEN PLATES NOT USED

Subject to the conditions set forth in subdivisions (1), (2), and (3) of this section, the commissioner may cancel the registration of a motor vehicle, snowmobile, or motor boat when the owner returns the number plates, if any, ~~the validation sticker, if issued for that year,~~ and the registration certificate to the commissioner. Upon cancellation of the registration, the commissioner shall notify the commissioner of finance and management who shall issue a refund as follows:

(1) For registrations which are cancelled prior to the beginning of the registration period, the refund is the full amount of the fee paid, less a fee of \$5.00. ~~The validation stickers may be affixed to the plates.~~

(2) For registrations which are cancelled within 30 days of the date of issue, the refund is the full amount of the fee paid, less a charge of \$5.00. The owner must prove to the commissioner's satisfaction that the number plates

have not been used or attached to a motor vehicle, or that the current validation sticker has not been affixed to the ~~plate or to the~~ snowmobile or motorboat.

(3) For registrations which are cancelled prior to the beginning of the second year of a two-year registration period, the refund is one-half of the full amount of the two-year fee paid, less a charge of \$5.00. ~~The validation stickers may be affixed to the plates.~~

Fifth: By inserting Sec. 86 to read:

Sec. 86. 23 V.S.A. § 453 is amended to read:

§ 453. FEES AND NUMBER PLATES

\* \* \*

(f) In any year that number plates are reused ~~and validation stickers are issued~~, the commissioner shall not be required to issue new number plates to persons renewing registrations under this section.

\* \* \*

Sixth: By inserting Sec. 87 to read:

Sec. 87. 23 V.S.A. § 457 is amended to read:

§ 457. TEMPORARY PLATES

At the time of the issuance of a registration certificate to a dealer as provided in this chapter the commissioner shall furnish the dealer with a sufficient number of number plates ~~and temporary validation stickers~~, temporary number plates<sub>2</sub>, or decals for use during the 60-day period immediately following sale of a motor vehicle by the dealer, as hereafter provided in general design the same as the number plates or decals furnished individual owners, but the plates and decals may be of a material and color as the commissioner may determine. The commissioner shall collect a fee of \$3.00 for each temporary plate issued.

Seventh: By inserting Sec. 88 to read:

Sec. 88. 23 V.S.A. § 458 is amended to read:

§ 458. TEMPORARY PLATE ON SOLD OR EXCHANGED VEHICLE

On the day of the sale or exchange of a motor vehicle, motorboat, snowmobile, or all-terrain vehicle which is to be registered in this state, a dealer may issue to the purchaser, for attachment to the motor vehicle, snowmobile, or all-terrain vehicle or to be carried in or on the motorboat, a number plate ~~with temporary validation stickers~~, temporary number plate<sub>2</sub>, or decal, provided, that the purchaser deposits with such dealer, for transmission

to the commissioner, a properly executed application for the registration of such motor vehicle, motorboat, snowmobile, or all-terrain vehicle and the required fee. The purchaser, if properly licensed, on attaching the number plate ~~with temporary validation stickers~~, temporary plate, or decal to the motor vehicle, motorboat, snowmobile, or all-terrain vehicle, may operate the same for a period not to exceed 60 consecutive days immediately following the purchase. A person shall not operate a motor vehicle, motorboat, snowmobile, or all-terrain vehicle with a number plate, ~~with temporary validation stickers~~, temporary number plate, or decal attached thereto or carried except as provided in this section.

Eighth: By inserting Sec. 89 to read:

Sec. 89. 23 V.S.A. § 459 is amended to read:

§ 459. NOTICE TO COMMISSIONER

(a) Upon issuing a number plate ~~with temporary validation stickers~~, temporary number plate, or decal to a purchaser for attachment to a motor vehicle, a dealer shall, within three business days, forward to the commissioner the application and fee, deposited with him or her by the purchaser, together with notice of such issue and such other information as the commissioner may require.

(b) If a number plate ~~with temporary validation stickers~~, temporary registration plate, or decal is not issued by a dealer in connection with the sale or exchange of a motor vehicle, the dealer may accept, from the purchaser, a properly executed registration, tax and title application, and the required fees for transmission to the commissioner. The dealer shall, within three business days, forward to the commissioner the application and fee together with such other information as the commissioner may require.

Ninth: By inserting Sec. 90 to read:

Sec. 90. 23 V.S.A. § 465 is amended to read:

§ 465. LOANING OF PLATES OR VEHICLES PROHIBITED

A dealer shall not loan or lease registration certificates, ~~validation stickers~~, numbers, or decals or number plates which have been assigned to him or her under the provisions of this chapter, nor shall he or she loan or lease a motor vehicle to which his or her dealer's decals, numbers, or number plates have been attached, nor loan or lease his or her dealer's decals, numbers, or number plates to a subagent.

Tenth: By inserting Sec. 91 to read:

Sec. 91. 23 V.S.A. § 494 is amended to read:

§ 494. FEES

The annual fee for a transporter's registration certificate, or number plate, ~~or validation sticker~~ is \$90.00.

and by renumbering the remaining section to be numerically correct

**Amendment to be offered by Rep. Aswad of Burlington to H. 438**

Moves that the bill as amended be further amended in Sec. 11, at the end of the section, by inserting the words: The public transit administrator shall distribute the E&D and system integrity surplus from FY2009 to the regional transit providers to cover critical care shortfall. The remaining funds shall be used for the shortfall in E&D funds for adult day services and area agencies on aging.

**Amendment to be offered by Reps. Kilmartin of Newport City and Marcotte of Coventry to H. 438**

Move to amend H.438 by striking Secs. 34, 35, 36, 37, and 38 in their entirety and in Sec. 39, as amended by the Committee on Ways and Means, 32 V.S.A. chapter 13, subchapter 4, by deleting section 980

**Amendment to be offered by Reps. Marcotte of Coventry and Kilmartin of Newport City to H. 438**

Move to amend H.438 by striking out Sec. 59 in its entirety and inserting in lieu thereof the following:

Sec. 59. 19 V.S.A. § 11a is amended to read:

§ 11a. TRANSPORTATION FUNDS APPROPRIATED FOR SUPPORT OF  
GOVERNMENT THE DEPARTMENT OF PUBLIC SAFETY

~~The maximum amount of~~ (a) No transportation funds that may shall be appropriated for the support of government, other than for the agency of transportation, the transportation board, transportation pay act funds, construction of transportation capital facilities used by the agency of transportation, and transportation debt service ~~shall not exceed \$32,852,807,~~ and the department of public safety. The amount of transportation funds appropriated to the department of public safety shall:

- (1) in fiscal year 2010 not exceed \$10,850,000.00;
- (2) in fiscal year 2011 not exceed \$8,350,000.00; and
- (3) in fiscal year 2012 not exceed \$5,250,000.00.



(b) In fiscal year 2013 no transportation funds shall be appropriated to the department of public safety.

**Amendment to be offered by Reps. Kilmartin of Newport City and Marcotte of Coventry to H. 438**

move to amend H.438 as amended by the Committee on Ways and Means by striking Secs. 31, 23 V.S.A. § 3032, and 32, 23 V.S.A. § 3175, in their entirety and by deleting Secs. 31 and 32

**NOTICE CALENDAR**

**Committee Bill for Second Reading**

**H. 441**

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

**(Rep. Heath of Westford will speak for the Committee on Appropriations.)**

**H. 313**

An act relating to near-term and long-term economic development.

**(Rep. Kitzmiller of Montpelier will speak for the Committee on Commerce and Economic Development.)**

**Rep. Kitzmiller of Montpelier, for the Committee on Commerce and Economic Development, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:**

Sec. 1. FINDINGS

The general assembly finds that:

(1) During the 2007 legislative session, the legislature, in No. 182 of the Acts of the 2007 Adj. Sess. (2008), instructed the commission on the future of economic development to complete a public engagement process, develop specific goals and, with input and validation by the economists of the executive and legislative branches, benchmarks.

(2) The commission sought expert testimony, reviewed numerous studies, and conducted a rigorous public engagement process to identify the elements needed for successful economic development in Vermont. The commission distilled four principal goals and identified a benchmarking process for future economic development in Vermont that are the most critical to the state's future prosperity and the welfare of its citizens.

(3) The four principal goals emerged from two and one-half years of the commission's study of Vermont's economy and the public policies that

advance and impede economic development. The goals are interdependent and interconnected, and they must all be addressed if Vermont is to reach its economic development promise.

(4) The implementation of the goals is the joint task of the legislature, the administration, our local, regional, and state agencies, our nongovernmental organizations, and our citizens. State economists have concluded that the goals cannot be adequately evaluated with a small set of simplistic benchmarks, but rather, must be evaluated through a wide range of indicators using statistical benchmarks accompanied by a narrative that is a contextual interpretation of the data by professionals. Ultimately, consistent monitoring of credible benchmarks will provide information on both the efficacy and cost-effectiveness of our public policies and strategies so that necessary adjustments can be made to continually improve Vermont's economic prosperity.

