

1 Introduced by Committee on Economic Development and Housing and
2 General Affairs

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; labor

6 Statement of purpose of bill as introduced: This bill proposes to create a new
7 Agency of Economic Opportunity and reorganize certain components of State
8 government.

9 An act relating to creating the Agency of Economic Opportunity and
10 restructuring State government functions related to commerce and labor

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

12 Sec. 1. 3 V.S.A. chapter 47 is amended to read:

13 Chapter 47: Agency of ~~Commerce and Community Development~~ Economic

14 Opportunity

15 Subchapter 1: Generally

16 § 2401. DEFINITIONS

17 In this chapter the following words mean:

18 (1) Agency: The Agency of ~~Commerce and Community Development~~
19 Economic Opportunity.

20 (2) Department: A major component of the Agency.

1 (3) Director: The head of a division of the Agency.

2 (4) Division: A major component of a department engaged in furnishing
3 services to the public or to units of government at levels other than the State
4 level.

5 (5) Commissioner: The head of a department responsible to the Secretary
6 for the administration of the department.

7 (6) Secretary: The head of the Agency, a member of the Governor's
8 cabinet, and responsible to the Governor for the administration of the Agency.

9 § 2402. CREATION OF AGENCY

10 (a) An Agency of ~~Commerce and Community Development~~ Economic
11 Opportunity is created consisting of the following:

12 (1) The Department of Economic and Workforce Development, 3 V.S.A.
13 § 2471.

14 (A) Business support programs and services, including:

15 (i) Captive insurance, 8 V.S.A. § 6017.

16 (ii) Film and new media, including the Vermont Film and New
17 Media Advisory Board, 3 V.S.A. 2471d.

18 (iii) International trade.

19 (iv) Procurement Technical Assistance Center.

20 (v) Vermont Business Registry, 3 V.S.A. § 2471a.

21 (vi) Government Marketing Assistance Center, 3 V.S.A. § 2471b.

- 1 (vii) Market Vermont Program, 3 V.S.A. chapter 47, subchapter 5.
- 2 (B) Vermont EB-5 Regional Center, 10 V.S.A. § 20.
- 3 (C) Vermont Training Program, 10 V.S.A. chapter 22.
- 4 (D) Regional Workforce Education and Training, 10 V.S.A. § 542.
- 5 (E) Workforce Education and Training Fund, 10 V.S.A. § 543.
- 6 (F) Vermont Strong Internship Program, 10 V.S.A. § 544.
- 7 (G) State Workforce Development Board, including implementation
8 of the federal Workforce Innovation and Opportunity Act of 2014, 10 V.S.A.
9 chapter 22A [action or notice to federal counterpart required? Is there an issue
10 with separating federally funding training and dislocated worker funds from
11 unemployment services?].
- 12 (H) The Apprentice Division, the State Apprenticeship Council, and
13 apprenticeship programs, 21 V.S.A. chapter 13.
- 14 (I) Youth in Agriculture, Natural Resources, and Food Production
15 Consortium, 21 V.S.A. chapter 14.
- 16 (J) The Vermont Employment Service Division, 21 V.S.A. chapter
17 15.
- 18 (K) Displaced Homemaker Programs, 21 V.S.A. chapter 16.
- 19 (L) Veterans Services, including the federal Disabled Veterans’
20 Outreach Program and Local Veterans’ Employment Representatives [action
21 or notice to federal counterpart required?].

1 (M) Foreign labor certification, including the Vermont State Program
2 Monitor and Advocate for the federal H2A Program, H2B Temporary Visa
3 Program, and the Migrant Seasonal Farm Workers Program [action or notice to
4 federal counterpart required?].

5 (N) Vermont Supplemental Nutrition Assistance Program,
6 Employment and Training Pilot Program [action or notice to federal
7 counterpart required?].

8 (O) Work Opportunity Tax Credit Program, 26 U.S.C. § 51 [action or
9 notice to federal counterpart required?].

10 (P) Reemployment Services and Eligibility Assessment Program.

11 (Q) Education and outreach services, 21 V.S.A. § 412 [~ *this was a*
12 *joint DOL and ACCD charge – do DE&WD and DOL now work together, or*
13 *this one/other?*].

14 (R) Vermont Economic Progress Council, including the Vermont
15 Employment Growth Incentive Program, 32 V.S.A. chapter 105, and Tax
16 Increment Financing, 24 V.S.A. chapter 53, subchapter 5.

17 (2) The Department of Housing and Community Development, 3 V.S.A.
18 § 2472.

19 (A) The Division for Historic Preservation, 3 V.S.A. § 2473.

20 (i) Historic Site Markers Program, 3 V.S.A. § 2472a.

1 (ii) Building Communities grants, 24 V.S.A. chapter 137,
2 including the Historic Preservation Grant Program, Historic Barns Preservation
3 Grant Program, Regional Economic Development Grant Program, Agricultural
4 Fairs and Field Days Capital Projects Competitive Grants Program, and
5 Enhanced 911 Compliance Grants Program.

6 (B) The Division of Housing.

7 (i) Mobile Home Parks Program.

8 (ii) Charitable Housing Investment Tax Credit.

9 (C) The Vermont Housing Council, Exec. Order No. 08-11.

10 (D) Brownfield Revitalization Fund, 10 V.S.A. § 6654.

11 (E) Vermont Community Development Board, and Community
12 Development Block Grant Program, 10 V.S.A. chapter 29.

13 (F) State Designation Programs, 24 V.S.A. chapter 76a.

14 ~~(3) The Division for Historic Preservation.~~

15 ~~(4) Vermont Life magazine.~~

16 ~~(5) (3) The Department of Tourism and Marketing, 3 V.S.A. § 2476.~~

17 (A) Vermont Life Magazine, 3 V.S.A. § 2473a.

18 (B) Chief Marketing Officer, 2005 Acts and Resolves No. 71, Sec.
19 205a.

20 (C) Duties relating to tourist information services, including with the
21 Travel Information Council, 10 V.S.A. chapter 21.

1 (D) Travel and Recreation Council, 10 V.S.A. chapter 27, subchapter

2 1.

3 (E) Travel Promotion Matching Fund Program, 10 V.S.A. chapter 27,
4 subchapter 2.

5 (F) Regional Travel and Tourism Marketing Program 10 V.S.A.
6 chapter 27, subchapter 3.

7 ~~(6)~~ (4) The Vermont Center for Geographic Information, 3 V.S.A. §
8 2475 and 10 V.S.A. § chapter 8.

9 (5) The Department of Labor

10 (A) Division of Workers' Compensation and Safety, 21 V.S.A.

11 (i) Mine safety, including federal Mine Safety and Health
12 Administration Part 46 and Part 48 training plans. [action or notice to federal
13 counterpart required?].

14 (B) Division of Unemployment Insurance and Wages.

15 (C) Division of Economic & Labor Market Information.

16 (6) The Agency shall contain an Administrative Support Services
17 Division, 3 V.S.A. § 2474.

18 ~~(c), (d) [Repealed.]~~

19 ~~(e)~~ (b) Units attached to the Agency for administrative support shall receive,
20 and shall use, the services provided by the Administrative Services Division of
21 the Agency under section 2474 of this title.

1 § 2403. ADVISORY CAPACITY

2 All boards and commissions which under this chapter are a part of or are
3 attached to the Agency shall be advisory only, except as hereinafter provided,
4 and the powers and duties of the boards and commissions, including
5 administrative, policy making, and regulatory functions, shall vest in and be
6 exercised by the Secretary of the Agency. Boards of registration attached to
7 this Agency shall retain and exercise all existing authority with respect to
8 licensing of the persons registered or applying for registration.

9 § 2404. PERSONNEL DESIGNATION

10 The Secretary, Deputy Secretary, Commissioner, Deputy Commissioner,
11 attorneys, and all members of boards, committees, commissions, or councils
12 attached to the Department for support are exempt from the classified state
13 service. Except as authorized by section 311 of this title or otherwise by laws,
14 all other positions shall be within the classified service.

15 Subchapter 2: Secretary

16 § 2421. APPOINTMENT AND SALARY

17 ~~(a)~~ The Agency shall be under the direction and supervision of a Secretary,
18 who shall be appointed by the Governor with the advice and consent of the
19 Senate and shall serve at the pleasure of the Governor.

20 § 2422. BUDGET AND REPORT

1 The Secretary shall be responsible to the Governor and shall plan,
2 coordinate, and direct the functions vested in the Agency.

3 § 2423. DEPUTY SECRETARY

4 (a) The Secretary, with the approval of the Governor, may appoint a Deputy
5 Secretary to serve at his or her pleasure and to perform such duties as the
6 Secretary prescribes. The Deputy Secretary shall be exempt from the classified
7 service. The appointment shall be in writing and recorded in the Office of the
8 Secretary of State.

9 (b) The Deputy Secretary shall discharge the duties and responsibilities of
10 the Secretary in the Secretary's absence. In case a vacancy occurs in the Office
11 of the Secretary the Deputy shall assume and discharge the duties of the office
12 until the vacancy is filled.

13 § 2424. ADVISORY COUNCILS OR COMMITTEES

14 The Secretary, with the approval of the Governor, may create such advisory
15 councils or committees as he or she deems necessary within the Agency, and
16 appoint members thereto for terms not exceeding his or hers.

17 § 2425. TRANSFER OF PERSONNEL AND APPROPRIATIONS

18 (a) The Secretary, with the approval of the Governor, may transfer
19 classified positions between State departments and other components of the
20 Agency, subject only to personnel laws and rules.

1 (b) The Secretary, with the approval of the Governor, may transfer
2 appropriations or parts thereof between departments and other components in
3 the Agency, consistent with the purposes for which the appropriation was
4 made.

5 Subchapter 3: Commissioners and Directors

6 § 2451. COMMISSIONERS-APPOINTMENT; TERM

7 The ~~Secretary, with the approval of the~~ Governor, shall appoint a
8 commissioner of each department, who shall be the chief executive and
9 administrative officer and head of the department and shall serve at the
10 pleasure of the ~~Secretary~~ Governor.

11 § 2452. MANDATORY DUTIES

12 (a) The commissioner shall determine the policies of the department, and
13 may exercise the powers and shall perform the duties required for its effective
14 administration.

15 (b) In addition to other duties imposed by law, the commissioner shall:

- 16 (1) administer the laws assigned to the department;
17 (2) coordinate and integrate the work of the divisions;
18 (3) supervise and control all staff functions.

19 § 2453. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

20 The commissioner may, with the approval of the Secretary:

1 (1) Transfer appropriations or parts thereof within or between divisions
2 and branches, consistent with the purposes for which the appropriation was
3 made.

4 (2) Transfer classified positions within or between divisions subject only
5 to State personnel laws and regulations.

6 (3) Cooperate with the appropriate federal agencies and administer
7 federal funds in support of programs within the department.

8 (4) Submit plans and reports, and in other respects comply with federal
9 law and regulations which pertain to programs administered by the department.

10 (5) Make regulations consistent with law for the internal administration
11 of the department and its programs.

12 (6) Appoint a deputy commissioner.

13 (7) Create such advisory councils or committees as he or she deems
14 necessary within the department, and appoint their members, for a term not
15 exceeding his or hers.

16 (8) Provide training and instruction for any employees of the department,
17 at the expense of the department, in educational institutions or other places.

18 (9) Organize, reorganize, transfer, or abolish divisions, staff function
19 sections within the department. This authority shall not extend to divisions or
20 other bodies created by law.

21 § 2454. DIRECTORS

1 (a) A director shall administer each division created within the department.
2 The commissioners, with the approval of the Secretary, shall appoint the
3 directors for divisions which are part of a department, and the Secretary shall
4 appoint any other directors. ~~All directors shall be appointed subject to section~~
5 ~~12 of this act.~~

6 (b) Each division and its officers shall be under the direction and control of
7 the appointing authority, except with regard to judicial or quasi-judicial acts or
8 duties vested in them by law.

9 (c) No rule or regulation may be issued by a director of a division without
10 the approval of the appointing authority.

11 Subchapter 4: Departments, Divisions, and Boards

12 § 2471. DEPARTMENT OF ECONOMIC AND WORKFORCE
13 DEVELOPMENT

14 The Department of Economic and Workforce Development is created
15 within the Agency of ~~Commerce and Community Development~~ as the
16 ~~successor to and the continuation of the Department of Development.~~

17 § 2471A. THE VERMONT BUSINESS REGISTRY

18 (a) The Department of Economic and Workforce Development shall
19 develop and maintain a Vermont Business Registry. The Registry shall develop
20 a comprehensive database of information on Vermont businesses, including
21 information on industrial classification, size (including employment size and

1 annual revenues), ownership characteristics (including type of business entity,
2 gender, race, nationality, incidence of low- and moderate-income ownership,
3 and percent of the ownership with such characteristics), location, and export
4 data. In developing the Registry, the Department shall affirmatively conduct
5 outreach and request, but not require, information from all Vermont
6 businesses.

7 (b) The Department shall design the Registry so that it is easily accessible to
8 persons seeking information about Vermont businesses and to instrumentalities
9 involved in Vermont's economic development efforts, including the Vermont
10 Economic Development Authority, Job Start, Vermont's financial institutions,
11 the regional development corporations, and the small business development
12 centers. Such instrumentalities may use the Registry to ensure that they are
13 providing a fair share of technical and financial assistance to the Vermont
14 businesses that comprise their target market. Such instrumentalities may use
15 the Registry's demographic information to evaluate the appropriate types and
16 distribution of public and private economic development services to Vermont
17 businesses.

18 § 2471B. GOVERNMENT MARKETING ASSISTANCE CENTER

19 (a) The Department of Economic and Workforce Development shall create
20 and administer a Government Marketing Assistance Center. The purpose of
21 this Center shall be to provide information on federal, State, and municipal

1 government contract opportunities and assistance on how to bid competitively
2 for government contracts and to develop and maintain a database of federal,
3 State, and municipal contracts.

4 (b) The Department of Economic and Workforce Development may charge
5 an annual fee of up to \$50.00 from each person who accesses the Government
6 Marketing Assistance Center database of federal, State, and local contracts.

7 (c) Fees collected under this section shall be credited to a special fund and
8 shall be available to the Department of Economic and Workforce Development
9 for the purposes of maintaining databases that provide information to Vermont
10 businesses and providing services associated with those databases.

11 § 2471D. VERMONT FILM AND NEW MEDIA ADVISORY BOARD

12 The Secretary of ~~Commerce and Community Development~~ Economic
13 Opportunity shall appoint a Film and New Media Advisory Board to make
14 recommendations to the Secretary on promoting Vermont as a location for
15 commercial film and television production and facilitating the participation of
16 local individuals and companies in such productions. The primary function of
17 the Advisory Board is to recommend to the Secretary strategies to link
18 Vermonters employed in the film and new media, video, or other creative arts,
19 to economic opportunities in their trades in Vermont.

20 § 2472. DEPARTMENT OF HOUSING AND COMMUNITY
21 DEVELOPMENT

1 (a) The Department of Housing and Community Development is created
2 within the Agency of ~~Commerce and Community Development~~ Economic
3 Opportunity. The Department shall:

4 (1) Be the central State agency to coordinate, consolidate, and operate, to
5 the extent possible, all housing programs enacted hereafter by the General
6 Assembly or created by executive order of the Governor.

7 (2) Be the central State agency for local and regional planning and
8 coordination.

