

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred Senate Bill No. 220 entitled “An act relating to amending
4 the workers’ compensation law, establishing a registry of sole contractors,
5 increasing the funds available to the Department of Tourism and Marketing for
6 advertising, and regulating legacy insurance transfers” respectfully reports that
7 it has considered the same and recommends that the bill be amended by
8 striking all after the enacting clause and inserting in lieu thereof the following:

9 * * * One-Stop Business Support Services * * *

10 Sec. 1. ONE-STOP SHOP WEB PORTAL

11 (a) Purpose. The State of Vermont seeks to simplify the process for
12 businesses creation and growth by providing:

13 (1) a clear guide to resources and technical assistance for all phases of
14 growth;

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

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

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

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

1 (b) Administration. The Agency of Commerce and Community
2 Development shall coordinate with relevant agencies and departments within
3 State government and its outside partners, including regional development
4 corporations and small business development centers, to provide
5 comprehensive business services, including a “First Stop” website, regional
6 coaching teams, print materials, and other outreach.

7 (c) Implementation.

8 (1) Phase 1. On or before the end of fiscal year 2015, the Agency of
9 Commerce and Community Development shall complete necessary partner
10 outreach and collaboration and an inventory of existing websites, shall
11 determine the appropriate content to be included on the web portal, and shall
12 update its current website to include links to State agencies and departments
13 with regulatory oversight and authority over Vermont businesses.

14 (2) Phase 2. On or before the end of fiscal year 2015, the Agency of
15 Commerce and Community Development shall edit and organize the content to
16 be included on the website.

17 (3) Phase 3. On or before the end of fiscal year 2016, the Agency of
18 Commerce and Community Development shall complete the design and
19 mapping of the website.

1 (4) Phase 4. On or before the end of fiscal year 2016, the Agency of
2 Commerce and Community Development shall complete a communications
3 and outreach plan with a final funding proposal for the project.

4 (d) Future funding. The Agency of Commerce and Community
5 Development shall develop funding proposals for Phases 3 and 4 for fiscal year
6 2016.

7 * * * Vermont Entrepreneurial Lending Program;

8 Vermont Entrepreneurial Investment Tax Credit * * *

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 seed, start-up, and
17 growth-stage businesses 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~~ seed, start-up, and growth-stage businesses often consist almost
3 entirely of intellectual property or insufficient tangible assets to support
4 conventional lending, ~~such~~ these companies frequently do not have access to
5 conventional means of raising capital, such as asset-based bank financing.

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

12 § 280bb. ~~TECHNOLOGY LOAN~~ VERMONT ENTREPRENEURIAL
13 LENDING PROGRAM

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

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

3 (2) investments from \$250,000.00 through \$2,000,000.00 in
4 growth-stage companies whose capital needs exceed the current capacity of
5 public and private entrepreneurial financing sources; and

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

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

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

1 10 V.S.A. § 280bb with up to \$1,000,000.00 from Authority funds or eligible
2 federal funds currently administered by the Authority.

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

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

8 § 5930zz. VERMONT ENTREPRENEURIAL INVESTMENT TAX

9 CREDITS

10 (a) A person may receive a credit against his or her income tax imposed
11 by this chapter in an amount equal to 50 percent of his or her direct investment
12 in a Vermont-domiciled business that had gross revenues in the preceding
13 12 months of less than \$3,000,000.00.

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

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

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

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

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

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

15 Secs. 5–7. RESERVED

16 * * * Energy Rates for Businesses * * *

17 Sec. 8. PUBLIC SERVICE BOARD STUDY; BUSINESS RATES

18 (a) On or before December 1, 2014, the Public Service Board shall conduct
19 and complete an investigation of how best to advance the public good through
20 improved competitiveness for Vermont’s energy-intensive businesses with
21 regard to energy costs. As used in this section, “energy-intensive business” or

1 “business” means a business that uses more than 1,000 MWh of electricity or
2 more than 50,000 million BTU of combustible fuel per year.

3 (b) In conducting the investigation required by this section, the Board shall
4 consider:

5 (1) potential changes to the method used to assess rates for businesses
6 and, if such changes serve the public good, how to implement them in the rate
7 design of Vermont utilities;

8 (2) potential changes to the delivery, funding, and financing of energy
9 efficiency services to businesses, including an opt-out provision for businesses
10 with regard to the energy efficiency charge established under 30 V.S.A. § 209;

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

14 (4) programs or policies that would authorize retail choice for
15 businesses with respect to contracts for electricity supply;

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

17 (6) whether and to what extent any programs or policies considered by
18 the Board under this section would impose cost shifts onto other customers,
19 result in stranded costs, or conflict with mandatory renewable energy
20 requirements in Vermont and whether such cost shifts, stranded costs, or
21 conflicts would nonetheless promote the public good.