(5) In the course of its work, the commission on the future of economic development reviewed many reports on and evaluations of economic development polices and heard many hours of testimony from a broad spectrum of Vermonters who expressed concerns about the economic challenges facing Vermonters, identified what they perceived as impediments to economic development in Vermont, spoke about Vermont's assets and strengths, and offered many good suggestions for public policies and strategies for growing our economy. The commission traveled to 12 regions of the state to hear from local business leaders, community organizations, and the public, and spoke with representatives of the public and private sectors, traditional and emerging business sectors, educators, and financial experts.

(6) The commission heard that businesses are hindered by the lack of a sufficient number of technically skilled workers, and that some educational institutions are reluctant to see themselves as engines of economic development. Existing technical training, apprenticeship opportunities, and workforce development efforts are valued, but insufficient to meet the needs of Vermont businesses in preparing workers for the workplace.

(7) Vermonters are concerned that inefficiencies in our state and local regulatory and permitting programs, including a lack of coordination between state regulatory agencies and redundancies in state and local regulatory programs that have hampered or dissuaded economic development and investment in Vermont. Navigating the permitting process can be unnecessarily difficult, time consuming, and expensive, and many potential entrepreneurs and investors simply give up.

(8) Vermonters are also very concerned over the deterioration of our physical infrastructure, in particular state transportation systems, and the reliability and cost of energy.

(9) The commission also heard that Vermonters are concerned about the current and future health of our economy and understand that our government's policies affect our economy in both positive and negative ways. They lack confidence that Vermont's government has a clear vision of the future, and they worry that our government does not appear to have a coherent plan to overcome the challenges we face or to recognize and capitalize on our unique strengths and opportunities. Recent deterioration of state, national, and global economic conditions has given our work a greater sense of urgency.

(10) Vermont is a small rural state, smaller than other states in almost every aspect. The commission found that Vermont's scale can become an asset in this fast-paced global economy that rewards flexibility and agility. However, while our government agencies are small, they are not nimble, and our policies often impede economic opportunity at the expense of Vermonters' quality of life. The commission determined that significant restructuring of agencies and policies could increase efficiency and effectiveness.

(11) Despite its small scale and accessible government, Vermont lacks a shared statewide vision of its economic future. Economic vitality in Vermont is hampered by the lack of coordination among and between state agencies, between regional economic development corporations and regional planning commissions, and between these regional entities and state agencies. As a result of these disconnects, Vermont lacks a single, holistic, integrated state plan for economic development. Additionally, coordinated regional input is imperative for an effective, nimble, and integrated statewide economic development plan. Strong regional development organizations and regional planning commissions are critical partners and resources. Our citizens and business and civic leaders consistently recognize Vermont's small scale and easy access to our government as a potential strength, but observe that we have often failed to take advantage of the opportunities that our smallness offers us.

(12) Vermonters are struggling to secure basic needs such as health care, child care, affordable housing, and quality education. These basic needs are prerequisites to, rather than the product of, economic development. Employers recognize that the health and well-being of our workforce are critical to business success. Worker recruitment, retention, and productivity depend on worker quality of life as measured by wages, health care, child care, housing, connected communities, and a healthy environment.

(13) In addition to providing for these basic needs, an essential role of government is investing in our digital, physical, and human infrastructure as

the foundation for all successful economic development. Funding, building, and maintaining our state's infrastructure is one of the highest priorities for the investment of state resources.

(14) The lack of adequate and reliable broadband and cellular infrastructure and access across the state not only impedes the growth of existing and new business in Vermont, but may induce existing businesses to relocate to other states that have better access to broadband and cellular service. Digital infrastructure benefits include government cost savings, increased productivity, and improved quality of life for Vermonters.

(15) The availability of mobile telecommunications and broadband services is essential for promoting the economic development of the state, the education of its young people and life-long learning, the delivery of cost-effective health care, the public safety, and the ability of citizens to participate fully in society and civic life.

(16) Small broadband enterprises now offering broadband service in Vermont have limited access to financial capital necessary for expansion of broadband service to unserved areas of the state.

(17) Telecommunications and broadband infrastructure in all areas of the state should continue to be upgraded to reflect the rapid evolution in the capabilities of available mobile telecommunications and broadband technologies and services that are needed by persons, businesses, and institutions in the state.

(18) The state should continue to ensure the most efficient use of both public and private resources through state policies by encouraging the development of open access telecommunications infrastructure that can be shared by multiple service providers.

(19) The Vermont telecommunications authority has made significant progress toward, and should continue going forward as the primary vehicle for, achieving the goal of realizing universal availability of adequate mobile telecommunications and broadband services, with a focus on unserved areas in the state.

(20) Vermonters' ingenuity, work ethic, and entrepreneurship have long been viewed as competitive assets. Our rapidly evolving economy requires a collaborative partnership of business people, educators, representatives from nongovernmental organizations, and government leaders to provide a skilled workforce to traditional and emerging Vermont businesses, and to enhance career opportunities to all Vermonters.

(21) The strength of our state economy is dependent upon a diversity of business sectors. Despite difficult economic conditions, the state should exercise leadership and creativity in continuing its support of traditional economic drivers such as tourism, agriculture, forestry, construction, and manufacturing, among others.

(22) Tourism has a stabilizing effect on Vermont's economy by insulating the state's residents from the inevitable ups and downs of national and global business cycles, while providing individuals and their families with a diverse set of earning possibilities and challenging occupations that fit into their lifestyle and family situation. Vermont should continue to support this critical component of its economy.

(23) State government should lead by example in supporting local- and state-based economic strategies that are not protectionist, but rather, build on the proud Vermont tradition of self-reliance. Initiatives such as Local First, the department of agriculture's Buy Local program, and state and local government procurement policies for food, goods, and services that give priority to Vermont businesses when possible, each enhance the Vermont economy through the demonstrated multiplier effects of buying local.

(24) Vermont is home to a vibrant manufacturing sector, which consists of many businesses producing specialized and innovative products. Nationwide, manufacturing accounts for the majority of product and service innovation, and businesses whose competitive advantage flows from innovative and unique products and services, rather than low-cost or high volume, enjoy significantly increased profitability and generate more job opportunities and tax revenue. State government's role should be to support this dynamic manufacturing base, and to provide the necessary training, education, and resources to cultivate a culture of innovation.

(25) In addition to traditional economic drivers, there are new, unique, and innovative Vermont businesses that are successfully competing in the global marketplace that need to be nurtured. There is broad consensus that Vermont can further leverage its brand, including its green reputation, into economic gain. Our entrepreneurial people, healthy environment, and connected communities – our quality of life – are genuine economic assets.

(26) Vermont's reputation for environmental stewardship can be turned to our advantage. Vermont businesses, government, and environmental organizations must be partners and leaders in supporting and creating a green economic sector and the use of green business practices throughout our diverse economy.

(27) Microenterprise also plays an important role in our state's economy and within the working lives of low to moderate income families. Microenterprises develop new industries, increase community assets, are important providers of goods and services in local communities, find unique solutions to local problems, and keep profits circulating locally. Microenterprise provides economic opportunity for low income households and is a proven wealth creation strategy for struggling communities.

(28) Microenterprises often require access to training, services, financing, and support that are different from what small businesses require in order to grow and prosper. Microenterprise financing options and business training and technical assistance are equally important and work together to support microenterprise development.

(29) Research by the Center for Rural Studies at the University of Vermont shows that microenterprise ownership, whether full time or part time, increases income for low income Vermonters, helps people move out of poverty and off public assistance, and helps low income households build assets.

(30) Individual development accounts are a proven strategy for helping low income families move out of poverty and secure an economic foothold through home purchase, business development, and education and training. The Vermont IDA program enables low income Vermonters, over 60 percent of whom have been or are currently TANF recipients, to save a part of their earned income for a first-time home, a small business, or postsecondary education or training. The Vermont IDA program helps participants increase their commitment to their communities and offers stability to their families.

(31) The legislature, administration, and myriad economic and community partners must now work together with unerring discipline to focus policies, regulations, programs, and incentives on the critical interconnection between Vermont's assets, our collective values, our capabilities, and the opportunities which will increase state revenues and the prosperity of all Vermonters.

## Sec. 2. PURPOSE; POLICY STATEMENTS FOR FEDERAL STIMULUS COLLABORATION AND FUTURE UTILIZATION OF ECONOMIC DEVELOPMENT RESOURCES

(a) The purpose of this act is to promote the economic development of the state and the prosperity of its businesses and citizens by creating a framework for near-term and long-term collaboration among and within industry sectors and government in order to achieve the four principal goals established by the commission on the future of economic development.

(b) In the near term, this act seeks to promote the most coordinated and efficient means to capitalize on federal stimulus funds. The American Reinvestment and Recovery Act of 2009 (“ARRA”) provides economic development resources that are available to the state, its subdivisions, and the private sector. In order to realize the full potential of these funds, and in order to most effectively increase the opportunities for Vermonters to benefit from the ARRA, the Director of Vermont’s Office of Economic Stimulus and Recovery (“VOESR”) shall coordinate efforts to obtain funds under the ARRA and shall oversee the use of those funds.

