

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) Vermont Strong Scholars Initiative, 16 V.S.A. § 2888.
- 13                    (I) The Apprenticeship Division, and the State Apprenticeship  
14 Council, and apprenticeship programs, 21 V.S.A. chapter 13.
- 15                    (J) Youth in Agriculture, Natural Resources, and Food Production  
16 Consortium, 21 V.S.A. chapter 14.
- 17                    (K) The Vermont Employment Service Division, 21 V.S.A. chapter  
18 15.
- 19                    (L) Displaced Homemaker Programs, 21 V.S.A. chapter 16.

1           (M) Veterans Services, including the federal Disabled Veterans'  
2           Outreach Program and Local Veterans' Employment Representatives [action  
3           or notice to federal counterpart required?].

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

8           (O) Vermont Supplemental Nutrition Assistance Program,  
9           Employment and Training Pilot Program [action or notice to federal  
10           counterpart required?].

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

13           (Q) Reemployment Services and Eligibility Assessment Program.

14           (R) Education and outreach services under the Notice of Potential  
15           Layoffs Act, 21 V.S.A. § 412.

16           (S) Performance grants for regional economic development services,  
17           24 V.S.A. chapter 76.

18           (T) Vermont Economic Progress Council, including the Vermont  
19           Employment Growth Incentive Program, 32 V.S.A. chapter 105, and Tax  
20           Increment Financing, 24 V.S.A. chapter 53, subchapter 5.

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

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

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

5                           (ii) Unmarked Burial Sites Special Fund, 18 V.S.A. § 5212b.

6                           (iii) Funds for rehabilitation of historic bridges, 19 V.S.A. § 11d,  
7                   and preservation of historic bridges, 19 V.S.A. § 317.

8                           (iv) State Historic Preservation Officer , Vermont Advisory  
9                   Council on Historic Preservation, and State Archeologist, 22 V.S.A. chapter  
10           14.

11                           (v) Building Communities grants, 24 V.S.A. chapter 137,  
12           including the Historic Preservation Grant Program, Historic Barns Preservation  
13           Grant Program, Regional Economic Development Grant Program, Agricultural  
14           Fairs and Field Days Capital Projects Competitive Grants Program, and  
15           Enhanced 911 Compliance Grants Program.

16                   (B) The Division of Housing.

17                           (i) Mobile Home Parks Program.

18                           (ii) Charitable Housing Investment Tax Credit.

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

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

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

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

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

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

6           ~~(5) (3) The Department of Tourism and Marketing, 3 V.S.A. § 2476.~~

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

8           (B) Chief Marketing Officer, 2005 Acts and Resolves No. 71, Sec.  
9           205a.

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

12           (D) Travel and Recreation Council, 10 V.S.A. chapter 27, subchapter  
13           1.

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

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

18           (G) Bicycle tourism, with the Agency of Transportation, 19 V.S.A. §  
19           2311.

20           ~~(6) (4) The Vermont Center for Geographic Information, 3 V.S.A. §~~  
21           2475 and 10 V.S.A. § chapter 8.

1           (5) The Department of Labor

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

3                           (i) Mine safety, including federal Mine Safety and Health

4           Administration Part 46 and Part 48 training plans. [action or notice to federal  
5           counterpart required?].

6                   (B) Division of Unemployment Insurance and Wages.

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

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

10           (c), (d) ~~[Repealed.]~~

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

14           § 2403. ADVISORY CAPACITY

15           All boards and commissions which under this chapter are a part of or are  
16           attached to the Agency shall be advisory only, except as hereinafter provided,  
17           and the powers and duties of the boards and commissions, including  
18           administrative, policy making, and regulatory functions, shall vest in and be  
19           exercised by the Secretary of the Agency. Boards of registration attached to  
20           this Agency shall retain and exercise all existing authority with respect to  
21           licensing of the persons registered or applying for registration.

1 § 2404. PERSONNEL DESIGNATION

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

7 Subchapter 2: Secretary

8 § 2421. APPOINTMENT AND SALARY

9 (a) The Agency shall be under the direction and supervision of a Secretary,  
10 who shall be appointed by the Governor with the advice and consent of the  
11 Senate and shall serve at the pleasure of the Governor.

12 § 2422. BUDGET AND REPORT

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

15 § 2423. DEPUTY SECRETARY

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



1 (b) The Deputy Secretary shall discharge the duties and responsibilities of  
2 the Secretary in the Secretary's absence. In case a vacancy occurs in the Office  
3 of the Secretary the Deputy shall assume and discharge the duties of the office  
4 until the vacancy is filled.

5 § 2424. ADVISORY COUNCILS OR COMMITTEES

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

9 § 2425. TRANSFER OF PERSONNEL AND APPROPRIATIONS

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

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

17 Subchapter 3: Commissioners and Directors

18 § 2451. COMMISSIONERS-APPOINTMENT; TERM

19 The Secretary, ~~with the approval of the~~ Governor, shall appoint a  
20 commissioner of each department, who shall be the chief executive and

1 administrative officer and head of the department and shall serve at the  
2 pleasure of the ~~Secretary~~ Governor.

3 § 2452. MANDATORY DUTIES

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

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

8 (1) administer the laws assigned to the department;

9 (2) coordinate and integrate the work of the divisions;

10 (3) supervise and control all staff functions.

11 § 2453. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

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

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

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

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

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

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

3           (6) Appoint a deputy commissioner.

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

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

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

12       § 2454. DIRECTORS

13           (a) A director shall administer each division created within the department.  
14 The commissioners, with the approval of the Secretary, shall appoint the  
15 directors for divisions which are part of a department, and the Secretary shall  
16 appoint any other directors. ~~All directors shall be appointed subject to section~~  
17 ~~12 of this act.~~

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

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

3 Subchapter 4: Departments, Divisions, and Boards

4 § 2471. DEPARTMENT OF ECONOMIC AND WORKFORCE  
5 DEVELOPMENT

6 The Department of Economic and Workforce Development is created  
7 within the Agency of ~~Commerce and Community Development as the~~  
8 ~~successor to and the continuation of the Department of Development.~~

9 § 2471A. THE VERMONT BUSINESS REGISTRY

10 (a) The Department of Economic and Workforce Development shall  
11 develop and maintain a Vermont Business Registry. The Registry shall develop  
12 a comprehensive database of information on Vermont businesses, including  
13 information on industrial classification, size (including employment size and  
14 annual revenues), ownership characteristics (including type of business entity,  
15 gender, race, nationality, incidence of low- and moderate-income ownership,  
16 and percent of the ownership with such characteristics), location, and export  
17 data. In developing the Registry, the Department shall affirmatively conduct  
18 outreach and request, but not require, information from all Vermont  
19 businesses.

20 (b) The Department shall design the Registry so that it is easily accessible to  
21 persons seeking information about Vermont businesses and to instrumentalities

1 involved in Vermont's economic development efforts, including the Vermont  
2 Economic Development Authority, Job Start, Vermont's financial institutions,  
3 the regional development corporations, and the small business development  
4 centers. Such instrumentalities may use the Registry to ensure that they are  
5 providing a fair share of technical and financial assistance to the Vermont  
6 businesses that comprise their target market. Such instrumentalities may use  
7 the Registry's demographic information to evaluate the appropriate types and  
8 distribution of public and private economic development services to Vermont  
9 businesses.

10 § 2471B. GOVERNMENT MARKETING ASSISTANCE CENTER

11 (a) The Department of Economic and Workforce Development shall create  
12 and administer a Government Marketing Assistance Center. The purpose of  
13 this Center shall be to provide information on federal, State, and municipal  
14 government contract opportunities and assistance on how to bid competitively  
15 for government contracts and to develop and maintain a database of federal,  
16 State, and municipal contracts.

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

20 (c) Fees collected under this section shall be credited to a special fund and  
21 shall be available to the Department of Economic and Workforce Development

1 for the purposes of maintaining databases that provide information to Vermont  
2 businesses and providing services associated with those databases.

3 § 2471D. VERMONT FILM AND NEW MEDIA ADVISORY BOARD

4 The Secretary of ~~Commerce and Community Development~~ Economic  
5 Opportunity shall appoint a Film and New Media Advisory Board to make  
6 recommendations to the Secretary on promoting Vermont as a location for  
7 commercial film and television production and facilitating the participation of  
8 local individuals and companies in such productions. The primary function of  
9 the Advisory Board is to recommend to the Secretary strategies to link  
10 Vermonters employed in the film and new media, video, or other creative arts,  
11 to economic opportunities in their trades in Vermont.

12 § 2472. DEPARTMENT OF HOUSING AND COMMUNITY  
13 DEVELOPMENT

14 (a) The Department of Housing and Community Development is created  
15 within the Agency of ~~Commerce and Community Development~~ Economic  
16 Opportunity. The Department shall:

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

20 (2) Be the central State agency for local and regional planning and  
21 coordination.

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

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

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

12       § 2472A. HISTORIC SITE MARKERS PROGRAM

13           A program for the erection of historic site markers is created within the  
14 Agency of ~~Commerce and Community Development~~ Economic Opportunity  
15 and shall be administered by the State Historic Preservation Officer. The  
16 Preservation Officer shall oversee the erection, restoration, and maintenance of  
17 historic site markers. In performing these duties, the Preservation Officer shall  
18 consult with the Vermont Historical Society, the University of Vermont  
19 Historic Preservation Program, the Preservation Trust of Vermont, and other  
20 similar entities.

21       § 2473. DIVISION FOR HISTORIC PRESERVATION

1           The Division of Historic Preservation is created within the Department of  
2           Housing and Community Development as the successor to and the  
3           continuation of the Board of Historic Sites and the Division of Historic Sites.

4           § 2473A. VERMONT LIFE MAGAZINE

5           (a) The Department of Tourism and Marketing, within the Agency of  
6           ~~Commerce and Community Development~~ Economic Opportunity, shall be  
7           responsible for the publication of Vermont Life magazine. The mission of  
8           Vermont Life magazine shall be to promote subtly the State in a premier-  
9           quality magazine filled with the best writing, illustration, art, and photography  
10          Vermont has to offer. Every issue of Vermont Life magazine shall celebrate  
11          the unique heritage, countryside, traditions, and people of Vermont and explore  
12          issues of contemporary interest to Vermonters and visitors of the State.

13          (b) The overall operations of Vermont Life magazine shall be managed by a  
14          publisher, who shall be a State employee exempt from the classified service  
15          and who shall report to the Commissioner of Tourism and Marketing. The  
16          editorial functions of Vermont Life magazine shall be directed by an editor,  
17          who shall be a State employee exempt from the classified service and who  
18          shall report to the publisher. Vermont Life magazine editorial decisions shall  
19          be made by Vermont Life magazine editorial staff pursuant to the mission of  
20          the magazine and shall be protected from and independent of outside influence,  
21          including that from the Legislative or Executive Branch of State government.



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

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

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

21 § 2474. ADMINISTRATIVE SERVICES DIVISION

1 (a) The Administrative Services Division of the Agency is created. It shall  
2 be administered by a Director of Administrative Services who shall be in the  
3 classified service.

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

7 (1) personnel administration;

8 (2) finance and accounting;

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

10 (4) provision of facilities, office space, and equipment and the care  
11 thereof;

12 (5) requisitioning from the Department of Buildings and General  
13 Services of the Agency of Administration, of supplies, equipment, and other  
14 requirements;

15 (6) management improvement services; and

16 (7) other administrative service functions as may be assigned to it by the  
17 Secretary.

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

21 § 2475. VERMONT CENTER FOR GEOGRAPHIC INFORMATION

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

5       § 2476. DEPARTMENT OF TOURISM AND MARKETING

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

9       (b) Tourism marketing. The Department shall be responsible for the  
10       promotion of Vermont's travel, recreation, and cultural attractions through  
11       advertising and other informational programs, and for provision of travel and  
12       recreation information and services to visitors to the State, in coordination with  
13       other agencies of State government, chambers of commerce and travel  
14       associations, and the private sector in order to increase the benefits of tourism  
15       marketing, including:

- 16               (1) enhancing Vermont's image as a tourist destination in the regional,  
17       national, and global marketplace;
- 18               (2) increasing occupancy rates;
- 19               (3) increasing visitor spending throughout the State; and
- 20               (4) increasing State revenues generated through the rooms and meals tax.

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

4 (1) attracting additional private investment in Vermont businesses;

5 (2) recruiting new businesses;

6 (3) attracting more innovators and entrepreneurs to locate in Vermont;

7 (4) attracting, recruiting, and growing the workforce to fill existing  
8 vacancies in growing businesses; and

9 (5) promoting and supporting Vermont businesses, goods, and services.

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

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

19 (f) Building on established, successful collaboration with private partners in  
20 travel and tourism, agriculture, and other industry sectors, the Department shall  
21 have the authority to extend its marketing and promotional resources to include

1 partners in the arts and humanities, as well as other partners that depend on  
2 tourism for a significant part of their annual revenue.

3 (g) The Department shall expand its outreach and information-gathering  
4 procedures to allow Vermont businesses and other interested stakeholders to  
5 comment on the design and implementation of its tourism marketing and  
6 economic development marketing initiatives and also to provide ongoing  
7 feedback to the Department on the effectiveness of its initiatives.

#### 8 Subchapter 5: Market Vermont Program

##### 9 § 2501. DEFINITIONS

10 As used in this subchapter, "Program" means the Market Vermont Program  
11 created by this subchapter.

##### 12 § 2502. MARKET VERMONT PROGRAM

13 The Market Vermont Program is hereby created. It shall be directed jointly  
14 by the Secretary of Agriculture, Food and Markets and by the Secretary of  
15 ~~Commerce and Community Development~~ Economic Opportunity.

16 Notwithstanding 3 V.S.A. chapters 13 and 14 or any other contrary provision  
17 of law, the Secretary of Agriculture, Food and Markets and the Secretary of  
18 ~~Commerce and Community Development~~ Economic Opportunity shall have  
19 the authority to enter into one or more written contracts with persons or entities  
20 for the administration of the Program. Any such contract shall provide for the  
21 sufficient oversight, review, and control by the Secretary of Agriculture, Food

1 and Markets and by the Secretary of ~~Commerce and Community Development~~  
2 Economic Opportunity, or their designees, to ensure that the Program purposes  
3 are achieved. Where they deem it appropriate, the Secretary of Agriculture,  
4 Food and Markets and the Secretary of ~~Commerce and Community~~  
5 ~~Development~~ Economic Opportunity may enter into a memorandum of  
6 understanding concerning the operation of the Program or concerning the  
7 contracting with persons or entities for the administration of the Program. The  
8 Secretary of Agriculture, Food and Markets and the Secretary of ~~Commerce~~  
9 ~~and Community Development~~ Economic Opportunity may issue rules to carry  
10 out the purposes of this subchapter.

11 § 2504. MARKET VERMONT LOGO

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

17 (b) The Secretary of Agriculture, Food and Markets and the Secretary of  
18 ~~Commerce and Community Development~~ Economic Opportunity shall develop  
19 an identification label or labels which may be used to identify Vermont goods,  
20 services, and experiences as quality Vermont products. Any logo developed  
21 pursuant to this section shall be filed with the Secretary of State who shall

1 register the logo as a trademark pursuant to 9 V.S.A. chapter 71, subchapter 1.

2 The logo shall remain a registered trademark of the program until it is

3 withdrawn by the Secretary of Agriculture, Food and Markets and the

4 Secretary of ~~Commerce and Community Development~~ Economic Opportunity.

5 (c) Persons wishing to apply for the identification logo shall be provided

6 with application forms by the Secretary of Agriculture, Food and Markets or

7 the Secretary of ~~Commerce and Community Development~~ Economic

8 Opportunity. The Secretary of Agriculture, Food and Markets and the

9 Secretary of ~~Commerce and Community Development~~ Economic Opportunity

10 shall establish a process for reviewing the applications to determine if the

11 applicant meets the standards established for that particular category of goods,

12 services, or experiences. No person participating in the process may be held

13 liable for any decision or recommendation made about the granting or denial of

14 the use of the market Vermont logo. In the event that an application is rejected,

15 the applicant may request that the Secretary of Agriculture, Food and Markets

16 and the Secretary of ~~Commerce and Community Development~~ Economic

17 Opportunity reconsider. If the application is again denied, the decision shall be

18 final, unless the applicant can demonstrate that the goods, service, or

19 experience has been altered in order to bring it in line with the standards

20 established for that product.

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

8 (e) Repealed.]

9 (f) The Secretary of ~~Commerce and Community Development~~ Economic  
10 Opportunity may require an annual fee not to exceed \$150.00 per product line  
11 enrolled in the program, which shall be based upon the actual costs to the  
12 agencies, to be paid by persons participating in the program, and to be applied  
13 toward administration and promotion of the program.

14 § 2505. MARKET VERMONT FUND

15 (a) The Market Vermont Fund is hereby established. The Fund shall  
16 comprise fees collected under section 2504 of this title and any monies  
17 appropriated by the General Assembly. The Fund shall be used for the  
18 administration and advertising of the Market Vermont program established by  
19 this chapter.

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



1 § 2506. PENALTIES

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

7 Subchapter 6: Recapture of Development Incentives

8 § 2510. FINDINGS

9 The General Assembly finds that a number of programs and tax credits have  
10 been established which encourage the development of businesses and jobs in  
11 the State of Vermont. The General Assembly also finds that some beneficiaries  
12 leave this State before the State derives any benefit from the assistance.

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

18 § 2511. DEFINITIONS

19 As used in this subchapter:

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

1           (2) "Business" means any individual, partnership, corporation, or other  
2           entity that has been granted a tax abatement pursuant to the provisions of Title  
3           24, or has been granted a loan or a grant by any board, commission, or  
4           program established under the provisions of Title 10 or 24, or under the  
5           provisions of this title.

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

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

10       § 2512. NOTICE

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

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

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

1 § 2513. ACTION ON NOTICE

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

4 (b) The Commissioner shall:

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

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

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

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

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

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

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

3           § 2514. ENFORCEMENT

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

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

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

18          § 2515. FAILURE TO GIVE NOTICE

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

1 § 2516. CONTRACT PROVISIONS

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

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

7 § 852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS  
8 ESTABLISHED; AUTHORITY

9 \* \* \*

10 (d) During fiscal year 2011, the Commission shall meet at least three times  
11 a year and at any other times at the request of the Chair and Commission  
12 members shall receive a per diem pursuant to 32 V.S.A. § 1010. In fiscal year  
13 2012 and thereafter, the Commission shall meet as needed but members shall  
14 receive a per diem pursuant to 32 V.S.A. § 1010 no more than six times a year.  
15 The Division for Historic Preservation within the Agency of ~~Commerce and~~  
16 ~~Community Development~~ Economic Opportunity shall provide administrative  
17 support to the Commission, including providing communication and contact  
18 resources.

19 \* \* \*

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

21 § 23. THE COMMISSION ON INTERNATIONAL TRADE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

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

\* \* \*

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

\* \* \*

(d) Reporting. The Commission shall submit an annual report, which shall be prepared by the Secretary of ~~Commerce and Community Development~~ Economic Opportunity, to the House Committee on Commerce and Economic Development, the Senate Committee on Economic Development, Housing and General Affairs, the Governor, and Vermont's congressional delegation. The report shall contain information acquired pursuant to activities carried out under subsection (c) of this section. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

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

\* \* \*

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

1 § 801. SHORT TITLE AND DEFINITIONS

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

4 (b) As used in this chapter:

5 \* \* \*

6 (11) "Adopting authority" means, for agencies which are attached to the  
7 Agencies of Administration, of ~~Development and Community Affairs~~  
8 Economic Opportunity, of Natural Resources, of Human Services, and of  
9 Transportation, or any of their components, the secretaries of those agencies;  
10 for agencies attached to other departments or any of their components, the  
11 commissioners of those departments; and for other agencies, the chief officer  
12 of the agency. However, for the procedural rules of boards with quasi-judicial  
13 powers, for the Transportation Board, for the Vermont Veterans' Memorial  
14 Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or  
15 executive secretary of the board shall be the adopting authority. The Secretary  
16 of State shall be the adopting authority for the Office of Professional  
17 Regulation.

18 \* \* \*

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

20 § 2293. DEVELOPMENT CABINET

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

8 (b) Development Cabinet.

9 (1) A Development Cabinet is created, to consist of the Secretaries of  
10 the Agencies of Administration, of Agriculture, Food and Markets, of  
11 ~~Commerce and Community Development~~ Economic Opportunity, of  
12 Education, of Natural Resources, and of Transportation. The Governor or the  
13 Governor's designee shall chair the Development Cabinet.

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

17 (3) The Development Cabinet may establish interagency work groups to  
18 support its mission, drawing membership from any agency or department of  
19 State government. Any interagency work groups established under this  
20 subsection shall evaluate, test the feasibility of, and suggest alternatives to  
21 economic development proposals, including proposals for public-private



1 partnerships, submitted to them for consideration. The Development Cabinet  
2 shall refer to appropriate interagency workgroups any economic development  
3 proposal that has a significant impact on the inventory or use of State land or  
4 buildings.

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

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

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

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

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

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

20 (6) Encourage development in, and work to revitalize, land and  
21 buildings in existing village and urban centers, including “brownfields,”

1 housing stock, and vacant or underutilized development zones. Each agency is  
2 to set meaningful and quantifiable benchmarks.

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

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

9 (9) Support recreational opportunities that build on Vermont’s  
10 outstanding natural resources, and encourage public access for activities such  
11 as boating, hiking, fishing, skiing, hunting, and snowmobiling. Support and  
12 work collaboratively to make possible sound development and well-planned  
13 growth in existing recreational infrastructure.

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

16 (11) [Repealed.]

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

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

5           (d) Interagency work group.

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

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

17           (e) Long-term economic development plan.

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

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

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

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

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

11          § 4020. STATE AGENCY PLANNING AND COORDINATION

12          (a) State agencies that have programs or take actions affecting land use, as  
13          determined by Executive Order of the Governor, shall engage in a continuing  
14          planning process to assure that those programs and actions are consistent with  
15          the goals established in 24 V.S.A. § 4302 and compatible with regional and  
16          approved municipal plans, as those terms are defined in that section. This  
17          planning process shall be coordinated, in a manner established by Executive  
18          Order of the Governor, with the planning process of other agencies and of  
19          regional and municipal entities of the regions in which the programs and  
20          actions are to have effect.

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

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

7 (2) the Department of Housing and Community ~~Affairs~~ Development  
8 within the Agency of ~~Commerce and Community Development~~ Economic  
9 Opportunity;

10 (3) the Council of Regional Commissions; and

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

14 (c) Any of the foregoing bodies or their representatives may submit  
15 comments on the proposed plan or amendment, and may appear and be heard  
16 in any proceeding with respect to the adoption of the proposed plan or  
17 amendment. State agencies shall use an informal working format at locations  
18 convenient and accessible to the public in order to provide opportunities for all  
19 persons and organizations with an interest in their plans and actions to  
20 participate.

21 Sec. 7. 6 V.S.A. chapter 207 is amended to read:

1 Chapter 207: Promotion and Marketing of Vermont Foods and Products

2 \* \* \*

3 § 4606. VERMONT WORKING LANDS ENTERPRISE BOARD

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

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

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

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

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

13 \* \* \*

14 § 4607. POWERS AND DUTIES OF THE VERMONT WORKING LANDS  
15 ENTERPRISE BOARD

16 \* \* \*

17 (b) Powers. The Vermont Working Lands Enterprise Board shall have the  
18 authority:

19 \* \* \*

20 (9) to identify workforce needs and programs in order to develop training  
21 and incentive opportunities for the agriculture and forest product sectors after

1 consulting with the Department of Labor Economic and Workforce

2 Development;

3 (10) to identify strategic statewide infrastructure and investment  
4 priorities considering:

5 (A) leveraging opportunities;

6 (B) economic clusters;

7 (C) return-on-investment analysis;

8 (D) other considerations the Board determines appropriate; and

9 (11) to develop an annual operating budget, and:

10 (A) solicit and accept any grants, gifts, or appropriations necessary to  
11 implement the budget pursuant to 32 V.S.A. § 5; and

12 (B) expend any monies necessary to carry out the purposes of this  
13 section.

14 \* \* \*

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

16 § 4621. DOMESTIC EXPORT PROGRAM

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

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

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

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

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

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

16 § 4710. VERMONT FARM VIABILITY ENHANCEMENT PROGRAM

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



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

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

11          (3) Encourage agricultural economic development through investing in  
12          improvements to essential infrastructure and the promotion of farm businesses  
13          in Vermont.

