

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred Senate Bill No. 220 entitled “An act relating to furthering economic
4 development” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking all after the enacting clause and inserting in lieu thereof the following:

7 * * * One-Stop Business Support Services * * *

8 Sec. 1. ONE-STOP SHOP WEB PORTAL

9 (a) Purpose. The State of Vermont seeks to simplify and expedite the
10 process for business creation and growth by providing:

11 (1) a clear guide to resources and technical assistance for all phases of
12 business development;

13 (2) a directory of financial assistance, including grants, funding capital,
14 tax credits, and incentives;

15 (3) a directory of workforce development assistance, including
16 recruiting, job postings, and training;

17 (4) a link to centralized business services available from the Secretary of
18 State, the Department of Labor, the Department of Taxes, and others; and

19 (5) agency contacts and links for available services and resources.

20 (b) Administration. On or before June 30, 2015, the Secretary of State,
21 Department of Taxes, Department of Labor, the Vermont Attorney General,

1 the Agency of Commerce and Community Development, and the Agency of
2 Administration shall coordinate with other relevant agencies and departments
3 within State government and outside partners, including regional development
4 corporations, regional planning commissions, and small business development
5 centers, to provide comprehensive business services, regional coaching teams,
6 print materials, other outreach, and a “One-Stop Shop” website, consistent with
7 the following timeline:

8 (1) Phase 1. Complete necessary partner outreach and collaboration and
9 an inventory of existing websites, determine the appropriate content to be
10 included on the One-Stop website, and update current websites to include links
11 to State agencies and departments with regulatory oversight and authority over
12 Vermont businesses.

13 (2) Phase 2. Edit and organize the content to be included on the
14 One-Stop website.

15 (3) Phase 3. Complete the design and mapping of the One-Stop website.

16 (4) Phase 4. Complete a communications and outreach plan with a final
17 funding proposal for the project.

1 section, subject to approval by the Emergency Board as provided in subsection
2 (e) of this section.

3 (d) To be eligible for an investment through the Fund, the Governor shall
4 determine that a business:

5 (1) adequately demonstrates:

6 (A) a substantial statewide or regional economic or employment
7 impact; or

8 (B) approval or eligibility for other economic development incentives
9 and programs offered by the State of Vermont; and

10 (2) is experiencing one or more of the following circumstances:

11 (A) a merger or acquisition may cause the closing of all or a portion
12 of a Vermont business, or closure or relocation outside Vermont will cause the
13 loss of employment in Vermont;

14 (B) a prospective purchaser is considering the acquisition of an
15 existing business in Vermont;

16 (C) an existing employer in Vermont, which is a division or
17 subsidiary of a multistate or multinational company, may be closed or have its
18 employment significantly reduced; or

19 (D) is considering Vermont for relocation or expansion.

1 (e)(1) Any economic and financial resources offered by the Governor under
2 this section must be approved by the Emergency Board before an eligible
3 business may receive assistance from the Fund.

4 (2) Subject to approval by the President Pro Tempore of the Senate and
5 the Speaker of the House of Representatives, respectively, the Board shall
6 invite the Chair of the Senate Committee on Economic Development, Housing
7 and General Affairs and the Chair of the House Committee on Commerce and
8 Economic Development to participate in Board deliberations under this section
9 in an advisory capacity.

10 (3) The Governor, or his or her designee, shall present to the Emergency
11 Board for its approval:

12 (A) information on the company;

13 (B) the circumstances supporting the offer of economic and financial
14 resources;

15 (C) a summary of the economic activity proposed or that would be
16 foregone;

17 (D) other state incentives and programs offered or involved;

18 (E) the economic and financial resources offered by the Governor
19 requiring use of monies from the Fund;

20 (F) employment, investment, and economic impact of Fund support
21 on the employer, including a fiscal cost-benefit analysis; and

1 (G) terms and conditions of the economic and financial resources
2 offered, including:
3 (i) the total dollar amount and form of the economic and financial
4 resources offered;
5 (ii) employment creation, employment retention, and capital
6 investment performance requirements; and
7 (iii) disallowance and recapture provisions.
8 (f)(1) Proprietary business information and materials or other confidential
9 financial information submitted by a business to the State, or submitted by the
10 Governor to the Emergency Board, for the purpose of negotiating or approving
11 economic and financial resources under this section shall not be subject to
12 public disclosure under the State's public records law in 1 V.S.A. chapter 5, but
13 shall be available to the Joint Fiscal Office or its agent upon authorization of
14 the Chair of the Joint Fiscal Committee, and shall also be available to the
15 auditor of accounts in connection with the performance of duties under section
16 163 of this title; provided, however, that the Joint Fiscal Office or its agent,
17 and the Auditor of Accounts, shall not disclose, directly or indirectly, to any
18 person any proprietary business or other confidential information or any
19 information which would identify a business except in accordance with a
20 judicial order or as otherwise specifically provided by law.

1 (2) Nothing in this subsection shall be construed to prohibit the
2 publication of statistical information, rulings, determinations, reports, opinions,
3 policies, or other information so long as the data are disclosed in a form that
4 cannot identify or be associated with a particular business.

5 (g) On or before January 15 of each year following a year in which
6 economic and financial resources were made available pursuant to this section,
7 the Secretary of Commerce and Community Development shall submit to the
8 House Committees on Commerce and Economic Development and on Ways
9 and Means, and to the Senate Committees on Finance and on Economic
10 Development, Housing and General Affairs, a report on the resources made
11 available pursuant to this section, including:

12 (1) the name of the recipient;

13 (2) the amount and type of the resources;

14 (3) the aggregate number of jobs created or retained as a result of the
15 resources;

16 (4) a statement of costs and benefits to the State; and

17 (5) whether any offer of resources was disallowed or recaptured.

18 Sec. 1B. CONTINGENT FISCAL YEAR 2014 APPROPRIATION

19 Prior to any transfer pursuant to Sec. B 1104 of Act 50 of 2013, the first
20 \$5,000,000.00 of FY 2014 funds that would otherwise be transferred to the

1 General Fund Balance Reserve as specified by 32 V.S.A. § 308c shall be
2 appropriated as follows:

3 (1) \$500,000.00 to the Vermont Economic Development Authority for
4 loan loss reserves within the Vermont Entrepreneurial Lending Program for the
5 purposes specified in 10 V.S.A. § 280bb.

6 (2) \$4,500,000.00 to the Vermont Enterprise Investment Fund for the
7 purposes specified in 32 V.S.A. § 136.

8 * * * Vermont Economic Development Authority * * *

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

10 CHAPTER 12. VERMONT ECONOMIC DEVELOPMENT

11 AUTHORITY

12 * * *

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

15 § 280aa. FINDINGS AND PURPOSE

16 (a)(1) ~~Technology-based companies~~ Vermont-based businesses in seed,
17 start-up, and growth-stages are a vital source of innovation, employment, and
18 economic growth in Vermont. The continued development and success of ~~this~~
19 ~~increasingly important sector of Vermont's economy~~ these businesses is
20 dependent upon the availability of flexible, risk-based capital.

1 (2) Because the primary assets of ~~technology-based companies~~
2 ~~sometimes~~ Vermont-based businesses in seed, start-up, and growth-stages
3 often consist almost entirely of intellectual property or insufficient tangible
4 assets to support conventional lending, such ~~these~~ companies frequently ~~do~~
5 may not have access to conventional means of raising capital, such as asset-
6 based bank financing.

7 (b) To support the growth of ~~technology-based companies~~ Vermont-based
8 businesses in seed, start-up, and growth-stages and the resultant creation of
9 ~~high-wage~~ higher wage employment in Vermont, a ~~technology loan program is~~
10 ~~established under this subchapter~~ the General Assembly hereby creates in this
11 subchapter the Vermont Entrepreneurial Lending Program to support the
12 growth and development of seed, start-up, and growth-stage businesses.

13 § 280bb. TECHNOLOGY LOAN VERMONT ENTREPRENEURIAL
14 LENDING PROGRAM

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

1 (1) loans up to \$100,000.00 to manufacturing businesses and software
2 developers with innovative products that typically reflect long-term, organic
3 growth;

4 (2) loans ~~from~~ up to \$1,000,000.00 in growth-stage companies who do
5 not meet the underwriting criteria of other public and private entrepreneurial
6 financing sources; and

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

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

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

1 borrower exceeding the then-current maximum Farm Service Agency loan
2 guarantee limits, or \$2,000,000.00, whichever is greater.

3 § 374b. DEFINITIONS

4 As used in this chapter:

5 (1) “Agricultural facility” means land and rights in land, buildings,
6 structures, machinery, and equipment which is used for, or will be used for
7 producing, processing, preparing, packaging, storing, distributing, marketing,
8 or transporting agricultural products which have been primarily produced in
9 this ~~state~~ State, and working capital reasonably required to operate an
10 agricultural facility.

11 (2) “Agricultural land” means real estate capable of supporting
12 commercial farming or forestry, or both.

13 (3) “Agricultural products” mean crops, livestock, forest products, and
14 other farm or forest commodities produced as a result of farming or forestry
15 activities.

16 (4) “Farm ownership loan” means a loan to acquire or enlarge a farm or
17 agricultural facility, to make capital improvements including construction,
18 purchase, and improvement of farm and agricultural facility buildings that can
19 be made fixtures to the real estate, to promote soil and water conservation and
20 protection, and to refinance indebtedness incurred for farm ownership or
21 operating loan purposes, or both.

1 * * * Connecting Capital Providers and Entrepreneurs * * *

2 Sec. 5. NETWORKING INITIATIVES; **APPROPRIATION**

3 (a) The Agency of Commerce and Community Development shall support
4 networking events offered by one or more regional economic development
5 providers designed to connect capital providers with one another or with
6 Vermont entrepreneurs, or both, and shall take steps to facilitate outreach and
7 matchmaking opportunities between investors and entrepreneurs.

8 (b) The Agency shall submit to the House Committee on Commerce and
9 Economic Development and to the Senate Committee on Economic
10 Development, Housing and General Affairs:

11 (1) a status report on or before January 15, 2015 concerning the
12 structure of networking initiatives, the relevant provisions of governing
13 performance contracts, and the benchmarks and measures of performance; and

14 (2) a report on or before December 15, 2015 concerning the outcomes of
15 and further recommendations for the program.

16 * * * Downtown Tax Credits * * *

17 Sec. 6. 32 V.S.A. chapter 151, subchapter 11J is amended to read:

18 Subchapter 11J. Vermont Downtown and

19 Village Center Tax Credit Program

20 § 5930aa. DEFINITIONS

21 As used in this subchapter:

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(3) “Qualified code or technology improvement project” means a project:

(A)(i) ~~To~~ to install or improve platform lifts suitable for transporting personal mobility devices, elevators, sprinkler systems, and capital improvements in a qualified building, and the installations or improvements are required to bring the building into compliance with the statutory requirements and rules regarding fire prevention, life safety, and electrical, plumbing, and accessibility codes as determined by the ~~department of public safety.~~ Department of Public Safety; or

(ii) to install or improve data or network wiring, or heating, ventilating, or cooling systems reasonably related to data or network installations or improvements, in a qualified building, provided that a professional engineer licensed under 26 V.S.A. chapter 20 certifies as to the fact and cost of the installation or improvement;

(B) ~~To~~ to abate lead paint conditions or other substances hazardous to human health or safety in a qualified building; or

(C) ~~To~~ to redevelop a contaminated property in a designated downtown or village center under a plan approved by the Secretary of Natural Resources pursuant to 10 V.S.A. § 6615a.

1 (4) “Qualified expenditures” means construction-related expenses of the
2 taxpayer directly related to the project for which the tax credit is sought but
3 excluding any expenses related to a private residence.

4 (5) “Qualified façade improvement project” means the rehabilitation of
5 the façade of a qualified building that contributes to the integrity of the
6 designated downtown or designated village center. Façade improvements to
7 qualified buildings listed, or eligible for listing, in the State or National
8 Register of Historic Places must be consistent with Secretary of the Interior
9 Standards, as determined by the Vermont Division for Historic Preservation.