(c) Recipients of ARRA formula fund allocations and applicants for ARRA competitive grants shall collaborate to present unified proposals for funding. The VOESR shall provide support to applicants and recipients of ARRA funds to develop unified proposals, and priority shall be given to those programs that achieve multiple economic development goals simultaneously and demonstrate broad geographic benefits. Where applicable, potential beneficiaries shall use best efforts to structure programs so as to maximize eligibility for ARRA funds, and the VOESR shall give priority to those programs that are structured to maximize ARRA eligibility.

(d) The ARRA offers competitive grants to stimulate economic development in the areas of agriculture and rural development, broadband and telecommunications, energy efficiency and renewable energy, employment and training, educational technical assistance, redevelopment of abandoned and foreclosed homes, homelessness prevention and housing, and energy-saving and green retrofit investments in elderly, low income, and disability housing. In order to help Vermonters secure competitive grant funding, the VOESR, in coordination with the appropriate agencies of the state, shall be responsible for identifying competitive grant programs relating to the department’s or agency’s jurisdiction. Each agency shall provide technical and logistical support to the VOESR as necessary, and shall connect grant applicants with grant-writing and additional resources and services available from both the VOESR and related public and private resources as appropriate.

(e) In the long term, this act seeks to build a foundation for economic development through collaboration and cooperation among Vermonters for their mutual gain. It is the intent of the general assembly to channel these collaborative efforts for economic development through the principal goals and benchmarks for economic development identified by the commission on the future of economic development, utilizing both new and existing resources from the state and federal levels to increase prosperity for all Vermonters.

Sec. 3. 10 V.S.A. chapter 1 is amended to read:

CHAPTER 1. ~~VERMONT DEVELOPMENT BOARD~~ THE FUTURE OF  
ECONOMIC DEVELOPMENT

\* \* \*

§ 3. ECONOMIC DEVELOPMENT; LONG-TERM GOALS; REVIEW  
AND ASSESSMENT

(a) For purposes of the Vermont Statutes Annotated and state economic development programs and assistance, “economic development” means the process of generating economic wealth and vitality, security, and opportunity for all Vermonters.

(b) There are established the following four principal, interrelated goals for future economic development in Vermont:

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

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

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

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

(c)(1) The four principal goals shall be used to guide the design and implementation of each economic development program, policy, or initiative that is sponsored or financially supported by the state, its subdivisions, agencies, authorities, or private partners.

(2) Each legislative or executive act that creates or modifies an economic development program, policy, initiative, or grant of assistance shall promote the principal economic development goals. The enacting authority shall state clear and measurable goals for the program, and shall also demonstrate how the program will promote the four principal goals. The enacting authority shall collaborate with other agencies or entities as necessary to ensure the economic development program, policy, initiative, or grant of assistance promotes the four principal goals.

(d) The department of economic development, department of housing and community affairs, department of tourism and marketing, and the



administrative division within the agency of commerce and community development; the agency of agriculture, food and markets; the office of economic opportunity within the department for children and families; the department of finance and management and the department of information and innovation within the agency of administration; the department of labor; the department of public service; the department of taxes; the Vermont economic development agency; the Vermont economic progress council shall:

(1) By January 15, 2010, identify its own goals, benchmarks, and priorities for promoting economic development that are consistent with and serve to promote the four principal goals.

(2) By January 15 of each year, report to the house committee on commerce and economic development, the senate committee on finance, and the senate committee on economic development, housing and general affairs, on the status of the agency or department's progress in setting and achieving its goals, benchmarks, and priorities and on how the programs, policies, and initiatives undertaken in the previous year have promoted the principal goals. The format for each agency or department report shall be uniform and shall be substantially the same as the model graph presented in the next generation goals and measures report.

(e)(1) The commission on the future of economic development shall work with the economists of the executive and legislative branches and the joint fiscal office to adopt benchmarks for the four principal goals.

(2) Beginning no later than January 15, 2010, and thereafter at least biannually until January 15, 2012, the commission on the future of economic development shall review the principal goals and any benchmarks adopted and shall assess the effectiveness of the goals and benchmarks in promoting economic development.

(3) The commission shall also review and assess the adequacy and success of the specific goals and benchmarks adopted by the agencies and departments required under subsection (d) of this section.

(4) The commission shall annually report to the house committee on commerce and economic development, the senate committee on finance, and the senate committee on economic development, housing and general affairs, concerning its review of the goals, benchmarks, and agency progress pursuant to this subsection.

(5) On or before January 15, 2012, the commission shall recommend to the senate committee on economic development, housing and general affairs, the senate committee on finance, the house committee on commerce and economic development, the house committee on ways and means, and the

governor on whether it would promote the best interests of Vermont for the commission to continue biannual review of the goals and benchmarks, or if a successor to that responsibility should be designated. Notwithstanding any recommendation, the commission shall continue to perform the biannual review unless and until a successor is designated by legislation approved by the legislature and the governor.

\* \* \* Workforce Development \* \* \*

#### Sec. 4. FINDINGS AND ARRA WORKFORCE DEVELOPMENT PRIORITIES

(a) The general assembly recognizes numerous hurdles that inhibit workforce opportunities for working families in need of adequate child care, for low income persons, for the disabled, and for the elderly. The department of labor, and other agencies where applicable, shall use ARRA funds allocated to workforce development, including funds for childcare services, to expand employment opportunities to the unemployed, to dislocated workers, to working families, and to low income, disabled, and elderly Vermonters.

(b) The general assembly recognizes the opportunities available to the next generation of Vermonters to secure well-paying and secure jobs in emerging sectors such as energy efficiency and health care, including health care information technology. The department of education, the department of labor, and other agencies where applicable, shall use ARRA funds allocated to education and workforce development to promote education and job opportunities in these emerging sectors.

(c) Current economic conditions may present an opportunity for unemployed or dislocated workers to innovate and develop new businesses or products. Where appropriate, the departments of labor and education should use ARRA funds for training and education to aid unemployed or dislocated workers in pursuing product innovations and new business pursuits.

(d) Prior to expending ARRA funds for workforce development or for expenditures that will require additional workforce capacity, the government authority seeking funding shall certify that the workforce capacity currently exists, or alternatively, how much capacity will be necessary to implement a program or project. To the extent allowable under the ARRA, the relevant agency shall prioritize expenditures first for training that is necessary to maintain current employment, second for hiring or training unemployed and dislocated workers, and third for promoting new hiring. Priority for workforce training funds shall be given to programs or training that will result in increased worker remuneration or job promotion.

(e) When pursuing competitive grant funds for workforce development under Title VIII of the ARRA, the VOESR shall coordinate with appropriate government agencies, nonprofit organizations, private businesses, and individuals to secure the maximum amount of resources available to promote workforce development and opportunity for Vermonters.

Sec. 5. Sec. 6 of No. 46 of the Acts of 2007 is amended to read:

Sec. 6. **WORKFORCE DEVELOPMENT LEADER; LEADERSHIP COMMITTEE; CREATED**

(a) The commissioner of labor shall be the leader of workforce development strategy and accountability. The commissioner of labor shall consult with and chair a subcommittee of the workforce development council consisting of the secretary of human services, the commissioner of economic development, the commissioner of education, four business members appointed by the governor, and a higher education member appointed by the governor. Membership on the subcommittee shall be coincident with the members' terms on the workforce development council. the workforce development council executive committee in developing the strategy, goals, and accountability measures. The workforce development council shall provide administrative support. The subcommittee executive committee shall assist the leader. The duties of the leader include all the following:

(1) developing a limited number of overarching goals and challenging measurable criteria for the workforce development system that supports the creation of good jobs to build and retain a strong, appropriate, and sustainable economic environment in Vermont;

(2) reviewing reports submitted by each entity that receives funding under Act 46 of the Acts of 2007. The reports shall be submitted on a schedule determined by the executive committee and shall include all the following information:

\* \* \*

(4) issuing an annual report to the governor and the general assembly on or before December 1, which shall include a systematic evaluation of the accomplishments of the system and the participating agencies and institutions and all the following:

(A) a compilation of the systemwide accomplishments made toward achieving the overarching goals, specific notable accomplishments, innovations, collaborations, grants received, or new funding sources developed by participating agencies, institutions, and other education and training organizations;

(B) ~~an evaluation~~ identification of each provider's contributions toward achieving the overarching goals;

\* \* \*

(b) Entities receiving grants through the workforce education and training fund (WETF) and the Vermont training program (VTP) shall provide the Social Security number of each individual who has successfully completed a training program funded through the WETF and the VTP within 30 days. On or before July 1 of each year, the department of labor shall process the information received within the most recent 12 months and prepare the report required in subdivision (a)(4) of this section. The report shall include a table that sets forth quarterly wage information received pursuant to 21 V.S.A. § 1314a at least 18 months following the date on which the individuals completed the program of study. The table shall include the number of individuals completing the program, the number of those individuals who are employed in Vermont, and the median quarterly income of those individuals.

