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H.16

ANNOTATED VERSION SHOWING SENATE AMENDMENTS TO
BILL AS PASSED HOUSE

* * * Vermont State Archives and Records Administration; State Boards and
Commissions Registry * * *

Sec. 1. 3 V.S.A. § 116a is amended to read:

§ 116a. MAINTENANCE OF INVENTORY OF STATE BOARDS AND
COMMISSIONS REGISTRY

(a)(1) The Secretary of State Vermont State Archives and Records
Administration shall maintain and make available on ~~his or her official~~ its
website an inventory a registry of the State boards and commissions, and shall
update that inventory registry when changes are made that affect the
information provided in the inventory registry.

(2)(A) The inventory registry shall include the names of the members of
each State board and commission, their term length and expiration, and their
appointing authority.

(B) Each State board and commission shall be responsible for
providing to the Secretary of State Vermont State Archives and Records
Administration this inventory registry information and any updates to it in a
manner prescribed by the State Archivist.

1 (3) The registry shall track the dates of the initial creation of State
2 boards and commissions created by State law and of any amendments to those
3 laws for the purpose of the intended five-year expiration of those State boards
4 and commissions described in subsection (b) of this section.

5 (b)(1) It is the intent of the General Assembly that, except for State boards
6 and commissions required by interstate compact and except as otherwise
7 provided by law, a State board or commission created by State law shall cease
8 to exist after five years from the date of its initial creation, five years from the
9 last date that the statutory or session law containing the State board or
10 commission was amended, or on January 1, 2025, whichever date is latest.

11 (2)(A) In each biennial session beginning in the year 2025, the Office of
12 Legislative Council, in consultation with the Vermont State Archives and
13 Records Administration and based on the registry's date tracking described in
14 subdivision (a)(3) of this section, shall prepare for the General Assembly's
15 review a list of the State boards and commissions subject to expiration under
16 this subsection.

17 (B) A State board or commission shall only expire pursuant to
18 legislative enactment.

19 (c) As used in this section, "State ~~boards and commissions~~ board or
20 commission" means a professional or occupational licensing ~~boards~~ board or
21 ~~commissions~~ commission, advisory ~~boards~~ board or ~~commissions~~ commission,

1 appeals ~~boards~~ board, promotional ~~boards~~ board, interstate ~~boards~~ board,
2 supervisory ~~boards and councils~~ board or council, ~~and or~~ any other ~~boards or~~
3 ~~commissions of the State~~ similar entity that:

4 (1) is created by State law, by federal law and contains State appointees,
5 or by executive order;

6 (2) is established as or is attached to an Executive Branch entity;

7 (3) has statewide jurisdiction or carries out a State function; and

8 (4) is not composed of members appointed exclusively by regional,
9 county, or municipal entities.

10 Sec. 2. 2018 (Sp. Sess.) Acts and Resolves No. 2, Sec. 15 is amended to read:

11 Sec. 15. EFFECTIVE DATES

12 This act shall take effect on July 1, 2018, except that Sec. 12, 3 V.S.A.

13 § 116a (~~Secretary of State VSARA; maintenance of inventory of State boards~~
14 ~~and commissions registry~~), shall take effect on January 1, ~~2019~~ 2023.

15 ~~Sec. 3. VERMONT STATE ARCHIVES AND RECORDS~~

16 ~~ADMINISTRATION; POSITION~~

17 ~~(a) There is created within the Secretary of State's Vermont State Archives~~
18 ~~and Records Administration one new permanent classified Registry~~
19 ~~Administrator to create and maintain the registry described in 3 V.S.A. § 116a.~~

20 ~~(b) Any funding necessary to support the position created in subsection (a)~~
21 ~~of this section shall be derived from the Secretary of State Services Fund, with~~

1 ~~no General Fund dollars.~~

2 * * * Standard Per Diem and Expense Reimbursement * * *

3 Sec. 4. 32 V.S.A. § 1010 is amended to read:

4 § 1010. MEMBERS OF CERTAIN BOARDS

5 (a) Except for those members serving ex officio or otherwise regularly
6 employed by the State, the ~~compensation of the~~ members of the following
7 ~~boards~~ boards shall be entitled to receive \$50.00 in per diem compensation:

8 (1) Board of Bar Examiners

9 (2) Board of Libraries

10 (3) Vermont Milk Commission

11 (4) Board of Education

12 (5) State Board of Health

13 (6) Emergency Board

14 (7) Board of Liquor and Lottery

15 (8) Human Services Board

16 (9) State Fish and Wildlife Board

17 (10) State Board of Mental Health

18 (11) Vermont Employment Security Board

19 (12) Capitol Complex Commission

20 (13) Natural Gas and Oil Resources Board

21 (14) Transportation Board

1 (15) Vermont Veterans' Home Board of Trustees

2 (16) Advisory Council on Historic Preservation

3 (17) The Electricians' Licensing Board

4 (18) Offender Work Programs Board

5 (19) Emergency Personnel Survivors Benefit Review Board

6 (20) Community High School of Vermont Board

7 (b)(1) Notwithstanding any other provision of law, members of
8 professional or occupational licensing boards or commissions, advisory boards
9 or commissions, appeals boards, promotional boards, interstate boards,
10 supervisory boards and councils, or any other boards, ~~or~~ or
11 similar entities that are not listed in subsection (a) of this section but are
12 otherwise entitled by act of the General Assembly to receive per diem
13 compensation, shall be entitled to receive per diem compensation in the
14 amount of \$50.00 per day for each day devoted to official duties. This
15 subsection shall not reduce the amount of per diem compensation ~~heretofore~~
16 provided by act of the General Assembly to members of boards or
17 commissions entitled to receive more than \$50.00 per day.