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

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

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



1 chapter, chapter 142, and chapter 142A of this title and for reasonable  
2 expenses incurred in promoting the captive insurance industry in Vermont. The  
3 transfer of 11 percent of the premium tax under subsection 6014(h) of this title,  
4 and all fees and assessments received by the Department pursuant to the  
5 administration of these chapters shall be credited to this Fund. Of this amount,  
6 not more than three percent of the premium tax under section 6014 may be  
7 expended by the Agency of ~~Commerce and Community Development~~  
8 Economic Opportunity, with approval of the Secretary of Administration, for  
9 promotional expenses. All fees received by the Department from reinsurers  
10 who assume risk solely from captive insurance companies and are subject to  
11 the provisions of subsections 3634a(a) through (f) of this title, shall be  
12 deposited into the Captive Insurance Regulatory and Supervision Fund. All  
13 fines and administrative penalties, however, shall be deposited directly into the  
14 General Fund.

15 \* \* \*

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

17 § 6002. VERMONT FINANCIAL LITERACY COMMISSION

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

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

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

10 \* \* \*

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

12 Chapter 1: Economic Development

13 \* \* \*

14 § 7. ECONOMIC DEVELOPMENT; ASSISTANCE AND INCENTIVES

15 BENCHMARK REPORTS

16 (a) For purposes of this section, "economic development assistance

17 recipient" means any business entity, including a for-profit corporation, a

18 nonprofit corporation, a partnership, or a sole proprietorship that receives

19 economic development assistance from state funds administered by a

20 governmental agency, from state funds administered by a private entity, or

21 from federal funds administered by the state, whether such assistance is in the

1 form of a grant, a loan, a state tax abatement, a tax credit, a tax increment  
2 financing program, or such other form of economic development assistance or  
3 incentive as the secretary of commerce and community development may  
4 identify by rule.

5 (b) Each economic development recipient shall state, on a form approved by  
6 the agency granting assistance, or awarding a tax credit or abatement, or  
7 approving any other form of economic development assistance, the number of  
8 new jobs that will be created or existing jobs that will be retained as a result of  
9 such assistance, the wages and employee benefits associated with such jobs,  
10 and a description of any other public benefits associated with such economic  
11 development assistance. Such statement shall be made prior to any such grant,  
12 award, or approval. Such statements and the information contained therein  
13 shall not be available for public inspection until 90 days after the granting of  
14 assistance, or the awarding of a tax credit or abatement, or the approving any  
15 other form of economic development assistance or incentive. After the  
16 expiration of such 90 day period such statements and information shall not be  
17 considered confidential, and may be inspected and copied pursuant to  
18 subchapter 3, chapter 5 of Title 1 (public records law), notwithstanding the  
19 provisions of any other law.

20 (c) Each economic development recipient shall report annually, in a manner  
21 and on a form prescribed by the commissioner of economic development, the

1 amount or monetary value of economic assistance or incentive granted,  
2 awarded or approved, and such information as is necessary to determine  
3 whether the recipient has reached its job creation or other public benefit goals  
4 stated pursuant to subsection (b) of this section.

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

8 \* \* \*

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

10 (a) The U.S. Department of Homeland Security's U.S. Citizenship and  
11 Immigrations Services (USCIS) administers the EB-5 Program, a federal  
12 program designed to stimulate the U.S. economy through job creation and  
13 capital investment by foreign investors. The Vermont EB-5 Regional Center is  
14 a USCIS-designated regional center. The Center is managed by the Agency of  
15 ~~Commerce and Community Development~~ Economic Opportunity in  
16 partnership with the Department of Financial Regulation.

17 (b) The Agency of ~~Commerce and Community Development~~ Economic  
18 Opportunity has the personnel and resources to market and promote economic  
19 opportunities in Vermont, whereas the Department of Financial Regulation has  
20 the personnel and resources to supervise financial services and products  
21 offered in Vermont in a manner that advances fair business practices and

1 protects the investing public. It is imperative that management of the EB-5  
2 Program reflect the existing expertise of both these State entities.

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

8 (d) The rules adopted under this section shall be modeled after the  
9 Memorandum of Understanding between the Agency of Economic  
10 Opportunity, as successor in interest to the Agency of Commerce and  
11 Community Development, and the Department of Financial Regulation, dated  
12 December 22, 2014, which pertains to the duties and responsibilities of the  
13 Agency and the Department with respect to the EB-5 Program. As such, the  
14 rules shall include provisions related to:

- 15 (1) communication with and reporting to the USCIS;  
16 (2) marketing activities;  
17 (3) required provisions pertaining to private placement memoranda;  
18 (4) securities analysis and standards for project approval;  
19 (5) ongoing oversight and compliance of approved projects, including  
20 annual audits;

1 (6) the establishment of escrow accounts for capital investments and  
2 third-party oversight of requisitions, if deemed appropriate by the  
3 Commissioner and Secretary;

4 (7) investor relations and a formal complaint protocol;

5 (8) standards for revoking approval of a project;

6 (9) penalties for failure to comply with rules adopted under this section;

7 (10) communication between the Agency and the Department, as well as  
8 with media outlets and with other regulatory or law enforcement entities;

9 (11) fees and costs of the Regional Center, consistent with subsection  
10 21(c) of this title; and

11 (12) any other matter the Commissioner and the Secretary determine will  
12 strengthen the oversight and management of the EB-5 Program and prevent  
13 fraudulent activities.

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

19 § 21. EB-5 SPECIAL FUND

20 (a) An EB-5 Special Fund is created to support the operating costs of the  
21 Vermont Regional Center for Immigrant Investment under the federal EB-5



1 Program. The Fund shall consist of revenues derived from administrative  
2 charges by the Agency of ~~Commerce and Community Development~~ Economic  
3 Opportunity pursuant to subsection (c) of this section, any interest earned by  
4 the Fund, and all sums that are from time to time appropriated for the support  
5 of the Regional Center and its operations. It is the intent of the General  
6 Assembly that the collection of charges authorized by this section will reduce  
7 or eliminate the need for legislative appropriations to support Regional Center  
8 expenses.

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

12 (2) The Secretary of ~~Commerce and Community Development~~ Economic  
13 Opportunity shall maintain accurate and complete records of all receipts and  
14 expenditures by and from the Fund, and shall make an annual report on the  
15 condition of the Fund to the Secretary of Administration, the House  
16 Committees on Commerce and Economic Development and on Ways and  
17 Means, and the Senate Committees on Finance and on Economic  
18 Development, Housing and General Affairs.

19 (3) Expenditures from the Fund shall be used only to support the  
20 operating expenses of the Regional Center, including the costs of providing  
21 specialized services to support participating economic development projects,

1 marketing and related travel expenses, application review and examination  
2 expenses, and personnel expenses incurred by the Agency of ~~Commerce and~~  
3 ~~Community Development~~ Economic Opportunity. At the end of each fiscal  
4 year, the Secretary of Administration shall transfer from the EB-5 Special  
5 Fund to the General Fund any amount that the Secretary of Administration  
6 determines, in his or her discretion, exceeds the funds necessary to administer  
7 the Program.

8 (c) Notwithstanding 32 V.S.A. § 603, the Secretary of ~~Commerce and~~  
9 ~~Community Development~~ Economic Opportunity is authorized to impose  
10 administrative charges on project developers to achieve the Fund's purpose.  
11 The charges shall be sufficient to fully fund the personnel and operating  
12 expenses of the Regional Center and shall include a one-time application fee as  
13 well as an annual assessment apportioned among approved projects in a fair  
14 and equitable manner as specified in rules adopted under section 20 of this  
15 title. In addition, the rules shall require that an applicant or approved project  
16 developer, as applicable, is liable for any additional expenses incurred with  
17 respect to the retention of outside legal, financial, examination or other  
18 services or studies deemed necessary by the Secretary or the Commissioner to  
19 assist with application or project review. The collection of some or all charges  
20 authorized under this section may be suspended for a period of time as deemed  
21 appropriate by the Secretary for good cause shown. Any charges imposed

1 under this section shall be included in the consolidated Executive Branch fee  
2 report required under 32 V.S.A. § 605.

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

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

7 Chapter 8: Geographic Information

8 \* \* \*

9 § 122. VERMONT CENTER FOR GEOGRAPHIC INFORMATION,  
10 INCORPORATED; ESTABLISHMENT

11 \* \* \*

12 (b) In order to develop and implement that strategy, and to ensure that all  
13 data gathered by State agencies that is relevant to the VGIS shall be in a form  
14 that is compatible with, useful to, and shared with that geographic information  
15 system, there is hereby established as a division under the Agency of  
16 ~~Commerce and Community Development~~ Economic Opportunity the Vermont  
17 Center for Geographic Information ~~(the Center)~~.

18 § 123. POWERS AND DUTIES

19 \* \* \*

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

4 \* \* \*

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

13 \* \* \*

14 § 128. VERMONT CENTER FOR GEOGRAPHIC INFORMATION  
15 SPECIAL FUND

16 (a) A Special Fund is created for the operation of the Vermont Center for  
17 Geographic Information in the Agency of ~~Commerce and Community~~  
18 ~~Development~~ Economic Opportunity. The Fund shall consist of revenues  
19 derived from the charges by the Agency of ~~Commerce and Community~~  
20 ~~Development~~ Economic Opportunity pursuant to subsection (c) of this section  
21 for the provision of Geographic Information products and services, interest

1 earned by the Fund, and sums which from time to time may be made available  
2 for the support of the Center and its operations. The Fund shall be established  
3 and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be  
4 available to the Agency to support activities of the Center.

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

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

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

14 Chapter 12: Vermont Economic Development Authority

15 \* \* \*

16 § 213. AUTHORITY; ORGANIZATION

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

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

12 \* \* \*

13 § 215. MANAGER; DUTIES

14 The manager shall be the chief administrative officer of the authority and  
15 shall direct and supervise the administrative affairs and technical activities of  
16 the authority in accordance with any rules, regulations and policies set forth by  
17 the authority. In addition to any other duties, the manager shall:

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



1 ~~or to the area that is a designated job development zone under subchapter 2 of~~  
2 ~~chapter 29 of this title~~ Agency of Economic Opportunity.

3 \* \* \*

4 § 263. MORTGAGE LOAN; LIMITATIONS

5 \* \* \*

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

12 \* \* \*

13 § 280B. THE VERMONT SUSTAINABLE JOBS STRATEGY

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

19 (b)(1) The Vermont ~~sustainable jobs strategy~~ Sustainable Jobs Strategy shall  
20 contain the criteria upon which the ~~authority~~ Authority shall develop, modify,  
21 and implement its public financing programs, and the criteria for determining



1 whether investments should be made in an eligible project. Such criteria shall  
2 include a requirement that before making any investment or other financial  
3 commitment, the ~~authority~~ Authority shall determine that the proposed project  
4 is of public use and benefit, and is without unreasonable risk of loss to the  
5 ~~authority~~ Authority.

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

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

9 (B) ~~the economic policy and economic development plan of the state,~~  
10 ~~as developed by the economic progress council under subchapter 3 of chapter~~  
11 ~~29 of this title.~~

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

17 (2) After soliciting information and recommendations, the ~~authority~~  
18 Authority and the ~~secretary~~ Secretary shall jointly develop a proposed Vermont  
19 ~~sustainable jobs strategy~~ Sustainable Jobs Strategy. In developing a proposed  
20 strategy, the ~~authority~~ Authority and the ~~secretary~~ Secretary shall consider how  
21 best to integrate Vermont's economic, social, and environmental values into a

1 Vermont ~~sustainable jobs strategy~~ Sustainable Jobs Strategy. The ~~authority~~  
2 Authority and the ~~secretary~~ Secretary shall jointly present their proposed  
3 strategy to the ~~house committee on commerce and the senate committee on~~  
4 ~~general affairs and housing~~ House Committee on Commerce and Economic  
5 Development and the Senate Committee on Economic Development, Housing  
6 and General Affairs meeting in joint hearing.

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

15 \* \* \*

16 § 280E. STATE INFRASTRUCTURE BANK PROGRAM

17 (a) There is created a ~~state infrastructure bank program~~ State Infrastructure  
18 Bank Program, ~~to be a program~~ to assist the improvement, rehabilitation,  
19 expansion, and construction of transportation projects within the ~~state~~ State to  
20 contribute to the economic welfare of the ~~state~~ State by providing jobs and

1 other economic opportunities for the people of the ~~state~~ State and enhancing  
2 economic development, particularly in downtown areas.

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

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

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

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

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

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

20 (3) The ~~secretary of the agency of transportation~~ Secretary of  
21 Transportation may veto any approval of the ~~board~~ Board if he or she presents

1 objections to the ~~board~~ Board based upon the lack of compliance with federal  
2 law governing this program.

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

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

12 Chapter 15A: The Sustainable Jobs Fund Program

13 \* \* \*

14 § 327. DEFINITIONS

15 As used in this chapter:

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

20 (2) "Eligible activity" means any activity ~~which that~~ will carry out the  
21 dual purposes of creating quality jobs, as defined by the ten year economic

1 development plan adopted by the ~~agency of commerce and community~~  
2 ~~development~~ Agency of Economic Opportunity, and conserving and preserving  
3 Vermont's social and natural environment, including activities ~~which~~ that will  
4 encourage or assist, ~~but are not limited to:~~

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

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

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

#### 11 § 328. CREATION OF THE SUSTAINABLE JOBS FUND PROGRAM

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

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

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

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

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

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

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

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

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

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





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 § 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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

§ 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           (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 § 690. REMEDIES FOR NONCOMPLIANCE

1 (a) If the ~~secretary~~ Secretary finds, after reasonable notice and opportunity  
2 for hearing, that a grantee under this subchapter has failed to comply  
3 substantially with the provisions of this subchapter, the rules promulgated  
4 under the provisions of this subchapter, or of applicable provisions of federal  
5 law, the ~~secretary~~ Secretary, until he or she is satisfied that there is no longer  
6 any such failure to comply, may:

7 (1) terminate payments to the grantee under this subchapter; or

8 (2) limit the availability of payments under this subchapter under such  
9 conditions as may be established by the ~~secretary~~ Secretary.

10 (b) In lieu of, or in addition to, any action authorized in subsection (a) of  
11 this section, the ~~secretary~~ Secretary may refer the matter to the office of the  
12 ~~attorney general~~ Attorney General of the ~~state~~ State of Vermont with a  
13 recommendation that an appropriate civil action be instituted.

14 § 690A. NONPROFIT REVOLVING LOAN FUNDS

15 (a) Any revolving loan fund lender not required to be licensed pursuant to 8  
16 V.S.A. § 2201(d)(9) shall register and maintain its registration with the  
17 ~~commissioner of economic development~~ Commissioner of Economic and  
18 Workforce Development, on forms and by policy and methods prescribed by  
19 the ~~commissioner~~ Commissioner. The ~~commissioner~~ Commissioner shall  
20 require such lenders to pay an annual fee of not more than \$50.00 to maintain  
21 their registration.

1 (b) Fees collected under this section shall be credited to a special fund  
2 established and managed pursuant to ~~subchapter 5 of chapter 7 of Title 32~~  
3 V.S.A. chapter 7, subchapter 5, and shall be available to the ~~department of~~  
4 ~~economic development~~ Department of Economic and Workforce Development  
5 to offset the costs of providing those services.

6 ~~Subchapter 2: Job Development Zone [Repealed.]~~

7 Sec. 24. 10 V.S.A. § 753 is amended to read:

8 § 753. FLOOD HAZARD AREAS; COOPERATION; MAPPING

9 (a) Cooperation to secure flood insurance. The Secretary and all  
10 municipalities, regional planning commissions, and departments and agencies  
11 of State government shall mutually cooperate to achieve the purposes of this  
12 chapter and to secure flood insurance for municipalities and the State of  
13 Vermont. All correspondence sent to a municipality pursuant to this chapter  
14 shall be sent to the municipal clerk, the municipal manager, if one exists, the  
15 legislative body, the planning commission, and the conservation commission,  
16 if one exists. Copies of this correspondence shall be sent to the regional  
17 planning commission and the Agency of ~~Commerce and Community~~  
18 ~~Development~~ Economic Opportunity.

19 \* \* \*

20 Sec. 25. 10 V.S.A. § 754 is amended to read:

1 § 754. FLOOD HAZARD AREA RULES; USES EXEMPT FROM  
2 MUNICIPAL REGULATION

3 \* \* \*

4 (e) Consultation with interested parties. Prior to submitting the rules  
5 required by this section to the Secretary of State under 3 V.S.A. § 838, the  
6 Secretary shall solicit the recommendations of and consult with affected and  
7 interested persons and entities such as: the Secretary of ~~Commerce and~~  
8 ~~Community Development~~ Economic Opportunity; the Secretary of  
9 Agriculture, Food and Markets; the Secretary of Transportation; the  
10 Commissioner of Financial Regulation; representatives of river protection  
11 interests; representatives of fishing and recreational interests; representatives  
12 of the banking industry; representatives of the agricultural community;  
13 representatives of the forest products industry; the regional planning  
14 commissions; municipal interests; and representatives of municipal  
15 associations.

16 \* \* \*

17 Sec. 26. 10 V.S.A. § 1389 is amended to read:

18 § 1389. CLEAN WATER FUND BOARD

19 (a) Creation. There is created a Clean Water Fund Board which shall  
20 recommend to the Secretary of Administration expenditures from the Clean

1 Water Fund. The Clean Water Fund Board shall be attached to the Agency of  
2 Administration for administrative purposes.

3 (b) Organization of the Board. The Clean Water Fund Board shall be  
4 composed of:

5 (1) the Secretary of Administration or designee;

6 (2) the Secretary of Natural Resources or designee;

7 (3) the Secretary of Agriculture, Food and Markets or designee;

8 (4) the Secretary of ~~Commerce and Community Development~~ Economic  
9 Opportunity or designee; and

10 (5) the Secretary of Transportation or designee.

11 \* \* \*

12 (f) The Clean Water Fund Board shall have the administrative, technical,  
13 and legal assistance of the Agency of Administration, the Agency of Natural  
14 Resources, the Agency of Agriculture, Food and Markets, the Agency of  
15 Transportation, and the Agency of ~~Commerce and Community Development~~  
16 Economic Opportunity for those issues or services within the jurisdiction of the  
17 respective agency. The cost of the services provided by agency staff shall be  
18 paid from the budget of the agency providing the staff services.

19 Sec. 27. 10 V.S.A. § 1425 is amended to read:

20 § 1425. SHORELAND PROTECTION BYLAWS

1           (a) The ~~secretary of natural resources~~ Secretary of Natural Resources shall  
2           establish a shoreland management program to aid and support municipalities in  
3           adopting municipal shoreland bylaws that comply with 24 V.S.A. § 4411. The  
4           ~~secretary~~ Secretary shall prepare and provide general recommended standards  
5           and criteria for shoreland bylaws utilizing the criteria set forth in section 1423  
6           of this title. On or before February 2011, the ~~secretary~~ Secretary shall develop  
7           best management practices for the management of shorelands, including  
8           buffers within shorelands, and other management techniques designed to  
9           protect the quality of public waters. The ~~secretary~~ Secretary shall assist the  
10          regional planning commissions in preparing appropriate sample bylaws which  
11          conform to the intent of this section.

12          (b) The ~~secretary~~ Secretary, the municipalities, and all State agencies shall  
13          mutually cooperate to accomplish the objectives of this section. To that end,  
14          the ~~secretary~~ Secretary shall consult with the governing bodies of  
15          municipalities and shall extend all possible assistance. The ~~secretary~~ Secretary  
16          shall provide appropriate sample bylaws by September 1, 1974. By September  
17          1, 1974 the ~~secretary~~ Secretary shall also contact every municipality with  
18          shorelands:

- 19               (1) commenting on their existing shoreland bylaws; and  
20               (2) providing them with a detailed and specific program as to the steps  
21          necessary to adopt shoreland bylaws. In contacting municipalities the ~~secretary~~

1 Secretary shall send copies of his correspondence by certified mail to the  
2 selectmen, town clerk, and planning commission. Copies of this  
3 correspondence should also be sent to the regional planning commission for  
4 that municipality, the state planning office and the ~~agency of commerce and~~  
5 ~~community development~~ Agency of Economic Opportunity.

6 \* \* \*

7 Sec. 28. 10 V.S.A. § 2611 is amended to read:

8 § 2611. VERMONT YOUTH CONSERVATION CORPS

9 (a) The ~~secretary of the agency of natural resources~~ Secretary of Natural  
10 Resources, in cooperation with the ~~commissioner of labor~~ Commissioner of  
11 Economic and Workforce Development, is hereby directed to develop and  
12 implement a youth work, education, and community service program to  
13 improve, restore, maintain, and conserve public buildings, lands, waters, and  
14 parks.

15 (b) The Vermont ~~youth conservation corps program~~ Youth Conservation  
16 Corps Program may be offered throughout the year. It shall be the purpose of  
17 the ~~program~~ Program to provide economic, vocational, community service, and  
18 educational opportunities for Vermont youths. At least half of the youths  
19 enrolled in the ~~program~~ Program shall be disadvantaged.

20 (c) To effectuate the purposes of this section, the ~~secretary~~ Secretary may:



1           (1) Employ a Vermont ~~youth conservation corps~~ Youth Conservation  
2           Corps director or coordinator and the support staff necessary to direct,  
3           supervise, and implement the ~~program~~ Program.

4           (2) Subject to the limitations of 32 V.S.A. § 5, apply for and accept  
5           grants or contributions from funds from any public or private source.

6           (3) Purchase a policy of liability insurance for the benefit of the ~~state~~  
7           State, its employees, and enrollees while performing their official duties  
8           pursuant to the provisions of this section.

9           (4) Enter into an agreement with the Vermont Youth Conservation  
10          Corps, Inc. regarding the cooperative management and operation of the ~~youth~~  
11          ~~conservation corps program~~ Program.

12          Sec. 29. 10 V.S.A. § 5402a is amended to read:

13          § 5402A. CRITICAL HABITAT; LISTING

14          (a) Except as provided for under subsection (f) of this section, the Secretary  
15          may, after the consultation required under subsection 5408(e) of this section,  
16          adopt or amend by rule a critical habitat designation list for threatened or  
17          endangered species. Critical habitat may be designated in any part of the State.  
18          The Secretary shall not be required to designate critical habitat for every State-  
19          listed threatened or endangered species. When the Secretary designates critical  
20          habitat, the Secretary shall identify the species for which the designation is

1 made, including its most recently accepted genus and species names, and, if  
2 available, its common name.

3 (b) The Secretary shall designate only critical habitat that meets the  
4 definition of "critical habitat" under this chapter. In determining whether and  
5 where to designate critical habitat for a State-listed threatened or endangered  
6 species, the Secretary shall, after consultation with and consideration of  
7 recommendations of the Secretary of Agriculture, Food and Markets, the  
8 Secretary of Transportation, the Secretary of ~~Commerce and Community~~  
9 ~~Development~~ Economic Opportunity, and the Commissioner of Forests, Parks  
10 and Recreation, consider the following:

11 \* \* \*

12 (c) In determining whether to designate critical habitat for a State-listed  
13 threatened or endangered species, the Secretary shall:

14 \* \* \*

15 (4) if a critical habitat designation is proposed in a growth center, new  
16 town center, or neighborhood development area designated under 24 V.S.A.  
17 chapter 76A, notify the Secretary of ~~Commerce and Community Development~~  
18 Economic Opportunity and any municipality in which the designation is  
19 proposed.

20 \* \* \*

21 Sec. 30. 10 V.S.A. chapter 159 is amended to read:

1 Chapter 159: Waste Management

2 \* \* \*

3 § 6615. LIABILITY

4 \* \* \*

5 (d)(1) There shall be no liability under this section for a person otherwise  
6 liable who can establish by a preponderance of the evidence that the release or  
7 threat of release of hazardous material and the damages resulting therefrom  
8 were caused solely by any of the following:

9 (A) An act of God.

10 (B) An act of war.

11 (C) An act or omission of a third party other than an employee or  
12 agent of the defendant, or other than one whose act or omission occurs in  
13 connection with a contractual relationship, existing directly or indirectly, with  
14 the defendant. If the sole contractual arrangement arises from a published tariff  
15 and acceptance for carriage by a common carrier by rail, for purposes of this  
16 section, there shall be considered to be no contractual relationship at all. This  
17 subdivision (d)(1)(C) shall only serve as a defense if the defendant establishes  
18 by a preponderance of the evidence:

19 (i) that the defendant exercised due care with respect to the  
20 hazardous material concerned, taking into consideration the characteristics of  
21 that hazardous material, in light of all relevant facts and circumstances; and

1 (ii) that the defendant took precautions against foreseeable acts or  
2 omissions of any such third party and the consequences that could foreseeably  
3 result from those acts or omissions.