(c) Other entities, including public and private institutions of higher education, postsecondary and secondary programs, and other training providers who wish to participate in the process under subsection (b) of this section may do so by making a request in writing to the commissioner of labor who shall make a decision regarding inclusion of such programs and the process for the collection of the necessary data.

(d) Confidentiality. Notwithstanding any other provision of law, the department of labor shall collect the Social Security numbers of students for the purposes of this section. Access to the Social Security numbers provided to the department of labor shall be limited to those department individuals creating the table required in subsection (b) of this section and shall be confidential. The departments shall prepare the table in a way that ensures the confidentiality of all trainee and employer information. A department employee who intentionally communicates or otherwise makes available to the general public a Social Security number collected pursuant to this section or who otherwise disseminates the number for purposes other than those specified in this section shall be subject to the penalties of the Social Security Number Protection Act, subchapter 3 of chapter 62 of Title 9.

Sec. 6. Sec. 7(a)(3) of No. 46 of the Acts of 2007 (career and alternative workforce education) is amended to read:

(3) Career And Alternative Workforce Education. The amount of \$900,000 is appropriated to the department of labor. Of this appropriation, \$450,000 is from the fiscal year 2007 monies transferred to the next generation

initiative fund, and \$450,000 is from the fiscal year 2008 monies transferred to the next generation initiative fund. This appropriation shall be to support out-of-school youth, youth at risk, and youth at risk of remaining unemployed with outcomes that lead to employment or continued education ~~as follows:~~

~~(A) Forty five percent (45%).~~ At least 25 percent of this appropriation shall be for grants to regional technical centers, comprehensive high schools, and other programs for career exploration programs for students entering grades 7 through 12-, and at least 25 percent

~~(B) Fifty five percent (55%)~~ shall be for grants to regional technical centers, comprehensive high schools, the community high school of Vermont, and non-profit organizations, designated by the workforce development council, for alternative and intensive vocational/academic programs for secondary students in order to earn necessary credits toward graduation.

#### Sec. 7. REPEAL

The following are repealed.

- (1) Sec. 7(d) of No. 46 of the Acts of 2007 (accountability);
- (2) 10 V.S.A. § 543(g) (accountability); and
- (3) Sec. 5.801.1 of No. 192 of the Acts of the 2007 Adj. Sess. (2008).

\* \* \* Energy Efficiency \* \* \*

#### Sec. 8. ENERGY EFFICIENCY

In order to deliver thousands of additional building energy efficiency improvements and create green jobs, Vermont will need to expand the available workforce trained and ready to make these building improvements. To ensure the availability and adequate training of the workforce necessary to provide comprehensive energy efficiency services to Vermont homes, businesses, and institutions, and to ensure that the funding provided by the ARRA, as well as the longer-term energy needs of the state are met, the commissioner of the department of labor and the state's energy efficiency utility shall convene the Green Workforce Collaborative, bringing parties interested and involved in high-quality green workforce development to identify appropriate labor and resources needs that would meet the increased opportunities generated by the ARRA and, in the long term, to enhance the economic and environmental vitality of the state. The convening parties shall report to the house committee on commerce and economic development, and any other appropriate committees of the general assembly, with an interim status and needs assessment by April 15, 2009, and then again by no later than

January 30, 2010, to evaluate the long-term needs of the green workforce strategy for the state of Vermont.

\* \* \* Broadband and Telecommunications \* \* \*

Sec. 9. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR MULTIPLE COMMUNICATIONS FACILITIES

(a) Notwithstanding any other provision of law, if the applicant in a single application seeks approval for the construction or installation within three years of three or more telecommunications facilities as part of an interconnected network which are to be interconnected with other telecommunications facilities proposed or already in existence, the applicant may obtain a certificate of public good issued by the public service board under this section, which the board may grant if it finds that the facilities will promote the general good of the state consistent with subsection 202c(b) of this title. A single application may seek approval of one or more telecommunications facilities.

(b) For the purposes of this section:

(1) “Telecommunications facility” means any a communications facility that transmits and receives signals to and from a local, state, national, or international network used primarily for two-way communications for commercial, industrial, municipal, county, or state purposes and any associated support structure extending more than 50 feet above the ground that is proposed for construction or installation which is primarily for communications purposes and which supports facilities that transmit and receive communications signals for commercial, industrial, municipal, county, or state purposes, and any ancillary improvements which are proposed for construction or installation and which are primarily intended to serve the communications facilities or support structure.

(2) Telecommunications facilities are “part of an interconnected network” if those facilities would allow one or more communications services to be provided throughout a contiguous area of coverage created by means of the proposed facilities or by means of the proposed facilities in combination with other facilities already in existence. An applicant may seek approval of construction or installation of a telecommunications facility whether or not the telecommunications facility is attached to a preexisting structure.

(c) Before the public service board issues a certificate of public good under this section, it shall find that, ~~in the aggregate:~~

(1) the proposed facilities will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, and the public health and safety, with due consideration having been given to the relevant criteria specified in subsection 1424a(d) and subdivisions 6086(a)(1) through (8) and (9)(K) of Title 10; and

(2) unless there is good cause to find otherwise, substantial deference has been given to the land conservation measures in the plans of the affected municipalities and the recommendations of the municipal and regional planning commissions regarding the municipal and regional plans, respectively.

(d) When issuing a certificate of public good under this section, the board shall give due consideration to all conditions in an existing state or local permit and shall harmonize the conditions in the certificate of public good with the existing permit conditions to the extent feasible.

(e) No less than 45 days prior to filing a petition for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the board pursuant to this section to the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the secretary of the agency of natural resources; the commissioner of the department of public service and its director for public advocacy; and the landowners of record of property adjoining the project sites, unless the board determines that good cause exists to waive or modify the notice requirement with respect to such landowners. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions. Upon motion or otherwise, the public service board shall direct that further public or personal notice be provided if the board finds that such further notice will not unduly delay consideration of the merits and that additional notice is necessary for fair consideration of the application.

(f) Unless the public service board identifies that an application raises a substantial issue, the board shall issue a final determination on an application filed pursuant to this section within 90 days of its filing or, if the original filing did not substantially comply with the public service board's rules, within 90 days of the date on which the clerk of the board notifies the applicant that the filing is complete. If the board rules that an application raises a substantial issue, it shall issue a final determination on an application filed pursuant to this section within 180 days of its filing or, if the original filing did not substantially comply with the public service board's rules, within 180 days of the date on which the clerk of the board notifies the applicant that the filing is complete.

(g) Nothing in this section shall be construed to prohibit an applicant from executing a letter of intent or entering into a contract before the issuance of a certificate of public good under this section, provided that the obligations under that letter of intent or contract are made subject to compliance with the requirements of this section.

(h) An applicant using the procedures provided in this section shall not be required to obtain a ~~local zoning~~ permit or a permit amendment under the provisions of Title 24, including chapters 83 and 117, or chapter 151 of Title 10 for the facilities subject to the application or to a certificate of public good issued pursuant to this section. Ordinances adopted pursuant to subdivision 2291(19) of Title 24 or a municipal charter that would otherwise apply to the construction or installation of facilities subject to this section are preempted. Disputes over jurisdiction under this section shall be resolved by the public service board, subject to appeal as provided by section 12 of this title. An applicant that has obtained or been denied a permit amendment under the provisions of Title 24 (including chapters 83 and 117) or chapter 151 of Title 10 for the construction of a telecommunications facility may not apply for approval from the board for the same or substantially the same facility, except that an applicant may seek approval for a modification to such a facility.

(i) ~~Effective July 1, 2010, no new applications for certificates of public good under this section may be considered by the board. [Repealed.]~~

(j)(1) The board may, subject to such conditions as it may otherwise lawfully impose, issue a certificate of public good in accordance with the provisions of this subsection and without the notice and hearings otherwise required by this chapter if the board finds that such facilities will be of limited size and scope, and the petition does not raise a significant issue with respect to the substantive criteria of this section. If an applicant requests approval of multiple telecommunications facilities in a single application under this section, the board may issue a certificate of public good in accordance with the provisions of this subsection for all or some of the telecommunications facilities described in the petition.

(2)(A) Any party seeking to proceed under the procedures authorized by this subsection shall file a proposed certificate of public good and proposed findings of fact with its petition, and provide notice and a copy of the petition, proposed certificate of public good, and proposed findings of fact to the commissioner of the department of public service and its director for public advocacy, the secretary of the agency of natural resources, and each of the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities. The applicant shall give written notice of the proposed certificate to the



landowners of record of property adjoining the project site or sites, unless the board determines that good cause exists to waive or modify the notice requirement with respect to such landowners and any other person which the board has directed by rule or order to receive such notices. Such notice shall request comment to the board within 21 days of the notice on the question of whether the petition raises a substantial issue with respect to the substantive criteria of this section.

