Senate Calendar

THURSDAY, MARCH 20, 2014

SENATE CONVENES AT: 10:20 A.M.

TABLE OF CONTENTS

ORDERS OF THE DAY

ACTION CALENDAR

UNFINISHED BUSINESS OF WEDNESDAY, MARCH 19, 2014

Third Reading

S. 234.

An act relating to Medicaid coverage for home telemonitoring services.

Amendment to S. 234 to be offered by Senator Sirotkin before third reading

Senator Sirotkin moves to amend the bill as follows:

First: In Sec. 1, subsection (a) after the words home health agencies by inserting the words or other qualified provides as defined by the Agency of Human Service

Second: In Sec. 1, subsection (b) after the words home health agency where it *twicely* appears by inserting the words or other qualified provides as defined by the Agency of Human Service

Third: In Sec. 1, subsection (c), subdivision (2) after the words home health agency by inserting the words or other qualified provides as defined by the Agency of Human Service

S. 261.

An act relating to electrical installations.

Amendment to S. 261 to be offered by Senator Mullin before third reading

Senator Mullin moves to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. § 894 is amended to read:

§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER EMERGENCY DISCONNECTION

(a) A new electrical installation in or on a complex structure or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected~~,~~ to a source of electrical energy unless prior to ~~such~~ the connection~~,~~ either a temporary or a permanent energizing permit is issued for that installation by the ~~commissioner~~ Commissioner or an electrical inspector.

(b) An existing electrical installation in any structure, including an owner-occupied freestanding residence, disconnected as the result of an emergency that affects the internal electrical circuits shall not be reconnected to a source of electrical energy until the electrical installation has been inspected and determined to be safe by a licensed journeyman or licensed master electrician. This subsection does not include the use of a generator due to an external loss of power.

(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.

Sec. 2. 26 V.S.A. § 904(a) is amended to read:

(a) To be eligible for licensure as a type-S journeyman, an applicant shall:

(1) complete an accredited training and experience program recognized by the ~~board~~ Board; or

(2) have had training and experience, within or ~~without~~ outside this ~~state~~ State, acceptable to the ~~board~~ Board; and

(3) pass an examination to the satisfaction of the ~~board~~ Board in one or more of the following fields:

(A) ~~Automatic~~ automatic gas or oil heating;

(B) ~~Outdoor~~ outdoor advertising;

(C) ~~Refrigeration~~ refrigeration or air conditioning;

(D) ~~Appliance~~ appliance and motor repairs;

(E) ~~Well~~ well pumps;

(F) ~~Farm~~ farm equipment;

(G) ~~Any~~ any miscellaneous specified area of specialized competence.

Sec. 3. 26 V.S.A. § 910 is amended to read:

§ 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on, or about equipment or premises, which are owned or leased by the operator of any industrial or manufacturing plant, if the work is done under the supervision of an electrical engineer or master electrician in the employ of the operator~~;~~.

(2) Installation in laboratories of exposed electrical wiring for

experimental purposes only~~;~~.

(3) Any electrical work by ~~an~~ the owner ~~or his or her regular employees~~ in the ~~owner's~~ owner-occupied freestanding single unit residence~~, in~~ and outbuildings accessory to ~~such~~ the freestanding single unit residence or any structure on owner-occupied farms~~;~~.

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made~~,~~ is to be used as a "complex structure"~~;~~.

(5) Electrical work performed by an electrician's helper under the direct supervision of a person who holds an appropriate license issued under this chapter~~;~~.

(6) Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units.

(7) Installation of solar electric modules and racking on complex structures to the point of connection to field-fabricated wiring and erection of net metered wind turbines.

(8) Installation of solar electric systems, including modules, racking, inverters, and the balance of the system on freestanding single-family and two-family dwellings up to and including the point of connection with the existing electrical system, that connection being one or more back-fed breakers in an existing breaker panel.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Second Reading

Favorable with Recommendation of Amendment

S. 175.

An act relating to permitting a student to remain enrolled in a Vermont public school after moving to a new school district.

Reported favorably with recommendation of amendment by Senator Collins for the Committee on Education.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 1093 is amended to read:

§ 1093. NONRESIDENT STUDENTS

(a) A school board may receive into the schools under its charge nonresident students under such terms and restrictions as it deems best and money received for the instruction of the students shall be paid into the school fund of the district.

(b) Notwithstanding subsection (a) of this section, if a student has legal residence in a Vermont school district and is enrolled in and attending a school maintained and operated by that district, and if at any time after completion of the annual census period defined in subdivision 4001(1)(A) of this title the student moves to a different Vermont school district with the intention of remaining there indefinitely as contemplated in subsection 1075(a) of this title, then the student, or the student's parent or legal guardian if the student is a minor, may choose to remain enrolled in the school maintained by the original district for the remainder of the school year by notifying both school districts of the decision to do so.

(c) Nothing in this section shall be construed to eliminate State or federal requirements for a district to enroll eligible students residing outside the district under the McKinney–Vento Homeless Assistance Act, 42 U.S.C. § 11301 et seq., as may be amended.

(Committee vote: 5-0-0)

J.R.S. 27.

Joint resolution relating to an application of the General Assembly for Congress to call a convention for proposing amendments to the U.S. Constitution.

Reported favorably with recommendation of amendment by Senator Sears for the Committee on Judiciary.

The Committee recommends that the resolution be amended as follows:

By striking out the second *Resolved* clause and inserting in lieu thereof the following:

Resolved: That delegates to such a convention from Vermont shall propose no amendments which do not have a primary goal of addressing the grievances listed herein, *and be it further*

(Committee vote: 4-1-0)

Recommendation of amendment to
J.R.S. 27 to be offered by Senator Galbraith

Senator Galbraith moves to amend the recommendation of amendment of the Committee on Judiciary by striking out the first and second *Resolved* clauses and inserting in lieu thereof the following:

Resolved by the Senate and House of Representatives:

That the General Assembly, pursuant to Article V of the U.S. Constitution, hereby petitions the U.S. Congress to call a convention for the sole purpose of proposing amendments to the Constitution of the United States of America that would limit the corrupting influence of money in our electoral process, including, inter alia, by overturning the *Citizens United* decision, *and be it further*

Resolved: That this petition shall not be considered by the U.S. Congress until 33 other states submit petitions for the same purpose as proposed by Vermont in this resolution and unless the Congress determines that the scope of amendments to the Constitution of the United States considered by the convention shall be limited to the same purpose requested by Vermont, *and be it further*

NEW BUSINESS

Third Reading

S. 100.

An act relating to forest integrity.

Second Reading

Favorable

H. 718.

An act relating to approval of amendments to the charter of the Village of Derby Line.

Reported favorably by Senator McAllister for the Committee on Government Operations.

(Committee vote: 4-0-1)

(No House amendments)

Favorable with Recommendation of Amendment

S. 293.

An act relating to reporting on population-level outcomes and indicators and on program-level performance measures.

Reported favorably with recommendation of amendment by Senator Pollina for the Committee on Government Operations.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE

(a) This act is necessary for the General Assembly to obtain data-based information to know how well State government is working to achieve the population-level outcomes the General Assembly sets for Vermont's quality of life, and will assist the General Assembly in determining how best to invest taxpayer dollars.

(b) Evaluating the results of spending taxpayer dollars will allow the General Assembly to be more forward-thinking, strategic, and responsive to the long-term needs of Vermonters and allow the Executive Branch to consider how the programs it administers could be further refined in order to produce better results.

(c) Using the data-based information provided under this act will encourage State government to continue to move steadily toward results-based accountability and will help educate the General Assembly and Executive Branch on how to be more effective and accountable to Vermonters and will encourage a better partnership with Vermont communities.

Sec. 2. 3 V.S.A. chapter 45 (administration), subchapter 5 is added to read:

Subchapter 5. Chief Performance Officer

§ 2311. CHIEF PERFORMANCE OFFICER; ANNUAL REPORT ON POPULATION-LEVEL OUTCOMES USING INDICATORS

(a) Report. Annually, on or before July 30, the Chief Performance Officer within the Agency of Administration shall report to the General Assembly on the State's progress in reaching the population-level outcomes for each area of Vermont's quality of life set forth in subsection (b) of this section by providing data for the population-level indicators that are requested pursuant to the process set forth in subsection (c) of this section.

(b) Vermont population-level quality of life outcomes.

(1) Vermont has a prosperous economy.

(2) Vermonters are healthy.

(3) Vermont's environment is clean and sustainable.

(4) Vermont's communities are safe and supportive.

(5) Vermont's families are safe, nurturing, stable, and supported.

(6) Vermont's children and young people achieve their potential, including:

(A) Pregnant women and young people thrive.

(B) Children are ready for school.

(C) Children succeed in school.

(D) Youths choose healthy behaviors.

(E) Youths successfully transition to adulthood.

(7) Vermont's elders and people with disabilities and people with mental conditions live with dignity and independence in settings they prefer.

(8) Vermont has open, effective, and inclusive government at the State and local levels.

(c) Requesting population-level indicators.

(1) Annually, on or before March 1, a standing committee of the General Assembly having jurisdiction over a population-level quality of life outcome set forth in subsection (b) of this section may submit to the Government Accountability Committee a request that any population-level indicator related to that outcome be revised.

(2) If that request is approved by the Government Accountability Committee, the President Pro Tempore of the Senate, and the Speaker of the House, the Chief Performance Officer shall revise and report on the population-level indicator in accordance with the request and this section.

(d) The report set forth in this section shall not be subject to the limitation on the duration of agency reports set forth in 2 V.S.A. § 20(d).

§ 2312. PERFORMANCE ACCOUNTABILITY LIAISONS TO THE GENERAL ASSEMBLY

(a) The Chief Performance Officer shall designate an employee in each agency of State government to be a performance accountability liaison to the General Assembly. A liaison designated under this section shall be responsible for reviewing with the General Assembly any of the population-level outcomes and indicators set forth in section 2311 of this subchapter to which that agency contributes and for responding to any other requests for results-based accountability information requested by the General Assembly.

(b) The performance accountability liaisons shall report to the Chief Performance Officer on any action taken under subsection (a) of this section.

(c) Annually, on or before July 30 and as part of any other report requirement to the General Assembly set forth in this subchapter, the Chief Performance Officer shall report to the General Assembly on his or her analysis of the actions taken by the performance accountability liaisons under this section.

§ 2313. PERFORMANCE CONTRACTS AND GRANTS

(a) The Chief Performance Officer shall have oversight over the State's performance contracts and grant-making in order to:

(1) assist contractors and grantees in developing performance measures for those contracts and grants; and

(2) ensure contractors and grantees subject to those contracts and grants meet the performance requirement specified therein.

(b) Annually, on or before July 30 and as part of any other report requirement to the General Assembly set forth in this subchapter, the Chief Performance Officer shall report to the General Assembly on the progress by rate or percent of how many State contracts and grants have performance accountability requirements.

Sec. 3. INITIAL POPULATION-LEVEL INDICATORS

Until any population-level indicators are requested pursuant to the provisions of Sec. 2 of this act, 3 V.S.A. § 2311(c) (requesting population-level indicators), each population-level quality of life outcome set forth in Sec. 2 of this act, 3 V.S.A. § 2311(b) (Vermont population-level quality of life outcomes), and listed in this section shall have the following population-level indicators:

(1) Vermont has a prosperous economy.

(A) Percent or rate per 1,000 jobs of nonpublic sector employment.

(B) Median household income.

(C) Percent of Vermont covered by state-of-the-art telecommunications infrastructure.

(D) Median house price.

(E) Rate per 1,000 residents of resident unemployment.

(F) Percent of structurally-deficient bridges, as defined by the Vermont Agency of Transportation.

(G) Percent of local farm sales.

(2) Vermonters are healthy.

(A) Percent of adults who exceed healthy weight.

(B) Percent of adults who smoke cigarettes.

(C) Rate per 1,000 adults of adults who are homeless.

(D) Percent of individuals and families living at different poverty levels.

(E) Percent of adults at or below 200 percent of federal poverty level.

(F) Percent of adults who are insured.

(3) Vermont's environment is clean and sustainable.