9 (3) Administer the Community Development Block Grant Program
10 pursuant to 10 V.S.A. chapter 29. ~~When awarding municipal planning grants~~
11 ~~prior to fiscal year 2012, the Department shall give priority to grants for~~
12 ~~downtowns, new town centers, growth centers, and Vermont neighborhoods.~~

13 (4) In partnership with the Division of Historic Preservation, direct,
14 supervise, and administer the Vermont Downtown Program, and any other
15 program designed to preserve the continued economic vitality of the State's
16 traditional commercial districts.

17 (b) Neither the Vermont State Housing Authority or the Vermont Housing
18 Finance Agency shall be considered part of the Department, but shall keep the
19 Department advised of programs and activities being conducted.

20 § 2472A. HISTORIC SITE MARKERS PROGRAM

1 A program for the erection of historic site markers is created within the
2 Agency of ~~Commerce and Community Development~~ Economic Opportunity
3 and shall be administered by the State Historic Preservation Officer. The
4 Preservation Officer shall oversee the erection, restoration, and maintenance of
5 historic site markers. In performing these duties, the Preservation Officer shall
6 consult with the Vermont Historical Society, the University of Vermont
7 Historic Preservation Program, the Preservation Trust of Vermont, and other
8 similar entities.

9 § 2473. DIVISION FOR HISTORIC PRESERVATION

10 The Division of Historic Preservation is created within the Department of
11 Housing and Community Development as the successor to and the
12 continuation of the Board of Historic Sites and the Division of Historic Sites.

13 § 2473A. VERMONT LIFE MAGAZINE

14 (a) The Department of Tourism and Marketing, within the Agency of
15 ~~Commerce and Community Development~~ Economic Opportunity, shall be
16 responsible for the publication of Vermont Life magazine. The mission of
17 Vermont Life magazine shall be to promote subtly the State in a premier-
18 quality magazine filled with the best writing, illustration, art, and photography
19 Vermont has to offer. Every issue of Vermont Life magazine shall celebrate
20 the unique heritage, countryside, traditions, and people of Vermont and explore
21 issues of contemporary interest to Vermonters and visitors of the State.

1 (b) The overall operations of Vermont Life magazine shall be managed by a
2 publisher, who shall be a State employee exempt from the classified service
3 and who shall report to the Commissioner of Tourism and Marketing. The
4 editorial functions of Vermont Life magazine shall be directed by an editor,
5 who shall be a State employee exempt from the classified service and who
6 shall report to the publisher. Vermont Life magazine editorial decisions shall
7 be made by Vermont Life magazine editorial staff pursuant to the mission of
8 the magazine and shall be protected from and independent of outside influence,
9 including that from the Legislative or Executive Branch of State government.

10 (c) An enterprise fund for the operation of Vermont Life magazine is
11 created, which shall consist of all revenues derived from the sale of Vermont
12 Life magazine, advertising in Vermont Life magazine, the sale of other
13 products under the Vermont Life label, digital and other emerging media,
14 advisory services, sponsorships, grants, events, promotions, competitions,
15 partnerships, licensing, fundraisers, markups on retail sales of other parties'
16 products, other commercial activities that are consistent with Vermont Life
17 values and supportive of the Vermont brand and approved by the Secretary
18 with the consultation of the Vermont Life Advisory Board established in
19 Executive Order #22-2, any interest earned by Vermont Life magazine, and all
20 sums which are from time to time appropriated for the support of Vermont Life
21 magazine and its operations.

1 (d) All expenses incurred in the production, publication, and sale of
2 Vermont Life magazine, advertising, and other products under the Vermont
3 Life label shall be paid from the Enterprise Fund.

4 (e) The receipt and expenditure of monies from the Enterprise Fund shall be
5 under the supervision of the business manager and at the direction of the
6 publisher, subject to the provisions of this section. Vermont Life magazine
7 shall maintain accurate and complete records of all receipts and expenditures
8 by and from the Fund.

9 § 2474. ADMINISTRATIVE SERVICES DIVISION

10 (a) The Administrative Services Division of the Agency is created. It shall
11 be administered by a Director of Administrative Services who shall be in the
12 classified service.

13 (b) The Administrative Services Division shall provide the following
14 services to the Agency and all its components, including components assigned
15 to it for administration:

16 (1) personnel administration;

17 (2) finance and accounting;

18 (3) coordination of filing and records maintenance activities;

19 (4) provision of facilities, office space, and equipment and the care

20 thereof;

1 (5) requisitioning from the Department of Buildings and General
2 Services of the Agency of Administration, of supplies, equipment, and other
3 requirements;
4 (6) management improvement services; and
5 (7) other administrative service functions as may be assigned to it by the
6 Secretary.

7 (c) Other provisions of law notwithstanding, all administrative service
8 functions delegated to other components of the Agency shall be performed
9 within the Agency by the Administrative Services Division.

10 § 2475. VERMONT CENTER FOR GEOGRAPHIC INFORMATION

11 The Vermont Center for Geographic Information is created as a division
12 within the Agency of ~~Commerce and Community Development~~ Economic
13 Opportunity and shall be administered and have the duties as set forth in 10
14 V.S.A. chapter 8 (geographic information).

15 § 2476. DEPARTMENT OF TOURISM AND MARKETING

16 (a) Creation. The Department of Tourism and Marketing is created within
17 the Agency of ~~Commerce and Community Development~~ Economic
18 Opportunity. The Department shall be administered by a Commissioner.

19 (b) Tourism marketing. The Department shall be responsible for the
20 promotion of Vermont's travel, recreation, and cultural attractions through
21 advertising and other informational programs, and for provision of travel and

1 recreation information and services to visitors to the State, in coordination with
2 other agencies of State government, chambers of commerce and travel
3 associations, and the private sector in order to increase the benefits of tourism
4 marketing, including:

- 5 (1) enhancing Vermont's image as a tourist destination in the regional,
6 national, and global marketplace;
- 7 (2) increasing occupancy rates;
- 8 (3) increasing visitor spending throughout the State; and
- 9 (4) increasing State revenues generated through the rooms and meals tax.

10 (c) Economic development marketing. The Department shall be responsible
11 for the promotion of Vermont as great place to live, work, and do business in
12 order to increase the benefits of economic development marketing, including:

- 13 (1) attracting additional private investment in Vermont businesses;
- 14 (2) recruiting new businesses;
- 15 (3) attracting more innovators and entrepreneurs to locate in Vermont;
- 16 (4) attracting, recruiting, and growing the workforce to fill existing
17 vacancies in growing businesses; and
- 18 (5) promoting and supporting Vermont businesses, goods, and services.

19 (d) On and after July 1, 1997, all departments engaging in marketing
20 activities shall submit to and coordinate marketing plans with the
21 Commissioner.

1 (e) The Department may conduct direct marketing activities pursuant to this
2 chapter or 10 V.S.A. chapter 27, and shall work to increase marketing
3 activities conducted in partnership with one or more private sector partners to
4 maximize State marketing resources and to enable Vermont businesses to align
5 their own brand identities with the Vermont brand, enhancing the reputations
6 of both the business and the State.

7 (f) Building on established, successful collaboration with private partners in
8 travel and tourism, agriculture, and other industry sectors, the Department shall
9 have the authority to extend its marketing and promotional resources to include
10 partners in the arts and humanities, as well as other partners that depend on
11 tourism for a significant part of their annual revenue.

12 (g) The Department shall expand its outreach and information-gathering
13 procedures to allow Vermont businesses and other interested stakeholders to
14 comment on the design and implementation of its tourism marketing and
15 economic development marketing initiatives and also to provide ongoing
16 feedback to the Department on the effectiveness of its initiatives.

17 Subchapter 5: Market Vermont Program

18 § 2501. DEFINITIONS

19 As used in this subchapter, "Program" means the Market Vermont Program
20 created by this subchapter.

21 § 2502. MARKET VERMONT PROGRAM

1 The Market Vermont Program is hereby created. It shall be directed jointly
2 by the Secretary of Agriculture, Food and Markets and by the Secretary of
3 ~~Commerce and Community Development~~ Economic Opportunity.
4 Notwithstanding 3 V.S.A. chapters 13 and 14 or any other contrary provision
5 of law, the Secretary of Agriculture, Food and Markets and the Secretary of
6 ~~Commerce and Community Development~~ Economic Opportunity shall have
7 the authority to enter into one or more written contracts with persons or entities
8 for the administration of the Program. Any such contract shall provide for the
9 sufficient oversight, review, and control by the Secretary of Agriculture, Food
10 and Markets and by the Secretary of ~~Commerce and Community Development~~
11 Economic Opportunity, or their designees, to ensure that the Program purposes
12 are achieved. Where they deem it appropriate, the Secretary of Agriculture,
13 Food and Markets and the Secretary of ~~Commerce and Community~~
14 ~~Development~~ Economic Opportunity may enter into a memorandum of
15 understanding concerning the operation of the Program or concerning the
16 contracting with persons or entities for the administration of the Program. The
17 Secretary of Agriculture, Food and Markets and the Secretary of ~~Commerce~~
18 ~~and Community Development~~ Economic Opportunity may issue rules to carry
19 out the purposes of this subchapter.

20 § 2504. MARKET VERMONT LOGO

1 (a) The Secretary of Agriculture, Food and Markets and the Secretary of
2 ~~Commerce and Community Development~~ Economic Opportunity shall develop
3 categories and standards designed to identify those Vermont goods, services,
4 and experiences which best portray and promote Vermont's reputation for high
5 standards of quality.

6 (b) The Secretary of Agriculture, Food and Markets and the Secretary of
7 ~~Commerce and Community Development~~ Economic Opportunity shall develop
8 an identification label or labels which may be used to identify Vermont goods,
9 services, and experiences as quality Vermont products. Any logo developed
10 pursuant to this section shall be filed with the Secretary of State who shall
11 register the logo as a trademark pursuant to 9 V.S.A. chapter 71, subchapter 1.
12 The logo shall remain a registered trademark of the program until it is
13 withdrawn by the Secretary of Agriculture, Food and Markets and the
14 Secretary of ~~Commerce and Community Development~~ Economic Opportunity.

15 (c) Persons wishing to apply for the identification logo shall be provided
16 with application forms by the Secretary of Agriculture, Food and Markets or
17 the Secretary of ~~Commerce and Community Development~~ Economic
18 Opportunity. The Secretary of Agriculture, Food and Markets and the
19 Secretary of ~~Commerce and Community Development~~ Economic Opportunity
20 shall establish a process for reviewing the applications to determine if the
21 applicant meets the standards established for that particular category of goods,

1 services, or experiences. No person participating in the process may be held
2 liable for any decision or recommendation made about the granting or denial of
3 the use of the market Vermont logo. In the event that an application is rejected,
4 the applicant may request that the Secretary of Agriculture, Food and Markets
5 and the Secretary of ~~Commerce and Community Development~~ Economic
6 Opportunity reconsider. If the application is again denied, the decision shall be
7 final, unless the applicant can demonstrate that the goods, service, or
8 experience has been altered in order to bring it in line with the standards
9 established for that product.

10 (d) The Secretary of Agriculture, Food and Markets and the Secretary of
11 ~~Commerce and Community Development~~ Economic Opportunity may require
12 periodic reapplication for the use of the market Vermont logo and may revoke
13 the right of any person to use the market Vermont logo any time they
14 determine a product does not meet the standards established for that type of
15 goods, service, or experience. There shall be no right to a hearing on such a
16 decision, unless such a right is established by rule.

17 (e) Repealed.]

18 (f) The Secretary of ~~Commerce and Community Development~~ Economic
19 Opportunity may require an annual fee not to exceed \$150.00 per product line
20 enrolled in the program, which shall be based upon the actual costs to the

1 agencies, to be paid by persons participating in the program, and to be applied
2 toward administration and promotion of the program.

3 § 2505. MARKET VERMONT FUND

4 (a) The Market Vermont Fund is hereby established. The Fund shall
5 comprise fees collected under section 2504 of this title and any monies
6 appropriated by the General Assembly. The Fund shall be used for the
7 administration and advertising of the Market Vermont program established by
8 this chapter.

9 (b) The special fund created by subsection (a) of this section shall be
10 organized and managed pursuant to 32 V.S.A. chapter 7, subchapter 5.

11 § 2506. PENALTIES

12 Any person who uses the Market Vermont logo without authority, after it
13 has been filed with the Secretary of State in accordance with section 2504 of
14 this title, shall be deemed to have committed an unfair or deceptive act or
15 practice within the meaning of 9 V.S.A. § 2453 and shall be subject to the
16 penalties and injunctive authority provided in 9 V.S.A. chapter 63.

17 Subchapter 6: Recapture of Development Incentives

18 § 2510. FINDINGS

19 The General Assembly finds that a number of programs and tax credits have
20 been established which encourage the development of businesses and jobs in
21 the State of Vermont. The General Assembly also finds that some beneficiaries

1 leave this State before the State derives any benefit from the assistance.

2 Therefore, it is the public policy of the State of Vermont to recapture any
3 benefits that it has granted to any business if, within a qualified period after the
4 benefit was bestowed, that business decides to leave the State or to otherwise
5 curtail its activity to a point lower than represented when the benefit was
6 granted.

7 § 2511. DEFINITIONS

8 As used in this subchapter:

9 (1) "Benefit" means any abatement, loan, or grant awarded to the
10 business as enumerated in subdivision (2) of this section.

11 (2) "Business" means any individual, partnership, corporation, or other
12 entity that has been granted a tax abatement pursuant to the provisions of Title
13 24, or has been granted a loan or a grant by any board, commission, or
14 program established under the provisions of Title 10 or 24, or under the
15 provisions of this title.

16 (3) "Commissioner" means the Commissioner of Taxes.

17 (4) "Qualified period" means a period of five years after the initial grant
18 of a benefit or a time period set forth in any agreement executed by the State
19 subsequent to the effective date of this subchapter.

20 § 2512. NOTICE

1 (a) A business shall notify the agency or department which granted the
2 benefit in writing within 60 days after the business closes or substantially
3 curtails the operation of the trade or business within the qualified period.

4 (b) A business shall be considered to be substantially curtailed when the
5 average number of full-time equivalent employees in any one calendar year is
6 less than 50 percent of the highest average number of full-time equivalent
7 employees in any prior year in the qualified period.

8 (c) A business shall not be considered to be substantially curtailed or closed
9 when that business has relocated to another location within the State of
10 Vermont or been sold but is still located within the State, provided that the
11 employment test of subsection (b) of this section is met.

12 § 2513. ACTION ON NOTICE

13 (a) The agency or department shall notify the Commissioner of the amount
14 of the benefit conferred to the business over the qualified period.

15 (b) The Commissioner shall:

16 (1) assess such amount of benefit conferred against the business or the
17 successors in interest to that business; and

18 (2) notify the business or successor in interest of the assessment by
19 certified mail within 30 days of receiving notice pursuant to subsection (a) of
20 this section.

21 (c) The agency or department which granted the benefit shall:

1 (1) Provide a hearing within 30 days, if one is requested by the business
2 within 15 days of assessment by the Commissioner. An aggrieved business
3 may within 30 days appeal a determination by the agency or department to the
4 Washington Superior Court or the Superior Court of the county of the place of
5 business.

6 (2) Have the discretion to reduce the amount of the benefit which it
7 requests the Commissioner to assess, upon showing of good cause.

8 (d)(1) A business shall pay an assessment within 90 days of the date of
9 assessment or 30 days after the final decision of the agency, department, or
10 court as a result of a hearing pursuant to this subchapter.

