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H.287

Introduced by Representatives Botzow of Pownal, Marcotte of Coventry,
Dickinson of St. Albans Town, Kitzmiller of Montpelier,
Kupersmith of South Burlington, Ralston of Middlebury, Shand
of Weathersfield and Young of Albany

Referred to Committee on

Date:

Subject: Commerce and trade; economic development; job creation

Statement of purpose: This bill proposes to create additional jobs and increase
nonpublic-sector median household income through tax credits and incentives
and new and amended economic development programs in the areas of
workforce training, entrepreneurship, and the creative economy; access to
capital, agriculture, housing, and development; and regional and statewide
planning.

~~An act relating to job creation and economic development~~ *An act relating to
job creation, economic development, and buy local agriculture.*

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

~~*** Tax Credits; VEGI; Grants; Incentives ***~~

Sec. 1. 32 V.S.A. chapter 151, subchapter 11N is added to read:

Subchapter 11N. Economic Development Credits
and Incentives

§ 5930nn. VERMONT BUSINESS PARTNER INCENTIVE

(a) Definitions. In this section:

(1) "Eligible new employer" means a person:

(A) who has been in business for three or more years and has its
principal place of business in a state other than Vermont;

(B) who has an existing business relationship with a qualified
taxpayer;

(C) who relocates its principal place of business to Vermont with five
or more new Vermont full-time employees; and

(D) who does not control, and who is not controlled by, the qualified
taxpayer recruiting the person to Vermont. For purposes of this subdivision,
"control," including the term "controlled by," means:

(i) having the power, directly or indirectly, to elect or remove a
majority of the members of the other governing body of a person through the
ownership of voting shares or interests, by contract, or otherwise; or

(ii) being subject to a majority of the risk of loss from the person's
activities or entitled to receive a majority of the person's residual returns.

1 employees transferred from an existing business in the state, or replacements
2 for vacant ~~or terminated~~ positions in the applicant's business. The new jobs
3 include those that exceed the applicant's average annual employment level in
4 Vermont during the two preceding ~~fiscal~~ years, unless the council determines
5 that the enterprise will establish a new line of business or create new jobs that
6 are not part of the enterprise prior to making the application for incentives to
7 the council. The enterprise should provide opportunities that increase income,
reduce unemployment.67 Tf 1 Tf 1 0 0T.6(t)-9..9(m)frassin244.6(u)6..5(h)f.2(g)6.6(e)-JTJ

1 Sec. 5. 32 V.S.A. § 5930b(e) is amended to read:

2 (e) Reporting. By May 1, 2008 and by May 1 each year thereafter, the
3 council and the department of taxes shall file a joint report on the employment
4 growth incentives authorized by this section with the chairs of the house
5 committee on ways and means, the house committee on commerce and
6 economic development, the senate committee on finance, the senate committee
7 on economic development, housing and general affairs, the house and senate
8 committees on appropriations, and the joint fiscal committee of the general
9 assembly and provide notice of the report to the members of those committees.
10 The joint report shall contain the total authorized award amount of incentives
11 granted during the preceding year, amounts actually earned and paid from
12 inception of the program to the date of the report, including the date and
13 amount of the award, the expected calendar year or years in which the award
14 will be exercised, whether the award is currently available, the date the award
15 will expire, ~~and~~ the amount and date of all incentives exercised, and any
 waiver of the wage threshold requirements pursuant to subdivision (a)(24) of

1 identity of businesses whose applications were approved. The council and
2 department shall use measures to protect proprietary financial information,
3 such as reporting information in an aggregate form.

4 Sec. 6. SCIENCE, TECHNOLOGY, ENGINEERING, AND
5 MATHEMATICS TAX GRANT PROGRAM

6 (a) In this section:

7 (1) "Accredited institution" means an educational institution that is
8 accredited by a regional accrediting association or by one of the specialized
9 accrediting agencies recognized by the United States Secretary of Education.

10 (2) "New employee" means a person who:

11 (A) graduated from an accredited institution with an associate's
12 degree or higher not more than 18 months before the first date of full-time
13 employment in the area of science, technology, engineering, or mathematics;

14 (B) is employed not less than 12 consecutive months; and

15 (C) is paid annual compensation of not less than \$40,000.00, adjusted
16 annually based on the federal consumer price index, plus benefits, and

17 (D) is certified by the secretary as a new full-time employee of an
18 employer in good standing.

19 (3) "Science, technology, engineering, and mathematics" mean areas of

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- 1 (1) a grant application form for qualified employers;
2 (2) a process for verifying compliance with the eligibility requirements
3 of the program; and
4 (3) a process for assessing the success of the program.

5 Sec. 8. [RESERVED]

6 Sec. 9. [RESERVED]

7 * * * Labor; Workforce Training * * *

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

9 § 531. EMPLOYMENT TRAINING

10 (a) The secretary of commerce and community development may issue
11 performance-based grants to any employer, consortium of employers, or
12 ~~contract with~~ providers of training, either individuals or organizations, as
13 necessary, to conduct training under the following circumstances:

14 * * *

15 (b) The secretary of commerce and community development shall find in
16 the grant ~~or contract~~ that:

17 (1) the employer's new or expanded facility will enhance employment
opportunities for Vermont 24 Tm [(o)-8(V)2wTm [(o) Q q B

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

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

5 (B) dental assistance;

6 (C) paid vacation and holidays;

7 (D) child care;

8 (E) other extraordinary employee benefits; and

9 (F) retirement benefits; and

10 (4) the training is directly related to the employment responsibilities of
11 the trainee.

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

13 (1) employ new persons at a wage which, at the completion of the
14 training program, is two times the prevailing state or federal minimum wage,
15 whichever is greater, reduced by the value of any existing health benefit
16 package up to a limit of ~~30~~ 35 percent of the gross program wage, or for
17 existing employees, to increase the wage to two times the prevailing state and
18 federal minimum wage, whichever is greater, reduced by the value of any
19 existing health benefit package up to a limit of ~~20~~ 25 percent of the gross
20 program wage, upon completion of training; provided, however, that in areas
21 defined by the secretary of commerce and community development in which

1 the secretary finds that the rate of unemployment is 50 percent greater than the
2 average for the state, the wage rate under this subsection may be set by the

1 ~~Sec. 11. VERMONT YOUTH INTERNSHIP PROGRAM~~

2 (a) The department of labor shall develop and administer a Vermont
3 statewide internship program for Vermont youth in high school, in college, and
4 those who are recent graduates of 18 months or less.