18 (2) "Per diem" means the amount of compensation to which a member
19 of a statutory board or commission is entitled for:

20 (A) attendance at a regular or special meeting of such board or
21 commission or any committee thereof; or

1 (2)(B) performance of other duties directly related to the efficient
2 conduct of necessary board business as assigned and approved by the
3 chairperson, provided that payment for such duties shall be at the per diem rate
4 prorated for actual time spent performing duties. Proration shall be calculated
5 based on an eight-hour day. Under no circumstances shall the daily payment
6 exceed the per diem amount.

7 (c) The members of the boards and ~~departments~~ commissions, including
8 those members serving ex officio or otherwise regularly employed by the
9 State, shall be entitled to receive their actual and necessary expenses when
10 away from home or office upon their official duties.

11 (d) Notwithstanding the provisions of subsections (a) and (b) of this
12 section, a member shall not be entitled to receive State per diem compensation
13 for any meeting or other official duty for which specific compensation is
14 provided by another source.

15 (e) The Governor may authorize per diem compensation and expense
16 reimbursement in accordance with this section for members of boards and
17 commissions, including temporary study commissions, created by Executive
18 Order.

19 (f) Members of the Parole Board shall be entitled to receive \$100.00 per
20 diem for each day of official duties together with reimbursement of reasonable
21 expenses incurred in the performance of their duties.

1 * * * Travel Information Council * * *

2 Sec. 5. 10 V.S.A. § 484 is amended to read:

3 § 484. TRAVEL INFORMATION COUNCIL; CREATION, MEMBERSHIP,
4 TERMS

5 (a) The Travel Information Council is created to administer the provisions
6 of this chapter.

7 (1) The Agency of Transportation shall be responsible for the
8 administration and maintenance of the official business directional sign
9 program, information plazas, and other tourist information facilities deemed
10 appropriate by the Council.

11 (2) The Agency of Commerce and Community Development shall be
12 responsible for the collection and distribution of travel information, as deemed
13 appropriate by the Council.

14 (b)(1) The ~~Travel Information~~ Council may ~~make~~ adopt rules, consistent
15 with this chapter relating to the determination of locations for official business
16 directional signs and to all other matters necessary and appropriate to the
17 administration of this chapter. In ~~making~~ adopting those rules it shall give
18 consideration to the adequacy of information provided by highway directional
19 signs and the preservation of scenic and aesthetic values and shall consult with
20 the Agency of Transportation as to matters of highway safety.

1 (2) It shall determine whether official business directional signs at a
2 particular location shall be displayed in tiers or upon panels.

3 (3) It shall advise the Agency of Commerce and Community
4 Development on policies and matters pertaining to collection and distribution
5 of tourist information.

6 (c)(1) The ~~Travel Information~~ Council shall have seven members,
7 comprising the Secretary of Commerce and Community Development or
8 designee, who shall chair the ~~council~~ Council, and six appointed members as
9 follows: one representing the lodging industry, one the restaurant industry, one
10 the recreation industry, one the Agency of Transportation, one the general
11 public, and one agriculture.

12 (2) The six appointed members shall be appointed by the Governor with
13 the advice and consent of the Senate ~~with the six initially appointed members~~
14 ~~appointed as of the effective date of this chapter, with three initial members~~
15 ~~appointed for one year terms, and three for two year terms. Three appointed in~~
16 two-year staggered terms so that three members shall be are appointed
17 ~~biennially thereafter~~ annually. The members are eligible for reappointment.

18 (3) Members of the Council shall be entitled to per diem compensation
19 and reimbursement of expenses as permitted under 32 V.S.A. § 1010, which
20 shall be paid by the Agency of Transportation.

1 (d)(1) The ~~Travel Information~~ Council shall designate, in each State
2 transportation district, a person to represent business, a person to represent the
3 public, and a person to represent the district planning or development agencies
4 as a committee to act for it in those districts in considering applications for
5 signs and the location thereof.

6 (2) The members of the committee shall serve at the pleasure of the
7 Council, and a majority of a committee shall constitute a quorum for the
8 conduct of any business.

9 (3) A person aggrieved by a decision of a committee may ask for and
10 shall be granted a hearing before the ~~Travel Information~~ Council and may
11 appeal on questions of law to the Superior Court under V.R.C.P. 74 from a
12 decision of the Council.

13 * * * Travel and Recreation Council * * *

14 Sec. 6. 10 V.S.A. § 652 is amended to read:

15 § 652. TRAVEL AND RECREATION COUNCIL; MEMBERSHIP

16 (a) ~~A travel and recreation council~~ The Travel and Recreation Council is
17 created. It shall comprise the following members:

18 (1) the Secretary of Commerce and Community Development, or
19 designee;

20 (2) the Secretary of Natural Resources, or designee;

21 (3) the Secretary of Transportation, or designee;

- 1 (4) the Secretary of Agriculture, Food and Markets; or designee; ;
2 (5) the Commissioner of Tourism and Marketing; or designee; and
3 (6) ten members from the private sector appointed by the Governor.