1 (c) On or before January 15, 2015, the Board shall report to the General
2 Assembly its findings and recommendations regarding regulatory or statutory
3 changes that would reduce energy costs for Vermont businesses and promote
4 the public good.

5 (d) The investigation required by this section need not conform with the
6 contested case procedures of 3 V.S.A. chapter 25 but shall provide the public,
7 including affected parties and State agencies, notice and opportunity for
8 written and oral comments.

9 * * * Domestic Export Program * * *

10 Sec. 9. DOMESTIC MARKET ACCESS PROGRAM FOR VERMONT
11 AGRICULTURE AND FOREST PRODUCTS

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

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

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

1 § 5811. DEFINITIONS

2 * * *

3 (21) “Taxable income” means federal taxable income determined
4 without regard to Section 168(k) of the Internal Revenue Code and:

5 (A) Increased by the following items of income (to the extent such
6 income is excluded from federal adjusted gross income):

7 (i) interest income from non-Vermont state and local obligations;

8 (ii) dividends or other distributions from any fund to the extent
9 they are attributable to non-Vermont state or local obligations; and

10 (iii) the amount in excess of \$5,000.00 of state and local income
11 taxes deducted from federal adjusted gross income for the taxable year, but in
12 no case in an amount that will reduce total itemized deductions below the
13 standard deduction allowable to the taxpayer; and

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

16 (i) income from United States government obligations;

17 (ii) with respect to adjusted net capital gain income as defined in
18 Section 1(h) of the Internal Revenue Code: ~~either~~ the first \$5,000.00 of
19 adjusted net capital gain income; or 40 percent of adjusted net capital gain
20 income from the sale of assets held by the taxpayer for more than three years,
21 except not adjusted net capital gain income from:

1 (I) the sale of any real estate or portion of real estate used by
2 the taxpayer as a primary or nonprimary residence; or

3 (II) the sale of depreciable personal property other than farm
4 property and standing timber; or stocks or bonds publicly traded or traded on
5 an exchange, or any other financial instruments; regardless of whether sold by
6 an individual or business;

7 and provided that the total amount of decrease under this subdivision
8 (21)(B)(ii) shall not exceed 40 percent of federal taxable income; and

9 (iii) recapture of ~~state~~ State and local income tax deductions not
10 taken against Vermont income tax.

11 Secs. 17–18. RESERVED

12 * * * Criminal Penalties for Computer Crimes * * *

13 Sec. 21. 13 V.S.A. chapter 87 is amended to read:

14 CHAPTER 87. COMPUTER CRIMES

15 * * *

16 § 4104. ALTERATION, DAMAGE, OR INTERFERENCE

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

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

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

4 (2) if the damage or loss does not exceed \$500.00 for a second or
5 subsequent offense, imprisoned not more than two years or fined not more than
6 ~~\$1,000.00~~ \$10,000.00, or both; or

7 (3) if the damage or loss exceeds \$500.00, imprisoned not more than
8 10 years or fined not more than ~~\$10,000.00~~ \$25,000.00, or both.

9 § 4105. THEFT OR DESTRUCTION

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

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

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

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

4 (2) if the damage or loss does not exceed \$500.00 for a second or
5 subsequent offense, imprisoned not more than two years or fined not more than
6 ~~\$1,000.00~~ \$10,000.00, or both; or

7 (3) if the damage or loss exceeds \$500.00, imprisoned not more than
8 10 years or fined not more than ~~\$10,000.00~~ \$25,000.00, or both.

9 § 4106. CIVIL LIABILITY

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

13 * * *

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

16 Sec. 22. 12 V.S.A. § 523 is amended to read:

17 § 523. TRADE SECRETS

18 An action for misappropriation of trade secrets under 9 V.S.A. chapter 143
19 ~~of Title 9~~ shall be commenced within ~~three~~ five years after the cause of action
20 accrues, and not after. The cause of action shall be deemed to accrue as of the

1 date the misappropriation was discovered or reasonably should have been
2 discovered.