5 (b) The department shall collaborate with other state agencies and
6 departments that have workforce development and training monies to research
7 and determine new and existing funding sources, program goals, quantifiable
8 measurements and data, and to work with other public and private entities to
9 develop and enhance internship programs, opportunities, and activities.

10 (c) Internships may be encouraged among all sectors, including Vermont
11 agriculture and STEM (science, technology, engineering and mathematics)
12 employers, as well as other employment areas where recruitment problems
13 exist due to a skill gap in the current workforce.

14 (d) The department of labor, the department of building and general
15 services, and the agency of administration will collaborate to involve the state
16 of Vermont as an employer in the internship program to develop criteria for
17 internship opportunities with certain entities awarded a state contract for
18 services, and to reimburse buildings and general services for certain costs
19 associated with workers' compensation coverage for interns.

20 (e) The department of labor, the department of education, and the agency of
21 commerce and community development shall collaborate to develop or

1 enhance a website that will post internship opportunities, and will connect
2 Vermont graduates living in-state and out-of-state with current job postings
3 from Vermont employers, with a focus on STEM jobs and other employment
4 areas where recruitment problems exists due to a skill gap in the current
5 workforce.

6 (f) Program costs in fiscal year 2012 will be funded through an
7 appropriation from the Next Generation money, and subsequent years' funding
8 shall be recommended by the departments of labor and of education, and the
9 agency of commerce and community development.

10 (g) The internship program shall attempt to place at least 100 students and
11 recent graduates in fiscal year 2012.

12 Sec. 12. [RESERVED]

lyment Sec. 13. [RESERVED]

1 ~~the commissioner of the department of economic, housing and community~~
2 ~~development.~~

3 ~~(c) The director shall promote and support the arts, creative businesses,~~
4 ~~intellectual property, and cultural nonprofits in order to produce and distribute~~
5 ~~cultural and innovative commercial goods and services that strengthen the~~
6 ~~Vermont economy through increased employment, increased state revenue,~~
7 ~~and enhanced quality of life.~~

8 Sec. 16. REPEAL

9 ~~10 V.S.A. chapter 26, subchapter 1 (Vermont film corporation) is repealed.~~

10 Sec. 17. 10 V.S.A. chapter 26, subchapter 3 (Vermont film production
11 incentive program) is amended to read:

12 Subchapter 3. Vermont Film Production Incentive Program

13 § 650. DEFINITIONS

14 * * *

15 (3) ~~“Corporation” means the Vermont film corporation~~ “Director”
16 means the director of the office of creative economy established in 3 V.S.A.
17 § 2471c.

18 * * *

19 § 650a. ESTABLISHMENT

20 There is established within the agency a program to be known as the film
21 production grant program. The program shall be administered by the

1 ~~corporation and the agency director to provide grants to persons for certain~~
2 ~~films produced within Vermont.~~

3 § 650b. APPLICATION

4 (a) Application. Prior to commencing production of a film, a person may
5 submit an application to the ~~corporation~~ ~~informing it of~~ director ~~demonstrating~~
6 the person's intention to request a grant for a Vermont film production. The
7 application shall be on the form required by the ~~corporation~~ director and shall
8 include or demonstrate all of the following:

9 * * *

10 (6) Any other information required by the ~~corporation or the agency~~
11 director.

12 (b) Submissions. Within 60 days of the completion of production of a film,
13 the applicant shall file verification of expenditures with the ~~agency~~ director.
14 The application shall be on the form required by the ~~agency~~ director and shall
15 include or demonstrate all of the following:

16 (1) An itemized list of Vermont production expenses actually incurred.
17 Expenses submitted under this section may not in the aggregate exceed the
18 amount of projected expenses submitted to the department under subdivision
19 (a)(2) of this section.

20 (2) The date of the completion of production of the film.

1 ~~(3) Any other information required by the corporation or agency~~
2 director.

3 § 650c. REVIEW

4 The ~~corporation~~ director shall review the application to determine if the
5 applicant has met all of the criteria set forth in section 650b of this title
6 (relating to application).

7 § 650d. APPROVAL

8 The following shall apply:

9 (1) Upon being satisfied that all requirements have been met and subject
10 to section 650c (relating to limitations) of this title, the ~~corporation~~ director
11 may approve the application and recommend that the secretary award a film
12 production grant.

13 (2) Prior to providing grant funds to the applicant, the ~~corporation~~
14 agency shall enter into a contract with the applicant. The contract shall include
15 provisions requiring the applicant to use the grant to pay costs associated with
16 the production of the film.

17 (3) The ~~corporation~~ agency may impose any other terms and conditions
18 on the grants authorized by this chapter as the ~~corporation~~ agency determines
19 are in the best interests of Vermont

1 § 650e. PENALTY

2 (a) Imposition. Except as provided in subsection (b) of this section, the
3 agency shall impose a penalty upon a recipient for violation of the contract
4 required by section 650d of this title (relating to approval).

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1 (o) A merchant bank shall include on all its advertising a prominent
2 disclosure that deposits are not accepted by a merchant bank.

3 (p) For purposes of this section, "control" means that a person:

4 (1) directly, indirectly, or acting through another person owns, controls,
5 or has power to vote ten percent or more of any class of equity interest of the
6 merchant bank;

7 (2) controls in any manner the election of a majority of the directors of
8 the merchant bank; or

9 (3) directly or indirectly exercises a controlling influence over the
10 management or policies of the merchant bank.