11 (2) Assessments under this subsection shall bear interest from the date of
12 assessment at the rate determined under 32 V.S.A. § 3108.

13 § 2514. ENFORCEMENT

14 (a) Any assessment made pursuant to this subchapter shall be a debt against
15 the business, or the successors in interest who are not bona fide purchasers as
16 that term is defined under the Uniform Commercial Code, 9A V.S.A., or the
17 principles of the business, or the applicants who applied for the benefit, or the
18 promisors or guarantors who acted as accommodation parties to facilitate the
19 benefit.

20 (b) The Commissioner may file a security interest against the property of
21 the business or person liable under subsection (a) of this section.

1 (c) The Commissioner may bring a civil action in Washington County
2 Superior Court against any business or person set forth in subsection (a) of this
3 section who fails to make payment by the date set forth in section 2513 of this
4 title and may seek from the court penalties of no more than \$10,000.00 if that
5 business or person set forth in subsection (a) of this section has failed to
6 provide the notice required under section 2512 of this title.

7 § 2515. FAILURE TO GIVE NOTICE

8 If the agency or department finds that a business has failed to give notice
9 pursuant to section 2512 of this title, it shall take action under section 2513 of
10 this title as if the business had given notice.

11 § 2516. CONTRACT PROVISIONS

12 All contracts or grant awards conferring benefits to businesses after the
13 effective date of this subchapter shall contain a provision notifying the
14 business of the recapture provisions provided in this section and the qualified
15 period for that business under that contract.

16 Sec. 2. 1 V.S.A. § 852 is amended to read:

17 § 852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS
18 ESTABLISHED; AUTHORITY

19 * * *

20 (d) During fiscal year 2011, the Commission shall meet at least three times
21 a year and at any other times at the request of the Chair and Commission

1 members shall receive a per diem pursuant to 32 V.S.A. § 1010. In fiscal year
2 2012 and thereafter, the Commission shall meet as needed but members shall
3 receive a per diem pursuant to 32 V.S.A. § 1010 no more than six times a year.
4 The Division for Historic Preservation within the Agency of ~~Commerce and~~
5 ~~Community Development~~ Economic Opportunity shall provide administrative
6 support to the Commission, including providing communication and contact
7 resources.

8 * * *

9 Sec. 3. 3 V.S.A. § 23 is amended to read:

10 § 23. THE COMMISSION ON INTERNATIONAL TRADE

11 * * *

12 (b) Membership. There is created a Commission on International Trade and
13 State Sovereignty consisting of:

14 * * *

15 (5) the Secretary of ~~Commerce and Community Development~~ Economic
16 Opportunity or his or her designee;

17 * * *

18 (d) Reporting. The Commission shall submit an annual report, which shall
19 be prepared by the Secretary of ~~Commerce and Community Development~~
20 Economic Opportunity, to the House Committee on Commerce and Economic
21 Development, the Senate Committee on Economic Development, Housing and

1 General Affairs, the Governor, and Vermont's congressional delegation. The
2 report shall contain information acquired pursuant to activities carried out
3 under subsection (c) of this section. The provisions of 2 V.S.A. § 20(d)
4 (expiration of required reports) shall not apply to the report to be made under
5 this subsection.

6 (e) Staff services. The Commission shall be entitled to staff services of the
7 Agency of ~~Commerce and Community Development~~ Economic Opportunity,
8 the Legislative Council, and the Joint Fiscal Committee.

9 * * *

10 Sec. 4. 3 V.S.A. § 801 is amended to read:

11 § 801. SHORT TITLE AND DEFINITIONS

12 (a) This chapter may be cited as the "Vermont Administrative Procedure
13 Act."

14 (b) As used in this chapter:

15 * * *

16 (11) "Adopting authority" means, for agencies which are attached to the
17 Agencies of Administration, of ~~Development and Community Affairs~~
18 Economic Opportunity, of Natural Resources, of Human Services, and of
19 Transportation, or any of their components, the secretaries of those agencies;
20 for agencies attached to other departments or any of their components, the
21 commissioners of those departments; and for other agencies, the chief officer

1 of the agency. However, for the procedural rules of boards with quasi-judicial
2 powers, for the Transportation Board, for the Vermont Veterans' Memorial
3 Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or
4 executive secretary of the board shall be the adopting authority. The Secretary
5 of State shall be the adopting authority for the Office of Professional
6 Regulation.

7 * * *

8 Sec. 5. 3 V.S.A. § 2293 is amended to read:

9 § 2293. DEVELOPMENT CABINET

10 (a) Legislative purpose. The General Assembly deems it prudent to
11 establish a permanent and formal mechanism to assure collaboration and
12 consultation among State agencies and departments, in order to support and
13 encourage Vermont's economic development, while at the same time
14 conserving and promoting Vermont's traditional settlement patterns, its
15 working and rural landscape, its strong communities, and its healthy
16 environment, all in a manner set forth in this section.

17 (b) Development Cabinet.

18 (1) A Development Cabinet is created, to consist of the Secretaries of
19 the Agencies of Administration, of Agriculture, Food and Markets, of
20 ~~Commerce and Community Development~~ Economic Opportunity, of

1 Education, of Natural Resources, and of Transportation. The Governor or the
2 Governor's designee shall chair the Development Cabinet.

3 (2) The Development Cabinet shall advise the Governor on how best to
4 implement the purposes of this section, and shall recommend changes as
5 appropriate to improve implementation of those purposes.

6 (3) The Development Cabinet may establish interagency work groups to
7 support its mission, drawing membership from any agency or department of
8 State government. Any interagency work groups established under this
9 subsection shall evaluate, test the feasibility of, and suggest alternatives to
10 economic development proposals, including proposals for public-private
11 partnerships, submitted to them for consideration. The Development Cabinet
12 shall refer to appropriate interagency workgroups any economic development
13 proposal that has a significant impact on the inventory or use of State land or
14 buildings.

15 (c) Implementation. All State agencies that have programs or take actions
16 affecting land use, including those identified under 3 V.S.A. chapter 67, shall,
17 through or in conjunction with the members of the Development Cabinet:

18 (1) Support conservation of working lands and open spaces.

19 (2) Strengthen agricultural and forest product economies, and encourage
20 the diversification of these industries.

1 (3) Develop and implement plans to educate the public by encouraging
2 discussion at the local level about the impacts of poorly designed growth, and
3 support local efforts to enhance and encourage development and economic
4 growth in the State’s existing towns and villages.

5 (4) Administer tax credits, loans, and grants for water, sewer, housing,
6 schools, transportation, and other community or industrial infrastructure, in a
7 manner consistent with the purposes of this section.

8 (5) To the extent possible, endeavor to make the expenditure of State
9 appropriations consistent with the purposes of this section.

10 (6) Encourage development in, and work to revitalize, land and
11 buildings in existing village and urban centers, including “brownfields,”
12 housing stock, and vacant or underutilized development zones. Each agency is
13 to set meaningful and quantifiable benchmarks.

14 (7) Encourage communities to approve settlement patterns based on
15 maintaining the State’s compact villages, open spaces, working landscapes,
16 and rural countryside.

17 (8) Encourage relatively intensive residential development close to
18 resources such as schools, shops, and community centers and make
19 infrastructure investments to support this pattern.

20 (9) Support recreational opportunities that build on Vermont’s
21 outstanding natural resources, and encourage public access for activities such

1 as boating, hiking, fishing, skiing, hunting, and snowmobiling. Support and
2 work collaboratively to make possible sound development and well-planned
3 growth in existing recreational infrastructure.

4 (10) Provide means and opportunity for downtown housing for mixed
5 social and income groups in each community.

6 (11) [Repealed.]

7 (12) Encourage timely and efficient processing of permit applications
8 affecting land use, including 10 V.S.A. chapter 151 and the subdivision
9 regulations adopted under 18 V.S.A. § 1218, in order to encourage the
10 development of affordable housing and small business expansion, while
11 protecting Vermont's natural resources.

12 (13) Participate in creating a long-term economic development plan,
13 including making available the members of any agency or department of State
14 government as necessary and appropriate to support the mission of an
15 interagency work group established under subsection (b) of this section.

16 (d) Interagency work group.

17 (1) Pursuant to the recommendations of the Oversight Panel on
18 Economic Development created in 2010 Acts and Resolves No. 146, Sec. G6,
19 the Development Cabinet shall create an interagency work group as provided
20 in subsection (b) of this section with the Secretary of ~~Commerce and~~
21 ~~Community Development~~ Economic Opportunity serving as its chair.

1 (2) The mission of the work group shall be to develop a long-term
2 economic development plan for the State, which shall identify goals and
3 recommend actions to be taken over 10 years, and which shall be consistent
4 with the four principles of economic development identified in 10 V.S.A. § 3
5 and the relevant population-level outcomes for economic development set forth
6 in 3 V.S.A. § 2311.

7 (e) Long-term economic development plan.

8 (1) or before January 15, 2014, and every two years thereafter, the
9 Development Cabinet or its work group shall complete a long-term economic
10 development plan as required under subsection (d) of this section and
11 recommend it to the Governor.

12 (2) Commencing with the plan due on or before January 15, 2016, the
13 Development Cabinet or its work group may elect only to prepare and
14 recommend to the Governor an update of the long-term economic development
15 plan.

16 (3) Administrative support for the economic development planning
17 efforts of the Development Cabinet or its work group shall be provided by the
18 Agency of ~~Commerce and Community Development~~ Economic Opportunity.

19 (f) Limitations. This Cabinet is strictly an information gathering and
20 coordinating cabinet and confers no additional enforcement powers.

21 Sec. 6. 3 V.S.A. § 4020 is amended to read:

1 § 4020. STATE AGENCY PLANNING AND COORDINATION

2 (a) State agencies that have programs or take actions affecting land use, as
3 determined by Executive Order of the Governor, shall engage in a continuing
4 planning process to assure that those programs and actions are consistent with
5 the goals established in 24 V.S.A. § 4302 and compatible with regional and
6 approved municipal plans, as those terms are defined in that section. This
7 planning process shall be coordinated, in a manner established by Executive
8 Order of the Governor, with the planning process of other agencies and of
9 regional and municipal entities of the regions in which the programs and
10 actions are to have effect.

11 (b) In the process of preparing plans or amendments to plans, a State agency
12 shall hold at least two public hearings which are noticed as provided in 3
13 V.S.A. § 839 for administrative rules, but plans shall not be adopted as
14 administrative rules under 3 V.S.A. chapter 25. Specific notice also shall be
15 provided to the following, at least 30 days prior to the public hearing:

16 (1) the executive director of each regional planning commission;

17 (2) the Department of Housing and Community ~~Affairs~~ Development
18 within the Agency of ~~Commerce and Community Development~~ Economic
19 Opportunity;

20 (3) the Council of Regional Commissions; and

1 (4) business, conservation, low-income advocacy, and other community
2 or interest groups or organizations that have requested notice prior to the date
3 the hearing is warned.

4 (c) Any of the foregoing bodies or their representatives may submit
5 comments on the proposed plan or amendment, and may appear and be heard
6 in any proceeding with respect to the adoption of the proposed plan or
7 amendment. State agencies shall use an informal working format at locations
8 convenient and accessible to the public in order to provide opportunities for all
9 persons and organizations with an interest in their plans and actions to
10 participate.

11 Sec. 7. 6 V.S.A. § 4606 is amended to read:

12 § 4606. VERMONT WORKING LANDS ENTERPRISE BOARD

13 (a) Creation. There is created a Vermont Working Lands Enterprise Board,
14 which for administrative purposes shall be attached to the Agency of
15 Agriculture, Food and Markets.

16 (b) Organization of Board. The Board shall be composed of:

17 (1) the Secretary of Agriculture, Food and Markets or designee, who
18 shall serve as chair;

19 (2) the Commissioner of Forests, Parks and Recreation or designee;

20 (3) the Secretary of ~~Commerce and Community Development~~ Economic
21 Opportunity or designee;

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Sec. 8. 6 V.S.A. § 4621 is amended to read:

§ 4621. DOMESTIC EXPORT PROGRAM

(a) The Secretary of Agriculture, Food and Markets, in collaboration with the Agency of ~~Commerce and Community Development~~ Economic Opportunity and the Chief Marketing Officer, shall have the authority to create a Domestic Export Program, the purpose of which may include:

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

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

(3) providing one-time matching grants to attend trade shows and similar events to expand producers' market presence in other U.S. states, subject to available funding.

(b) The Secretary shall collect data on the activities and outcomes of the program authorized under this section and submit his or her findings and recommendations in a report on or before January 15 of each year to the House Committees on Agriculture and Forest Products and on Commerce and Economic Development and to the Senate Committees on Agriculture and on Economic Development, Housing and General Affairs.

1 Sec. 9. 6 V.S.A. § 4710 is amended to read:

2 § 4710. VERMONT FARM VIABILITY ENHANCEMENT PROGRAM

3 (a) The Vermont Farm Viability Enhancement Program is a voluntary
4 program established in the Agency of Agriculture, Food and Markets to
5 provide assistance to Vermont farmers to enhance the financial success and
6 long-term viability of Vermont agriculture. In administering the Program, the
7 Secretary shall:

8 (1) Collaborate with the Vermont Housing and Conservation Board,
9 State and federal agencies, private entities, and service groups to develop,
10 coordinate, and provide technical and financial assistance to Vermont farmers.

11 (2) Include teams of experts to assist farmers in areas such as assessing
12 farm resources and potential, diversifying, adopting new technologies,
13 improving product quality, developing value-added products, and lowering
14 costs of production for Vermont's agricultural sector. The teams may include
15 farm business management specialists, University of Vermont Extension
16 professionals, veterinarians, and other experts to deliver the informational and
17 technological services.

18 (3) Encourage agricultural economic development through investing in
19 improvements to essential infrastructure and the promotion of farm businesses
20 in Vermont.

1 (4) Enter into agreements with private organizations or individuals or
2 with any agency or instrumentality of the United States or of this State and
3 employ technical experts to carry out the purposes of this section.

4 (b) The farm viability enhancement program shall be assisted by an
5 Advisory Board consisting of ten members who shall include:

6 (1) The Secretary of Agriculture, Food and Markets. The Secretary shall
7 serve as Chair of the Board.

8 (2) The Commissioner of Economic and Workforce Development or
9 designee.

10 * * *

11 Sec. 10. 8 V.S.A. § 2201 is amended to read:

12 § 2201. LICENSES REQUIRED

13 * * *

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

16 * * *

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 26 U.S.C. § 501(c) and that register
20 with the Commissioner of Economic and Workforce Development under 10
21 V.S.A. § 690a.

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Sec. 11. 8 V.S.A. § 6017 is amended to read:

§ 6017. CAPTIVE INSURANCE REGULATORY AND SUPERVISION
FUND

(a)(1) There is hereby created a fund to be known as the Captive Insurance Regulatory and Supervision Fund for the purpose of providing the financial means for the Commissioner of Financial Regulation to administer this chapter, chapter 142, and chapter 142A of this title and for reasonable expenses incurred in promoting the captive insurance industry in Vermont. The transfer of 11 percent of the premium tax under subsection 6014(h) of this title, and all fees and assessments received by the Department pursuant to the administration of these chapters shall be credited to this Fund. Of this amount, not more than three percent of the premium tax under section 6014 may be expended by the Agency of ~~Commerce and Community Development~~ Economic Opportunity, with approval of the Secretary of Administration, for promotional expenses. All fees received by the Department from reinsurers who assume risk solely from captive insurance companies and are subject to the provisions of subsections 3634a(a) through (f) of this title, shall be deposited into the Captive Insurance Regulatory and Supervision Fund. All fines and administrative penalties, however, shall be deposited directly into the General Fund.