(A) Percent of waters that need remediation under the Clean Water Act.

(B) Percent of water, sewer, and stormwater systems that meet federal and State standards.

(C) Carbon dioxide per capita.

(D) Electricity by fuel or power type.

(4) Vermont's communities are safe and supportive.

(A) Rate per 1,000 adults 25 years of age or older of out-of home placements for such adults.

(B) Rate per 1,000 residents of petitions filed for relief from domestic abuse.

(C) Rate per 1,000 crimes of violent crime.

(D) Rate per 1,000 residents of sexual assault committed against residents.

(E) Percent of residents living in affordable housing.

(F) Percent or rate per 1,000 formerly incarcerated residents of residents returned to prison for technical violations of probation or parole.

(G) Percent or rate per 1,000 nonviolent offenders of nonviolent offenders diverted from prison into the community.

(H) Percent or rate per 1,000 people convicted of crimes of recidivism.

(I) Rate per 1,000 crimes of violent crime.

(J) Rate per 1,000 residents of residents incarcerated.

(K) Percent or rate per 1,000 residents of residents entering the corrections system.

(5) Vermont's families are safe, nurturing, stable, and supported.

(A) Number and rate per 1,000 children of confirmed reports of child abuse and neglect.

(B) Percent or rate per 1,000 children of children who are homeless.

(C) Percent or rate per 1,000 families of families who are homeless.

(D) Number and rate per 1,000 children and youth of children and youth in out-of-home care.

(6) Vermont's children and young people achieve their potential, including:

(A) Pregnant women and young people thrive.

(i) Percent of pregnant women receiving prenatal care in the first trimester.

(ii) Percent of low birth weight babies or preterm births.

(iii) Rate per 1,000 infants of infant mortality.

(iv) Percent of children at or below 200 percent of federal poverty level.

(v) Percent of children who are insured.

(B) Children are ready for school.

(i) Percent of kindergarteners fully immunized.

(ii) Percent of first-graders screened for vision and hearing problems.

(iii) Percent of children ready for kindergarten in all domains.

(iv) Percent of children enrolled in high quality early childhood programs that receive at least four out of five stars under State standards.

(C) Children succeed in school.

(i) Rate per 1,000 children of children's school attendance.

(ii) Percent of children below the basic level of fourth grade reading achievement under State standards.

(iii) Rate per 1,000 high school students of high school graduation.

(D) Youths choose healthy behaviors.

(i) Rate per 1,000 female teenagers under 18 years of age of pregnancy in such teenagers.

(ii) Percent of students who report using alcohol, tobacco, or drugs within the last 30 days.

(iii) Number and rate per 1,000 minors of minors who are under the supervision of the Department of Corrections.

(E) Youths successfully transition to adulthood.

(i) Percent of high school seniors with plans for education, vocational training, or employment.

(ii) Percent of graduating high school seniors who continue their education within six months of graduation.

(iii) Percent of new families at risk (meaning there is a first birth to an unmarried woman under 20 years of age who has less than a high school diploma).

(iv) Rate per 1,000 teens of teen nonviolent deaths.

(v) Percent of high school graduates entering postsecondary education, work, or training.

(vi) Percent of completion of postsecondary education.

(vii) Rate per 1,000 high school graduates of high school graduates entering a training program.

(7) Vermont's elders and people with disabilities and people with mental conditions live with dignity and independence in settings they prefer.

(A) Rate per 1,000 vulnerable adults of confirmed reports of abuse and neglect of vulnerable adults.

(B) Percent of elders living in institutions versus home care.

(8) Vermont has open, effective, and inclusive government at the State and local levels.

(A) Percent of youth who report parent involvement in schooling.

(B) Percent of youth who report they help decide what goes on in their school.

(C) Percent of eligible population voting in general elections.

(D) Percent of students volunteering in their community.

(E) Percent of youth who feel valued by their community.

(F) Percent of youth who have an adult who provides help and advice.

Sec. 4. CHIEF PERFORMANCE OFFICER; REPORT ON PERFORMANCE MEASURE PILOT PROGRAM

(a) Annually, on or before July 30 and as part of any other report requirement to the General Assembly set forth in Sec. 2 of this act, 3 V.S.A. chapter 45, subchapter 5 (Chief Performance Officer), the Chief Performance Officer shall submit to the General Assembly a report on the Department of Finance and Management's Performance Measure Pilot Program. The report shall include:

(1) the performance measure data collected by the pilot participants; and

(2) the progress of all programs in the Executive Branch and how many of those programs have and are using performance measures.

(b) The Chief Performance Officer shall collaborate with the Joint Fiscal Office in developing new performance measures for programs.

Sec. 5. APPROPRIATION; GOVERNMENT ACCOUNTABILITY COMMITTEE; RESULTS-BASED ACCOUNTABILITY TRAINING

(a) There is appropriated from the General Fund to the General Assembly in Fiscal Year 2015 the amount of $20,000.00 for training on results-based accountability, as determined by the Government Accountability Committee (the GAC).

(b) The GAC may use any portion of this appropriation for training legislators, Executive Branch program managers, community partners, and any other persons it determines necessary on results-based accountability in order to share knowledge, understand current trends in program results, and expand the use of results-based accountability in State government and among community partners.

Sec. 6. CHIEF PERFORMANCE OFFICER; INITIAL PERFORMANCE ACCOUNTABILITY LIAISON APPOINTMENTS

The Chief Performance Officer within the Agency of Administration shall make his or her initial designations of the performance accountability liaisons described in Sec. 2 of this act, 3 V.S.A. § 2312, by November 15, 2014.

Sec. 7. QUARTERLY PROGRESS REPORTS; TEMPORARY SUSPENSION

The report requirement set forth in 2010 Acts and Resolves No. 146, Sec. H4 (Challenges for Change; quarterly reporting and implementation) is temporarily suspended. The report requirement shall resume in 2017 beginning with the first quarterly report due for that year.

Sec. 8. REPEAL; ANNUAL REPORT ON POPULATION-LEVEL OUTCOMES AND INDICATORS

Sec. 2 of this act, 3 V.S.A. § 2311 (Chief Performance Officer; annual report on population-level outcomes using indicators), is repealed on January 1, 2017.

Sec. 9. 3 V.S.A. § 2312 is amended to read:

§ 2312. PERFORMANCE ACCOUNTABILITY LIAISONS TO THE GENERAL ASSEMBLY

(a) The Chief Performance Officer shall designate an employee in each agency of State government to be a performance accountability liaison to the General Assembly. A liaison designated under this section shall be responsible for reviewing with the General Assembly any ~~of the population-level outcomes and indicators set forth in section 2311 of this subchapter to which that agency contributes and for responding to any other~~ requests for results-based accountability information requested by the General Assembly.

(b) The performance accountability liaisons shall report to the Chief Performance Officer on any action taken under subsection (a) of this section.

(c) Annually, on or before July 30 and as part of any other report requirement to the General Assembly set forth in this subchapter, the Chief Performance Officer shall report to the General Assembly on his or her analysis of the actions taken by the performance accountability liaisons under this section.

Sec. 10. EFFECTIVE DATES

(a) This section and Secs. 1 (purpose)–7 (quarterly progress reports; temporary suspension) shall take effect on passage.

(b) Secs. 8 (repeal; annual report on population-level outcomes using indicators) and 9 (amending 3 V.S.A. § 2312 (performance accountability liaisons to the General Assembly)) shall take effect on January 1, 2017.

(Committee vote: 5-0-0)

Reported favorably with recommendation of amendment by Senator Snelling for the Committee on Appropriations.

The Committee recommends that the bill be amended as recommended by the Committee on Government Operations, with the following amendment thereto:

By striking out Sec. 5 in its entirety and inserting in lieu thereof: [Deleted.]

(Committee vote: 6-0-1)

NOTICE CALENDAR

Second Reading

Favorable

H. 609.

An act relating to terminating propane service.

Reported favorably by Senator Bray for the Committee on Economic Development, Housing and General Affairs.

(Committee vote: 5-0-0)

(For House amendments, see House Journal of January 29, 2014, page 173)

Favorable with Recommendation of Amendment

S. 23.

An act relating to access to records in adult protective services investigations.

Reported favorably with recommendation of amendment by Senator Ayer for the Committee on Health and Welfare.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. § 6915 is added to read:

§ 6915. ACCESS TO MEDICAL RECORDS

(a) A person having custody or control of the medical records of a vulnerable adult for whom a report is required or authorized under section 6903 of this title may make such records or a copy of such records available to a law enforcement officer or an adult protective services worker investigating whether the vulnerable adult was the victim of abuse, neglect, or exploitation upon receipt of a written request for the records signed by the law enforcement officer or adult protective services worker, as follows:

(1) For an alleged victim with capacity, the law enforcement officer or adult protective services worker shall obtain the written consent of the alleged victim prior to requesting the records.

(2)(A) For an alleged victim without capacity who has a court-appointed guardian, the law enforcement officer or adult protective services worker shall obtain the written consent of the guardian prior to requesting the records, unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation, in which case the officer or worker shall proceed pursuant to

subdivision (B) of this subdivision (2). A guardian who refuses to provide consent pursuant to this section shall do so only if the guardian believes in good faith that the refusal is in the best interest of the alleged victim.

(B)(i) For an alleged victim without capacity who does not have a guardian, the law enforcement officer or adult protective services worker shall demonstrate to the person with custody or control of the records, in writing, that:

(I) the records are needed to determine whether a violation of law by a person other than the alleged victim has occurred, and the information is not intended to be used against the alleged victim; and

(II) immediate enforcement activity that depends on the records would be materially and adversely affected by waiting until the alleged victim regains capacity.

(ii) The person having custody or control of the medical records shall release the records of an alleged victim without capacity only if he or she believes, in the exercise of professional judgment, that making the records or a copy of the records available to the law enforcement officer or adult protective services worker is in the best interests of the alleged victim.

(b) If a vulnerable adult with capacity refuses to provide consent pursuant to subdivision (a)(1) of this section, the person having custody or control of the vulnerable adult's medical records shall not provide the records to the law enforcement officer or adult protective services worker unless necessary to comply with an order or warrant issued by a court, a subpoena or summons issued by a judicial officer, or a grand jury subpoena, or as otherwise required by law.

(c)(1) A law enforcement officer or adult protective services worker who receives consent to obtain records from an alleged victim with capacity pursuant to subdivision (a)(1) of this section or from the guardian of an alleged victim without capacity pursuant to subdivision (a)(2)(A) of this section shall include a copy of the written consent in the case file.

(2) A law enforcement officer or adult protective services worker who obtains records pursuant to subdivision (a)(2)(B) of this section because the alleged victim lacks capacity shall document in the case file the need for the records obtained, including a copy of the written materials submitted to the person with custody or control of the records pursuant to that subdivision.

(d) A person who in good faith makes an alleged victim's medical records or a copy of such records available to a law enforcement officer or adult protective services worker in accordance with this section shall be immune

from civil or criminal liability for disclosure of the records unless the person's actions constitute gross negligence, recklessness, or intentional misconduct. Nothing in this subsection shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

(e) The person having custody or control of the alleged victim's medical records may charge and collect from the law enforcement officer or adult protective services worker requesting a copy of such records the actual cost of providing the copy.

(f) Records disclosed pursuant to this section are confidential and exempt from public inspection and copying under the Public Records Act and may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this section.

(g) As used in this section, "capacity" means an individual's ability to make and communicate a decision regarding the issue that needs to be decided.

Sec. 2. 33 V.S.A. § 6916 is amended to read:

§ 6916. ACCESS TO FINANCIAL RECORDS

(a) A person having custody or control of the financial records of a vulnerable adult for whom a report is required or authorized under section 6903 of this title shall make such records or a copy of such records available to a law enforcement officer or an adult protective services worker investigating whether the vulnerable adult was the victim of abuse, neglect, or exploitation upon receipt of a written request for the records signed by the law enforcement officer or adult protective services worker, as follows:

(1) For an alleged victim with capacity, the law enforcement officer or adult protective services worker shall obtain the written consent of the alleged victim prior to requesting the records.