11 Sec. 21. 10 V.S.A. chapter 3 is added to read:

12 CHAPTER 3. IMMIGRANT INVESTMENT

13 § 21. REGIONAL CENTER IMMIGRANT INVESTMENT FUND

14 (a) The regional center immigrant investment fund is established pursuant
15 to 32 V.S.A. chapter 7, subchapter 5 to be used by the agency of commerce
16 and community development to recover costs incurred in administering the
17 Vermont agency of commerce and community development's regional center

for immigrant investment designated by the United States83-iz Tm [(V 51)-244.6f

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1 ~~(b) The secretary of commerce and community development shall be~~
2 ~~authorized to establish a fee for costs incurred by the agency in administering~~
3 ~~the regional center for immigrant investment.~~

4 Sec. 22. [RESERVED]

5 Sec. 23. [RESERVED]

6 * * * Housing and Development * * *

7 Sec. 24. 24 V.S.A. § 2793d is amended to read:

8 § 2793d. DESIGNATION OF VERMONT NEIGHBORHOODS

9 (a) ~~A~~ The downtown board may designate a Vermont neighborhood in a
10 municipality that has a duly adopted and approved plan and a planning process
11 that is confirmed in accordance with section 4350 of this title, has adopted
12 zoning bylaws and subdivision regulations in accordance with section 4442 of
13 this title, and has a designated downtown district, a designated village center, a
14 designated new town center, or a designated growth center served by
15 municipal sewer infrastructure or a community or alternative wastewater
16 system approved by the agency of natural resources, ~~is authorized to apply for~~
17 ~~designation of a Vermont neighborhood.~~ An application for designation may
18 be made by a municipality or by a landowner who meets the criteria under
19 subsection (f) of this section. A municipal decision to apply for designation
20 shall be made by the municipal legislative body after at least one duly warned
21 public hearing. Designation is possible in two different situations:

1 (1) Per se approval. If a municipality or land owner submits an

1 (f) In the event the municipality has not adopted either the minimum
2 density requirements or neighborhood design standards in its zoning bylaw, the
3 owner of the land within a proposed Vermont neighborhood, after providing
4 written notice to the municipal legislative body, may apply to the expanded
5 downtown board for designation of a Vermont neighborhood by submitting
6 locally permitted plans or a development agreement that incorporates the
7 standards set out in subdivision (c)(5) of this section.

8 Sec. 25. 27A V.S.A. § 1-209 is amended to read:

9 § 1-209. SMALL CONDOMINIUMS; EXCEPTION

10 ~~A condominium that will contain no more than 12 units and is not subject to~~
any development rights, unless the declaration provide-244.6((e)2.0((V)2(b))-229.7(to)-26(a)TJ

1 Sec. 28. [RESERVED]

2 * * * Economic Development Planning * * *

3 Sec. 29. 3 V.S.A. § 2293 is amended to read:

4 § 2293. DEVELOPMENT CABINET

5 * * *

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

9 * * *

10 (11) ~~Report annually to the governor and the legislature, through the~~

1 members of any agency or department of state government as necessary and

1 ~~for the short term and long term planning efforts shall be provided by the~~
2 ~~agency of commerce and community development.~~

3 (d)(g) Limitations. This cabinet is strictly an information gathering and
4 coordinating cabinet and confers no additional enforcement powers.

5 Sec. 30. 24 V.S.A. chapter 117 is amended to read:

6 CHAPTER 117. MUNICIPAL AND REGIONAL PLANNING
7 AND DEVELOPMENT

8 * * *

9 § 4345a. DUTIES OF REGIONAL PLANNING COMMISSIONS

10 A regional planning commission created under this chapter shall:

11 * * *

12 (9) At least once every ~~eight~~ five years, review the compatibility of
13 municipal plans, and if the regional planning commission finds that growth in
14 a municipality without an approved plan is adversely affecting an adjoining
15 municipality, it shall notify the legislative body of both municipalities of that
16 fact and shall urge that the municipal planning be undertaken to mitigate those
17 adverse effects. If, within six months of receipt of this notice, the municipality
18 creating the adverse effects does not have an approved municipal plan, the
19 regional commission shall adopt appropriate amendments to the regional plan
20 as it may deem appropriate to mitigate those adverse effects.

21 * * *

1 ~~§ 4348b. READOPTION OF REGIONAL PLANS~~

2 (a) Unless they are readopted, all regional plans, including all prior
3 amendments, shall expire every ~~eight~~ five years.

4 (b)(1) A regional plan that has expired or is about to expire may be
5 readopted as provided under section 4348 of this title for the adoption of a
6 regional plan or amendment. Prior to any re adoption, the regional planning
7 commission shall ~~review and update the information on which the plan is~~
8 ~~based, and shall consider this information in evaluating the continuing~~
9 applicability of the regional plan prepare an assessment report which shall be a
10 part of the readopted regional plan and shall detail the continuing applicability
11 of the regional plan. The assessment report shall include:

12 (A) the extent to which the plan has been implemented since
13 adoption or re adoption;

14 (B) an evaluation of the goals and policies and any amendments
15 necessary due to changing conditions of the region;

16 (C) an evaluation of the land use element and any amendments
17 necessary to reflect changes in land use within the region or changes to
18 regional goals and policies;

19 (D) priorities for implementation in the next five years;

20 (E) updates to information and data necessary to support goals and
21 policies.

1 (2) is maintaining its efforts to provide local funds for municipal and
2 regional planning purposes.

(b)(4)

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1 ~~(3) The municipality may levy impact fees on new development within~~
2 ~~its borders, according to the provisions of chapter 131 of this title.~~

3 (4) The municipality shall be eligible to receive additional funds from
4 the municipal and regional planning fund.

5 (f) Confirmation and approval decisions under this section shall be made
6 by majority vote of the commissioners representing municipalities, in
7 accordance with the bylaws of the regional planning commission.

8 * * *

9 § 4387. READOPTION OF PLANS

10 (a) All plans, including all prior amendments, shall expire every five years
11 unless they are readopted according to the procedures in ~~section~~ sections 4384
12 and 4385 of this title.

13 (b)(1) A municipality may readopt any plan that has expired or is about to
14 expire. Prior to any readoption, the planning commission shall ~~review and~~
15 ~~update the information on which the plan is based, and shall consider this~~
16 ~~information in evaluating the continuing applicability of the plan~~ prepare an
17 assessment report which shall be a part of the readopted municipal plan and
18 shall detail the continuing applicability of the municipal plan. The assessment
19 report shall include:

20 (A) the extent to which the plan has been implemented since
21 adoption or readoption;

1 ~~(B) an evaluation of the goals and policies and any amendments~~
2 ~~necessary due to changing conditions of the municipality;~~

3 ~~(C) an evaluation of the land use element and any amendments~~
4 ~~necessary to reflect changes in land use within the municipality or changes to~~
5 ~~municipal goals and policies;~~

6 ~~(D) priorities for implementation in the next five years;~~

7 ~~(E) updates to information and data necessary to support goals and~~
8 ~~policies.~~

9 (2) The readopted plan shall remain in effect for the ensuing five years
10 unless earlier readopted. A municipality may amend any section of a plan at
11 any time within five years prior to expiration in light of new developments and
12 changed conditions affecting the municipality.