4 (D) Any combination of the above.

5 \* \* \*

6 (3) A municipality shall not be liable under subdivision (a)(1) of this  
7 section as an owner provided that the municipality can show all the following:

8 \* \* \*

9 (C)(i) The municipality has entered into an agreement with the  
10 Secretary, prior to the acquisition of the property, requiring the municipality to  
11 conduct a site investigation with respect to any release or threatened release of  
12 a hazardous material and an agreement for the municipality's marketing of the  
13 property acquired.

14 (ii) The Secretary shall consult with the Secretary of ~~Commerce~~  
15 ~~and Community Development~~ Economic Opportunity on the plan related to the  
16 marketing of the property.

17 \* \* \*

18 (4) A regional development corporation or regional planning commission  
19 shall not be liable under subdivision (a)(1) of this section as an owner provided  
20 that the regional development corporation or regional planning commission  
21 can show all the following:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

\* \* \*

(C)(i) The regional development corporation or regional planning commission has entered into an agreement with the Secretary, prior to the acquisition of the property, requiring the regional development corporation or regional planning commission to conduct a site investigation with respect to any release or threatened release of a hazardous material and an agreement for the regional development corporation's or regional planning commission's marketing of the property acquired.

(ii) The Secretary shall consult with the Secretary of ~~Commerce and Community Development~~ Economic Opportunity on the plan related to the marketing of the property.

\* \* \*

§ 6654. BROWNFIELD REVITALIZATION FUND; CREATION;  
ASSISTANCE

(a) There is created a Brownfield Revitalization Fund that shall be a special fund created pursuant to 32 V.S.A. chapter 7, subchapter 5 to be administered by the Secretary of ~~Commerce and Community Development~~ Economic Opportunity to aid applicants in the redevelopment of the Brownfield Cleanup Program by assessing and remediating sites. Monies received by the Secretary of Natural Resources for application and participation in the Program shall be

1 deposited in the redevelopment of contaminated properties account of the  
2 Environmental Contingency Fund established in section 1283 of this title.

3 (b) The Fund shall comprise all the following;

4 (1) State or federal funds appropriated by the General Assembly;

5 (2) gifts, grants, or other contributions.

6 (c) A person may apply to the Secretary of ~~Commerce and Community~~  
7 ~~Development~~ Economic Opportunity for financial assistance in the form of a  
8 grant or loan from the Brownfield Revitalization Fund for the purpose of  
9 completing characterization, assessment, or remediation of a site only after  
10 receipt of a work plan approved by the Secretary submitted pursuant to the  
11 Brownfield Property Cleanup Program unless the application is for a project  
12 that has been determined to be ineligible for the Program and is otherwise  
13 appropriate for funding pursuant to subsection (d) of this section.

14 (d) In order to determine an award of financial assistance, the Secretary of  
15 ~~Commerce and Community Development~~ Economic Opportunity in  
16 consultation with the Secretary of Natural Resources shall consider all the  
17 following:

18 \* \* \*

19 (e) A grant may be awarded by the Secretary of ~~Commerce and Community~~  
20 ~~Development~~ Economic Opportunity with the approval of the Secretary of  
21 Natural Resources, provided:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

(5) All reports generated by financial assistance from the Brownfield Revitalization Fund, including site assessments, site investigations, feasibility studies, corrective action plans, and completion reports shall be provided as hard copies to the Secretaries of ~~Commerce and Community Development~~ Economic Opportunity and of Natural Resources.

(f) The Vermont Economic Development Authority, VEDA, is authorized to make loans on behalf of the State pursuant to this section. Annually, the Secretary of ~~Commerce and Community Development~~ Economic Opportunity with the approval of the Secretary of Natural Resources in consultation with the VEDA manager shall determine an amount from the Brownfield Revitalization Program that will be available to VEDA for loans. Proceeds from repayment of loans shall be deposited in the Brownfield Revitalization Fund and shall be available for future grants and loans under this section. Loans under this subsection shall be issued and administered by VEDA, provided:

(1) Loans may be awarded only to applicants who have been determined eligible by the Secretary of ~~Commerce and Community Development~~ Economic Opportunity with the approval of the Secretary of Natural Resources, and the Secretary of ~~Commerce and Community Development~~ Economic Opportunity has certified that the applicant and the project are

1 eligible for financing or assistance under this section and the project has  
2 priority for an award of financial assistance.

3 (2) A loan to an applicant for characterization or assessment may not  
4 exceed \$250,000.00. Remediation loans shall not be capped. All loans shall be  
5 subject to all the following conditions:

6 (A) Repayment of a loan shall commence no later than one year  
7 following completion of the project for which the loan was used.

8 (B) The rate of interest on loans shall be set by VEDA in consultation  
9 with the Secretary of ~~Commerce and Community Development~~ Economic  
10 Opportunity. The interest rate shall be sufficiently attractive to advance the  
11 purposes of this subchapter and may be less than the prevailing borrowing  
12 rates available to similarly situated applicants from private lenders, but not less  
13 than zero percent.

14 (C) Loans shall be made in accordance with the terms and conditions  
15 specified in a loan agreement executed by VEDA and the applicant. The loan  
16 agreement shall specify the terms and conditions of the loan and repayment  
17 and any other terms and conditions determined to be necessary by VEDA and  
18 the Secretaries of Natural Resources or of ~~Commerce and Community~~  
19 ~~Development~~ Economic Opportunity.

20 (D) Disbursement of loan proceeds shall be based on certification by  
21 the loan recipient that costs for which reimbursement is requested have been



1 incurred or paid by the recipient for activities under the approved plan. The  
2 loan recipient shall provide supporting evidence of payment on request of  
3 VEDA. Interim financing charges or short-term interest costs may constitute an  
4 allowable cost of a project for which a loan may be used.

5 (E) In the event of default, any amounts owed on the loan shall be  
6 considered a debt for the purposes of 32 V.S.A. § 5932(4). VEDA may recover  
7 this debt pursuant to the set-off debt collection remedy established pursuant to  
8 32 V.S.A. §§ 5833 and 5934.

9 (F) The applicant has certified that all State and federal permits and  
10 licenses necessary to undertake the project for which financing is being sought  
11 have been or will be obtained prior to disbursement of loan funds by VEDA.

12 (G) The Secretary of ~~Commerce and Community Development~~  
13 Economic Opportunity has certified to VEDA that the applicant and the project  
14 are eligible for financing or assistance under this section, and the project has  
15 priority for financial assistance.

16 (3) The Secretary of ~~Commerce and Community Development~~ Economic  
17 Opportunity in consultation with the Secretary of Natural Resources shall  
18 maintain a prioritized list of projects that are eligible for financial assistance  
19 under this section at least annually. In order to prioritize, the Secretary of  
20 ~~Commerce and Community Development~~ Economic Opportunity shall

1 consider at a minimum, the criteria set forth in subsection (d) of this section  
2 and the following:

3 (A) the severity of any health or environmental hazard to be  
4 remediated;

5 (B) the population to be served;

6 (C) the readiness of the project to proceed to the next planning or  
7 construction step.

8 (4) Neither the State nor VEDA shall be responsible for owning or  
9 operating a project or for completing a corrective action plan if a grant or loan  
10 recipient defaults on a loan obligation, abandons the project site, or fails to  
11 complete a corrective action plan to the satisfaction of the Secretary.

12 (5) The Secretary of ~~Commerce and Community Development~~ Economic  
13 Opportunity or the Secretary of Natural Resources and VEDA may enter into  
14 agreements on behalf of the State with federal agencies in order to obtain  
15 grants and awards to further the purposes of the Brownfield Revitalization  
16 Fund, provided that any grant or award has been approved in compliance with  
17 32 V.S.A. § 5.

18 § 6655. STATE PLAN FOR BROWNFIELD RECLAMATION

19 The Agency of Natural Resources and the Agency of ~~Commerce and~~  
20 ~~Community Development~~ Economic Opportunity shall jointly develop a State  
21 Plan for Brownfield Reclamation that includes both of the following:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

Sec. 31. 11 V.S.A. § 1589 is amended to read:

§ 1589. SUBSCRIPTIONS FOR MEMBERSHIP PRIOR TO  
ORGANIZATION; ORGANIZATION MEETING

(a) Within two years after issuance of the certificate of incorporation of a cooperative housing corporation, the cooperative housing corporation shall secure memberships or subscription agreements representing no less than 80 percent of the units in the cooperative housing corporation. In the case of a conversion, other than a conversion of a mobile home park, subscription agreements representing no less than 50 percent of the units in the proposed cooperative housing corporation shall be secured prior to issuance of the certificate of incorporation, provided that at the expiration of the two-year period after issuance of the certificate of incorporation or at the expiration of the notice periods provided to tenants at 27 V.S.A. § 1333, whichever comes later, no fewer than 80 percent of the units in the cooperative housing corporation shall be occupied by members, occupied by sublessees permitted under subdivision 1599(1) of this title, or subject to subscription agreements. In the case of a conversion of a mobile home park, subscription agreements representing no fewer than 25 percent of the units in a proposed cooperative housing corporation shall be secured prior to issuance of the certificate of incorporation, provided that at the expiration of the two-year period after

1 issuance of the certificate of incorporation or at the expiration of the notice  
2 periods provided to tenants pursuant to 27 V.S.A. § 1333, whichever comes  
3 later, no fewer than 80 percent of the units in the cooperative housing  
4 corporation shall be occupied by members, occupied by sublessees permitted  
5 under subdivision 1599(1) of this title, or subject to subscription agreements.  
6 Extensions of the time limits imposed by this section may be granted by the  
7 Commissioner of Housing and Community ~~Affairs~~ Development for  
8 cooperative housing corporations containing more than 50 units or for  
9 cooperative housing corporations formed in connection with the conversion of  
10 a mobile home park.

11 \* \* \*

12 Sec. 32. 11 V.S.A. § 1598 is amended to read:

13 § 1598. LIMITED EQUITY COOPERATIVES

14 A cooperative housing corporation may organize as a limited equity  
15 cooperative in order to fulfill the public purpose of providing and preserving  
16 housing for persons and households of low and moderate income at the time  
17 that they purchase their memberships. In addition to safeguarding the  
18 foregoing public purpose, a limited equity cooperative shall meet the following  
19 requirements:

20 \* \* \*



1 \$10,000.00 or more, other than a primary residence and not more than  
2 \$15,000.00 of the value of a motor vehicle;

3 (ii) expense reimbursements or in-kind payments received by a  
4 parent in the course of employment or self-employment or operation of a  
5 business if they reduce personal living expenses;

6 (iii) the potential income of a parent who is voluntarily  
7 unemployed or underemployed, unless:

8 (I) the parent is physically or mentally incapacitated; or

9 (II) the parent is attending a vocational or career technical  
10 education or CTE program related to current employment, or a job training  
11 program sponsored by the Department of Labor, the Department of Economic  
12 and Workforce Development; or the Agency of Human Services; or

13 (III) the unemployment or underemployment of the parent is in  
14 the best interest of the child;

15 \* \* \*

16 Sec. 34. 16 V.S.A. § 1592 is amended to read:

17 § 1592. POWERS AND RESPONSIBILITIES OF BOARD OF TRUSTEES

18 With respect to the provision of postsecondary career technical education  
19 programs, in addition to those powers and responsibilities set forth in chapter  
20 72 of this title, the Vermont State Colleges Board of Trustees shall:







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

3           (c) Repealed.]

4           (d) Funding.

5           (1) Loan forgiveness; State funding.

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

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

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

16           (D) The availability and payment of loan forgiveness awards under  
17 this chapter is subject to State funding available for the awards.

18           (2) Loan forgiveness; Vermont Student Assistance Corporation. The  
19 Vermont Student Assistance Corporation shall have the authority to grant loan  
20 forgiveness pursuant to this section by using the private loan forgiveness

1 capacity associated with bonds issued by the Corporation to raise funds for  
2 private loans that are eligible for forgiveness under this section, if available.

3 Sec. 36. 16 V.S.A. § 2905 is amended to read:

4 § 2905. PREKINDERGARTEN-16 COUNCIL

5 (a) A Prekindergarten-16 Council (the "Council") is created to help  
6 coordinate and better align the efforts of the prekindergarten-12 educational  
7 system with the higher education community in order to increase:

8 (1) postsecondary aspirations;

9 (2) the enrollment of Vermont high school graduates in higher education  
10 programs;

11 (3) the postsecondary degree completion rates of Vermonters; and

12 (4) public awareness of the economic, intellectual, and societal benefits  
13 of higher education.

14 (b) The Council shall be composed of:

15 (1) the Secretary of Education or designee;

16 (2) the ~~Commissioner of Labor~~ Secretary of Economic Opportunity or  
17 designee;

18 (3) the President of the University of Vermont or designee;

19 (4) the Chancellor of the Vermont State Colleges or designee;

20 (5) the President of the Vermont Student Assistance Corporation or  
21 designee;

1           (6) the President of the Association of Vermont Independent Colleges or  
2           designee;

3           (7) a principal of a secondary school selected by the Vermont Principals'  
4           Association;

5           (8) a superintendent selected by the Vermont Superintendents  
6           Association;

7           (9) a teacher selected by the Vermont-National Education Association;

8           (10) a member of the Building Bright Futures Council or designee;

9           (11) a career technical education director selected by the Vermont  
10          Association of Career and Technical Center Directors;

11          (12) a representative from the business and industry community selected  
12          by the Vermont Business Roundtable;

13          (13) an advocate for low-income children selected by Voices for  
14          Vermont's Children;

15          (14) a member of the House of Representatives, who shall be selected by  
16          the Speaker and shall serve until the beginning of the biennium immediately  
17          after the one in which the member is appointed;

18          (15) a member of the Senate, who shall be selected by the Committee on  
19          Committees and shall serve until the beginning of the biennium immediately  
20          after the one in which the member is appointed;



- 1           (1) Maintain necessary laboratory facilities and equipment required to  
2 effectively perform its functions;
- 3           (2) Study occupational health hazards and occupational diseases and  
4 procedures necessary for their control or prevention, and recommend necessary  
5 rules for such control or prevention to the board of health and the secretary of  
6 human services;
- 7           (3) Investigate places of employment to determine the presence of  
8 health hazards which may be the cause or which may be suspected of being the  
9 cause of illness or occupational disease;
- 10          (4) Investigate health hazards in places of employment which cause ill  
11 health or occupational disease, or may be suspected of doing so, and  
12 recommend rules and regulations to the board of health and the secretary of  
13 human services for the control or elimination of the health hazards;
- 14          (5) Advise employers of the existence of conditions at work places  
15 which cause ill health or occupational disease;
- 16          (6) Make inspections and investigations to discover violation of health  
17 standards and rules promulgated by the secretary of human services under the  
18 VOSHA Code, and report any violation other than de minimus violations to  
19 the commissioner of labor, and cooperate with that commissioner in taking  
20 action against violators of the VOSHA Code;

1           (7) Test the effectiveness of control appliances and equipment used by  
2 employers, and report any deficiency in performance to the employer, and the  
3 commissioner of labor;

4           (8) Consult, advise, and assist employers in the development and  
5 maintenance of medical services and programs for employees. [Should this be  
6 incorporated into T.21? Pursuant to E.O. 01-06, the duties, responsibilities,  
7 and authority of the Division of Occupational Health under 18 V.S.A. §§1415–  
8 1418 was transferred to the Department of Labor and Industry eff. July 1,  
9 2002]

10 Sec. 36c. 18 V.S.A. § 1418 is amended to read:

11 § 1418. CONTROL EQUIPMENT

12           The commissioner of health may by order require an employer to provide  
13 protective equipment, install and maintain control appliances and equipment,  
14 or take any other action necessary to remove or control a health hazard or to  
15 prevent a health hazard from becoming injurious. Failure to do so within the  
16 time limited by the director shall be a violation of the VOSHA Code and shall  
17 be reported to the commissioner of labor. [Should this be incorporated into  
18 T.21? Pursuant to E.O. 01-06, the duties, responsibilities, and authority of the  
19 Division of Occupational Health under 18 V.S.A. §§1415–1418 was  
20 transferred to the Department of Labor and Industry eff. July 1, 2002]

21

1 Sec. 37. 18 V.S.A. § 1700 is amended to read:

2 § 1700. CREATION; MEMBERSHIP; OFFICERS; QUORUM

3 (a) There is created a Nuclear Decommissioning Citizens Advisory Panel  
4 which shall consist of the following:

5 (1) The Secretary of Human Services, ex officio, or designee.

6 (2) The Secretary of Natural Resources, ex officio, or designee.

7 (3) The Commissioner of Public Service, ex officio, or designee.

8 (4) The Secretary of ~~Commerce and Community Development~~ Economic  
9 Opportunity, ex officio, or designee.

10 \* \* \*

11 Sec. 38. 18 V.S.A. § 5212b is amended to read:

12 § 5212B. UNMARKED BURIAL SITES SPECIAL FUND; REPORTING OF  
13 UNMARKED BURIAL SITES

14 (a) The ~~unmarked burial sites special fund~~ Unmarked Burial Sites Special  
15 Fund is established in the ~~state~~ State treasury for the purpose of protecting,  
16 preserving, moving, or reintering human remains discovered in unmarked  
17 burial sites.

18 (b) The ~~fund~~ Fund shall be comprised of any monies appropriated to the  
19 fund by the ~~general assembly~~ General Assembly or received from any other  
20 source, private or public. Interest earned on the ~~fund~~ Fund, and any balance  
21 remaining in the ~~fund~~ Fund at the end of a fiscal year, shall be retained in the f

1 ~~fund~~ Fund. This ~~fund~~ Fund shall be maintained by the ~~state treasurer~~ State  
2 Treasurer, and shall be managed in accordance with 32 V.S.A. chapter 7,  
3 subchapter 5.

4 (c) The ~~commissioner of economic, housing and community development~~  
5 Commissioner of Housing and Community Development may authorize  
6 disbursements from the ~~fund~~ Fund for use in any municipality in which human  
7 remains are discovered in unmarked burial sites in accordance with a process  
8 approved by the ~~commissioner~~ Commissioner. The ~~commissioner~~  
9 Commissioner may approve any process developed through consensus or  
10 agreement of the interested parties, including the municipality, a Native  
11 American group historically based in Vermont with a connection to the  
12 remains, owners of private property on which there are known or likely to be  
13 unmarked burial sites, and any other appropriate interested parties, provided  
14 the ~~commissioner~~ Commissioner determines that the process is likely to be  
15 effective, and includes all the following:

16 \* \* \*

17 (e) The funds shall be used for the following purposes relating to unmarked  
18 burial sites:

19 \* \* \*

20 (5) To acquire property or development rights, provided the  
21 ~~commissioner of economic, housing and community development~~



1 Commissioner of Housing and Community Development determines that  
2 disbursements for this purpose will not unduly burden the ~~fund~~ Fund, and  
3 further provided the ~~commissioner~~ Commissioner shall expend funds for this  
4 purpose only with the concurrence of the ~~secretary of commerce and~~  
5 ~~community development~~ Secretary of Economic Opportunity and after  
6 consultation with the legislative bodies of any affected municipality or  
7 municipalities.

8 (6) Any other appropriate purpose determined by the ~~commissioner~~  
9 Commissioner to be consistent with the purposes of this ~~fund~~ Fund.

10 (f) When an unmarked burial site is first discovered, the discovery shall be  
11 reported immediately to a law enforcement agency. If, after completion of an  
12 investigation pursuant to section 5205 of this title, a law enforcement agency  
13 determines that the burial site does not constitute evidence of a crime, the law  
14 enforcement agency shall immediately notify the ~~state archeologist~~ State  
15 Archeologist, who may authorize appropriate action regarding the unmarked  
16 burial site.

17 Sec. 39. 18 V.S.A. § 9491 is amended to read:

18 § 9491. HEALTH CARE WORKFORCE; STRATEGIC PLAN

19 (a) The ~~director of health care reform in the agency of administration~~  
20 Director of Health Care Reform in the Agency of Administration shall oversee  
21 the development of a current health care workforce development strategic plan

1 that continues efforts to ensure that Vermont has the health care workforce  
2 necessary to provide care to all Vermont residents. The ~~director of health care~~  
3 ~~reform~~ Director may designate an entity responsible for convening meetings  
4 and for preparing the draft strategic plan. The Green Mountain Care board  
5 established in chapter 220 of this title shall review the draft strategic plan and  
6 shall approve the final plan and any subsequent modifications.

7 (b) The ~~director~~ Director or designee shall collaborate with the area health  
8 education centers, the ~~workforce development council established in 10 V.S.A.~~  
9 ~~§ 541~~ State Workforce Development Board established in 10 V.S.A. § 541a,  
10 the ~~prekindergarten-16 council~~ Prekindergarten-16 Council established in 16  
11 V.S.A. § 2905, the ~~department of labor~~ Agency of Economic Opportunity, the  
12 ~~department of health~~ Department of Health, the ~~department of Vermont health~~  
13 ~~access~~ Department of Vermont Health Access, and other interested parties, to  
14 develop and maintain the plan. The ~~director of health care reform~~ Director  
15 shall ensure that the strategic plan includes recommendations on how to  
16 develop Vermont's health care workforce, including:

17 (1) the current capacity and capacity issues of the health care workforce  
18 and delivery system in Vermont, including the shortages of health care  
19 professionals, specialty practice areas that regularly face shortages of qualified  
20 health care professionals, issues with geographic access to services, and unmet  
21 health care needs of Vermonters;

1           (2) the resources needed to ensure that the health care workforce and the  
2 delivery system are able to provide sufficient access to services given  
3 demographic factors in the population and in the workforce as well as other  
4 factors, and able to participate fully in health care reform initiatives, including  
5 how to ensure that all Vermont residents have a medical home through the  
6 Blueprint for Health pursuant to chapter 13 of this title, and how to transition  
7 to electronic medical records;

8           (3) how ~~state~~ State government, universities and colleges, the ~~state's~~  
9 State educational system, entities providing education and training programs  
10 related to the health care workforce, and others may develop the resources in  
11 the health care workforce and delivery system to educate, recruit, and retain  
12 health care professionals to achieve Vermont's health care reform principles  
13 and purposes;

14           (4) review data on the extent to which individual health care  
15 professionals begin and cease to practice in their applicable fields in Vermont;

16           (5) identify factors which either hinder or assist in recruitment or  
17 retention of health care professionals, including an examination of the  
18 processes for prior authorizations, and make recommendations for further  
19 improving recruitment and retention efforts; and

20           (6) assess the availability of ~~state~~ State and federal funds for health care  
21 workforce development.

1 (c) Beginning January 15, 2013, the ~~director~~ Director or designee shall  
2 provide the strategic plan approved by the Green Mountain Care board to the  
3 ~~general assembly~~ General Assembly and shall provide periodic updates on  
4 modifications as necessary.

5 Sec. 40. 19 V.S.A. § 11d is amended to read:

6 § 11D. FUNDS FOR REHABILITATION OF HISTORIC BRIDGES

7 (a) Notwithstanding 32 V.S.A. § 706(1) and (2), the ~~agency of~~  
8 ~~transportation~~ Agency of Transportation may transfer funds to the ~~division for~~  
9 ~~historic preservation in the agency of commerce and community development~~  
10 Agency of Economic Opportunity, Department of Housing and Community  
11 Development, Division of Historic Preservation, to be used for the following  
12 purposes:

13 (1) Repairing, rehabilitating, restoring, and maintaining historic bridges.

14 To the maximum extent feasible, bridges shall be made available to the public  
15 for transportation and recreational uses, including but not limited to bicycle  
16 paths, hiking trails, snowmobile trails, fishing access, picnic areas, or rest  
17 stops.

18 (2) Grants to municipalities, nonprofit corporations, state agencies, or  
19 other responsible parties for the repair and maintenance of historic bridges.

20 (3) Funding for planning and engineering studies for the preservation of  
21 historic bridges.

1 (4) Moving, storing, or otherwise preserving historic bridges.

2 (b) Funds transferred may include, but are not limited to, appropriations  
3 from the transportation fund, federal funds made available to mitigate the  
4 adverse effects of new construction on historic bridges, and moneys from other  
5 public or private sources.

6 (c) Transfer of funds under this section shall constitute acceptance by the  
7 ~~division for historic preservation~~ Division that funds transferred will be used  
8 solely for the preservation of historic bridges as outlined in subsection (a) of  
9 this section. Transfers however, may be conditioned upon use for one or more  
10 specific purposes identified by subsection (a) of this section.