(2)(A) For an alleged victim without capacity who has a court-appointed guardian, the law enforcement officer or adult protective services worker shall obtain the written consent of the guardian prior to requesting the records, unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation, in which case the officer or worker shall proceed pursuant to subdivision (B) of this subdivision (2). A guardian who refuses to provide consent pursuant to this section shall do so only if the guardian believes in good faith that the refusal is in the best interest of the alleged victim.

(B) For an alleged victim without capacity who does not have a guardian, the law enforcement officer or adult protective services worker shall

submit to the person with custody or control of the records a written statement that declares:

(i) the records are needed to determine whether a violation of law by a person other than the alleged victim has occurred, and the information is not intended to be used against the alleged victim; and

(ii) immediate enforcement activity that depends on the records would be materially and adversely affected by waiting until the alleged victim regains capacity.

(b) If a vulnerable adult with capacity refuses to provide consent pursuant to subdivision (a)(1) of this section, the person having custody or control of the vulnerable adult's financial records shall not provide the records to the law enforcement officer or adult protective services worker unless necessary to comply with an order or warrant issued by a court, a subpoena or summons issued by a judicial officer, or a grand jury subpoena, or as otherwise required by law.

(c)(1) A law enforcement officer or adult protective services worker who receives consent to obtain records from an alleged victim with capacity pursuant to subdivision (a)(1) of this section or from the guardian of an alleged victim without capacity pursuant to subdivision (a)(2)(A) of this section shall include a copy of the written consent in the case file.

(2) A law enforcement officer or adult protective services worker who obtains records pursuant to subdivision (a)(2)(B) of this section because the alleged victim lacks capacity shall document in the case file the need for the records obtained, including a copy of the written materials submitted to the person with custody or control of the records pursuant to that subdivision.

(d) A person who in good faith makes an alleged victim's financial records or a copy of such records available to a law enforcement officer or adult protective services worker in accordance with this section shall be immune from civil or criminal liability for disclosure of the records unless the person's actions constitute gross negligence, recklessness, or intentional misconduct. Nothing in this subsection shall be construed to provide civil or criminal immunity to a person suspected of having abused, neglected, or exploited a vulnerable adult.

(e) The person having custody or control of the alleged victim's financial records may charge and collect from the law enforcement officer or adult protective services worker requesting a copy of such records the actual cost of providing the copy.

(f) Records disclosed pursuant to this section are confidential and exempt from public inspection and copying under the Public Records Act and may be used only in a judicial or administrative proceeding or investigation directly related to a report required or authorized under this section.

(g) As used in this section, "capacity" means an individual's ability to make and communicate a decision regarding the issue that needs to be decided.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

S. 208.

An act relating to solid waste management.

Reported favorably with recommendation of amendment by Senator Hartwell for the Committee on Natural Resources and Energy.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Construction and Demolition Waste; Pilot Project * * *

Sec. 1. FINDINGS

The General Assembly finds that, for the purposes of Secs. 1–3 of this act:

(1) Construction and demolition waste create significant issues for the capacity and operation of landfills in the State.

(2) There are opportunities for materials recovery of construction and demolition waste in a manner consistent with Vermont's solid waste management priorities of reuse and recycling.

(3) Substantial opportunity exists in Vermont for the recovery and recycling of certain materials in the construction and demolition waste stream, including wood, sheetrock, asphalt shingles, and metal.

(4) To reduce the amount of construction and demolition waste in landfills and improve materials recovery, the construction industry should

attempt to recover as much construction and demolition waste as possible from the overall waste stream.

(5) To initiate and facilitate the recycling of construction and demolition waste, a pilot program should be established to promote increased recycling and reuse of construction and demolition waste, inform interested parties of recycling and reuse opportunities, and evaluate the costs and effectiveness of construction and demolition waste recycling in the State.

Sec. 2. 10 V.S.A. § 6605m is added to read:

§ 6605m. CONSTRUCTION AND DEMOLITION WASTE; PILOT PROJECT

(a) Definitions. In addition to the definitions in section 6602 of this chapter, as used in this section:

(1) "Commercial project" means construction, renovation, or demolition of a commercial building or of a residential building with two or more residential units.

(2) "Construction and demolition waste" means waste derived from the construction or demolition of buildings, roadways, or structures, including clean wood, treated or painted wood, plaster, sheetrock, roofing paper and shingles, insulation, glass, stone, soil, flooring materials, brick, concrete, masonry, mortar, incidental metal, furniture, and mattresses. Construction and demolition waste shall not mean asbestos waste, regulated hazardous waste, hazardous waste generated by households, hazardous waste from conditionally exempt generators, or any material banned from landfill disposal under section 6621a of this title.

(b) Materials recovery requirement. Beginning on or after July 1, 2014, if a person produces 40 cubic yards or more of construction and demolition waste at a commercial project located within 20 miles of a solid waste facility that recycles construction and demolition waste and meets the requirements of subsection (c) of this section, the person shall:

(1) arrange for the transfer of the construction and demolition waste from the project to a solid waste facility that recycles construction and demolition waste, provided that the facility meets the requirements of subsection (c) of this section; or

(2) arrange for a method of disposition of the construction and demolition waste that the Secretary of Natural Resources deems appropriate as an end use.

(c) Minimum requirements of facility. For the purposes of this section, a solid waste facility that recycles construction and demolition waste under this section:

(1) shall dispose of 50 percent or less of the construction and demolition waste received at the facility in a solid waste landfill as indicated by the facility's previous quarterly report to the Secretary of Natural Resources;

(2) shall not charge a fee for construction and demolition waste that exceeds the published gate rate for trash disposal at the facility; and

(3) may dispose of residuals generated from the processing or recycling of construction and demolition waste at a certified solid waste landfill.

(d) Calculation of bulk material.

(1) Concrete, asphalt, brick, and other similar bulk materials shall not be calculated as construction and demolition waste for the purposes of determining under subsection (b) of this section if 40 cubic yards of construction and demolition waste is generated at a commercial project.

(2) Concrete, asphalt, brick, and other similar bulk materials shall not be included in the calculation under subsection (c) of this section of the disposal rate at a solid waste facility that recycles construction and demolition waste, provided that:

(A) the bulk material is recycled or processed as part of a mixed load of construction and demolition waste; and

(B) the facility shall not recycle soil from a contaminated property unless the soil is suitably treated for use as clean fill.

(e) Transition; application. The requirements of this section shall not apply to a commercial project subject to a contract entered into on or before July 1, 2014 for the disposal or recycling of the construction and demolition waste from the project.

(f) Report. On or before January 1, 2017, the Secretary of Natural Resources, after consultation with interested persons, shall submit to the Senate and House Committees on Natural Resources and Energy a report regarding the implementation of the construction and demolition waste pilot project. The report shall include:

(1) a summary of the implementation of the pilot project;

(2) an estimate of the amount of construction and demolition waste recycled or reused under the pilot project;

(3) the economic feasibility of continuing the pilot project, including whether viable markets exist for the cost-effective recycling or reuse of components of the construction and demolition waste stream; and

(4) a recommendation as to whether the pilot project should be permanent, and, if so, any recommended changes to the statutory requirements.

(g) Guidance on separation of hazardous materials. The Secretary of Natural Resources shall publish informational material regarding the need for a solid waste facility that recycles construction and demolition waste to manage properly and provide for the disposition of hazardous waste and hazardous material in construction and demolition waste delivered to a facility.

Sec. 3. REPEAL

10 V.S.A. § 6605m (construction and demolition waste pilot project) shall be repealed on July 1, 2017.

* * * Categorical Solid Waste Facility; Certification * * *

Sec. 4. 10 V.S.A. § 6605c(a) is amended to read:

(a) Notwithstanding sections 6605, 6605f, and 6611 of this title, no person may construct, substantially alter, or operate any categorical solid waste facility without first obtaining a certificate from the Secretary. Certificates shall be valid for a period not to exceed ~~five~~ 10 years.

* * * Solid Waste Transporters; Mandated Recyclables * * *

Sec. 5. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with ~~state~~ State law.

(b) As used in this section:

(1) "Commercial hauler" means:

(A) any person that transports regulated quantities of hazardous waste; and

(B) any person that transports solid waste for compensation in a vehicle ~~having a rated capacity of more than one ton~~.

(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.

* * *

(g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a transporter certified under this section that offers the collection of solid waste shall:

(A) Beginning July 1, 2015, offer to collect mandated recyclables separated from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables.

(B) Beginning July 1, 2016, offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)-(5) of this title.

(C) Beginning July 1, 2017, offer collection of food residuals separate from other solid waste and deliver to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)-(5) of this title.

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a transporter in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

(A) is applicable to all residents of the municipality;

(B) prohibits a resident from opting out of ~~municipally provided~~ municipally provided solid waste services; and

(C) does not apply a variable rate for the collection for the material addressed by the ordinance.

(3) A transporter is not required to comply with the requirements of subdivision (1)(A), (B), or (C) of this subsection in a specified area within a municipality if:

(A) the Secretary has approved a solid waste implementation plan for the municipality;

(B) the approved plan delineates an area where solid waste management services required by subdivision (1)(A), (B), or (C) of this subsection are not required; and

(C) in the delineated area, alternatives to the services, including ~~on site~~ on-site management, required under subdivision (1)(A), (B), or (C) of this subsection are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.

* * * Waste Management Assistance Fund; Solid Waste Franchise Tax * * *

Sec. 6. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have ~~three~~ four accounts: one for Solid Waste Management Assistance, one for Solid Waste Infrastructure Assistance, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax, which is deposited to the Hazardous Waste Management Assistance Account, exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of 90 percent of revenue from the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. The Solid Waste Infrastructure Assistance Account shall consist of 14 percent of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund Accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate fund account. Disbursements from the fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

(b) The Secretary may authorize disbursements from the Solid Waste Management ~~assistance account~~ Assistance Account for the purpose of enhancing ~~Solid Waste Management~~ solid waste management in the State in accordance with the adopted waste management plan. This includes:

(1) ~~the~~ The costs of implementation planning, design, obtaining permits, construction, and operation of ~~state~~ State or regional facilities for the processing of recyclable materials and of waste materials that because of their nature or composition create particular or unique environmental, health, safety, or management problems at treatment or disposal facilities~~;~~.

(2) ~~the~~ The costs of assessing existing landfills, and eligible costs for closure and any necessary steps to protect public health at landfills operating before January 1, 1987, provided those costs are the responsibility of the municipality or ~~Solid Waste Management~~ solid waste management district requesting assistance. The Secretary of Natural Resources shall adopt by procedure technical and financial criteria for disbursements of funds under this subdivision~~;~~.

(3) ~~the~~ The costs of preparing the State waste management plan~~;~~.

(4) ~~hazardous~~ Hazardous waste pilot projects consistent with this chapter~~;~~.

(5) ~~the~~ The costs of developing markets for recyclable material~~;~~.

(6) ~~the~~ The costs of the Agency of Natural Resources in administering ~~Solid Waste Management~~ solid waste management functions that may be supported by the Fund established in subsection (a) of this section~~;~~.

(7) ~~a~~ A portion of the costs of administering the ~~environmental division~~ Environmental Division established under 4 V.S.A. chapter 27. The amount of $120,000.00 per fiscal year shall be disbursed for this purpose~~;~~.

(8) ~~the~~ The costs, not related directly to capital construction projects, that are incurred by a district, or a municipality that is not a member of a district, in the design and permitting of implementation programs included in the adopted ~~Solid Waste Implementation Plan~~ solid waste implementation plan of the district or of the municipality that is not a member of a district. These disbursements shall be issued in the form of advances requiring repayment. These advances shall bear interest at an annual rate equal to the interest rate which the State pays on its bonds. These advances shall be repaid in full by the grantee no later than 24 months after the advance is awarded~~;~~.

(9) ~~the~~ The Secretary shall annually allocate 17 percent of the receipts of this account, based on the projected revenue for that year, for implementation of the Plan adopted pursuant to section 6604 of this title and ~~Solid Waste~~

~~Implementation Plans~~ solid waste implementation plans adopted pursuant to 24 V.S.A. § 2202a.