4 (b)(1) The ten members appointed by the Governor shall serve a term of
5 three years, beginning July 1, or the unexpired portion thereof. For the initial
6 appointments, the Governor shall appoint three for one year, four for two
7 years, and three for three years.

8 (2) When appointing members, the Governor shall consider persons who
9 have understanding of the travel and recreation industry and who will
10 adequately represent the various interests in the State.

11 (c) The Council shall elect its chair annually from among its members.

12 (d) The Council shall meet at least quarterly at the call of the ~~chair~~ Chair or
13 the agency secretary.

14 (e) Members of the Council shall be entitled to receive per diem
15 compensation and reimbursement for of expenses in accordance with as
16 permitted under 32 V.S.A. § 1010, which shall be paid by the Agency of
17 Commerce and Community Development.

18 * * * Vermont Community Development Board * * *

19 Sec. 7. 10 V.S.A. § 685 is amended to read:

20 § 685. THE VERMONT COMMUNITY DEVELOPMENT BOARD

1 (a) There ~~shall be~~ is created within the Agency of Commerce and
2 Community Development the Vermont Community Development Board
3 consisting of nine members who shall be residents of the State.

4 (b)(1) The members shall be appointed by the Governor for a term of three
5 years, or for the unexpired portion thereof. For the initial appointments, the
6 Governor shall appoint three for one year, three for two years, and three for
7 three years.

8 (2) In the appointment of the members, consideration shall be given to
9 the selection of such persons as shall adequately represent the interests of
10 various sections of the State and the principal beneficiaries of the program.

11 (c) The Chair shall be appointed annually by the Governor from among the
12 members.

13 (d) Members of the Board shall be ~~compensated at the rate of \$30.00 per~~
14 ~~day for time spent in the performance of their duties, and they shall be~~
15 ~~reimbursed for necessary expenses incurred therein~~ entitled to receive per diem
16 compensation and reimbursement of expenses as permitted under 32 V.S.A.
17 § 1010, which shall be paid by the Agency.

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

1 (f) The Agency shall provide staff assistance and administrative support to
2 the Board.

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

6 * * * State and Regional Economic Development and Planning Services
7 Oversight Panel * * *

8 Sec. 8. REPEAL

9 2010 Acts and Resolves No. 146, Sec. G.6 (State and Regional Economic
10 Development and Planning Services; Oversight Panel) is repealed.

11 * * * Development Cabinet * * *

12 Sec. 9. 3 V.S.A. § 2293 is amended to read:

13 § 2293. ~~DEVELOPMENT CABINET~~

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

21 ~~(b) Development Cabinet.~~

1 ~~(1) A Development Cabinet is created, to consist of the Secretaries of~~
2 ~~the Agencies of Administration, of Agriculture, Food and Markets, of~~
3 ~~Commerce and Community Development, of Education, of Natural Resources,~~
4 ~~and of Transportation. The Governor or the Governor's designee shall chair~~
5 ~~the Development Cabinet.~~

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

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

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

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

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

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

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

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

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

16 ~~(7) Encourage communities to approve settlement patterns based on~~
17 ~~maintaining the State's compact villages, open spaces, working landscapes,~~
18 ~~and rural countryside.~~

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

1 ~~(9) Support recreational opportunities that build on Vermont's~~
2 ~~outstanding natural resources, and encourage public access for activities such~~
3 ~~as boating, hiking, fishing, skiing, hunting, and snowmobiling. Support and~~
4 ~~work collaboratively to make possible sound development and well-planned~~
5 ~~growth in existing recreational infrastructure.~~

6 ~~(10) Provide means and opportunity for downtown housing for mixed~~
7 ~~social and income groups in each community.~~

8 ~~(11) [Repealed.]~~

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

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

18 ~~(d) Interagency work group.~~

19 ~~(1) Pursuant to the recommendations of the Oversight Panel on~~
20 ~~Economic Development created in 2010 Acts and Resolves No. 146, Sec. G6,~~
21 ~~the Development Cabinet shall create an interagency work group as provided~~

1 ~~in subsection (b) of this section with the Secretary of Commerce and~~
2 ~~Community Development serving as its chair.~~

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

9 ~~(e) Long term economic development plan.~~

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

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

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

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

3 ~~[Repealed.]~~

4 ~~*** Commission on International Trade and State Sovereignty ***~~

5 ~~Sec. 10. 3 V.S.A. § 23 is amended to read:~~

6 ~~§ 23. THE COMMISSION ON INTERNATIONAL TRADE~~

7 ~~(a) Definitions. For the purposes of this section: “International Trade~~
8 ~~Agreement” means a trade agreement between the federal government and a~~
9 ~~foreign country. International Trade Agreement does not include a trade~~
10 ~~agreement between the State and a foreign country to which the federal~~
11 ~~government is not a party.~~

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

14 ~~(1) the Chair of the House Committee on Commerce or his or her~~
15 ~~designee;~~

16 ~~(2) the Chair of the Senate Committee on Economic Development,~~
17 ~~Housing and General Affairs or his or her designee;~~