11 Sec. 41. 19 V.S.A. § 38 is amended to read:

12 § 38. TRANSPORTATION ALTERNATIVES GRANT PROGRAM

13 (a) The Transportation Alternatives Grant Committee is created and shall  
14 comprise:

15 (1) the Secretary of Transportation or his or her designee;

16 (2) a representative from the Division of Historic Preservation appointed  
17 by the Secretary of ~~Commerce and Community Development~~ Economic  
18 Opportunity;

19 (3) one member appointed by the Secretary of ~~Commerce and~~  
20 ~~Community Development~~ Economic Opportunity to represent the tourism and  
21 marketing industry;



1 the Program can be improved to enhance the usefulness of statewide property  
2 parcel data for State agencies and departments, regional planning commissions,  
3 municipalities, and the public. The Board shall comprise:

4 (1) the Secretary of Transportation or designee, who shall serve as chair;

5 (2) the Secretary of Natural Resources or designee;

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

8 (4) the Commissioner of Taxes or designee;

9 (5) a representative of the Vermont Association of Planning and  
10 Development Agencies;

11 (6) a representative of the Vermont League of Cities and Towns; and

12 (7) a land surveyor licensed under 26 V.S.A. chapter 45 designated by  
13 the Vermont Society of Land Surveyors.

14 \* \* \*

15 Sec. 43. 19 V.S.A. § 317 is amended to read:

16 § 317. PRESERVATION OF HISTORIC BRIDGES

17 (a) The Division for Historic Preservation within the Agency of ~~Commerce~~  
18 ~~and Community Development~~ Economic Opportunity is authorized to accept  
19 transfer from the Agency of Transportation, towns, railroads, or other entities  
20 of bridges deemed appropriate for preservation by the Secretary of  
21 Transportation and the Secretary of ~~Commerce and Community Development~~

1 Economic Opportunity. The Division also is authorized to accept land or  
2 interests in land with each such bridge as reasonably necessary to preserve the  
3 bridge site and public access to the site.

4 (b) Transfer of any bridge site or bridge approach to the Division for  
5 Historic Preservation under this section shall not be treated, for purposes of  
6 any law or rule of law, as an abandonment of the use of the right-of-way for  
7 highway or railroad purposes.

8 (c) The Division for Historic Preservation may adopt such rules as are  
9 necessary to preserve, protect, and control the use of historic bridges, bridge  
10 sites, and bridge approaches.

11 (d) The Division for Historic Preservation is authorized to purchase or lease  
12 a site or sites for the storage of dismantled historic bridges that are being  
13 preserved for possible reconstruction and reuse.

14 (e) The Division for Historic Preservation is authorized to sell, lease, or  
15 otherwise convey the fee or lesser interest to any historic bridge. In all cases  
16 where an historic bridge is conveyed, the Division shall prescribe covenants  
17 necessary to preserve the historic integrity of the bridge. Any funds obtained  
18 from the sale, lease, or conveyance shall be used for the purposes outlined in  
19 subsection (a) of this section.

20 Sec. 44. 19 V.S.A. § 819 is amended to read:

21 § 819. OTHER INVESTIGATION



1       The applicant town should also consult with such other agencies or  
2       departments of state government including ~~but not limited to the agency of~~  
3       ~~commerce and community development~~ the Agency of Economic Opportunity,  
4       ~~the health department~~ Department of Health, and the ~~department of forests,~~  
5       ~~parks and recreation~~ Department of Forest, Parks and Recreation, as may be  
6       necessary to furnish the ~~general assembly~~ General Assembly with complete  
7       information as to the effect of the proposed highway and the development of  
8       the facilities upon the community and the ~~state~~ State. Whenever a town  
9       informs one of those departments or agencies that it has applied for funds  
10      under this subchapter, and needs assistance to develop the information needed  
11      to support the advisability of constructing the highway, that department or  
12      agency promptly shall investigate the proposal and provide a complete report  
13      to the town. Upon request, a copy shall be provided to the ~~general assembly~~  
14      General Assembly.

15      Sec. 45. 19 V.S.A. § 2311 is amended to read:

16      § 2311. COOPERATING AGENCIES

17      For the purposes of this chapter, the ~~agency of natural resources~~ Agency of  
18      Natural Resources shall assist the ~~agency of transportation~~ Agency of  
19      Transportation in matters relating to the recreational use and the availability of  
20      government funds which might be used for the purposes of this chapter. The  
21      ~~agency of commerce and community development~~ Agency of Economic

1 Opportunity shall assist the ~~agency of transportation~~ Agency of Transportation  
2 in matters relating to bicycle tourism.

3 Sec. 46. 20 V.S.A. § 1548 is amended to read:

4 § 1548. VERMONT VETERANS' FUND

5 (a) There is created a special fund to be known as the Vermont Veterans'  
6 Fund. This Fund shall be administered by the Military Department and shall be  
7 paid out in grants on the recommendations of a nine-member committee  
8 comprising:

9 (1) the Adjutant and Inspector General or designee;

10 (2) the Vermont Veterans' Home Administrator or designee;

11 (3) the ~~Commissioner of Labor~~ Secretary of Economic Opportunity or  
12 designee;

13 (4) the Secretary of Human Services or designee;

14 (5) the Director of the White River Junction VA medical center or  
15 designee;

16 (6) the Director of the White River Junction VA benefits office or  
17 designee; and

18 (7) three members of the Governor's Veterans' Council to be appointed  
19 by that Council.

20 (b) The purpose of this Fund shall be to provide grants or other support to  
21 individuals and organizations:

- 1 (1) for the long-term care of veterans;
- 2 (2) to aid homeless veterans;
- 3 (3) for transportation services for veterans;
- 4 (4) to fund veterans' service programs; and
- 5 (5) to recognize veterans.

6 \* \* \*

7 Sec. 47. 20 V.S.A. § 3152 is amended to read:

8 § 3152. VERMONT FIRE SERVICE TRAINING COUNCIL CREATED

9 (a) The Vermont Fire Service Training Council is created. The Council  
10 shall consist of 12 members. The ~~Commissioner of Labor~~ Commissioner of  
11 Economic and Workforce Development, the Commissioner of Public Safety,  
12 the Director of Fire Safety, the Commissioner of Forests, Parks and  
13 Recreation, the Secretary of Education, and the Commissioner of Health, or  
14 their designees, shall serve as ex officio members of the Council. Six members  
15 shall be appointed by the Governor for three-year terms. Of the appointed  
16 members, the Governor shall appoint one member who during incumbency is a  
17 representative of the Vermont Career Fire Chiefs Association; one member  
18 who, at the time of appointment, is a representative of the Professional  
19 Firefighters of Vermont; one member, who, at the time of appointment, is a  
20 representative of the Vermont Fire Chiefs Association and who is a fire chief  
21 of a volunteer fire department; one member who, at the time of appointment, is

1 a representative of the Vermont State Firefighters Association and who is a  
2 volunteer firefighter; one member who during incumbency is an employee,  
3 officer, or director of an insurance company domiciled in this State and subject  
4 to the assessment under 32 V.S.A. § 8557; and one member of the public who  
5 is not involved in fire service. To the extent possible, appointments shall be  
6 geographically representative.

7 \* \* \*

8 Sec. 48. Title 21 of the Vermont Statutes Annotated is amended to read:

9 Title 21: Labor

10 Chapter 1: Commissioner of Labor

11 § 1. DEPARTMENT CREATED; COMMISSIONER, APPOINTMENT

12 (a) The Department of Labor, within the Agency of Economic Opportunity,  
13 shall ~~is hereby created to~~ administer the laws relating to labor in chapter 1, ;  
14 chapter 3, subchapters 4 and 5 ~~of chapter 3;~~ and chapters 5, 9, **16A,** and ~~12~~  
15 ~~through~~ 17 of this title, and other laws assigned to the Department for  
16 administration. There shall be within the Department ~~the Apprenticeship~~  
17 ~~Council and other~~ the Employment Security Board and any other boards,  
18 councils, and committees specially assigned to the Department.

19 (b) Biennially, with the advice and consent of the Senate, the Governor  
20 shall appoint a Commissioner of Labor.

21 \* \* \*

1      § 3. DIVISION OF WORKERS' COMPENSATION AND SAFETY

2           (a) The Division of Workers Compensation and Safety, within the  
3      Department of Labor, shall implement the policy of the State expressed in 21  
4      V.S.A. § 201. It shall be administered by the Director of Workers'  
5      Compensation and Safety under direction and control of the Commissioner of  
6      Labor and the Secretary of Economic Opportunity.

7           (b) The Division shall have jurisdiction over and administer the laws  
8      relating to:

9           (1) occupational health and safety;

10          (2) employers' liability and workers' compensation; and

11          (3) mine safety and health, including federal Mine Safety and Health  
12      Administration Part 46 and Part 48 training plans.

13                                      \* \* \*

14      § 5. DIVISION OF UNEMPLOYMENT AND WAGES

15           (a) The Division of Unemployment and Wages within the Department of  
16      Labor shall be administered by the Director of Unemployment and Wages  
17      under the direction and control of the Commissioner of Labor and the  
18      Secretary of Economic Opportunity.

19           (b) The Division of Unemployment and Wages shall administer and carry  
20      out the laws relating to:

21           (1) unemployment compensation;





1 refusal of any person to obey such an order, any Superior Court ~~within the~~ in  
2 whose jurisdiction ~~of which~~ the person is found ~~or~~, resides, or transacts  
3 business, upon the application by the Commissioner, shall have jurisdiction to  
4 issue to the person an order requiring him or her to appear to produce evidence  
5 if, as, and when so ordered, and to give testimony relating to the matter under  
6 investigation or in question. Any failure to obey ~~such an~~ an order of the court  
7 may be punished by the court as a contempt ~~thereof~~ of court.

8 \* \* \*

9 (d) Under the VOSHA Code, the Secretary of Human Services and the  
10 Commissioner shall adopt rules regarding inspections and investigations to  
11 conform with the provisions and requirements of the Act.

12 (e) Subject to ~~regulations issued~~ rules adopted by the Commissioner or  
13 Secretary, a representative of ~~the~~ an employer and a representative authorized  
14 by his or her employees shall be given an opportunity to accompany the  
15 Commissioner or Secretary or his or her authorized agent during the physical  
16 inspection of any workplace under subsection (a) of this section for the  
17 purpose of aiding ~~such the~~ the inspection. Where there is no authorized employee  
18 representative, the Commissioner or Secretary or his or her authorized agent  
19 shall consult with a reasonable number of employees concerning matters of  
20 safety and health in the workplace.



1 (f) Any employees or representative of employees who believes that a  
2 violation of a safety or health standard exists that threatens physical harm, or  
3 that an imminent danger exists, may request an inspection by giving notice to  
4 the Commissioner **or Secretary** or his or her authorized agent of the violation  
5 or danger. The notice shall be ~~reduced to~~ in writing, shall set forth with  
6 reasonable particularity the grounds for the notice, and shall be signed by the  
7 employees or the representative of the employees. A copy of the notice shall  
8 be provided to the employer or his or her agent no later than at the time of  
9 inspection, except that, upon the request of the person giving ~~such~~ notice, his  
10 or her name and the names of individual employees referred to ~~therein~~ in the  
11 notice shall not appear in the copy or on any record published, released, or  
12 made available by the Commissioner **or Secretary**. If upon receipt of the  
13 notification the Commissioner **or Secretary** determines there are reasonable  
14 grounds to believe that a violation or danger exists, he or she shall make a  
15 special inspection in accordance with the provisions of this section as soon as  
16 practicable to determine if a violation or danger exists. If the Commissioner **or**  
17 **Secretary** determines there are no reasonable grounds to believe that a violation  
18 or danger exists, he or she shall notify the employees or representative of the  
19 employees in writing of ~~such~~ the determination.

20 (g) Prior to or during any inspection of a workplace, any employees or  
21 representative of employees employed in ~~such~~ the workplace may notify the

1 Commissioner **or Secretary** or any agent of the Commissioner **or Secretary**  
2 responsible for conducting the inspection, in writing, of any violation of ~~this~~  
3 the Code which they have reason to believe exists in ~~such~~ the workplace. The  
4 Commissioner shall, by ~~regulation~~ rule, establish procedures for informal  
5 review of any refusal by a representative of the Commissioner to issue a  
6 citation with respect to any ~~such~~ alleged violation and shall furnish the  
7 employees or representative of employees requesting ~~such~~ the review with a  
8 written statement of the reasons for the Commissioner's final disposition of the  
9 case.

10 \* \* \*

11 § 224. RULES AND STANDARDS

12 \* \* \*

13 (d) Where appropriate, a standard adopted in consultation with the  
14 Secretary of Human Services may prescribe the type and frequency of medical  
15 examinations or other tests ~~which~~ that shall be made available by an employer  
16 or at the expense of the employer, to employees exposed to health hazards in  
17 employment, in order to effectively determine whether the health of the  
18 employee is adversely affected by exposure to the hazard. In the event medical  
19 examinations are in the nature of research, as determined by the Secretary of  
20 Human Services, ~~such~~ the examinations may be furnished at the expense of the  
21 State. The results of the examinations or tests shall be furnished only to the

1 Secretary of Human Services, the Commissioner of Health, the Director of  
2 ~~Occupational Health~~ Workers' Compensation and Safety, the Commissioner of  
3 Labor, and at the request of the employee, to the employee's physician and the  
4 employee.

5 (e) The Commissioner, in consultation with the Secretary, in adopting  
6 standards dealing with toxic materials or harmful physical agents under this  
7 section, shall set the standard ~~which~~ that most adequately ensures, to the extent  
8 feasible, on the basis of the best available evidence, that no employee will  
9 suffer material impairment of health or functional capacity even if ~~such~~ the  
10 employee has regular exposure to the hazard dealt with by ~~such~~ the standard  
11 for the period of his or her working life. Development of standards under this  
12 subsection shall be based upon research, demonstrations, experiments, and  
13 ~~such~~ other information as may be appropriate. In addition to the attainment of  
14 the highest degree of safety and health protection for the employee, other  
15 considerations shall be the latest available scientific data in the field, the  
16 feasibility of the standards, and experience gained under this and other safety  
17 and health laws. Whenever practicable, the standard adopted shall be  
18 expressed in terms of objective criteria and of the performance desired.

19 \* \* \*

20 § 228. REPORTS

1 (a) Employers shall keep and file all reports and records required under the  
2 Act, and any reports and records which the Commissioner **or the Secretary of**  
3 **Human Services** may require by rule.

4 (b) The Commissioner shall make ~~such~~ reports to the Secretary of Labor in  
5 ~~such a~~ form and containing ~~such~~ any information as that the Secretary shall  
6 ~~from time to time~~ require.

7 (c)(1) Each employer shall make, keep, and preserve, and make available to  
8 the Secretary ~~of the U.S. Department~~ of Labor or the Secretary of Health and  
9 Human Services, ~~such~~ records regarding his or her activities relating to the Act  
10 as the Secretary ~~of the U.S. Department~~ of Labor, in cooperation with the  
11 Secretary of Health and Human Services, may prescribe by ~~regulation~~ rule as  
12 necessary or appropriate for the enforcement of the Act or for developing  
13 information regarding the causes and prevention of occupational accidents and  
14 illnesses. In order to carry out the provisions of this subdivision, ~~such~~  
15 ~~regulations~~ the rules may include provisions requiring employers to conduct  
16 periodic inspections. The Commissioner shall also ~~issue regulations~~ adopt  
17 rules requiring that employers, through posting of notices or other appropriate  
18 means, keep their employees informed of their protections and obligations  
19 under this Code, including the provisions of applicable standards.

20 (2) The Commissioner in cooperation with the Secretary, shall ~~issue~~  
21 ~~regulations~~ adopt rules requiring employees to maintain accurate records of

1 employee exposures to potentially toxic materials or harmful physical agents  
2 ~~which that~~ are required to be monitored or measured under section 224 of this  
3 title. ~~Such regulations~~ The rules shall provide employees or their  
4 representative with an opportunity to observe ~~such the~~ monitoring or  
5 measuring, and to have access to the records thereof. ~~Such regulations~~ The  
6 rules shall also make appropriate provision for each employee or former  
7 employee to have access to ~~such the~~ records ~~as will indicate~~ indicating his or  
8 her own exposure to toxic materials or harmful physical agents. Each  
9 employer shall promptly notify any employee who has been or is being  
10 exposed to toxic materials or harmful physical agents in concentrations or at  
11 levels ~~which that~~ exceed those prescribed by an applicable occupational safety  
12 and health standard ~~promulgated~~ adopted under section 224 of this title and  
13 shall inform any employee who is being thus exposed of the corrective action  
14 being taken.

15 \* \* \*

16 Chapter 5: Employment Practices

17 \* \* \*

18 Subchapter 3A: Notice of Potential Layoffs Act

19 § 411. DEFINITIONS

20 As used in this subchapter:

1           (1) "Affected employees" means employees who may be expected to  
2           experience an employment loss as a consequence of a proposed or actual  
3           business closing or mass layoff by their employer.

4           (2) "Business closing" means:

5                   (A) the permanent shutdown of a facility;

6                   (B) the permanent cessation of operations at one or more worksites in  
7           the State that results in the layoff of 50 or more employees over a 90-day  
8           period; or

9                   (C) the cessation of work or operations not scheduled to resume  
10          within 90 days that affects 50 or more employees.

11          (3) "Commissioner" means the Commissioner of Labor.

12          (4) "Department" means the Department of Labor.

13          (5) "Employer" means any person that employs:

14                   (A) 50 or more full-time employees;

15                   (B) 50 or more part-time employees who work at least 1,040 hours  
16          per employee per year; or

17                   (C) a combination of 50 or more:

18                           (i) full-time employees; and

19                           (ii) part-time employees who work at least 1,040 hours per  
20          employee per year.

1           (6) "Employment loss" means the termination of employment that is the  
2 direct result of a business closing or mass layoff. An employee will not be  
3 considered to have suffered an employment loss if the employee is offered a  
4 transfer to a different site of employment within 35 miles; or if prior to the  
5 layoff notice to the employee, the employee voluntarily separates or retires or  
6 was separated by the employer for unsatisfactory performance or misconduct.

7           (7) "Mass layoff" means a permanent employment loss of at least 50  
8 employees at one or more worksites in Vermont during any 90-day period. In  
9 determining whether a mass layoff has occurred or will occur, employment  
10 losses for two or more groups of employees, each of which is below this  
11 threshold but which in the aggregate exceed this threshold and which occur  
12 within any 90-day period shall be considered to be a mass layoff unless the  
13 employer demonstrates that the employment losses are the result of separate  
14 and distinct actions and causes.

15           (8) "Representative" means an exclusive bargaining agent as legally  
16 recognized under State or federal labor laws.

17 § 412. EDUCATION AND OUTREACH

18           The Department and the Agency of ~~Commerce and Community~~  
19 ~~Development~~ Economic Opportunity shall prepare information and materials  
20 for the purpose of informing and educating Vermont employers with regard to  
21 programs and resources that are available to assist with economic and

1 workforce retention initiatives in order to avoid business closings and mass  
2 layoffs. ~~The Department and the Agency of Commerce and Community~~  
3 ~~Development~~ shall also inform Vermont employers of the employers'  
4 obligations that will be required for proper notice under the provisions of this  
5 subchapter.

6 § 412. EDUCATION AND OUTREACH

7 ~~The Department and the Agency of Commerce and Community~~  
8 ~~Development~~ Economic Opportunity shall prepare information and materials  
9 for the purpose of informing and educating Vermont employers with regard to  
10 programs and resources that are available to assist with economic and  
11 workforce retention initiatives in order to avoid business closings and mass  
12 layoffs. ~~The Department and the Agency of Commerce and Community~~  
13 ~~Development~~ shall also inform Vermont employers of the employers'  
14 obligations that will be required for proper notice under the provisions of this  
15 subchapter.

16 § 413. NOTICE AND WAGE PAYMENT OBLIGATIONS

17 (a) An employer who will engage in a closing or mass layoff shall provide  
18 notice to the ~~Secretary of Commerce and Community Development~~ Economic  
19 Opportunity and the Commissioner in accordance with this section to enable  
20 the State to present information on potential support for the employer and  
21 separated employees.



1 (b) Notwithstanding subsection (a) of this section, an employer who will  
2 engage in a closing or mass layoff shall provide notice to the Secretary of  
3 ~~Commerce and Community Development~~ and the Commissioner 45 days prior  
4 to the effective date of the closing or layoffs that reach the thresholds defined  
5 in section 411 of this subchapter, and shall provide 30 days' notice to the local  
6 chief elected official or administrative officer of the municipality, affected  
7 employees, and bargaining agent, if any.

8 (c) The employer shall send to the Commissioner and the Secretary the  
9 approximate number and job titles of affected employees, the anticipated date  
10 of the employment loss, and the affected worksites within the time allotted for  
11 notice to the Commissioner and Secretary under subsection 413(b) or 414(b) of  
12 this subchapter. Concurrent with the notification to the affected employees, in  
13 accordance with subsection 413(b) of this subchapter, the employer shall send  
14 to the Commissioner in writing the actual number of layoffs, job titles, date of  
15 layoff, and other information as the Commissioner deems necessary for the  
16 purposes of unemployment insurance benefit processing and for accessing  
17 federal and State resources to mitigate adverse employment impacts affecting  
18 employers, employees, and communities.

19 (d) In the case of a sale of part or all of an employer's business where mass  
20 layoffs will occur, the seller and the purchaser are still required to comply with  
21 the notice requirements under subsection (b) of this section.

1 (e) Nothing in this subchapter shall abridge, abrogate, or restrict the right of  
2 the State to require an employer that is receiving State economic development  
3 funds or incentives from being required to provide additional or earlier notice  
4 as a condition for the receipt of such funds or incentives.

5 (f) An employer is required to pay all unpaid wage and compensation owed  
6 to any laid-off worker, as required under this title.

7 (g) This section shall not apply to a nursing home in situations where Rules  
8 2.8 and 3.14 of the Vermont Licensing and Operating Rules for Nursing  
9 Homes apply or where the CMS Requirements for Long-Term Care Facilities  
10 apply, pursuant to 42 C.F.R. §§ 483.12 and 483.75.

11 \* \* \*

12 § 416. POWERS OF THE COMMISSIONER

13 \* \* \*

14 (c) Information obtained through administration of this subchapter by the  
15 Commissioner and the Secretary of Commerce and Community Development  
16 Economic Opportunity shall be confidential, except that the number of layoffs,  
17 the types of jobs affected, and work locations affected shall cease to be  
18 confidential after local government and the affected employees have been  
19 notified. The Department may provide the information collected pursuant to  
20 subsection 413(c) of this subchapter to the U.S. Department of Labor and any

1 other governmental entities for the purposes of securing benefits for the  
2 affected employees.

3 \* \* \*

4 § 497A. COMMITTEE ESTABLISHED

5 There is hereby established a permanent committee to be known as the  
6 Vermont Governor's Committee on Employment of People with Disabilities, to  
7 consist of 23 members, including one representative each from the Vermont  
8 Department of Labor's Workforce Development Division Department of  
9 Economic and Workforce Development and the Jobs for Veterans State Grant,  
10 one representative from the Department of Disabilities, Aging, and  
11 Independent Living, Vocational Rehabilitation Division and one from the  
12 Division for the Blind and Visually Impaired, one representative of the U.S.  
13 Department of Veterans Affairs, one representative of the State of Vermont  
14 Office of Veterans Affairs, and 17 members to be appointed by the Governor.  
15 The appointive members shall hold office for the term specified or until their  
16 successors are named by the Governor. The members shall receive no salary  
17 for their services as such, but the necessary expenses of the Committee shall be  
18 paid by the State.

19 \* \* \*

20 Chapter 9. Employer's Liability and Workers' Compensation

21 \* \* \*

1 § 602. PROCESS AND PROCEDURE

2 \* \* \*

3 (c) Any communication from an employer or an insurer to a claimant that  
4 is not otherwise required to be provided on a form prescribed by the  
5 Commissioner must include a statement advising the claimant that he or she  
6 should contact the Department of Labor's Division of Workers' Compensation  
7 ~~Division~~ and Safety to determine any right to object or appeal, as provided by  
8 law, and to seek information from the Department on the process and  
9 procedures.

10 \* \* \*

11 Chapter 13: Apprenticeship

12 § 1101. APPRENTICESHIP DIVISION AND COUNCIL

13 (a)(1) The Apprenticeship Division and the State Apprenticeship Council  
14 (Council) shall be located within the Department of ~~Labor~~ Economic and  
15 Workforce Development.

16 (2) The Commissioner of ~~Labor~~ Economic and Workforce Development  
17 shall supervise the work of the Division, and shall be the Chair of the Council.

18 (b)(1) The Council shall consist of 12 members, four ex officio members  
19 and eight members who shall be appointed by the Governor.