10 (6) “Qualified historic rehabilitation project” means an historic
11 rehabilitation project that has received federal certification for the
12 rehabilitation project.

13 (7) “Qualified project” means a qualified code or technology
14 improvement, qualified façade improvement, qualified technology
15 infrastructure project, or qualified historic rehabilitation project as defined by
16 this subchapter.

17 (8) “State Board” means the Vermont Downtown Development Board
18 established pursuant to 24 V.S.A. chapter 76A.

19 § 5930bb. ELIGIBILITY AND ADMINISTRATION

20 (a) Qualified applicants may apply to the State Board to obtain the tax
21 credits provided by this subchapter for ~~qualified code improvement, façade~~

1 ~~improvement, or historic rehabilitation projects~~ a qualified project at any time
2 before one year after completion of the qualified project.

3 (b) To qualify for any of the tax credits under this subchapter, expenditures
4 for the qualified project must exceed \$5,000.00.

5 (c) Application shall be made in accordance with the guidelines set by the
6 State Board.

7 (d) Notwithstanding any other provision of this subchapter, qualified
8 applicants may apply to the State Board at any time prior to June 30, 2013 to
9 obtain a tax credit not otherwise available under subsections 5930cc(a)-(c) of
10 this title of 10 percent of qualified expenditures resulting from damage caused
11 by a federally declared disaster in Vermont in 2011. The credit shall only be
12 claimed against the taxpayer's State individual income tax under section 5822
13 of this title. To the extent that any allocated tax credit exceeds the taxpayer's
14 tax liability for the first tax year in which the qualified project is completed,
15 the taxpayer shall receive a refund equal to the unused portion of the tax credit.
16 If within two years after the date of the credit allocation no claim for a tax
17 credit or refund has been filed, the tax credit allocation shall be rescinded and
18 recaptured pursuant to subdivision 5930ee(6) of this title. The total amount of
19 tax credits available under this subsection shall not be more than \$500,000.00
20 and shall not be subject to the limitations contained in subdivision 5930ee(2)
21 of this subchapter.

1 § 5930cc. DOWNTOWN AND VILLAGE CENTER PROGRAM TAX

2 CREDITS

3 (a) Historic rehabilitation tax credit. The qualified applicant of a qualified
4 historic rehabilitation project shall be entitled, upon the approval of the State
5 Board, to claim against the taxpayer's ~~state~~ State individual income tax,
6 corporate income tax, or bank franchise or insurance premiums tax liability a
7 credit of 10 percent of qualified rehabilitation expenditures as defined in the
8 Internal Revenue Code, 26 U.S.C. § 47(c), properly chargeable to the federally
9 certified rehabilitation.

10 (b) Façade improvement tax credit. The qualified applicant of a qualified
11 façade improvement project shall be entitled, upon the approval of the State
12 Board, to claim against the taxpayer's State individual income tax, ~~state~~ State
13 corporate income tax, or bank franchise or insurance premiums tax liability a
14 credit of 25 percent of qualified expenditures up to a maximum tax credit of
15 \$25,000.00.

16 (c) Code improvement tax credit. The qualified applicant of a qualified
17 code or technology improvement project shall be entitled, upon the approval of
18 the State Board, to claim against the taxpayer's State individual income tax,
19 State corporate income tax, or bank franchise or insurance premiums tax
20 liability a credit of 50 percent of qualified expenditures up to a maximum tax
21 credit of \$12,000.00 for installation or improvement of a platform lift, a

1 maximum tax credit of \$50,000.00 for installation or improvement of an
2 elevator, a maximum tax credit of \$50,000.00 for installation or improvement
3 of a sprinkler system, a maximum tax credit of \$30,000.00 for the combined
4 costs of installation or improvement of data or network wiring or a heating,
5 ventilating, or cooling system, and a maximum tax credit of \$25,000.00 for the
6 combined costs of all other qualified code improvements.

7 * * *

8 * * * Electricity Rates for Businesses * * *

9 Sec. 7. 30 V.S.A. § 218e is added to read:

10 § 218e. IMPLEMENTING STATE ENERGY POLICY;

11 MANUFACTURING

12 To give effect to the policies of section 202a of this title to provide reliable
13 and affordable energy and assure the State's economic vitality, it is critical to
14 retain and recruit manufacturing and other businesses and to consider the
15 impact on manufacturing and other businesses when issuing orders, adopting
16 rules, and making other decisions affecting the cost and reliability of electricity
17 and other fuels. Implementation of the State's energy policy should:

18 (1) encourage recruitment and retention of employers providing
19 high-quality jobs and related economic investment and support the State's
20 economic welfare; and

1 (2) appropriately balance the objectives of this section with the other
2 policy goals and criteria established in this title.

3 Sec. 7a. INVESTIGATION; ELECTRICITY COSTS; MANUFACTURING

4 (a) The Commissioner of Public Service and the Secretary of Commerce
5 and Community Development, in consultation with the Public Service Board, a
6 private organization that represents the interests of manufacturers, a
7 cooperative electric company, an efficiency utility, a shareholder-owned
8 utility, the Vermont Public Power Supply Authority (VPPSA), a municipal
9 utility that is not a member of VPPSA, and the Vermont Electric Power
10 Company (VELCO), shall conduct an investigation of how best to advance the
11 public good through consideration of the competitiveness of Vermont's
12 industrial or manufacturing businesses with regard to electricity costs.

13 (b) In conducting the investigation required by this section, the
14 Commissioner and Secretary shall consider:

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

18 (2) with regard to the energy efficiency programs established under
19 section 209 of this title, potential changes to their delivery, funding, financing,
20 and participation requirements;

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

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

7 (5) any other programs or policies the Commissioner and the Secretary
8 deem relevant;

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

15 (7) whether and to what extent costs have shifted to residential and
16 business ratepayers following the loss of large utility users, and potential
17 scenarios for additional cost shifts of this type; and

18 (8) the potential benefits and potential cost shift to residential and
19 business ratepayers if a large utility user undertakes efficiency measures and
20 thereby reduces its share of fixed utility costs.

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

4 (1) consumer and business advocacy groups;

5 (2) regional development corporations and regional planning
6 commissions; and

7 (3) any other person or entity as determined by the Commissioner and
8 Secretary.

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

15 * * * Domestic Export Program * * *

16 Sec. 8. DOMESTIC MARKET ACCESS PROGRAM FOR VERMONT
17 AGRICULTURE AND FOREST PRODUCTS

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

1 § 4104. ALTERATION, DAMAGE, OR INTERFERENCE

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

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

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

10 (2) if the damage or loss does not exceed \$500.00 for a second or
11 subsequent offense, imprisoned not more than two years or fined not more than
12 ~~\$1,000.00~~ \$10,000.00, or both; or

13 (3) if the damage or loss exceeds \$500.00, imprisoned not more than
14 10 years or fined not more than ~~\$10,000.00~~ \$25,000.00, or both.

15 § 4105. THEFT OR DESTRUCTION

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

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

3 Sec. 10. 12 V.S.A. § 523 is amended to read:

4 § 523. TRADE SECRETS

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

10 * * * Protection of Trade Secrets * * *

11 Sec. 11. 9 V.S.A. chapter 143 is amended to read:

12 CHAPTER 143. TRADE SECRETS

13 § 4601. DEFINITIONS

14 As used in this chapter:

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

18 (2) “Misappropriation” means:

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

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

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

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

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

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

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

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

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

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

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

3 § 4602. INJUNCTIVE RELIEF

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

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

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

18 § 4603. DAMAGES

19 (a)(1) Except to the extent that a material and prejudicial change of position
20 prior to acquiring knowledge or reason to know of misappropriation renders a

1 monetary recovery inequitable, a complainant is entitled to recover damages
2 for misappropriation.

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

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

10 (4) A court shall award a substantially prevailing party his or her costs
11 and fees, including reasonable attorney's fees, in an action brought pursuant to
12 this chapter.

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

15 § 4605. PRESERVATION OF SECRECY

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

1 § 4607. EFFECT ON OTHER LAW

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

5 (b) This chapter does not affect:

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

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

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

12 * * *

13 * * * Intellectual Property; Businesses and Government Contracting * * *

14 Sec. 12. 3 V.S.A. § 346 is added to read:

15 § 346. STATE CONTRACTING; INTELLECTUAL PROPERTY,

16 SOFTWARE DESIGN, AND INFORMATION TECHNOLOGY

17 (a) The Secretary of Administration shall include in Administrative
18 Bulletin 3.5 a policy direction applicable to State procurement contracts that
19 include services for the development of software applications, computer
20 coding, or other intellectual property, which would allow the State of Vermont

1 to grant permission to the contractor to use or own the intellectual property
2 created under the contract for the contractor's commercial purposes.

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

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

11 * * * Department of Financial Regulation * * *

12 Sec. 13. SMALL BUSINESS ACCESS TO CAPITAL

13 (a) Crowdfunding Study. The Department of Financial Regulation shall
14 study the opportunities and limitations for crowdfunding to increase access to
15 capital for Vermont's small businesses. On or before January 15, 2015, the
16 Department shall report its findings and recommendations to the House
17 Committee on Commerce and Economic Development and the Senate
18 Committee on Economic Development, Housing and General Affairs.

19 (b) Small business issuer education and outreach. On or before January 15,
20 2015, the Department of Financial Regulation shall conduct at least two
21 educational events to inform the legal, small business, and investor

1 communities and other interested parties, of opportunities for small businesses
2 to access capital in Vermont, including, the Vermont Small Business Offering
3 Exemption regulation and other securities registration exemptions.

4 (c) Vermont Small Business Offering Exemption. The Commissioner of
5 Financial Regulation shall exercise his or her rulemaking authority under
6 9 V.S.A. chapter 150 to review and revise the Vermont Small Business
7 Offering Exemption and any other state securities exemptions, specifically
8 including those designed to complement exemptions from federal registration
9 requirements available under Regulation D, in order to recognize and reflect
10 the evolution of capital markets and to ensure that Vermont remains current
11 and competitive in its securities regulations, particularly with respect to access
12 to capital for small businesses.

13 Sec. 14. STUDY; DEPARTMENT OF FINANCIAL REGULATION;
14 LICENSED LENDER REQUIREMENTS; COMMERCIAL
15 LENDERS

16 On or before January 15, 2015, the Department of Financial Regulation
17 shall solicit public comment on, evaluate, and report to the House Committee
18 on Commerce and Economic Development and to the Senate Committees on
19 Finance and on Economic Development, Housing and General Affairs any
20 statutory and regulatory changes to the State's licensed lender requirements

1 that are necessary to open private capital markets and remove unnecessary
2 barriers to business investment in Vermont.

3 * * * Licensed Lender Requirements; Exemption for De Minimis

4 Lending Activity * * *

5 Sec. 15. 8 V.S.A. § 2201 is amended to read:

6 2201. LICENSES REQUIRED

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

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

12 (2) act as a mortgage broker;

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

14 (4) act as a sales finance company.