(10) ~~the~~ The costs of the proper disposal of waste tires. Prior to disbursing funds under this subsection, the Secretary shall provide a person with notice and opportunity to dispose of waste tires properly. The Secretary may condition a disbursement under this subsection on the repayment of the disbursement. If a person fails to provide repayment subject to the terms of a disbursement, the Secretary may initiate an action against the person for repayment to the Fund or may record against the property of the person a lien for the costs of cleaning up waste tires at a property.

(c) The Secretary may authorize disbursements from the Hazardous Waste Management Assistance Account for the purpose of enhancing hazardous waste management in the State in accordance with this chapter. This includes:

(1) ~~The~~ the costs of supplementing the State Waste Management Plan with respect to hazardous waste management~~.~~;

(2) ~~The~~ the costs of the Agency of Natural Resources in administering hazardous waste management functions that may be supported by the Fund established in subsection (a) of this section~~.~~; and

(3) ~~The~~ the costs of administering the Hazardous Waste Facility Grant Program under section 6603g of this title.

(d) The Secretary shall annually allocate from the fund accounts the amounts to be disbursed for each of the functions described in subsections (b), (c), and (f) of this section. The Secretary, in conformance with the priorities established in this chapter, shall establish a system of priorities within each function when the allocation is insufficient to provide funding for all eligible applicants.

(e) The Secretary may allocate funds at the end of the fiscal year from the Solid Waste Management Assistance Account to the Fund, established pursuant to section 1283 of this title, upon a determination that the Funds available in the Environmental Contingency Fund are insufficient to meet the State's obligations pursuant to subdivision 1283(b)(9) of this title. Any expenditure of funds transferred shall be restricted to funding the activities specified in subdivision 1283(b)(9) of this title. In no case shall the unencumbered balance of the Solid Waste Account following the transfer authorized under this subsection be less than $300,000.00.

(f) The Secretary may authorize disbursements from the Solid Waste Infrastructure Assistance Account for the following:

(1) costs of solid waste districts, municipalities, or other private or public entities to construct solid waste management facilities or infrastructure identified by the Solid Waste Infrastructure Advisory Committee as necessary to comply with the requirements of subsection 6605(j) of this title, and meet any demand for the processing or recycling of mandated recyclables, leaf and yard residuals, or food residuals; and

(2) up to 50 percent of the costs to a commercial hauler or transporter certified under this chapter to acquire or modify a vehicle:

(A) when the hauler or transporter demonstrates to the Secretary the need for financial assistance; and

(B) the vehicle will be used to transport mandated recyclables, leaf and yard residuals, or food residuals in rural or under populated areas of the State.

Sec. 7. 32 V.S.A. § 5952 is amended to read:

§ 5952. IMPOSITION OF TAX

(a)(1) A tax is imposed for each calendar quarter or part thereof upon the franchise or privilege of doing business of every person required by 10 V.S.A. chapter 159 to obtain certification for a facility. The tax shall be imposed in the amount of ~~$6.00~~ $7.00 per ton of waste delivered for disposal or incineration at the facility, regardless of the amount charged by the operator to recoup its expenses of operation, including the expense of this tax.

(2) The tax shall be similarly imposed on waste delivered to a transfer facility for shipment to an incinerator or other treatment facility or disposal facility that is located outside the ~~state~~ State. However, if the transfer station is located within a district which is authorized by an interstate compact to enter into cooperative agreements with a district in another state, the tax shall only be imposed if the treatment or disposal facility is located outside the ~~state~~ State and also outside the cooperating district in another state. For purposes of this determination, a treatment or disposal facility may be considered to be located within a district only if that district existed before July 1, 1987.

(3) The tax shall be similarly imposed on waste shipped to an incinerator or other treatment facility or disposal facility that is located outside the ~~state~~ State, without having been delivered to a transfer station located in this ~~state~~ State. In this situation, the tax is imposed for each calendar quarter or part thereof upon the franchise or privilege of doing business of every person regulated under 10 V.S.A. § 6607a as a commercial hauler of solid waste. This tax shall not be imposed on waste exempt under subdivision (2) of this subsection.

(b) The tax imposed by this section shall be in addition to any other taxes imposed on the taxpayer.

(c) If a return required by this chapter is not filed, or if a return, when filed, is incorrect or insufficient, the ~~commissioner~~ Commissioner shall determine the amount of tax due from any information available. If adequate information is not available to determine the tax otherwise due under this section, the ~~commissioner~~ Commissioner may assess a tax at the rate of $3.50 per year per person served by the facility. The number of persons served by a facility shall be determined by the ~~commissioner~~ Commissioner based upon any available information and with regard given to seasonal and recreational use.

(d) Every person required to pay the tax imposed by this subchapter shall use a weight scale that accurately gauges the weight of the waste and shall keep accurate contemporaneous records of the volume or weight of all waste delivered for disposal; provided, however, that a landfill receiving less than 1,000 tons of municipal solid waste per year which does not have scales which accurately gauge the weight of the waste may compute weight indirectly from volume using accurate records of the volume of waste delivered for disposal and a conversion rate approved by the ~~commissioner~~ Commissioner. The taxpayer's records relating to imposition of the tax imposed by this subchapter shall be available for inspection or examination at any time upon demand by the ~~commissioner of taxes~~ Commissioner of Taxes or the ~~secretary of the agency of natural resources,~~ Secretary of Natural Resources or their duly authorized agents or employees and shall be preserved for a period of three years.

Sec. 8. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have ~~four~~ three accounts: one for Solid Waste Management Assistance, ~~one for Solid Waste Infrastructure Assistance,~~ one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax, which is deposited to the Hazardous Waste Management Assistance Account, exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of ~~90 percent of revenue from~~ the franchise tax on waste facilities assessed under the

provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. ~~The Solid Waste Infrastructure Assistance Account shall consist of 10 percent of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly.~~ All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund Accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate fund account. Disbursements from the fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.

* * *

(f) ~~The Secretary may authorize disbursements from the Solid Waste Infrastructure Assistance Account for the following:~~

~~(1) costs of solid waste districts, municipalities, or other private or public entities to construct solid waste management facilities to accept, process, or recycle mandated recyclables, leaf and yard residuals, or food residuals; and~~

~~(2) costs of commercial haulers or transporters certified under this chapter to acquire or modify vehicles intended to transport mandated recyclables, leaf and yard residuals, or food residuals, provided that assistance under this fund shall be limited to 50 percent per vehicle for which the commercial hauler or transporter applies for assistance.~~ [Repealed.]

* * * Solid Waste Infrastructure Advisory Committee * * *

Sec. 9. SOLID WASTE INFRASTRUCTURE ADVISORY COMMITTEE

(a) The Secretary of Natural Resources shall convene a Solid Waste Infrastructure Advisory Committee to review the current solid waste management infrastructure in the State, evaluate the sufficiency of existing solid waste management infrastructure to meet the requirements of subsection 6605(j) of this title, and recommend development or construction of new solid waste management infrastructure in the State.

(b) The Solid Waste Infrastructure Advisory Committee shall be composed of the Secretary of Natural Resources or his or her designee and the following members, to be appointed by the Secretary of Natural Resources:

(1) three representatives of the solid waste management districts or other solid waste management entities in the State;

(2) one representative of a solid waste collector that owns or operates a material recovery facility;

(3) two representatives of solid waste commercial haulers, provided that one of the commercial haulers shall serve rural or underpopulated areas of the State;

(4) one representative of recyclers of food residuals or leaf and yard residuals; and

(5) one Vermont institution or business subject to the requirements under subsection 6605(j) of this title for the management of food residuals.

(c) The Solid Waste Infrastructure Advisory Committee shall:

(1) review the existing systems analysis of the State waste stream to determine whether the existing solid waste management facilities operating in the State provide sufficient services to comply with the requirements of subsection 6605(j) of this title, and meet any demand for services;

(2) summarize the locations or service sectors where the State lacks sufficient infrastructure or resources to comply with the requirements of and demand generated by subsection 6605(j) of this title, including the infrastructure necessary in each location;

(3) estimate the cost of constructing the necessary infrastructure identified under subdivision (2) of this subsection; and

(4) review options for generating the revenue sufficient to fund the costs of constructing necessary infrastructure.

(d) Report. On or before January 15, 2015 and annually thereafter, the Solid Waste Infrastructure Advisory Committee shall submit to the Senate and House Committees on Natural Resources and Energy a report with an accounting of disbursements from the Solid Waste Infrastructure Assistance Fund, a summary of the financial stability of the Fund, and any recommendations for legislative action. The report submitted to the General Assembly on January 15, 2015 under this subsection shall include the information and data developed under subsection (c) of this section.

* * * Municipal Participation in Solid Waste District * * *

Sec. 10. 24 V.S.A. § 2202a is amended to read:

§ 2202a. MUNICIPALITIES-RESPONSIBILITIES FOR SOLID WASTE

(a) Municipalities are responsible for joining a solid waste district for the purpose of the management and regulation of the storage, collection, processing, and disposal of solid wastes within their jurisdiction in

conformance with the State Solid Waste Management Plan authorized under 10 V.S.A. chapter 159. ~~Municipalities~~ Solid waste districts may issue exclusive local franchises and may make, amend, or repeal rules necessary to manage the storage, collection, processing, and disposal of solid waste materials within their limits and impose penalties for violations thereof, provided that the rules are consistent with the State Plan and rules adopted by the Secretary of Natural Resources under 10 V.S.A. chapter 159. A fine may not exceed $1,000.00 for each violation. This section shall not be construed to permit the existence of a nuisance.

(b) ~~Municipalities~~ Solid waste districts may satisfy the requirements of the State Solid Waste Management Plan and the rules of the Secretary of Natural Resources through agreement between any other unit of government or any operator having a permit from the Secretary, as the case may be.

(c)(1) ~~No later than~~ On or before July 1, ~~1988~~ 2016, each municipality, as defined in subdivision 4303(12) of this title, shall join or participate in a solid waste management district organized pursuant to chapter 121 of this title ~~no later than January 1, 1988 or participate in a regional planning commission's planning effort for purposes of solid waste implementation planning, as implementation planning is defined in 10 V.S.A. § 6602~~.

(2) ~~No later than July 1, 1990 each regional planning commission shall work on a cooperative basis with municipalities within the region to prepare a solid waste implementation plan for adoption by all of the municipalities within the region which are not members of a solid waste district, that conforms to the State Waste Management Plan and describes in detail how the region will achieve the priorities established by 10 V.S.A. § 6604(a)(1). A solid waste implementation plan adopted by a municipality that is not a member of a district shall not in any way require the approval of a district.~~ The Secretary shall not approve a solid waste implementation plan submitted by a person or entity other than a solid waste management district. ~~No later than~~ On or before July 1, 1990, each solid waste district shall adopt a solid waste implementation plan that conforms to the State Waste Management Plan, describes in detail how the district will achieve the priorities established by 10 V.S.A. § 6604(a), and is in conformance with any regional plan adopted pursuant to chapter 117 of this title. Municipalities or solid waste management districts that have contracts in existence as of January 1, ~~1987~~ 2016, which contracts are inconsistent with the requirement to join a solid waste management district, the State Solid Waste Plan ~~and~~, or the priorities established in 10 V.S.A. § 6604(a), shall not be required to breach those contracts, provided they make good faith efforts to renegotiate those contracts in order to comply. ~~The Secretary may extend the deadline for completion of a plan upon finding that despite good faith efforts to comply, a regional planning~~

~~commission or solid waste management district has been unable to comply, due to the unavailability of planning assistance funds under 10 V.S.A. § 6603b(a) or delays in completion of a landfill evaluation under 10 V.S.A. § 6605a.~~

(3) A municipality that does not join or participate in a solid waste management district as ~~provided~~ required in this subsection shall not be eligible for State funds from the Solid Waste Management Assistance Account or the Solid Waste Infrastructure Assistance Account to plan and construct solid waste facilities, nor can it use facilities certified for use by the region or by the solid waste management district.