20 (2) Of the ex officio members, one shall be the Commissioner of ~~Labor~~  
21 Economic and Workforce Development or designee, one shall be the

1 Commissioner of Public Safety or designee, one shall be the Secretary of  
2 Education or designee, and one shall be the Director of the Apprenticeship  
3 Division who shall act as secretary of the Council without vote.

4 (c)(1) The Council shall be composed of persons familiar with  
5 apprenticeable occupations.

6 (2) Of the appointed members, three shall be individuals who represent  
7 employers, three shall be individuals who represent employee organizations,  
8 and two shall be members of the public.

9 (d) Appointment of the employer and the employee members shall be made  
10 for the term of three years except the employer and employee members first  
11 appointed shall be appointed for the term of one, two, and three years  
12 respectively. ~~The Governor shall annually designate one member of the~~  
13 ~~Council as chair.~~

14 (f) Each member of the Council who is not a salaried official or employee  
15 of the State shall be entitled to compensation and expenses as provided in 32  
16 V.S.A. § 1010.

17 § 1102. MEETINGS, REGULATIONS

18 (a)(1) The Council shall meet semiannually and as often as may be  
19 necessary in the opinion of the majority of the members.

20 (2) The Chair shall designate the time and place of all meetings.

1        (b)(1) The Council shall establish minimum standards for apprenticeship  
2        and all on-the-job training.

3        (2) The Council shall also make provision for the registration and  
4        approval of apprenticeship and all on-the-job training programs and individual  
5        apprentice and all on the job training agreements.

6        (c) The Council may:

7            (1) adopt rules relating to its policy as are necessary to carry out the  
8        intent and purposes of this chapter; ~~may~~

9            (2) issue State certificates of completion of apprenticeship to apprentices  
10        who have completed their trade training under apprenticeship programs  
11        registered and approved by the Council; ~~may~~

12           (3) issue certificates to on-the-job trainees upon completion of training;  
13        ~~may~~ ; and

14           (4) utilize the services of any State or federal agency or department  
15        which may be of assistance in carrying out its duties and the purposes of this  
16        chapter.

17        § 1103. SUPPLEMENTARY INSTRUCTION

18           (a)(1) The Department of ~~Labor~~ Economic and Workforce Development  
19        shall provide for related and supplementary instruction for apprentices  
20        employed under apprenticeship programs registered and approved by the  
21        Council, and for all on-the-job trainees.

1           (2) To make certain there is statewide access to training opportunities,  
2           the Department shall ensure that instruction in the electrical and plumbing  
3           trades is offered at each regional ~~career technical~~ CTE center, as defined by 16  
4           V.S.A. § 1522(4).

5           (3) If the Department enters into a single-source contract with an entity  
6           to provide apprenticeship training, the contract shall specify that access to  
7           programs must be available to all Vermont residents, at least through online  
8           courses.

9           (b)(1) ~~The Department of Labor~~ Economic and Workforce Development  
10          may charge fees to the employers of apprentices registered in Vermont and to  
11          nonregistered individuals to help offset the cost of apprenticeship related  
12          instruction provided by the Department.

13          (2) An employer shall not charge any apprentice for any of the fees  
14          charged to the employer under this section, nor shall an employer reduce an  
15          employee's compensation in any manner in order to recover these fees from  
16          any apprentice.

17          (3) The fees shall be used, in conjunction with other approved funds, to  
18          provide classroom instruction primarily for Vermont registered apprentices.

19          (4) ~~The Vermont Department of Labor~~ may adopt rules to carry out ~~this~~  
20          ~~provision~~ the provisions of this subsection.

21          § 1104. ASSISTANTS





1 pathways to careers in agriculture, natural resources, and food production may  
2 be connected, developed, and supported in a coordinated manner.

3 (2) The Consortium shall comprise:

4 (A) employees of the Department of ~~Labor~~ Economic and Workforce  
5 Development assigned by the Commissioner of ~~Labor~~ Economic and  
6 Workforce Development;

7 (B) employees of the Agency of Education assigned by the Secretary  
8 of Education;

9 (C) employees of the Agency of Agriculture, Food and Markets  
10 appointed by the Secretary of Agriculture, Food and Markets;

11 (D) employees of the Agency of Natural Resources appointed by the  
12 Secretary of Natural Resources;

13 (E) representatives of the Extension Service of the University of  
14 Vermont selected by the Service; and

15 (F) representatives from agriculture, food, and natural resources  
16 businesses appointed by the Secretary of Agriculture, Food and Markets.

17 (b)(1) ~~The consortium~~ Consortium shall be attached to the Department of  
18 ~~Labor~~ Economic and Workforce Development for administrative support.

19 (2) ~~It~~ The Consortium shall elect its own chair and meet as required to  
20 fulfill its obligations under this chapter.

1 § 1153. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND  
2 FOOD PRODUCTION CONSORTIUM; POWERS AND DUTIES

3 (a)(1) The Youth in Agriculture, Natural Resources, and Food Production  
4 Consortium shall be charged with the oversight of the development and  
5 coordination of programs in agriculture, natural resources, and food  
6 production, and education to connect youths' experiences in agriculture, natural  
7 resources, and food production to their in-school learning and develop  
8 pathways for pursuing further education related to agriculture or natural  
9 resources.

10 (2) ~~¶~~ The Consortium shall seek to coordinate and connect programs  
11 around common standards, coordinate resources, provide a clearinghouse for  
12 information and technical assistance, establish a strong business and education  
13 partnership, identify missing components of the system, and oversee funds  
14 made available for the express purpose of implementing these pathways.

15 (3) ~~¶~~ The Consortium shall endeavor to sustain and expand  
16 programming in agriculture, natural resources, and food production on a  
17 statewide basis in order to affect middle and secondary school students in  
18 Vermont.

19 (4) The Consortium shall seek to ensure the effectiveness of all the  
20 programs in reaching large numbers of students, and in so far as possible, seek  
21 to provide programs in all regions of the State through a statewide system with

1 uniform availability, eligibility, and funding requirements to make such  
2 opportunities available to all students.

3 (b)(1) Among the programs to be reviewed and coordinated by the  
4 Consortium are:

5 (A) projects that involve agriculture and the environment;

6 (B) programs within the elementary and middle school system which  
7 provide hands-on learning, such as "Ag in the Classroom" sponsored by the  
8 Agency of Agriculture, Food and Markets, and "Forest, Fields, and Futures"  
9 sponsored by UVM Extension Service; ~~and~~

10 (C) secondary school programs in agriculture and natural resources-  
11 related areas in education; and

12 (D) "Smokeyhouse" and other career technical education, agriculture,  
13 and natural resources programs offered by high schools and career technical  
14 centers.

15 (2) ~~In addition, it shall~~ The Consortium shall also review and coordinate  
16 programs such as the Youth Conservation Corps and the Farm Youth Corps of  
17 the Department of Labor which has offered summer employment for students  
18 on farms, and other summer employment programs and alternative programs  
19 for in-school youth operated outside the public school funding system.

20 (c) The Consortium shall report by January 15, 2005 to the Commissioner  
21 of ~~Labor~~ Economic and Workforce Development, the Secretary of Agriculture,

1 Food and Markets, the Secretary of Natural Resources, the Secretary of  
2 Education, and the House and Senate Committees on Agriculture and on  
3 Education on its progress, outcomes, and recommendations for expansion,  
4 development, and coordination of programs and pathways to careers in  
5 agriculture, natural resources, and food production in the State.

6 Chapter 15: Vermont Employment Service

7 § 1201. ACCEPTANCE BY STATE

8 The State of Vermont hereby accepts the provisions of the Act of Congress,  
9 approved June 6, 1933, entitled "An act to provide for the establishment of a  
10 national employment system and for cooperation with the states in the  
11 promotion of such system, and for other purposes."

12 § 1202. COMMISSIONER OF LABOR AS AGENT

13 The Commissioner of ~~Labor~~ Economic and Workforce Development is  
14 hereby designated and constituted the agent of the State of Vermont for the  
15 purposes of the Act, with full power to cooperate with all authorities of the  
16 United States having powers or duties under the Act and to do and perform all  
17 things necessary to secure to the State of Vermont the benefits of the Act in the  
18 promotion and maintenance of a system of public employment offices.

19 § 1203. RULES AND REGULATIONS

20 (a) There is hereby created, under the direction of the Commissioner of  
21 ~~Labor~~ Economic and Workforce Development, a division to be known as the

1 Vermont Employment Service Division, responsible for administering a  
2 system of public employment offices for the purpose of assisting employers to  
3 secure employees and workers to secure employment.

4 (b) The Commissioner is authorized and directed to establish such offices  
5 in such parts of the State as he or she deems necessary and to prescribe rules  
6 and regulations not inconsistent with any of the provisions of this chapter.

7 (c) The Commissioner shall appoint the director, assistants, and other  
8 employees of the Vermont Employment Service Division in accordance with  
9 the regulations prescribed by the Secretary of the U.S. Department of Labor.

10 § 1204. RECEIPT OF FUNDS

11 The State Treasurer is hereby authorized to receive, on behalf of this State,  
12 all funds granted to it under authority of the Act.

13 § 1205. CONTRACTUAL SPECIAL SERVICES

14 (a) The Commissioner of ~~Labor~~ Economic and Workforce Development  
15 may enter into agreements to provide customized or special services that are  
16 beyond basic services required by federal statute, provided that such services  
17 do not interfere with the Department's statutory purposes and programs.

18 (b) The Department may charge for services provided under this section.  
19 Charges collected under this section shall be credited to separate special funds  
20 for each type of service agreement, and shall be available to the Department to  
21 offset the costs of each type of service.

1 § 1206. TERMINATION

2 This chapter may be terminated by the Governor at any time, upon notice to  
3 the U.S. Department of Labor, when in his or her judgment the need for the  
4 same no longer exists. However, such notice of termination shall not be  
5 effective until the close of the U.S. fiscal year in which the notice is given.

6 Chapter 16: Displaced Homemakers

7 § 1231. DEFINITION

8 "Displaced homemaker" means a person who:

9 (1) has worked in the home for a substantial number of years providing  
10 unpaid household services for family members; and

11 (2) has or is expected to have difficulty becoming gainfully employed  
12 outside the home, or is not gainfully employed or is under-employed; and

13 (3) has been dependent on the income of another family member and is  
14 no longer receiving that income; or has been dependent on government  
15 assistance and is no longer eligible for that assistance; or is receiving payments  
16 from a spouse or public agency for the care of minor children and the minor  
17 children are within two years of reaching majority.

18 § 1232. DISPLACED HOMEMAKER PROGRAMS AND SERVICES

19 (a) Programs to serve the needs of displaced homemakers may be developed  
20 in coordination with the Displaced Homemakers Policy Council and

1 implemented by the Commissioner of Economic and Workforce Development.

2 The programs may provide the following services:

3 (1) statewide outreach and advertising to inform displaced homemakers  
4 of services and programs available;

5 (2) job counseling and job placement;

6 (3) crisis intervention;

7 (4) peer counseling;

8 (5) life skills counseling;

9 (6) resource information and referrals to other State, federal, or private  
10 nonprofit programs which provide pre-vocational and vocational training,  
11 educational financial support, and other appropriate services; and

12 (7) any other service which helps displaced homemakers.

13 (b)(1) The Commissioner of Economic and Workforce Development,  
14 subject to the approval of the Joint Fiscal Committee, may accept federal  
15 grants or funds to assist the Department in providing displaced homemaker  
16 services and programs.

17 (2) Upon receipt of such funds, the Commissioner shall make those  
18 funds available to carry out the goals of the Federal Displaced Homemakers  
19 Self Sufficiency Assistance Act, Public Law 101-554, which may include  
20 providing funds to existing or new services and programs for displaced  
21 homemakers including those mentioned in subsection (c) of this section.

1 (c) The Commissioner of Economic and Workforce Development shall  
2 coordinate with existing services and other related State and federal  
3 organizations to ensure communication and cooperation among programs and  
4 to share efforts and resources for new services and programs for displaced  
5 homemakers, including the Secretary of Education, the Department for  
6 Children and Families, VISTA, the Vermont State Colleges, the University of  
7 Vermont, the Vermont Extension Service, and the Governor’s Commission on  
8 Women.

9 **Chapter 16A: Domestic and Sexual Violence Survivors’ Transitional**

10 **Employment Program** [??? DOL or DEWD?]

11 § 1252. DEFINITIONS

12 For the purposes of this chapter:

13 (1) “Commissioner” means the **Commissioner of Labor** or the  
14 Commissioner’s designee.

15 (2) “Department” means the **Department of Labor**.

16 (3) “Domestic and sexual violence” means domestic violence, sexual  
17 assault, or stalking as defined in 15 V.S.A. § 1151.

18 (4) “Weekly payment” means an amount determined in accordance with  
19 section 1338 of this title.

20 \* \* \*

21 Chapter 17. Unemployment Compensation



1 § 1301. DEFINITIONS

2 The following words and phrases, as used in this chapter, shall have the  
3 following meanings unless the context clearly requires otherwise:

4 \* \* \*

5 (2) “Commissioner” means the Commissioner of Labor ~~established by~~  
6 ~~this chapter, or his or her authorized representative~~ or the Commissioner’s  
7 designee.

8 \* \* \*

9 § 1301a. DEPARTMENT OF LABOR; COMPOSITION

10 ~~The Department of Labor, created by 3 V.S.A. § 212, shall consist of a~~  
11 ~~Commissioner of Labor, the Vermont Employment Security Board, the~~  
12 ~~Vermont Workforce Development Division, the Economic and Labor Market~~  
13 ~~Information Division, the Workforce Development Council, the~~  
14 ~~Unemployment Insurance and Wages Division, and the Workers’~~  
15 ~~Compensation and Safety.~~ The Chair of the Employment Security Board shall  
16 be the Commissioner of Labor ex officio. The Deputy Commissioner of Labor  
17 or a designee chosen by the Commissioner may serve as Chair in the absence  
18 of the Commissioner ~~as the Commissioner’s designee.~~ [This is potentially in  
19 conflict with the language governing the appointment of the Chair in § 1302,  
20 which is correct?]

21 § 1302. VERMONT EMPLOYMENT SECURITY BOARD,

1 COMPOSITION, DUTIES

2 (a) There is hereby created a board of three members to be known as the  
3 Vermont Employment Security Board. The members of the Board shall be  
4 appointed by the Governor, with the advice and consent of the Senate. The  
5 term of each member shall be six years. Biennially, in the month of February,  
6 with the advice and consent of the Senate, the Governor shall appoint a person  
7 as a member of ~~such~~ the Board for the term of six years, whose term of office  
8 shall commence March 1 of the year in which ~~such~~ the appointment is made.  
9 Any appointment to a vacancy shall be for the unexpired term. In case of a  
10 vacancy by resignation, the member resigning shall continue in office until his  
11 or her successor is appointed. No more than two members of the Board shall  
12 be members of the same political party. **Biennially, in the month of February,**  
13 **the Governor shall designate a member of such board to be its chair.** The  
14 Governor may at any time remove a member of such Board for gross  
15 inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in  
16 office. **[The language governing the appointment of the Chair is potentially in**  
17 **conflict with § 1301a, which is correct?]**

18 (b) The Board may hear and decide all matters appealed to it under this  
19 chapter. It shall determine its own methods of procedure. It may, with the  
20 approval of the Governor, adopt, amend, suspend, or rescind ~~such~~ rules ~~and~~  
21 ~~regulations~~ as it considers necessary and consistent with this chapter. The

1 rules ~~and regulations~~ of the Board shall have the force and effect of law after  
2 public hearing thereon of which reasonable notice has been given, and after  
3 filing with the Secretary of State, and publication in such manner as the Board  
4 shall prescribe. The Board may administer oaths, take depositions, certify to  
5 official acts, and subpoena witnesses and compel the production of books,  
6 papers, correspondence, memoranda, and other records necessary and material  
7 in the discharge of its duties imposed by this chapter.

8 \* \* \*

9 § 1305. DIVISIONS; COMPREHENSIVE EMPLOYMENT AND  
10 TRAINING OFFICE

11 There is ~~hereby established~~ within the Department of ~~Labor~~ Economic and  
12 Workforce Development, the Vermont Employment Service Division, ~~the~~  
13 ~~Unemployment Compensation Division~~, and the Comprehensive Employment  
14 and Training Office, and within the Department of Labor, the Division of  
15 Unemployment Insurance and Wages. Each division and office shall be  
16 responsible for the discharge of its distinctive function. Each division and  
17 office shall be, so far as is practicable, a separate administrative unit with  
18 respect to personnel, budget, and duties.

19 \* \* \*

20 § 1305a. COMPREHENSIVE EMPLOYMENT AND TRAINING OFFICE



1 special employment service account shall be maintained for that purpose as a  
2 part of said Fund. ~~For~~ Notwithstanding section 1362 of this title, for the  
3 purpose of establishing and maintaining free public employment offices, the  
4 Commissioner of Economic and Workforce Development is authorized to enter  
5 into agreements with the Railroad Retirement Board or any other agency of the  
6 United States charged with the administration of an unemployment  
7 compensation law, with any political subdivision of this State, or with any  
8 private, nonprofit organization, and as a part of any such agreement, the  
9 Commissioner of Economic and Workforce Development may accept monies,  
10 services, or quarters as a contribution to the employment service account.

11 \* \* \*

12 § 1457. ELIGIBILITY

13 (a) An individual is eligible to receive STC benefits with respect to any  
14 week only if, in addition to eligibility for monetary entitlement, the  
15 Commissioner finds that:

16 (1) the individual is employed during that week as a member of an  
17 affected unit under an approved short-time compensation plan which was in  
18 effect for that week;

19 (2) the individual is able to work and is available for the normal work  
20 week with the short-time employer;



1 (2) [Repealed.]

2 (3) "Division" means the Division for Historic Preservation.

3 (4) "Field investigations" means the study of the traces of human culture  
4 at any land or water site by means of surveying, digging, sampling, excavating,  
5 or removing surface or subsurface objects or going on a site with that intent.

6 (5) "Historic preservation" means the research, protection, restoration,  
7 and rehabilitation of buildings, structures, objects, districts, areas, and sites  
8 significant in the history, architecture, archaeology, or culture of this State, its  
9 communities, or the nation.

10 (6) "Historic property" or "resource" means any building, structure,  
11 object, district, area, or site that is significant in the history, architecture,  
12 archaeology, or culture of this State, its communities, or the nation.

13 (7) "Secretary" means the Secretary ~~of the Agency of Commerce and~~  
14 ~~Community Development~~ Economic Opportunity.

15 (8) "Site" means any aboriginal mound, fort, earthwork, village location,  
16 burial ground, historic or prehistoric ruin, mine, cave, or other location which  
17 is or may be source of important archaeological data.

18 (9) "Specimen" means a relic, artifact, remain, object, or any other  
19 evidence of a historical, prehistorical, archaeological, or anthropological  
20 nature, which may be found on or below the surface of the earth, and which

1 has scientific or historical value as an object of antiquity, as an aboriginal relic,  
2 or as an archaeological sample.

3 (10) "Underwater historic property" means any shipwreck, vessel, cargo,  
4 tackle, or underwater archaeological specimen, including and found at refuse  
5 sites or submerged sites of former habitation, that has remained unclaimed for  
6 more than 10 years on the bottoms of any waters.

7 Subchapter 3: Division for Historic Preservation

8 § 721. CREATION OF DIVISION

9 The Division for Historic Preservation, ~~is~~ created under 3 V.S.A. § 2473,  
10 shall have the authority and duty to coordinate historic preservation activities  
11 on behalf of the State as provided in this chapter.

12 \* \* \*

13 Sec. 50. 22 V.S.A. § 901 is amended to read:

14 § 901. DEPARTMENT OF INFORMATION AND INNOVATION

15 (a) The Department of Information and Innovation, created in 3 V.S.A. §  
16 2283b, shall have all the responsibilities assigned to it by law, including the  
17 following:

18 \* \* \*

19 (10) To support the statewide development of broadband  
20 telecommunications infrastructure and services, in a manner consistent with  
21 the telecommunications plan prepared pursuant to 30 V.S.A. § 202d and



1 community development objectives established by the Agency of ~~Commerce~~  
2 ~~and Community Development~~ Economic Opportunity, by:

3 \* \* \*

4 Sec. 51. 24 V.S.A. § 2781 is amended to read:

5 § 2781. DEFINITIONS

6 For the purposes of this chapter:

7 (1) "Regional development corporation" means a nonprofit corporation  
8 organized in this State whose principal purpose is to promote, organize, or  
9 accomplish economic development, including providing planning and resource  
10 development services to local communities, supporting existing industry,  
11 assisting the growth and development of new and existing small businesses,  
12 and attracting industry or commerce to a particular economic region of the  
13 State;

14 (2) "Regional planning commission" means a regional planning  
15 commission operating under subchapters 3 and 4 of chapter 117 of this title;

16 (3) "Secretary" means the Secretary of ~~the Agency of Commerce and~~  
17 ~~Community Development~~ Economic Opportunity.

18 Sec. 52. 24 V.S.A. § 2792 is amended to read:

19 § 2792. VERMONT DOWNTOWN DEVELOPMENT BOARD

1 (a) A "Vermont Downtown Development Board," also referred to as the  
2 "State Board," is created to administer the provisions of this chapter. The State  
3 Board shall be composed of the following members or their designees:

4 (1) The Secretary of ~~Commerce and Community Development~~ Economic  
5 Opportunity.

6 (2) The Secretary of Transportation.

7 (3) The Secretary of Natural Resources.

8 (4) The Commissioner of Public Safety.

9 (5) The State Historic Preservation Officer.

10 \* \* \*

11 Sec. 53. 24 V.S.A. § 2793c is amended to read:

12 § 2793C. DESIGNATION OF GROWTH CENTERS

13 \* \* \*

14 (i) Benefits from designation. A growth center designated by the State  
15 Board pursuant to this section is eligible for the following development  
16 incentives and benefits:

17 (1) Financial incentives.

18 (A) A municipality may use tax increment financing for infrastructure  
19 and improvements in its designated growth center pursuant to the provisions of  
20 Title 32 and this title. A designated growth center under this section shall be  
21 presumed to have met any locational criteria established in Vermont statutes

1 for tax increment financing. The State Board may consider project criteria  
2 established under those statutes and, as appropriate, may make  
3 recommendations as to whether any of those project criteria have been met.

4 (B) Vermont Economic Development Authority (VEDA) incentives  
5 shall be provided to designated growth centers.

6 (2) State assistance and funding for growth centers.

7 (A) It is the intention of the General Assembly to give the highest  
8 priority to facilitating development and growth in designated downtowns and  
9 village centers whenever feasible. The provisions in this section and elsewhere  
10 in law that provide and establish priorities for State assistance and funding for  
11 designated growth centers are not intended to take precedence over any other  
12 provisions of law that provide State assistance and funding for designated  
13 downtowns and village centers.

14 (B) On or before January 15, 2007, the Secretary of Administration,  
15 in consultation with the Secretaries of Natural Resources, of Transportation, of  
16 ~~Commerce and Community Development~~ Economic Opportunity, and of  
17 Agriculture, Food and Markets, shall report to the General Assembly on the  
18 priorities and preferences for State assistance and funding granted in law to  
19 downtown centers, village centers, and designated growth centers, and the  
20 manner in which such priorities are applied.

21 \* \* \*

1 Sec. 54. 24 V.S.A. § 4306 is amended to read:

2 § 4306. MUNICIPAL AND REGIONAL PLANNING FUND

3 (a)(1) A Municipal and Regional Planning Fund for the purpose of assisting  
4 municipal and regional planning commissions to carry out the intent of this  
5 chapter is hereby created in the State Treasury.

6 (2) The Fund shall be comprised of 17 percent of the revenue from the  
7 property transfer tax under 32 V.S.A. chapter 231 and any monies from time to  
8 time appropriated to the Fund by the General Assembly or received from any  
9 other source, private or public. All balances at the end of any fiscal year shall  
10 be carried forward and remain in the Fund. Interest earned by the Fund shall be  
11 deposited in the Fund.

12 (3) Of the revenues in the Fund, each year:

13 (A) 10 percent shall be disbursed to the Vermont Center for  
14 Geographic Information;

15 (B) 70 percent shall be disbursed to the Secretary of ~~Commerce and~~  
16 ~~Community Development~~ Economic Opportunity for performance ~~contracts~~  
17 grants with regional planning commissions to provide regional planning  
18 services pursuant to section 4341a of this title; and

19 (C) 20 percent shall be disbursed to municipalities.