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Sec. 12. 9 V.S.A. § 6002 is amended to read:

§ 6002. VERMONT FINANCIAL LITERACY COMMISSION

(a) There is created a Vermont Financial Literacy Commission to measurably improve the financial literacy and financial capability of Vermont's citizens.

(b) The Commission shall be composed of the following members:

(1) the Vermont State Treasurer or designee;

(2) the Secretary of Education or designee;

(3) one representative of the Executive Branch, appointed by the Governor, who is an employee of an agency or department that conducts financial literacy education outreach efforts in Vermont, including the Department for Children and Families, Agency of ~~Commerce and Community Development~~ Economic Opportunity, Department of Financial Regulation, Department of Labor, Department of Libraries, or the Commission on Women, but not including the Agency of Education;

* * *

Sec. 13. 10 V.S.A. chapter 1 is amended to read:

Chapter 1: Economic Development

* * *

1 § 7. ECONOMIC DEVELOPMENT; ASSISTANCE AND INCENTIVES
2 BENCHMARK REPORTS

3 (a) For purposes of this section, "economic development assistance
4 recipient" means any business entity, including a for-profit corporation, a
5 nonprofit corporation, a partnership, or a sole proprietorship that receives
6 economic development assistance from state funds administered by a
7 governmental agency, from state funds administered by a private entity, or
8 from federal funds administered by the state, whether such assistance is in the
9 form of a grant, a loan, a state tax abatement, a tax credit, a tax increment
10 financing program, or such other form of economic development assistance or
11 incentive as the secretary of commerce and community development may
12 identify by rule.

13 (b) Each economic development recipient shall state, on a form approved by
14 the agency granting assistance, or awarding a tax credit or abatement, or
15 approving any other form of economic development assistance, the number of
16 new jobs that will be created or existing jobs that will be retained as a result of
17 such assistance, the wages and employee benefits associated with such jobs,
18 and a description of any other public benefits associated with such economic
19 development assistance. Such statement shall be made prior to any such grant,
20 award, or approval. Such statements and the information contained therein
21 shall not be available for public inspection until 90 days after the granting of

1 assistance, or the awarding of a tax credit or abatement, or the approving any
2 other form of economic development assistance or incentive. After the
3 expiration of such 90 day period such statements and information shall not be
4 considered confidential, and may be inspected and copied pursuant to
5 subchapter 3, chapter 5 of Title 1 (public records law), notwithstanding the
6 provisions of any other law.

7 (c) Each economic development recipient shall report annually, in a manner
8 and on a form prescribed by the commissioner of economic development, the
9 amount or monetary value of economic assistance or incentive granted,
10 awarded or approved, and such information as is necessary to determine
11 whether the recipient has reached its job creation or other public benefit goals
12 stated pursuant to subsection (b) of this section.

13 (d) The ~~commissioner of economic development~~ Commissioner of
14 Economic and Workforce Development shall adopt such rules as are necessary
15 to carry out the purposes of this section.

16 * * *

17 § 20. EB-5 PROGRAM; REGULATION; OVERSIGHT

18 (a) The U.S. Department of Homeland Security's U.S. Citizenship and
19 Immigrations Services (USCIS) administers the EB-5 Program, a federal
20 program designed to stimulate the U.S. economy through job creation and
21 capital investment by foreign investors. The Vermont EB-5 Regional Center is

1 a USCIS-designated regional center. The Center is managed by the Agency of
2 ~~Commerce and Community Development~~ Economic Opportunity in
3 partnership with the Department of Financial Regulation.

4 (b) The Agency of ~~Commerce and Community Development~~ Economic
5 Opportunity has the personnel and resources to market and promote economic
6 opportunities in Vermont, whereas the Department of Financial Regulation has
7 the personnel and resources to supervise financial services and products
8 offered in Vermont in a manner that advances fair business practices and
9 protects the investing public. It is imperative that management of the EB-5
10 Program reflect the existing expertise of both these State entities.

11 (c) The Secretary of ~~Commerce and Community Development~~ Economic
12 Opportunity and the Commissioner of Financial Regulation shall separately
13 adopt rules pertaining to the administration and oversight of the EB-5 Program.
14 The rules shall be consistent with federal regulations and requirements as well
15 as with the statutory expertise of the Department and Agency.

16 (d) The rules adopted under this section shall be modeled after the
17 Memorandum of Understanding between the Agency of Economic
18 Opportunity, as successor in interest to the Agency of Commerce and
19 Community Development, and the Department of Financial Regulation, dated
20 December 22, 2014, which pertains to the duties and responsibilities of the

1 Agency and the Department with respect to the EB-5 Program. As such, the
2 rules shall include provisions related to:

- 3 (1) communication with and reporting to the USCIS;
- 4 (2) marketing activities;
- 5 (3) required provisions pertaining to private placement memoranda;
- 6 (4) securities analysis and standards for project approval;
- 7 (5) ongoing oversight and compliance of approved projects, including
8 annual audits;
- 9 (6) the establishment of escrow accounts for capital investments and
10 third-party oversight of requisitions, if deemed appropriate by the
11 Commissioner and Secretary;
- 12 (7) investor relations and a formal complaint protocol;
- 13 (8) standards for revoking approval of a project;
- 14 (9) penalties for failure to comply with rules adopted under this section;
- 15 (10) communication between the Agency and the Department, as well as
16 with media outlets and with other regulatory or law enforcement entities;
- 17 (11) fees and costs of the Regional Center, consistent with subsection
18 21(c) of this title; and
- 19 (12) any other matter the Commissioner and the Secretary determine will
20 strengthen the oversight and management of the EB-5 Program and prevent
21 fraudulent activities.

1 (e) The rules adopted under this section shall explicitly state that any
2 interest obtained through a capital investment in the EB-5 Program is a
3 "security" as defined in 9 V.S.A. § 5102(28) and as such is subject to
4 regulation by the Commissioner of Financial Regulation under the Vermont
5 Uniform Securities Act, 9 V.S.A. chapter 150.

6 § 21. EB-5 SPECIAL FUND

7 (a) An EB-5 Special Fund is created to support the operating costs of the
8 Vermont Regional Center for Immigrant Investment under the federal EB-5
9 Program. The Fund shall consist of revenues derived from administrative
10 charges by the Agency of ~~Commerce and Community Development~~ Economic
11 Opportunity pursuant to subsection (c) of this section, any interest earned by
12 the Fund, and all sums that are from time to time appropriated for the support
13 of the Regional Center and its operations. It is the intent of the General
14 Assembly that the collection of charges authorized by this section will reduce
15 or eliminate the need for legislative appropriations to support Regional Center
16 expenses.

17 (b)(1) The receipt and expenditure of monies from the Special Fund shall be
18 under the supervision of the Secretary of ~~Commerce and Community~~
19 ~~Development~~ Economic Opportunity.

20 (2) The Secretary of ~~Commerce and Community Development~~ Economic
21 Opportunity shall maintain accurate and complete records of all receipts and

1 expenditures by and from the Fund, and shall make an annual report on the
2 condition of the Fund to the Secretary of Administration, the House
3 Committees on Commerce and Economic Development and on Ways and
4 Means, and the Senate Committees on Finance and on Economic
5 Development, Housing and General Affairs.

6 (3) Expenditures from the Fund shall be used only to support the
7 operating expenses of the Regional Center, including the costs of providing
8 specialized services to support participating economic development projects,
9 marketing and related travel expenses, application review and examination
10 expenses, and personnel expenses incurred by the Agency of ~~Commerce and~~
11 ~~Community Development~~ Economic Opportunity. At the end of each fiscal
12 year, the Secretary of Administration shall transfer from the EB-5 Special
13 Fund to the General Fund any amount that the Secretary of Administration
14 determines, in his or her discretion, exceeds the funds necessary to administer
15 the Program.

16 (c) Notwithstanding 32 V.S.A. § 603, the Secretary of ~~Commerce and~~
17 ~~Community Development~~ Economic Opportunity is authorized to impose
18 administrative charges on project developers to achieve the Fund's purpose.
19 The charges shall be sufficient to fully fund the personnel and operating
20 expenses of the Regional Center and shall include a one-time application fee as
21 well as an annual assessment apportioned among approved projects in a fair

1 and equitable manner as specified in rules adopted under section 20 of this
2 title. In addition, the rules shall require that an applicant or approved project
3 developer, as applicable, is liable for any additional expenses incurred with
4 respect to the retention of outside legal, financial, examination or other
5 services or studies deemed necessary by the Secretary or the Commissioner to
6 assist with application or project review. The collection of some or all charges
7 authorized under this section may be suspended for a period of time as deemed
8 appropriate by the Secretary for good cause shown. Any charges imposed
9 under this section shall be included in the consolidated Executive Branch fee
10 report required under 32 V.S.A. § 605.

11 (d) Any costs incurred by the Department of Financial Regulation in
12 connection with of the EB-5 Program shall be reimbursed in the manner
13 specified in 8 V.S.A. § 18(d).

14 Sec. 14. 10 V.S.A. chapter 8 is amended to read:

15 Chapter 8: Geographic Information

16 * * *

17 § 122. VERMONT CENTER FOR GEOGRAPHIC INFORMATION,
18 INCORPORATED; ESTABLISHMENT

19 * * *

20 (b) In order to develop and implement that strategy, and to ensure that all
21 data gathered by State agencies that is relevant to the VGIS shall be in a form

1 that is compatible with, useful to, and shared with that geographic information
2 system, there is hereby established as a division under the Agency of
3 ~~Commerce and Community Development~~ Economic Opportunity the Vermont
4 Center for Geographic Information (~~the Center~~).

5 § 123. POWERS AND DUTIES

6 * * *

7 (c) Within the limits of available resources, the Center shall operate a
8 program of standards development, data dissemination, and quality assurance,
9 and shall perform the following duties:

10 * * *

11 (11) Assist the Secretary of Administration, of Transportation, of Natural
12 Resources, of Human Services, and of ~~Commerce and Community~~
13 ~~Development~~ Economic Opportunity, and the commissioner or director of
14 State departments and offices not within these agencies in the identification of
15 information gathered within the respective agency, department, or office which
16 is relevant to Vermont's GIS. Working in cooperation with each organization
17 that identifies such information, the Center shall include components within
18 the three-year VGIS work plan. Such cooperation may include:

19 * * *

20 § 128. VERMONT CENTER FOR GEOGRAPHIC INFORMATION

21 SPECIAL FUND

1 (a) A Special Fund is created for the operation of the Vermont Center for
2 Geographic Information in the Agency of ~~Commerce and Community~~
3 ~~Development~~ Economic Opportunity. The Fund shall consist of revenues
4 derived from the charges by the Agency of ~~Commerce and Community~~
5 ~~Development~~ Economic Opportunity pursuant to subsection (c) of this section
6 for the provision of Geographic Information products and services, interest
7 earned by the Fund, and sums which from time to time may be made available
8 for the support of the Center and its operations. The Fund shall be established
9 and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be
10 available to the Agency to support activities of the Center.

11 (b) The receipt and expenditure of monies from the Special Fund shall be
12 under the supervision of the Secretary of ~~Commerce and Community~~
13 ~~Development~~ Economic Opportunity.

14 (c) Notwithstanding 32 V.S.A. § 603, the Secretary of ~~Commerce and~~
15 ~~Community Development~~ Economic Opportunity is authorized to impose
16 charges reasonably related to the costs of the products and services of the
17 Vermont Center for Geographic Information, including the cost of personnel,
18 equipment, supplies, and intellectual property.

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

20 Chapter 12: Vermont Economic Development Authority

21 * * *

1 § 213. AUTHORITY; ORGANIZATION

2 (a) The Vermont Economic Development Authority is hereby created and
3 established as a body corporate and politic and a public instrumentality of the
4 State. The exercise by the Authority of the powers conferred upon it in this
5 chapter constitutes the performance of essential governmental functions.

6 (b) The Authority shall have 15 voting members consisting of the Secretary
7 of ~~Commerce and Community Development~~ Economic Opportunity, the State
8 Treasurer, the Secretary of Agriculture, Food and Markets, the Commissioner
9 of Forests, Parks and Recreation, and the Commissioner of Public Service,
10 each of whom shall serve as an ex officio member, or a designee of any of the
11 aforementioned; and 10 members, who shall be residents of the State of
12 Vermont, appointed by the Governor with the advice and consent of the
13 Senate. The appointed members shall be appointed for terms of six years and
14 until their successors are appointed and qualified. Appointed members may be
15 removed by the Governor for cause and the Governor may fill any vacancy
16 occurring among the appointed members for the balance of the unexpired term.

17 * * *

18 § 215. MANAGER; DUTIES

19 The manager shall be the chief administrative officer of the authority and
20 shall direct and supervise the administrative affairs and technical activities of

1 the authority in accordance with any rules, regulations and policies set forth by
2 the authority. In addition to any other duties, the manager shall:

3 (1) Attend all meetings of the authority, act as its secretary and keep
4 minutes of its proceedings;

5 (2) Approve all accounts of the authority, including but not limited to
6 accounts for salaries, per diems and allowable expenses of any employee or
7 consultant thereof, and expenses incidental to the operation of the authority;

8 (3) Make an annual report to the authority documenting the actions of the
9 authority, and such other reports as the authority may request;

10 (4) Work closely with the ~~agency of commerce and community~~
11 ~~development~~ Agency of Economic Opportunity and provide assistance to the
12 various divisions of that agency to facilitate the planning and financing of
13 projects;

14 (5) Make recommendations and reports, in cooperation with the ~~agency~~
15 ~~of commerce and community development~~ Agency of Economic Opportunity,
16 to the authority on the merits of any proposed project, on the status of local
17 development corporations, and on suitable industrial sites;

18 (6) Perform such other duties as may be directed by the authority in the
19 carrying out of the purposes of this chapter.

20 * * *

21 § 233. DEPRESSED AREAS

1 The authority shall give preference to the areas within labor market districts
2 declared to be economically depressed areas as defined by the ~~agency of~~
3 ~~commerce and community development or the Vermont department of labor,~~
4 ~~or to the area that is a designated job development zone under subchapter 2 of~~
5 ~~chapter 29 of this title~~ Agency of Economic Opportunity.

6 * * *

7 § 263. MORTGAGE LOAN; LIMITATIONS

8 * * *

9 (f) The Authority shall give preference to projects located within labor
10 market districts declared to be economically depressed areas as defined by the
11 ~~Vermont agency of commerce and community development or the Vermont~~
12 ~~department of labor, or to projects located within the area that is a designated~~
13 ~~job development zone under subchapter 2 of chapter 29 of this title~~ Agency of
14 Economic Opportunity.

15 * * *

16 § 280B. THE VERMONT SUSTAINABLE JOBS STRATEGY

17 (a) The ~~governor~~ Governor, with the advice of the ~~secretary of commerce~~
18 ~~and community development~~ Secretary of Economic Opportunity and the
19 ~~authority~~ Authority, shall adopt a Vermont ~~sustainable jobs strategy~~
20 Sustainable Jobs Strategy for the ~~state~~ State, in accordance with the provisions
21 of this section.