18 ~~(3) a representative of a nonprofit environmental organization,~~
19 ~~appointed by the Governor from a list provided by the Vermont Natural~~
20 ~~Resources Council;~~

1 ~~(4) a representative of organized labor, appointed by the Governor from~~
2 ~~a list provided by Vermont AFL-CIO, Vermont NEA, and the Vermont State~~
3 ~~Employees' Association;~~

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

6 ~~(6) the Attorney General or his or her designee;~~

7 ~~(7) a representative of an exporting Vermont business, appointed by the~~
8 ~~Governor;~~

9 ~~(8) a representative of a Vermont business actively involved in~~
10 ~~international trade, appointed by the Governor;~~

11 ~~(9) the Secretary of Agriculture, Food and Markets or his or her~~
12 ~~designee; and~~

13 ~~(10) a representative of a Vermont chamber of commerce, appointed by~~
14 ~~the Governor.~~

15 ~~(c) Powers and duties.~~

16 ~~(1) The Commission shall conduct an annual assessment of the legal and~~
17 ~~economic impacts of International Trade Agreements on State and local laws,~~
18 ~~State sovereignty, and the business environment.~~

19 ~~(2) It shall provide a mechanism for citizens and legislators to voice~~
20 ~~their concerns, which it shall use to make policy recommendations to the~~
21 ~~General Assembly, to the Governor, to Vermont's congressional delegation, or~~

1 ~~to the trade representatives of the United States government.~~

2 ~~Recommendations shall be designed to protect Vermont's job and business~~
3 ~~environment, and State sovereignty from any negative impacts of trade~~
4 ~~agreements.~~

5 ~~(3) It may recommend legislation or preferred practices and shall work~~
6 ~~with interested groups in other states to develop means to resolve the~~
7 ~~conflicting goals and tension inherent in the relationship between international~~
8 ~~trade and State sovereignty.~~

9 ~~(4) As provided for in 9 V.S.A. chapter 111A, the Commission shall~~
10 ~~consider and develop formal recommendations with respect to how the State~~
11 ~~should best respond to challenges and opportunities posed by a particular~~
12 ~~International Agreement.~~

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

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

4 ~~(f) Per diem. For attendance at a meeting when the General Assembly is~~
5 ~~not in session, legislative members of the Commission shall be entitled to the~~
6 ~~same per diem compensation and reimbursement for actual and necessary~~
7 ~~expenses as provided members of Standing Committees under 2 V.S.A. § 406.~~
8 ~~Except for members employed by the State, members of the Commission shall~~
9 ~~be entitled to the same per diem compensation as provided under 32 V.S.A. §~~
10 ~~1010(a) and mileage reimbursement as provided under 32 V.S.A. § 1267.~~

11 ~~[Repealed.]~~

12 Sec. 10. [Deleted.]

13 * * * Film and New Media Advisory Board * * *

14 Sec. 11. 3 V.S.A. § 2471d is amended to read:

15 § 2471d. ~~VERMONT FILM AND NEW MEDIA ADVISORY BOARD~~

16 ~~The Secretary of Commerce and Community Development shall appoint a~~
17 ~~Film and New Media Advisory Board to make recommendations to the~~
18 ~~Secretary on promoting Vermont as a location for commercial film and~~
19 ~~television production and facilitating the participation of local individuals and~~
20 ~~companies in such productions. The primary function of the Advisory Board is~~
21 ~~to recommend to the Secretary strategies to link Vermonters employed in the~~

1 ~~film and new media, video, or other creative arts, to economic opportunities in~~
2 ~~their trades in Vermont. [Repealed.]~~

3 * * * Vermont Rehabilitation Corporation * * *

4 Sec. 12. 10 V.S.A. chapter 12, subchapter 6 is amended to read:

5 Subchapter 6. Family Farm Assistance

6 § 271. PURPOSES

7 ~~It is the intention of the General Assembly in enacting this subchapter to~~
8 ~~provide a limited source of loan funds to family farmers or prospective family~~
9 ~~farmers under terms and conditions that will reduce their investment costs to~~
10 ~~an extent that offers them a reasonable chance to succeed. [Repealed.]~~

11 § 272. DEFINITIONS

12 ~~As used in this subchapter:~~

13 (1) ~~“Authority” means the Vermont Economic Development Authority.~~

14 (2) ~~“Family farmer” means a person who is a resident of this State and~~
15 ~~who is, or will become, engaged in farming on his or her own behalf managing~~
16 ~~and operating the farm on a full time basis and whose net worth (including his~~
17 ~~or her dependents and spouse) does not exceed \$150,000.00.~~

18 (3) ~~“Farming” shall mean the cultivation of land or other uses of land for~~
19 ~~the production of food, fiber, horticultural, orchard, or forest crops, or the~~
20 ~~raising of livestock, poultry, equines, fish, or bees. Farming also includes the~~

1 ~~storage, preparation, retail sale, and transportation of agricultural commodities~~
2 ~~accessory to the cultivation or use of such land.~~

3 ~~(4) "Vermont Rehabilitation Corporation" means the nonprofit quasi-~~
4 ~~public corporation for which articles of association have been filed with the~~
5 ~~Secretary of State on April 26, 1935. [Repealed.]~~