(B) If a party makes a request under the procedures authorized by this subsection and if the board does not find that the petition raises a substantial issue, the board shall issue a final determination on an application filed pursuant to this section within 45 days of its filing or, if the original filing did not substantially comply with the public service board's rules, within 45 days of the date on which the clerk of the board notifies the applicant that the filing is complete.

(C) If the board denies a request to consider an application under the procedures of this subsection, a filing made under this subsection that the board has found to be complete shall be deemed to satisfy notice requirements of subsection (e) of this section, and to have been made 45 days after receipt by the board for purposes of subsections (e) and (f) of this section.

(k) The public service board may issue rules or orders implementing and interpreting this section. In developing such rules and orders, the board shall seek to simplify the application and review process as appropriate, and may by rule or order waive the requirements of this section that the board determines are not applicable to telecommunications facilities of limited size or scope. Determination by the board that a petition raises a substantial issue with regard to one or more substantive criteria of this section shall not prevent the board from waiving other substantive criteria that it has determined are not applicable to such a telecommunications facility.

\* \* \* Motion Picture Industry; Motion Picture Credit\* \* \*

#### Sec. 10. SOLICITATION OF MOTION PICTURE INDUSTRY

By July 1, 2009, the agency of commerce and community development shall develop a strategy for marketing Vermont as a potential permanent site for businesses associated with the motion picture industry. The agency shall present its strategy and potential costs and benefits to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs.

Sec. 11. 32 V.S.A. chapter 151, subchapter 11K is added to read:

#### Subchapter 11K. Other Tax Credits

§ 5930gg. MOTION PICTURE INDUSTRY TAX CREDIT

(a) As used in this section:

(1) “Commission” means the Vermont film commission.

(2) “Director” means the director of the Vermont film commission.

(3) “Eligible expense” means preproduction, production, and postproduction expenditures directly incurred in Vermont in the taxable year by an eligible production company for the production of a qualified motion picture. This term includes wages and salaries paid to individuals employed in Vermont in the production of the motion picture, but does not include wages or salaries in excess of \$1,000,000.00 for any one individual for any one motion picture; and includes expenditures for the following activities: set construction and operation, editing and related services, photography, sound synchronization, lighting, wardrobe, make-up, and accessories, film processing, transfer, mixing, special and visual effects, music, screenplay purchase, location fees, purchase or rental of facilities and equipment, or any other production expense incurred in Vermont that may be determined by the commission to be an eligible expense. This term does not include expenses incurred for marketing or advertising a motion picture or any amounts paid to persons as a result of their participation in profits from the exploitation of the production.

(4) “Eligible production company” means a company, including its subsidiaries, engaged in the business of producing qualified motion pictures; but shall not include any company which is in default, or which is affiliated with, or owned or controlled, in whole or in part, by any person in default, on taxes owed to the state or on a loan made or guaranteed by the state.

(5) “Principal photography” means the phase of production during which the motion picture is actually filmed. The term shall not include preproduction or postproduction.

(6) “Qualified motion picture” means a feature-length film, video, digital media project, video game, television series of 22 or more episodes, pilot, video on demand, or commercial made in whole or in part in Vermont, for commercial distribution, theatrical or television viewing, or mobile or wireless platforms. “Qualified motion picture” does not mean a television production featuring news, current events, weather, financial market reports, a sporting event, an award show, a production solely for fundraising, a long-form production primarily intended to market a product or service, or a production containing obscene material.

(7) “Secretary” means the secretary of the agency of commerce and community development.

(8) “State-certified production” means a qualified motion picture certified by the Vermont film commission, pursuant to rules adopted by the commission, and produced by an eligible production company that has signed a viable distribution plan with either a major theatrical exhibitor, a television network, or a cable television program.

(b)(1) Qualified motion picture payroll credit. A taxpayer engaged in the making of a qualified motion picture shall be allowed a transferable credit against the taxes imposed by parts 3, 4, and 5 of subtitle 2 of this title for the employment of persons within the state in connection with the filming or production of one or more qualified motion pictures in the state within any consecutive 12-month period when total production costs incurred in the state within a taxable year equal or exceed \$50,000.00 and such payments for employment constitute Vermont source income. The credit shall be:

(A) equal to 25 percent of the total aggregate payroll paid by an eligible production company for employees not residents of this state; and

(B) equal to 30 percent of the total aggregate payroll paid by an eligible production company for employees who are residents of this state.

(2) For purposes of this subsection, the term “total aggregate payroll” shall not include the salary of any employee whose salary is equal to or greater than \$1,000,000.00.

(3) Dollar limit on qualified motion picture tax credit. Transferable tax credits available under this subchapter shall not exceed \$9,000,000.00 in any one taxable year and the awards shall be made for state-certified productions chronologically in the order in which they qualify for the credits, until the \$9,000,000.00 is fully awarded; and credits earned in any year which exceed the \$9,000,000.00 may not be transferred or carried forward.

(c) Qualified motion picture expense credit. A taxpayer shall be allowed an additional transferable credit against the taxes imposed by parts 3, 4, and 5 of subtitle 2 of this title equal to 30 percent of all Vermont production expenses, not including the payroll expenses used to claim a credit pursuant to subsection (b) of this section, where the motion picture is also eligible for a credit pursuant to subsection (b) and either Vermont production expenses exceed 50 percent of the total production expenses for a motion picture, or at least 50 percent of the total principal photography days of the film take place in the state.

(d) The director of the commission shall determine by rule criteria for state-certified productions.

(e) Upon completion of a state-certified production, the secretary shall review the production expenses and certify the amount of expenses qualified for credit under this section.

(f) Any taxpayer applying for a credit of \$100,000.00 or more shall hire a third-party certified public accountant and such accountant shall use Agreed Upon Procedures, as defined by the Auditing Standards Board of the American Institute of Certified Public Accountants, to certify the taxpayer's credit to the secretary.

(g) The transferable tax credit shall be taken only against taxes imposed under parts 3, 4, and 5 of subtitle 2 of this title and shall be refundable to the extent provided for in subsection (i) of this section. Any amount of the tax credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer or its transferee, buyer, or assignee to any of the five subsequent taxable years.

(h)(1) All or any portion of tax credits issued in accordance with this subsection may be transferred, sold, or assigned to another taxpayer only once. Any tax credit that is transferred, sold, or assigned and taken against taxes imposed by parts 3, 4, and 5 of subtitle 2 of this title shall not be refundable. Any amount of the tax credit that exceeds the tax due for a taxable year may be carried forward by the transferee, buyer, or assignee to any of the three subsequent taxable years from which a certificate is initially issued by the commissioner.

(2) An owner or transferee desiring to make a transfer, sale, or assignment shall submit to the commissioner a statement which describes the amount of tax credit for which the transfer, sale, or assignment of tax credit is eligible. The owner or transferee shall provide to the commissioner information as the commissioner may require for the proper allocation of the credit. The commissioner shall provide to the taxpayer a certificate of eligibility to transfer, sell, or assign the tax credit. The commissioner shall not issue a certificate to a taxpayer that has an outstanding tax obligation with the state for any prior taxable year. A tax credit shall not be transferred, sold, or assigned without a certificate.

(i)(1) At the written election of a taxpayer entitled to a credit under subsection (b) of this section, the commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer 90 percent of the balance of the credits.

(2) The commissioner may require substantiation of a taxpayer's claim for refund under this subsection before payment of the refund. Notwithstanding any law to the contrary, no interest shall accrue on the refund before the commissioner's receipt of the substantiation he or she requested.

(3) The commissioner may adopt regulations or other guidelines as he or she deems necessary to implement this subsection.

(j) A film production company which receives a credit under this section shall acknowledge the state of Vermont in the end credits of the film.

(k) The commissioner, in consultation with the secretary and the director, shall adopt regulations necessary for the administration of this subchapter.

Sec. 12. 32 V.S.A. § 9701(45) is added to read:

(45) Manufacturing: shall not include motion picture or film production for which a credit has been or will be granted under subchapter 11K of chapter 151 of this title.

Sec. 13. 10 V.S.A. § 650h is added to read:

§ 650h. FEE

Each taxpayer, transferee, buyer, or assignee of tax credits granted under subchapter 11K of Title 32 shall pay a fee equal to two percent of the aggregate value of such credits to the program fund created by section 650g of this title.

\* \* \* Funding Infusion for Travel and Tourism \* \* \*

Sec. 14. APPROPRIATION

For fiscal year 2010, a supplemental appropriation in the amount of \$500,000.00 is appropriated from the general fund to the department of tourism and marketing, which shall be expended on direct promotional activities to increase tourism throughout Vermont and shall not be used for administrative or overhead costs of the department.

Sec. 15. APPROPRIATION

For fiscal year 2010, a supplemental appropriation in the amount of \$100,000.00 is appropriated from the general fund to the Vermont convention bureau.