20 (b)(1) Allocations for performance ~~contract~~ grant funding to regional  
21 planning commissions shall be determined according to a formula to be

1 adopted by rule under 3 V.S.A. chapter 25 by the Department for the assistance  
2 of the regional planning commissions. Disbursement of funding to regional  
3 planning commissions shall be predicated upon meeting performance goals and  
4 targets pursuant to the terms of the performance ~~contract~~ grant.

5 \* \* \*

6 Sec. 55. 24 V.S.A. § 4341 is amended to read:

7 § 4341. CREATION OF REGIONAL PLANNING COMMISSIONS

8 (a) A regional planning commission may be created at any time by the act  
9 of the voters or the legislative body of each of a number of contiguous  
10 municipalities, upon the written approval of the Agency of ~~Commerce and~~  
11 ~~Community Development~~ Economic Opportunity. Approval of a designated  
12 region shall be based on whether the municipalities involved constitute a  
13 logical geographic and a coherent socioeconomic planning area. All  
14 municipalities within a designated region shall be considered members of the  
15 regional planning commission. For the purpose of a regional planning  
16 commission's carrying out its duties and functions under State law, such a  
17 designated region shall be considered a political subdivision of the State.

18 (b) Two or more existing regional planning commissions may be merged to  
19 form a single commission by act of the legislative bodies in a majority of the  
20 municipalities in each of the merging regions.

1 (c) A municipality may move from one regional planning commission to  
2 another regional planning commission on terms and conditions approved by  
3 the Secretary of ~~Commerce and Community Development~~ Economic  
4 Opportunity.

5 Sec. 56. 24 V.S.A. § 4341a is amended to read:

6 § 4341A. PERFORMANCE GRANTS FOR REGIONAL PLANNING  
7 SERVICE

8 (a) The Secretary of ~~Commerce and Community Development~~ Economic  
9 Opportunity shall negotiate and issue performance grants to regional planning  
10 commissions, or to regional planning commissions and regional development  
11 corporations in the case of a joint grant, to provide regional planning services.

12 (b) A performance grant shall address how the regional planning  
13 commission, or regional planning commission and regional development  
14 corporation jointly, will improve results and achieve savings compared with  
15 the current regional service delivery system, which may include:

16 \* \* \*

17 Sec. 57. 24 V.S.A. § 4348 is amended to read:

18 § 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

19 \* \* \*

20 (c) At least 30 days prior to the first hearing, a copy of the proposed plan or  
21 amendment, with a request for general comments and for specific comments

1 with respect to the extent to which the plan or amendment is consistent with  
2 the goals established in section 4302 of this title, shall be delivered with proof  
3 of receipt, or sent by certified mail, return receipt requested, to each of the  
4 following:

5 (1) the chair of the legislative body of each municipality within the  
6 region;

7 (2) the executive director of each abutting regional planning  
8 commission;

9 (3) the Department of Housing and Community Development within the  
10 Agency of ~~Commerce and Community Development~~ Economic Opportunity;

11 (4) business, conservation, low-income advocacy, and other community  
12 or interest groups or organizations that have requested notice in writing prior to  
13 the date the hearing is warned; and

14 (5) the Agency of Natural Resources and the Agency of Agriculture,  
15 Food and Markets.

16 \* \* \*

17 Sec. 58. 24 V.S.A. § 4348b is amended to read:

18 § 4348B. READOPTON OF REGIONAL PLANS

19 (a) Unless they are readopted, all regional plans, including all prior  
20 amendments, shall expire every eight years.

1 (b)(1) A regional plan that has expired or is about to expire may be  
2 readopted as provided under section 4348 of this title for the adoption of a  
3 regional plan or amendment. Prior to any readoption, the regional planning  
4 commission shall prepare an assessment report which shall be submitted to the  
5 Agency of ~~Commerce and Community Development~~ Economic Opportunity  
6 and the municipalities within the region. The assessment report may include:

7 \* \* \*

8 Sec. 59. 24 V.S.A. § 4352 is amended to read:

9 § 4352. OPTIONAL DETERMINATION OF ENERGY COMPLIANCE;

10 ENHANCED ENERGY PLANNING

11 \* \* \*

12 (d) State energy plans; recommendations; standards.

13 \* \* \*

14 (4) In developing standards and recommendations under this subsection,  
15 the Commissioner of Public Service shall consult with all persons identified  
16 under 30 V.S.A. § 202(d)(1); the Secretaries of Agriculture, Food and Markets,  
17 of ~~Commerce and Community Development~~ Economic Opportunity, of  
18 Natural Resources, and of Transportation; and other affected persons.

19 \* \* \*

20 (i) Commissioner; consultation. In the discharge of the duties assigned  
21 under this section, the Commissioner shall consult with and solicit the



1 recommendations of the Secretaries of Agriculture, Food and Markets, of  
2 ~~Commerce and Community Development~~ Economic Opportunity, of Natural  
3 Resources, and of Transportation.

4 Sec. 60. 24 V.S.A. § 4362 is amended to read:

5 § 4362. APPROPRIATIONS

6 (a) For the purposes outlined in section 4361 of this title, regional planning  
7 commissions may receive and expend monies from any source, including,  
8 without limitation, the participating municipalities and the ~~agency of~~  
9 ~~commerce and community development~~ Agency of Economic Opportunity, out  
10 of funds appropriated to that office for this purpose. Municipalities may  
11 appropriate to and expend funds for regional planning commissions for this  
12 purpose. Direct financial assistance from the ~~state~~ State to regional planning  
13 commissions for the purposes outlined in section 4361 of this title is restricted  
14 to fifty percent of the annual operating expenses of the commission.

15 (b) Regional planning commissions requesting ~~state~~ State aid from the  
16 ~~agency of commerce and community development~~ Agency of Economic  
17 Opportunity shall submit annual reports to the agency of their activities and  
18 shall comply with such rules, regulations and standards as the ~~agency~~ Agency  
19 shall prescribe to determine eligibility for state financial assistance, and,  
20 further, shall submit to the ~~agency~~ Agency, or must be in the process of  
21 preparing, a program for the economic development of the region which is

1 consistent with the regional plan for the region which has been adopted, or  
2 which is in the process of preparation.

3 Sec. 61. 24 V.S.A. § 4384 is amended to read:

4 § 4384. PREPARATION OF PLAN; HEARINGS BY PLANNING  
5 COMMISSION

6 \* \* \*

7 (e) At least 30 days prior to the first hearing, a copy of the proposed plan or  
8 amendment and the written report shall be delivered with proof of receipt, or  
9 mailed by certified mail, return receipt requested, to each of the following:

10 \* \* \*

11 (3) ~~the department of housing and community affairs within the agency~~  
12 ~~of commerce and community development~~ Department of Housing and  
13 Community Development; and

14 \* \* \*

15 Sec. 62. 24 V.S.A. § 4385 is amended to read:

16 § 4385. ADOPTION AND AMENDMENT OF PLANS; HEARING BY  
17 LEGISLATIVE BODY

18 \* \* \*

19 (c) A plan of a municipality or an amendment thereof shall be adopted by a  
20 majority of the members of its legislative body at a meeting which is held after  
21 the final public hearing. If, however, at a regular or special meeting of the

1 voters duly warned and held as provided in 17 V.S.A. chapter 55, a  
2 municipality elects to adopt or amend municipal plans by Australian ballot,  
3 that procedure shall then apply unless rescinded by the voters at a regular or  
4 special meeting similarly warned and held. If the proposed plan or amendment  
5 is not adopted so as to take effect within one year of the date of the final  
6 hearing of the planning commission, it shall be considered rejected by the  
7 municipality. Plans and amendments shall be effective upon adoption, and  
8 shall be provided to the regional planning commission and to the ~~commissioner~~  
9 ~~of housing and community affairs~~ Commissioner of Housing and Community  
10 Development within 30 days of adoption. If a municipality wishes its plan or  
11 plan amendment to be eligible for approval under the provisions of section  
12 4350 of this title, it shall request approval. The request for approval may be  
13 before or after adoption of the plan by the municipality, at the option of the  
14 municipality.

15 \* \* \*

16 Sec. 63. 24 V.S.A. § 4414 is amended to read:

17 § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

18 Any of the following types of regulations may be adopted by a municipality  
19 in its bylaws in conformance with the plan and for the purposes established in  
20 section 4302 of this title.

1           (1) Zoning districts. A municipality may define different and separate  
2 zoning districts, and identify within these districts which land uses are  
3 permitted as of right, and which are conditional uses requiring review and  
4 approval, including the districts set forth in this subdivision (1).

5           (A) Downtown, village center, new town center, and growth center  
6 districts. The definition or purpose stated for local downtown, village center,  
7 new town center, or growth center zoning districts should conform with the  
8 applicable definitions in section 2791 of this title. Municipalities may adopt  
9 downtown, village center, new town center, or growth center districts without  
10 seeking State designation under chapter 76A of this title. A municipality may  
11 adopt a manual of graphic or written design guidelines to assist applicants in  
12 the preparation of development applications. The following objectives should  
13 guide the establishment of boundaries, requirements, and review standards for  
14 these districts:

15           (i) To create a compact settlement oriented toward pedestrian  
16 activity and including an identifiable neighborhood center, with consistently  
17 higher densities than those found in surrounding districts.

18           (ii) To provide for a variety of housing types, jobs, shopping,  
19 services, and public facilities with residences, shops, workplaces, and public  
20 buildings interwoven within the district, all within close proximity.

1 (iii) To create a pattern of interconnecting streets and blocks,  
2 consistent with historic settlement patterns, that encourages multiple routes  
3 from origins to destinations.

4 (iv) To provide for a coordinated transportation system with a  
5 hierarchy of appropriately designed facilities for pedestrians, bicycles, public  
6 transit, and automotive vehicles.

7 (v) To provide for natural features and undisturbed areas that are  
8 incorporated into the open space of the neighborhood as well as historically  
9 compatible squares, greens, landscaped streets, and parks woven into the  
10 pattern of the neighborhood.

11 (vi) To provide for public buildings, open spaces, and other visual  
12 features that act as landmarks, symbols, and focal points for community  
13 identity.

14 (vii) To ensure compatibility of buildings and other improvements  
15 as determined by their arrangement, building bulk, form, design, character, and  
16 landscaping to establish a livable, harmonious, and diverse environment.

17 (viii) To provide for public and private buildings that form a  
18 consistent, distinct edge, are oriented toward streets, and define the border  
19 between the public street space and the private block interior.

20 (B) Agricultural, rural residential, forest, and recreational districts.

21 Where, for the purposes set forth in section 4302 of this title, it is deemed

1 necessary to safeguard certain areas from urban or suburban development and  
2 to encourage that development in other areas of the municipality or region, the  
3 following districts may be created:

4 (i) Agricultural or rural residential districts, permitting all types of  
5 agricultural uses and prohibiting all other land development except low density  
6 residential development.

7 (ii) Forest districts, permitting commercial forestry and related  
8 uses and prohibiting all other land development.

9 (iii) Recreational districts, permitting camps, ski areas, and related  
10 recreational facilities, including lodging for transients and seasonal residents,  
11 and prohibiting all other land development except construction of residences  
12 for occupancy by caretakers and their families.

13 (C) Airport hazard area. In accordance with 5 V.S.A. chapter 17, any  
14 municipality may adopt special bylaws governing the use of land, location, and  
15 size of buildings and density of population within a distance of two miles from  
16 the boundaries of an airport under an approach zone and for a distance of one  
17 mile from the boundaries of the airport elsewhere. The designation of that area  
18 and the bylaws applying within that area shall be in accord with applicable  
19 airport zoning guidelines, if any, adopted by the Vermont Transportation  
20 Board.

21 (D) Shorelands.

1                   (i) A municipality may adopt bylaws to regulate shorelands as  
2 defined in 10 V.S.A. § 1422 to prevent and control water pollution; preserve  
3 and protect wetlands and other terrestrial and aquatic wildlife habitat; conserve  
4 the scenic beauty of shorelands; minimize shoreline erosion; reserve public  
5 access to public waters; and achieve other municipal, regional, or State  
6 shoreland conservation and development objectives.

7                   (ii) Shoreland bylaws may regulate the design and maintenance of  
8 sanitary facilities; regulate filling of and other adverse alterations to wetlands  
9 and other wildlife habitat areas; control building location; require the provision  
10 and maintenance of vegetation; require provisions for access to public waters  
11 for all residents and owners of the development; and impose other  
12 requirements authorized by this chapter.

13                   (E) Design review districts. Bylaws may contain provisions for the  
14 establishment of design review districts. Prior to the establishment of such a  
15 district, the planning commission shall prepare a report describing the  
16 particular planning and design problems of the proposed district and setting  
17 forth a design plan for the areas which shall include recommended planning  
18 and design criteria to guide future development. The planning commission  
19 shall hold a public hearing, after public notice, on that report. After this  
20 hearing, the planning commission may recommend to the legislative body a  
21 design review district as a bylaw amendment. A design review district may be

1 created for any area containing structures of historical, architectural, or cultural  
2 merit, and other areas in which there is a concentration of community interest  
3 and participation such as a central business district, civic center, or a similar  
4 grouping or focus of activities. These areas may include townscape areas that  
5 resemble in important aspects the earliest permanent settlements, including a  
6 concentrated urban settlement with striking vistas, views extending across  
7 open fields and up to the forest edge, a central focal point and town green, and  
8 buildings of high architectural quality, including styles of the early 19th  
9 century. Within such a designated design review district, no structure may be  
10 erected, reconstructed, substantially altered, restored, moved, demolished, or  
11 changed in use or type of occupancy without approval of the plans by the  
12 appropriate municipal panel. A design review board may be appointed by the  
13 legislative body of the municipality, in accordance with section 4433 of this  
14 title, to advise any appropriate municipal panel.

15 (F) Local historic districts and landmarks.

16 (i) Bylaws may contain provisions for the establishment of historic  
17 districts and the designation of historic landmarks. Historic districts shall  
18 include structures and areas of historic or architectural significance and may  
19 include distinctive design or landscape characteristics, areas, and structures  
20 with a particular relationship to the historic and cultural values of the  
21 surrounding area, and structures whose exterior architectural features bear a



1 significant relationship to the remainder of the structures or to the surrounding  
2 area. Bylaws may reference National and State Registers of Historic Places,  
3 properties, and districts. A report prepared under section 4441 of this title with  
4 respect to the establishment of a local historic district or designation of an  
5 historic landmark shall contain a map that clearly delineates the boundaries of  
6 the local historic district or landmark, justification for the boundary, a  
7 description of the elements of the resources that are integral to its historical,  
8 architectural, and cultural significance, and a statement of the significance of  
9 the local historic district or landmark.

10 (ii) With respect to external appearances and other than normal  
11 maintenance, no structure within a designated historic district may be  
12 rehabilitated, substantially altered, restored, moved, demolished, or changed,  
13 and no new structure within an historic district may be erected without  
14 approval of the plans therefor by the appropriate municipal panel. The panel  
15 shall consider the following in its review of plans submitted:

16 (I) The historic or architectural significance of the structure, its  
17 distinctive characteristics, and its relationship to the historic significance of the  
18 surrounding area.

19 (II) The relationship of the proposed changes in the exterior  
20 architectural features of the structure to the remainder of the structure and to  
21 the surrounding area.

1 (III) The general compatibility of the proposed exterior design,  
2 arrangement, texture, and materials proposed to be used.

3 (IV) Any other factors, including the environmental setting and  
4 aesthetic factors that the panel deems to be pertinent.

5 (iii) When an appropriate municipal panel is reviewing an  
6 application relating to an historic district, the panel:

7 (I) Shall be strict in its judgment of plans for those structures  
8 deemed to be valuable under subdivision (1)(F)(i) of this section, but is not  
9 required to limit new construction, alteration, or repairs to the architectural  
10 style of any one period, but may encourage compatible new design.

11 (II) If an application is submitted for the alteration of the  
12 exterior appearance of a structure or for the moving or demolition of a  
13 structure deemed to be significant under subdivision (1)(F)(i) of this section,  
14 shall meet with the owner of the structure to devise an economically feasible  
15 plan for the preservation of the structure.

16 (III) Shall approve an application only when the panel is  
17 satisfied that the proposed plan will not materially impair the historic or  
18 architectural significance of the structure or surrounding area.

19 (IV) In the case of a structure deemed to be significant under  
20 subdivision (1)(F)(i) of this section, may approve the proposed alteration

1 despite subdivision (1)(F)(ii)(III) of this section if the panel finds either or both  
2 of the following:

3 (aa) The structure is a deterrent to a major improvement program th will  
4 be of clear and substantial benefit to the municipality.

5 (bb) Retention of the structure would cause undue financial hardshi the  
6 owner.

7 (iv) This subdivision (1)(F), and bylaws issued pursuant to it, shall  
8 apply to designation of individual landmarks as well as to designation of local  
9 historic districts. A landmark is any individual building, structure, or site that  
10 by itself has a special historic, architectural, or cultural value.

11 (v) The provisions of this subdivision (1)(F) shall not in any way  
12 apply to or affect buildings, structures, or land within the "Capitol complex,"  
13 as defined in 29 V.S.A. chapter 6.

14 (G) River corridors and buffers. In accordance with section 4424 of  
15 this title, a municipality may adopt bylaws to protect river corridors and  
16 buffers, as those terms are defined in 10 V.S.A. §§ 1422 and 1427, in order to  
17 protect public safety; prevent and control water pollution; prevent and control  
18 stormwater runoff; preserve and protect wetlands and waterways; maintain and  
19 protect natural channel, streambank, and floodplain stability; minimize fluvial  
20 erosion and damage to property and transportation infrastructure; preserve and  
21 protect the habitat of terrestrial and aquatic wildlife; promote open space and

1 aesthetics; and achieve other municipal, regional, or State conservation and  
2 development objectives for river corridors and buffers. River corridor and  
3 buffer bylaws may regulate the design and location of development; control the  
4 location of buildings; require the provision and maintenance or reestablishment  
5 of vegetation, including no net loss of vegetation; require screening of  
6 development or use from waters; reserve existing public access to public  
7 waters; and impose other requirements authorized by this chapter.

8 (2) Overlay districts. Special districts may be created to supplement or  
9 modify the zoning requirements otherwise applicable in underlying districts in  
10 order to provide supplementary provisions for areas such as shorelands and  
11 floodplains, aquifer and source protection areas, ridgelines and scenic features,  
12 highway intersection, bypass, and interchange areas, or other features  
13 described in section 4411 of this title.

14 (3) Conditional uses.

15 (A) In any district, certain uses may be allowed only by approval of  
16 the appropriate municipal panel, if general and specific standards to which  
17 each allowed use must conform are prescribed in the appropriate bylaws and if  
18 the appropriate municipal panel, under the procedures in subchapter 10 of this  
19 chapter, determines that the proposed use will conform to those standards.  
20 These general standards shall require that the proposed conditional use shall  
21 not result in an undue adverse effect on any of the following:

1 (i) The capacity of existing or planned community facilities.

2 (ii) The character of the area affected, as defined by the purpose or  
3 purposes of the zoning district within which the project is located, and  
4 specifically stated policies and standards of the municipal plan.

5 (iii) Traffic on roads and highways in the vicinity.

6 (iv) Bylaws and ordinances then in effect.

7 (v) Utilization of renewable energy resources.

8 (B) The general standards set forth in subdivision (3)(A) of this  
9 section may be supplemented by more specific criteria, including requirements  
10 with respect to any of the following:

11 (i) Minimum lot size.

12 (ii) Distance from adjacent or nearby uses.

13 (iii) Performance standards, as under subdivision (5) of this  
14 section.

15 (iv) Criteria adopted relating to site plan review pursuant to section  
16 4416 of this title.

17 (v) Any other standards and factors that the bylaws may include.

18 (C) One or more of the review criteria found in 10 V.S.A. § 6086 may  
19 be adopted as standards for use in conditional use review.

20 (4) Parking and loading facilities. A municipality may adopt provisions  
21 setting forth standards for permitted and required facilities for off-street

1 parking and loading which may vary by district and by uses within each  
2 district. These bylaws may also include provisions covering the location, size,  
3 design, access, landscaping, and screening of those facilities. In determining  
4 the number and size of parking spaces required under these regulations, the  
5 appropriate municipal panel may take into account the existence or availability  
6 of employer "transit pass" and rideshare programs, public transit routes, and  
7 public parking spaces in the vicinity of the development.

8 (5) Performance standards. As an alternative or supplement to the listing  
9 of specific uses permitted in districts, including those in manufacturing or  
10 industrial districts, bylaws may specify acceptable standards or levels of  
11 performance that will be required in connection with any use. These bylaws  
12 shall specifically describe the levels of operation that are acceptable and not  
13 likely to affect adversely the use of the surrounding area by the emission of  
14 such dangerous or objectionable elements as noise, vibration, smoke, dust,  
15 odor, or other form of air pollution, heat, cold, dampness, electromagnetic, or  
16 other disturbance, glare, liquid, or solid refuse or wastes; or create any  
17 dangerous, injurious, noxious, fire, explosive, or other hazard. The land  
18 planning policies and development bylaws manual prepared pursuant to section  
19 4304 of this title shall contain recommended forms of alternative performance  
20 standards, and the assistance of the Agency of ~~Commerce and Community~~

1 ~~Development~~ Economic Opportunity shall be available to any municipality that  
2 requests aid in the application or enforcement of these bylaws.

3 \* \* \*

4 Sec. 64. 24 V.S.A. § 4415 is amended to read:

5 § 4415. INTERIM BYLAWS

6 \* \* \*

7 (g) A copy of the adopted, amended, reenacted, or extended interim bylaw  
8 shall be sent to adjoining towns, to the regional planning commission of the  
9 region in which the municipality is located, and to the ~~agency of commerce~~  
10 ~~and community development~~ Agency of Economic Opportunity.

11 Sec. 65. 24 V.S.A. § 4441 is amended to read:

12 § 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS;  
13 AMENDMENT OR REPEAL

14 \* \* \*

15 (c) When considering an amendment to a bylaw, the planning commission  
16 shall prepare and approve a written report on the proposal. A single report may  
17 be prepared so as to satisfy the requirements of this subsection concerning  
18 bylaw amendments and subsection 4384(c) of this title concerning plan  
19 amendments. The ~~department of housing and community affairs~~ Department of  
20 Housing and Community Development shall provide all municipalities with a  
21 form for this report. The report shall provide a brief explanation of the

1 proposed bylaw, amendment, or repeal and shall include a statement of  
2 purpose as required for notice under section 4444 of this title, and shall include  
3 findings regarding how the proposal:

4 (1) Conforms with or furthers the goals and policies contained in the  
5 municipal plan, including the effect of the proposal on the availability of safe  
6 and affordable housing.

7 (2) Is compatible with the proposed future land uses and densities of the  
8 municipal plan.

9 (3) Carries out, as applicable, any specific proposals for any planned  
10 community facilities.

11 (d) The planning commission shall hold at least one public hearing within  
12 the municipality after public notice on any proposed bylaw, amendment, or  
13 repeal.

14 (e) At least 15 days prior to the first hearing, a copy of the proposed bylaw,  
15 amendment, or repeal and the written report shall be delivered with proof of  
16 receipt, or mailed by certified mail, return receipt requested, to each of the  
17 following:

18 (1) The chairperson of the planning commission of each abutting  
19 municipality, or in the absence of any planning commission in a municipality,  
20 the clerk of that abutting municipality.





1 subdivision (2) of this subsection, and the ~~agency of commerce and community~~  
2 ~~development of this state~~ Agency of Economic Opportunity.

3 \* \* \*

4 Sec. 68. 24 V.S.A. § 4476 is amended to read:

5 § 4476. FORMAL REVIEW OF REGIONAL PLANNING COMMISSION  
6 DECISIONS

7 \* \* \*

8 (b) Standing. The following have standing to request formal review or  
9 become parties to formal review conducted under this section:

10 \* \* \*

11 (3) any agency, department or other governmental subdivision of the  
12 state owning property or an interest therein within a municipality listed in  
13 subdivision (2) of this subsection, and the ~~agency of commerce and community~~  
14 ~~development~~ Agency of Economic Opportunity;

15 \* \* \*

16 (c) Procedure; regional review panel. Notice of formal review shall be sent  
17 by mail to the municipalities within the region, to the regional planning  
18 commission, and to the ~~agency of commerce and community development~~  
19 Agency of Economic Opportunity and shall be accompanied by a statement of  
20 all reasons why the appellant believes the plan or opinion to be in error and all  
21 issues which the appellant believes to be relevant. Within 30 days of receipt of

1 the notice of formal review, the date for a hearing shall be set and the council  
2 shall publish notice of the hearing in a newspaper of general circulation in the  
3 applicable region, and shall provide notice in writing of the hearing to  
4 individuals and organizations that had requested notice from the regional  
5 planning commission under section 4348 relating to the adoption of a regional  
6 plan. The appellant shall pay the costs of publication. The hearing shall be held  
7 within 45 days of receipt of the notice of formal review. Upon motion, for  
8 good cause shown, the panel may extend the date of the hearing. Within 20  
9 days of adjournment of the hearing, the regional review panel shall issue a  
10 decision approving, conditionally approving or disapproving the regional plan  
11 or amendment or the opinion with respect to confirmation of the municipal  
12 planning effort or approval of the municipal plan. The regional review panel  
13 shall be governed by the provisions for contested cases in chapter 25 of Title 3.