3 * * * Protection of Trade Secrets * * *

4 Sec. 23. 9 V.S.A. chapter 143 is amended to read:

5 CHAPTER 143. TRADE SECRETS

6 § 4601. DEFINITIONS

7 As used in this chapter:

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

11 (2) “Misappropriation” means:

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

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

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

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

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

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

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

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

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

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

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

16 § 4602. INJUNCTIVE RELIEF

17 (a) ~~Actual~~ A court may enjoin actual or threatened misappropriation ~~may~~
18 ~~be enjoined~~ of a trade secret. Upon application to the court, an injunction shall
19 be terminated when the trade secret has ceased to exist, but the injunction may
20 be continued for an additional reasonable period of time in order to eliminate

1 commercial advantage that otherwise would be derived from the
2 misappropriation.

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

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

11 § 4603. DAMAGES

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

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

19 (3) In lieu of damages measured by any other methods, the damages
20 caused by misappropriation may be measured by imposition of liability for a

1 reasonable royalty for a misappropriator's unauthorized disclosure or use of a
2 trade secret.

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

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

8 § 4605. PRESERVATION OF SECRECY

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

15 § 4607. EFFECT ON OTHER LAW

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

19 (b) This chapter does not affect:

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

1 for the contractor's additional commercial use of intellectual property
2 developed under a state contract.

3 § 347. STATE CONTRACTING; INTELLECTUAL PROPERTY,
4 SOFTWARE DESIGN, AND INFORMATION TECHNOLOGY;
5 E-RFP PROCESS

6 (a) The Secretary of Administration shall adopt an e-RFP process to
7 provide knowledge-based businesses certified under subsection 2471a(c) of
8 this title with early electronic notice of requests for proposals and State
9 contracts to provide software design services, computer coding, or other
10 intellectual property-based services to State agencies and departments.

11 (b) The Secretary shall have the authority to require all State agencies and
12 departments to participate in the e-RFP process adopted pursuant to subsection
13 (a) of this section, and to adopt such policies and procedures as are necessary
14 to improve the transparency and function of the State procurement process in
15 order to increase the number of State contracts awarded to qualified
16 knowledge-based businesses certified by the Secretary of Commerce and
17 Community Development under subsection 2471a(c) of this title.

18 * * * Study; Effective Date * * *

19 Sec. 25. RESERVED

1 Sec. 26. STUDY; DEPARTMENT OF FINANCIAL REGULATION;
2 LICENSED LENDER REQUIREMENTS; COMMERCIAL
3 LENDERS

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

11 Sec. 27. RESERVED

12 * * * Tourism Funding * * *

13 Sec. 28. 10 V.S.A. § 668 is added to read:

14 § 668. TOURISM FUNDING

15 (a) In addition to any other funds appropriated to the Department of
16 Tourism and Marketing, in each fiscal year, the General Assembly shall
17 appropriate to the Department of Tourism and Marketing 75 percent of the
18 amount by which the total meals and rooms tax revenue collected in the
19 immediately preceding fiscal year exceeds the total meals and rooms tax
20 revenue collected in the fiscal year two years preceding the current fiscal year.

1 (b) The additional amount appropriated in a fiscal year pursuant to this
2 section shall not exceed \$2,000,000.00.

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

4 Sec. 28A. 24 V.S.A. § 4352 is added to read:

5 § 4352. ENTERPRISE ZONE; DESIGNATION; INCENTIVES

6 (a) Upon approval of the Commissioner of Housing and Community
7 Development, a regional planning commission shall have the authority to
8 designate as a Vermont Enterprise Zone one or more geographic areas within
9 its service area that, at minimum:

10 (1) has clearly defined boundaries that are zoned or permitted for
11 industrial use and has been approved by one or more municipalities in their
12 municipal plans to accommodate a share of the industrial growth anticipated by
13 the municipality or municipalities over a 20-year period;

14 (2) functions as a single, integrated area and provides functional
15 connections, namely connections to existing or planned public or private
16 infrastructure.

17 (b) Notwithstanding any other provision of law to the contrary, the
18 developer of a project in an approved Vermont Enterprise Zone shall be
19 eligible for the following incentives:

1 (1) access to the loans and assistance available to a local development
2 corporation from the Vermont Economic Development Authority for the
3 creation or improvement of industrial parks under 10 V.S.A.
4 chapter 12, subchapter 3 (Industrial Parks, Speculative Buildings, and Small
5 Business Incubator Facilities);

6 (2) site planning assistance from the Department of Housing and
7 Community Development in an amount up to 50 percent of the project cost;

8 (3) financing of up to 50 percent of site acquisition and infrastructure
9 development costs from the Department of Housing and Community
10 Development, through grants, loans, or other mechanisms as determined by the
11 Commissioner of Housing and Community Development in his or her
12 discretion.