* * *

* * * Municipal Reporting Regarding Solid Waste Management * * *

Sec. 11. 24 V.S.A. § 2202b is added to read:

§ 2202b. SOLID WASTE DISTRICT REPORTING; SOLID WASTE MANAGEMENT

(a) Beginning July 1, 2016 and annually thereafter, a solid waste district, individually or through a solid waste management district by the Secretary of Natural Resources, shall submit the following data to the Secretary of Natural Resources:

(1) the number and type of solid waste collection facilities owned, operated, or used by the solid waste district;

(2) a list of the commercial haulers doing business in the solid waste district and the services provided by each commercial hauler;

(3) the total weight of the following collected in the solid waste district in the preceding year:

(A) mandated recyclables;

(B) leaf and yard residuals; and

(C) food residuals.

(4) the collection services that the solid waste district offers for construction and demolition materials, and, if collection services are provided:

(A) the total weight of construction and demolition debris collected in the solid waste district in the preceding year;

(B) whether the solid waste district has established a program for the recycling of clean wood and, if so, the total weight of clean wood collected;

(C) whether the solid waste district has established a program for the recycling of asphalt shingles and, if so, the total weight of asphalt shingles collected; and

(D) whether the solid waste district has established a drywall collection program and, if so, the total weight of drywall collected;

(5) the collection services provided for household hazardous waste and conditionally exempt generator waste, including:

(A) whether the solid waste district provides year-round access to a permanent facility for the collection of household hazardous waste and conditionally exempt generator waste; and

(B) if a permanent facility is not available under subdivision (5)(A) of this subsection (a), the number and type of collection events in the preceding year provided for household hazardous waste and conditionally exempt generator waste; and

(6) a summary of how biosolids and septage are managed within the solid waste district.

(b) The Secretary of Natural Resources shall compile the data provided under subsection (a) of this section. Notwithstanding the requirements of 2 V.S.A. § 20(d), beginning January 1, 2017 and annually thereafter, the Secretary shall submit the compiled data to the Senate and House Committees on Natural Resources and Energy.

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

This act shall take effect on July 1, 2014, except that Sec. 8 (repeal of solid waste infrastructure assistance account) shall take effect on January 1, 2021.

(Committee vote: 5-0-0)

Reported favorably by Senator Galbraith for the Committee on Finance.

The Committee recommends that the bill be amended as recommended by the Committee on Natural Resources and Energy and that when so amended, ought to pass.

(Committee vote: 5-1-1)

S. 220.

An act relating to amending the workers' compensation law, establishing a registry of sole contractors, increasing the funds available to the Department of Tourism and Marketing for advertising, and regulating legacy insurance transfers.

Reported favorably with recommendation of amendment by Senator Mullin for the Committee on Economic Development, Housing and General Affairs.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * One-Stop Shop Business Portal * * *

Sec. 1. ONE STOP SHOP WEB PORTAL

(a) In order to simplify the process for business creation and growth, the Office of the Secretary of State, Department of Taxes, Department of Labor, the Vermont Attorney General, the Agency of Commerce and Community Development, and the Agency of Administration have formed a Business Portal Committee to create an online "one-stop shop" for business registration, business entity creation, and registration compliance.

(b) On or before January 15, 2015, the Business Portal Committee shall report to the Senate Committee on Economic Development, Housing and General Affairs and the House Committee on Commerce and Economic Development to inform the committees of the status of the project and a timeline for its completion.

* * * Vermont Entrepreneurial Lending Program;
Vermont Entrepreneurial Investment Tax Credit * * *

Sec. 2. 10 V.S.A. chapter 12 is amended to read:

CHAPTER 12. VERMONT ECONOMIC DEVELOPMENT AUTHORITY

* * *

Subchapter 12. ~~Technology Loan~~ Vermont Entrepreneurial Lending Program

§ 280aa. FINDINGS AND PURPOSE

(a)(1) ~~Technology-based companies~~ Vermont-based seed, start-up, and early growth-stage businesses 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~~ these businesses is dependent upon the availability of flexible, risk-based capital.

(2) Because the primary assets of ~~technology-based companies sometimes~~ seed, start-up, and early growth-stage businesses often consist almost entirely of intellectual property or insufficient tangible assets to support conventional lending, ~~such~~ these 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~~ seed, start-up, and early growth-stage businesses and the resultant creation of high-wage employment in Vermont, ~~a technology loan program is established under this subchapter~~ the General Assembly hereby creates in this subchapter the Vermont Entrepreneurial Lending Program to support the growth and development of seed, start-up, and early growth-stage businesses.

§ 280bb. ~~TECHNOLOGY LOAN~~ VERMONT ENTREPRENEURIAL LENDING PROGRAM

(a) There is created ~~a technology (TECH) loan program~~ the Vermont Entrepreneurial Lending Program to be administered by the Vermont ~~economic development authority~~ Economic Development Authority. The ~~program~~ Program shall seek to meet the working capital and capital-asset financing needs of ~~technology-based companies~~ start-up, early stage, and early growth-stage businesses in Vermont. The Program shall specifically seek to fulfill capital requirement needs that are unmet in Vermont, including:

(1) loans up to $100,000.00 for manufacturing businesses with innovative products that typically reflect long-term growth;

(2) loans from $250,000.00 through $1,000,000.00 to early growth-stage companies who do not meet the current underwriting criteria of other public and private lending institutions; and

(3) loans to businesses that are unable to access adequate capital resources because the primary assets of these businesses are typically intellectual property or similar nontangible assets.

(b) The ~~economic development authority~~ Authority shall ~~establish such~~ adopt regulations, policies, and procedures for the ~~program~~ Program as are necessary to ~~carry out the purposes of this subchapter. The authority's lending criteria shall include consideration of in-state competition and whether a company has made reasonable efforts to secure capital in the private sector~~ increase the amount of investment funds available to Vermont businesses whose capital requirements are not being met by conventional lending sources.

(c) When considering entrepreneurial lending through the Program, the Authority shall give additional consideration and weight to an application of a business whose business model and practices will have a demonstrable effect in achieving other public policy goals of the State, including:

(1) The business will create jobs in strategic sectors such as the knowledge-based economy, renewable energy, advanced manufacturing, wood products manufacturing, and value-added agricultural processing.

(2) The business is located in a designated downtown, village center, growth center, or other significant geographic location recognized by the State.

(3) The business adopts energy and thermal efficiency practices in its operations or otherwise operates in a way that reflects a commitment to green energy principles.

(4) The business will create jobs that pay a livable wage and significant benefits to Vermont employees.

(d) The Authority shall include provisions in the terms of an entrepreneurial loan made under the Program to ensure that an entrepreneurial loan recipient shall maintain operations within the State for a minimum of five years from the date on which the recipient receives the entrepreneurial loan funds from the Authority.

* * *

Sec. 3. VERMONT ENTREPRENEURIAL LENDING PROGRAM; LOAN LOSS RESERVE FUNDS; CAPITALIZATION; PRIVATE CAPITAL; APPROPRIATION

(a) The Vermont Economic Development Authority shall capitalize loan loss reserves for the Vermont Entrepreneurial Lending Program created in 10 V.S.A. § 280bb with up to $1,000,000.00 from Authority funds or eligible federal funds currently administered by the Authority.

(b) The Vermont Economic Development Authority shall use the funds allocated to the Program, as referenced in subsection (a) of this section, solely for the purpose of establishing and maintaining loan loss reserves to guarantee entrepreneurial loans.

Sec. 4. 32 V.S.A. § 5930zz is added to read:

§ 5930zz. VERMONT ENTREPRENEURIAL INVESTMENT TAX CREDITS

(a) A person may receive a credit against his or her income tax imposed by this chapter in an amount equal to 35 percent of his or her direct investment

in a Vermont-domiciled business that had gross revenues in the preceding 12 months of less than $3,000,000.00.

(b) A person who owns or controls 50.1 percent or more of the business and members of his or her immediate family or household are not eligible for the credit under this section.

(c)(1) A person may claim no more than 25 percent of the amount of a credit under this section in a single tax year and may not use the credit to reduce the amount of tax due under this chapter by more than 50 percent of the person's liability in a taxable year.

(2) A person may carry forward any unused portion of a credit for five additional years beyond the year in which an eligible investment was made.

(d) A person who makes a direct investment and thereby qualifies for a credit pursuant to this section shall not have a right to receive a return of the person's investment for a period of five years; provided, however, that the investor may have the right to receive stock options, warrants, or other forms of return that are not in the nature of return of principal.

(e) A person that receives an investment that qualifies for a credit pursuant to this section shall annually report to the Department of Taxes the total number and amounts of investments received, the number of employees, the number of jobs created and retained, annual payroll, total sales revenue in the 12 months preceding the date of the report, and any additional information required by the Department.

(f) The total value of credits awarded pursuant to this section shall not exceed $6,000,000.00.

* * * Electricity Rates for Businesses * * *

Sec. 5. COMMISSIONER OF PUBLIC SERVICE STUDY; BUSINESS ELECTRICITY RATES

(a) The Commissioner of Public Service, in consultation with the Public Service Board and the Secretary of Commerce and Community Development, shall conduct a study of how best to advance the public good through consideration of the competitiveness of Vermont's energy-intensive businesses with regard to electricity costs. As used in this section, "energy-intensive business" or "business" means a manufacturer, a business that uses 1,000 MWh or more of electricity per year, or a business that meets another energy threshold deemed more appropriate by the Commissioner.

(b) In conducting the study required by this section, the Commissioner shall consider:

(1) how best to incorporate into rate design proceedings the impact of electricity costs on business competitiveness and the identification of the costs of service incurred by businesses;

(2) with regard to the energy efficiency programs established under 30 V.S.A. § 209, potential changes to their delivery, funding, financing, and participation requirements;

(3) the history and outcome of any evaluations of the Energy Savings Account or Customer Credit programs, as well as best practices for customer self-directed energy efficiency programs;

(4) the history and outcome of any evaluations of retail choice programs or policies, as they relate to business competitiveness, that have been undertaken in Vermont and in other jurisdictions;

(5) any other programs or policies the Commissioner deems relevant; and

(6) whether and to what extent any programs or policies considered by the Commissioner under this section would impose cost shifts onto other customers, result in stranded costs (costs that cannot be recovered by a regulated utility due to a change in regulatory structure or policy), or conflict with renewable energy requirements in Vermont and, if so, whether such programs or policies would nonetheless promote the public good.

(c) In conducting the study required by this section, the Commissioner shall provide the following persons and entities an opportunity for written and oral comments:

(1) consumer and business advocacy groups;

(2) regional development corporations; and

(3) any other person or entity as determined by the Commissioner.

(d) On or before December 15, 2014, the Commissioner shall provide a status report to the General Assembly of his or her findings and recommendations regarding regulatory or statutory changes that would reduce energy costs for Vermont businesses and promote the public good. On or before December 15, 2015, the Commissioner shall provide a final report to the General Assembly of such findings and recommendations.

* * * Domestic Export Program * * *

Sec. 6. DOMESTIC MARKET ACCESS PROGRAM FOR VERMONT AGRICULTURE AND FOREST PRODUCTS

(a) The Secretary of Agriculture, Food and Markets, in collaboration with the Agency of Commerce and Community Development and the Chief Marketing Officer, shall create a Domestic Export Program Pilot Project within the "Made in Vermont" designation program, the purpose of which shall be to:

(1) connect Vermont producers with brokers, buyers, and distributors in other U.S. state and regional markets;

(2) provide technical and marketing assistance to Vermont producers to convert these connections into increased sales and sustainable commercial relationships; and

(3) provide matching grants of up to $2,000.00 per business per year to attend trade shows and similar events to expand producers' market presence in other U.S. states.

(b) There is appropriated in Fiscal Year 2015 from the General Fund to the Agency of Agriculture, Food and Markets the amount of $75,000.00 to implement the provisions of this section.

* * * Cloud Tax * * *

Sec. 7. SALES TAX ON PREWRITTEN SOFTWARE DOES NOT APPLY TO REMOTELY ACCESSED SOFTWARE

(a) The imposition of sales and use tax on prewritten computer software by 32 V.S.A. chapter 233 shall not apply to charges for remotely accessed software made after December 31, 2006.

(b) In this section, "charges for remotely accessed software" means charges for the right to access and use prewritten software run on underlying infrastructure that is not managed or controlled by the consumer. The term "charges for remotely accessed software" does not include charges for the right to access and use prewritten software that is also commercially available in a tangible form.