1 (b)(1) The Vermont ~~sustainable jobs strategy~~ Sustainable Jobs Strategy shall
2 contain the criteria upon which the ~~authority~~ Authority shall develop, modify,
3 and implement its public financing programs, and the criteria for determining
4 whether investments should be made in an eligible project. Such criteria shall
5 include a requirement that before making any investment or other financial
6 commitment, the ~~authority~~ Authority shall determine that the proposed project
7 is of public use and benefit, and is without unreasonable risk of loss to the
8 ~~authority~~ Authority.

9 (2) In adopting the Vermont ~~sustainable jobs strategy~~ Sustainable Jobs
10 Strategy, the ~~governor~~ Governor shall consider:

11 (A) the policies established in section 280 of this title; ~~and~~

12 (B) ~~the economic policy and economic development plan of the state,~~
13 ~~as developed by the economic progress council under subchapter 3 of chapter~~
14 ~~29 of this title.~~

15 (c)(1) Before adopting the Vermont ~~sustainable jobs strategy~~ Sustainable
16 Jobs Strategy, the ~~governor~~ Governor shall direct the ~~authority~~ Authority and
17 the ~~secretary of commerce and community development~~ Secretary of
18 Economic Opportunity to solicit information and recommendations from the
19 people and businesses of the ~~state~~ State.

20 (2) After soliciting information and recommendations, the ~~authority~~
21 Authority and the ~~secretary~~ Secretary shall jointly develop a proposed Vermont

1 ~~sustainable jobs strategy~~ Sustainable Jobs Strategy. In developing a proposed
2 strategy, the ~~authority~~ Authority and the ~~secretary~~ Secretary shall consider how
3 best to integrate Vermont's economic, social, and environmental values into a
4 Vermont ~~sustainable jobs strategy~~ Sustainable Jobs Strategy. The ~~authority~~
5 Authority and the ~~secretary~~ Secretary shall jointly present their proposed
6 strategy to the ~~house committee on commerce and the senate committee on~~
7 ~~general affairs and housing~~ House Committee on Commerce and Economic
8 Development and the Senate Committee on Economic Development, Housing
9 and General Affairs meeting in joint hearing.

10 (3) After legislative presentation, the authority and the ~~secretary~~
11 Secretary may amend the proposed strategy, and shall present the proposed
12 strategy as amended to the ~~governor~~ Governor. The ~~governor~~ Governor may
13 adopt the proposed strategy, or may return the proposed strategy to the
14 ~~authority~~ Authority and the ~~secretary~~ Secretary for further development and
15 legislative presentation. After adoption of the Vermont sustainable jobs
16 strategy, any amendments to the strategy may be adopted by the ~~governor~~
17 Governor in accordance with the process established by this section.

18 * * *

19 § 280E. STATE INFRASTRUCTURE BANK PROGRAM

20 (a) There is created a ~~state infrastructure bank program~~ State Infrastructure
21 Bank Program, ~~to be a program~~ to assist the improvement, rehabilitation,

1 expansion, and construction of transportation projects within the ~~state~~ State to
2 contribute to the economic welfare of the ~~state~~ State by providing jobs and
3 other economic opportunities for the people of the ~~state~~ State and enhancing
4 economic development, particularly in downtown areas.

5 (b)(1) A ~~state infrastructure bank board~~ State Infrastructure Bank Board is
6 established within the Vermont ~~economic development authority~~ Economic
7 Development Authority to administer the state infrastructure bank program.

8 (2) The ~~board~~ Board shall consist of two legislators and nine other
9 members: the ~~state treasurer~~ State Treasurer, the ~~secretary of the agency of~~
10 ~~transportation~~ Secretary of Transportation or his or her designee, the ~~secretary~~
11 ~~of the agency of commerce and community development~~ Secretary of
12 Economic Opportunity or his or her designee, one member of the ~~authority~~
13 Authority, one member from the ~~agency of transportation planning division~~
14 Planning Division of the Agency of Transportation, one member who is a
15 member of the board of a regional development corporation approved under
16 chapter 76 of Title 24, one member who is a member of a regional planning
17 commission created under subchapter 3 of chapter 117 of Title 24, two
18 members at large, one representative appointed by the ~~speaker of the house~~
19 Speaker of the House of Representatives, and one senator appointed by the
20 ~~committee on committees~~ Committee on Committees. Selection of ~~board~~
21 Board members shall be made with consideration toward geographic

1 representation from throughout the ~~state~~ State. Board members, other than
2 legislators and state agency officials or designees, shall be appointed by the
3 ~~governor~~ Governor, with the advice and consent of the ~~senate~~ Senate, to five-
4 year terms, except that the ~~governor~~ Governor shall stagger initial
5 appointments so that the terms of no more than two members expire during a
6 calendar year. Legislative members shall be appointed on or before January 15
7 of the first year of each legislative session. A quorum shall consist of six
8 members. Members disqualified from voting shall be considered present for
9 purposes of determining a quorum. No action of the ~~board~~ Board shall be
10 considered valid unless the action is supported by a majority vote of the
11 members present and voting and then only if at least four members vote in
12 favor of the action.

13 (3) Board members who are not otherwise compensated in the course of
14 their employment shall be compensated and receive reimbursement for
15 necessary expenses in the same manner provided for members of the board of
16 the ~~economic development authority~~ Authority under subsection 213(e) of this
17 title.

18 (c)(1) The ~~board~~ Board shall adopt such rules or guidelines as it deems
19 necessary to carry out the purposes of the program.

20 (2) A majority vote of ~~board~~ Board members present and voting shall be
21 necessary to approve a loan or bond issuance.

1 (3) The ~~secretary of the agency of transportation can~~ Secretary of
2 Transportation may veto any approval of the ~~board~~ Board if he or she presents
3 objections to the ~~board~~ Board based upon the lack of compliance with federal
4 law governing this program.

5 (4) The ~~authority~~ Authority shall assign a state infrastructure bank
6 coordinator from the staff of the ~~authority~~ Authority to manage the program.
7 The coordinator shall be responsible for administration of the program in
8 accordance with the policies and rules of the ~~board~~ Board. The coordinator
9 may have other responsibilities within the ~~authority~~ Authority ~~which~~ that are
10 outside this program. The coordinator may examine any records relating to
11 applications and may conduct such program and fiscal audits as the coordinator
12 deems necessary.

13 Sec. 16. 10 V.S.A. chapter 15A is amended to read:

14 Chapter 15A: The Sustainable Jobs Fund Program

15 * * *

16 § 327. DEFINITIONS

17 As used in this chapter:

18 (1) "Sustainable jobs" ~~is defined as~~ means jobs created from business
19 strategies and activities that meet the needs of the enterprise and its
20 stakeholders today while protecting and sustaining the human and natural
21 resources that will be needed in the future.

1 (2) "Eligible activity" means any activity ~~which~~ that will carry out the
2 dual purposes of creating quality jobs, as defined by the ten year economic
3 development plan adopted by the ~~agency of commerce and community~~
4 ~~development~~ Agency of Economic Opportunity, and conserving and preserving
5 Vermont's social and natural environment, including activities ~~which~~ that will
6 encourage or assist, ~~but are not limited to:~~

7 (A) the start-up or expansion of the small business and micro-business
8 sector; and

9 (B) existing businesses striving to minimize their impact and waste
10 through environmentally sound products and processes.

11 (3) "Eligible applicant" means any for profit or nonprofit business entity
12 that fulfills the purposes of this chapter.

13 § 328. CREATION OF THE SUSTAINABLE JOBS FUND PROGRAM

14 (a) There is created a Sustainable Jobs Fund Program to create quality jobs
15 that are compatible with Vermont's natural and social environment.

16 (b) The Vermont Economic Development Authority shall incorporate a
17 nonprofit corporation pursuant to the provisions of subdivision 216(14) of this
18 title to administer the Sustainable Jobs Fund Program, and to fulfill the
19 purposes of this chapter by means of loans or grants to eligible applicants for
20 eligible activities, provided that any funds contributed to the Program by the

1 Authority under subsection (c) of this section shall be used for lending
2 purposes only.

3 (c)(1) Notwithstanding the provisions of subdivision 216(14) of this title,
4 the Authority may contribute not more than \$1,000,000.00 to the capital of the
5 corporation formed under this section, and the Board of Directors of the
6 corporation formed under this section shall consist of:

7 (A) the Secretary of ~~Commerce and Community Development~~
8 Economic Opportunity or his or her designee;

9 (B) the Secretary of Agriculture, Food and Markets or his or her
10 designee;

11 (C) a director appointed by the Governor; and

12 (D) eight independent directors, no more than two of whom shall be
13 State government employees or officials, and who shall be selected as
14 vacancies occur by vote of the existing directors from a list of names offered
15 by a nominating committee of the Board created for that purpose.

16 (2)(A) Each independent director shall serve a term of three years or
17 until his or her earlier resignation.

18 (B) A director may be reappointed, but no independent director and
19 no director appointed by the Governor shall serve for more than three terms.

20 (C) The director appointed by the Governor shall serve at the pleasure
21 of the Governor and may be removed at any time with or without cause.

1 (3) A director of the Board who is or is appointed by a State government
2 official or employee shall not be eligible to hold the position of Chair, Vice
3 Chair, Secretary, or Treasurer of the Board.

4 (d) Repealed.]

5 (e) The Agency of ~~Commerce and Community Development~~ Economic
6 Opportunity shall have the authority and responsibility for the administration
7 and implementation of the Program.

8 (f) The Vermont Sustainable Jobs Fund Program shall work collaboratively
9 with the Agency of Agriculture, Food and Markets to assist the Vermont
10 slaughterhouse industry in supporting its efforts at productivity and
11 sustainability.

12 * * *

13 Sec. 17. 10 V.S.A. chapter 21 is amended to read:

14 Chapter 21: Tourist Information Services

15 * * *

16 § 484. TRAVEL INFORMATION COUNCIL; CREATION, MEMBERSHIP,
17 TERMS

18 (a) The ~~travel information council~~ Travel Information Council is created to
19 administer the provisions of this chapter. The ~~agency of transportation~~ Agency
20 of Transportation shall be responsible for the administration and maintenance
21 of the official business directional sign program, information plazas, and other

1 tourist information facilities deemed appropriate by the ~~council~~ Council. The
2 ~~agency of commerce and community development~~ Agency of Economic
3 Opportunity shall be responsible for the collection and distribution of travel
4 information, as deemed appropriate by the ~~council~~ Council.

5 (b) The ~~travel information council~~ Travel Information Council may make
6 rules, consistent with this chapter relating to the determination of locations for
7 official business directional signs and to all other matters necessary and
8 appropriate to the administration of this chapter. In making those rules it shall
9 give consideration to the adequacy of information provided by highway
10 directional signs and the preservation of scenic and aesthetic values and shall
11 consult with the agency of transportation as to matters of highway safety. It
12 shall determine whether official business directional signs at a particular
13 location shall be displayed in tiers or upon panels. It shall advise the ~~agency of~~
14 ~~commerce and community development~~ Agency of Economic Opportunity on
15 policies and matters pertaining to collection and distribution of tourist
16 information.

17 (c) The ~~travel information council~~ Travel Information Council shall have
18 seven members, one the ~~secretary of commerce and community development~~
19 Secretary of Economic Opportunity or his or her designee, who shall chair the
20 council and six appointed members as follows: one representing the lodging
21 industry, one the restaurant industry, one the recreation industry, one the

1 agency of transportation, one the general public and one agriculture. The six
2 appointed members shall be appointed by the ~~governor~~ Governor with the
3 consent of the ~~senate~~ Senate with the six initially appointed members
4 appointed as of the effective date of this chapter, with three initial members
5 appointed for one year terms, and three for two year terms. Three appointed
6 members shall be appointed biennially thereafter. The members are eligible for
7 reappointment.

8 (d) The ~~travel information council~~ Travel Information Council shall
9 designate, in each state transportation district, a person to represent business, a
10 person to represent the public, and a person to represent the district planning or
11 development agencies as a committee to act for it in those districts in
12 considering applications for signs and the location thereof. The members of the
13 committee shall serve at the pleasure of the ~~council~~ Council, and a majority of
14 a committee shall constitute a quorum for the conduct of any business. A
15 person aggrieved by a decision of a committee may ask for and shall be
16 granted a hearing before the ~~travel information council~~ Travel Information
17 Council and may appeal on questions of law to the ~~superior court~~ Civil
18 Division of the Superior Court under Rule 74 of the Vermont Rules of Civil
19 Procedure from a decision of the ~~council~~ Council.

20 § 485. OFFICIAL TOURIST INFORMATION CENTERS

1 The ~~agency of commerce and community development~~ Agency of
2 Economic Opportunity shall establish official tourist information centers, near
3 the principal entrance points into the state State, as determined by the ~~agency~~
4 Agency, and at such other locations as the ~~agency~~ Agency deems appropriate,
5 in order to provide information about public accommodations, commercial
6 services for the travelling public, other businesses, and points of scenic,
7 historic, cultural, educational, and religious interest.

* * *

9 § 487. OTHER INFORMATION

10 The ~~agency of commerce and community development~~ Agency of
11 Economic Opportunity shall provide travel information regarding the location
12 of available public accommodations, commercial services for the traveling
13 public, and other businesses, and points of scenic, historic, and cultural
14 interest. It may include in guidebooks and other published materials, paid
15 advertising, identified as such. This information shall be made available to the
16 general public at places the ~~agency~~ Agency may find desirable, such as
17 interstate rest areas, information plazas, information centers and booths,
18 service stations and garages, hotels, motels, and restaurants, historical
19 attractions and education facilities, using the most appropriate methods and
20 means, such as publications, audio/visual, computer and telephone.

* * *

1 § 490. TYPES AND ARRANGEMENT OF SIGNS

2 * * *

3 (c) When the signs at one location are too numerous, or when highway
4 safety requires for other reasons, as determined by the Travel Information
5 Council, the signs may be removed and the applicant business given the option
6 to purchase advertising plaques on information plazas, located and designed so
7 that drivers of motor vehicles may leave the main traffic lanes and inspect
8 them. Information plazas may contain maps and other information, depending
9 on space availability, and may have telephone and other information facilities
10 attached to them. Sign plazas shall include the international symbol to indicate
11 that gasoline service is available to people with disabilities. The Agency of
12 ~~Commerce and Community Development~~ Economic Opportunity shall be
13 responsible for the costs of installing new information plazas and for the
14 installation of advertising plaques on State-owned information plazas, provided
15 that the Secretary of ~~Commerce and Community Development~~ Economic
16 Opportunity or his or her designee gives prior approval for such costs and
17 installation. If it is not practical to install information plazas or individual
18 official business directional signs at any given location, because of the number
19 of signs or because of traffic conditions, the Travel Information Council may
20 in its discretion adopt some alternative method for providing information
21 conveniently for travelers, including directions to zones or other geographic

1 areas, and locally operated information booths and offices or multi-facility
2 official business directional signs, or both.

3 * * *

4 Sec. 18. 10 V.S.A. § 531 is amended to read:

5 § 531. THE VERMONT TRAINING PROGRAM

6 (a)(1) The Secretary of ~~Commerce and Community Development~~ Economic
7 Opportunity, in consultation with the State Workforce Development Board,
8 shall have the authority to design and implement a Vermont Training Program,
9 the purpose of which shall be to issue performance-based grants to employers
10 and to education and training providers to increase employment opportunities
11 in Vermont consistent with this chapter.