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

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

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

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

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

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

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

- 1 (2) a federal agency or other public instrumentality of the United States;
- 2 (3) a gas or electric utility subject to the jurisdiction of the ~~public service~~
3 ~~board~~ Public Service Board engaging in energy conservation or safety loans;
- 4 (4) a depository institution or a financial institution as defined in
5 8 V.S.A. § 11101(32);
- 6 (5) a pawnbroker;
- 7 (6) an insurance company;
- 8 (7) a seller of goods or services that finances the sale of such goods or
9 services, other than a residential mortgage loan;
- 10 (8) any individual who offers or negotiates the terms of a residential
11 mortgage loan secured by a dwelling that served as the individual's residence,
12 including a vacation home, or inherited property that served as the deceased's
13 dwelling, provided that the individual does not act as a mortgage loan
14 originator or provide financing for such sales so frequently and under such
15 circumstances that it constitutes a habitual activity and acting in a commercial
16 context;
- 17 (9) lenders that conduct their lending activities, other than residential
18 mortgage loan activities, through revolving loan funds, that are nonprofit
19 organizations exempt from taxation under Section 501(c) of the Internal
20 Revenue Code, 26 U.S.C. § 501(c), and that register with the ~~commissioner of~~

1 ~~economic development~~ Commissioner of Economic Development under
2 10 V.S.A. § 690a;

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

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

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

19 (B) ~~for purposes of~~ as used in this subdivision (12), “senior
20 indebtedness” means:

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

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

6 (13) nonprofit organizations established under testamentary instruments,
7 exempt from taxation under Section 501(c)(3) of the Internal Revenue Code,
8 26 U.S.C. § 501(c)(3), and which make loans for postsecondary educational
9 costs to students and their parents, provided that the organizations provide
10 annual accountings to the Probate Division of the Superior Court;

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

14 (15) a housing finance agency;

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

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

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

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

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

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

16 (5) A licensed attorney who negotiates the terms of a residential
17 mortgage loan on behalf of a client as an ancillary matter to the attorney's
18 representation of the client, unless the attorney is compensated by a lender, a
19 mortgage broker, or other mortgage loan originator or by any agent of such
20 lender, mortgage broker, or other mortgage loan originator. To the extent an
21 attorney licensed in this State undertakes activities that are covered by the

1 definition of a mortgage loan originator, such activities do not constitute
2 engaging in the business of a mortgage loan originator, provided that:

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

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

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

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

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

16 (g) Independent contractor loan processors or underwriters. A loan
17 processor or underwriter who is an independent contractor may not engage in
18 the activities of a loan processor or underwriter unless such independent
19 contractor loan processor or underwriter obtains and maintains a mortgage loan
20 originator license. Each independent contractor loan processor or underwriter

1 licensed as a mortgage loan originator must have and maintain a valid unique
2 identifier issued by the Nationwide Mortgage Licensing System and Registry.

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

5 * * * Vermont State Treasurer; Credit Facilities; 10% for Vermont * * *

6 Sec. 16. 2013 Acts and Resolves No. 87, Sec. 8 is amended to read:

7 Sec. 8. INVESTMENT OF STATE MONIES

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

11 Sec. 17. VERMONT STATE TREASURER; CREDIT FACILITY FOR

12 LOCAL INVESTMENTS

13 (a) Notwithstanding any other provision of law to the contrary, the
14 Vermont State Treasurer shall have the authority to establish a credit facility of
15 up to 10 percent of the State's average cash balance on terms acceptable to the
16 Treasurer consistent with the provisions of the Uniform Prudent Investor Act,
17 14A V.S.A. chapter 9.

18 (b) The amount authorized in subsection (a) of this section shall include all
19 credit facilities authorized by the General Assembly and established by the
20 Treasurer prior to or subsequent to the effective date of this section, and the
21 renewal or replacement of those credit facilities.

1 Sec. 18. TREASURER’S LOCAL INVESTMENT ADVISORY
2 COMMITTEE; REPORT

3 (a) Creation of committee. The Treasurer’s Local Investment Advisory

4 Committee is established to:

5 (1) advise the Treasurer on funding priorities for credit facilities

6 authorized by current law; and

7 (2) address other mechanisms to increase local investment.

8 (b) Membership.

9 (1) The Committee shall be composed of the following members:

10 (A) the State Treasurer or designee, who shall serve as Chair of the

11 Committee;

12 (B) the Commissioner of Financial Regulation or designee;

13 (C) the Secretary of Commerce and Community Development or

14 designee;

15 (D) a senior officer of a Vermont bank, who shall be appointed by the

16 Governor;

17 (E) a member of the public, who shall be appointed by the Speaker of

18 the House;

19 (F) a member of the public, who shall be appointed by the President

20 Pro Tempore of the Senate;

1 (G) the executive director of a Vermont nonprofit organization that,
2 as part of its mission, directly lends or services loans or other similar
3 obligations, who shall be appointed by the Governor; and

4 (H) the manager of the Vermont Economic Development Authority
5 or designee.

6 (I) the executive director of the Vermont Housing Finance Agency or
7 designee;

8 (J) the President of the Vermont Student Assistance Corporation or
9 designee; and

10 (K) the executive director of the Vermont Municipal Bond Bank or
11 designee.

12 (2) The State Treasurer shall be the Chair of the Advisory Committee
13 and shall appoint a vice chair and secretary. The appointed members of the
14 Advisory Committee shall be appointed for terms of six years and shall serve
15 until their successors are appointed and qualified.

16 (c) Powers and duties. The Advisory Committee shall:

17 (1) meet regularly to review and make recommendations to the State
18 Treasurer on funding priorities and using other mechanisms to increase local
19 investment in the State of Vermont;

1 (2) invite regularly State organizations and citizens groups to Advisory
2 Committee meetings to present information on needs for local investment,
3 capital gaps, and proposals for financing; and

4 (3) consult with constituents and review feedback on changes and needs
5 in the local and State investment and financing environments.

6 (d) Meetings.

7 (1) Meetings of the Advisory Committee shall occur at the call of the
8 Treasurer.

9 (2) A majority of the members of the Advisory Committee who are
10 physically present at the same location or available electronically shall
11 constitute a quorum, and a member may participate and vote electronically.

12 (3) To be effective action of the Advisory Committee shall be taken by
13 majority vote of the members at a meeting in which a quorum is present.

14 (e) Report. On or before January 15, 2015, and annually thereafter, the
15 Advisory Committee shall submit a report to the Senate Committees on
16 Finance and on Government Operations and the House Committees on Ways
17 and Means and on Government Operations. The report shall include the
18 following:

19 (1) the amount of the subsidies associated with lending through each
20 credit facility authorized by the General Assembly and established by the
21 Treasurer;

- 1 (2) a description of the Advisory Committee’s activities; and
2 (3) any information gathered by the Advisory Committee on the State’s
3 unmet capital needs, and other opportunities for State support for local
4 investment and the community.

5 Sec. 18a. SUNSET

6 Secs. 17-18 of this Act shall be repealed on July 1, 2015.

7 Sec. 19. 9 V.S.A. § 2481w is amended to read:

8 § 2481W. UNLICENSED LOAN TRANSACTIONS

9 (a) In this subchapter:

10 (1) “Financial account” means a checking, savings, share, stored value,
11 prepaid, payroll card, or other depository account.

12 (2) “Lender” means a person engaged in the business of making loans of
13 money, credit, goods, or things in action and charging, contracting for, or
14 receiving on any such loan interest, a finance charge, a discount, or
15 consideration.

16 (3) “Process” or “processing” includes printing a check, draft, or other
17 form of negotiable instrument drawn on or debited against a consumer’s
18 financial account, formatting or transferring data for use in connection with the
19 debiting of a consumer’s financial account by means of such an instrument or
20 an electronic funds transfer, or arranging for such services to be provided to a
21 lender.

1 (4) “Processor” means a person who engages in processing, as defined
2 in subdivision (3) of this subsection. In this section “processor” does not
3 include an interbank clearinghouse.

4 (5) “Interbank clearinghouse” means a person that operates an exchange
5 of automated clearinghouse items, checks, or check images solely between
6 insured depository institutions.

7 (b) It is an unfair and deceptive act and practice in commerce for a lender
8 directly or through an agent to solicit or make a loan to a consumer by any
9 means unless the lender is in compliance with all provisions of 8 V.S.A.
10 chapter 73 or is otherwise exempt from the requirements of 8 V.S.A.
11 chapter 73.

12 (c) It is an unfair and deceptive act and practice in commerce for a
13 processor, other than a federally insured depository institution, to process a
14 check, draft, other form of negotiable instrument, or an electronic funds
15 transfer from a consumer’s financial account in connection with a loan
16 solicited or made by any means to a consumer unless the lender is in
17 compliance with all provisions of 8 V.S.A. chapter 73 or is otherwise exempt
18 from the requirements of 8 V.S.A. chapter 73.

19 (d) It is an unfair and deceptive act and practice in commerce for any
20 person, including the lender’s financial institution as defined in 8 V.S.A.
21 § 10202(5), but not including the consumer’s financial institution as defined in

1 8 V.S.A. § 10202(5) or an interbank clearinghouse as defined in subsection (a)
2 of this section, to provide substantial assistance to a lender or processor when
3 the person or the person’s authorized agent receives notice from a regulatory,
4 law enforcement, or similar governmental authority, or knows from its normal
5 monitoring and compliance systems, or consciously avoids knowing that the
6 lender or processor is in violation of subsection (b) or (c) of this section, or is
7 engaging in an unfair or deceptive act or practice in commerce.

8 Sec. 20. 30 V.S.A. § 248a is amended to read:

9 § 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS

10 FACILITIES

11 * * *

12 (b) Definitions. ~~For the purposes of~~ As used in this section:

13 * * *

14 (4) “Telecommunications facility” means a communications facility that
15 transmits and receives signals to and from a local, State, national, or
16 international network used primarily for two-way communications for
17 commercial, industrial, municipal, county, or State purposes and any
18 associated support structure that is proposed for construction or installation
19 which is primarily for communications purposes, and any ancillary
20 improvements that are proposed for construction or installation and are
21 primarily intended to serve the communications facilities or support structure.

1 An applicant may seek approval of construction or installation of a
2 telecommunications facility whether or not the telecommunications facility is
3 attached to an existing structure.

4 (5) “Wireless service” means any commercial mobile radio service,
5 wireless service, common carrier wireless exchange service, cellular service,
6 personal communications service (PCS), specialized mobile radio service,
7 paging service, wireless data service, or public or private radio dispatch
8 service.

9 * * *

10 (c) Findings. Before the Public Service Board issues a certificate of public
11 good under this section, it shall find that:

12 (1) The proposed facility will not have an undue adverse effect on
13 aesthetics, historic sites, air and water purity, the natural environment, and the
14 public health and safety, and the public’s use and enjoyment of the I-89 and
15 I-91 scenic corridors or of any highway that has been designated as a scenic
16 road pursuant to 19 V.S.A. § 2501 or a scenic byway pursuant to 23 U.S.C.
17 § 162, with due consideration having been given to the relevant criteria
18 specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K).
19 However, with respect to telecommunications facilities of limited size and
20 scope, the Board shall waive all criteria of this subdivision other than
21 10 V.S.A. § 6086(a)(1)(D)(floodways) and (a)(8)(aesthetics, scenic beauty,

1 historic sites, rare and irreplaceable natural areas; endangered species;
2 necessary wildlife habitat). Such waiver shall be on condition that:

3 (A) ~~The~~ the Board may determine, pursuant to the procedures
4 described in subdivision (j)(2)(A) of this section, that a petition raises a
5 significant issue with respect to any criterion of this subdivision; and

6 (B) ~~A~~ a telecommunications facility of limited size and scope shall
7 comply, at a minimum, with the requirements of the Low Risk Site Handbook
8 for Erosion Prevention and Sediment Control issued by the Department of
9 Environmental Conservation, regardless of any provisions in that handbook
10 that limit its applicability.

11 (2) Unless there is good cause to find otherwise, substantial deference
12 has been given to the land conservation measures in the plans of the affected
13 municipalities and the recommendations of the municipal legislative bodies
14 and the municipal and regional planning commissions regarding the municipal
15 and regional plans, respectively. Nothing in this section or other provision of
16 law shall prevent a municipal body from basing its recommendations on an
17 ordinance adopted under 24 V.S.A. § 2291(19) or bylaw adopted under
18 24 V.S.A. chapter 117 by the municipality in which the facility is located. A
19 rebuttable presumption respecting compliance with the applicable plan shall be
20 created by a letter from an affected municipal legislative body or municipal
21 planning commission concerning compliance with the municipal plan and by a

1 letter from a regional planning commission concerning compliance with the
2 regional plan.

3 (3) If the proposed facility relates to the provision of wireless service, the
4 proposed facility reasonably cannot be collocated on or at an existing
5 telecommunications facility, or such collocation would cause an undue adverse
6 effect on aesthetics.