(c) Enforcement of the sales and use tax imposed on the purchase of specified digital products pursuant to 32 V.S.A. § 9771(8) is not affected by this section.

* * * Criminal Penalties for Computer Crimes * * *

Sec. 8. 13 V.S.A. chapter 87 is amended to read:

CHAPTER 87. COMPUTER CRIMES

* * *

§ 4104. ALTERATION, DAMAGE, OR INTERFERENCE

(a) A person shall not intentionally and without lawful authority, alter, damage, or interfere with the operation of any computer, computer system, computer network, computer software, computer program, or data contained in such computer, computer system, computer program, or computer network.

(b) Penalties. A person convicted of violating this section shall be:

(1) if the damage or loss does not exceed $500.00 for a first offense, imprisoned not more than one year or fined not more than ~~$500.00~~ $5,000.00, or both;

(2) if the damage or loss does not exceed $500.00 for a second or subsequent offense, imprisoned not more than two years or fined not more than ~~$1,000.00~~ $10,000.00, or both; or

(3) if the damage or loss exceeds $500.00, imprisoned not more than 10 years or fined not more than ~~$10,000.00~~ $100,000.00, or both.

§ 4105. THEFT OR DESTRUCTION

(a)(1) A person shall not intentionally and without claim of right deprive the owner of possession, take, transfer, copy, conceal, or retain possession of, or intentionally and without lawful authority, destroy any computer system, computer network, computer software, computer program, or data contained in such computer, computer system, computer program, or computer network.

(2) Copying a commercially available computer program or computer software is not a crime under this section, provided that the computer program and computer software has a retail value of $500.00 or less and is not copied for resale.

(b) Penalties. A person convicted of violating this section shall be:

(1) if the damage or loss does not exceed $500.00 for a first offense, imprisoned not more than one year or fined not more than ~~$500.00~~ $5,000.00, or both;

(2) if the damage or loss does not exceed $500.00 for a second or subsequent offense, imprisoned not more than two years or fined not more than ~~$1,000.00~~ $10,000.00, or both; or

(3) if the damage or loss exceeds $500.00, imprisoned not more than 10 years or fined not more than ~~$10,000.00~~ $100,000.00, or both.

§ 4106. CIVIL LIABILITY

A person damaged as a result of a violation of this chapter may bring a civil action against the violator for damages, costs, and fees, including reasonable attorney's fees, and such other relief as the court deems appropriate.

* * *

* * * Statute of Limitations to Commence Action for Misappropriation of Trade Secrets * * *

Sec. 9. 12 V.S.A. § 523 is amended to read:

§ 523. TRADE SECRETS

An action for misappropriation of trade secrets under 9 V.S.A. chapter 143 ~~of Title 9~~ shall be commenced within ~~three~~ five years after the cause of action accrues, and not after. The cause of action shall be deemed to accrue as of the date the misappropriation was discovered or reasonably should have been discovered.

* * * Protection of Trade Secrets * * *

Sec. 10. 9 V.S.A. chapter 143 is amended to read:

CHAPTER 143. TRADE SECRETS

§ 4601. DEFINITIONS

As used in this chapter:

(1) "Improper means" includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means.

(2) "Misappropriation" means:

(A) acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(B) disclosure or use of a trade secret of another without express or implied consent by a person who:

(i) used improper means to acquire knowledge of the trade secret; or

(ii) at the time of disclosure or use, knew or had reason to know that his or her knowledge of the trade secret was:

(I) derived from or through a person who had utilized improper means to acquire it;

(II) acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or

(III) derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(iii) before a material change of his or her position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

(3) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(A) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(B) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

§ 4602. INJUNCTIVE RELIEF

(a) ~~Actual~~ A court may enjoin actual or threatened misappropriation ~~may be enjoined~~ of a trade secret. Upon application to the court, an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may be continued for an additional reasonable period of time in order to eliminate commercial advantage that otherwise would be derived from the misappropriation.

(b) In exceptional circumstances, an injunction may condition future use upon payment of a reasonable royalty for no longer than the period of time for which use could have been prohibited. Exceptional circumstances include~~, but are not limited to,~~ a material and prejudicial change of position prior to acquiring knowledge or reason to know of misappropriation that renders a prohibitive injunction inequitable.

(c) In appropriate circumstances, affirmative acts to protect a trade secret may be compelled by court order.

§ 4603. DAMAGES

(a)(1) Except to the extent that a material and prejudicial change of position prior to acquiring knowledge or reason to know of misappropriation renders a monetary recovery inequitable, a complainant is entitled to recover damages for misappropriation.

(2) Damages can include both the actual loss caused by misappropriation and the unjust enrichment caused by misappropriation that is not taken into account in computing actual loss.

(3) In lieu of damages measured by any other methods, the damages caused by misappropriation may be measured by imposition of liability for a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret.

(4) A court shall award a successful complainant his or her costs and fees, including reasonable attorney's fees, arising from a misappropriation of the complainant's trade secret.

(b) If malicious misappropriation exists, the court may award punitive damages.

§ 4605. PRESERVATION OF SECRECY

In an action under this chapter, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval.

§ 4607. EFFECT ON OTHER LAW

(a) Except as provided in subsection (b) of this section, this chapter displaces conflicting tort, restitutionary, and any other law of this ~~state~~ State providing civil remedies for misappropriation of a trade secret.

(b) This chapter does not affect:

(1) contractual remedies, whether or not based upon misappropriation of a trade secret;

(2) other civil remedies that are not based upon misappropriation of a trade secret; or

(3) criminal remedies, whether or not based upon misappropriation of a trade secret.

* * *

* * * Technology Businesses and Government Contracting * * *

Sec. 11. 3 V.S.A. § 346 is added to read:

§ 346. STATE CONTRACTING; INTELLECTUAL PROPERTY, SOFTWARE DESIGN, AND INFORMATION TECHNOLOGY

(a) The Secretary of Administration shall include in Administrative Bulletin 3.5 a policy direction applicable to State procurement contracts that

include services for the development of software applications, computer coding, or other intellectual property, which would allow the State of Vermont to grant permission to the contractor to use the intellectual property created under the contract for the contractor's commercial purposes.

(b) The Secretary may recommend contract provisions that authorize the State to negotiate with a contractor to secure license terms and license fees, royalty rights, or other payment mechanism for the contractor's commercial use of intellectual property developed under a State contract.

(c) If the Secretary authorizes a contractor to own intellectual property developed under a State contract, the Secretary shall recommend language to ensure the State retains a perpetual, irrevocable, royalty-free, and fully paid right to continue to use the intellectual property.

* * * Study; Commercial Lenders * * *

Sec. 12. STUDY; DEPARTMENT OF FINANCIAL REGULATION; LICENSED LENDER REQUIREMENTS; COMMERCIAL LENDERS

On or before January 15, 2015, the Department of Financial Regulation shall evaluate and report to the House Committee on Commerce and Economic Development and to the Senate Committees on Finance and on Economic Development, Housing and General Affairs any statutory and regulatory changes to the State's licensed lender requirements that are necessary to open private capital markets and remove unnecessary barriers to business investment in Vermont.

* * * Tourism Funding; Study * * *

Sec. 13. TOURISM FUNDING; PILOT PROJECT STUDY

On or before January 15, 2015, the Secretary of Commerce and Community Development shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs a report that analyzes the results of the performance-based funding pilot project for the Department of Tourism and Marketing and recommends appropriate legislative or administrative changes to the funding mechanism for tourism and marketing programs.

* * * Land Use; Housing; Industrial Development * * *

Sec. 14. 10 V.S.A. § 238 is added to read:

§ 238. AVAILABILITY OF LOANS AND ASSISTANCE FOR INDUSTRIAL PARKS

Notwithstanding any provision of this chapter to the contrary, the developer of a project in an industrial park permitted under chapter 151 of this title shall have access to the loans and assistance available to a local development corporation from the Vermont Economic Development Authority for the creation or improvement of industrial parks under this subchapter.

Sec. 15. 3 V.S.A. § 2875 is added to read:

§ 2875. ASSISTANCE FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

The developer of a project in an industrial park permitted under 10 V.S.A. chapter 151 shall have access to:

(1) site planning assistance from the Department of Housing and Community Development in an amount up to 25 percent of the project cost; and

(2) financing of up to 25 percent of site acquisition and infrastructure development costs from the Department of Housing and Community Development through grants, loans, or other mechanisms as determined by the Commissioner of Housing and Community Development in the Commissioner's discretion.

Sec. 16. 10 V.S.A. § 6001(35) is added to read:

(35) "Industrial park" means an area of land permitted under this chapter that is planned, designed, and zoned as a location for one or more industrial buildings, that includes adequate access roads, utilities, water, sewer, and other services necessary for the uses of the industrial buildings, and includes no retail use except that which is incidental to an industrial use or office use, except that which is incidental or secondary to an industrial use.

Sec. 17. REVIEW OF MASTER PLAN POLICY

On or before January 1, 2015, the Natural Resources Board shall review its master plan policy and commence the policy's adoption as a rule. The proposed rule shall include provisions for efficient master plan permitting and master plan permit amendments for industrial parks. The Board shall consult with affected parties when developing the proposed rule.

* * * Primary Agricultural Soils; Industrial Parks * * *

Sec. 18. 10 V.S.A. § 6093(a)(4) is amended to read:

(4) Industrial parks.

(A) Notwithstanding any provision of this chapter to the contrary, a conversion of primary agricultural soils located in an industrial park ~~as defined~~

~~in subdivision 212(7) of this title and~~ permitted under this chapter and in existence as of January 1, 2006, shall be allowed to pay a mitigation fee computed according to the provisions of subdivision (1) of this subsection, except that it shall be entitled to a ratio of 1:1, protected acres to acres of affected primary agricultural soil. If an industrial park is developed to the fullest extent before any expansion, this ratio shall apply to any contiguous expansion of such an industrial park that totals no more than 25 percent of the area of the park or no more than 10 acres, whichever is larger; provided any expansion based on percentage does not exceed 50 acres. Any expansion larger than that described in this subdivision shall be subject to the mitigation provisions of this subsection at ratios that depend upon the location of the expansion.

(B) In any application to a ~~district commission for expansion of~~ District Commission to amend a permit for an ~~existing~~ industrial park, ~~compact development patterns shall be encouraged that assure~~ the most efficient and full use of land ~~and the realization of maximum economic development potential through appropriate densities, taking into account any long-term needs for project expansion within the industrial park~~ shall be allowed consistent with all applicable criteria of subsection 6086(a) of this title. Industrial park expansions and industrial park infill shall not be subject to requirements established in subdivision 6086(a)(9)(B)(iii) of this title, nor to requirements established in subdivision 6086(a)(9)(C)(iii).

* * * Affordable Housing * * *

Sec. 19. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

In this chapter:

* * *

(3)(A) "Development" means each of the following:

* * *

(iv) The construction of housing projects such as cooperatives, condominiums, or dwellings, or construction or maintenance of mobile homes or ~~trailer~~ mobile home parks, with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land, and within any continuous period of five years. However:

(I) A priority housing project shall constitute a development under this subdivision (iv) only if the number of housing units in the project is:

(aa) 275 or more, in a municipality with a population of 15,000 or more;

(bb) 150 or more, in a municipality with a population of 10,000 or more but less than 15,000;

(cc) 75 or more, in a municipality with a population of 6,000 or more but less than 10,000.

(dd) 50 or more, in a municipality with a population of 3,000 or more but less than 6,000;

(ee) 25 or more, in a municipality with a population of less than 3,000; and

(ff) notwithstanding subdivisions (aa) through (ee) of this subdivision (iv)(I), 10 or more if the construction involves the demolition of one or more buildings that are listed on or eligible to be listed on the State or National Register of Historic Places. However, demolition shall not be considered to create jurisdiction under this subdivision if the Division for Historic Preservation has determined the proposed demolition will have no adverse effect; no adverse effect provided that specified conditions are met; or will have an adverse effect but that adverse effect will be adequately mitigated. Any imposed conditions shall be enforceable through a grant condition, deed covenant, or other legally binding document.