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

15 (b) Eligibility for grant. The Secretary of ~~Commerce and Community~~
16 ~~Development~~ Economic Opportunity may award a grant to an employer if:

17 (1) the training is for preemployment, new employees, or incumbent
18 employees in the methods, either singularly or in combination, relating to
19 preemployment training, on-the-job training, upgrade training, crossover
20 training, or specialized instruction, either on-site or through a training
21 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;

7 (D) paid holidays;

8 (E) child care;

9 (F) other extraordinary employee benefits;

10 (G) retirement benefits;

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

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

14 (4) compensation for each trainee at the completion of the training
15 program equals or exceeds the livable wage as defined in 2 V.S.A. § 505,
16 provided that the Secretary shall have the authority to modify this requirement
17 if he or she determines that the employer offers compensation or benefits, the
18 value of which exceeds the compensation and benefit assumptions in the basic
19 needs budget and livable wage calculated pursuant to 2 V.S.A. § 505.

20 (c) In the case of a grant to a training provider, the Secretary shall require as
21 a condition of the grant that the provider shall disclose to the Secretary the

1 name of the employer and the number of employees trained prior to final
2 payment for the training.

3 (d) In order to avoid duplication of programs or services and to provide the
4 greatest return on investment from training provided under this section, the
5 Secretary of ~~Commerce and Community Development~~ Economic Opportunity
6 shall:

7 (1) consult with the **Commissioner of Labor** regarding whether the
8 grantee has accessed, or is eligible to access, other workforce education and
9 training resources;

10 (2) disburse grant funds only for training hours that have been
11 successfully completed by employees; provided that, except for an award
12 under an enhanced incentive for workforce training as provided in 32 V.S.A. §
13 3336, a grant for on-the-job training shall either provide not more than 50
14 percent of wages for each employee in training or not more than 50 percent of
15 trainer expense, but not both, and further provided that training shall be
16 performed in accordance with a training plan that defines the subject of the
17 training, the number of training hours, and how the effectiveness of the
18 training will be evaluated; and

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

21 (e) Work-based learning activities.

1 (1) In addition to eligible training authorized in subsection (b) of this
2 section, the Secretary of ~~Commerce and Community Development~~ Economic
3 Opportunity may annually allocate up to 10 percent of the funding
4 appropriated for the Program to fund work-based learning programs and
5 activities with eligible employers to introduce Vermont students in a middle
6 school, secondary school, career technical education program, or
7 postsecondary school to manufacturers and other regionally significant
8 employers.

9 (2) An employer with a defined work-based learning program or activity
10 developed in partnership with a middle school, secondary school, career
11 technical education program, or postsecondary school may apply to the
12 Program for a grant to offset the costs the employer incurs for the work-based
13 learning program or activity, including the costs of transportation, curriculum
14 development, and materials.

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

19 ~~(g)-(j) Repealed.~~

20 ~~(k)~~ Annually on or before January 15, the Secretary shall submit a report to
21 the House Committee on Commerce and Economic Development and the

1 Senate Committee on Economic Development, Housing and General Affairs.

2 In addition to the reporting requirements under section 540 of this title, the
3 report shall identify:

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

5 (2) from among the following, the category the training addressed:

6 (A) preemployment training or other training for a new employee to
7 begin a newly created position with the employer;

8 (B) preemployment training or other training for a new employee to
9 begin in an existing position with the employer;

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

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

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

15 (3) for the training identified in subdivision (2) of this subsection
16 whether the training is onsite or classroom-based;

17 (4) the number of employees served;

18 (5) the average wage by employer;

19 (6) any waivers granted;

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

1 (8) the identity of each training provider;

2 (9) whether training results in a wage increase for a trainee, and the
3 amount of increase; and

4 (10) the number, type, and description of grants for work-based learning
5 programs and activities awarded pursuant to subsection (e) of this section.

6 Sec. 19. 10 V.S.A. chapter 22A is amended to read:

7 Chapter 22A: Workforce Education and Training

8 § 540. WORKFORCE EDUCATION AND TRAINING LEADER

9 The ~~Commissioner of Labor~~ Secretary of Economic Opportunity shall be
10 the leader of workforce education and training in the State, and shall have the
11 authority and responsibility for the coordination of workforce education and
12 training within State government, including the following duties:

13 (1) Perform the following duties in consultation with the State
14 Workforce Development Board:

15 (A) advise the Governor on the establishment of an integrated system
16 of workforce education and training for Vermont;

17 (B) create and maintain an inventory of all existing workforce
18 education and training programs and activities in the State;

19 (C) use data to ensure that State workforce education and training
20 activities are aligned with the needs of the available workforce, the current and

1 future job opportunities in the State, and the specific credentials needed to
2 achieve employment in those jobs;

3 (D) develop a State plan, as required by federal law, to ensure that
4 workforce education and training programs and activities in the State serve
5 Vermont citizens and businesses to the maximum extent possible;

6 (E) ensure coordination and non-duplication of workforce education
7 and training activities;

8 (F) identify best practices and gaps in the delivery of workforce
9 education and training programs;

10 (G) design and implement criteria and performance measures for
11 workforce education and training activities; and

12 (H) establish goals for the integrated workforce education and training
13 system.

14 (2) Require from each business, training provider, or program that
15 receives State funding to conduct workforce education and training a report
16 that evaluates the results of the training. Each recipient shall submit its report
17 on a schedule determined by the Commissioner and shall include at least the
18 following information:

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

20 (B) amount of funding;

21 (C) activities and training provided;

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

2 (E) employment status of trainees; and

3 (F) future needs for resources.

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

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

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

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

15 (7) Notwithstanding any provision of State law to the contrary, and to the
16 fullest extent allowed under federal law, ensure that in each State and State-
17 funded workforce education and training program, the program administrator
18 collects and reports data and results at the individual level by Social Security
19 Number or an equivalent.

20 § 541A. STATE WORKFORCE DEVELOPMENT BOARD

1 (a) Board established; duties. Pursuant to the requirements of 29 U.S.C. §
2 3111, the Governor shall establish a State Workforce Development Board to
3 assist the Governor in the execution of his or her duties under the Workforce
4 Innovation and Opportunity Act of 2014 and to assist the ~~Commissioner of~~
5 ~~Labor~~ Secretary of Economic Opportunity as specified in section 540 of this
6 title.

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

10 (1) conduct an ongoing public engagement process throughout the State
11 that brings together employers and potential employees, including students, the
12 unemployed, and incumbent employees seeking further training, to provide
13 feedback and information concerning their workforce education and training
14 needs; and

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 Innovation and Opportunity Act of 2014, with economic
20 development planning processes occurring in the State, as appropriate.

1 (c) Membership. The Board shall consist of the Governor and the following
2 members who are appointed by the Governor in conformance with the federal
3 Workforce Innovation and Opportunity Act and who serve at his or her
4 pleasure, unless otherwise indicated:

5 (1) the Commissioner of Labor;

6 (2) two members of the Vermont House of Representatives appointed by
7 the Speaker of the House;

8 (3) two members of the Vermont Senate appointed by the Senate
9 Committee on Committees;

10 (4) the President of the University of Vermont;

11 (5) the Chancellor of the Vermont State Colleges;

12 (6) the President of the Vermont Student Assistance Corporation;

13 (7) a representative of an independent Vermont college or university;

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 a State labor federation;

18 (11) two representatives of individuals and organizations who have
19 experience with respect to youth activities, as defined in 29 U.S.C. § 3102(71);

1 (12) two representatives of individuals and organizations who have
2 experience in the delivery of workforce investment activities, as defined in 29
3 U.S.C. § 3102(68);

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 3151(b), or if no official has that responsibility, representatives in the State
7 with responsibility relating to these programs and activities;

8 (14) the Commissioner of Economic and Workforce Development;

9 (15) the Secretary of ~~Commerce and Community Development~~

10 Economic Opportunity;

11 (16) the Secretary of Human Services;

12 (17) the Secretary of Education;

13 (18) two individuals who have experience in, and can speak for, the
14 training needs of underemployed and unemployed Vermonters; and

15 (19) a number of appointees sufficient to constitute a majority of the

16 Board who:

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

20 (B) represent businesses with employment opportunities that reflect
21 in-demand sectors and employment opportunities in the State; and

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

3 (d) Operation of Board.

4 (1) Member representation.

5 (A) A member of the State Board may send a designee that meets the
6 requirements of subdivision (B) of this subdivision (1) to any State Board
7 meeting who shall count toward a quorum and shall be allowed to vote on
8 behalf of the Board member for whom he or she serves as a designee.

9 (B) Members of the State Board or their designees who represent
10 organizations, agencies, or other entities shall be individuals with optimum
11 policymaking authority within the organizations, agencies, or entities.

12 (C) The members of the Board shall represent diverse regions of the
13 State, including urban, rural, and suburban areas.

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

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

19 (4) Work groups; task forces. The Chair, in consultation with the
20 ~~Commissioner of Labor~~ Secretary of Economic Opportunity, may:

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

3 (B) appoint one or more members of the Board, or nonmembers of the
4 Board, or both, to one or more task forces for a discrete purpose and duration.

5 (5) Quorum meetings; voting.

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

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

17 (C) The Board shall deliver electronically the minutes for each of its
18 meetings to each member of the Board and to the Chairs of the House
19 Committees on Education and on Commerce and Economic Development, and
20 to the Senate Committees on Education and on Economic Development,
21 Housing and General Affairs.

1 (6) Reimbursement.

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

4 (B) Unless otherwise compensated by his or her employer for
5 performance of his or her duties on the Board, a nonlegislative member of the
6 Board shall be eligible for per diem compensation of \$50.00 per day for
7 attendance at a meeting of the Board, and for reimbursement of his or her
8 necessary expenses, which shall be paid through funds available for that
9 purpose under the Workforce Innovation and Opportunity Act of 2014.

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

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

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

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

16 (B) engage in any activity that the Governor determines constitutes a
17 conflict of interest as specified in the State Plan required under 29 U.S.C. §
18 3112 or 3113.

19 (8) Sunshine provision. The Board shall make available to the public, on
20 a regular basis through open meetings, information regarding the activities of
21 the Board, including information regarding the State Plan adopted pursuant to

1 29 U.S.C. § 3112 or 3113 and prior to submission of the State Plan to the U.S.
2 Secretary of Labor, information regarding membership, and, on request,
3 minutes of formal meetings of the Board.

4 § 541B. WORKFORCE EDUCATION AND TRAINING; DUTIES OF
5 OTHER STATE AGENCIES, DEPARTMENTS, AND PRIVATE
6 PARTNERS

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

14 (b) The Agency of ~~Commerce and Community Development~~ Economic
15 Opportunity shall coordinate its work in adopting a statewide economic
16 development plan with the activities of the Board ~~and the Commissioner of~~
17 ~~Labor~~.

18 § 542. REGIONAL WORKFORCE EDUCATION AND TRAINING

19 (a) The ~~Commissioner of Labor~~ Secretary of Economic Opportunity, in
20 ~~coordination with the Secretary of Commerce and Community Development,~~
21 ~~and in~~ consultation with the State Workforce Development Board, is

1 authorized to issue performance grants to one or more persons to perform
2 workforce education and training activities in a region.

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

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

12 § 543. WORKFORCE EDUCATION AND TRAINING FUND; GRANT
13 PROGRAMS

14 (a) Creation. There is created a Workforce Education and Training Fund in
15 the ~~Department of Labor~~ Agency of Economic Opportunity to be managed in
16 accordance with 32 V.S.A. chapter 7, subchapter 5.

17 (b) Purposes. ~~The Department~~ Agency shall use the Fund for the following
18 purposes:

19 (1) training for Vermont workers, including those who are unemployed,
20 underemployed, or in transition from one job or career to another;

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

3 (3) apprenticeship, preapprenticeship, and industry-recognized credential
4 training; and

5 (4) other workforce development initiatives related to current and future
6 job opportunities in Vermont as determined by the ~~Commissioner of Labor~~
7 Secretary of Economic Opportunity.

8 (c) Administrative and other support. The ~~Department of Labor~~ Agency of
9 Economic Opportunity shall provide administrative support for the grant award
10 process. When appropriate and reasonable the State Workforce Investment
11 Board and all other public entities involved in economic development and
12 workforce education and training shall provide other support in the process.

13 (d) Eligible activities.

14 (1) The ~~Department~~ Agency shall grant awards from the Fund to
15 employers and entities, including private, public, and nonprofit entities,
16 institutions of higher education, high schools, technical centers, and workforce
17 education and training programs that:

18 (A) create jobs, offer education, training, apprenticeship,
19 preapprenticeship and industry-recognized credentials, mentoring, or work-
20 based learning activities, or any combination;

1 (B) employ student-oriented approaches to workforce education and
2 training; and

3 (C) link workforce education and economic development strategies.

4 (2) The ~~Department~~ Agency may fund programs or projects that
5 demonstrate actual increased income and economic opportunity for employees
6 and employers for more than one year.

7 (3) The ~~Department~~ Agency may fund student internships and training
8 programs that involve the same employer in multiple years with approval of
9 the ~~Commissioner~~ Secretary.

10 (e) Repealed].

11 (f) Awards. The ~~Commissioner of Labor~~ Secretary of Economic
12 Opportunity, in consultation with the Chair of the State Workforce
13 Development Board, shall develop award criteria and may grant awards to the
14 following:

15 (1) Training Programs.

16 (A) Public, private, and nonprofit entities, including employers and
17 education and training providers, for existing or new training programs that
18 enhance the skills of Vermont workers and:

19 (i) train workers for trades or occupations that are expected to lead
20 to jobs paying at least 200 percent of the current minimum wage or at least 150

1 percent if benefits are included; this requirement may be waived when
2 warranted based on regional or occupational wages or economic reality;

3 (ii) do not duplicate, supplant, or replace other available training
4 funded with public money;

5 (iii) provide a project timeline, including performance goals, and
6 identify how the effectiveness and outcomes of the program will be measured,
7 including for the individual participants, the employers, and the program as a
8 whole; and

9 (iv) articulate the need for the training and the direct connection
10 between the training and the job.

11 (B) The ~~Department~~ Agency shall grant awards under this subdivision
12 (1) to programs or projects that:

13 (i) offer innovative programs of intensive, student-centric,
14 competency-based education, training, apprenticeship, preapprenticeship and
15 industry-recognized credentials, mentoring, or any combination of these;

16 (ii) address the needs of workers who are unemployed,
17 underemployed, or are at risk of becoming unemployed, and workers who are
18 in transition from one job or career to another;

19 (iii) address the needs of employers to hire new employees, or
20 retrain incumbent workers, when the employer has demonstrated a need not

1 within the normal course of business, with priority to training that results in
2 new or existing job openings for which the employer intends to hire; or
3 (iv) in the discretion of the Commissioner, otherwise serve the
4 purposes of this chapter.

5 (2) Vermont Strong Internship Program. Funding for eligible internship
6 programs and activities under the Vermont Strong Internship Program
7 established in section 544 of this title.

8 (3) Apprenticeship Program. The Vermont Apprenticeship Program
9 established under 21 V.S.A. chapter 13. Awards under this subdivision may be
10 used to fund the cost of apprenticeship-related instruction provided by the
11 ~~Department of Labor~~ Agency of Economic Opportunity.

12 § 544. VERMONT STRONG INTERNSHIP PROGRAM

13 (a)(1) The ~~Department of Labor~~ Agency of Economic Opportunity, in
14 consultation with the Agency of Education, shall develop; and ~~the Department~~
15 ~~shall implement~~; a statewide Vermont Strong Internship Program for students
16 who are in high school or in college and for those who are recent graduates of
17 24 months or less.