13 (c) Upon the expiration of a plan, all bylaws and capital budgets and
14 programs then in effect shall remain in effect, but shall not be amended until a
15 plan is in effect.

16 (d) The fact that a plan has not been approved shall not make it
17 inapplicable, except as specifically provided by this chapter. Bylaws, capital
18 budgets and programs shall remain in effect, even if the plan has not been
19 approved.

20 * * *

1 (2) A member may be initially selected to serve a term of one, two, or

1 ~~Sec. 39. 6 V.S.A. § 20 is amended to read:~~

2 ~~§ 20. VERMONT LARGE ANIMAL VETERINARIAN EDUCATIONAL~~
3 ~~LOAN REPAYMENT FUND~~

4 ~~(a) There is created a special fund to be known as the Vermont large animal~~
5 ~~veterinarian educational loan repayment fund that shall be used for the purpose~~
6 ~~of ensuring a stable and adequate supply of large animal veterinarians~~
7 ~~throughout in regions of the state as determined by the secretary. The fund~~
8 ~~shall be established and held separate and apart from any other funds or monies~~
9 ~~of the state and shall be used and administered exclusively for the purpose of~~
10 ~~this section. The money in the fund shall be invested in the same manner as~~
11 ~~permitted for investment of funds belonging to the state or held in the treasury.~~

12 * * *

13 Sec. 40. 6 V.S.A. chapter 207 is amended to read:

14 ~~CHAPTER 207. STATE AGENCIES AND STATE FUNDED~~
15 ~~INSTITUTIONS TO PURCHASE VERMONT PRODUCTS PROMOTION~~
16 ~~AND MARKETING OF VERMONT FOODS AND PRODUCTS~~

17 * * *

18 ~~§ 4602. LOCALLY PRODUCED AND SPECIALTY FOOD PRODUCTS~~
19 ~~MARKETING~~

20 ~~(a) The secretary of agriculture, food and markets shall lead a statewide~~
21 ~~effort to establish an effective network for the cooperative purchasing, storage,~~

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Vermont employment growth incentive (VEGI) awards under 32 V.S.A. § 5930b may be made. Any VEGI awards granted prior to ~~January~~ July 1, 2012 may remain in effect until used.

Sec. 3. 32 V.S.A. § 5930a(c)(1) is amended to read:

(1) The enterprise should create new, full-time jobs to be filled by individuals who are Vermont residents. The new jobs shall not include jobs or employees transferred from an existing business in the state, or replacements for vacant or terminated positions in the applicant's business. The new jobs include those that exceed the applicant's average annual employment level in Vermont during the two preceding ~~five~~ years, unless the council determines that the enterprise will establish a significant new line of business and create new jobs in the new line of business that were not part of the enterprise prior to filing its application for incentives with the council. The enterprise should provide opportunities that increase income, reduce unemployment, and reduce facility vacancy rates. Preference should be given to projects that enhance economic activity in areas of the state with the highest levels of unemployment and the lowest levels of economic activity.

Sec. 4. 32 V.S.A. § 5930b(a)(24) is amended to read:

(24) "Wage threshold" means the minimum annualized Vermont gross wages and salaries paid, as determined by the council, but not less than 60 percent above the Vermont minimum wage at the time of application, in order for a new job to be a qualifying job under this section, unless the council

will be exercised, whether the award is currently available, the date the award will expire, ~~and~~ the amount and date of all incentives exercised, and any waiver of the wage threshold requirements granted pursuant to subdivision (a)(24) of this section. The joint report shall also include information on recipient performance in the year in which the incentives were applied, including the number of applications for the incentive, the number of approved applicants who complied with all their requirements for the incentive, the

(6) “Student loan” means debt incurred for the purpose of paying tuition and expenses at an accredited institution, excluding any debt or other financial assistance provided by a family member, relative, or other private person.

(b)(1) A qualified new employee who is hired by and remains in a STEM position with one or more qualified employers for a period of not less than five years shall be eligible for an incentive to pay a qualified student loan in the amount of \$1,500.00 per year for five years.

(2) A qualified new employee shall notify the secretary of his or her initial employment in a STEM position within 30 days of the date of hire and shall provide the secretary an annual notice of employment in a STEM position in each of the five years thereafter.

(3) Following receipt of an annual notice of employment in a STEM position and verification of employment with one or more qualified employers, the secretary shall deliver an incentive to the qualified new employee pursuant to subdivision (1) of this subsection.

4) The secretary shall award up to a maximum of \$75,000.00 per year for incentives in accordance with this section, which shall be made in the order in which they are claimed, as determined by the secretary in his or her discretion, and not to exceed a total program cap of \$375,000.00.

(c) The secretary shall design and make available on the agency of commerce and community development website:

(1) any forms necessary for a new employee to apply for an incentive available under this section; and

(2) a list of STEM positions for which a new employee may be eligible for an incentive under this section.

Sec. 7. LONG-TERM UNEMPLOYED HIRING INCENTIVE

(a) In this section:

(1) “New full-time employment” means employment by a qualified employer in a permanent position at least 35 hours each week in the year for which an incentive is claimed at a compensation of not less than the average wage for the corresponding economic sector in the county of the state as determined by the Vermont department of labor.