(II) The determination of jurisdiction over a priority housing project shall count only the housing units included in that discrete project.

(III) Housing units in a priority housing project shall not count toward determining jurisdiction over any other project.

* * *

(B)~~(i) Smart Growth Jurisdictional Thresholds. Notwithstanding the provisions of subdivision (3)(A) of this section, if a project consists exclusively of mixed income housing or mixed use, or any combination thereof, and is located entirely within a growth center designated pursuant to 24 V.S.A. 2793c or,~~ entirely within a downtown development district ~~designated pursuant to 24 V.S.A. § 2793, "development" means:~~

~~(I) Construction of mixed income housing with 200 or more housing units or a mixed use project with 200 or more housing units, in a municipality with a population of 15,000 or more.~~

~~(II) Construction of mixed income housing with 100 or more housing units or a mixed use project with 100 or more housing units, in a municipality with a population of 10,000 or more but less than 15,000.~~

~~(III) Construction of mixed income housing with 50 or more housing units or a mixed use project with 50 or more housing units, in a municipality with a population of 6,000 or more and less than 10,000.~~

~~(IV) Construction of mixed income housing with 30 or more housing units or a mixed use project with 30 or more housing units, in a municipality with a population of 3,000 or more but less than 6,000.~~

~~(V) Construction of mixed income housing with 25 or more housing units or a mixed use project with 25 or more housing units, in a municipality with a population of less than 3,000.~~

~~(VI) Historic Buildings. Construction of 10 or more units of mixed income housing or a mixed use project with 10 or more housing units where if the construction involves the demolition of one or more buildings that are listed on or eligible to be listed on the State or National Register of Historic Places. However, demolition shall not be considered to create jurisdiction under this subdivision if the Division for Historic Preservation has determined the proposed demolition will have: no adverse effect; no adverse effect provided that specified conditions are met; or, will have an adverse effect, but that adverse effect will be adequately mitigated. Any imposed conditions shall be enforceable through a grant condition, deed covenant, or other legally binding document.~~

~~(ii) Mixed Income Housing Jurisdictional Thresholds. Notwithstanding the provisions of subdivision (3)(A) of this section, if a project consists exclusively of mixed income housing and is located entirely within a Vermont neighborhood designated pursuant to 24 V.S.A. § 2793d or a neighborhood development area as defined in 24 V.S.A. § 2791(16), "development" means:~~

~~(I) Construction of mixed income housing with 200 or more housing units, in a municipality with a population of 15,000 or more.~~

~~(II) Construction of mixed income housing with 100 or more housing units, in a municipality with a population of 10,000 or more but less than 15,000.~~

~~(III) Construction of mixed income housing with 50 or more housing units, in a municipality with a population of 6,000 or more and less than 10,000.~~

~~(IV) Construction of mixed income housing with 30 or more housing units, in a municipality with a population of 3,000 or more but less than 6,000.~~

~~(V) Construction of mixed income housing with 25 or more housing units, in a municipality with a population of less than 3,000.~~

~~(VI) Historic Buildings. Construction of 10 or more units of mixed income housing where the construction involves the demolition of one or more buildings that are listed on or eligible to be listed on the State or National Register of Historic Places. However, demolition shall not be considered to create jurisdiction under this subdivision if the Division for Historic Preservation has determined the proposed demolition will have: no adverse effect; no adverse effect provided that specified conditions are met; or will have an adverse effect, but that adverse effect will be adequately mitigated. Any imposed conditions shall be enforceable through a grant condition, deed covenant, or other legally binding document.~~ [Repealed.]

(C) For the purposes of determining jurisdiction under ~~subdivisions~~ subdivision (3)(A) ~~and (3)(B)~~ of this section, the following shall apply:

(i) ~~Incentive for Growth Inside Designated Areas. Notwithstanding subdivision (3)(A)(iv) of this section, housing units constructed by a person partially or completely outside a designated downtown development district, designated growth center, designated Vermont neighborhood, or designated neighborhood development area shall not be counted to determine jurisdiction over housing units constructed by that person entirely within a designated downtown development district, designated growth center, designated Vermont neighborhood, or designated neighborhood development area.~~ [Repealed.]

(ii) ~~Five-Year, Five-Mile Radius Jurisdiction Analysis. Within any continuous period of five years, housing units constructed by a person entirely within a designated downtown district, designated growth center, designated Vermont neighborhood, or designated neighborhood development area shall be counted together with housing units constructed by that person partially or completely outside a designated downtown development district, designated growth center, designated Vermont neighborhood, or designated neighborhood development area to determine jurisdiction over the housing units constructed by a person partially or completely outside the designated downtown development district, designated growth center, designated Vermont neighborhood, or designated neighborhood development area and within a five-mile radius in accordance with subdivision (3)(A)(iv) of this section.~~ [Repealed.]

(iii) ~~Discrete Housing Projects in Designated Areas and Exclusive Counting for Housing Units. Notwithstanding subdivisions (3)(A)(iv) and (19) of this section, jurisdiction shall be determined exclusively by counting housing units constructed by a person within a designated downtown~~

~~development district, designated growth center, designated Vermont neighborhood, or designated neighborhood development area, provided that the housing units are part of a discrete project located on a single tract or multiple contiguous tracts of land.~~ [Repealed.]

* * *

(27) "Mixed income housing" means a housing project in which the following apply:

(A) Owner-occupied housing. At the option of the applicant, owner-occupied housing may be characterized by either of the following:

(i) at least 15 percent of the housing units have a purchase price which at the time of first sale does not exceed 85 percent of the new construction, targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency; or

(ii) at least 20 percent of the housing units have a purchase price which at the time of first sale does not exceed 90 percent of the new construction, targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency;

(B) ~~Affordable~~ Rental Housing. At least 20 percent of the housing units that ~~is~~ are rented ~~by the occupants whose gross annual household income does not exceed 60 percent of the county median income, or 60 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development for use with the Housing Credit Program under Section 42(g) of the Internal Revenue Code, and the total annual cost of the housing, as defined at Section 42(g)(2)(B), is not more than 30 percent of the gross annual household income as defined at Section 42(g)(2)(C), and with~~ constitute affordable housing and have a duration of affordability of no less than ~~30~~ 20 years.

(28) "Mixed use" means construction of both mixed income housing and construction of space for any combination of retail, office, services, artisan, and recreational and community facilities, provided at least 40 percent of the gross floor area of the buildings involved is mixed income housing. "Mixed use" does not include industrial use.

(29) "Affordable housing" means either of the following:

(A) Housing that is owned by its occupants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States

Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees, is not more than 30 percent of the gross annual household income.

(B) Housing that is rented by the occupants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the gross annual household income.

* * *

(36) "Priority housing project" means a discrete project located on a single tract or multiple contiguous tracts of land that consists exclusively of:

(A) mixed income housing or mixed use, or any combination thereof, and is located entirely within a designated downtown development district, designated growth center, or designated village center that is also a designated neighborhood development area under 24 V.S.A. chapter 76A; or

(B) mixed income housing and is located entirely within a designated Vermont neighborhood or designated neighborhood development area under 24 V.S.A. chapter 76A.

* * *

* * * Credit Facility for Vermont Clean Energy Loan Fund * * *

Sec. 20. 2013 Acts and Resolves No. 87, Sec. 8 is amended to read:

Sec. 8. INVESTMENT OF STATE MONIES

The Treasurer is hereby authorized to establish a ~~short-term~~ credit facility for the benefit of the Vermont Economic Development Authority in an amount of up to $10,000,000.00.

* * * Licensed Lender Requirements; Exemption for De Minimis Lending Activity * * *

Sec. 21. 8 V.S.A. § 2201 is amended to read:

2201. LICENSES REQUIRED

(a) No person shall without first obtaining a license under this chapter from the ~~commissioner~~ Commissioner:

(1) engage in the business of making loans of money, credit, goods, or things in action and charge, contract for, or receive on any such loan interest, a finance charge, discount, or consideration ~~therefore~~ therefor;

(2) act as a mortgage broker;

(3) engage in the business of a mortgage loan originator; or

(4) act as a sales finance company.

(b) Each licensed mortgage loan originator must register with and maintain a valid unique identifier with the Nationwide Mortgage Licensing System and Registry and must be either:

(1) an employee actively employed at a licensed location of, and supervised and sponsored by, only one licensed lender or licensed mortgage broker operating in this ~~state~~ State;

(2) an individual sole proprietor who is also a licensed lender or licensed mortgage broker; or

(3) an employee engaged in loan modifications employed at a licensed location of, and supervised and sponsored by, only one third-party loan servicer licensed to operate in this ~~state~~ State pursuant to chapter 85 of this title. ~~For purposes of~~ As used in this subsection, "loan modification" means an adjustment or compromise of an existing residential mortgage loan. The term "loan modification" does not include a refinancing transaction.

(c) A person licensed pursuant to subdivision (a)(1) of this section may engage in mortgage brokerage and sales finance if such person informs the ~~commissioner~~ Commissioner in advance that he or she intends to engage in sales finance and mortgage brokerage. Such person shall inform the ~~commissioner~~ Commissioner of his or her intention on the original license application under section 2202 of this title, any renewal application under section 2209 of this title, or pursuant to section 2208 of this title, and shall pay the applicable fees required by subsection 2202(b) of this title for a mortgage broker license or sales finance company license.

(d) No lender license, mortgage broker license, or sales finance company license shall be required of:

(1) a ~~state~~ State agency, political subdivision, or other public instrumentality of the ~~state~~ State;

(2) a federal agency or other public instrumentality of the United States;

(3) a gas or electric utility subject to the jurisdiction of the ~~public service board~~ Public Service Board engaging in energy conservation or safety loans;

(4) a depository institution or a financial institution as defined in 8 V.S.A. § 11101(32);

(5) a pawnbroker;

(6) an insurance company;

(7) a seller of goods or services that finances the sale of such goods or services, other than a residential mortgage loan;

(8) any individual who offers or negotiates the terms of a residential mortgage loan secured by a dwelling that served as the individual's residence, including a vacation home, or inherited property that served as the deceased's dwelling, provided that the individual does not act as a mortgage loan originator or provide financing for such sales so frequently and under such circumstances that it constitutes a habitual activity and acting in a commercial context;

(9) lenders that conduct their lending activities, other than residential mortgage loan activities, through revolving loan funds, that are nonprofit organizations exempt from taxation under Section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c), and that register with the ~~commissioner of economic development~~ Commissioner of Economic Development under 10 V.S.A. § 690a;

(10) persons who lend, other than residential mortgage loans, an aggregate of less than $75,000.00 in any one year at rates of interest of no more than 12 percent per annum;

(11) a seller who, pursuant to 9 V.S.A. § 2355(f)(1)(D), includes the amount paid or to be paid by the seller to discharge a security interest, lien interest, or lease interest on the traded-in motor vehicle in a motor vehicle retail installment sales contract, provided that the contract is purchased, assigned, or otherwise acquired by a sales finance company licensed pursuant to this title to purchase motor vehicle retail installment sales contracts or a depository institution;

(12)(A) a person making an unsecured commercial loan, which loan is expressly subordinate to the prior payment of all senior indebtedness of the commercial borrower regardless of whether such senior indebtedness exists at the time of the loan or arises thereafter. The loan may or may not include the right to convert all or a portion of the amount due on the loan to an equity interest in the commercial borrower;

(B) ~~for purposes of~~ as used in this subdivision (12), "senior indebtedness" means:

(i) all indebtedness of the commercial borrower for money borrowed from depository institutions, trust companies, insurance companies, and licensed lenders, and any guarantee thereof; and

(ii) any other indebtedness of the commercial borrower that the lender and the commercial borrower agree shall constitute senior indebtedness;

(13) nonprofit organizations established under testamentary instruments, exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and which make loans for postsecondary educational costs to students and their parents, provided that the organizations provide annual accountings to the Probate Division of the Superior Court;

(14) any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual;

(15) a housing finance agency;

(16) a person who makes no more than three mortgage loans in any consecutive three-year period beginning on or after July 1, 2011.

(e) No mortgage loan originator license shall be required of:

(1) Registered mortgage loan originators, when employed by and acting for an entity described in subdivision 2200(22) of this chapter.