\* \* \* Capitalization on Federal Stimulus Funding for Smart Grid, Additional State Energy Grants, and Rural Electrification Grants \* \* \*

Sec. 16. FEDERAL FUNDING FOR SMART GRID AND ENERGY GRANTS; STATE COLLABORATION

It is the intent of the legislature that the department of public service, Vermont utilities, and other interested parties work collaboratively to ensure that Vermont capitalizes on all available funding allocated for research, workforce development, and projects relating to energy efficiency and electric generation, transmission, and distribution under Titles I and IV of Division A of the American Recovery and Reinvestment Act of 2009. Accordingly, to ensure that Vermont accesses and utilizes federal resources under the ARRA to the fullest extent possible:

(1) The department of public service shall investigate and pursue the opportunities for funding of electricity delivery and energy reliability research and projects to implement smart grid technologies, activities, and workforce training made available under Title IV of the ARRA.

(2) The department of public service shall generate a list of projects that are eligible for federal loan and grant funding available from the United States Departments of Agriculture and of Energy under the ARRA, identify the source of the grant funding, and identify the necessary steps for securing grant funds. The department shall work collaboratively with private utilities, additional government entities as necessary and appropriate, and other interested persons to design and submit grant applications that best position the state to capitalize on available funds.

(3) The governor, the department of public service, the public service board, and relevant state and local governmental entities shall take any and all steps necessary to implement the measures required under section 410 of the American Recovery and Reinvestment Act of 2009 to ensure that Vermont will receive the maximum amount of additional state energy grants available from the United States Department of Energy under part D of Title III of the Energy Policy and Conservation Act.

\* \* \* Digital Business \* \* \*

#### Sec. 17. LEGISLATIVE INTENT

The purpose of the following sections of this act concerning Digital Business is to build on the momentum created by Secs. 74 through 100 of No. 190 of the Acts of the 2007 Adj. Sess. (2008), which provided for Vermont companies to conduct much of their statutorily required corporate affairs using electronic media, including e-mail, facsimile, and web-based filings.

Sec. 18. 32 V.S.A. § 5811(26) is added to read:

(26) “Digital business entity” means a business entity which, during the entire taxable year:

(A) was not a member of an affiliated group or engaged in a unitary business with one or more members of an affiliated group that is subject to Vermont income taxation; did not perform any activities in this state which would constitute doing business for purposes of income taxation, other than activities described in subdivisions (15)(C)(i) of this section (fulfillment operations) and (C)(ii) (web page, or Internet site maintenance); and

(B) used mainly computer, electronic, and telecommunications technologies in its formation and in the conduct of its business meetings, in its interaction with shareholders, members, and partners, in executing any other formal requirements.

Sec. 19. 32 V.S.A. § 5832(2) is amended to read:

(2)(A) \$75.00 for small farm corporations. “Small farm corporation” means any corporation organized for the purpose of farming, which during the taxable year is owned solely by active participants in that farm business and receives less than \$100,000.00 gross receipts from that farm operation, exclusive of any income from forest crops; or

(B) An amount determined in accordance with section 5832a of this title for a corporation which qualifies as and has elected to be taxed as a digital business entity for the taxable year; or

(C) \$250.00 for all other corporations.

Sec. 20. 32 V.S.A. § 5911 is amended to read:

§ 5911. TAXATION OF AN S CORPORATION AND ITS SHAREHOLDERS

(a) An S corporation shall not be subject to the tax imposed by section 5832 of this title, except to the extent of income taxable to the corporation under the provisions of the Internal Revenue Code.

(b) For the purposes of section 5823 of this title, each shareholder’s pro rata share of the S corporation’s income attributable to Vermont and each resident shareholder’s pro rata share of the S corporation’s income not attributable to Vermont shall be taken into account by the shareholder in the manner provided in Section 1366 of the Code.

(c) An S corporation and its shareholders shall not be subject to the tax imposed by section 5832 of this title or to the provisions of this subchapter if the S corporation qualifies as and elects to be taxed as a digital business for the taxable year.

Sec. 21. 32 V.S.A. § 5921a is added to read:

§ 5921a. DIGITAL BUSINESS ENTITY ELECTION

A corporation, partnership, or limited liability company and its shareholders, partners, or members shall not be subject to the tax imposed by section 5832 of this title or to provisions of this subchapter if the corporation, partnership, or company qualifies as and elects to be taxed as a digital business entity for the taxable year.

Sec. 22. 32 V.S.A. § 5832a is added to read:

§ 5832a. DIGITAL BUSINESS ENTITY FRANCHISE TAX

(a) There is imposed upon every business entity which qualifies as and has elected to be taxed as a digital business entity an annual franchise tax equal to:

(1) the greater of 0.02 percent of the current value of the tangible and intangible assets of the company or \$250.00, but in no case more than \$500,000.00; or

(2) where the authorized capital stock does not exceed 5,000 shares, \$250.00; where the authorized capital stock exceeds 5,000 shares but is not more than 10,000 shares, \$500.00; and the further sum of \$250.00 on each 10,000 shares or part thereof.

(b) In no case shall the tax on any corporation for a full taxable year, whether computed under subdivision (a)(1) or (2) of this section, be more than \$500,000.00 or less than \$250.00.

(c) In the case of a corporation that has not been in existence during the whole year, the amount of tax due, at the foregoing rates and as provided, shall be prorated for the portion of the year during which the corporation was in existence.

(d) In the case of a corporation changing during the taxable year the amount of its authorized capital stock, the total annual franchise tax payable at the foregoing rates shall be arrived at by adding together the franchise taxes calculated pursuant to subdivision (a)(2) of this section as prorated for the several periods of the year during which each distinct authorized amount of capital stock was in effect.

(e) For the purpose of computing the taxes imposed by this section, the authorized capital stock of a corporation shall be considered to be the total number of shares that the corporation is authorized to issue without regard to whether the number of shares that may be outstanding at any one time is limited to a lesser number.

(f) The franchise tax under this section shall be reported and paid in the same manner as the tax under subdivision 5832(2)(B) of this title.

\* \* \* Small Business Loan Program; Bonding;



Technology Loan Program \* \* \*

Sec. 23. STATE PLEDGE ON BEHALF OF SMALL BUSINESSES

An amount not to exceed \$500,000.00 of the full faith and credit of the state pledged for the support of the activities of the Vermont economic development authority under section 223 of Title 10 is authorized to be used by the authority for loss reserves in the Vermont small business loan program until July 1, 2012.

Sec. 24. 10 V.S.A. § 221(a) is amended to read:

(a) Upon application of the proposed mortgagee, the authority may insure mortgage payments required to repay loans made by the mortgagee for the purpose of financing the costs of a project, upon such terms and conditions as the authority may prescribe; provided, however, that the total principal obligations of all mortgages insured under this subsection and under subsection (c) of this section outstanding at any one time shall not exceed ~~\$15,000,000.00~~ \$9,000,000.00. Before insuring any mortgage payments hereunder, the authority shall determine and incorporate each of the findings established by this subsection in its minutes. Such findings, when adopted by the authority shall be conclusive.

Sec. 25. 10 V.S.A. § 223 is amended to read:

§ 223. CREDIT OF THE STATE PLEDGED

The full faith and credit of the state is pledged to the support of the activities of the authority under this subchapter. In furtherance of the pledge, the state treasurer is authorized and directed to transfer to the fund, without further approval, first from the indemnification fund and then from available cash in the treasury or from the proceeds of bonds or notes issued under this section, such additional amounts as may be requested from time to time by the authority to enable it to perform all insurance contracts punctually and in accordance with their terms. The authority shall request such transfers from time to time as additional amounts are required for such purposes. The treasurer is authorized and directed, without further approval, to issue full faith and credit bonds of the state, from time to time, in amounts necessary to support the activities of the authority under this subchapter and subchapter 8 of this chapter, but not to exceed an aggregate of ~~\$35,000,000.00~~ \$10,000,000.00 at any one time outstanding, and to borrow upon notes of the state in anticipation of the proceeds of such bonds. Any bonds under this subchapter shall be issued pursuant to the provisions of chapter 13 of Title 32, except that the approval of the governor shall not be required previous to their issuance by the treasurer.

Sec. 26. 10 V.S.A. § 279b(a) is amended to read:

(a) Upon registration by the authority of an eligible loan, the full faith and credit of the state shall be pledged in an amount equal to the reserve premium payment deposited to the fund by the participating bank in connection with such loan. The aggregate amount of the credit of the state which may be pledged pursuant to the provisions of this subchapter shall not exceed ~~\$2,000,000.00~~ \$1,000,000.00 at any time.

Sec. 27. 10 V.S.A. chapter 12, subchapter 12 is added to read:

### Subchapter 12. Technology Loan Program

#### § 280aa. FINDINGS AND PURPOSE

(a) Technology-based companies are a vital source of innovation, employment, and economic growth in Vermont. The continued development and success of this increasingly important sector of Vermont's economy is dependent upon the availability of flexible, risk-based capital. Because the primary assets of technology-based companies sometimes consist almost entirely of intellectual property, such companies frequently do not have access to conventional means of raising capital, such as asset-based bank financing.

(b) To support the growth of technology-based companies and the resultant creation of high-wage employment in Vermont, a technology loan program is established under this subchapter.