6 § 273. FARMERS LOAN PROGRAM; ELIGIBILITY; APPLICATION

7 ~~(a) The Vermont Rehabilitation Corporation shall establish a family farm~~
8 ~~assistance loan program to: strengthen existing farms, encourage~~
9 ~~diversification and innovative farming techniques, increase energy efficiency~~
10 ~~and reduce energy consumption, and assist beginning farmers to start new~~
11 ~~farms, provided that beginning farmers will not produce commodities that are~~
12 ~~already in surplus.~~

13 ~~(b) In order to be eligible an applicant shall be:~~

14 ~~(1) a family farmer who is a resident of this State;~~

15 ~~(2) an owner or prospective purchaser of agricultural land in the State or~~
16 ~~depreciable farm machinery, equipment, or livestock to be used in the State;~~

17 ~~(3) a person of sufficient education, training, or experience in the type of~~
18 ~~farming for which the applicant requests the loan;~~

19 ~~(4) an operator or proposed operator of a farm for whom the loan~~
20 ~~reduces investment costs to an extent that offers him or her a reasonable~~
21 ~~chance to succeed;~~

1 ~~(5) a credit-worthy person under such standards as the Vermont~~
2 ~~Rehabilitation Corporation may, in its discretion, establish; and~~
3 ~~(6) in compliance with the requirements of subdivisions 262(2) through~~
4 ~~(4) and subdivisions (6) through (10) of this title. For purposes of this~~
5 ~~subchapter, the terms “eligible facility” and “facility” as used in section 262~~
6 ~~shall be defined to include all farming operations.~~

7 ~~(e) Applicants for the family farmer assistance loan program under this~~
8 ~~subchapter shall apply to the Vermont Rehabilitation Corporation, which shall~~
9 ~~review proposed farm projects, and the applicant’s qualifications and grant~~
10 ~~loans under the provisions of this subchapter, subject to such reasonable terms~~
11 ~~and conditions as the Vermont Rehabilitation Corporation deems appropriate.~~

12 ~~(d) Any person who obtains a loan under this subchapter shall not be~~
13 ~~eligible for loan assistance under subchapter 5 of this chapter during the period~~
14 ~~in which the subchapter 6 loan is outstanding.~~

15 ~~(e) All meetings of the Vermont Rehabilitation Corporation board of~~
16 ~~directors that concern the family farm assistance program shall be subject to 1~~
17 ~~V.S.A. chapter 5, subchapter 5. [Repealed.]~~

18 § 274. LOAN TERMS AND CONDITIONS

19 ~~(a) Within the limits of funds available, the Vermont Rehabilitation~~
20 ~~Corporation may make loans to eligible applicants upon such terms and~~
21 ~~conditions as may reasonably be expected to be fulfilled by the applicant. In no~~

1 ~~event shall the total principal obligation of all Vermont Economic~~
2 ~~Development authority loans granted under this subchapter to any family~~
3 ~~farmer exceed \$50,000.00.~~

4 ~~(b) The Vermont Rehabilitation Corporation shall require the farmer to~~
5 ~~execute a note, loan agreement, security agreement, mortgage, or other~~
6 ~~evidence of indebtedness in favor of the Authority sufficient to protect~~
7 ~~reasonably the security of the mortgage or secured loan. All payments shall be~~
8 ~~made to the Authority for the use of section 234 of this title. The Vermont~~
9 ~~Economic Development Authority shall service all loans made by the Vermont~~
10 ~~Rehabilitation Corporation under this subchapter. In the event of default by a~~
11 ~~loan recipient under this subchapter, the Authority shall consult with the~~
12 ~~Vermont Rehabilitation Corporation prior to commencing any collection or~~
13 ~~foreclosure action. [Repealed.]~~

14 § 275. FUNDING

15 ~~In fiscal year 1986, the Vermont Rehabilitation Corporation, in its~~
16 ~~discretion, may loan up to \$400,000.00 of the Vermont Jobs Fund established~~
17 ~~by section 234 of this title for the purposes of this subchapter. Depending on~~
18 ~~its assessment of the progress of the family farm assistance program, the~~
19 ~~General Assembly may adjust the loan limits from those established for fiscal~~
20 ~~year 1986 and may establish appropriate loan limits in fiscal years 1987 and~~
21 ~~1988. [Repealed.]~~

1 § 277. ~~PERSONNEL AND ADMINISTRATIVE SUPPORT~~

2 ~~(a) The Secretary of Agriculture, Food and Markets, with the consent of the~~
3 ~~Vermont Rehabilitation Corporation, may use a portion of the funds provided~~
4 ~~under section 275 of this title, not to exceed \$20,000.00 in any fiscal year, to~~
5 ~~contract for assistance in reviewing loan applications, making~~
6 ~~recommendations to the board, reviewing compliance with loan conditions,~~
7 ~~and carrying out such other activities as the Secretary of Agriculture, Food and~~
8 ~~Markets may direct.~~

9 ~~(b) The Secretary of Agriculture, Food and Markets may provide the~~
10 ~~Vermont Rehabilitation Corporation with additional personnel and other~~
11 ~~support as he or she deems necessary to carry out the purposes of this~~
12 ~~subchapter. [Repealed.]~~