(2) “Qualified employer” means a person doing business in Vermont

~~(3) "Qualified long term unemployed Vermonter" means a legal resident of Vermont who collected unemployment insurance benefits in the state of Vermont for five months or more or whose collection of unemployment insurance benefits has expired within 30 days of the date of new employment with a qualified employer and who was hired through a referral from the Vermont department of labor.~~

~~(b) A qualified employer who hires a qualified long-term unemployed Vermonter on or before December 31, 2012 shall be eligible to receive a hiring incentive one year after the employee's date of hire in the amount of \$500.00 per employee. Incentive awards shall be made in the order in which they are claimed, as determined by the commissioner in his or her discretion, not to exceed \$5,000.00 per recipient per year, and not to exceed a total program cap of \$25,000.00.~~

~~(c) The commissioner of labor shall administer payment of incentives consistent with this section and shall develop:~~

~~(1) an application form for qualified employers; and~~

~~(2) a process for verifying compliance with the eligibility requirements of the program.~~

Sec. 8. [RESERVED]

Sec. 9. [RESERVED]

* * * Labor; Workforce Training * * *

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

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

~~(a) The secretary of commerce and community development may issue performance-based grants to any employer, consortium of employers, or contract with providers of training, either individuals or organizations, as necessary, to conduct training under the following circumstances:~~

~~* * *~~

~~(b) The secretary of commerce and community development shall find in the grant or contract that:~~

~~(1) the employer's new or expanded facility will enhance employment opportunities for Vermont residents;~~

~~(2) the existing labor force within the state will probably be unable to provide the employer with sufficient numbers of employees with suitable training and experience; and~~

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

(1) first consult with: the commissioner of education regarding vocational-technical education; the commissioner of labor regarding apprenticeship programs, on-the-job training programs, and recruiting through Vermont Job Service and available federal training funds; the commissioner for children and families regarding welfare to work priorities; and the University of Vermont and the Vermont state colleges;

(2) disburse grant funds only for training hours that have been successfully completed by employees; and

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

* * *

(h) The secretary may designate the commissioner of economic, housing and community development to carry out his or her powers and duties under this chapter.

(i) ~~(1) Program Outcomes. The joint fiscal office shall prepare a training program performance report based on the following information submitted to it by the Vermont training program, which is to be collected from each participating employer and then aggregated:~~

~~(A) The number of full time employees six months prior to the training and six months after its completion.~~

~~(B) For all existing employees, the median hourly wages prior to and after the training.~~

~~(C) The number of "new hires," "upgrades," and "crossovers" deemed eligible for the waivers authorized by stat-1.5(s)-618.8(b)-3.6(y)-.3(r)-1259.92 8 348.92 Tm~~

aggregate form. The secretary shall submit to the joint fiscal office any

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~~required by federal or state law and the participant would not otherwise be covered by an employer's workers' compensation policy.~~

~~(2) The state shall be considered a single entity solely for purposes of purchasing a single workers' compensation insurance policy providing coverage to intern participants.~~

~~(3) This subsection is intended strictly to permit the state to provide workers' compensation coverage, and the state shall not be considered the employer of an intern participant for any other purpose.~~

~~Sec. 13. 10 V.S.A. § 543(f) is amended to read:~~

~~(f) Awards. Based on guidelines set by the council, the commissioners of labor and of education shall jointly make awards to the following:~~

~~* * *~~

~~(2) Vermont Internship Program. Public and private entities for internship programs that match Vermont employers with students from public and private secondary schools, regional technical centers, the Community High School of Vermont, and colleges. For the purposes of this section, "internship" means a learning experience working with an employer where the intern may, but does not necessarily receive academic credit, financial remuneration, a stipend, or any combination of these. Awards under this subdivision may be used to fund the cost of administering an internship program and to provide students with a stipend during the internship, based on need. Awards may be made only to programs or projects that do all the following:~~

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

~~(B) create real workplace expectations and consequences;~~

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

~~(D) are designed to motivate and educate secondary and postsecondary students through work based learning opportunities with Vermont employers that are likely to lead to real employment;~~

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

~~(F) involve Vermont employers or interns who are Vermont residents;~~
~~and~~

~~(G) offer students a continuum of learning, experience, and relationships with employers that will make it financially possible and attractive for graduates to continue to work and live in Vermont. Funding for eligible internship programs and activities under the Vermont Internship Program established in section 544 of this section.~~

Sec. 14. [RESERVED]

* * * Entrepreneurship; Creative Economy * * *

Sec. 15. 3 V.S.A. § 2471c is added read:

§ 2471c. OFFICE OF CREATIVE ECONOMY

(a) The office of creative economy is created within the agency of commerce and community development in order to build upon the years of work and energy around creative economy initiatives in Vermont. The office shall provide business, networking, and technical support to enterprises involved with the creative economy, primarily focused on but not limited to such areas as film, new media, software development, and innovative commercial goods. The office shall work in collaboration with Vermont's private and public sectors to raise the profile and economic productivity of these activities.

(b) The office shall be administered by a director appointed by the secretary pursuant to section 2454 of this title and shall be supervised by the commissioner of the department of economic, housing and community development.

Sec. 16. REPEAL

viability of the merchant bank in the same manner as required by subchapter 5 of chapter 201 of this title.

(o) A merchant bank shall include on all its advertising a prominent disclosure that deposits are not accepted by a merchant bank.

(p) For purposes of this section, "control" means that a person:

(1) directly, indirectly, or acting through another person owns, controls,

EB-5 enterprise fund, including the number of projects and investors served, the amount of the fees imposed and collected, and recommendations concerning the EB-5 enterprise fund and the appropriate fee structure for the program.

Sec. 23. [RESERVED]

* * * *Housing and Development* * * *

Sec. 24. 24 V.S.A. § 2793d is amended to read:

§ 2793d. *DESIGNATION OF VERMONT NEIGHBORHOODS*

(a) A The Vermont downtown development board may designate a Vermont neighborhood in a municipality that has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title, has adopted zoning bylaws and subdivision regulations in accordance with section 4442 of this title, and has a designated downtown district, a designated village center, a designated new town center, or a designated growth center served by municipal sewer infrastructure or a community or alternative wastewater system approved by the agency of natural resources, is authorized to apply for designation of a Vermont neighborhood. An application for designation may be made by a municipality or by a landowner who meets the criteria under subsection (f) of this section. A municipal decision to apply for designation shall be made by the municipal legislative body after at least one duly warned public hearing. An application by a municipality or a landowner shall be made after at least one duly warned public hearing by the legislative body. If the application is submitted by a landowner, the public hearing shall be a joint public hearing of the municipal legislative body and the appropriate municipal panel, and shall be held concurrently with the local permitting process. Designation is possible in two different situations:

(1) Per se approval. If a municipality or landowner submits an application in compliance with this subsection for a designated Vermont neighborhood that would have boundaries that are entirely within the

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§ 2293. DEVELOPMENT CABINET

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

(b) *Development cabinet.* A development cabinet is created, to consist of the secretaries of the agencies of administration, of natural resources, of commerce and community affairs, ~~and~~ of transportation, and ~~the secretary of the agency~~ of agriculture, food and markets. The governor or the governor's designee shall chair the development cabinet. The development cabinet shall advise the governor on how best to implement the purposes of this section, and shall recommend changes as appropriate to improve implementation of those purposes. The development cabinet may establish interagency work groups to support its mission, drawing membership from any agency or department of state government.