#### § 280bb. TECHNOLOGY LOAN PROGRAM

There is created a technology (TECH) loan program to be administered by the Vermont economic development authority. The program shall seek to meet the working capital and capital-asset financing needs of technology-based companies. The Vermont economic development authority shall establish such policies and procedures for the program as are necessary to carry out the purposes of this subchapter.

#### § 280cc. CREDIT OF THE STATE PLEDGED

An amount not to exceed \$1,000,000.00 of the full faith and credit of the state is pledged and authorized to be used by the authority for loss reserves in the TECH loan program established under this subchapter until July 1, 2012.

\* \* \* Microbusiness and Entrepreneurship \* \* \*

#### Sec. 28. APPROPRIATIONS; USE OF FEDERAL FUNDS

(a) It is the intent of the general assembly that the individual development account program and the microbusiness development program currently

administered by the office of economic opportunity continue to be funded with amounts from the general fund in the 2009 budget as passed in May of 2008.

(b) There is appropriated from the general fund for fiscal year 2010 a supplemental appropriation in the amount of \$66,000.00 to the office of economic opportunity to fund state matching contributions to individual development accounts.

(c) There is appropriated from the general fund for fiscal year 2010 a supplemental appropriation in the amount of \$60,000.00 to the office of economic opportunity to fund the microbusiness development program.

(d) The supplemental amounts appropriated in this section shall to the greatest extent possible be funded through federal allocations and competitive grants under Title VIII of the ARRA.

#### Sec. 29. REPORTING REQUIREMENT

On or before January 15 of each year all microenterprise development programs, individual development account matched savings programs, and financial education programs that receive state funding allocations shall prepare and deliver to the house committee on commerce and economic development a report to ensure that funding is serving low income Vermonters and meeting economic development and human service goals. Annual reports should comply with nationally and state-recognized microenterprise outcomes metrics established by the Association for Enterprise Opportunity, FIELD at the Aspen Institute, or the Center for Rural Studies at the University of Vermont.

#### Sec. 30. ECONOMIC OPPORTUNITY STUDIES AND COLLABORATION

(a) The office of economic opportunity and the department of economic development shall conduct a joint study of possible tools to promote the success of individual development accounts and the microbusiness development program. The study shall evaluate:

(1) Innovative microenterprise development funding models to identify ways to fill existing gaps in start-up capital.

(2) A guarantee program or interest buy-down program that encourages private banks to make longer-term, lower-interest fixed rate loans to Community Development Financial Institutions (CDFIs).

(3) A tax credit to business and individuals that donate funds to microenterprise development programs or IDA matched savings and financial education programs, under which the department of economic development would administer tax credits totaling 75 percent of the value of each donation

to recognized qualified organizations with an annual statewide maximum for tax credits of \$500,000.00 for contributions.

(4) A policy for collaboration with the Vermont treasurer's office to utilize financial education funding for credit counseling and education.

(5) The feasibility of a first-year tax credit to microenterprises, and a credit or grant to self-employed persons for first-time employee hiring to ease the worker's compensation burden.

(b) The department of economic development (DED) shall designate an employee to serve as a microbusiness liaison to the department of education and the office of economic opportunity. The liaison shall be aware of the resources, tools, and capital needs of microenterprises and Vermont's microenterprise development organizations. The liaison shall assist microentrepreneurs in accessing growth opportunities, new markets, and relevant microenterprise programs and resources much in the way DED economic development specialists currently assist larger-scale businesses. The liaison may also lead collaborative efforts to ensure Vermont's state agencies and nongovernmental organizations function effectively and efficiently to support microenterprises.

\* \* \* ARRA Appropriation for the Vermont Economic  
Development Authority \* \* \*

#### Sec. 31. APPROPRIATION

The amount of \$1,000,000.00 is appropriated from the State Fiscal Stabilization Fund under Title XIV of the ARRA to the Vermont Economic Development Authority for the purpose of providing interest rate subsidies.

\* \* \* Enhanced VEGI Program for IT Solutions \* \* \*

Sec. 32. 32 V.S.A. § 5930b(h) is added to read:

(h) Employment growth incentive for information technology solutions business.

(1) For purposes of this subsection, an "information technology solutions business" means a business that is subject to income taxation in Vermont and whose current or prospective economic activity in Vermont for which incentives are sought under this section is certified by the secretary of commerce and community development to be primarily in software development, implementation, and utilization, including:

(A) Research, development, design, marketing, and publication of computer software such as operating systems, user applications, and network applications.

(B) Custom computer software development such as software programming services, software analysis and design services, custom software support services, custom webpage design and development services, web application development, and custom database systems and solutions.

(C) Consultation, implementation, integration, or customization of computer software systems, computer systems, computer networks, or database systems using computer programming services, custom networking technologies, or computer software analysis and design services.

(2) Any application for a Vermont employment growth incentive under this section for a software development business shall be considered and administered pursuant to all provisions of this section, except that:

(A) the “incentive ratio” pursuant to subdivision (a)(11) of this section shall be set at 100 percent; and

(B) the “payroll threshold” pursuant to subdivision (a)(17) of this section shall be deemed to be zero percent of the expected average industry payroll growth as determined by the cost-benefit model.

\* \* \* Research and Development Tax Credit \* \* \*

Sec. 33. 32 V.S.A. chapter 151 subchapter 11K is added to read:

Subchapter 11K. Research and Development Tax Credit

§ 5930gg. RESEARCH AND DEVELOPMENT TAX CREDIT

(a) A credit against the income tax liability imposed under this chapter for the taxable year shall be an amount equal to 30 percent of the amount of the federal tax credit received for the same taxable year for eligible research and development expenses under 26 U.S.C. § 41(a).

(b) Any excess credit under this subchapter not used for the taxable year in which the credit is earned may be carried forward for up to ten years.

(c) For purposes of this section, “eligible research and development expenses” means expenditures:

(1) made within the state of Vermont;

(2) that meet the definition contained in 26 U.S.C. § 41(b); and

(3) that have been claimed as eligible expenditures for the same taxable year for a federal tax credit under 26 U.S.C. § 41(a), provided that the taxable year begins on or after January 1, 2010.

\* \* \* Buy Local Initiatives \* \* \*

Sec. 34. ENDORSEMENT OF BUY LOCAL AND VERMONT FIRST ECONOMIC DEVELOPMENT INITIATIVES

The general assembly expresses its strong support for local and state-based initiatives, such as Local First, Buy Local, community-based initiatives sponsored by local chambers of commerce, and local and state government procurement policies that give priority to locally produced goods and services. These initiatives create a multiplier effect whereby dollars spent by Vermonters within their own communities remain within and significantly strengthen Vermont communities. State and local government should lead by example to promote Vermont based business.

Sec. 35. DEVELOPMENT OF STATEWIDE STRATEGIES TO BENEFIT FROM BUY LOCAL AND IN-STATE INITIATIVES

On or before January 15, 2010 the department of agriculture and the agency of commerce and community development shall collaborate and provide a summary report to the house committee on commerce and economic development, the senate committees on finance, and the senate committee on economic development, housing, and general affairs, concerning potential statewide strategies to realize the economic development benefits of buy-local and in-state initiatives, including recommendations for aligning government procurement policies with these strategies.

Sec. 36. EFFECTIVE DATE

This act shall be effective upon passage, except that Secs. 11 through 13 of this act (motion picture tax credit) shall apply to qualified motion picture projects begun on or after July 1, 2009 as certified by the secretary of commerce and community development; and that Secs. 17 through 22 of this act (digital business) shall apply to taxable years beginning on or after January 1, 2010.

**(Committee vote: 11-0-0)**

**Rep. Clarkson of Woodstock**, for the Committee on **Ways and Means**, recommends the bill ought to pass when amended as recommended by the Committee on **Commerce and Economic Development** and when further amended as follows:

First: By striking Secs. 11, 12, and 13 in their entirety.

Second: By striking Secs. 17, 18, 19, 20, 21, and 22, in their entirety.

Third: In Sec. 32, 32 V.S.A. § 5930b(h), by striking subdivision (2) in its entirety and inserting in lieu thereof a new subdivision (2) to read:

(2) Any application for a Vermont employment growth incentive under this section for an information technology solutions business shall be given priority for authorization equal to priority given to environmental technology business applicants in this section and shall be considered and administered pursuant to all provisions of this section.

Fourth: By striking Sec. 33 in its entirety and inserting in lieu thereof a new Sec. 33 to read:

Sec. 33. RESEARCH AND DEVELOPMENT TAX CREDIT STUDY

The commissioner of economic development shall, no later than May 1, 2009, provide the house committee on ways and means a report regarding the costs and benefits of research and development tax credits modeled under 26 U.S.C. § 41. Specifically, the report shall include the following:

(1) An estimate of new revenue to the state as a result of such credit;

(2) A plan for allocating the Vermont share of such credit;

(3) An estimate of the number of jobs created or retained within the state as a result of such credit;

(4) An analysis of whether and how much the use of such credit retains businesses in the state and attracts new businesses to the state.