(2) Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual.

(3) Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that served as the individual's residence, including a vacation home, or inherited property that served as the deceased's dwelling, provided that the individual does not act as a mortgage loan originator or provide financing for such sales so frequently and under such circumstances that it constitutes a habitual activity and acting in a commercial context.

(4) An individual who is an employee of a federal, ~~state~~ State, or local government agency, or an employee of a housing finance agency, who acts as a mortgage loan originator only pursuant to his or her official duties as an employee of the federal, ~~state~~ State, or local government agency or housing finance agency.

(5) A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a

mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator. To the extent an attorney licensed in this State undertakes activities that are covered by the definition of a mortgage loan originator, such activities do not constitute engaging in the business of a mortgage loan originator, provided that:

(A) such activities are considered by the State governing body responsible for regulating the practice of law to be part of the authorized practice of law within this State;

(B) such activities are carried out within an attorney-client relationship; and

(C) the attorney carries them out in compliance with all applicable laws, rules, ethics, and standards.

(6) A person who makes no more than three mortgage loans in any consecutive three-year period beginning on or after July 1, 2011

(f) If a person who offers or negotiates the terms of a mortgage loan is exempt from licensure pursuant to subdivision (d)(16) or (e)(6) of this section, there is a rebuttable presumption that he or she is not engaged in the business of making loans or being a mortgage loan originator.

(g) Independent contractor loan processors or underwriters. A loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless such independent contractor loan processor or underwriter obtains and maintains a mortgage loan originator license. Each independent contractor loan processor or underwriter licensed as a mortgage loan originator must have and maintain a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry.

~~(g)~~(h) This chapter shall not apply to commercial loans of $1,000,000.00 or more.

* * * Workforce Education and Training * * *

Sec. 22. 10 V.S.A. § 545 is added to read:

§ 545. WORKFORCE EDUCATION AND TRAINING LEADER

(a) The Commissioner of Labor shall have the authority to create one full-time position of Workforce Education and Training Leader within the Department.

(b) The Workforce Leader shall have primary authority within State government to conduct an inventory of the workforce education and training activities throughout the State both within State government agencies and departments that perform those activities and with State partners who perform

those activities with State funding, and to coordinate those activities to ensure an integrated workforce education and training system throughout the State.

(c) In conducting the inventory pursuant to subsection (b) of this section, the Workforce Leader shall design and implement a stakeholder engagement process that brings together employers with potential employees, including students, the unemployed, and incumbent employees seeking further training.

(d) Notwithstanding any provision of State law to the contrary, and to the fullest extent allowed under federal law, the Leader shall ensure that in each State and State-funded workforce education and training program, the program administrator collects and reports individual data and outcomes at the individual level by Social Security Number or equivalent.

Sec. 23. INTERNSHIP OPPORTUNITIES FOR YOUNG PERSONS

On or before January 15, 2015, the Commissioner of Labor shall submit to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs a report that details the internship opportunities available to Vermonters between 15 and 18 years of age and recommends one or more means to expand these opportunities through the Vermont Career Internship Program, 10 V.S.A. § 544, or through other appropriate mechanisms.

* * * Vermont Strong Scholars Program * * *

Sec. 24. 16 V.S.A. chapter 90 is redesignated to read:

CHAPTER 90. FUNDING OF POSTSECONDARY ~~INSTITUTIONS~~ EDUCATION

Sec. 25. 16 V.S.A. § 2888 is added to read:

§ 2888. VERMONT STRONG SCHOLARS PROGRAM

(a) Program creation. There is created a postsecondary loan forgiveness program to be known as the Vermont Strong Scholars Program designed to forgive a portion of Vermont Student Assistance Corporation (the Corporation) loans in order to encourage Vermonters to select majors that prepare them for jobs that are critical to the Vermont economy, to enroll and remain enrolled in a Vermont postsecondary institution, and to live in Vermont upon graduation.

(b) Academic majors; projections.

(1) Annually, on or before November 15, the Secretary of Commerce and Community Development (the Secretary), in consultation with the Vermont State Colleges, the University of Vermont, the Corporation, the Commissioner of Labor, and the Secretary of Education, shall identify eligible postsecondary majors, projecting at least four years into the future, that:

(A) are offered by the Vermont State Colleges, the University of Vermont, or Vermont independent colleges (the eligible institutions); and

(B) lead to jobs the Secretary has identified as critical to the Vermont economy.

(2) The Secretary shall prioritize the identified majors and shall select a similar number of associate's degree and bachelor's degree programs. A major shall be identified as eligible for this Program for no less than two years.

(3) Based upon the identified majors, the Secretary of Administration shall annually provide the General Assembly with the estimated cost of the Corporation's loan forgiveness awards under the Program during the then-current fiscal year and each of the four following fiscal years.

(c) Eligibility. An individual shall be eligible for loan forgiveness under this section if he or she:

(1) was classified as a Vermont resident by the eligible institution from which he or she was graduated;

(2) is a graduate of an eligible institution;

(3) shall not hold a prior bachelor's degree;

(4) was awarded an associate's or bachelor's degree in a field identified pursuant to subsection (b) of this section;

(5) completed the associate's degree within three years or the bachelor's degree within five years;

(6) is employed in Vermont in a field or specific position closely related to the identified degree during the period of loan forgiveness; and

(7) is a Vermont resident throughout the period of loan forgiveness.

(d) Loan forgiveness.

(1) An eligible individual shall have his or her postsecondary loan from the Corporation forgiven as follows:

(A) for an individual awarded an associate's degree by an eligible institution, in an amount equal to the tuition rate for 15 credits at the Community College of Vermont during the individual's final semester of enrollment, to be prorated over the three years following graduation; and

(B) for an individual awarded a bachelor's degree by an eligible institution, in an amount equal to the in-state tuition rate at the Vermont State Colleges during the individual's final year of enrollment, to be prorated over the five years following graduation;

(2) Loan forgiveness may be awarded on a prorated basis to an otherwise eligible Vermont resident who transfers to and is graduated from an eligible institution.

(e) Program management and funding. The Secretary shall develop all organizational details of the Program consistent with the purposes and requirements of this section, including the identification of eligible major programs and eligible jobs. The Secretary may contract with the Corporation for management of the Program. The Secretary may adopt rules pursuant to 3 V.S.A. chapter 25 necessary to implement the Program. The availability and payment of loan forgiveness awards under this section are subject to funding available to the Corporation for the awards.

(f) Fund creation.

(1) There is created a special fund to be known as the Vermont Strong Scholars Fund pursuant to 32 V.S.A. chapter 7, subchapter 5. The Fund shall be used and administered solely for the purposes of this section. The Secretary may draw warrants for disbursements from the Fund in anticipation of receipts. Any remaining balance at the end of the fiscal year shall be carried forward in the Fund.

(2) The Fund shall consist of sums to be identified by the Secretary from any source accepted for the benefit of the Fund and interest earned from the investment of Fund balances.

* * * Effective Date * * *

Sec. 25. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

(Committee vote: 5-0-0)

Reported favorably with recommendation of amendment by Senator Ashe for the Committee on Finance.

The Committee recommends that the bill be amended as recommended by the Committee on Economic Development, Housing and General Affairs with the following amendment thereto:

First: By striking out Secs. 4 and 7 in their entireties

Second: In Sec. 5, in subdivision (b)(6) after "Vermont" by striking out "and, if so, whether such programs or policies would nonetheless promote the public good"

Third: In Sec. 5, in subsection (d), by striking out "and recommendations" and immediately preceding the term "energy costs" by inserting the word electric

Fourth: In Sec. 14, in 10 V.S.A. § 238, by striking out "creation or"

Fifth: By striking out Sec. 15 in its entirety

and by renumbering the remaining sections of the bill to be numerically correct,

and that after passage the title of the bill be amended to read: "An act relating to furthering economic development",

and that when so amended the bill ought to pass.

(Committee vote: 6-1-0)

Favorable with Proposal of Amendment

H. 559.

An act relating to membership on the Building Bright Futures Council.

Reported favorably by Senator French for the Committee on Government Operations.

(Committee vote: 4-0-1)

(No House amendments)

Reported favorably with recommendation of proposal of amendment by Senator Nitka for the Committee on Appropriations.

The Committee recommends that the Senate propose to the House to amend the bill as follows:

In Sec. 1, 33 V.S.A. § 4602, by striking out subsection (a) and inserting a new subsection (a) in lieu thereof as follows:

(a) The Building Bright Futures Program shall be governed by a statewide council comprising no more than 23 members. The Building Bright Futures Council's membership shall be as follows:

(1) ~~the~~ The Secretary of Human Services or designee~~;~~.

(2) ~~the~~ The Secretary of Commerce and Community Development or designee~~;~~.

(3) ~~the~~ The Secretary of Education~~;~~ or designee.

(4) ~~the~~ The Commissioner for Children and Families~~;~~ or designee.

(5) ~~the~~ The Commissioner of Health~~;~~ or designee.

(6) ~~the~~ The Commissioner of Mental Health~~;~~ or designee.

(7) ~~two members~~ One member of the House of Representatives, appointed by the Speaker of the House~~;~~.

(8) ~~at least one but no more than two members~~ One member of the Senate, appointed by the Senate Committee on Committees~~;~~.

(9) ~~the~~ The Head Start Collaboration Office Director~~; and~~.

(10) ~~12~~ Fourteen at-large members, appointed by the Governor based on their commitment to early childhood well-being and representing a range of perspectives and geographic diversity. The Governor shall consider the recommendations of the Council's nominating committee. One of the at-large members shall be a representative of a local Head Start program and one shall be a member of a school board, to be recommended by the Vermont School Boards Association.

(Committee vote: 7-0-0)

CONCURRENT RESOLUTIONS FOR NOTICE

S.C.R. 51 (For text of Resolution, see Addendum to Senate Calendar for March 20, 2014)

H.C.R. 265-273 (For text of Resolutions, see Addendum to House Calendar for March 20, 2014)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Patti Pallito of Richmond – Member of the State Police Advisory Commission – By Sen. French for the Committee on Government Operations. (2/19/14)

Shirley A. Jefferson of South Royalton – Member of the State Police Advisory Commission – By Sen. McAllister for the Committee on Government Operations. (2/19/14)

Glenn Boyde of Colchester – Member of the State Police Advisory Commission – By Sen. Pollina for the Committee on Government Operations. (2/19/14)

Lisa Gosselin of Stowe – Commissioner of the Department of Economic Development – By Sen. Doyle for the Committee on Economic Development, Housing and General Affairs. (3/12/14)

Deborah Granquist of Weston – Member of the Board of Libraries – By Sen. McCormack for the Committee on Education. (3/18/14)

Brian Vachon of Montpelier – Member of the Community High School of Vermont Board – By Sen. Collins for the Committee on Education. (3/18/14)

PUBLIC HEARINGS

Thursday, March 20, 2014 – House Chamber – 6:00 P.M. – 8:00 P.M. – Re: H. 552 Minimum Wage - House Committee on General, Housing, and Military Affairs.

NOTICE OF JOINT ASSEMBLY

March 20, 2014 – 10:30 A.M. – Retention of Superior Judges: Nancy S. Corsones, Amy M. Davenport, Katharine A. Hayes, Martin A. Maley, David T. Suntag, and Tomas G. Walsh.

FOR INFORMATION ONLY

CROSSOVER DEADLINES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **Senate** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Finance, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 14, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

(2) All **Senate** bills referred pursuant to Senate Rule 31 to the Committees on Appropriations and Finance must be reported out by the last of those committees on or before **Friday, March 21, 2014**, and filed with the Secretary of the Senate so that they may be placed on the Calendar for Notice the next legislative day.

These deadlines may be waived for any bill or committee only with the consent of the Committee on Rules.

Note: The deadlines were determined by the Joint Rules Committee. The Senate will not act on House bills that do not meet these crossover deadlines, without the consent of the Senate Rules Committee.

Exceptions to the foregoing deadlines include the major money bills (Appropriations "Big Bill", Transportation Spending Bill, Capital Construction Bill, and Miscellaneous Tax Bill).