(c) *All state agencies that have programs or take actions affecting land use, including those identified under 3 V.S.A. chapter 67, shall, through or in conjunction with the members of the development cabinet:*

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

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

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

development plan as required under subsection (d) of this section and recommend it to the governor.

(2) Commencing with the plan due on or before January 15, 2016, the development cabinet or its workgroup may elect only to prepare and recommend to the governor an update of the long-term economic development plan.

(3) Administrative support for the economic development planning efforts of the development cabinet or its workgroup shall be provided by the agency of commerce and community development.

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

Sec. 30. 24 V.S.A. chapter 117 is amended to read:

CHAPTER 117. MUNICIPAL AND REGIONAL PLANNING
AND DEVELOPMENT

* * *

§ 4345a. DUTIES OF REGIONAL PLANNING COMMISSIONS

A regional planning commission created under this chapter shall:

* * *

(9) At least once every ~~eight~~ five years, review the compatibility of municipal plans, and if the regional planning commission finds that growth in a municipality without an approved plan is adversely affecting an adjoining municipality, it shall notify the legislative body of both municipalities of that fact and shall urge that the municipal planning be undertaken to mitigate those adverse effects. If, within six months of receipt of this notice, the municipality creating the adverse effects does not have an approved municipal plan, the regional commission shall adopt appropriate amendments to the regional plan as it may deem appropriate to mitigate those adverse effects.

* * *

§ 4348a. ELEMENTS OF A REGIONAL PLAN

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include but need not be limited to the following:

* * *

(10) An economic development element that describes present economic

* * *

§ 4348b. READOPTION OF REGIONAL PLANS

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

(b)(1) *A regional plan that has expired or is about to expire may be readopted as provided under section 4348 of this title for the adoption of a regional plan or amendment. Prior to any readoption, the regional planning commission shall ~~review and update the information on which the plan is based, and shall consider this information in evaluating the continuing~~*

review the planning process of its member municipalities at least twice during a eight-year period, or more frequently on request of the municipality, and shall so confirm when a municipality:

(1) is engaged in a continuing planning process that, within a reasonable time, will result in a plan which is consistent with the goals contained in section 4302 of this title; and

(2) is maintaining its efforts to provide local funds for municipal and regional planning purposes.

(b)(H) As part of the consultation process, the commission shall consider whether a municipality has adopted a plan. In order to obtain or retain confirmation of the planning process ~~after January 1, 1996~~, a municipality must have an approved plan. A regional planning commission shall review and approve plans and plan amendments of its member municipalities, when approval is requested and warranted. Each review shall include a public hearing which is noticed at least 15 days in advance by posting in the office of the municipal clerk and at least one public place within the municipality and by publication in a newspaper or newspapers of general publication in the region affected. The commission shall approve a plan if it finds that the plan:

(A)(1) is consistent with the goals establi]TJ ET Q q Q q

weeks of receipt from the municipality. Failure on the part of the commission to file the plan shall not invalidate the plan.

~~information in evaluating the continuing applicability of the plan prepare an assessment report which shall be a part of the readopted municipal plan and shall detail the continuing applicability of the municipal plan. The assessment report shall include:~~

~~(A) the extent to which the plan has been implemented since adoption or readoption;~~

~~(B) an evaluation of the goals and policies and any amendments necessary due to changing conditions of the municipality;~~

~~(C) an evaluation of the land use element and any amendments~~

the purpose of this section. The money in the fund shall be invested in the same manner as permitted for investment of funds belonging to the state or held in the treasury.

* * *

Sec. 40. 6 V.S.A. chapter 207 is amended to read:

*CHAPTER 207. STATE AGENCIES AND STATE FUNDED INSTITUTIONS
TO PURCHASE PROMOTION AND MARKETING OF VERMONT FOODS
AND PRODUCTS*

* * *

§ 4602. GOOD AGRICULTURAL PRACTICES GRANT PROGRAM

(a) A good agricultural practices grant program (GAP) is established in the agency of agriculture, food and markets for the purpose of providing matching grant funds to agricultural producers whose markets require them to obtain or maintain GAP certification.

(b) The secretary may award matching grants for capital upgrades that will support Vermont agricultural producers in obtaining GAP certification. The amount of matching funds required by an applicant for a GAP certification grant shall be determined by the secretary.

(c) An applicant may receive no more than 10 percent of the total funds appropriated for the program in a fiscal year.

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those activities over time, and to develop a report on the progress of the program.

Secs. 44-48. [RESERVED]

Sec. 49. APPROPRIATIONS AND ALLOCATIONS

(a) Appropriations. In fiscal year 2012:

(1) The amount of \$25,000.00 is appropriated from the general fund to the department of labor for the long-term unemployed hiring incentive in Sec. 7 of this act.

(2) The amount of \$500,000.00 is appropriated from the general fund to the agency of agriculture, food and markets as follows:

(A) \$100,000.00 for the good agricultural practices grant program in Sec. 40 of this act.

(B) \$25,000.00 for the skilled meat cutter apprenticeship program in Sec. 41 of this act.

(C) \$125,000.00 for one full-time position of local foods coordinator and the activities associated with his or her position under 6 V.S.A. § 4724 in Sec. 42 of this act.

(D) \$100,000.00 for implementation of the farm-to-plate investment

(2) Of the funds appropriated to the agency of commerce and community development the amount of \$100,000.00 shall be allocated for the office of creative economy in Secs. 15–16 of this act.