Fifth: By striking Sec. 36 in its entirety and inserting in lieu thereof a new Sec. 36 to read:

Sec. 36. EFFECTIVE DATE

This act shall take effect on passage.

**Favorable with Amendment**

**S. 115**

An act relating to civil marriage.

**Rep. Lippert of Hinesburg**, for the Committee on **Judiciary**, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SHORT TITLE

This act may be referred to and cited as “An Act to Protect Religious Freedom and Promote Equality in Civil Marriage.”

Sec. 2. PURPOSE

The purpose of this act is to promote legal equality in the civil marriage laws and to protect the religious freedom of clergy and religious societies authorized to solemnize civil marriages.

Sec. 3. 15 V.S.A. § 1a is added to read:

§ 1a. PERSON FORBIDDEN TO MARRY A RELATIVE

No person shall marry his or her parent, grandparent, child, grandchild, sibling, sibling's child, or parent's sibling.

Sec. 4. 15 V.S.A. § 4 is amended to read:

§ 4. MARRIAGE CONTRACTED WHILE ONE IN FORCE

Marriages contracted while either party ~~has a living spouse or a living party to a civil union~~ is legally married or joined in civil union to a living person other than the party to that marriage shall be void.

Sec. 5. 15 V.S.A. § 8 is amended to read:

§ 8. MARRIAGE DEFINITION

Marriage is the legally recognized union of ~~one man and one woman~~ two people. When used in this chapter or in any other statute, the word "marriage" shall mean a civil marriage. Terms relating to the marital relationship or familial relationships shall be construed consistently with this section for all purposes throughout the law, whether in the context of statute, administrative or court rule, policy, common law, or any other source of civil law.

Sec. 6. 15 V.S.A. § 1202(2) is amended to read:

(2) Be of the same sex ~~and therefore excluded from the marriage laws of this state.~~

Sec. 7. 18 V.S.A. § 5131(a) is amended to read:

(a)(1) Upon application in a form prescribed by the department, a town clerk shall issue to a person a civil marriage license in the form prescribed by the department and shall enter thereon the names of the parties to the proposed marriage, fill out the form as far as practicable and retain in the clerk's office a copy thereof.

(2) The department shall prescribe forms that allow each party to a marriage to be designated "bride," "groom," or "spouse," as he or she chooses, and the application shall be in substantially the following form:

VERMONT DEPARTMENT OF HEALTH

APPLICATION FOR VERMONT LICENSE OF CIVIL MARRIAGE



FEE FOR CIVIL MARRIAGE LICENSE: \$45.00, FEE FOR CERTIFIED  
COPY \$10.00

BRIDE/GROOM/SPOUSE (circle one)

NAME (First) (Middle) (Last)		
SEX	DATE OF BIRTH (e.g., July 1, 2009)	AGE
BIRTHPLACE		EDUCATION (Circle No. Yrs. Completed)
	GRAD ES	GRAD ES COLLEG E
RESIDENCE (No. and Street)		
CITY OR TOWN	COUNTY	STATE
RACE – White, Black, Native American, Indian, Chinese, Japanese, Hawaiian, Filipino (Specify)		
FATHER’S NAME (First, Middle, Last)		
FATHER’S BIRTHPLACE (State or Foreign Country)	MOTHER’S BIRTHPLACE (State or Foreign Country)	
MOTHER’S MAIDEN NAME (First, Middle, Maiden Surname)		
NO. OF THIS MARRIAGE (1st, 2nd, etc.)	NO. OF CIVIL UNIONS	IF PREVIOUSLY IN MARRIAGE OR CIVIL UNION, LAST RELATIONSHIP WAS 1. MARRIAGE 2. CIVIL UNION
Date last marriage or civil union ended _____Month Year		





A clerk shall not issue a marriage license when either party to the intended marriage is:

(1) A person who has not attained his majority without the consent in writing of one of the parents if there is one competent to act; or the guardian of such minor;

(2) Nor with such consent when either party is under ~~sixteen~~ 16 years of age ~~unless furnished with a certificate of a probate, district or superior judge, of the district or county in which one of the applicants resides, if either applicant is a resident of the state, otherwise of the district or county in which the marriage is sought to be consummated, that the public good requires such license to be issued;~~

(3) Nor when either of the parties to the intended marriage is non compos mentis;

(4) Nor to a person under guardianship without the written consent of such guardian;

~~(5) Nor in any case when either party is under fourteen years of age.~~

Sec. 9. 18 V.S.A. § 5144 is amended to read:

#### § 5144. PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGE

(a) Marriages may be solemnized by a supreme court justice, a superior court judge, a district judge, a judge of probate, an assistant judge, a justice of the peace, an individual who has registered as an officiant with the Vermont secretary of state pursuant to section 5144a of this title, a member of the clergy residing in this state and ordained or licensed, or otherwise regularly authorized thereunto by the published laws or discipline of the general conference, convention, or other authority of his or her faith or denomination, or by such a clergy person residing in an adjoining state or country, whose parish, church, temple, mosque, or other religious organization lies wholly or in part in this state, or by a member of the clergy residing in some other state of the United States or in the Dominion of Canada, provided he or she has first secured from the probate court of the district within which the marriage is to be solemnized a special authorization, authorizing him or her to certify the marriage if such probate judge determines that the circumstances make the special authorization desirable. Marriage among the Friends or Quakers, the Christadelphian Ecclesia, and the Baha'i Faith may be solemnized in the manner heretofore used in such societies.

(b) This section does not require a member of the clergy authorized to solemnize a marriage as set forth in subsection (a) of this section, nor societies of Friends or Quakers, the Christadelphian Ecclesia, or the Baha'i Faith to

solemnize any marriage, and any refusal to do so shall not create any civil claim or cause of action.

Sec. 10. 8 V.S.A. § 4501 is amended to read:

§ 4501. EXEMPTIONS

(a) Except as herein provided, societies shall be governed by this chapter and shall be exempt from all other provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose. No law hereafter enacted shall apply to them, unless they be expressly designated therein.

(b) The civil marriage laws shall not be construed to affect the ability of a society to determine the admission of its members as provided in section 4464 of this title, or to determine the scope of beneficiaries in accordance with section 4477 of this title, and shall not require a society that has been established and is operating for charitable and educational purposes and which is operated, supervised, or controlled by or in connection with a religious organization to provide insurance benefits to any person if to do so would violate the society's free exercise of religion, as guaranteed by the First Amendment to the Constitution of United States or by Chapter I, Article 3 of the Constitution of the State of Vermont.

Sec. 11. 9 V.S.A. § 4502 is amended to read:

§ 4502. PUBLIC ACCOMMODATIONS

\* \* \*

(1) Notwithstanding any other provision of law, a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, shall not be required to provide services, accommodations, advantages, facilities, goods, or privileges to an individual if the request for such services, accommodations, advantages, facilities, goods, or privileges is related to the solemnization of a marriage or celebration of a marriage. Any refusal to provide services, accommodations, advantages, facilities, goods, or privileges in accordance with this subsection shall not create any civil claim or cause of action. This subsection shall not be construed to limit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization from selectively providing services, accommodations, advantages, facilities, goods, or privileges to some individuals with respect to the solemnization or celebration of a marriage but not to others.

Sec. 12. REPEAL

(a) The following sections in Title 15 are repealed:

- (1) § 1 (man forbidden to marry relatives);
- (2) § 2 (woman forbidden to marry relatives);
- (3) § 5 (marriage entered into in another state);
- (4) § 6 (marriage void in state of residence);
- (5) § 1201(4) (definition of marriage).

(b) The following sections in Title 18 are repealed:

- (1) § 5160 (issuance of civil union license; certification; return of civil union certificate);
- (2) § 5161 (issuance of license);
- (3) § 5162 (proof of legal qualifications of parties to a civil union; penalty);
- (4) § 5163 (restrictions as to minors and incompetent persons);
- (5) § 5164 (persons authorized to certify civil unions);
- (6) § 5164a (temporary officiant for civil unions);
- (7) § 5165 (civil union license required for certification; failure to return).

Sec. 13. EFFECTIVE DATE

This act shall take effect September 1, 2009.

**(Committee vote: 8-2-1)**

**Action Postponed Until Tuesday, April 7, 2009**

**For Action Under Rule 52**

**J. R. H. 16**

Joint resolution designating April as Fair Housing Month in Vermont.

**(For text see House Journal Friday, March 27, 2009)**

**H. 147**

An act relating to the operation of a motor vehicle by junior operators and primary safety belt enforcement.

**Pending Action:** Second reading of the bill

**(For text see House Journal March 31, 2009; P. 756)**

**House Appropriations Committee  
Members' amendments to Fiscal Year 2010  
Omnibus Appropriations Bill**

The House Appropriations Committee invites all members of the House, who intend to introduce amendments to the FY 2010 appropriations bill, to meet with the committee on Thursday, April 1, at 8:30 a.m., OR for third reading, Friday, April 2, at 8:30 a.m., in Room 42. If possible, please talk to Theresa Utton-Jerman 828-5970 or [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us) to schedule a time.