13 * * * State Natural Resources Conservation Council

14 Board of Adjustment * * *

15 Sec. 13. 10 V.S.A. chapter 31, subchapter 1 is amended to read:

16 Subchapter 1. Conservation, Development, and Use of Natural Resources

17 * * *

18 § 731. FAILURE TO OBSERVE LAND-USE ORDINANCE;

19 CONFERENCES

20 (a) In the event that the supervisors of a district find that the provisions of a
21 land-use ordinance adopted according to the provisions of this chapter are not

1 being observed on particular lands, and that such nonobservance tends
2 substantially to increase erosion on such lands and substantially interferes with
3 the prevention or control of erosion or conservation of natural resources on
4 other lands within the district, the supervisors may summon the owner of the
5 land to appear before them to discuss the failure of the owner to observe the
6 regulations, and to perform particular work, operations, or avoidances as
7 required by ordinance of the district, when the nonobservance tends
8 substantially to increase erosion on the lands and substantially interferes with
9 the prevention or control of erosion or conservation of natural resources on
10 other lands within the district.

11 (b) By conference thus convoked, the supervisors and the owner of land not
12 observing the ordinance adopted by the district, shall together make and sign a
13 finding as to the issues ~~which~~ that are involved in the failure of the owner to
14 observe the ordinance of the district.

15 (c)(1) Upon the basis of such findings and if, after conference, it appears to
16 the supervisors that there are great practical difficulties or unnecessary
17 hardship involved in the full observance of the ordinance of the district, the
18 ~~supervisor~~ supervisors shall endeavor to work out a program with the owner, as
19 shall be acceptable to the owner and shall enable the owner to comply with the
20 ordinance.

1 (2)(A) Alternatively, upon the basis of their findings, the supervisors
2 may authorize such variance from the ordinances in their application to the
3 lands of the owner who has not complied with the ordinance of the district,
4 when such variance will relieve practical difficulties or unnecessary hardship
5 to that owner and when such variance is not contrary to public interest and is in
6 accordance with the purpose of land use regulations.

7 (B) The supervisors may request the landowner not complying with
8 an ordinance to sign a stipulation setting forth the conditions agreed upon by
9 the landowner and supervisors so that the practical difficulties or unnecessary
10 hardship may be overcome and the work proceed by the consent of such
11 landowner upon the land.

12 (d) Nothing in this chapter shall be construed so as to make ineffective any
13 remedies available under the laws of the State.

14 § 732. ~~NONCOMPLIANCE; REFERENCE TO BOARD OF~~
15 ~~ADJUSTMENT; COMPOSITION OF BOARD; TERMS,~~
16 ~~COMPENSATION, CONDUCT~~

17 ~~(a) When by conference the supervisors and the landowner not complying~~
18 ~~with the ordinances of the district are unable to agree on the conditions under~~
19 ~~which compliance may be effected, the supervisors shall refer the matter to a~~
20 ~~board of adjustment which shall be appointed by the State Council upon~~
21 ~~request of the supervisors.~~

1 ~~(b) The board of adjustment shall consist of three members appointed for a~~
2 ~~term of one year. The board shall elect its own chair. Vacancies in the board~~
3 ~~of adjustment shall be filled in the same manner as original appointments. The~~
4 ~~members of the board shall receive compensation for their services at a rate not~~
5 ~~to exceed the per diem rate as defined by 32 V.S.A. § 1010(b) in addition to~~
6 ~~expenses incurred in the discharge of their duties. The State Council shall pay~~
7 ~~the necessary administrative and other expenses of operation incurred by the~~
8 ~~board upon vouchers signed by the chair of the board. The board shall adopt~~
9 ~~rules to govern its procedure, which rules shall be in accordance with the~~
10 ~~provisions of this chapter and with the provisions of any recommendations~~
11 ~~made by the State Council. Any two members of the board shall constitute a~~
12 ~~quorum. The chair, or in the chair's absence such other member of the board~~
13 ~~as the chair may designate to serve as acting chair, may administer oaths and~~
14 ~~compel the attendance of witnesses. All meetings of the board shall be open to~~
15 ~~the public. The board shall keep an accurate record of its proceedings, and~~
16 ~~shall file all documents and memoranda of proceedings with the state council,~~
17 ~~when each grievance has been adjusted. [Repealed.]~~

18 § 733. ~~POWERS OF BOARD~~

19 ~~Upon the basis of such inquiry as it deems it necessary to conduct, and upon~~
20 ~~the basis of findings resulting therefrom, the board of adjustment shall have~~
21 ~~authority by order to authorize such variance from the ordinances in their~~

1 application to the lands of the owner who has not complied with the ordinance
2 of the district, when such variance will relieve practical difficulties or
3 unnecessary hardship to such owner and when such variance is not contrary to
4 public interest and is in accordance with the purpose of land use regulations.

5 The board of adjustment may request the landowner not complying with an
6 ordinance to sign a stipulation setting forth the conditions agreed upon by the
7 landowner and supervisors so that the practical difficulties or unnecessary
8 hardship may be overcome and work proceed by the consent of such
9 landowner upon his land. However, nothing in this chapter shall be construed
10 so as to make ineffective any remedies available under the laws of the state.

11 [Repealed.]

12 § 734. SUPERVISORS MAY PETITION SUPERIOR COURT, ~~WHEN~~

13 If a landowner does not sign such stipulation, the supervisors may petition
14 the Superior Court to require such landowner to bring his or her land into
15 conformity with the ordinance, and the ~~Court~~ court shall order such relief as it
16 may deem necessary in the interest of public health, safety, and welfare.