14 \* \* \*

15 Sec. 69. 24 V.S.A. § 4498 is amended to read:

16 § 4498. HOUSING BUDGET AND INVESTMENT REPORTS

17 The Commissioner of Housing and Community Development shall:

18 (1) Create a Vermont housing budget designed to assure efficient  
19 expenditure of State funds appropriated for housing development, to encourage  
20 and enhance cooperation among housing organizations, to eliminate overlap  
21 and redundancy in housing development efforts, and to ensure appropriate

1 geographic distribution of housing funds. The Vermont housing budget shall  
2 include any State funds of \$50,000.00 or more awarded or appropriated for  
3 housing. The Vermont housing budget and appropriation recommendations  
4 shall be submitted to the General Assembly annually on or before January 15.  
5 The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not  
6 apply to the recommendations to be made under this subdivision, and the  
7 report shall include the amounts and purposes of funds appropriated for or  
8 awarded to the following:

9 (A) The Vermont Housing and Conservation Trust Fund.

10 (B) The Agency of Human Services.

11 (C) The Agency of ~~Commerce and Community Development~~

12 Economic Opportunity.

13 (D) Any other entity that fits the funding criteria.

14 \* \* \*

15 Sec. 70. 24 V.S.A. § 5084 is amended to read:

16 § 5084. PUBLIC TRANSIT ADVISORY COUNCIL

17 (a) A Public Transit Advisory Council shall be created by the Secretary of  
18 Transportation under 19 V.S.A. § 7(f)(5), to consist of the following members:

19 (1) the Secretary of Transportation or designee;

20 (2) three representatives of the Vermont Public Transportation

21 Association;

- 1 (3) a representative of the Chittenden County Transportation Authority;
- 2 (4) the Secretary of Human Services or designee;
- 3 (5) the Commissioner of Labor or designee;
- 4 (6) the Secretary of ~~Commerce and Community Development~~ Economic
- 5 Opportunity or designee;
- 6 (7) a representative of the Vermont Center for Independent Living;
- 7 (8) a representative of the Community of Vermont Elders;
- 8 (9) a representative of private bus operators and taxi services;
- 9 (10) a representative of Vermont intercity bus operators;
- 10 (11) a representative of the Vermont Association of Planning and
- 11 Development Agencies;
- 12 (12) a representative of the Vermont League of Cities and Towns;
- 13 (13) a citizen appointed by the Governor;
- 14 (14) a member of the Senate, appointed by the Committee on
- 15 Committees; and
- 16 (15) a member of the House of Representatives, appointed by the
- 17 Speaker.

18 \* \* \*

19 Sec. 71. 24 V.S.A. § 5602 is amended to read:

20 § 5602. HISTORIC PRESERVATION GRANT PROGRAM

1        There is established an Historic Preservation Grant Program which shall be  
2        administered by the Division for Historic Preservation in the Agency of  
3        ~~Commerce and Community Development~~ Economic Opportunity. Grants shall  
4        be made available to municipalities and nonprofit tax-exempt organizations for  
5        restoring buildings and structures.

6        Sec. 72. 24 V.S.A. § 5603 is amended to read:

7        § 5603. HISTORIC BARNS PRESERVATION GRANT PROGRAM

8        There is established an Historic Barns Preservation Grant Program which  
9        shall be administered by the Division for Historic Preservation in the Agency  
10       of ~~Commerce and Community Development~~ Economic Opportunity. Grants  
11       shall be made available to barn owners for restoring historic barns.

12       Sec. 73. 24 V.S.A. § 5607 is amended to read:

13       § 5607. REGIONAL ECONOMIC DEVELOPMENT GRANT PROGRAM

14       (a) Creation of Program. There is created a Regional Economic  
15       Development Grant Program to provide competitive grants for capital costs  
16       associated with the major maintenance, renovation, or planning related to the  
17       development of facilities reasonably expected to create job opportunities in  
18       Vermont communities. The Program is authorized to award matching grants of  
19       up to \$25,000.00 per project. The required match shall be met through dollars  
20       raised and not through in-kind services. State investments made under this  
21       Program shall be consistent with the goals found in section 4302 of this title

1 and local and regional plans adopted pursuant to this title and shall be  
2 coordinated with the efforts described in chapter 76A of this title.

3 (b) Creation of Committee. There is established a Regional Economic  
4 Development Grant Advisory Committee to administer and coordinate the  
5 Regional Economic Development Grant Program. The Committee shall  
6 include the ~~Commissioner of Economic, Housing and Community Affairs~~  
7 Commissioner of Housing and Community Development or designee; the  
8 Commissioner of Buildings and General Services or designee; and two  
9 members of the Vermont General Assembly, one appointed by the Speaker of  
10 the House of Representatives and one appointed by the Senate Committee on  
11 Committees. The members of the Committee shall select a chair.

12 Sec. 74. 26 V.S.A. § 881 is amended to read:

13 § 881. DEFINITIONS

14 As used in this chapter, unless the context clearly requires otherwise:

15 (1) "Board" means the electricians' licensing board created under this  
16 chapter.

17 (2) "Commissioner" means the Commissioner of Public Safety.

18 (3) "Complex structure" shall have the same meaning as the term "public  
19 building" as defined in 20 V.S.A. § 2900(8).

20 (4) "Electrical inspector" means a state electrical inspector employed  
21 pursuant to section 915 of this title.

1           (5) "Electrical installation" means wires, fixtures or apparatus installed in  
2 a complex structure or at the construction site of such structure for the  
3 transmission and use of commercially supplied or privately generated electrical  
4 energy.

5           (6) "Electrician's helper" means a person assisting in the construction,  
6 installation or repair of an electrical installation under the direct supervision of  
7 a master or journeyman electrician who is present at the work site.

8           (7) "Legislative body" means the board of selectmen of a town, the board  
9 of aldermen or city council of a city, or the board of trustees of an incorporated  
10 village.

11           (8) "Municipal inspector" means an electrical inspector authorized to  
12 conduct municipal inspections pursuant to section 898 of this title.

13           (9) "Registered apprentice" means an apprentice registered with the  
14 apprenticeship division of the ~~state department of labor~~ Department of  
15 Economic and Workforce Development for electrical training.

16           (10) "Work notice" means the notice required to be filed under this  
17 chapter by an electrician prior to commencement of electrical work.

18 Sec. 75. 26 V.S.A. § 2192a is amended to read:

19 § 2192A. LIMITED LICENSURE; SPECIALISTS

20           (a) Any person who completes an application for a specialist's license and  
21 documents successful completion of instruction, training, and experience in or



1 out of the state acceptable to the board and pays an examination fee to be  
2 determined by the board based on the costs associated with administering the  
3 examination, shall be entitled to an examination. Upon successful completion  
4 of the examination and payment of a license fee, the applicant shall receive a  
5 specialist license in the form of a wallet-sized card. The license shall be carried  
6 by the licensee at all times while performing the licensee's specialty and shall  
7 be displayed upon request. Upon request by the license holder, a specialist  
8 license suitable for framing shall be available for a fee. A specialist license  
9 shall indicate each specialty for which the licensee has been approved. A  
10 specialist license does not take the place of any other license required by law.

11 (b) Specialty fields include the following:

12 (1) Water Heater Specialist: Installation, replacement, and repair of any  
13 residential, industrial, or commercial domestic hot water supply tanks.

14 (2) Heating System Specialist: Installation, replacement, and repair of  
15 residential, industrial, or commercial hydronic space heating systems,  
16 including radiant, solar and other types of hydronic system design. Any work  
17 on steam systems shall be limited to steam systems with operating pressure not  
18 to exceed 15 PSIG.

19 (3) Water Treatment Specialist: Installation, replacement, and repair of  
20 residential, industrial, or commercial potable water treatment and filtration  
21 equipment.

1 (c) A person duly licensed as a specialist under this section may perform  
2 specialty work, either as an employee or as an independent contractor only in  
3 connection with the specialty field designated on the person's license. A  
4 specialty business may hire or employ only people licensed in the specialty of  
5 the business.

6 (d) A specialist may perform a supply connection to an existing water  
7 supply for test and related system operation, but at no time shall any specialist  
8 perform any plumbing or heating work that is not specified or permitted under  
9 the specialist's license.

10 (e) Specialty classes shall be provided by the ~~department of labor~~  
11 Department of Economic and Workforce Development or others.

12 (f) The commissioner shall adopt rules regarding work notices, inspection  
13 procedures, and priorities for each specialty.

14 Sec. 76. 27 V.S.A. § 610 is amended to read:

15 § 610. HOUSING SUBSIDY COVENANTS; ENFORCEABILITY

16 (a) Definition. As used in this section, "housing subsidy covenant" means a  
17 covenant the purpose of which is to encourage the development and continued  
18 availability of affordable rental and owner-occupied housing for low and  
19 moderate income persons. A housing subsidy covenant may be created during  
20 ownership or at the time of conveyance by the owner of real property as a  
21 condition of:

1 (1) an allocation of "low income housing tax credits" pursuant to  
2 regulations of the ~~agency of commerce and community development~~ Agency  
3 of Economic Opportunity;

4 \* \* \*

5 Sec. 77. 27 V.S.A. § 1351 is amended to read:

6 § 1351. DEFINITIONS

7 As used in this subchapter:

8 (1) "Association" means all of the site owners acting as a group in  
9 accordance with the bylaws and declaration.

10 (2) "Convert," "conversion," or "converted" means a change in character  
11 of a mobile home park from a rental to a common interest ownership basis. A  
12 condominium or similar arrangement shall be deemed to be such a change in  
13 character of ownership. However, "conversion" does not include the creation  
14 of a cooperative housing corporation, pursuant to 11 V.S.A. chapter 14.

15 (3) "Dealer" means a person in the business of selling sites for his or her  
16 own account.

17 (4) "Declarant" means any person who offers for transfer the ownership  
18 interest in a mobile home park to a condominium or similar arrangement.

19 (5) "Commissioner" means the ~~commissioner of the department of~~  
20 ~~housing and community affairs~~ Commissioner of Housing and Community  
21 Development.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

\* \* \*

Sec. 78. 27 V.S.A. § 1353 is amended to read:

§ 1353. NOTICE OF INTENT TO CONVERT A MOBILE HOME PARK

(a) A declarant shall give notice of intent to convert a mobile home park at least six months prior to giving formal notice of conversion.

(b) The declarant shall provide notice of intent to convert a mobile home park to all leaseholders and the ~~commissioner of the department of housing and community affairs~~ Commissioner of Housing and Community Development by certified mail.

\* \* \*

Sec. 79. 27 V.S.A. § 1354 is amended to read:

§ 1354. ELECTION PERIOD

(a) The declarant shall provide leaseholders an election period of at least six months from the date that notice of intent to convert a mobile home park is given, to allow leaseholders to consider their options to either purchase their site or to vote against conversion.

(b) During the election period, the declarant, representatives of the leaseholders, members of the ~~department of housing and community affairs~~ Department of Housing and Community Development and advocates of the leaseholders shall have access to the mobile home park and the leaseholders to

1 facilitate meetings and informational sessions so that the leaseholders may  
2 evaluate their options prior to voting on the proposed conversion.

3 \* \* \*

4 Sec. 80. 27 V.S.A. § 1355 is amended to read:

5 § 1355. NOTICE OF CONVERSION

6 (a) A declarant shall give notice of an intended conversion by delivering the  
7 notice by certified mail to all leaseholders and the commissioner of the  
8 ~~department of housing and community affairs~~ Department of Housing and  
9 Community Development, and by delivering the notice to all mobile homes  
10 located in sites in the mobile home park. For purposes of this subchapter, the  
11 date of mailing or the date of delivery, whichever is later, shall be considered  
12 the date of the notice of conversion. An affidavit of the person delivering the  
13 notice to the mobile home shall be adequate proof of the date of delivery.

14 \* \* \*

15 Sec. 81. 28 V.S.A. § 751b is amended to read:

16 § 751B. GENERAL PROVISIONS GOVERNING OFFENDER WORK

17 \* \* \*

18 (h) The Commissioner shall consult and collaborate with the Commissioner  
19 of ~~Labor~~ Economic and Workforce Development at least annually to seek  
20 funding and support for vocational training for offenders to help offenders  
21 achieve a successful transition from the custody of the Commissioner to

1 private life. To the extent feasible, any vocational training program for  
2 offenders shall incorporate the professional training standards applicable to the  
3 construction and other trades, and industries, existing in the private sector.

4 Sec. 82. 28 V.S.A. § 760 is amended to read:

5 § 760. COMPENSATION OF OFFENDERS

6 (a) The ~~commissioner~~ Commissioner shall, in consultation with the  
7 ~~department of labor~~ Department of Economic and Workforce Development,  
8 promulgate rules establishing an injured offender compensation program for  
9 offenders or their dependents for injuries suffered while under supervision by  
10 the ~~department~~ Department and arising out of and in the course of work,  
11 industry, or an employment program, at a correctional facility, or any  
12 community service or public works activity or vocational training directed by  
13 the ~~department of corrections~~ Department of Corrections. The rules shall  
14 establish the compensation, medical, and vocational benefits to which an  
15 injured offender may be entitled as well as procedures for resolving disputes.

16 To the extent practicable and consistent with the requirements of the  
17 ~~department~~ Department, compensation, medical, and vocational benefits shall  
18 be comparable to what a similarly injured employee would receive under  
19 ~~chapter 9 of Title 21~~ V.S.A. chapter 9.

20 \* \* \*

21 Sec. 83. 29 V.S.A. § 161 is amended to read:

1 § 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

2 (a) Bids; selection.

3 (1) When the construction cost of any State project exceeds the sum of  
4 \$50,000.00, the Commissioner of Buildings and General Services shall  
5 publicly advertise or invite three or more bids. The contract for any such State  
6 project or improvement shall be awarded to one of the three lowest responsible  
7 bidders, conforming to specification, with consideration being given to  
8 quantities involved, time required for delivery, purpose for which required,  
9 competency and responsibility of bidder, and his or her ability to render  
10 satisfactory service, but the Commissioner of Buildings and General Services  
11 with the approval of the Secretary of Administration, shall have the right to  
12 reject any and all bids and to invite other bids.

13 (2) When using the design-build construction delivery process, the  
14 Commissioner of Buildings and General Services shall publicly advertise or  
15 invite three or more bids. The award of a design-build contract shall be to the  
16 bidder determined by the Commissioner to be most responsive to evaluation  
17 criteria established by the Commissioner. Such criteria may include physical  
18 plant characteristics proposed, program response to space needs, ability of the  
19 design-build team, anticipated development schedule and overall cost  
20 considerations, including alternates, allowances, and schedule of values.

1           (3) All bids on State projects shall be required to comply with all  
2 applicable provisions of Title 21.

3           (b) Each contract awarded under this section for any State project with a  
4 construction cost exceeding \$100,000.00 or a construction project with a  
5 construction cost exceeding \$200,000.00 which is authorized and is at least 50  
6 percent funded by a capital construction act pursuant to 32 V.S.A. § 701a shall  
7 provide that all construction employees working on the project shall be paid no  
8 less than the mean prevailing wage published periodically by the Vermont  
9 Department of Labor in its occupational employment and wage survey plus an  
10 additional fringe benefit of 42 and one-half percent of wage, as calculated by  
11 the current Vermont prevailing wage survey. As used in this section, "fringe  
12 benefits" means benefits, including paid vacations and holidays, sick leave,  
13 employer contributions and reimbursements to health insurance and retirement  
14 benefits, and similar benefits that are incidents of employment.

15           (c) In the construction of any State project, local capable labor shall be  
16 utilized whenever practicable, but this section shall not be construed to compel  
17 any person to discharge or lay off any regular employee.

18           (d) Subsections (a) through (c) of this section shall not apply to  
19 maintenance or construction projects carried out by the Agency of  
20 Transportation and by the Department of Forests, Parks and Recreation.



1 (e) The Agency of Administration shall ensure that the State and any of its  
2 subdivisions do not contract, directly or indirectly, with employers who are  
3 prohibited from contracting by the **Commissioner of Labor pursuant to 21**  
4 **V.S.A. §§ 692, 708, and 1314a** or the Commissioner of Financial Regulation  
5 pursuant to 8 V.S.A. § 3661.

6 \* \* \*

7 Sec. 84. 30 V.S.A. § 202d is amended to read:

8 § 202D. TELECOMMUNICATIONS PLAN

9 (a) The Department of Public Service shall constitute the responsible  
10 planning agency of the State for the purpose of obtaining for all consumers in  
11 the State stable and predictable rates and a technologically advanced  
12 telecommunications network serving all service areas in the State. The  
13 Department shall be responsible for the provision of plans for meeting  
14 emerging trends related to telecommunications technology, markets, financing,  
15 and competition.

16 (b) The Department shall prepare a Telecommunications Plan for the State.  
17 The Department of Innovation and Information, the Agency of ~~Commerce and~~  
18 ~~Community Development~~ Economic Opportunity, and the Agency of  
19 Transportation shall assist the Department in preparing the Plan. The Plan shall  
20 be for a 10-year period and shall serve as a basis for State telecommunications  
21 policy. Prior to preparing the Plan, the Department shall prepare:

1 (1) an overview, looking 10 years ahead, of future requirements for  
2 telecommunications services, considering services needed for economic  
3 development, technological advances, and other trends and factors which, as  
4 determined by the Department of Public Service, will significantly affect State  
5 telecommunications policy and programs;

6 (2) a survey of Vermont residents and businesses, conducted in  
7 cooperation with the Agency of ~~Commerce and Community Development~~  
8 Economic Opportunity to determine what telecommunications services are  
9 needed now and in the succeeding ten years;

10 \* \* \*

11 (d) In establishing plans, public hearings shall be held and the Department  
12 shall consult with members of the public, representatives of  
13 telecommunications utilities with a certificate of public good, other providers,  
14 including the Vermont Electric Power Co., Inc. (VELCO), and other interested  
15 State agencies, particularly the Agency of ~~Commerce and Community~~  
16 ~~Development~~ Economic Opportunity, the Agency of Transportation, and the  
17 Department of Innovation and Information, whose views shall be considered in  
18 preparation of the Plan. To the extent necessary, the Department shall include  
19 in the Plan surveys to determine existing, needed, and desirable plant  
20 improvements and extensions, access and coordination between  
21 telecommunications providers, methods of operations, and any change that will

1 produce better service or reduce costs. To this end, the Department may  
2 require the submission of data by each company subject to supervision by the  
3 Public Service Board.

4 \* \* \*

5 Sec. 85. 30 V.S.A. § 202f is amended to read:

6 § 202F. TELECOMMUNICATIONS AND CONNECTIVITY ADVISORY  
7 BOARD

8 (a) There is created a Telecommunications and Connectivity Advisory  
9 Board for the purpose of making recommendations to the Commissioner of  
10 Public Service regarding his or her telecommunications responsibilities and  
11 duties as provided in this section. The Connectivity Advisory Board shall  
12 consist of eight members, seven voting and one nonvoting, selected as follows:

13 (1) the State Treasurer or designee;

14 (2) the Secretary of ~~Commerce and Community Development~~ Economic  
15 Opportunity or designee;

16 (3) five at-large members appointed by the Governor, who shall not be  
17 employees or officers of the State at the time of appointment; and

18 (4) the Secretary of Transportation or designee, who shall be a nonvoting  
19 member.

20 \* \* \*

21 Sec. 86. 31 V.S.A. chapter 15 is amended to read:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

Chapter 15: Ski Tramways

\* \* \*

§ 702. DEFINITION OF TERMS

~~The following terms shall be construed as follows~~ As used in this chapter:

\* \* \*

(4) "Board" shall mean the Passenger Tramway Board.

(5) "Department" shall mean the ~~Department of Labor~~ Department of Public Safety.

(6) "Lineal footage" is one-half of the total length of the cable or rope as determined when the tramway is installed.

§ 703. PASSENGER TRAMWAY BOARD

There is hereby created a Passenger Tramway Board within the Department of ~~Labor~~ Public Safety which shall consist of the Commissioner of ~~Labor~~ Public Safety, ex officio, who shall serve as chair, and four appointive members. The appointive members of said Board shall be appointed by the Governor. Two of the appointive members who are first appointed shall be designated to serve terms of two years and two of the appointive members shall be designated to serve terms of four years, but thereafter appointive members shall be appointed for terms of four years except that all vacancies shall be filled for the unexpired term. An appointive member shall hold office until his successor has been appointed and has qualified. Two appointive

1 members shall be engaged in the industry and two shall be representatives of  
2 the public at large. Appointive members of the Board shall receive as  
3 compensation the sum of \$15.00 per diem for their services and their  
4 necessary expenses when in the performance of their duties.

5 Sec. 87. 32 V.S.A. § 994 is amended to read:

6 § 994. ADVISORY COMMITTEE

7 (a)(1) Creation; composition. There is created a Private Activity Bond  
8 Advisory Committee, which shall consist of the following members:

9 (A) the State Treasurer or his or her designee;

10 (B) the Secretary of Administration or his or her designee;

11 (C) the Secretary of ~~Commerce and Community Development~~  
12 Economic Opportunity or his or her designee;

13 (D) two members who shall be representatives of the public,  
14 appointed by the Governor.

15 \* \* \*

16 Sec. 88. 32 V.S.A. § 1003 is amended to read:

17 § 1003. STATE OFFICERS

18 \* \* \*

19 (b) The Governor may appoint each officer of the Executive Branch listed  
20 in this subsection at a starting salary ranging from the base salary stated for  
21 that position to a salary which does not exceed the maximum salary unless

1 otherwise authorized by this subsection. The maximum salary for each  
2 appointive officer shall be 50 percent above the base salary. Annually, the  
3 Governor may grant to each of those officers an annual salary adjustment  
4 subject to the maximum salary. The annual salary adjustment granted to  
5 officers under this subsection shall not exceed the average of the total rate of  
6 adjustment available to classified employees under the collective bargaining  
7 agreement then in effect. In addition to the annual salary adjustment specified  
8 in this subsection, the Governor may grant a special salary increase subject to  
9 the maximum salary, or a bonus, to any officer listed in this subsection whose  
10 job duties have significantly increased, or whose contributions to the State in  
11 the preceding year are deemed especially significant. Special salary increases  
12 or bonuses granted to any individual shall not exceed the average of the total  
13 rate of adjustment available to classified employees under the collective  
14 bargaining agreement then in effect.

15 (1) Heads of the following Departments and Agencies:

	Base Salary	Base Salary	
	As of	as of	
	July 10, 2016	July 09, 2017	
16			
17			
18			
19			
20	(A) Administration	\$100,416	\$104,382
21	(B) Agriculture, Food and Markets	100,416	104,382

1	(C) Financial Regulation	93,874	97,582
2	(D) Buildings and General Services	93,874	97,582
3	(E) Children and Families	93,874	97,582
4	(F) <del>Commerce and Com-</del>		
5	<del>—munity Development</del>		
6	<u>Economic Opportunity</u>	100,416	104,382
7	(G) Corrections	93,874	97,582
8	(H) Defender General	93,874	97,582
9	(I) Disabilities, Aging, and	93,874	97,582
10	Independent Living		
11	(J) <u>Economic and Workforce</u>		
12	Development	85,154	88,518

\* \* \*

Sec. 89. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

\* \* \*

(e) The Commissioner may, in his or her discretion and subject to such conditions and requirements as he or she may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

\* \* \*







1 (a) As used in this section, an "environmental technology business" means a  
2 business that:

3 (1) is subject to income taxation in Vermont; and

4 (2) seeks an incentive for economic activity in Vermont that the  
5 Secretary of ~~Commerce and Community Development~~ Economic Opportunity  
6 certifies is primarily research, design, engineering, development, or  
7 manufacturing related to one or more of the following:

8 (A) waste management, including waste collection, treatment,  
9 disposal, reduction, recycling, and remediation;

10 (B) natural resource protection and management, including water and  
11 wastewater purification and treatment, air pollution control and prevention or  
12 remediation, soil and groundwater protection or remediation, and hazardous  
13 waste control or remediation;

14 (C) energy efficiency or conservation;

15 (D) clean energy, including solar, wind, wave, hydro, geothermal,  
16 hydrogen, fuel cells, waste-to-energy, or biomass.