Sec. 50. REPORTING

On or before January 15, 2012, the agency of commerce and community development shall coordinate with each agency, department, or outside entity charged with oversight or implementation of a program or policy change in this act and submit in its annual report to the house committees on commerce and economic development and on agriculture, and to the senate committees on economic development, housing and general affairs and on agriculture:

(1) a performance analysis of each program or policy change following passage of this act;

(2) an analysis of the number of private sector jobs created as a result of each program or policy in this act that has a direct financial impact to the state;

(3) an analysis of each program or policy in this act and the proportion of opportunities distributed to each gender; and

(4) recommendations for future actions in light of performance relative to the intended outcomes for each program or policy change.

Sec. 51. EFFECTIVE DATE

This act shall take effect on passage, except that:

states; and such other issues as the secretary deems necessary to evaluate changes to or elimination of the program.

Sec. 2. Sec. 3(c) of No. 184 of the Acts of the 2005 Adj. Sess. (2006) is amended to read:

(c) Beginning April 1, 2009, the economic incentive review board is authorized to grant payroll-based growth incentives pursuant to the Vermont employment growth incentive program established by Sec. 9 of this act. Unless extended by act of the General Assembly, as of ~~January~~ July 1, 2012, no new Vermont employment growth incentive (VEGI) awards under 32 V.S.A. § 5930b may be made. Any VEGI awards granted prior to ~~January~~ July 1, 2012 may remain in effect until used.

Sec. 3. 32 V.S.A. § 5930a(c)(1) is amended to read:

(1) The enterprise should create new, full-time jobs to be filled by individuals who are Vermont residents. The new jobs shall not include jobs or employees transferred from an existing business in the state, or replacements for vacant or terminated positions in the applicant's business. The new jobs include those that exceed the applicant's average annual employment level in Vermont during the two preceding ~~fiscal~~

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financial assistance provided by a family member, relative, or other private person.

(b)(1) A qualified new employee who is hired by and remains in a STEM position with one or more qualified employers for a period of not less than five

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~~(3)~~ *the employer provides its employees with at least three of the following:*

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

(B) dental assistance;

(C) paid vacation and holidays;

(D) child care;

(E) other extraordinary employee benefits; ~~and~~

(F) retirement benefits; and

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~~aggregate form. The secretary shall submit to the joint fiscal office any program outcomes, measurement standards, or other evaluative approaches in use by the training program.~~

~~(3) The joint fiscal office shall review the information collected pursuant to subdivisions (1) and (2) of this subsection and prepare a training program performance report with recommendations relative to the program. The joint fiscal office shall submit its first training program performance report on or before January 15, 2011, to the senate committee on economic development, housing and general affairs and the house committee on commerce and economic development. A second performance report shall be submitted on or before January 15, 2016. In addition to the information evaluated pursuant to subdivision (1) of this subsection, the second report shall include recommendations as to the following:~~

~~(A) whether the outcomes achieved by the program are sufficient to warrant its continued existence.~~

~~(B) whether training program outcomes can be improved by legislative or administrative changes.~~

~~(C) whether continued program performance reports are warranted and, if so, at what frequency and at what level of review.~~

~~(4) The joint fiscal office may contract with a consultant to conduct the performance reports required by this subsection. Costs incurred in preparing each~~

(3) The secretary shall use information gathered pursuant to this subsection and customer satisfaction reports submitted pursuant to subdivision (c)(4) of this section to evaluate the program and make necessary changes that fall within the secretary's authority or, if beyond the scope of the secretary's authority, to recommend necessary changes to the appropriate committees of the general assembly.

* * *

(k) Annually on or before January 15, the secretary shall submit a report to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs summarizing all active and completed contracts and grants, the types of training activities provided, the number of employees served, and the average wage by employer, and addressing any waivers granted.

Sec. 10a. VERMONT TRAINING PROGRAM; ELIGIBILITY CRITERIA; REPORT; REPEAL

(a) On or before January 15, 2012, the secretary of commerce and community development shall review and report his or her recommendations to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs concerning:

(1) appropriate eligibility criteria to supplement or replace the criteria in 10 V.S.A. § 531(b); and

(2) the appropriate amounts by which *JTJ ET Q Q lem.5(c470.5(c*

(4) engage appropriate agencies and departments of the state in the internship program to expand internship opportunities with state government and with entities awarded state contracts; and

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

Sec. 12. IMPLEMENTATION OF THE VERMONT CAREER INTERNSHIP PROGRAM; WORKERS' COMPENSATION

(a)(1) Program costs in fiscal year 2012 for the Vermont career internship program created in 10 V.S.A. § 544 shall be funded through an appropriation from the next generation initiative fund established in 16 V.S.A. § 2887.

(2) Funding in subsequent years shall be recommended by the

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

~~(B) create real workplace expectations and consequences;~~

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

~~(D) are designed to motivate and educate secondary and postsecondary students through work based learning opportunities with~~

(a) The commissioner of labor, in coordination with the secretary of commerce and community development, and in consultation with the workforce development council, is authorized to issue performance grants to one or more persons to perform workforce development activities in a region.

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

(c) The commissioner of labor and the secretary of commerce and community development shall jointly develop a grant process and eligibility criteria, as well as an outreach process for notifying potential participants of the grant program. The commissioner of labor shall have final authority to approve each grant.

* * * *Entrepreneurship; Creative Economy* * * *

Sec. 15. 3 V.S.A. § 2471c is added read:

§ 2471c. OFFICE OF CREATIVE ECONOMY; VERMONT FILM COMMISSION

(a) The office of creative economy is created within the agency of commerce and community development in order to build upon the years of work and energy around creative economy initiatives in Vermont, including the work of the Vermont film commission. The office shall provide business, networking, and technical support to establish, grow, and attract enterprises involved with the creative economy, primarily focused on but not limited to such areas as film, new and emerging media, software development, and innovative commercial goods. The office shall work in collaboration with Vermont's private and public sectors, including educational institutions, to raise the profile and economic productivity of these activities.

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Sec. 21. 10 V.S.A. chapter 3 is added to read:

CHAPTER 3. EB-5 INVESTMENT

§ 21. EB-5 ENTERPRISE FUND

(a) An EB-5 enterprise fund is created for the operation of the state of Vermont regional center for immigrant investment under the federal EB-5 program. The fund shall consist of revenues derived from administrative charges by the agency of commerce and community development pursuant to subsection (c) of this section, any interest earned by the fund, and all sums which are from time to time appropriated for the support of the regional center and its operations.