13 * * * Act 250; Exemption; Master Permitted Industrial Park * * *

14 Sec. 29. 10 V.S.A. § 6001(3)(D) is amended to read:

15 (D) The word “development” does not include:

16 * * *

17 (viii) The construction or modification of improvements for
18 industrial purposes, on a tract or tracts of land, owned or controlled by a
19 person, that lie entirely:

20 (I) within an industrial park defined in section 212 of this title
21 or a commercial park that:

1 (aa) the regional planning commission, with the approval of
2 the Commissioner of Housing and Community Development, has designated
3 as a Vermont Enterprise Zone under 24 V.S.A. § 4352 and

4 (bb) has obtained a master permit issued pursuant to this
5 chapter; and

6 (II) within a municipality that:

7 (aa) Has a duly adopted municipal plan regionally approved
8 pursuant to 24 V.S.A. § 4350.

9 (bb) Has duly adopted permanent zoning and subdivision
10 bylaws necessary to implement the municipal plan.

11 (cc) Has adopted a development review board.

12 (dd) Has elected by ordinance, adopted under 24 V.S.A.
13 chapter 59, to have municipal jurisdiction under this subdivision (3)(D)(vi)
14 apply, in lieu of jurisdiction that would otherwise apply under this chapter. A
15 municipality that has elected by ordinance to exercise jurisdiction over
16 improvements under this subsection (viii) shall implement and enforce all
17 provisions and conditions of the applicable master permit.

18 Sec. 30. 10 V.S.A. § 6083(h) is added to read:

19 (h) Regulatory incentives; Vermont Enterprise Zones.

20 (1) Master plan permit application. A person who owns or controls an
21 area encompassing all or part of a Vermont Enterprise Zone designated under

1 24 V.S.A. § 4352 may apply to the District Commission for a master plan
2 permit for that area or any portion of that area pursuant to the procedures and
3 policies of the Natural Resources Board. However, a municipality may apply
4 under this subdivision without owning or controlling the affected property. In
5 approving a master permit, the District Commission may include conditions
6 that an applicant for an individual industrial project permit shall be required to
7 meet during the review by a Development Review Board in a municipality that
8 has elected by ordinance to assume such regulatory authority pursuant to
9 subdivision 6001(3)(D)(iv) of this title.

10 (2) Individual project permits within a Vermont Enterprise Zone. A
11 Development Review Board created pursuant 24 V.S.A. chapter 117 shall
12 review individual industrial permit applications within a Vermont Enterprise
13 Zone in accordance with the specific findings of fact and conclusions of law
14 determinations on the criteria of section 6086(a) of this title issued by the
15 District Environmental Commission in the applicable master plan permit. A
16 person proposing a development or subdivision within a Vermont Enterprise
17 Zone where no master plan permit is in effect shall be required to file an
18 application with the District Commission for review under the criteria of of
19 6086(a) of this title.

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

21 Sec. 31. 10 V.S.A. § 6093(a)(4) is amended to read:

1 (4) Industrial parks.

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

19 (B) In any application to a ~~district commission~~ District Commission
20 for expansion of an existing or for a new industrial park, compact development
21 patterns shall be encouraged that ~~assure~~ ensure the most efficient use of land

1 and the realization of maximum economic development potential through
2 appropriate densities, taking into account any long-term needs for project
3 expansion within the industrial park. Industrial park expansions and industrial
4 park infill shall not be subject to requirements established in subdivision
5 6086(a)(9)(B)(iii) of this title, nor to requirements established in subdivision
6 6086(a)(9)(C)(iii).

7 Sec. 32. 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 ~~(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~~ 20
19 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 (1) engage in the business of making loans of money, credit, goods, or
2 things in action and charge, contract for, or receive on any such loan interest, a
3 finance charge, discount, or consideration ~~therefore~~ therefor;

4 (2) act as a mortgage broker;

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

6 (4) act as a sales finance company.