7 * * *

8 (e) Notice. No less than 45 days prior to filing an application for a
9 certificate of public good under this section, the applicant shall serve written
10 notice of an application to be filed with the Board pursuant to this section to
11 the legislative bodies and municipal and regional planning commissions in the
12 communities in which the applicant proposes to construct or install facilities;
13 the Secretary of Natural Resources; the Secretary of Transportation; the
14 Division for Historic Preservation; the Commissioner of Public Service and its
15 Director for Public Advocacy; the Natural Resources Board if the application
16 concerns a telecommunications facility for which a permit previously has been
17 issued under 10 V.S.A. chapter 151; and the landowners of record of property
18 adjoining the project sites. In addition, at least one copy of each application
19 shall be filed with each of these municipal and regional planning commissions.

20 (1) Upon motion or otherwise, the Public Service Board shall direct that
21 further public or personal notice be provided if the Board finds that such

1 further notice will not unduly delay consideration of the merits and that
2 additional notice is necessary for fair consideration of the application.

3 (2) On the request of the municipal legislative body or the planning
4 commission, the applicant shall attend a public meeting with the municipal
5 legislative body or planning commission, or both, within the 45-day notice
6 period before filing an application for a certificate of public good. The
7 Department of Public Service shall attend the public meeting on the request of
8 the municipality. The Department shall consider the comments made and
9 information obtained at the meeting in making recommendations to the Board
10 on the application and in determining whether to retain additional personnel
11 under subsection (o) of this section.

12 * * *

13 (i) Sunset of Board authority. Effective on July 1, 2014 2017, no new
14 applications for certificates of public good under this section may be
15 considered by the Board.

16 * * *

17 (m) Municipal bodies; participation. The legislative body and the planning
18 commission for the municipality in which a telecommunications facility is
19 located shall have the right to appear and participate on any application under
20 this section seeking a certificate of public good for the facility.

1 (n) Municipal recommendations. The Board shall consider the comments
2 and recommendations submitted by the municipal legislative body and
3 planning commission. The Board’s decision to issue or deny a certificate of
4 public good shall include a detailed written response to each recommendation
5 of the municipal legislative body and planning commission.

6 (o) Retention; experts. The Department of Public Service may retain
7 experts and other personnel as identified in section 20 of this title to provide
8 information essential to a full consideration of an application for a certificate
9 of public good under this section. The Department may allocate the expenses
10 incurred in retaining these personnel to the applicant in accordance with
11 section 21 of this title. The Department may commence retention of these
12 personnel once the applicant has filed the 45-day notice under subsection (e) of
13 this section. A municipal legislative body or planning commission may
14 request that the Department retain these personnel. Granting such a request
15 shall not oblige the Department or the personnel it retains to agree with the
16 position of the municipality.

17 (p) Review process; guide. The Department of Public Service, in
18 consultation with the Board, shall create, maintain, and make available to the
19 public a guide to the process of reviewing telecommunications facilities under
20 this section for use by local governments and regional planning commissions
21 and members of the public who seek to participate in the process. On or before

1 September 1, 2014, the Department shall complete the creation of this guide
2 and make it publically available.

3 Sec. 20a. PUBLIC SERVICE BOARD; ORDER REVISION

4 The Public Service Board (the Board) shall define the terms “good cause”
5 and “substantial deference” for the purpose of 30 V.S.A. § 248a(c)(2) in
6 accordance with the following process:

7 (1) Within 30 days of the effective date of this section, the Board shall
8 provide direct notice to each municipal legislative body and planning
9 commission, the Vermont League of Cities and Towns, the Department of
10 Public Service, and such other persons as the Board considers appropriate, that
11 it will be amending its procedures order issued under 30 V.S.A. § 248a(1) to
12 include definitions of these terms. The notice shall provide an opportunity for
13 submission of comments and recommendations and include the date and time
14 of the workshop to be held.

15 (2) Within 60 days of giving notice under subdivision (1) of this section,
16 the Board shall amend its procedures order to include definitions of these
17 terms.

18 Sec. 20b. REPORT; TELECOMMUNICATIONS FACILITY REVIEW

19 PROCESS

20 On or before October 1, 2015, the Department of Public Service shall
21 submit to the House Committee on Commerce and Economic Development

1 and the Senate Committee on Finance a report assessing the
2 telecommunications facility review process under 30 V.S.A § 248a. The report
3 shall include the number of applications for the construction or installation of
4 telecommunications facilities filed with the Board, the number of applications
5 for which a certificate of public good was granted, the number of applications
6 for which notice was filed but were then withdrawn, and the number of times
7 the Department used its authority under 30 V.S.A. § 248(o) to allocate
8 expenses incurred in retaining expert personnel to the applicant, during the
9 year ending August 31, 2015.

10 Sec. 20c. 10 V.S.A. § 1264(j) is amended to read:

11 (j) Notwithstanding any other provision of law, if an application to
12 discharge stormwater runoff pertains to a telecommunications facility as
13 defined in 30 V.S.A. § 248a and is filed before July 1, ~~2014~~ 2017 and the
14 discharge will be to a water that is not principally impaired by stormwater
15 runoff:

16 (1) The Secretary shall issue a decision on the application within
17 40 days of the date the Secretary determines the application to be complete, if
18 the application seeks authorization under a general permit.

19 (2) The Secretary shall issue a decision on the application within
20 60 days of the date the Secretary determines the application to be complete, if
21 the application seeks or requires authorization under an individual permit.

1 Sec. 20d. 10 V.S.A. § 8506 is amended to read:

2 § 8506. RENEWABLE ENERGY PLANT; TELECOMMUNICATIONS
3 FACILITY; APPEALS

4 (a) Within 30 days of the date of the act or decision, any person aggrieved
5 by an act or decision of the ~~secretary~~ Secretary, under the provisions of law
6 listed in section 8503 of this title, or any party by right may appeal to the
7 ~~public service board~~ Public Service Board if the act or decision concerns a
8 renewable energy plant for which a certificate of public good is required under
9 30 V.S.A. § 248 or a telecommunications facility for which the applicant has
10 applied or has served notice under 30 V.S.A. § 248a(e) that it will apply for
11 approval under 30 V.S.A. § 248a. This section shall not apply to a facility that
12 is subject to section 1004 (dams before the Federal Energy Regulatory
13 Commission) or 1006 (certification of hydroelectric projects) or chapter 43
14 (dams) of this title. This section shall not apply to an appeal of an act or
15 decision of the secretary regarding a telecommunications facility made on or
16 after July 1, ~~2014~~ 2017.

17 * * *

18 Sec. 20e. REPEAL

19 2011 Acts and Resolves No. 53, Sec. 14d (repeal of limitations on
20 municipal bylaws; municipal ordinances; wireless telecommunications
21 facilities) is repealed.

1 Sec. 20f. 3 V.S.A. § 2809 is amended to read:

2 § 2809. REIMBURSEMENT OF AGENCY COSTS

3 (a)(1) The Secretary may require an applicant for a permit, license,
4 certification, or order issued under a program that the Secretary enforces under
5 10 V.S.A. § 8003(a) to pay for the cost of research, scientific, programmatic,
6 or engineering expertise provided by the Agency of Natural Resources,
7 provided that the following apply:

8 (A) ~~the~~ The Secretary does not have such expertise or services and
9 such expertise is required for the processing of the application for the permit,
10 license, certification, or order; ~~or~~.

11 (B) ~~the~~ The Secretary does have such expertise but has made a
12 determination that it is beyond the ~~agency's~~ Agency's internal capacity to
13 effectively utilize that expertise to process the application for the permit,
14 license, certification, or order. In addition, the Secretary shall determine that
15 such expertise is required for the processing of the application for the permit,
16 license, certification, or order.

17 (2) The Secretary may require an applicant under 10 V.S.A. chapter 151
18 to pay for the time of Agency of Natural Resources personnel providing
19 research, scientific, or engineering services or for the cost of expert witnesses
20 when ~~agency~~ Agency personnel or expert witnesses are required for the
21 processing of the permit application.

1 projects in the Northeast Kingdom of Vermont, and shall submit its findings to
2 the House Committee on Commerce and Community Development, the Senate
3 Committee on Economic Development, Housing and General Affairs, and the
4 Joint Fiscal Committee on or before December 1, 2014.

5 * * * Tourism Funding; Study * * *

6 Sec. 22. TOURISM FUNDING; PILOT PROJECT STUDY

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

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

15 Sec. 23. 10 V.S.A. chapter 12 is amended to read:

16 CHAPTER 12: VERMONT ECONOMIC DEVELOPMENT AUTHORITY

17 * * *

18 § 212. DEFINITIONS

19 As used in this chapter:

20 * * *

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

2 Sec. 26. 10 V.S.A. § 6093(a)(4) is amended to read:

3 (4) Industrial parks.

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

18 (B) In any application to a ~~district commission for expansion of~~
19 District Commission to amend a permit for an existing industrial park, compact
20 ~~development patterns shall be encouraged that assure~~ the most efficient and
21 full use of land ~~and the realization of maximum economic development~~

1 ~~potential through appropriate densities~~ shall be allowed consistent with all
2 applicable criteria of subsection 6086(a) of this title. Industrial park
3 expansions and industrial park infill shall not be subject to requirements
4 established in subdivision 6086(a)(9)(B)(iii) of this title, nor to requirements
5 established in subdivision 6086(a)(9)(C)(iii).

6 * * * Affordable Housing * * *

7 Sec. 27. 10 V.S.A. § 6001 is amended to read:

8 § 6001. DEFINITIONS

9 In this chapter:

10 * * *

11 (3)(A) “Development” means each of the following:

12 * * *

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

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

1 (aa) 275 or more, in a municipality with a population of
2 15,000 or more;
3 (bb) 150 or more, in a municipality with a population of
4 10,000 or more but less than 15,000;
5 (cc) 75 or more, in a municipality with a population of 6,000
6 or more but less than 10,000.
7 (dd) 50 or more, in a municipality with a population of
8 3,000 or more but less than 6,000;
9 (ee) 25 or more, in a municipality with a population of less
10 than 3,000; and
11 (ff) notwithstanding subdivisions (aa) through (ee) of this
12 subdivision (iv)(I), 10 or more if the construction involves the demolition of
13 one or more buildings that are listed on or eligible to be listed on the State or
14 National Register of Historic Places. However, demolition shall not be
15 considered to create jurisdiction under this subdivision if the Division for
16 Historic Preservation has determined the proposed demolition will have no
17 adverse effect; no adverse effect provided that specified conditions are met; or
18 will have an adverse effect but that adverse effect will be adequately mitigated.
19 Any imposed conditions shall be enforceable through a grant condition, deed
20 covenant, or other legally binding document.

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

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

5 * * *

6 ~~(B)(i) Smart Growth Jurisdictional Thresholds. Notwithstanding the~~
7 ~~provisions of subdivision (3)(A) of this section, if a project consists~~
8 ~~exclusively of mixed income housing or mixed use, or any combination~~
9 ~~thereof, and is located entirely within a growth center designated pursuant to~~
10 ~~24 V.S.A. 2793e or, entirely within a downtown development district~~
11 ~~designated pursuant to 24 V.S.A. § 2793, “development” means:~~

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

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

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

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

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

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

18 ~~(ii) Mixed Income Housing Jurisdictional Thresholds.~~
19 ~~Notwithstanding the provisions of subdivision (3)(A) of this section, if a~~
20 ~~project consists exclusively of mixed income housing and is located entirely~~
21 ~~within a Vermont neighborhood designated pursuant to 24 V.S.A. § 2793d or a~~

1 ~~neighborhood development area as defined in 24 V.S.A. § 2791(16),~~

2 ~~“development” means:~~

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

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

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

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

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

16 ~~(VI) Historic Buildings. Construction of 10 or more units of~~
17 ~~mixed income housing where the construction involves the demolition of one~~
18 ~~or more buildings that are listed on or eligible to be listed on the State or~~
19 ~~National Register of Historic Places. However, demolition shall not be~~
20 ~~considered to create jurisdiction under this subdivision if the Division for~~
21 ~~Historic Preservation has determined the proposed demolition will have: no~~

1 ~~adverse effect; no adverse effect provided that specified conditions are met; or~~
2 ~~will have an adverse effect, but that adverse effect will be adequately~~
3 ~~mitigated. Any imposed conditions shall be enforceable through a grant~~
4 ~~condition, deed covenant, or other legally binding document. [Repealed.]~~

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

7 (i) ~~Incentive for Growth Inside Designated Areas.~~

8 ~~Notwithstanding subdivision (3)(A)(iv) of this section, housing units~~
9 ~~constructed by a person partially or completely outside a designated downtown~~
10 ~~development district, designated growth center, designated Vermont~~
11 ~~neighborhood, or designated neighborhood development area shall not be~~
12 ~~counted to determine jurisdiction over housing units constructed by that person~~
13 ~~entirely within a designated downtown development district, designated~~
14 ~~growth center, designated Vermont neighborhood, or designated neighborhood~~
15 ~~development area. [Repealed.]~~

16 (ii) ~~Five Year, Five Mile Radius Jurisdiction Analysis. Within~~

17 ~~any continuous period of five years, housing units constructed by a person~~
18 ~~entirely within a designated downtown district, designated growth center,~~
19 ~~designated Vermont neighborhood, or designated neighborhood development~~
20 ~~area shall be counted together with housing units constructed by that person~~
21 ~~partially or completely outside a designated downtown development district,~~

1 ~~designated growth center, designated Vermont neighborhood, or designated~~
2 ~~neighborhood development area to determine jurisdiction over the housing~~
3 ~~units constructed by a person partially or completely outside the designated~~
4 ~~downtown development district, designated growth center, designated Vermont~~
5 ~~neighborhood, or designated neighborhood development area and within a~~
6 ~~five mile radius in accordance with subdivision (3)(A)(iv) of this section.~~

7 [Repealed.]