17 However, no landowner shall by ordinance or otherwise be required to pay any
18 money or perform any act that shall not be for the protection of his or her own
19 land nor shall he or she be required to pay any money, perform any act, or
20 carry out any practice that shall not be in just proportion to the benefits that he
21 or she will receive and further provided that he or she shall not be required to

1 pay any money, perform any act, or carry out any practice that shall not be
2 deemed to be necessary for the public good.

3 * * *

4 * * * Pesticide Advisory Council * * *

5 Sec. 14. 6 V.S.A. § 1102 is amended to read:

6 § 1102. PESTICIDE ADVISORY COUNCIL ESTABLISHED

7 * * *

8 (d) The functions of the Council are:

9 * * *

10 (6) To recommend targets with respect to the State goal of achieving an
11 overall reduction in the use of pesticides consistent with sound pest or
12 vegetative management practices and to ~~issue an annual report to the General~~
13 ~~Assembly, detailing~~ measure the State's progress in reaching those targets and
14 attaining that goal. The targets should be designed to enable evaluation of
15 multiple measures of pesticide usage, use patterns, and associated risks.

16 Targets should take into consideration at a minimum the following:

17 (A) reducing the amount of acreage where pesticides are used;

18 (B) reducing the risks associated with the use of pesticides;

19 (C) increasing the acreage managed by means of integrated pest
20 management techniques;

1 (D) decreasing, within each level of comparable risk, the quantity of
2 pesticides applied per acre; and

3 (E) making recommendations regarding the implementation of other
4 management practices that result in decreased pesticide use.

5 * * *

6 * * * Vermont Milk Commission * * *

7 Sec. 15. 6 V.S.A. § 2937 is amended to read:

8 § 2937. ANNUAL PERIODIC REPORT

9 The Commission ~~shall~~ may report ~~annually~~ as needed on its activities to the
10 House and Senate Committees on Agriculture ~~on or before January 15,~~
11 ~~beginning in 2009.~~

12 * * * Sustainable Agriculture Council * * *

13 Sec. 16. 6 V.S.A. § 4701 is amended to read:

14 § 4701. SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION
15 PROGRAM

16 (a) The purpose of this section is to promote research and education that
17 will encourage the development and use of economically and ecologically
18 sound sustainable agriculture practices such as organic methods, biological
19 control, integrated pest management, soil improvement, cultivation, harvesting
20 and irrigation techniques, and transportation and marketing innovations,
21 through:

1 (1) ~~The~~ the control of pests and diseases of agricultural importance
2 through alternatives that reduce or eliminate the use of pesticides and
3 petrochemicals;

4 (2) ~~The~~ the production, processing, and distribution of food and fiber in
5 ways that consider the interactions among soils, plants, water, air, animals,
6 tillage, machinery, labor, energy, and transportation to enhance the viability of
7 agricultural soils, public health, and resource conservation;

8 (3) ~~The~~ the expansion of marketing opportunities and promotion of
9 products produced through the practice of sustainable agriculture ~~which~~ that
10 will encourage the purchase of Vermont grown foods and promote regional
11 food security; and

12 (4) ~~The~~ the coordination of research and education activities on
13 sustainable agriculture among private and public agencies and individuals
14 within Vermont.

15 (b) ~~A Sustainable Agriculture Council is established, to be chaired by the~~
16 ~~Secretary of Agriculture, Food and Markets. The Council shall include the~~
17 ~~Secretary of Education and representatives, appointed by the Secretary of~~
18 ~~Agriculture, Food and Markets, of the College of Agriculture at the University~~
19 ~~of Vermont, University of Vermont Extension, Vermont Technical College and~~
20 ~~farm organizations, and a representative of the low input sustainable~~

1 ~~agriculture program of the U.S. Department of Agriculture. The Council shall~~
2 ~~meet on call of the Secretary and shall make recommendations regarding:~~

3 ~~(1) Goals and priorities for ongoing public and private research of~~
4 ~~particular relevance to Vermont agriculture, and for the coordination of~~
5 ~~research and demonstration projects on sustainable agriculture.~~

6 ~~(2) The dissemination of research results, the identification of future~~
7 ~~research needs and other useful information on sustainable agriculture.~~

8 ~~(3) The use of State owned lands, participating farmer managed land,~~
9 ~~and land owned by the University of Vermont and State Colleges System for~~
10 ~~continuing research on sustainable agriculture practices.~~

11 ~~(4) Techniques for financing the integration of sustainable agriculture~~
12 ~~practices into farming operations.~~

13 ~~(5) The teaching of sustainable agriculture practices in schools at the~~
14 ~~elementary, secondary, and postsecondary levels. [Repealed.]~~

15 (c) The Secretary of Agriculture, Food and Markets is authorized to apply
16 for, accept, and make use of grants from public and private sources to achieve
17 the objectives of this section, in accordance with the provisions of 32 V.S.A.
18 § 5. In awarding grants, preference shall be given to individuals, especially
19 farmers, conducting on-farm research.