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

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

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

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

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

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

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

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

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

17 (4) a depository institution or a financial institution as defined in
18 8 V.S.A. § 11101(32);

19 (5) a pawnbroker;

20 (6) an insurance company;

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

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

10 (9) lenders that conduct their lending activities, other than residential
11 mortgage loan activities, through revolving loan funds, that are nonprofit
12 organizations exempt from taxation under Section 501(c) of the Internal
13 Revenue Code, 26 U.S.C. § 501(c), and that register with the ~~commissioner of~~
14 ~~economic development~~ Commissioner of Economic Development under
15 10 V.S.A. § 690a;

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

19 (11) a seller who, pursuant to 9 V.S.A. § 2355(f)(1)(D), includes the
20 amount paid or to be paid by the seller to discharge a security interest, lien
21 interest, or lease interest on the traded-in motor vehicle in a motor vehicle

1 retail installment sales contract, provided that the contract is purchased,
2 assigned, or otherwise acquired by a sales finance company licensed pursuant
3 to this title to purchase motor vehicle retail installment sales contracts or a
4 depository institution;

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

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

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

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

18 (13) nonprofit organizations established under testamentary instruments,
19 exempt from taxation under Section 501(c)(3) of the Internal Revenue Code,
20 26 U.S.C. § 501(c)(3), and which make loans for postsecondary educational

1 costs to students and their parents, provided that the organizations provide
2 annual accountings to the Probate Division of the Superior Court;

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

6 (15) a housing finance agency;

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

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

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

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

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

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

6 (5) A licensed attorney who negotiates the terms of a residential
7 mortgage loan on behalf of a client as an ancillary matter to the attorney's
8 representation of the client, unless the attorney is compensated by a lender, a
9 mortgage broker, or other mortgage loan originator or by any agent of such
10 lender, mortgage broker, or other mortgage loan originator. To the extent an
11 attorney licensed in this State undertakes activities that are covered by the
12 definition of a mortgage loan originator, such activities do not constitute
13 engaging in the business of a mortgage loan originator, provided that:

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

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

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

1 (b) A performance contract shall be made for a period agreed to by the
2 parties.

3 (c) Payments to a service provider shall be made pursuant to the terms of
4 the performance contract.

5 (d) The Secretary shall include in each performance contract a provision for
6 one or more incentive payments that are contingent upon the number and type
7 of new jobs created by, and attributable to, the performance of the service
8 provider.

9 * * * Effective Date * * *

10 Sec. 36. POSITION CREATED; DEPARTMENT OF LABOR;

11 APPROPRIATION

12 (a) There is appropriated in fiscal year 2015 from the General Fund to the
13 Department of Labor the amount of \$90,000.00 for the creation of one full-
14 time position with benefits.

15 (b)(1) Pursuant to this Section, the Commissioner of Labor shall have the
16 authority to create one full-time position of Workforce Education and Training
17 Leader within the Department.

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

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

3 * * * Vermont Strong Scholars Program * * *

4 Sec. 37. 16 V.S.A. chapter 90 is redesignated to read:

5 CHAPTER 90. FUNDING OF POSTSECONDARY INSTITUTIONS

6 EDUCATION

7 Sec. 38. 16 V.S.A. § 2888 is added to read:

8 § 2888. VERMONT STRONG SCHOLARS PROGRAM

9 (a) Program creation. There is created a Vermont Strong Scholars Program
10 to repay a portion of a Vermont resident's postsecondary debt in order to
11 encourage Vermonters majoring in fields that prepare them for employment in
12 Vermont in targeted workforce areas upon earning a bachelor's or associate's
13 degree from a Vermont public or independent postsecondary institution to
14 work in Vermont. The Secretary of Commerce and Community Development,
15 in consultation with the Secretary of Education and the Commissioner of
16 Labor, shall determine eligibility for the Program and develop all
17 organizational details consistent with the purposes and requirements of this
18 section.

19 (b) Fund creation.

20 (1) There is created a special fund to be known as the Vermont Strong
21 Scholars Fund pursuant to 32 V.S.A. chapter 7, subchapter 5. The Fund shall

1 be established and held separate and apart from any other funds or monies of
2 the State and shall be used and administered solely for the purposes of this
3 section. The Secretary of Commerce and Community Development may draw
4 warrants for disbursements from the Fund in anticipation of receipts. Any
5 remaining balance at the end of the fiscal year shall be carried forward in the
6 Fund.

7 (2) The Fund shall consist of:

8 (A) sums appropriated or transferred from the General Fund from
9 time to time by the General Assembly;

10 (B) interest earned from the investment of Fund balances; and

11 (C) any other money from any other source accepted for the benefit
12 of the Fund.