8 (iii) ~~Discrete Housing Projects in Designated Areas and Exclusive~~
9 ~~Counting for Housing Units. Notwithstanding subdivisions (3)(A)(iv) and (19)~~
10 ~~of this section, jurisdiction shall be determined exclusively by counting~~
11 ~~housing units constructed by a person within a designated downtown~~
12 ~~development district, designated growth center, designated Vermont~~
13 ~~neighborhood, or designated neighborhood development area, provided that~~
14 ~~the housing units are part of a discrete project located on a single tract or~~
15 ~~multiple contiguous tracts of land. [Repealed.]~~

16 * * *

17 (27) “Mixed income housing” means a housing project in which the
18 following apply:

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

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

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

9 (B) ~~Affordable~~ Rental Housing. At least 20 percent of the housing
10 units that is are rented by the occupants whose gross annual household income
11 ~~does not exceed 60 percent of the county median income, or 60 percent of the~~
12 ~~standard metropolitan statistical area income if the municipality is located in~~
13 ~~such an area, as defined by the United States Department of Housing and~~
14 ~~Urban Development for use with the Housing Credit Program under Section~~
15 ~~42(g) of the Internal Revenue Code, and the total annual cost of the housing, as~~
16 ~~defined at Section 42(g)(2)(B), is not more than 30 percent of the gross annual~~
17 ~~household income as defined at Section 42(g)(2)(C), and with constitute~~
18 affordable housing and have a duration of affordability of no less than ~~30~~
19 20 years.

20 (28) “Mixed use” means construction of both mixed income housing
21 and construction of space for any combination of retail, office, services,

1 artisan, and recreational and community facilities, provided at least 40 percent
2 of the gross floor area of the buildings involved is mixed income housing.

3 “Mixed use” does not include industrial use.

4 (29) “Affordable housing” means either of the following:

5 (A) Housing that is owned by its occupants whose gross annual
6 household income does not exceed 80 percent of the county median income, or
7 80 percent of the standard metropolitan statistical area income if the
8 municipality is located in such an area, as defined by the United States
9 Department of Housing and Urban Development, and the total annual cost of
10 the housing, including principal, interest, taxes, insurance, and condominium
11 association fees, is not more than 30 percent of the gross annual household
12 income.

13 (B) Housing that is rented by the occupants whose gross annual
14 household income does not exceed 80 percent of the county median income, or
15 80 percent of the standard metropolitan statistical area income if the
16 municipality is located in such an area, as defined by the United States
17 Department of Housing and Urban Development, and the total annual cost of
18 the housing, including rent, utilities, and condominium association fees, is not
19 more than 30 percent of the gross annual household income.

20 * * *

1 (A) Advise the Governor on the establishment of an integrated
2 system of workforce education and training for Vermont.

3 (B) Create and maintain an inventory of all existing workforce
4 education and training programs and activities in the State.

5 (C) Use data to ensure that State workforce education and training
6 activities are aligned with the needs of the available workforce, the current and
7 future job opportunities in the State, and the specific credentials needed to
8 achieve employment in those jobs.

9 (D) Develop a State plan, as required by federal law, to ensure that
10 workforce education and training programs and activities in the State serve
11 Vermont citizens and businesses to the maximum extent possible.

12 (E) Ensure coordination and non-duplication of workforce education
13 and training activities.

14 (F) Identify best practices and gaps in the delivery of workforce
15 education and training programs.

16 (G) Design and implement criteria and performance measures for
17 workforce education and training activities.

18 (H) Establish goals for the integrated workforce education and
19 training system.

20 (2) Require from each business, training provider, or program that
21 receives State funding to conduct workforce education and training a report

1 that evaluates the results of the training. Each recipient shall submit its report
2 on a schedule determined by the Commissioner and shall include at least the
3 following information:

4 (A) name of the person who receives funding;

5 (B) amount of funding;

6 (C) activities and training provided;

7 (D) number of trainees and their general description;

8 (E) employment status of trainees

9 (F) future needs for resources.

10 (3) Review reports submitted by each recipient of workforce education
11 and training funding.

12 (4) Issue an annual report to the Governor and the General Assembly on
13 or before December 1 that includes a systematic evaluation of the
14 accomplishments of the State workforce investment system and the
15 performance of participating agencies and institutions.

16 (5) Coordinate public and private workforce programs to assure that
17 information is easily accessible to students, employees, and employers, and
18 that all information and necessary counseling is available through one contact.

19 (6) Facilitate effective communication between the business community
20 and public and private educational institutions.

1 § 541. ~~WORKFORCE DEVELOPMENT COUNCIL; STATE WORKFORCE~~
2 ~~INVESTMENT BOARD; MEMBERS, TERMS~~

3 ~~(a) The Workforce education and training Council is created as the~~
4 ~~successor to and the continuation of the Governor's Human Resources~~
5 ~~Investment Council and shall be the State Workforce Investment Board under~~
6 ~~Public Law 105-220, the Workforce Investment Act of 1998, and any~~
7 ~~reauthorization of that act. The Council shall consist of the members required~~
8 ~~under the federal act and the following: the President of the University of~~
9 ~~Vermont or designee; the Chancellor of the Vermont State Colleges or~~
10 ~~designee; the President of the Vermont Student Assistance corporation or~~
11 ~~designee; the President of the Association of Vermont Independent Colleges or~~
12 ~~designee; a representative of the Abenaki Self Help Organization; at least two~~
13 ~~representatives of labor appointed by the Governor in addition to the two~~
14 ~~required under the federal act, who shall be chosen from a list of names~~
15 ~~submitted by Vermont AFL-CIO, Vermont NEA, and the Vermont State~~
16 ~~Employees Association; one representative of the low income community~~
17 ~~appointed by the Governor; two members of the Senate appointed by the~~
18 ~~Senate Committee on Committees; and two members of the house appointed~~
19 ~~by the speaker. In addition, the Governor shall appoint enough other members~~
20 ~~who are representatives of business or employers so that one-half plus one of~~
21 ~~the members of the council are representatives of business or employers. At~~

1 ~~least one third of those appointed by the Governor as representatives of~~
2 ~~business or employers shall be chosen from a list of names submitted by the~~
3 ~~regional technical centers. As used in this section, “representative of business”~~
4 ~~means a business owner, a chief executive operating officer, or other business~~
5 ~~executive, and “employer” means an individual with policy making or hiring~~
6 ~~authority, including a public school superintendent or school board member~~
7 ~~and representatives from the nonprofit, social services, and health sectors of~~
8 ~~the economy. If there is a dispute as to who is to represent an interest as~~
9 ~~required under the federal law, the Governor shall decide who shall be the~~
10 ~~member of the Council.~~

11 ~~(b) Appointed members, except legislative appointees, shall be appointed~~
12 ~~for three year terms and serve at the pleasure of the Governor.~~

13 ~~(c) A vacancy shall be filled for the unexpired term in the same manner as~~
14 ~~the initial appointment.~~

15 ~~(d) The Governor shall appoint one of the business or employer members~~
16 ~~to chair the council for a term of two years. A member shall not serve more~~
17 ~~than three consecutive terms as chair.~~

18 ~~(e) Legislative members shall be entitled to compensation and expenses as~~
19 ~~provided in 2 V.S.A. § 406, and other members shall be entitled to~~
20 ~~compensation and expenses as provided in 32 V.S.A. § 1010.~~

1 ~~(f) The Department of Labor shall provide the Council with administrative~~
2 ~~support.~~

3 ~~(g) The Workforce education and training Council shall be subject to 1~~
4 ~~V.S.A. chapter 5, subchapters 2 and 3, relating to public meetings and access~~
5 ~~to public records.~~

6 ~~(h) [Repealed.]~~

7 ~~(i) The Workforce education and training Council shall:~~

8 ~~(1) Advise the Governor on the establishment of an integrated network~~
9 ~~of workforce education and training for Vermont.~~

10 ~~(2) Coordinate planning and services for an integrated network of~~
11 ~~workforce education and training and oversee its implementation at State and~~
12 ~~regional levels.~~

13 ~~(3) Establish goals for and coordinate the State's workforce education~~
14 ~~and training policies.~~

15 ~~(4) Speak for the workforce needs of employers.~~

16 ~~(5) Negotiate memoranda of understanding between the Council and~~
17 ~~agencies and institutions involved in Vermont's integrated network of~~
18 ~~workforce education and training in order to ensure that each is working to~~
19 ~~achieve annual objectives developed by the Council.~~

20 ~~(6) Carry out the duties assigned to the State Workforce Investment~~
21 ~~Board, as required for a single service delivery state, under P.L. 105-220, the~~

1 ~~Workforce Investment Act of 1998, and any amendments that may be made to~~
2 ~~it.~~ [Repealed.]

3 § 541a. STATE WORKFORCE INVESTMENT BOARD

4 (a) Board established; duties. Pursuant to the requirements of 29 U.S.C.
5 § 2821, the Governor shall establish a State Workforce Investment Board to
6 assist the Governor in the execution of his or her duties under the Workforce
7 Investment Act of 1998 and to assist the Commissioner of Labor as specified
8 in section 540 of this title.

9 (b) Additional duties; planning; process. In order to inform its
10 decision-making and to provide effective assistance under subsection (a) of
11 this section, the Board shall:

12 (1) Conduct an ongoing public engagement process throughout the State
13 at which Vermonters have the opportunity to provide feedback and information
14 concerning their workforce education and training needs.

15 (2) Maintain familiarity with the federal Comprehensive Economic
16 Development Strategy (CEDS) and other economic development planning
17 processes, and coordinate workforce and education activities in the State,
18 including the development and implementation of the state plan required under
19 the Workforce Investment Act of 1998, with economic development planning
20 processes occurring in the State, as appropriate.