17 \* \* \*

18 § 3336. ENHANCED INCENTIVE FOR WORKFORCE TRAINING

19 (a) A business whose application is approved may elect to claim the  
20 incentive specified for an award year as an enhanced training incentive by:

1           (1) notifying the Council of its intent to pursue an enhanced training  
2           incentive and dedicate its incentive funds to training through the Vermont  
3           Training Program; and

4           (2) applying for a grant from the Vermont Training Program to perform  
5           training for one or more new employees who hold qualifying jobs.

6           (b) If a business is awarded a grant for training under this section, the  
7           Agency of ~~Commerce and Community Development~~ Economic Opportunity  
8           shall disburse grant funds for on-the-job training of 75 percent of wages for  
9           each employee in training or 75 percent of trainer expense, and the business  
10          shall be responsible for the remaining 25 percent of the applicable training  
11          costs.

12          (c) A business that successfully completes its training shall submit a written  
13          certificate of completion to the Agency of ~~Commerce and Community~~  
14          ~~Development~~ Economic Opportunity which shall notify the Department of  
15          Taxes.

16          (d) Upon notification by the Agency, and if the Department determines that  
17          the business has earned the incentive for the award year, it shall:

18               (1) disburse to the business a payment in an amount equal to 25 percent  
19               of the cost for training expenses pursuant to subsection (b) of this section;



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

(h) Criteria for approval. To approve utilization of incremental revenues pursuant to subsection (f) of this section, the Vermont Economic Progress Council shall do all the following:

\* \* \*

(4) Project criteria. Determine that the proposed development within a tax increment financing district will accomplish at least three of the following five criteria:

\* \* \*

(D) The development will include at least one entirely new business or business operation or expansion of an existing business within the district, and this business will provide new, quality, full-time jobs that meet or exceed the prevailing wage for the region as reported by the ~~department of labor~~ Department of Labor.

\* \* \*

(j) Tax increment financing district rulemaking, oversight, and enforcement.

\* \* \*

(2) Authority to issue decisions.

(A) The Secretary of ~~Commerce and Community Development~~ Economic Opportunity, after reasonable notice to a municipality and an opportunity for a hearing, is authorized to issue decisions to a municipality on

1 questions and inquiries concerning the administration of tax increment  
2 financing districts, statutes, rules, noncompliance with 24 V.S.A. chapter 53,  
3 subchapter 5, and any instances of noncompliance identified in audit reports  
4 conducted pursuant to subsection (l) of this section.

5 \* \* \*

6 (4) Referral; Attorney General. In lieu of or in addition to any action  
7 authorized in subdivision (3) of this subsection (j), the Secretary of ~~Commerce~~  
8 ~~and Community Development~~ Economic Opportunity or the State Treasurer  
9 may refer the matter to the Office of the Attorney General with a  
10 recommendation that an appropriate civil action be initiated.

11 \* \* \*

12 Sec. 92. 32 V.S.A. § 5830c is amended to read:

13 § 5830C. TAX CREDITS; CHARITABLE INVESTMENTS IN HOUSING

14 (a) Credit authorized. A charitable investment approved by the  
15 Commissioner of Housing and Community ~~Affairs~~ Development in an eligible  
16 housing charity shall entitle a Vermont taxpayer to a credit against the tax  
17 imposed by sections 5822 (individual income), 5832 (corporate income), 5836  
18 (banks and financial institutions), or 8551 (insurance companies) of this title.

19 The credit may be claimed for any year in which a charitable investment is  
20 made and for each year thereafter until the principal is repaid, or the  
21 investment is transferred, or the taxpayer is notified or agrees or the

1 Commissioner of Housing and Community ~~Affairs~~ Development determines  
2 that the principal is not likely to be repaid, or until the end of the year in which  
3 the housing charity ceases to be eligible, whichever is earlier.

4 (b) Amount of credit. The amount of the credit shall be equal to the  
5 difference between the net income that would have been received by the  
6 taxpayer at the charitable threshold rate during the taxable year and the actual  
7 net income received by or credited to the taxpayer from a charitable investment  
8 in an eligible housing charity. However, the credit shall not exceed three  
9 percent of the average outstanding principal balance of the investment during  
10 the taxable year.

11 (c) Definitions. As used in this section:

12 (1) "Affordable housing" shall be defined by rule adopted by the  
13 Department of Housing and Community ~~Affairs~~ Development. The rule shall  
14 include the following provisions:

15 (A) At least 50 percent of the units shall be occupied by households  
16 whose income does not exceed 100 percent of the greater of State or area  
17 median income.

18 (B) The goal shall be to provide housing at a cost of no more than 30  
19 percent of a household's gross income.

20 (C) The affordability of the unit shall be protected for a period of time  
21 not less than the term of any loan made pursuant to subdivision (d)(4) of this

1 section for the unit or units or at least 15 years, whichever is greater, through a  
2 housing subsidy covenant or other legally binding instrument, which shall  
3 terminate upon the issuance of a judgment of foreclosure or a transfer of the  
4 property in lieu of foreclosure. This rule may also include additional provisions  
5 consistent with this section.

6 (2) "Bank prime loan rate" means the March average prime loan rate, as  
7 of March 31 each year, used by insured United States chartered commercial  
8 banks to price short-term business loans, as published in the Federal Reserve  
9 Board's statistical release.

10 (3) "Charitable investment" means a loan or deposit made to an eligible  
11 housing charity, on which the actual annual rate of return is at or below the  
12 charitable threshold rate.

13 (4) The "charitable threshold rate" means, for each year beginning July 1,  
14 a rate which is the greater of: two percentage points below the most recent  
15 bank prime loan rate or one percent.

16 (5) "Eligible housing charity" means a governmental agency or private  
17 nonprofit organization determined eligible by the Commissioner of Housing  
18 and Community ~~Affairs~~ Development according to subsection (d) of this  
19 section.

20 (6) "Net income" means interest income received or credited to the  
21 taxpayer.



1 (d) Eligibility. Any organization seeking eligibility shall apply to the  
2 Commissioner of Housing and Community ~~Affairs~~ Development, who is  
3 authorized to issue certificates of eligibility for tax credits to eligible housing  
4 charities in specific amounts. In no event shall certificates of eligibility for tax  
5 credits for charitable investments be issued in excess of \$5,000,000.00 in the  
6 aggregate for any fiscal year. The Commissioner by rule shall establish  
7 procedures and criteria for application to ensure the equitable distribution of  
8 tax credit certificates among eligible applicants. Subject to this limit, the  
9 Commissioner shall issue a certificate of eligibility to receive tax credit  
10 investments to an organization if it meets all of the following criteria:

11 \* \* \*

12 (e) Revocation. The Commissioner of Housing and Community ~~Affairs~~  
13 Development may revoke the eligibility of any organization under this section  
14 after a hearing, upon a finding that it fails to meet substantially all of the  
15 criteria required for eligibility. Such organization shall immediately notify all  
16 investors of the revocation. Such organization shall reimburse the State for the  
17 full amount of any tax credits allowed its investors after revocation of  
18 eligibility, and shall pay to investors the full amount of any tax credits claimed  
19 by an investor but disallowed by the Commissioner due solely to revocation of  
20 eligibility. Any person aggrieved by the denial or revocation of eligibility may  
21 appeal to Superior Court.

1 (f) Procedure for claiming tax credit.

2 \* \* \*

3 (6) Investors in an eligible housing charity whose eligibility to receive  
4 tax credit investments is revoked during any calendar year may receive the  
5 credit for the year during which the revocation occurs, but not for any  
6 succeeding year unless eligibility is reinstated by the Commissioner of  
7 Housing and Community ~~Affairs~~ Development.

8 Sec. 93. 32 V.S.A. § 5922 is amended to read:

9 § 5922. FINANCIAL SERVICES DEVELOPMENT TAX CREDIT

10 \* \* \*

11 (f) A qualified person who claims and is awarded tax credits under this  
12 section shall report, on a form approved by the Commissioner of Taxes, such  
13 person's qualified payroll expenses as of July 1, 1996. No credits shall be  
14 available for taxable years beginning on or after January 1, 2007, unless the  
15 General Assembly specifically authorizes the allowance of credits under this  
16 section for taxable years 2007 and after. The Department of Economic and  
17 Workforce Development shall evaluate the effectiveness of the financial  
18 services development tax credit.

19 Sec. 94. 32 V.S.A. § 5930e is amended to read:

20 § 5930E. WORKFORCE DEVELOPMENT INCENTIVE TAX CREDIT

1 (a) A person, upon obtaining the approval of the Vermont Economic  
2 Progress Council pursuant to section 5930a of this title, may receive a credit  
3 against its income tax imposed by this chapter in the amount of 20 percent of  
4 its qualified training, education and workforce development expenditures  
5 within the State of Vermont in the tax year that such expenditures were made.

6 (b) Qualified training, education and workforce development expenditures  
7 under this section shall mean:

8 (1) expenditures eligible for financial assistance under the Vermont  
9 training programs administered by the Department of Economic and  
10 Workforce Development;

11 \* \* \*

12 Sec. 95. 32 V.S.A. § 5930k is amended to read:

13 § 5930K. HIGH-TECH GROWTH INCENTIVES

14 (a) As used in this section, "high-tech business" means a business whose  
15 activity in Vermont is certified by the Commissioner of Economic and  
16 Workforce Development to be exclusively in design, development, or  
17 manufacture of:

18 \* \* \*

19 Sec. 96. 32 V.S.A. § 5930u is amended to read:

20 § 5930U. TAX CREDIT FOR AFFORDABLE HOUSING

21 (a) As used in this section:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

\* \* \*

(4) "Committee" means the Joint Committee on Tax Credits consisting of five members: a representative from the Department of Housing and Community ~~Affairs~~ Development, the Vermont Housing and Conservation Board, the Vermont Housing Finance Agency, the Vermont State Housing Authority, and the Office of the Governor.

\* \* \*

Sec. 97. 32 V.S.A. § 5930y is amended to read:

§ 5930Y. WOOD PRODUCTS MANUFACTURE TAX CREDIT

(a) Definitions. The Secretary of ~~Commerce and Community Development~~ Economic Opportunity, annually on or before February 1, shall designate any two adjacent counties having at least five percent of their combined jobs provided by employers that manufacture finished wood products and having the highest combined unemployment rate in the state for at least one month in the previous calendar year. Upon making a designation, the Secretary shall send a written notice to the Commissioner of Taxes identifying the designated counties.

\* \* \*

Sec. 98. 32 V.S.A. § 5930nn is amended to read:

§ 5930NN. RECENTLY DEPLOYED VETERAN TAX CREDIT

1 (a) A qualified employer shall be eligible for a nonrefundable credit against  
2 the income tax liability imposed under this chapter in an amount equal to  
3 \$2,000.00 for each new full-time employee hired after the passage of this act  
4 but on or before December 31, 2012 for a position, the majority of the duties of  
5 which are at a business location within Vermont.

6 (b) A recently deployed veteran shall be eligible for a nonrefundable credit  
7 against the income tax liability imposed under this chapter in an amount up to  
8 a total of \$2,000.00 for expenses associated with one start-up business in  
9 which the recently deployed veteran holds at least a 50-percent ownership  
10 interest. A credit under this subsection may only be taken for a business started  
11 after the passage of this act but on or before December 31, 2012, that is located  
12 within Vermont, and that shows a net profit of at least \$3,000.00 for the year in  
13 which the credit is taken.

14 (c) A credit earned under this section shall be claimed in the tax year  
15 following the new full-time employee's date of hire, or in the tax year  
16 following the date that the start-up business was created, and may be carried  
17 forward one year.

18 (d) In this section:

19 (1) "Expense associated with a start-up business" means the following  
20 expenses:

21 (A) expenses associated with the development of a business plan;

1 (B) professional services associated with the formation of the business  
2 (e.g., attorney and accounting services);

3 (C) an analysis or survey of potential markets, products, labor supply,  
4 or transportation facilities;

5 (D) advertisements for the opening of the business;

6 (E) salaries and wages for employees who are being trained and their  
7 instructors;

8 (F) travel and other necessary costs for securing prospective  
9 distributors, suppliers, or customers;

10 (G) salaries and fees for executives and consultants, or for similar  
11 professional services.

12 (2) "New full-time employee" means a recently deployed veteran:

13 (A) who works at least 35 hours per week for not less than 45 of the  
14 52 weeks following the individual's date of hire;

15 (B) whose compensation equals or exceeds the prevailing  
16 compensation level, including wages and benefits, for the particular  
17 employment sector and region of the State as determined by the **Commissioner**  
18 **of Labor;**

19 (C) who has certification by the **Department of Labor** at the time of  
20 hire of:

21 (i) collecting or being eligible to collect unemployment benefits; or

1 (ii) having exhausted his or her unemployment benefits;

2 (D) who has not been employed by the qualified employer for 90 days  
3 prior to the date of hire.

4 (3) "Qualified employer" means a person who:

5 (A) is in good standing with respect to applicable registration, fee, and  
6 filing requirements with the Secretary of State, the Department of Taxes, and  
7 the Department of Labor; and

8 (B) has in place a valid workers' compensation policy.

9 (4) "Recently deployed veteran" means an individual who:

10 (A)(i) was a resident of Vermont at the time of entry into military  
11 service; or

12 (ii) was mobilized to active, federal military service while a  
13 member of the Vermont National Guard or other reserve unit located in  
14 Vermont, regardless of the resident's home of record;

15 (B) received an honorable or general discharge from active, federal  
16 military service within the two-year period preceding the date of hire;

17 (C) for the purposes of the credit in subsection (b) of this section, a  
18 person who at the time of starting up a new business has been certified by the  
19 Department of Labor as:

20 (i) collecting or being eligible to collect unemployment benefits; or

21 (ii) having exhausted his or her unemployment benefits.

1 (e) The **Department of Labor**, in coordination with the Department of  
2 Taxes, the **Agency of Commerce and ~~Commerce and Community~~**  
3 **Development Economic Opportunity**, and the Office of Veterans' Affairs,  
4 shall:

5 (1) promote awareness of the recently deployed veteran tax credit  
6 authorized in this section to employers and eligible veterans;

7 (2) establish procedures for prequalifying an individual as a recently  
8 deployed veteran and for providing notice to the **Department of Labor** when a  
9 new full-time employee is hired;

10 (3) establish procedures for certifying a qualified employer's compliance,  
11 or in the case of a credit under subsection (b) of this section, a recently  
12 deployed veteran's compliance, with the eligibility and expense verification  
13 requirements to claim the credit authorized under this section;

14 (4) adopt measurable goals, performance measures that demonstrate  
15 results, and an audit strategy to assess the utilization and performance of the  
16 credit authorized in this section; and

17 (5) engage in efforts to promote the hiring of recently deployed veterans  
18 through the hiring practices of the State of Vermont.

19 (6) Repealed.]

20 (f) An employer shall not claim the credit in subsection (a) of this section  
21 for an employee who has claimed the credit under subsection (b) of this



1 section, and a recently deployed veteran shall not claim the credit in subsection  
2 (b) if an employer has claimed his or her hire for the credit in subsection (a).

3 Sec. 99. 33 V.S.A. § 1007 is amended to read:

4 § 1007. REQUIRED PARTICIPATION

5 (a) Each participating adult in a family receiving Reach First services shall  
6 participate in necessary assessments and developing a family development  
7 plan, if applicable, unless good cause exists for such noncompliance as defined  
8 by the Commissioner by rule. The Commissioner may use the same rules  
9 applicable to good cause as established in the Reach Up program.

10 (b)(1) If an adult does not comply with the following requirements without  
11 good cause, the Department shall initiate the conciliation process to determine  
12 the reason that the adult has not complied with the requirements and shall  
13 modify the requirements, if necessary, or provide the adult with a second  
14 opportunity to comply:

15 (A) The single parent or caretaker in a family who has no barriers to  
16 obtaining and maintaining a job and a recent and stable work history, including  
17 receiving wages for his or her most recent job that, when annualized, equal or  
18 exceed 150 percent of the federal poverty level applicable to the family, shall  
19 report to the ~~Department of Labor~~ Department of Economic and Workforce  
20 Development for an immediate job search within two working days of having  
21 filed an application.

1           (B) The able-to-work adult in a two-parent family (when the other  
2           parent is able-to-work-part-time or unable-to-work) who has no barriers to  
3           obtaining and maintaining a job and a recent and stable work history, including  
4           receiving wages for his or her most recent job that, when annualized, equal or  
5           exceed 150 percent of the federal poverty level applicable to the family, shall  
6           report to the ~~Department of Labor~~ Department of Economic and Workforce  
7           Development for an immediate job search within two working days of having  
8           filed an application.

9           (C) The adult in a two-parent family (when both parents are able-to-  
10          work) who is not the primary caretaker of the children shall report to the  
11          ~~Department of Labor~~ Department of Economic and Workforce Development  
12          for an immediate job search within two working days of having filed an  
13          application.

14          (2) The Reach First payment may be withheld during the conciliation  
15          process and until the adult complies.

16          (3) If the adult does not report without good cause to the ~~Department of~~  
17          ~~Labor~~ Department of Economic and Workforce Development after the second  
18          opportunity, the adult shall be denied Reach First and Reach Up.

19          (c)(1) If an adult does not comply with the following requirements without  
20          good cause, the Department shall initiate the conciliation process to determine

1 the reason that the adult has not complied with the requirements and shall  
2 modify the requirements, if necessary:

3 (A) Each participating adult shall participate in the development of  
4 his or her family development plan.

5 (B) Each participating adult who is not referred to the ~~Department of~~  
6 ~~Labor~~ Department of Economic and Workforce Development pursuant to this  
7 subsection shall report as directed by the Department for assessment and  
8 evaluation activities.

9 (C) Each participating adult shall begin to comply with his or her  
10 family development plan requirements as soon as possible, and no later than 10  
11 days following identification of initial requirements at the initial family  
12 development plan meeting. Each participating adult shall continue to comply  
13 with such family development plan requirements until such time as the family  
14 is ineligible or transferred to Reach Up or Reach Ahead. If a family is  
15 transferred to another program, the rules of that program apply.

16 (2) If conciliation is unsuccessful, the Department may apply the Reach  
17 Up sanctions and transfer the family to the Reach Up program for further case  
18 management and other services.

19 Sec. 100. 33 V.S.A. § 1107 is amended to read:

20 § 1107. CASE MANAGEMENT; FAMILY DEVELOPMENT PLANS;  
21 COORDINATED SERVICES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

(d) The Secretary of Education, with the assistance and support of the Commissioner for Children and Families, the Commissioner of Disabilities, Aging, and Independent Living, and the Commissioner of ~~Labor~~ Economic and Workforce Development, shall develop and implement comparable and reciprocally recognized literacy assessment protocols that will be used for all clients seeking adult education and literacy services; related services of the Agency of Education; or the services of the Department of Disabilities, Aging, and Independent Living, the Department of Labor, or the Department for Children and Families, when such services are being sought for the purpose of developing or strengthening competencies or skills related to the clients' current or future employment. Such protocols shall, to the extent practicable, utilize the same terminology and apply comparable criteria, consistent with individual program purposes and authorization, in determining when testing, other standardized measurement tools, or referrals to relevant professionals for evaluation or diagnosis are appropriate.

\* \* \*

Sec. 101. 33 V.S.A. § 1113 is amended to read:

§ 1113. WORK REQUIREMENTS

(a) Each participating adult in a family receiving a financial assistance grant shall fulfill a work requirement in accordance with this section. Subject to the

1 provisions of this chapter, and provided that all services required by this  
2 chapter are offered when appropriate and are available when needed to support  
3 fulfillment of the work requirement, an adult having a work requirement shall  
4 obtain employment or participate in one or more work activities, and shall  
5 work in accordance with the requirements of this section, in order to maintain  
6 continued eligibility for financial assistance and to avoid fiscal sanctions.

7 \* \* \*

8 (d)(1) A participant required to fulfill a work requirement shall accept any  
9 unsubsidized job he or she is capable of performing, even if it pays wages that  
10 are less than the financial assistance grant. In cases in which monthly wages  
11 are less than the financial assistance grant and the family is otherwise eligible,  
12 the wages shall be supplemented with a partial financial assistance grant. The  
13 Commissioner shall establish by rule criteria for jobs that must be accepted if  
14 offered, including the criterion that each job must pay at least minimum wage.

15 (2) A participating adult who had wages in the three months prior to his  
16 or her application for financial assistance that, when annualized, equal or  
17 exceed 150 percent of the federal poverty level applicable to the participating  
18 adult's family shall not be required to accept employment with annualized  
19 earnings of less than 150 percent of the federal poverty level applicable to the  
20 participating adult's family for the three-month period after being deemed  
21 eligible for financial assistance, provided that the participant:

1 (A) has not been disqualified within the prior six months from  
2 receiving unemployment compensation benefits for failing, without good  
3 cause, either to apply for available, suitable work when so directed by the  
4 employment office or the Commissioner of Labor Economic and Workforce  
5 Development, or to accept suitable work when offered;

6 \* \* \*

7 Sec. 102. 33 V.S.A. § 3305 is amended to read:

8 § 3305. IMPLEMENTATION AND EVALUATION OF PRIMARY  
9 PREVENTION PLAN

10 Primary prevention policies and implementation practices shall be targeted  
11 to specific goals, objectives, and key result areas and shall be consistent with  
12 the State Primary Prevention Plan. The following departments and agencies  
13 shall formulate the policies and practices:

14 (1) the Agency of Education;

15 (2) the Agency of Human Services, including all departments;

16 (3) the Department of Motor Vehicles;

17 (4) the Office of the Attorney General;

18 (5) the Agency of Commerce and Community Development Economic  
19 Opportunity;

20 (6) the Department of Labor;

21 (7) the Department of Public Safety; and

1 (8) the Department of Forests, Parks and Recreation.

2 Sec. 103. 33 V.S.A. § 4110 is amended to read:

3 § 4110. EMPLOYER OBLIGATIONS

4 \* \* \*

5 (b) Effective October 1, 1998, all employers in the State of Vermont shall  
6 report all new hires to the Department of Labor, and reported information will  
7 be shared with the Office of Child Support for the purpose of expediting  
8 compliance with court ordered wage withholding orders, and location of payers  
9 or parents with an obligation to provide parental contact. The Department of  
10 Labor may use the information to assist with the administration of the  
11 Unemployment Insurance Program.

12 (1) Employers shall report new hires within 10 calendar days of the first  
13 date of employment for a new employee.

14 (2) Employers shall report the following data elements to the Department  
15 of Labor: newly hired employee's name, address, first date of employment,  
16 Social Security number, and the employer's name, address, and federal  
17 identification number.

18 (3) Employers shall report the required new hire data elements  
19 electronically, when practicable, or on a form supplied or approved by the  
20 Department of Labor. Forms may be transmitted by fax transmission, first class

1 mail, magnetic tape, electronically, or inputting data elements via the  
2 telephone.

3 (4) If the failure to report is the result of collusion between employer and  
4 employee, the employer shall be liable to the obligee in the amount of the  
5 wages required to be withheld but not more than \$500.00.

6 \* \* \*

7 Sec. 104. 33 V.S.A. § 4602 is amended to read:

8 § 4602. BUILDING BRIGHT FUTURES COUNCIL

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

12 (1) The Secretary of Human Services or designee.

13 (2) The Secretary of ~~Commerce and Community Development~~ Economic  
14 Opportunity or designee.

15 \* \* \*

16 Sec. 105. 33 V.S.A. § 4603 is amended to read:

17 § 4603. POWERS AND DUTIES

18 The Council established by section 4602 of this title shall have the  
19 following powers and duties necessary and appropriate to effectuating the  
20 purposes of this chapter:

21 \* \* \*



1

2

(5) Work with the Secretaries of Human Services, of ~~Commerce and~~  
3 ~~Community Development~~ Economic Opportunity, and of Education to ensure  
4 the coordination of existing budgets and policies that affect the care, health,  
5 and education of young children.

6

(6) Identify and reduce duplication of services and of administrative  
7 approval processes and improve coordination across agencies.

8

9

(7) Work with the Agencies of Human Services, of ~~Commerce and~~  
9 ~~Community Development~~ Economic Opportunity, and of Education, and the  
10 regional councils to coordinate and integrate the development of an early  
11 childhood budget recommendation that reflects alignment of funding with  
12 priorities identified in the system plan.

13

\* \* \*

14

Sec. 106. IMPLEMENTATION; TRANSITION

15

Sec. 107. EFFECTIVE DATES