18 (2) The ~~Department of Labor~~ Agency of Economic Opportunity shall
19 coordinate and provide funding to public and private entities for internship
20 programs that match Vermont employers with students from public and private

1 secondary schools, regional technical centers, the Community High School of
2 Vermont, colleges, and recent graduates of 24 months or less.

3 (3) Funding awarded through the Vermont Strong Internship Program
4 may be used to build and administer an internship program and to provide
5 participants with a stipend during the internship, based on need. Funds may be
6 made only to programs or projects that:

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

8 (B) expose students to the workplace or create real workplace
9 expectations and consequences;

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

13 (D) are designed to motivate and educate participants through work-
14 based learning opportunities with Vermont employers;

15 (E) include mechanisms that promote employer involvement with
16 secondary and postsecondary students and curriculum and the delivery of
17 education at the participating schools; or

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

1 (4) As used in this section, "internship" means a learning experience
2 working with an employer where the intern may, but does not necessarily,
3 receive academic credit, financial remuneration, a stipend, or any combination
4 of these.

5 (b) The ~~Department of Labor~~ Agency of Economic Opportunity, in
6 collaboration with the Agencies of Agriculture, Food and Markets and of
7 Education, State-funded postsecondary educational institutions, the State
8 Workforce Development Board, and other State agencies and departments that
9 have workforce education and training and training monies, shall:

10 (1) identify new and existing funding sources that may be allocated to
11 the Vermont Strong Internship Program;

12 (2) collect data and establish program goals and performance measures
13 that demonstrate program results for internship programs funded through the
14 Vermont Strong Internship Program;

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

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

20 (5) work with other public and private entities to develop and enhance
21 internship programs, opportunities, and activities throughout the State.

1 Sec. 20. 10 V.S.A. § 582 is amended to read:

2 § 582. GREENHOUSE GAS INVENTORIES; REGISTRY

3 * * *

4 (b) Inventory updates. To develop the Inventory under this section, the
5 Secretary, in coordination with the Secretaries of Administration, of
6 Transportation, of Agriculture, Food and Markets, and of ~~Commerce and~~
7 ~~Community Development~~ Economic Opportunity, and the Commissioner of
8 Public Service, shall aggregate all existing statewide data on greenhouse gas
9 emissions currently reported to State or federal entities, existing statewide data
10 on greenhouse gas sinks, and otherwise publicly available data. Greenhouse
11 gas emissions data that is more than 36 months old shall be updated either by
12 statistical methods or seeking updated information from the reporting agency
13 or department. The information shall be standardized to reflect the emissions in
14 tons per CO2 equivalent, shall be set out in the inventory by sources or sectors
15 such as agriculture, manufacturing, automobile emissions, heating, and
16 electricity production, shall be compatible with the inventory included with the
17 Governor's Commission on Climate Change final report and shall include, the
18 following sources:

19 * * *

20 Sec. 21. 10 V.S.A. chapter 25 is amended to read:

21 Chapter 25: Vermont Housing Finance Agency

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§ 611. CREATION OF THE VERMONT HOUSING FINANCE AGENCY

* * *

(b) The Agency shall consist of nine commissioners, including ex officio the Commissioner of Financial Regulation, the State Treasurer, the Secretary of ~~Commerce and Community Development~~ Economic Opportunity, the Executive Director of the Vermont Housing and Conservation Board or their designees, and five commissioners, who shall be residents of the State, and who shall in the opinion of the Governor with consideration of statewide geographic representation be knowledgeable in housing, finance, and financial planning or other related areas, to be appointed by the Governor with the advice and consent of the Senate for terms of four years. Any vacancies in the membership of the Agency shall be filled in like manner but only for the remainder of an unexpired term. Each Commissioner shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified. A Commissioner appointed by the Governor may be removed from office by the Governor for misfeasance, malfeasance, or willful neglect of duty or other cause after notice and public hearing unless such notice or hearing is expressly waived in writing.

* * *

Sec. 22. 10 V.S.A. chapter 27 is amended to read:

1 Chapter 27: Travel and Recreation Policy

2 § 651. FINDINGS; POLICY AND PURPOSE

3 The ~~general assembly~~ General Assembly finds that the ~~state~~ State of
4 Vermont is endowed with extraordinary natural beauty, by its mountains,
5 waterways and open spaces; that the ~~state~~ State of Vermont is rich in its
6 historic heritage, its cultural offerings, the renown of its superior workmanship,
7 the unique designs of its crafts people, and the variety of its recreational
8 lodgings, attractions and services, all of which enrich the lives of Vermonters
9 and the many travelers who visit the ~~state~~ State each year; that the travel and
10 recreation industry is an important sector of the Vermont economy, serving the
11 needs of Vermonters as well as the many visitors of our ~~state~~ State, providing
12 significant employment opportunities and revenues, and contributing to the
13 economic well-being of the ~~state~~ State; and that recognition of this important
14 industry and enhanced promotion of Vermont as a travel destination in
15 cooperation with the private sector is in the public interest. Therefore, it is the
16 public policy of the ~~state~~ State of Vermont, while protecting the natural quality
17 of the state, to support and encourage reasonable growth in the number of
18 travelers to the ~~state~~ State and to assist in enhancing the competitive position of
19 travel-related businesses in the ~~state~~ State; and further, it is of public benefit
20 that a travel and recreation council be established to contribute to the
21 development of the ~~state~~ State travel and recreation policy.

1 § 652. TRAVEL AND RECREATION COUNCIL; MEMBERSHIP

2 (a) A ~~travel and recreation council~~ Travel and Recreation Council is created.

3 It shall comprise the following members:

4 (1) the ~~secretary of the agency of commerce and community~~
5 ~~development,~~ Secretary of Economic Opportunity;

6 (2) the ~~secretary of the agency of natural resources~~ Secretary of Natural
7 Resources, or his or her designee;

8 (3) the ~~secretary of the agency of transportation~~ Secretary of
9 Transportation, or his or her designee;

10 (4) the ~~secretary of agriculture, food and markets~~ Secretary of
11 Agriculture, Food and Markets, or his or her designee;

12 (5) the ~~commissioner of tourism and marketing,~~ Commissioner of
13 Tourism and Marketing; and

14 (6) ten members from the private sector appointed by the ~~governor~~
15 Governor.

16 (b) The ten members appointed by the ~~governor~~ Governor shall serve a term
17 of three years, beginning July 1, or the unexpired portion thereof. For the
18 initial appointments, the ~~governor~~ Governor shall appoint three for one year,
19 four for two years, and three for three years. When appointing members, the
20 ~~governor~~ Governor shall consider persons who have understanding of the

1 travel and recreation industry and who will adequately represent the various
2 interests in the ~~state~~ State.

3 (c) The ~~council~~ Council shall elect its chair annually from among its
4 members.

5 (d) The ~~council~~ Council shall meet at least quarterly at the call of the chair
6 or the ~~agency secretary~~ Secretary of Economic Opportunity.

7 (e) Members of the ~~council~~ Council shall receive compensation and
8 reimbursement for expenses in accordance with 32 V.S.A. § 1010.

9 § 653. TRAVEL AND RECREATION COUNCIL; FUNCTIONS

10 (a) The council shall advise the ~~secretary of the agency of commerce and~~
11 ~~community development~~ Secretary of Economic Opportunity, and the ~~secretary~~
12 Secretary shall consult with the ~~council~~ Council, on matters relating to ~~state~~
13 State travel and recreation policy, ~~state~~ State travel and recreation promotion
14 programs, and other programs of the ~~department of tourism and marketing~~
15 Department of Tourism and Marketing.

16 (b) In addition to any other functions the ~~council~~ Council may perform, it
17 shall:

18 (1) ~~review~~ Review and consult with the ~~secretary~~ Secretary on the
19 development of an annual marketing plan for travel and recreation. Such a plan
20 shall be initially developed by the ~~agency~~ Agency in consultation with the
21 ~~council~~ Council. This plan shall then be submitted to the ~~council~~ Council for

1 its further review and comments, which shall be considered by the ~~agency~~
2 Agency before the ~~agency~~ Agency adopts a final plan;

3 (2) ~~assist the secretary in the agency's~~ Assist the Secretary in the
4 Agency's preparation of a long-term comprehensive ~~state~~ State travel and
5 recreation plan. Before the ~~agency~~ Agency adopts a final plan, the plan shall be
6 reviewed at a public hearing and shall be submitted to the ~~council~~ Council for
7 its further review and comments;

8 (3) ~~assist the secretary~~ Assist the Secretary in selecting proposals for
9 awarding funds under the matching grants promotional programs under
10 subchapter 2 of this chapter and in reviewing proposals for cooperative and
11 partnership travel promotion efforts.

12 Subchapter 2: Travel Promotion Matching Fund Program

13 § 661. TRAVEL PROMOTION MATCHING FUND PROGRAM

14 There is established a ~~travel promotion matching fund program~~ Travel
15 Promotion Matching Fund Program to serve the following purposes:

16 (1) to allow the ~~state~~ State of Vermont to provide part of the funds
17 necessary for a travel promotion chamber or association to conduct
18 promotional programs on a statewide or regional basis in order to increase the
19 volume of nonresident visitation to the ~~state~~ State or a particular region within
20 the ~~state~~ State;

1 (2) to strengthen and further encourage regional and statewide promotion
2 by the private sector;

3 (3) to strengthen the ~~state~~ State image by coordinating the promotional
4 efforts of the private sector and the ~~Vermont department of tourism and~~
5 ~~marketing of the agency of commerce and community development~~
6 Department of Tourism and Marketing and the Agency of Economic
7 Opportunity.

8 § 662. ALLOCATION OF FUNDS

9 (a) Within the limits of available funding, for every dollar raised by the
10 private sector for travel promotion under the provisions of this chapter, the
11 ~~state~~ State will provide one dollar in matching funds to be allocated as follows:

12 (1) 75 percent of the ~~state's~~ State's dollar ~~will~~ shall be awarded as grants
13 to approved travel promotion chamber or association programs;

14 (2) 25 percent of the ~~state's~~ State's dollar ~~will~~ shall go into the Vermont
15 ~~department of tourism and marketing's~~ Department of Tourism and Marketing
16 promotion budget specifically for the purpose of executing an umbrella
17 advertising campaign under which the private sector programs will operate.

18 (b) The minimum grant to be matched by any single travel promotion
19 chamber or association is \$1,000.00.

20 (c) The maximum grant to be matched by any single travel promotion
21 chamber or association is \$25,000.00.

1 § 663. ADMINISTRATION

2 (a) The ~~Department of Economic Development, through the Vermont~~
3 ~~Department of Tourism and Marketing,~~ shall administer the ~~travel promotion~~
4 ~~matching fund program~~ Travel Promotion Matching Fund Program with such
5 flexibility so as to bring about the most effective and economical travel
6 promotion program possible. The Department shall adopt rules and procedures
7 necessary and appropriate to the proper operation of the ~~travel promotion~~
8 ~~matching fund program~~ Travel Promotion Matching Fund Program. These
9 rules shall also establish which travel promotion organizations are eligible to
10 apply for matching funds.

11 (b) The Department shall make available complete instructions as to the
12 applicant's duties and responsibilities and shall establish forms necessary to
13 carry out the purposes of this chapter.

14 § 664. APPLICATION PROCEDURES

15 (a) Travel promotion organizations, applying for a matching fund grant,
16 ~~must~~ shall present their proposed travel development promotion programs to
17 the ~~Vermont department of tourism and marketing~~ Department of Tourism and
18 Marketing in detail, and ~~must~~ shall further describe sources of local funds
19 available for those purposes.

20 (b) Annually, the ~~agency~~ Agency of Economic Opportunity, in consultation
21 with the ~~travel and recreation council~~ Travel and Recreation Council, shall

1 establish a schedule for applying for and awarding matching funds. The ~~agency~~
2 Agency may establish more than one application cycle, provided that at least
3 one competition for funds is conducted annually, and further provided that
4 application cycles are such as to maintain a competitive matching grants
5 program. The ~~travel and recreation council~~ Travel and Recreation Council shall
6 evaluate the relative merits of the applications based upon criteria established
7 under this subchapter and make recommendations to the ~~agency~~ Agency as to a
8 priority of applications which merit funding. The ~~secretary in consultation with~~
9 ~~the commissioner of tourism and marketing~~ Secretary, in consultation with the
10 Commissioner of Tourism and Marketing, shall review the recommendations
11 of the ~~travel and recreation council~~ Travel and Recreation Council and make
12 final decisions regarding the funding of proposals under the matching grants
13 programs.

14 (c) All applications ~~will~~ shall be reviewed and evaluated on the basis of the
15 following:

- 16 (1) geographic area covered in application;
- 17 (2) scope of short and long range planning;
- 18 (3) program content; and
- 19 (4) projected impact on geographic area covered in application.

20 (d) Grants ~~will~~ shall be made to those organizations ~~which~~ that best meet
21 the purposes of this chapter and according to the availability of funds, but no

1 grant ~~will~~ may exceed the amount raised by the organization and applied to its
2 proposed programs.

3 (e) Organizations receiving grants ~~will~~ shall be carefully evaluated, and risk
4 elimination of their grants when a lack of effort, cooperation, and adherence to
5 proposed programs is displayed. No travel promotion agency may act as a
6 "feeder facility" simply to disburse state matching funds to a private sector
7 business for the promotion of its private functions.

8 (f) Upon receiving and approving a given application, the ~~Vermont~~
9 ~~department of tourism and marketing will~~ Department of Tourism and
10 Marketing shall notify the organization of the grant amount in writing, and
11 execute a contract between that organization and the ~~department of~~
12 ~~development~~ Department.

13 § 665. BOOKKEEPING SYSTEMS

14 All tourist promotion organizations ~~will~~ shall keep records of any
15 applications, transactions, payment receipts, and correspondence relating to the
16 implementation of the matching funds program.

17 § 666. REIMBURSEMENT PROCEDURES

18 (a) Upon receipt in writing of satisfactory evidence of program progress and
19 funds expended or committed, the ~~Vermont department of tourism and~~
20 ~~marketing~~ Department of Tourism and Marketing shall reimburse the
21 organization according to its matching fund contract. Within 60 days of

1 completion of the program, each grant recipient shall provide the ~~Vermont~~
2 ~~department of tourism and marketing~~ Department with the following:

3 (1) a completed program evaluation report on a form supplied by the
4 ~~department of tourism and marketing,~~ Department;

5 (2) copies of all advertisements purchased;

6 (3) samples of any promotional material used in the program; and

7 (4) any other information requested by the ~~department of tourism and~~
8 ~~marketing~~ Department.

9 (b) The ~~commissioner of tourism and marketing~~ Commissioner of Tourism
10 and Marketing, may, as he or she sees fit, request interim reports on the
11 progress of programs.

12 § 667. LEGISLATIVE REVIEW

13 ~~The commissioner of tourism and marketing shall annually submit a report~~
14 ~~on the travel promotion program to the legislature~~ The Commissioner of
15 Tourism and Marketing shall annually submit a report on the Travel Promotion
16 Matching Funds Program to the General Assembly.

17 Subchapter 3: Regional Travel and Tourism Marketing Program

18 § 669. REGIONAL TRAVEL AND TOURISM MARKETING GRANTS

19 The ~~general assembly~~ General Assembly finds that:

20 (1) Effective marketing of travel and tourism destinations is best
21 performed on a regional level.