1 (c) Membership. The Board shall consist of the Governor and the
2 following members who are appointed by the Governor and serve at his or her
3 pleasure, unless otherwise indicated:

4 (1) two Members of the Vermont House of Representatives appointed
5 by the Speaker of the House;

6 (2) two Members of the Vermont Senate appointed by the Senate
7 Committee on Committees;

8 (3) the President of the University of Vermont or his or her designee;

9 (4) the Chancellor of the Vermont State Colleges or his or her designee;

10 (5) the President of the Vermont Student Assistance Corporation or his
11 or her designee;

12 (6) a representative of an independent Vermont college or university;

13 (7) the Secretary of Education or his or her designee;

14 (8) a director of a regional technical center;

15 (9) a principal of a Vermont high school;

16 (10) two representatives of labor organizations who have been
17 nominated by State labor federations;

18 (11) two representatives of individuals and organizations who have
19 experience with respect to youth activities, as defined in 29 U.S.C. § 2801(52);

1 (12) two representatives of individuals and organizations who have
2 experience in the delivery of workforce investment activities, as defined in
3 29 U.S.C. § 2801(51);

4 (13) the lead State agency officials with responsibility for the programs
5 and activities carried out by one-stop partners, as described in 29 U.S.C.
6 § 2841(b), or if no official has that responsibility, a representative in the State
7 with expertise relating to these programs and activities;

8 (14) the Commissioner of Economic Development;

9 (15) the Commissioner of Labor;

10 (16) the Secretary of Human Services or his or her designee;

11 (17) two individuals who have experience in, and can speak for, the
12 training needs of underemployed and unemployed Vermonters; and

13 (18) a number of appointees sufficient to constitute a majority of the
14 Board who:

15 (A) are owners, chief executives, or operating officers of businesses,
16 and other business executives or employers with optimum policymaking or
17 hiring authority;

18 (B) represent businesses with employment opportunities that reflect
19 the employment opportunities of the State; and

20 (C) are appointed from among individuals nominated by State
21 business organizations and business trade associations.

1 (d) Operation of Board.

2 (1) Member representation.

3 (A) Members of the State Board who represent organizations,
4 agencies, or other entities shall be individuals with optimum policymaking
5 authority within the organizations, agencies, or entities.

6 (B) The members of the Board shall represent diverse regions of the
7 State, including urban, rural, and suburban areas.

8 (2) Chair. The Governor shall select a chair for the Board from among
9 the business representatives appointed pursuant to subdivision (c)(18) of this
10 section.

11 (3) Meetings. The Board shall meet at least three times annually and
12 shall hold additional meetings upon call of the Chair.

13 (4) Work groups; task forces. The Chair, in consultation with the
14 Commissioner of Labor, may:

15 (A) assign one or more members to work groups to carry out the
16 work of the Board; and

17 (B) appoint one or more members of the Board, or non-members of
18 the Board, or both, to one or more task forces for a discrete purpose and
19 duration.

20 (5) Quorum; meetings; voting.

1 (A) A majority of the sitting members of the Board shall constitute a
2 quorum, and to be valid any action taken by the Board shall be authorized by a
3 majority of the members present and voting at any regular or special meeting at
4 which a quorum is present.

5 (B) The Board may permit one or more members to participate in a
6 regular or special meeting by, or conduct the meeting through the use of, any
7 means of communication, including an electronic, telecommunications, and
8 video- or audio-conferencing conference telephone call, by which all members
9 participating may simultaneously or sequentially communicate with each other
10 during the meeting. A member participating in a meeting by this means is
11 deemed to be present in person at the meeting.

12 (C) The Board shall deliver electronically the minutes for each of its
13 meetings to each member of the Board and to the Chairs of the House
14 Committees on Education and on Commerce and Economic Development, and
15 to the Senate Committees on Education and on Economic Development,
16 Housing and General Affairs.

17 (6) Reimbursement.

18 (A) Legislative members of the Board shall be entitled to
19 compensation and expenses as provided in 2 V.S.A. § 406.

20 (B) Unless otherwise compensated by his or her employer for
21 performance of his or her duties on the Board, a nonlegislative member of the

1 Board shall be eligible for per diem compensation of \$50.00 per day for
2 attendance at a meeting of the Board, and for reimbursement of his or her
3 necessary expenses, which shall be paid by the Department of Labor solely
4 from funds available for that purpose under the Workforce Investment Act
5 of 1998.

6 (7) Conflict of interest. A member of the Board shall not:

7 (A) vote on a matter under consideration by the Board:

8 (i) regarding the provision of services by the member, or by an
9 entity that the member represents; or

10 (ii) that would provide direct financial benefit to the member or
11 the immediate family of the member; or

12 (B) engage in any activity that the Governor determines constitutes a
13 conflict of interest as specified in the State Plan required under 29 U.S.C.
14 § 2822.

15 (8) Sunshine provision. The Board shall make available to the public,
16 on a regular basis through open meetings, information regarding the activities
17 of the Board, including information regarding the State Plan adopted
18 pursuant to 29 U.S.C. § 2822 and prior to submission of the State Plan to the
19 U.S. Secretary of Labor, information regarding membership, and, on request,
20 minutes of formal meetings of the Board.

1 § 541b. WORKFORCE EDUCATION AND TRAINING; DUTIES OF
2 OTHER STATE AGENCIES, DEPARTMENTS, AND PRIVATE
3 PARTNERS

4 (a) To ensure the Workforce Investment Board and the Commissioner of
5 Labor are able to fully perform their duties under this chapter, each agency and
6 department within State government, and each person who receives funding
7 from the State, shall comply within a reasonable period of time with a request
8 for data and information made by the Board or the Commissioner in
9 furtherance of their duties under this chapter.

10 (b) The Agency of Commerce and Community Development shall
11 coordinate its work in adopting a statewide economic development plan with
12 the activities of the Board and the Commissioner of Labor, including the
13 development and implementation of the state plan for workforce education and
14 training required under the Workforce Investment Act of 1998.

15 § 542. REGIONAL WORKFORCE DEVELOPMENT EDUCATION AND
16 TRAINING

17 (a) The Commissioner of Labor, in coordination with the Secretary of
18 Commerce and Community Development, and in consultation with the
19 ~~Workforce education and training Council~~ Investment Board, is authorized to
20 issue performance grants to one or more persons to perform workforce
21 education and training activities in a region.

1 (b) Each grant shall specify the scope of the workforce education and
2 training activities to be performed and the geographic region to be served, and
3 shall include outcomes and measures to evaluate the grantee's performance.

4 (c) The Commissioner of Labor and the Secretary of Commerce and
5 Community Development shall jointly develop a grant process and eligibility
6 criteria, as well as an outreach process for notifying potential participants of
7 the grant program. The Commissioner of Labor shall have final authority to
8 approve each grant.

9 § 543. WORKFORCE EDUCATION AND TRAINING FUND; GRANT

10 PROGRAMS

11 (a) Creation. There is created a Workforce Education and Training Fund in
12 the ~~department of labor~~ Department of Labor to be managed in accordance
13 with 32 V.S.A. chapter 7, subchapter 5.

14 (b) Purposes. The Fund shall be used exclusively for the following ~~two~~
15 purposes:

16 (1) training ~~to improve the skills of~~ for Vermont workers, including
17 those who are unemployed, underemployed, or in transition from one job or
18 career to another; and

19 (2) internships to provide students with work-based learning
20 opportunities with Vermont employers; and

21 (3) apprenticeship-related instruction.

1 (c) Administrative Support. Administrative support for the grant award
2 process shall be provided by the ~~Departments~~ Department of Labor and of
3 ~~Economic Development~~. Technical, ~~administrative, financial, and other~~
4 support shall be provided whenever appropriate and reasonable by the
5 Workforce ~~Development Council~~ Investment Board and all other public
6 entities involved in ~~Economic Development, workforce development and~~
7 ~~training, and education~~ economic development and workforce education and
8 training.

9 (d) Eligible Activities. Awards from the Fund shall be made to employers
10 and entities that offer programs that require collaboration between employees
11 and businesses, including private, public, and nonprofit entities, institutions of
12 higher education, high schools, technical centers, and workforce education and
13 training programs. Funding shall be for training programs and student
14 internship programs that offer education, training, apprenticeship, mentoring,
15 or work-based learning activities, or any combination; that employ innovative
16 intensive student-oriented competency-based or collaborative approaches to
17 workforce education and training; and that link workforce education and
18 economic development strategies. Training programs or projects that
19 demonstrate actual increased income and economic opportunity for employees
20 and employers may be funded for more than one year. Student internships and

1 training programs that involve the same employer may be funded multiple
2 times, provided that new students participate.

3 (e) ~~Award Criteria and Process. The Workforce education and training~~
4 ~~Council, in consultation with the Commissioners of Labor and of Economic~~
5 ~~Development and the Secretary of Education, shall develop criteria consistent~~
6 ~~with subsection (d) of this section for making awards under this section. The~~
7 ~~Commissioners of Labor and of Economic Development and the Secretary of~~
8 ~~Education, shall develop a process for making awards. [Repealed].~~

9 (f) Awards. ~~Based on guidelines set by the council, the~~ The Commissioner
10 ~~of labor, and the Secretary of Education~~ Labor, in consultation with the
11 Workforce Investment Board, shall jointly develop award criteria and may
12 make awards to the following:

13 (1) Training Programs.

14 (A) Public, private, and nonprofit entities for existing or new
15 innovative training programs. ~~Awards may be made to programs that retrain~~
16 ~~incumbent workers~~ that enhance the skills of Vermont workers and:

17 (i) train workers for trades or occupations that are expected to lead
18 to jobs paying at least 200 percent of the current minimum wage or at least
19 150 percent if benefits are included; this requirement may be waived when
20 warranted based on regional or occupational wages or economic reality;

1 (ii) do not duplicate, supplant, or replace other available programs
2 funded with public money;

3 (iii) articulate clear goals and demonstrate readily accountable,
4 reportable, and measurable results; and

5 (iv) demonstrate an integrated connection between training and
6 specific new or continuing employment opportunities.

7 (B) Awards under this subdivision shall be made to programs or
8 projects that ~~do all the following~~:

9 ~~(A)~~(i) offer innovative programs of intensive, student-centric,
10 competency-based education, training, apprenticeship, mentoring, or any
11 combination of these;

12 ~~(B)~~(ii) address the needs of workers who are unemployed,
13 underemployed, or are at risk of becoming unemployed due to changing
14 workplace demands by increasing productivity and developing new skills for
15 incumbent workers; or

16 (iii) in the discretion of the Commissioner, otherwise serve the
17 purposes of this chapter.

18 ~~(C) train workers for trades or occupations that are expected to lead~~
19 ~~to jobs paying at least 200 percent of the current minimum wage or at least 150~~
20 ~~percent if benefits are included; this requirement may be waived when~~
21 ~~warranted based on regional or occupational wages or economic reality;~~

1 ~~(D) do not duplicate, supplant, or replace other available programs~~
2 ~~funded with public money;~~

3 ~~(E) articulate clear goals and demonstrate readily accountable,~~
4 ~~reportable, and measurable results;~~

5 ~~(F) demonstrate an integrated connection between training and~~
6 ~~specific employment opportunities, including an effort and consideration by~~
7 ~~participating employers to hire those who successfully complete a training~~
8 ~~program; and~~

9 (2) Vermont Career Internship Program. Funding for eligible internship
10 programs and activities under the Vermont Career Internship Program
11 established in section 544 of this title.

12 (3) Apprenticeship Program. The Vermont Apprenticeship Program
13 established under 21 V.S.A. chapter 13. Awards under this subdivision may be
14 used to fund the cost of apprenticeship-related instruction provided by the
15 Department of Labor.

16 (g) [Repealed.]

17 § 544. VERMONT CAREER INTERNSHIP PROGRAM

18 (a)(1) The Department of Labor, in consultation with the Agency of
19 Education, shall develop and implement a statewide Vermont Career
20 Internship Program for Vermonters who are in high school or in college and
21 for those who are recent graduates of 24 months or less.

1 (2) The Department of Labor shall coordinate and provide funding to
2 public and private entities for internship programs that match Vermont
3 employers with students from public and private secondary schools, regional
4 technical centers, the Community High School of Vermont, colleges, and
5 recent graduates of 24 months or less.

6 (3) Funding awarded through the Vermont Career Internship Program
7 may be used to administer an internship program and to provide participants
8 with a stipend during the internship, based on need. Funds may be made only
9 to programs or projects that do all the following:

10 (A) do not replace or supplant existing positions;

11 (B) create real workplace expectations and consequences;

12 (C) provide a process that measures progress toward mastery of
13 skills, attitude, behavior, and sense of responsibility required for success in that
14 workplace;

15 (D) are designed to motivate and educate secondary and
16 postsecondary students and recent graduates through work-based learning
17 opportunities with Vermont employers that are likely to lead to real
18 employment;

19 (E) include mechanisms that promote employer involvement with
20 secondary and postsecondary students and curriculum and the delivery of
21 education at the participating schools; and

1 (F) offer participants a continuum of learning, experience, and
2 relationships with employers that will make it financially possible and
3 attractive for graduates to continue to work and live in Vermont.