(b)(1) The receipt and expenditure of moneys from the enterprise fund shall be under the supervision of the secretary of commerce and community development.

(2) The secretary shall maintain accurate and complete records of all receipts and expenditures by and from the fund, and shall make an annual report on the condition of the fund to the secretary of administration, the house committees on commerce and on ways and means, and the senate committees on finance and on economic development, housing and general affairs.

(3) Expenditures from the fund shall be used only to administer the EB-5 program. At the end of each fiscal year, the secretary of administration shall transfer from the EB-5 enterprise fund to the general fund any amount that the secretary of administration determines, in his or her discretion, exceeds the funds necessary to administer the program.

(c) Notwithstanding 32 V.S.A. § 603, the secretary of commerce and community development is authorized to impose an administrative charge for the costs of administering the regional center and providing specialized services in support of participating economic development projects.

Sec. 22. EB-5 ENTERPRISE FUND REPORT

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(1) The Vermont neighborhoods program encourages municipalities and developers with plans that conform to high-density, smart growth principles in order to be suitable for targeted growth and infill development.

(2) Among the benefits afforded by the Vermont neighborhoods program, designated Vermont neighborhoods can be exempt from the cost of Act 250 jurisdiction, can reduce energy costs, and in some cases can eliminate land gains tax.

(3) The process for achieving a Vermont neighborhood designation has been proven to be either too costly or administratively burdensome in Vermont, and as a result, very few designations have been created since the creation of the designation.

(4) By providing landowners the opportunity to apply for neighborhood designation directly and bypassing the Act 250 process, the Vermont neighborhoods program is designed to ensure public notice and participation in the process, and Vermonters will likely benefit from the Vermont neighborhoods program and the types of development that it promotes.

Sec. 23a. 24 V.S.A. § 2793d is amended to read:

§ 2793d. DESIGNATION OF VERMONT NEIGHBORHOODS

(a) A Vermont downtown development board may designate a Vermont neighborhood in a municipality that has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title, has adopted zoning bylaws and subdivision regulations in

(2) Under current law, a small planned community of 24 or fewer units is exempt from all but three sections of Title 27A, but only if a declarant does not reserve any development rights.

(3) Certain projects require a reservation of development rights because they are developed in phases, and later phases are often not completely

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

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

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

~~(11) Report annually to the governor and the legislature, through the chair of the development cabinet and the secretary of administration, on the~~

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

(3) Administrative support for the economic development planning efforts of the development cabinet or its work-group shall be provided by the agency of commerce and community development.

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

Sec. 30. 24 V.S.A. chapter 117 is amended to read:

CHAPTER 117. MUNICIPAL AND REGIONAL PLANNING
AND DEVELOPMENT

* * *

§ 4348b. READOPTON OF REGIONAL PLANS

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

~~(b)(1)~~ A regional plan that has expired or is about to expire may be readopted as provided under section 4348 of this title for the adoption of a regional plan or amendment. Prior to any readoption, the regional planning commission shall ~~review and update the information on which the plan is based, and shall consider this information in evaluating the continuing applicability of the regional plan~~ prepare an assessment report which shall be submitted to the agency of commerce and community development and the municipalities within the region. The assessment report may include:

(A) the extent to which the plan has been implemented since adoption or readoption;

(c) Upon the expiration of a regional plan under this section, the regional plan shall be of no further effect in any other proceeding.

* * *

Sec. 31. [RESERVED]

Sec. 32. 24 V.S.A. § 4348a is amended to read:

§ 4348a. ELEMENTS OF A REGIONAL PLAN

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include but need not be limited to the following:

* * *

The general assembly finds:

(1) In order to access funds available from the community development financial institutions fund, the nonprofit corporation Vermont sustainable jobs must demonstrate that it is sufficiently independent from control of government.

(2) The general assembly has made a substantial investment in recent years to enable the work of VSJF in enhancing the agricultural sector and resources within the state, and finds it important to maintain a presence on the board while allowing VSJF to access additional sources of funding.

(3) Therefore, the purpose and intent of Secs. 35a through 38 of this act is to authorize a change in the composition of the VSJF board to allow it to access necessary funds.

Sec. 35a. 10 V.S.A. § 328 is amended to read:

§ 328. CREATION OF THE SUSTAINABLE JOBS FUND PROGRAM

* * *

(c)(1) Notwithstanding the provisions of subdivision 216(14) of this title, the authority may contribute not more than \$1,000,000.00 to the capital of the corporation formed under this section, and the board of directors of the corporation formed under this section shall consist of ~~three members of the authority designated by the authority, the secretary of commerce and community development, and seven members who are not officials or employees of a governmental agency appointed by the governor, with the advice and consent of the senate, for terms of five years, except that the governor shall stagger initial appointments so that the terms of no more than two members expire during a calendar year:~~

(A) the secretary of commerce and community development or his or her designee;

(B) the secretary of agriculture, food and markets or his or her designee;

(C) a director appointed by the governor; and

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

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

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

(C) The director appointed by the governor shall serve at the

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department at least five days prior to the event and shall be accompanied by the permit fee required by subdivision 231(a)(22) of this title.

Sec. 77. 7 V.S.A. § 231 is amended to read:

§ 231. FEES FOR LICENSES; DISPOSITION OF FEES

(a) The following fees shall be paid:

* * *

(22) For an art gallery or bookstore permit, \$15.00.

* * *

Sec. 78. 9 V.S.A. § 2466 is amended to read:

§ 2466. GOODS AND SERVICES APPEARING ON TELEPHONE BILL

(a) ~~Not~~ Except as provided in subsection (f) of this section, a seller shall not bill a consumer for goods or services that will appear as a charge on the person's local telephone bill

~~(e) The sending of the notice required by this section is not a defense to a claim that a consumer did not consent to enter into the contract or agreement.~~

(f) No person shall arrange on behalf of a seller of goods or services, directly or through an intermediary, with a local exchange carrier, to bill a consumer for goods or services ~~unless the seller complies with~~ other than as permitted by this section. This prohibition applies, but is not limited, to

(B) \$25,000.00 for the skilled meat cutter apprenticeship program in

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