1 (2) The tourism business is the second largest business in the state and is
2 predicted to grow in the future.

3 (3) Private sector regional travel and tourism marketing associations,
4 with the assistance of the public sector, will encourage the growth of Vermont
5 as a travel destination.

6 (4) A regional travel and tourism marketing association is best suited to
7 identify the regions' strengths as well as the sectors that need greater marketing
8 assistance. Small business will be better served by a more direct contact with a
9 local, regional travel and tourism marketing association.

10 § 669A. DEFINITIONS

11 For the purposes of this subchapter:

12 (1) "Agency" means the ~~agency of commerce and community~~
13 ~~development~~ Agency of Economic Opportunity.

14 (2) "Commissioner" means the ~~commissioner of marketing and tourism~~
15 Commissioner of Tourism and Marketing.

16 (3) "Regional travel and tourism marketing association" means a
17 nonprofit corporation, cooperative, or other nonprofit organization formed
18 under the laws of this ~~state~~ State whose principal purpose is to promote,
19 organize, or accomplish the enhancement of travel and tourism for a particular
20 region of this ~~state~~ State, including marketing and promotional activities,
21 technical assistance to regional travel and tourism business to enhance their

1 marketing and promotional efforts, arrangement of conventions, trade shows,
2 and promotional activities in order to attract the traveling public to the region,
3 and the provision of information to the traveling public with regard to regional
4 attractions.

5 § 669B. APPLICATIONS FOR REGIONAL TRAVEL AND TOURISM
6 MARKETING ASSOCIATION GRANTS

7 A qualified regional travel and tourism marketing association may apply to
8 the ~~secretary~~ Secretary, on a form provided by the ~~secretary~~ Secretary, for a
9 grant under this chapter. The applicant may be required to submit with the
10 application, or at any time during the grant period, any information that the
11 ~~secretary~~ Secretary determines is necessary or desirable to consider the
12 application, assess the effectiveness of the grant, or to carry out the purposes of
13 this chapter.

14 § 669C. DETERMINATION OF ELIGIBILITY FOR GRANT

15 The ~~secretary~~ Secretary shall determine within 60 days of filing the
16 application whether the applicant is eligible for a grant under this ~~chapter~~
17 subchapter. An applicant may be eligible for a grant if the ~~secretary~~ Secretary
18 determines, in his or her sole discretion, that:

19 (1) the applicant will only serve businesses located in the applicant's
20 region;

1 (2) the applicant demonstrates an ability and willingness to provide
2 marketing, technical assistance, promotional activity, and information services
3 in furtherance of the purposes of this subchapter;

4 (3) the applicant demonstrates an ability to gather information useful in
5 evaluating the performance of the applicant in achieving the purposes of this
6 subchapter;

7 (4) the applicant has letters of support from a significant number of
8 travel and tourism businesses located in the applicant's region;

9 (5) the applicant demonstrates a capability and willingness to assist each
10 and every travel and tourism business located within the applicant's region;

11 (6) the applicant appears to be the best qualified applicant to carry out
12 the purposes of this subchapter in the applicant's region;

13 (7) the grant is needed for the reasonable and necessary expenses of the
14 association, including the employment of professional staff, as demonstrated in
15 the proposed operating budget of the association;

16 (8) the applicant has adequate federal and private funds resources, as
17 demonstrated in the proposed operating budget of the association, which
18 together with the grant will enable the applicant to fulfill the purposes of this
19 subchapter;

20 (9) the applicant presents a memorandum of understanding signed by the
21 applicant and any regional development corporation operating in the same

1 region demonstrating that the association and the corporation will cooperate
2 with each other and coordinate each other's common or related activities.

3 § 669D. MARKETING ASSOCIATION EXPENDITURES;
4 REAPPLICATION

5 (a) A regional travel and tourism marketing association shall use grant
6 funds only for such purposes described in the application and approved by the
7 ~~secretary~~ Secretary under section 669c of this title. Disbursement of grant
8 funds shall be made at such times as are specified by the ~~secretary~~ Secretary.

9 On request of the ~~secretary~~ Secretary the ~~commissioner of finance and~~
10 ~~management~~ Commissioner of Finance and Management shall issue his or her
11 warrant and the ~~state treasurer~~ State Treasurer shall pay the funds requested.

12 (b) The grant shall be approved under such terms and conditions as the
13 ~~secretary~~ Secretary may prescribe, for a period no longer than one year. The
14 applicant may reapply in accordance with section 669b of this title.

15 (c) The ~~secretary~~ Secretary, in his or her sole discretion, shall allocate funds
16 appropriated for regional travel and tourism marketing associations. The
17 ~~secretary~~ Secretary shall determine the amount allocated to each regional travel
18 and tourism marketing association after considering an association's budgetary
19 needs, and the strength of its program as measured against the goals
20 established in section 669b of this title.

21 § 669E. COOPERATIVE EFFORTS

1 An association approved for a grant under this subchapter shall act in a
2 manner that is consistent with the efforts of the ~~Vermont department of tourism~~
3 ~~and marketing~~ Department of Tourism and Marketing. A recipient association
4 shall not deliberately and adversely affect the travel and tourism marketing
5 efforts of another recipient association.

6 § 669F. RULES

7 The ~~secretary~~ Secretary of Economic Opportunity may adopt such rules as
8 are necessary to carry out the purposes of this chapter.

9 § 669G. APPLICABILITY OF STATE LAWS

10 (a) A regional travel and tourism marketing association approved by the
11 ~~secretary~~ Secretary under this chapter shall not be subject to the provisions of
12 ~~subchapter 2 (open meetings) and subchapter 3 (public records) of chapter 5 of~~
13 ~~Title 1~~ 1 V.S.A. chapter 5, subchapters 2 and 3 (open meetings and public
14 records).

15 (b) The provisions of ~~chapter 11 of Title 2~~ V.S.A. chapter 11 (lobbyist
16 disclosure) shall apply to a regional travel and tourism marketing association.

17 § 669H. DELEGATION OF AUTHORITY

18 The ~~secretary~~ Secretary may designate any officer or employee of the
19 ~~agency~~ Agency to carry out his or her powers and duties under this chapter.

20 Sec. 23. 10 V.S.A. chapter 29 is amended to read:

21 Chapter 29: Community Development

1 Subchapter 1: Community Development Act

2 § 681. TITLE

3 This subchapter may be cited as the "Vermont Community Development
4 Act."

5 § 682. INTENT AND PURPOSE

6 (a) It is the intent of this subchapter to provide for the ~~state~~ State
7 administration of the federal ~~community development block grant program~~
8 Community Development Block Grant Program as is authorized by Title I of
9 the Housing and Community Development Act of 1974, as amended (42
10 U.S.C. § 5301 et seq.), hereinafter called the "Federal Act," so as to meet the
11 objectives and requirements of that title.

12 (b) The purpose of this subchapter is to meet the ~~state~~ State goal and
13 objectives so that the most effective projects in the neediest areas are funded.

14 (1) The goal is to improve and maintain the economic and physical
15 environment in Vermont's municipalities so as to enhance the quality of life for
16 all Vermonters, particularly those of lower incomes.

17 (2) The objectives are to conserve, expand, and improve housing; to
18 create and retain employment; and to improve public facilities in support of
19 housing or economic development activities, or where there is a threat to the
20 public health and safety.

21 § 683. ~~TITLE~~ DEFINITIONS

1 (4) As used in this subchapter:

2 (1) Reserved.

3 (2) "Municipality" means a town or city. It also means an incorporated
4 village the charter of which enables it to function as a general purpose unit of
5 local government. It shall also mean a "nonentitlement area" as defined in Title
6 I, Sec. 102(a)(7) of the ~~federal act~~ Federal Act.

7 (3) "Grantee" means a municipality that receives a grant under the
8 provisions of this subchapter.

9 (4) "Board" means the Vermont ~~community development board~~
10 Community Development Board.

11 (5) "Agency" means the Vermont ~~agency of commerce and community~~
12 ~~development~~ Agency of Economic Opportunity.

13 (6) "Secretary" means the ~~secretary of the agency~~ Secretary of Economic
14 Opportunity.

15 (7) "Legislative body" means the board of selectmen of a town, the board
16 of aldermen or the council of a city, or the board of trustees or prudential
17 committee of an incorporated village.

18 (8) "Chief executive officer" means the mayor of a city; or if no mayor,
19 the president of the board of aldermen, the chairman of the city council, the
20 chairman of the board of selectmen, the president of the board of trustees, or
21 chairman of the prudential committee.

1 (9) "Lower income" means less than or equal to 80 percent of median
2 income. The ~~secretary~~ Secretary shall determine the best measure of median
3 income based on statistics from federal and/or state sources.

4 § 684. POWERS AND DUTIES OF THE MUNICIPALITIES

5 (a) In addition to the powers and authority which the municipalities have
6 under existing law, they are hereby granted such additional authority and
7 power, essential and incidental, as may be necessary for the administration and
8 implementation of this subchapter.

9 (b) Prior to filing an application under this subchapter a municipality shall:

10 (1) through action by the legislative body, adopt or pass an official act or
11 resolution authorizing the filing of the application and directing the chief
12 executive officer or designee to act in connection with the application and to
13 provide such information as may be required;

14 (2) hold at least one public hearing, after notice of at least 15 days by
15 publication in a newspaper of general circulation in the municipality, to obtain
16 the views of citizens on community development, to furnish the citizens with
17 information concerning the amount of funds available and the range of
18 community development activities that may be undertaken under this
19 subchapter, and to give affected citizens an opportunity to examine a proposed
20 statement of the projected use of such funds; and

1 (3) allow citizens an opportunity to examine the application and all
2 supporting documentation.

3 (c) The chief executive officer or designee shall certify that the grantee will
4 comply with the provisions of this subchapter and with other applicable federal
5 and state laws and rules as may be determined by the ~~secretary~~ Secretary.

6 § 685. THE VERMONT COMMUNITY DEVELOPMENT BOARD

7 (a) There shall be created within the Agency of ~~Commerce and Community~~
8 ~~Development~~ Economic Opportunity a Vermont Community Development
9 Board consisting of nine members who shall be residents of the State.

10 (b) The members shall be appointed by the Governor for a term of three
11 years, or for the unexpired portion thereof. For the initial appointments, the
12 Governor shall appoint three for one year, three for two years, and three for
13 three years. In the appointment of the members consideration shall be given to
14 the selection of such persons as shall adequately represent the interests of
15 various sections of the State and the principal beneficiaries of the program.

16 (c) The chair shall be appointed annually by the Governor from among the
17 members.

18 (d) Members of the Board shall be compensated at the rate of \$30.00 per
19 day for time spent in the performance of their duties, and they shall be
20 reimbursed for necessary expenses incurred therein.

1 (e) No person who receives a significant portion of his or her income
2 directly or indirectly from the community development activities governed by
3 this subchapter shall be a member of the Board.

4 (f) The Agency shall provide staff assistance and administrative support to
5 the board.

6 (g) Prior to January 15 of each year, the Board shall submit a report of its
7 activities and grants for the preceding year to the Governor and General
8 Assembly.

9 § 686. ELIGIBILITY, APPLICATION, ALLOCATION OF FUNDS

10 (a) All funds allocated to the ~~state~~ State, except for an amount not
11 exceeding the maximum allowable under the ~~federal act~~ Federal Act available
12 to the ~~state~~ State for administrative costs, shall be allocated to municipalities in
13 an equitable and efficient manner.

14 (b) All municipalities, except for entitlement municipalities, shall be
15 eligible to apply for and receive funds under this subchapter.

16 (c) Entitlement municipalities shall not be eligible to apply for and receive
17 funds under this subchapter. Entitlement municipalities shall, however, have
18 the authority to apply for and receive funds and to implement and administer a
19 community development program as otherwise provided in the ~~federal act~~
20 Federal Act, and this subchapter shall not be construed in any way to limit that
21 authority.

1 (d) The ~~agency~~ Agency shall solicit applications from eligible
2 municipalities. Any eligible municipality desiring to receive funds under this
3 subchapter shall complete and submit an application in a manner as shall be
4 prescribed by the ~~secretary~~ Secretary. The ~~agency~~ Agency may require a third
5 party credit analysis as part of the application. The applicant municipality shall
6 pay a fee to cover the actual cost of the analysis to be deposited in a special
7 fund which shall be managed pursuant to ~~subchapter 5 of chapter 7 of Title 32~~
8 V.S.A. chapter 7, subchapter 5, and be available to the ~~agency~~ Agency to pay
9 the actual cost of the analysis.

10 (e) The ~~board~~ Board shall evaluate the relative merits of the applications
11 using the allocation system established under this subchapter and make
12 recommendations to the secretary as to which applications merit funding.

13 (f) The ~~secretary~~ Secretary shall review the recommendations of the ~~board~~
14 Board and make the final awards for grants-in-aid.

15 § 687. ALLOCATION SYSTEM

16 The ~~secretary~~ Secretary, with the advice and assistance of the ~~board~~ Board,
17 shall establish a system for the allocation of community development program
18 funds.

19 (1) The allocation system shall be based on the intent, purpose, goal, and
20 objectives of this subchapter.

1 (2) The allocation system shall be competitive and shall provide the
2 opportunity for any eligible municipality or municipalities to compete for
3 funding for community development projects.

4 (3) The system shall insure that a wide range of community development
5 activities shall be eligible for funding. These may include ~~but are not limited~~
6 ~~to~~:

7 (A) the acquisition, rehabilitation, or expansion of housing;

8 (B) the creation, expansion, or retention of employment through the
9 stimulation of private investment and community revitalization;

10 (C) the installation, rehabilitation, or replacement of public facilities;

11 (D) activities that test the feasibility of innovative approaches to
12 community development;

13 (E) activities that provide timely responses to unpredictable
14 circumstances or special development opportunities.

15 (4) The allocation system shall include a method through which the need
16 for, and impact of, the projects proposed by municipalities shall be measured
17 and shall establish a process for evaluation of the applications.

18 § 688. AUTHORITY TO MAKE RULES

19 The ~~secretary~~ Secretary is hereby granted the authority to issue rules in
20 accordance with ~~chapter 25 of Title 3 V.S.A. chapter 25~~ for the purpose of
21 administering the provisions of this subchapter.

1 § 689. MULTI-YEAR COMMITMENTS

2 (a) Those municipalities ~~which~~ that received commitments of multi-year
3 funds in federal fiscal year 1981 under the provisions of the ~~federal act~~ Federal
4 Act shall be assured of funding to the extent of such commitments, provided
5 such municipalities request the state to honor such funding commitments and
6 the ~~secretary~~ Secretary of the U.S. Department of Housing and Urban
7 Development has provided the ~~secretary~~ Secretary with a determination that
8 any such municipality has performed adequately with respect to such
9 previously distributed funds.

10 (b) Those municipalities eligible to receive funding under the provisions of
11 this section and so requesting such funding shall make application to the
12 agency in a manner as shall be determined by the ~~secretary~~ Secretary.

13 (c) The ~~secretary~~ Secretary, with the advice and assistance of the ~~board~~
14 Board, may allow the municipalities making application under this section to
15 amend their programs to the extent that the program so amended meets the
16 intent and purpose of this subchapter.

17 (d) Notwithstanding the provisions of sections 686 and 687 of this title, the
18 ~~secretary~~ Secretary may adopt separate rules for the expeditious consideration
19 of applications and allocations made under this section.

20