4 (4) ~~For the purposes of~~ As used in this section, “internship” means a
5 learning experience working with an employer where the intern may, but does
6 not necessarily, receive academic credit, financial remuneration, a stipend, or
7 any combination of these.

8 (b) The Department of Labor, in collaboration with the Agencies of
9 Agriculture, Food and Markets and of Education, ~~state-funded~~ State-funded
10 postsecondary educational institutions, the Workforce ~~Development Council~~
11 Investment Board, and other ~~state~~ State agencies and departments that have
12 workforce education and training and training monies, shall:

13 (1) identify new and existing funding sources that may be allocated to
14 the Vermont Career Internship Program;

15 (2) collect data and establish program goals and quantifiable
16 performance measures for internship programs funded through the Vermont
17 Career Internship Program;

18 (3) develop or enhance a website that will connect students and
19 graduates with internship opportunities with Vermont employers;

1 (4) engage appropriate agencies and departments of the State in the
2 Internship Program to expand internship opportunities with State government
3 and with entities awarded State contracts; and

4 (5) work with other public and private entities to develop and enhance
5 internship programs, opportunities, and activities throughout the State. Sec. 29.
6 10 V.S.A. chapter 22 is amended to read:

7 CHAPTER 22. ~~EMPLOYMENT~~ THE VERMONT
8 TRAINING PROGRAM

9 § 531. ~~EMPLOYMENT~~ THE VERMONT TRAINING PROGRAM

10 (a)(1) The Secretary of Commerce and Community Development ~~may, in~~
11 consultation with the Workforce Investment Board, shall have the authority to
12 design and implement a Vermont Training Program, the purpose of which shall
13 be to issue performance-based grants to any employer, consortium of
14 employers, or providers of training, either individuals or organizations, as
15 necessary, to conduct training under the following circumstances: to
16 employers and to education and training providers to increase employment
17 opportunities in Vermont consistent with this chapter.

18 (2) The Secretary shall structure the Vermont Training Program to serve
19 as a flexible, nimble, and strategic resource for Vermont businesses and
20 workers across all sectors of the economy.

1 ~~(1) when issuing grants to an employer or consortium of employers, the~~
2 ~~employer promises as a condition of the grant to where eligible facility is~~
3 ~~defined as in subdivision 212(6) of this title relating to the Vermont Economic~~
4 ~~Development Authority, or the employer or consortium of employers promises~~
5 ~~to open an eligible facility within the State which will employ persons,~~
6 ~~provided that for the purposes of this section, eligible facility may be broadly~~
7 ~~interpreted to include employers in sectors other than manufacturing; and~~

8 ~~(2) training is required for potential employees, new employees, or long-~~
9 ~~standing employees in the methods, either singularly or in combination relating~~
10 ~~to pre-employment training, on-the-job training, upgrade training, and~~
11 ~~crossover training, or specialized instruction, either in plant or through a~~
12 ~~training provider.~~

13 (b) Eligibility for grant. The Secretary of Commerce and Community
14 Development may award a grant to an employer if:

15 ~~(1) the employer's new or expanded initiative will enhance employment~~
16 ~~opportunities for Vermont residents; the training is for pre-employment, new~~
17 ~~employees, or incumbent employees in the methods, either singularly or in~~
18 ~~combination, relating to pre-employment training, on-the-job training, upgrade~~
19 ~~training, and crossover training, or specialized instruction, either on-site or~~
20 ~~through a training provider;~~

1 (2) the employer provides its employees with at least three of the
2 following:

3 (A) health care benefits with 50 percent or more of the premium paid
4 by the employer;

5 (B) dental assistance;

6 (C) paid vacation ~~and~~;

7 (D) paid holidays;

8 ~~(D)~~(E) child care;

9 ~~(E)~~(F) other extraordinary employee benefits;

10 ~~(F)~~(G) retirement benefits; ~~and~~

11 (H) other paid time off, including paid sick days;

12 (3) the training is directly related to the employment responsibilities of
13 the trainee; and

14 (4) unless modified by the Secretary if warranted based on regional or
15 occupational wages or economic reality, the training is expected to lead to a
16 position for which the employee is compensated at least twice the State
17 minimum wage, reduced by the value of any benefit package up to a limit of
18 30 percent of the employee's gross wage; provided that for each grant in which
19 the Secretary modifies the compensation provisions of this subdivision, he or
20 she shall identify in the records for that grant the basis and nature of the
21 modification.

1 (c) ~~The employer promises as a condition of the grant to:~~

2 (1) ~~employ new persons at a wage which, at the completion of the~~
3 ~~training program, is two times the prevailing state or federal minimum wage,~~
4 ~~whichever is greater, reduced by the value of any existing health benefit~~
5 ~~package up to a limit of 30 percent of the gross program wage, or for existing~~
6 ~~employees, to increase the wage to two times the prevailing state and federal~~
7 ~~minimum wage, whichever is greater, reduced by the value of any existing~~
8 ~~health benefit package up to a limit of 20 percent of the gross program wage,~~
9 ~~upon completion of training; provided, however, that in areas defined by the~~
10 ~~Secretary of Commerce and Community Development in which the Secretary~~
11 ~~finds that the rate of unemployment is 50 percent greater than the average for~~
12 ~~the State, the wage rate under this subsection may be set by the Secretary at a~~
13 ~~rate no less than one and one half times the federal or state minimum wage,~~
14 ~~whichever is greater;~~

15 (2) ~~employ persons who have completed the training provided for them~~
16 ~~and nominated as qualified for a reasonable period at the wages and~~
17 ~~occupations described in the contract, unless the employer reasonably finds the~~
18 ~~nominee is not qualified;~~

19 (3) ~~provide its employees with at least three of the following:~~

20 (A) ~~health care benefits with 50 percent or more of the premium paid~~
21 ~~by the employer;~~

- 1 ~~(B) dental assistance;~~
- 2 ~~(C) paid vacation and holidays;~~
- 3 ~~(D) child care;~~
- 4 ~~(E) other extraordinary employee benefits; and~~
- 5 ~~(F) retirement benefits.~~

6 ~~(4) submit a customer satisfaction report to the Secretary of Commerce~~
7 ~~and Community Development, on a form prepared by the Secretary for that~~
8 ~~purpose, no more than 30 days from the last day of the training program.~~

9 In the case of a grant to a training provider, the Secretary shall require as a
10 condition of the grant that the provider shall disclose to the Secretary the name
11 of the employer and the number of employees trained prior to final payment
12 for the training.

13 (d) In order to avoid duplication of programs or services and to provide the
14 greatest return on investment from training provided under this section, the
15 Secretary of Commerce and Community Development shall:

16 ~~(1) first consult with the Commissioner of Labor regarding whether the~~
17 ~~grantee has accessed, or is eligible to access, other workforce education and~~
18 ~~training resources offered by public or private workforce education and~~
19 ~~training partners;~~

20 (2) disburse grant funds only for training hours that have been
21 successfully completed by employees; provided that a grant for on-the-job

1 training shall either provide not more than 50 percent of wages for each
2 employee in training, or not more than 50 percent of trainer expense, but not
3 both, and further provided that training shall be performed in accordance with
4 a training plan that defines the subject of the training, the number of training
5 hours, and how the effectiveness of the training will be evaluated; and

6 (3) use funds under this section only to supplement training efforts of
7 employers and not to replace or supplant training efforts of employers.

8 ~~(e) The Secretary of Commerce and Community Development shall~~
9 ~~administer all training programs under this section, may select and use~~
10 ~~providers of training as appropriate, and shall adopt rules and may accept~~
11 ~~services, money, or property donated for the purposes of this section. The~~
12 ~~Secretary may promote awareness of, and may give priority to, training that~~
13 ~~enhances critical skills, productivity, innovation, quality, or competitiveness,~~
14 ~~such as training in Innovation Engineering, “Lean” systems, and ISO~~
15 ~~certification for expansion into new markets. [Repealed.]~~

16 (f) Upon completion of the training program for any individual, the
17 secretary of Commerce and Community Development shall review the records
18 and shall award to the trainee, if appropriate, a certificate of completion for the
19 training.

1 ~~(g) None of the criteria in subdivision (a)(1) of this section shall apply to a~~
2 ~~designated job development zone under chapter 29, subchapter 2 of this title.~~

3 ~~[Repealed.]~~

4 ~~(h) The Secretary may designate the Commissioner of Economic~~
5 ~~Development to carry out his or her powers and duties under this chapter.~~

6 ~~[Repealed.]~~

7 ~~(i) Program Outcomes.~~

8 ~~(1) On or before September 1, 2011, the Agency of Commerce and~~
9 ~~Community Development, in coordination with the department of labor, and in~~
10 ~~consultation with the Workforce education and training Council and the~~
11 ~~legislative Joint Fiscal Office, shall develop, to the extent appropriate, a~~
12 ~~common set of benchmarks and performance measures for the training~~
13 ~~program established in this section and the Workforce Education and Training~~
14 ~~Fund established in section 543 of this title, and shall collect employee-specific~~
15 ~~data on training outcomes regarding the performance measures; provided,~~
16 ~~however, that the Secretary shall redact personal identifying information from~~
17 ~~such data.~~

18 ~~(2) On or before January 15, 2013, the Joint Fiscal Office shall prepare a~~
19 ~~performance report using the benchmarks and performance measures created~~
20 ~~pursuant to subdivision (1) of this subsection. The Joint Fiscal Office shall~~
21 ~~submit its report to the Senate Committee on Economic Development, Housing~~

1 ~~and General Affairs and the House Committee on Commerce and Economic~~
2 ~~Development.~~

3 ~~(3) The Secretary shall use information gathered pursuant to this~~
4 ~~subsection and customer satisfaction reports submitted pursuant to subdivision~~
5 ~~(c)(4) of this section to evaluate the program and make necessary changes that~~
6 ~~fall within the Secretary's authority or, if beyond the scope of the Secretary's~~
7 ~~authority, to recommend necessary changes to the appropriate committees of~~
8 ~~the General Assembly. [Repealed.]~~

9 ~~(j) Consistent with the training program's goal of providing specialized~~
10 ~~training and increased employment opportunities for Vermonters, and~~
11 ~~notwithstanding provisions of this section to the contrary, the Secretary shall~~
12 ~~canvas apprenticeship sponsors to determine demand for various levels of~~
13 ~~training and classes and shall transfer up to \$250,000.00 annually to the~~
14 ~~regional technical centers to fund or provide supplemental funding for~~
15 ~~apprenticeship training programs leading up to certification or licensing as~~
16 ~~journeyman or master electricians or plumbers. The Secretary shall seek to~~
17 ~~provide these funds equitably throughout Vermont; however, the Secretary~~
18 ~~shall give priority to regions not currently served by apprenticeship programs~~
19 ~~offered through the Vermont Department of Labor pursuant to 21 V.S.A.~~
20 ~~chapter 13. [Repealed].~~

1 (k) Annually on or before January 15, the Secretary shall submit a report to
2 the House Committee on Commerce and Economic Development and the
3 Senate Committee on Economic Development, Housing and General Affairs
4 ~~summarizing.~~ In addition to the reporting requirements under section 540 of
5 this title, the report shall identify:

6 (1) all active and completed contracts and grants;

7 (2) the types of training activities provided, from among the following,
8 the category the training addressed:

9 (A) pre-employment training or other training for a new employee to
10 begin a newly created position with the employer;

11 (B) pre-employment training or other training for a new employee to
12 begin in an existing position with the employer;

13 (C) training for an incumbent employee who, upon completion of
14 training, assumes a newly created position with the employer;

15 (D) training for an incumbent employee who upon completion of
16 training assumes a different position with the employer;

17 (E) training for an incumbent employee to upgrade skills;

18 (3) for the training identified in subdivision whether the training is
19 onsite or classroom-based;

20 (4) the number of employees served, and ;

21 (5) the average wage by employer, and addressing ;

1 (6) any waivers granted;

2 (7) the identity of the employer, or, if unknown at the time of the report,
3 the category of employer;

4 (8) the identity of each training provider; and

5 (9) whether training results in a wage increase for a trainee, and the
6 amount of increase.

7 Sec. 30. REPEAL

8 2007 Acts and Resolves No. 46, Sec. 6(a), as amended by 2009 Acts and
9 Resolves No. 54, Sec. 8 (workforce education and training leader) and 2013
10 Acts and Resolves No. 81, Sec. 2, is repealed.

11 Sec. 31. DEPARTMENT OF LABOR; AGENCY OF COMMERCE AND
12 COMMUNITY DEVELOPMENT; STATUTORY PROPOSALS

13 On or before November 1, 2014:

14 (1) The Commissioner of Labor shall submit to the House Committee on
15 Commerce and Economic Development and the Senate Committee on
16 Economic Development, Housing and General Affairs a proposal to amend the
17 language of 10 V.S.A. § 543 to reflect best practices and improve clarity in the
18 administration of, and for applicants to, the grant program from the Workforce
19 Education and Training Fund under that section.

20 (2) The Secretary of Commerce and Community Development shall
21 submit to the House Committee on Commerce and Economic Development

1 and the Senate Committee on Economic Development, Housing and General
2 Affairs a proposal to amend the language of 10 V.S.A. § 531 to reflect best
3 practices and improve clarity in the administration of, and for applicants to, the
4 Vermont Training Program under that section.

5 Sec. 32. INTERNSHIP OPPORTUNITIES FOR YOUNG PERSONS

6 On or before January 15, 2015, the Commissioner of Labor shall submit to
7 the House Committee on Commerce and Economic Development and the
8 Senate Committee on Economic Development, Housing and General Affairs a
9 report that details the internship opportunities available to Vermonters between
10 15 and 18 years of age and recommends one or more means to expand these
11 opportunities through the Vermont Career Internship Program, 10 V.S.A.
12 § 544, or through other appropriate mechanisms.

13 * * * Vermont Strong Scholars Program * * *

14 Sec. 33. 16 V.S.A. chapter 90 is redesignated to read:

15 CHAPTER 90. FUNDING OF POSTSECONDARY INSTITUTIONS

16 EDUCATION

17 Sec. 34. 16 V.S.A. § 2888 is added to read:

18 § 2888. VERMONT STRONG SCHOLARS AND INTERNSHIP

19 INITIATIVE

20 (a) Creation.

1 (1) There is created a postsecondary loan forgiveness and internship
2 initiative designed to forgive a portion of Vermont Student Assistance
3 Corporation loans of students employed in economic sectors identified as
4 important to Vermont’s economy and to build internship opportunities for
5 students to gain work experience with Vermont employers.

6 (2) The initiative shall be known as the Vermont Strong Scholars and
7 Internship Initiative and will encourage students to:

8 (A) consider jobs in economic sectors that are critical to the Vermont
9 economy;

10 (B) enroll and remain enrolled in a Vermont postsecondary
11 institution;

12 (B) live in Vermont upon graduation;

13 (C) reduce student loan debt for postsecondary education in targeted
14 fields;

15 (D) provide experiential learning through internship opportunities
16 with Vermont employers; and

17 (E) support a pipeline of qualified talent for employment with
18 Vermont’s employers.

19 (b) Vermont Strong Loan Forgiveness Program.

20 (1) Economic sectors; projections.

1 (A) Annually, on or before November 15, the Secretary of Commerce
2 and Community Development and the Commissioner of Labor, in consultation
3 with the Vermont State Colleges, the University of Vermont, the Vermont
4 Student Assistance Corporation, and the Secretary of Education, shall identify
5 economic sectors, projecting at least four years into the future, that are or will
6 be critical to the Vermont economy.

7 (B) Based upon the identified economic sectors and the number of
8 students anticipated to qualify for loan forgiveness under this section, the
9 Secretary of Commerce and Community Development shall annually provide
10 the General Assembly with the estimated cost of the Vermont Student
11 Assistance Corporation's loan forgiveness awards under the loan forgiveness
12 program during the then-current fiscal year and each of the four following
13 fiscal years.

14 (2) Eligibility. A graduate of a public or private Vermont postsecondary
15 institution shall be eligible for forgiveness of a portion of his or her Vermont
16 Student Assistance Corporation postsecondary education loans under this
17 section if he or she:

18 (A) was a Vermont resident, as defined in 16 V.S.A. § 2822(7), at the
19 time he or she was graduated;

20 (B) completed an associate's degree within three years, or a
21 bachelor's degree within six years;

1 (C) becomes employed in Vermont within 12 months of graduation
2 in an economic sector identified by the Secretary and Commissioner under
3 subdivision (1) of this subsection;

4 (D) remains employed in Vermont throughout the period of loan
5 forgiveness in an economic sector identified by the Secretary and
6 Commissioner under subdivision (1) of this subsection; and

7 (E) remains a Vermont resident throughout the period of loan
8 forgiveness.

9 (3) Loan forgiveness. An eligible individual shall have a portion of his
10 or her Vermont Student Assistance Corporation loan forgiven as follows:

11 (A) for an individual awarded an associate’s degree, in an amount
12 equal to the comprehensive in-state tuition rate for 15 credits at the Vermont
13 State Colleges during the individual’s final semester of enrollment, to be
14 prorated over the three years following graduation; and

15 (B) for an individual awarded a bachelor’s degree, in an amount
16 equal to the comprehensive in-state tuition rate for 30 credits at the Vermont
17 State Colleges during the individual’s final year of enrollment, to be prorated
18 over the five years following graduation.

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

1 (4) Management.

2 (A) The Secretary of Commerce and Community Development shall
3 develop all organizational details of the loan forgiveness program consistent
4 with the purposes and requirements of this section.

5 (B) The Secretary shall enter into a memorandum of understanding
6 with the Vermont Student Assistance Corporation for management of the loan
7 forgiveness program.

8 (C) The Secretary may adopt rules pursuant to 3 V.S.A. chapter 25
9 necessary to implement the Program.

10 (c) Vermont Strong Internship Program.

11 (1) Internship program management.

12 (A) The Commissioner of Labor and the Secretary of Commerce and
13 Community Development shall jointly develop and implement the
14 organizational details of the internship program consistent with the purposes
15 and requirements of this section and may adopt rules pursuant to 3 V.S.A.
16 chapter 25 necessary to implement the internship program.

17 (B) The Commissioner, in consultation with the Secretary, shall issue
18 a request for proposals for a person to serve as an Internship Program
19 Intermediary, who shall perform the duties and responsibilities pursuant to the
20 terms of a performance contract negotiated by the Commissioner and the
21 Intermediary.

1 (C) The Department of Labor, the Agency of Commerce and
2 Community Development, the regional development corporations, and the
3 Intermediary, shall have responsibility for building connections within the
4 business community to ensure broad private sector participation in the
5 internship program.

6 (D) The Program Intermediary shall:

7 (i) identify and foster postsecondary internships that are rigorous,
8 productive, well-managed, and mentored;

9 (ii) cultivate relationships with employers, employer-focused
10 organizations, and state and regional government bodies;

11 (iii) build relationships with Vermont postsecondary institutions
12 and facilitate recruitment of students to apply for available internships;

13 (iv) create and maintain a registry of participating employers and
14 associated internship opportunities;

15 (v) coordinate and provide support to the participating student, the
16 employer, and the student's postsecondary institution;

17 (vi) develop and oversee a participation contract between each
18 student and employer, including terms governing the expectations for the
19 internship, a work plan, mentoring and supervision of the student, reporting by
20 the employer and student, and compensation terms; and

1 (vii) carry out any additional activities and duties as directed by
2 the Commissioner.

3 (2) Qualifying internships.

4 (A) Criteria. To qualify for participation in the internship program an
5 internship shall at minimum:

6 (i) be with a Vermont employer as approved by the Intermediary
7 in consultation with the Commissioner and Secretary;

8 (ii) pay compensation to an intern of at least the prevailing
9 minimum wage; and

10 (iii) meet the quality standards and expectations as established by
11 the Intermediary.

12 (B) Employment of interns. Interns shall be employed by the
13 sponsoring employer except, with the approval of the Commissioner on a
14 case-by-case basis, interns may be employed by the Intermediary and assigned
15 to work with a participating Vermont employer, in which case the sponsoring
16 employer shall contribute funds as determined by the Commissioner.

17 (3) Student eligibility. To participate in the internship program an
18 individual shall be:

19 (A) a Vermont resident enrolled in a post-secondary institution in or
20 outside Vermont;

1 (B) a student who graduated from a postsecondary institution within
2 24 months of entering the program who was classified as a Vermont resident
3 during that schooling or who is a student who attended a post-secondary
4 institution in Vermont; or

5 (C) a student enrolled in a Vermont post-secondary institution.

6 (d) Funding.

7 (1) Loan forgiveness program.

8 (A) There is created a special fund to be known as the Vermont
9 Strong Scholars Fund pursuant to 32 V.S.A. chapter 7, subchapter 5, which
10 shall be used and administered solely for the purposes of loan forgiveness
11 pursuant to this section.

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

15 (C) Any interest earned and any remaining balance at the end of the
16 fiscal year shall be carried forward in the Fund.

17 (D) The availability and payment of loan forgiveness awards under
18 this section are subject to funding available for the awards.

19 (2) Internship program. Notwithstanding any provision of law to the
20 contrary, the Commissioner of Labor shall have the authority to use funds

1 allocated to the Workforce Education and Training Fund established in
2 10 V.S.A. § 543 to implement the internship program created in this section.

3 Sec. 35. VERMONT STRONG INTERIM REPORT

4 On or before November 1, 2014, the Secretary of Commerce and
5 Community Development shall report to the Joint Fiscal Committee on the
6 organizational and economic details of the Vermont Strong Scholars Initiative,
7 including:

8 (1) the economic sectors selected for loan forgiveness;

9 (2) the projected annual cost of the Initiative,

10 (3) the proposed funding sources;

11 (4) programmatic proposals and economic projections on the feasibility
12 and impacts of expanding eligibility for the loan forgiveness program to
13 include Vermont residents who attend postsecondary institutions outside of
14 Vermont and out-of-state residents who attend Vermont postsecondary
15 institutions; and

16 (5) the projected balance of the Vermont Strong Scholars Fund for each
17 fiscal year through fiscal year 2018.

18 Sec. 36. VERMONT PRODUCTS PROGRAM; STUDY; REPORT

19 (a) The Secretary of Commerce and Community Development, the
20 Secretary of Agriculture, Food and Markets, and the Vermont Attorney

1 General, shall collaborate to identify the issues, stakeholders, and processes
2 necessary to consider whether and how to:

3 (1) provide Vermont businesses with a means of promoting and
4 marketing products and services that are manufactured, designed, engineered,
5 or formulated in Vermont and to avoid confusion by consumers when the
6 Vermont brand is used in marketing products or services; and

7 (2) harmonize the Vermont origin rule, the Made in Vermont initiative,
8 the proposed Vermont Products Program or similar initiative, and any other
9 programs or initiatives the Secretaries and the Attorney General determine
10 would be appropriate for such consideration.

11 (b) On or before September 1, 2015, the Secretaries and the Attorney
12 General shall submit a report on their findings and recommendations to the
13 Senate Committee on Economic Development, Housing and General Affairs
14 and the House Committee on Commerce and Economic Development.

15 * * * Effective Dates * * *

16 Sec. 37. EFFECTIVE DATES

17 (a) This section and Sec. 20a (Public Service Board; rulemaking) shall take
18 effect on passage.

19 (b) The remainder of this act shall take effect on July 1, 2014, except that
20 16 V.S.A. § 2888(b)(3) (Vermont Strong loan forgiveness) shall take effect on
21 July 1, 2015.

1

2 (Committee vote: _____)

3

4

Representative [surname]

5

FOR THE COMMITTEE

6