13 (3) The Secretary of Commerce and Community Development shall
14 administer the Fund or may contract for its administration. The administrator
15 may require certification of compliance with this section prior to making an
16 award, including certification that the amount of the eligible individual's
17 outstanding debt arising solely from postsecondary tuition exceeds the total
18 amount to be paid under this section.

19 (c) Criteria.

20 (1) Tuition repayment awards shall be provided in exchange for a
21 commitment from an eligible individual to work in Vermont following

1 postsecondary graduation for the three- or five-year period of tuition
2 repayment under this section.

3 (2) An individual shall be eligible for an award under this section if he
4 or she:

5 (A) is a graduate of a Vermont public secondary school, a public
6 school in another state that is designated as the public school for the student's
7 district of residence, or an approved or recognized independent secondary
8 school located in Vermont, or was a home study student classified as a
9 Vermont resident by the postsecondary institution from which he or she was
10 graduated;

11 (B) is a graduate of a public or independent postsecondary institution
12 in Vermont;

13 (C) was a first-time, full-time, degree-seeking student while enrolled
14 in the postsecondary institution;

15 (D) was awarded an associate's or bachelor's degree in a field
16 identified by the Secretary of Commerce and Community Development, the
17 Secretary of Education, and the Commissioner of Labor in a collaborative
18 process that determines current and projected industry trends and identifies
19 current and future workforce needs;

20 (E) completed the associate's degree within two years or the
21 bachelor's degree within four years;

1 (F) was enrolled in the postsecondary institution from which the
2 degree was awarded or was enrolled in both that institution and another
3 Vermont postsecondary institution for the entire two- or four-year period;
4 provided, however, that an award shall be available on a prorated basis to an
5 otherwise eligible individual who is enrolled in a postsecondary institution
6 located outside Vermont and who transfers to and is graduated from a Vermont
7 postsecondary institution; and

8 (G) following graduation, is employed in a field or specific position
9 identified by the collaborative process referenced in this subdivision (2).

10 (3) The Secretary of Commerce and Community Development shall
11 make an award under this section to an eligible individual:

12 (A) in an amount equal to one semester of tuition at the Vermont
13 State Colleges' in-state tuition rate for the second year of enrollment for an
14 individual awarded an associate's degree, to be paid in installments during the
15 three years following graduation; and

16 (B) in an amount equal to one year of tuition at the Vermont State
17 Colleges' in-state tuition rate for the fourth year of enrollment for an individual
18 awarded a bachelor's degree, to be paid in installments during the five years
19 following graduation.

20 (4) Notwithstanding subdivision (3) of this subsection, an award to an
21 eligible individual shall be adjusted so that it does not exceed the amount of

1 the individual's debt arising solely from postsecondary tuition that is
2 outstanding at the time of graduation.

3 (d) Reports.

4 (1) Participating postsecondary schools shall report annually in
5 November to the Secretary of Commerce and Community Development
6 regarding the number of enrolled first-time, full-time Vermont students with an
7 eligible major who are expected to graduate within the required two- or
8 four-year period.

9 (2) Notwithstanding 2 V.S.A. § 20(d), the Secretary of Commerce and
10 Community Development shall report annually in January to the General
11 Assembly regarding implementation of the Program, including the projected
12 cost of making awards under this section during the then-current fiscal year
13 and each of the four years following.

14 (e) Rules. The Secretary of Commerce and Community Development shall
15 adopt rules pursuant to 3 V.S.A. chapter 25 to implement the Program created
16 by this section.

17 Sec. 39. REPORTS

18 On or before January 15, 2015, the Secretary of Commerce and Community
19 Development shall report to the General Assembly regarding implementation
20 of the Program created in Sec. 38 of this act, including the projected cost of
21 making awards under that section in fiscal year 2017 and after.

1 Sec. **X**. EFFECTIVE DATE

2 (a) Except as otherwise provided in this Section, this act shall take effect on
3 July 1, 2014.

4 (b) Secs. 37-39 (Vermont Strong Scholars Program) shall take effect on
5 July 1, 2014 and, pursuant to the terms of 16 V.S.A. § 2888, tuition repayment
6 awards shall be available to Vermont students graduating from high school in
7 2014 and after.

8

9

10 (Committee vote: _____)

11

12

Senator [surname]

13

FOR THE COMMITTEE