20 (d) ~~By January 15, annually, the Council shall prepare a report for~~
21 ~~distribution to participating organizations and the public summarizing~~

1 ~~developments in sustainable agriculture in Vermont and nationally. The report~~
2 ~~shall also make recommendations for future activities that will promote the~~
3 ~~objectives of this section. [Repealed.]~~

4 * * * Vermont Transportation Authority * * *

5 Sec. 17. REPEAL

6 29 V.S.A. chapter 16 (Vermont Transportation Authority) is repealed.

7 * * * Capitol Complex Commission * * *

8 Sec. 18. 29 V.S.A. § 182 is amended to read:

9 § 182. DEFINITIONS

10 As used in this chapter:

11 * * *

12 (2) “~~Capitol complex commission~~ Complex Commission” means a
13 commission consisting of ~~five~~ seven members.

14 (A) Four members shall be appointed by the ~~governor~~ Governor, with
15 the advice and consent of the ~~senate~~ Senate, for a term of three years. One
16 member shall be appointed by the Speaker of the House, and one member shall
17 be appointed by the Senate Committee on Committees, each for a term of two
18 years. The ~~fifth~~ seventh member shall be appointed by the Montpelier ~~city~~
19 council City Council for a term of two years.

20 (B) The ~~chair~~ Chair of the ~~capitol complex commission~~ Capitol
21 Complex Commission shall be designated by the ~~governor~~ Governor.

1 an arbitrator mutually agreed upon by the parties. If the parties cannot agree
2 on an arbitrator, the American Arbitration Association shall appoint a neutral
3 third party to act as arbitrator. Each party's last best offer shall be filed with
4 the Board or the arbitrator under seal and shall be unsealed and placed in the
5 public record only when both parties' last best offers are filed with the Board
6 or the arbitrator. The Board or the arbitrator shall hold one or more hearings.
7 Within 30 days of the certifications, the Board or the arbitrator shall select
8 between the last best offers of the parties, considered in their entirety without
9 amendment.

10 (j) Notwithstanding the provisions of subsection (i) of this section:

11 (1) In the case of the Vermont State Colleges or the University of
12 Vermont, should the Board find the last best offers of both parties
13 unreasonable and likely to produce undesirable results, or likely to result in a
14 long-lasting negative impact upon the parties' collective bargaining
15 relationship, then the Board may select the recommendation of the fact finder
16 under subsection (g) of this section as to those disputed issues submitted to the
17 Board in the last best offers.

18 (2) In the case of the State of Vermont or the Department of State's
19 Attorneys and Sheriffs, should the Board or the arbitrator find the last best
20 offers of both parties unreasonable and likely to produce undesirable results, or
21 likely to result in a long-lasting negative impact upon the parties' collective

1 bargaining relationship, then the Board or the arbitrator may select the
2 recommendation of the fact finder under subsection (g) of this section as to
3 those disputed issues submitted to the Board or the arbitrator in the last best
4 offers.

5 ~~(k)(1) In the case of the State of Vermont or the Department of State's~~
6 ~~Attorneys and Sheriffs, the decision of the Board shall be final, and the terms~~
7 ~~of the chosen agreement shall be binding on each party, subject to~~
8 ~~appropriations in accordance with subsection 982(d) of this title. In the case of~~
9 ~~the University of Vermont or the Vermont State Colleges, the decision of the~~
10 ~~Board shall be final and binding on each party.~~

11 (2) In the case of the State of Vermont or the Department of State's
12 Attorneys and Sheriffs, the decision of the Board or the arbitrator shall be final,
13 and the terms of the chosen agreement shall be binding on each party, subject
14 to appropriations in accordance with subsection 982(d) of this title.

15 (l) Nothing herein shall be construed to permit an arbitrator or the Board to
16 issue an order under subsection (i) of this section binding upon the parties that
17 is in conflict with any statute or any rule or regulation that is not bargainable.

18 Sec. 22. 21 V.S.A. § 1733 is amended to read:

19 § 1733. ARBITRATION

20 (a)(1) Nothing herein in this chapter shall prevent the legislative body of a
21 municipal employer and the exclusive bargaining agent from voluntarily

1 submitting a contract impasse to final and binding arbitration or for the
2 municipality by a referendum vote from adopting binding arbitration
3 procedures, in the following form:

4 The arbitrator shall have the power to determine all issues in dispute
5 involving wages, hours, and conditions of employment as defined by ~~this~~
6 chapter 21 V.S.A. chapter 22.

7 (2)(A) Notwithstanding any provision of subdivision (1) of this section,
8 if an impasse continues between the legislative body of a municipal employer
9 and the exclusive bargaining agent for municipal public safety employees for
10 20 days after a fact finder has made its report public under subsection 1732(e)
11 of this title, the legislative body of the municipal employer and the exclusive
12 bargaining agent for the municipal public safety employees shall submit the
13 contract impasse to final and binding arbitration pursuant to the provisions of
14 this section.

15 (B) Notwithstanding section 1732 of this chapter to the contrary,
16 after the mediator has certified to the Commissioner of Labor that the impasse
17 continues, the legislative body of a municipal employer and the exclusive
18 bargaining agent for municipal public safety employees may agree to proceed
19 directly to final and binding arbitration pursuant to the provisions of this
20 section without first submitting the dispute to fact finding pursuant to
21 section 1732 of this chapter.

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* * * Effective Date * * *

Sec. 25. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE