

Journal of the Senate

FRIDAY, APRIL 29, 2011

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 60

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered bills originating in the Senate of the following titles:

S. 53. An act relating to the number of prekindergarten children included within a school district's average daily membership.

S. 58. An act relating to jurisdiction of a crime committed when the defendant was under the age of 16.

And has passed the same in concurrence.

The House has considered bills originating in the Senate of the following titles:

S. 73. An act relating to raising the penalties for eluding a police officer.

S. 105. An act relating to miscellaneous agricultural subjects.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered Senate proposal of amendment to the following House bill:

H. 426. An act relating to extending the state's reporting concerning transportation of children in state custody and transportation of individuals in the custody of the commissioner of mental health.

And has severally concurred therein.

The Governor has informed the House that on the April 28, 2011, he approved and signed bills originating in the House of the following titles:

H. 52. An act relating to the definition of poultry products.

H. 240. An act relating to continuing to provide for the receivership of long-term care facilities.

H. 442. An act relating to amending the charter of the city of Rutland.

Bills Referred to Committee on Appropriations

House bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule, were severally referred to the Committee on Appropriations:

H. 73.

An act relating to establishing a government transparency office to enforce the public records act.

H. 448.

An act relating to contributions to the state and municipal employees' retirement systems.

Proposals of Amendment; Third Reading Ordered

H. 201.

Senator Miller, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to hospice and palliative care.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out the Sec. 3 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 3 to read as follows:

Sec. 3. REQUEST FOR A WAIVER

By no later than July 1, 2012, the department of Vermont health access shall request and apply for a demonstration project or waiver from the Centers for Medicare and Medicaid Services to allow for the state to obtain federal Medicaid matching funds to provide for an "enhanced hospice access" benefit, whereby the definition of "terminal illness" is expanded from six months' life expectancy to 12 months' and participants may access hospice without being required to first discontinue curative therapy. Also, by no later than July 1, 2012, the department shall request and apply for a Medicare demonstration

project or waiver from the Centers for Medicare and Medicaid Services to provide funding for the same enhanced hospice access benefit.

Second: In Sec. 4, subsection (c), by striking out the following: “Assembly of Home Health Agencies, Inc.” and inserting in lieu thereof the following: Vermont Assembly of Home Health and Hospice Agencies

Third: By striking out Sec. 7 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 7 to read as follows:

Sec. 7. 26 V.S.A. § 1400 is amended to read:

§ 1400. RENEWAL OF LICENSE; CONTINUING MEDICAL EDUCATION

(a) Every person licensed to practice medicine ~~and surgery~~ by the board shall apply biennially for the renewal of his or her license. ~~One~~ At least one month prior to the date on which renewal is required, the board shall send to each licensee a license renewal application form and notice of the date on which the existing license will expire. On or before the renewal date, the licensee shall file an application for license renewal and pay the required fee. The board shall register the applicant and issue the renewal license. Within one month following the date renewal is required, the board shall pay the license renewal fees into the medical practice board special fund ~~and shall file a list of licensees with the department of health.~~

(b) A licensee applying for renewal of an active license to practice medicine shall have completed continuing medical education which shall meet minimum criteria as established by rule, by the board, by August 31, 2012 and which shall be in effect for the renewal of licenses to practice medicine expiring after August 31, 2014. The board shall require a minimum of ten hours of continuing medical education by rule. The training provided by the continuing medical education shall be designed to ensure that the licensee has updated his or her knowledge and skills in his or her own specialties and also has kept abreast of advances in other fields for which patient referrals may be appropriate. The board shall require evidence of current professional competence in recognizing the need for timely appropriate consultations and referrals to ensure fully informed patient choice of treatment options, including treatments such as those offered by hospice, palliative care, and pain management services.

(c) A licensee applying for renewal of an active license to practice medicine shall have practiced medicine within the last three years as defined in section 1311 of this title or have complied with the requirements for updating knowledge and skills as defined by board rules.

(d) A licensee shall demonstrate that the requirements for licensure are met.

(e) A licensee shall promptly provide the board with new or changed information pertinent to the information in his or her license and license renewal applications at the time he or she becomes aware of the new or changed information.

~~(b)(f)~~ A person who practices medicine ~~and surgery~~ and who fails to renew his ~~or her~~ license in accordance with the provisions of this section shall be deemed an illegal practitioner and shall forfeit the right to so practice or to hold himself or herself out as a person licensed to practice medicine ~~and surgery~~ in the state until reinstated by the board, but nevertheless a ~~person who was licensed to practice medicine and surgery at the time of his induction, call on reserve commission or enlistment into the armed forces of the United States, shall be entitled to practice medicine and surgery during the time of his service with the armed forces of the United States and for 60 days after separation from such service~~ physician while on extended active duty in the uniformed services of the United States or as a member of the national guard, state guard, or reserve component who is licensed as a physician at the time of an activation or deployment shall receive an extension of licensure up to 90 days following the physician's return from activation or deployment, provided the physician notifies the board of his or her activation or deployment prior to the expiration of the current license and certifies that the circumstances of the activation or deployment impede good faith efforts to make timely application for renewal of the license.

~~(e)(g)~~ Any person who allows a license to lapse by failing to renew the same in accordance with the provisions of this section may be reinstated by the board by payment of the renewal fee and the late renewal penalty, and if applicable, by completion of the continuing medical education requirement as established in subsection (b) of this section and any other requirements for licensure as required by this section and board rule.

Fourth: In Sec. 8, after the following "set forth in 26 V.S.A." by striking out the following: "§ 1400(b)(1) and (2), in the field of field of palliative care, hospice, end-of-life care, and management of chronic pain" and inserting in lieu thereof the following: § 1400(b)

Fifth: In Sec. 10, 18 V.S.A. § 9708, by striking out subsection (f) in its entirety. And by relettering the remaining subsections in Sec. 10 to be alphabetically correct.

Sixth: In Sec. 10, 18 V.S.A. § 9708, by striking out relettered subsection (g) in its entirety and inserting in lieu thereof a new subsection (g) to read as follows:

~~(b)~~(g) A clinician who issues a DNR order ~~may~~ shall authorize issuance of a DNR identification to the ~~principal~~ patient. Uniform minimum requirements for DNR identification shall be determined by rule by the department of health no later than March 1, 2012.

Seventh: In Sec. 10, 18 V.S.A. § 9708, by inserting a new subsection to be lettered subsection (i) to read as follows:

(i) A DNR/COLST order executed prior to July 1, 2011 shall be a valid order if the document complies with the statutory requirements in effect at the time the document was executed or with the provisions of this chapter.

And by relettering the remaining subsections in Sec. 10 to be alphabetically correct.

Eighth: By inserting a new section to be numbered Sec. 11 to read as follows:

* * * STUDY ON DNR/COLST ORDER INFORMED CONSENT * * *

SEC. 11. STUDY ON DNR/COLST ORDER INFORMED CONSENT

(a) The DNR/COLST order informed consent committee is created and shall be convened by the commissioner of health to study criteria to be used for rules concerning individuals who are giving informed consent for a DNR/COLST order issued pursuant to 18 V.S.A. § 9708(b), but who are not the patient, the patient's agent, or the patient's guardian.

(b) The committee shall consist of the following members or their designees:

(1) The commissioners of health; Vermont health access; and disabilities, aging, and independent living;

(2) one representative each from the Vermont Medical Society, the Vermont Ethics Network, the Vermont Association of Hospitals and Health Systems, Vermont Program for Quality in Health Care, the Hospice and Palliative Care Council of Vermont, the Vermont Center for Independent Living, Vermont Area Agencies on Aging, Vermont Assembly of Home Health and Hospice Agencies, and the Vermont Health Care Association;

(3) the long term care ombudsman; and

(4) the state health care ombudsman.

(c) The committee shall make recommendations on the criteria to be used for rules concerning individuals who are giving informed consent for a DNR/COLST order to be issued pursuant to 18 V.S.A. § 9708(b), but who are

not the patient, the patient's agent, or the patient's guardian. The committee's recommendations shall include:

(1) which individual or individuals who are not the patient, the patient's agent, or the patient's guardian, but who shall be a family member of the patient or a person with a known close relationship to the patient, are permitted to give informed consent for a DNR/COLST order;

(2) how decisions regarding who is the appropriate person to be giving informed consent for a DNR/COLST order are to be made, which shall include at a minimum the protection of a patient's own wishes in the same manner as set forth in 18 V.S.A. § 9711; and

(3) the use of a hospital's internal ethics protocols when there is a disagreement over who is the appropriate person to give informed consent for a DNR/COLST order.

(d) The committee shall report by December 1, 2011 to the Vermont health access oversight committee, the chair of the house committee on human services, and the chair of the senate committee on health and welfare on its findings and recommendations.

And by renumbering all remaining sections to be numerically correct.

Ninth: In renumbered Sec. 12, 18 V.S.A. § 9709, subsection (c), by striking out subdivision (5) in its entirety and inserting in lieu thereof a new subdivisions (5) and (6) to read as follows:

(5) Upon transfer or discharge from the to another facility, a copy of any advance directive, DNR order, and clinician order for life sustaining treatment is or COLST order shall be transmitted with the principal or, if or patient. If the transfer is to a health care facility or residential care facility, is any advance directive, DNR order, or COLST order shall be promptly transmitted to the subsequent facility, unless the sending facility has confirmed that the receiving facility has a copy of any the advance directive, DNR order, or clinician order for life sustaining treatment COLST order.

(6) For a patient for whom DNR/COLST orders are documented in a facility-specific manner, any DNR/COLST orders to be continued upon discharge, during transport, or in another setting shall be documented on the Vermont DNR/COLST form issued pursuant to 18 V.S.A. § 9708(b) or on the form as prescribed by the patient's state of residence.

Tenth: By inserting a new section to be numbered Sec. 13 to read as follows:

Sec. 13. 18 V.S.A. § 9713 is amended to read:

§ 9713. IMMUNITY

(a) No individual acting as an agent or guardian shall be subjected to criminal or civil liability for making a decision in good faith pursuant to the terms of an advance directive, or DNA order, or COLST order and the provisions of this chapter.

(b)(1) No health care provider, health care facility, residential care facility, or any other person acting for or under such person's control shall, if the provider or facility has complied with the provisions of this chapter, be subject to civil or criminal liability for:

(A) providing or withholding ~~health-care~~ treatment or services in good faith pursuant to the direction of a principal or patient, the provisions of an advance directive, a DNA order, a COLST order, a DNR identification ~~of the principal~~, the consent of a principal or patient with capacity or of the principal's or patient's agent or guardian, or a decision or objection of a principal or patient; or

(B) relying in good faith on a suspended or revoked advance directive, suspended or revoked DNR order, or suspended or revoked COLST order, unless the provider or facility knew or should have known of the suspension or revocation.

(2) No funeral director, crematory operator, cemetery official, procurement organization, or any other person acting for or under such person's control, shall, if the director, operator, official, or organization has complied with the provisions of this chapter, be subject to civil or criminal liability for providing or withholding its services in good faith pursuant to the provisions of an advance directive, whether or not the advance directive has been suspended or revoked.

(3) Nothing in this subsection shall be construed to establish immunity for the failure to follow standards of professional conduct and to exercise due care in the provision of services.

(c) No employee shall be subjected to an adverse employment decision or evaluation for:

(1) providing or withholding ~~health-care~~ treatment or services in good faith pursuant to the direction of a principal or patient, the provisions of an advance directive, a DNR order, a COLST order, a DNR identification ~~of the principal~~, the consent of the ~~principal's~~ principal or patient with capacity or principals or patient's agent or guardian, a decision or objection of a principal

or patient, or the provisions of this chapter. This subdivision shall not be construed to establish a defense for the failure to follow standards of professional conduct and to exercise due care in the provision of services;

(2) relying on an amended, suspended, or revoked advance directive, unless the employee knew or should have known of the amendment, suspension or revocation; or

(3) providing notice to the employer of a moral or other conflict pursuant to subdivision 9707(b)(3) of this title, so long as the employee has provided ongoing health care until a new employee or provider has been found to provide the services.

And by renumbering all remaining sections to be numerically correct.

Eleventh: In renumbered Sec. 15, after the following: “This act shall take effect on passage” by inserting the following: , except for Sec. 7, 26 V.S.A. § 1400(c), which shall take effect 60 days after the adoption of the maintenance of licensure rule for physicians

And that the bill ought to pass in concurrence with such proposals of amendment.

Senator Miller, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Health and Welfare.

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Health and Welfare?, was decided in the affirmative.

Thereupon, pending third reading of the bill, Senator Miller, on behalf of the Committee on Health and Welfare, moved that the Senate proposal of amendment be amended by striking out Sec. 3 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 3 to read as follows:

Sec. 3. REQUEST FOR A WAIVER

By no later than July 1, 2012, the agency of human services shall include as a part of its application request for a demonstration project from the Centers for Medicare and Medicaid Services to integrate care for dual eligible individuals the additional proposal of allowing the state to provide for an “enhanced hospice access” benefit, whereby the definition of “terminal illness”

is expanded from six months' life expectancy to that of 12 months and participants may access hospice without being required to first discontinue curative therapy. Also, by no later than July 1, 2013, the agency of human services shall submit a Global Commitment Medicaid waiver amendment to provide funding for the same enhanced hospice access benefit.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Recess

On motion of Senator Campbell the Senate recessed until one o'clock and thirty minutes.

Called to Order

At two o'clock in the afternoon the Senate was called to order by the President.

Rules Suspended; Bill Committed

H. 56.

House bill entitled:

An act relating to the Vermont Energy Act of 2011.

Was taken up.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the reports of the Committee on Natural Resources and Energy and Finance *intact*,

Which was agreed to.

Proposals of Amendment; Consideration Postponed

H. 420.

Senator Ayer, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to the office of professional regulation.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 5 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 5 to read as follows:

Sec. 5. 26 V.S.A. chapter 28 is amended to read:

CHAPTER 28. NURSING

Subchapter 1. Registered and Licensed Practical Nursing

* * *

§ 1572. DEFINITIONS

As used in this chapter:

* * *

(4) “Advanced practice registered nurse” or “APRN” means a licensed registered nurse authorized to practice in this state who, because of specialized education and experience, is endorsed to perform acts of medical diagnosis and to prescribe medical, therapeutic, or corrective measures under administrative rules adopted by the board.

(5) “License” means a current authorization permitting the practice of nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse.

§ 1573. VERMONT STATE BOARD OF NURSING

(a) There is hereby created a Vermont state board of nursing consisting of ~~five~~ six registered nurses, including at least ~~one endorsed~~ two licensed as an advanced practice registered ~~nurse~~ nurses, two practical nurses, one nursing assistant, and two public members. Board members shall be appointed by the governor pursuant to 3 V.S.A. §§ 129b and 2004.

* * *

§ 1573a. APRN SUBCOMMITTEE

The board shall appoint a subcommittee to study and report to the board on matters relating to advanced practice registered nurse practice. The subcommittee shall be composed of at least five members. The majority shall be advanced practice registered nurses who are licensed and in good standing in this state. At least one member shall be a member of the public, and at least one member shall be a physician designated by the board of medical practice. Members of the subcommittee shall be entitled to compensation at the rate provided in 32 V.S.A. § 1010.

* * *

§ 1582. REGULATORY AUTHORITY; UNPROFESSIONAL CONDUCT

(a) The board may deny an application for registration, licensure, or relicensure; revoke or suspend any license to practice nursing issued by it; or discipline or in other ways condition the practice of a registrant or licensee upon due notice and opportunity for hearing in compliance with the provisions of ~~chapter 25 of Title 3, 3 V.S.A. chapter 25~~ if the person engages in the following conduct or the conduct set forth in ~~section 129a of Title 3 V.S.A. § 129a~~:

(1) Has made or caused to be made a false, fraudulent, or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing;

* * *

(6) Has a mental, emotional, or physical disability, the nature of which interferes with ability to practice nursing competently; ~~or~~

(7) Engages in conduct of a character likely to deceive, defraud, or harm the public;

(8) Has willfully omitted to file or record or has willfully impeded or obstructed a filing or recording or has induced another person to omit to file or record medical reports required by law;

(9) Has knowingly aided or abetted a health care provider who is not legally practicing within the state in the provision of health care services;

(10) Has permitted his or her name or license to be used by a person, group, or corporation when not actually in charge of or responsible for the treatment given;

(11) Has failed to comply with the patient bill of rights provisions of 18 V.S.A. § 1852; or

(12) Has committed any sexual misconduct that exploits the provider-patient relationship, including sexual contact with a patient, surrogates, or key third parties.

(b) Procedure. The board shall establish a discipline process based on this chapter and the Administrative Procedure Act.

(c) Appeals. ~~(1)~~ Any person or institution aggrieved by any action of the board under this section or section 1581 of this title may appeal as provided in ~~section 130a of Title 3 V.S.A. § 130a~~.

(d) A person shall not be liable in a civil action for damages resulting from the good faith reporting of information to the board about incompetent, unprofessional, or unlawful conduct of a nurse.

* * *

§ 1584. PROHIBITIONS; OFFENSES

(a) It shall be a violation of this chapter for any person, including any corporation, association, or individual, to:

* * *

(7) Employ unlicensed persons to practice registered ~~or~~ nursing, practical nursing, or as a nursing assistant.

* * *

Subchapter 3. Advanced Practice Registered Nurses

§ 1611. ADVANCED PRACTICE REGISTERED NURSE LICENSURE

To be eligible for an APRN license, an applicant shall:

(1) have a degree or certificate from a Vermont graduate nursing program approved by the board or a graduate program approved by a state or a national accrediting agency that includes a curriculum substantially equivalent to programs approved by the board. The educational program shall meet the educational standards set by the national accrediting board and the national certifying board. Programs shall include a supervised clinical component in the role and population focus of the applicant's certification. The program shall prepare nurses to practice advanced nursing in a role as a nurse practitioner, certified nurse midwife, certified nurse anesthetist, or clinical nurse specialist in psychiatric or mental health nursing and shall include, at a minimum, graduate level courses in:

(A) advanced pharmacotherapeutics;

(B) advanced patient assessment; and

(C) advanced pathophysiology;

(2) hold a degree or certificate from an accredited graduate-level educational program preparing the applicant for one of the four recognized APRN roles described in subdivision (1) of this section and have educational preparation consistent with the applicant's certification, role, population focus, and specialty practice; and

(3) hold current advanced nursing certification in a role and population focus granted by a national certifying organization recognized by the board.

§ 1612. PRACTICE GUIDELINES

(a) APRN licensees shall submit for review individual practice guidelines and receive board approval of the practice guidelines. Practice guidelines shall reflect current standards of advanced nursing practice specific to the APRN's role, population focus, and specialty.

(b) Licensees shall submit for review individual practice guidelines and receive board approval of the practice guidelines:

(1) prior to initial employment;

(2) upon application for renewal of an APRN's registered nurse license;
and

(3) prior to a change in the APRN's employment or clinical role, population focus, or specialty.

§ 1613. TRANSITION TO PRACTICE

(a) Graduates with fewer than 24 months and 2,400 hours of licensed active advanced nursing practice in an initial role and population focus or fewer than 12 months and 1,600 hours for any additional role and population focus shall have a formal agreement with a collaborating provider as required by board rule. APRNs shall have and maintain signed and dated copies of all required collaborative provider agreements as part of the practice guidelines. An APRN required to practice with a collaborative provider agreement may not engage in solo practice, except with regard to a role and population focus in which the APRN has met the requirements of this subsection.

(b) An APRN who satisfies the requirements to engage in solo practice pursuant to subsection (a) of this section shall notify the board that these requirements have been met.

§ 1614. APRN RENEWAL

An APRN license renewal application shall include:

(1) documentation of completion of the APRN practice requirement;

(2) a current certification by a national APRN specialty certifying organization;

(3) current practice guidelines; and

(4) a current collaborative provider agreement if required for transition to practice.

§ 1615. REGULATORY AUTHORITY; UNPROFESSIONAL CONDUCT

(a) The board may deny an application for licensure or renewal or may revoke, suspend, or otherwise discipline an advanced practice registered nurse upon due notice and opportunity for hearing in compliance with the provisions of 3 V.S.A. chapter 25 if the person engages in the conduct set forth in 3 V.S.A. § 129a or section 1582 of this title or any of the following:

(1) abandonment of a patient in violation of the duty to maintain a provider-patient relationship within the reasonable expectations of continuing care or referral.

(2) solicitation of professional patronage by agents or persons or profiting from the acts of those representing themselves to be agents of the licensed APRN.

(3) division of fees or agreeing to split or divide the fees received for professional services for any person for bringing or referring a patient.

(4) practice beyond those acts and situations that are within the practice guidelines approved by the board for an APRN and within the limits of the knowledge and experience of the APRN, and, for an APRN who is practicing under a collaborative agreement, practice beyond those acts and situations that are within both the usual scope of the collaborating provider's practice and the terms of the collaborative agreement.

(5) for an APRN who acts as the collaborating provider for an APRN who is practicing under a collaboration agreement, allowing the mentored APRN to perform a medical act which is outside the usual scope of the mentor's own practice or which the mentored APRN is not qualified to perform by training or experience or which is not consistent with the requirements of this chapter and the rules of the board.

(6) providing, prescribing, dispensing, or furnishing medical services or prescription medication or prescription-only devices to a person in response to any communication transmitted or received by computer or other electronic means when the licensee fails to take the following actions to establish and maintain a proper provider-patient relationship:

(A) a reasonable effort to verify that the person requesting medication is in fact the patient and is in fact who the person claims to be;

(B) establishment of documented diagnosis through the use of accepted medical practices; and

(C) maintenance of a current medical record.

(7) prescribing, selling, administering, distributing, ordering, or dispensing any drug legally classified as a controlled substance for his or her own use or for an immediate family member.

(8) signing a blank or undated prescription form.

(b)(1) For the purposes of subdivision (a)(6) of this section, an electronic, online, or telephonic evaluation by questionnaire is inadequate for the initial evaluation of the patient.

(2) The following would not be in violation of subdivision (a)(6) of this section:

(A) initial admission orders for newly hospitalized patients;

(B) prescribing for a patient of another provider for whom the prescriber has taken call;

(C) prescribing for a patient examined by a licensed APRN, physician assistant, or other practitioner authorized by law and supported by the APRN;

(D) continuing medication on a short-term basis for a new patient prior to the patient's first appointment; or

(E) emergency situations where the life or health of the patient is in imminent danger.

Second: By striking out Sec. 6 in its entirety.

Third: In Sec. 12, in 26 V.S.A. § 3322, by striking out subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

(b) The licensed appraiser shall include within the body of the appraisal report the amount of the appraiser's fee for appraisal services.

Fourth: By striking out Sec. 15 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 15 to read as follows:

Sec. 15. STAKEHOLDER WORKGROUP

Not later than July 1, 2011, the Vermont board of nursing shall convene a workgroup consisting of representatives from nursing homes, hospice agencies, the agency of human services, and nursing assistant educators to make recommendations to the board on the standards for administration of medication by medication nursing assistants as well as standards for education and competency of medication nursing assistants. The board shall submit a report to the general assembly on the status of efforts to establish these standards not later than January 15, 2012.

And by renumbering the sections to be numerically correct.

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, pending third reading of the bill, Senator White moved to amend the Senate proposal of amendment by striking out Sec. 15 (effective date) in its entirety and inserting three new sections to be numbered Secs. 15, 16 and 17 to read as follows:

Sec. 15. 17 V.S.A. § 2121 is amended to read:

§ 2121. ELIGIBILITY OF VOTERS

(a) Any person may register to vote in the town of his or her residence in any election held in a political subdivision of this state in which he or she resides who, on election day:

- (1) is a citizen of the United States;
- (2) is a resident of the state of Vermont;
- (3) has taken the voter's oath; and
- (4) is 18 years of age or more

~~may register to vote in the town of his residence in any election held in a political subdivision of this state in which he resides.~~

(b) Any person meeting the requirements of subdivisions (a)(1)–(3) of this section who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election.

Sec. 16. 17 V.S.A. § 2702 is amended to read:

§ 2702. NOMINATING PETITION

The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party if petitions signed by at least one thousand voters in accordance with sections 2353, 2354, and 2358 of this title are filed with the secretary of state, together with the written consent of the person to the printing of the person's name on the ballot. Petitions shall be filed not later than 5:00 p.m. on the ~~third~~ first Monday after the first Tuesday of January preceding the primary election. The petition shall be in a form prescribed by the secretary of state. A person's name shall not be listed as a candidate on the primary ballot of more than one party in the same

election. Each petition shall be accompanied by a filing fee of \$2,000.00 to be paid to the secretary of state and deposited by the secretary of state into the general fund. However, if the petition of a candidate is accompanied by the affidavit of the candidate, which shall be available for public inspection, that the candidate and the candidate's campaign committee are without sufficient funds to pay the filing fee, the secretary of state shall waive all but \$300.00 of the payment of the filing fee by that candidate.

Sec. 17. EFFECTIVE DATE

This act shall take effect on passage.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator White?, Senator Campbell moved that consideration of the bill be postponed.

Rules Suspended; Bills on Notice Calendar for Immediate Consideration

On motion of Senator Mazza, the rules were suspended, and the following bills and Joint resolution, appearing on the Calendar for notice, were ordered to be brought up for immediate consideration:

H. 294, H. 452, H. 6, H. 153.

Third Readings Ordered

H. 294.

Senator Pollina, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approving amendments to the charter of the city of Montpelier.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

H. 452.

Senator Pollina, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to establishing the boundary line between the towns of Shelburne and St. George.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Proposal of Amendment; Third Reading Ordered**H. 6.**

Senator Nitka, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to powers and immunities of the liquor control investigators.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 561(a) is amended to read:

(a) The director of the enforcement division of the department of liquor control and investigators employed by the liquor control board or by the department of liquor control shall be law enforcement officers and shall have the same powers and immunities as those conferred on the state police by ~~section 1914 of Title 20, as necessary to carry out liquor control enforcement duties under this title or while performing liquor control enforcement duties at a licensed premise or event catered by a licensee or in the immediate vicinity of a licensed premise or an event catered by a licensee~~ 20 V.S.A. § 1914.

Sec. 2. 23 V.S.A. § 4(11) is amended to read:

(11) "Enforcement officers" shall include sheriffs, deputy sheriffs, constables, police officers, state's attorneys, capitol police officers, motor vehicle inspectors, liquor investigators, state game wardens, and state police, and for enforcement of offenses relating to parking of motor vehicles, meter checkers, and other duly authorized employees of a municipality employed to assist in the enforcement of parking regulations. "Enforcement officers" shall also include duly authorized employees of the department of motor vehicles for the purpose of issuing complaints related to their administrative duties, for enforcement of nonmoving traffic violations enumerated in subdivisions 2302(a)(1), (2), (3) and (4) of this title, pursuant to 4 V.S.A. § 1105.

Sec. 3. 7 V.S.A. § 561(a) is amended to read:

(a) The director of the enforcement division of the department of liquor control and investigators employed by the liquor control board or by the department of liquor control shall be law enforcement officers and shall have the same powers and immunities as those conferred on the state police by 20 V.S.A. § 1914, as necessary to carry out liquor control enforcement duties under this title or while performing liquor control enforcement duties at a licensed premise or event catered by a licensee or in the immediate vicinity of a licensed premise or an event catered by a licensee.

Sec. 4. 23 V.S.A. § 4(11) is amended to read:

(11) “Enforcement officers” shall include sheriffs, deputy sheriffs, constables, police officers, state’s attorneys, capitol police officers, motor vehicle inspectors, ~~liquor investigators~~, state game wardens, and state police, and for enforcement of offenses relating to parking of motor vehicles, meter checkers, and other duly authorized employees of a municipality employed to assist in the enforcement of parking regulations. “Enforcement officers” shall also include duly authorized employees of the department of motor vehicles for the purpose of issuing complaints related to their administrative duties, for enforcement of nonmoving traffic violations enumerated in subdivisions 2302(a)(1), (2), (3) and (4) of this title, pursuant to 4 V.S.A. § 1105.

Sec. 5. EFFECTIVE DATES

(a) Secs. 1 and 2 and this section shall take effect on passage.

(b) Secs. 3 and 4 of this act shall take effect on July 1, 2013.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment was agreed to, and third reading of the bill was ordered.

Rules Suspended; Bill Committed

H. 287.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to job creation and economic development.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Economic Development, Housing and General Affairs, Finance, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the reports of the Committee on Economic Development, Housing and General Affairs and Finance *intact*,

Which was agreed to.

Bills Passed in Concurrence**H. 294.**

House bills of the following titles were severally read the third time and passed in concurrence:

An act relating to approving amendments to the charter of the city of Montpelier.

H. 452.

An act relating to establishing the boundary line between the towns of Shelburne and St. George.

**Rules Suspended; Proposal of Amendment; Third Reading Ordered;
Rules Suspended; Bill Passed in Concurrence with Proposal of
Amendment****H. 287.**

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and Senate bill entitled:

An act relating to job creation and economic development.

Was taken up for immediate consideration.

Senator Ashe, for the Committee on Economic Development, Housing and General Affairs, to which the bill was referred reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Incentive Grants; VEGI * * *

Sec. 1. VEGI STUDY

On or before January 15, 2012, the secretary of commerce and community development shall conduct a comprehensive study of the Vermont employment growth incentive program and shall submit a report to the house committees on commerce and economic development and on ways and means, and to the senate committees on finance and on economic development, housing and general affairs. The study shall address the overall effectiveness of the program; the appropriate term and use of the "look back" provision and the wage threshold; the appropriate use of company-specific and industry background growth rates; the administrative burden the program imposes on both employers and on government; a comparison to similar programs in other 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~~ years, unless the council determines that the enterprise will establish a significantly different, 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. [RESERVED]

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

(e) Reporting. By May 1, 2008 and by May 1 each year thereafter, the council and the department of taxes shall file a joint report on the employment growth incentives authorized by this section with the chairs of the house committee on ways and means, the house committee on commerce and economic development, the senate committee on finance, the senate committee on economic development, housing and general affairs, the house and senate committees on appropriations, and the joint fiscal committee of the general assembly and provide notice of the report to the members of those committees. The joint report shall contain the total authorized award amount of incentives granted during the preceding year, amounts actually earned and paid from inception of the program to the date of the report, including the date and amount of the award, the expected calendar year or years in which the award will be exercised, whether the award is currently available, the date the award will expire, and the amount and date of all incentives exercised. 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 aggregate number of new jobs created, the aggregate payroll of those jobs and the identity of businesses whose applications were approved. The council and department shall use measures to protect proprietary financial information, such as reporting information in an aggregate form. Data and information in the joint report made available to the public shall be presented in a searchable format.

Sec. 6. [RESERVED]

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 that is registered with the Vermont secretary of state, is current with all payments and filings required by the Vermont departments of taxes and of labor, and has a valid workers' compensation policy.

(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.

(d) The commissioner may, in his or her discretion, modify any requirement of and use the funds appropriated for this section in any other manner that furthers the goal of reducing the number of long-term unemployed Vermonters.

* * * Labor; Workforce Training * * *

Sec. 8. 10 V.S.A. § 541(d) is amended to read:

(d) The governor shall appoint one of the business or employer members to chair the council for a term of two years. A member shall not serve as chair in consecutive terms.

Sec. 8a. DEPT. OF LABOR; WORKFORCE DEVELOPMENT DIRECTOR;
REPEAL

10 V.S.A. 541(h) (executive director of workforce development council) is repealed.

Sec. 9. FINDINGS: VERMONT TRAINING PROGRAM

The general assembly finds:

(1) The Vermont training program provides funds for the training of employees in new and existing businesses in the sectors of manufacturing, information technology, health care, telecommunications, and environmental engineering. The state offers three training initiatives: new employment, upgrade, and crossover training for incumbent workers. These individually designed training programs may include on-the-job, classroom, skill upgrade, or other specialized training which is mutually agreed upon between the state and employer.

(2) A report conducted by the legislative joint fiscal office pursuant to Sec. 14a. of No. 78 of the 2009 Adj. Sess. (2010) found that businesses that are served by the Vermont training program (VTP) see it as a valuable state program in support of small business and the workforce in Vermont.

(3)(A) In an analysis of a 2008 Economic Impact Study of the VTP, legislative economist Tom Kavet concluded that the 2008 study presented a much better picture of the VTP's return on investment than really can be demonstrated, due to its assumption that the "but for" condition applies to all the jobs for which VTP-subsidized training was made available; that is, these jobs would not have been created or retained nor would incremental wage gains have been achieved absent the VTP support.

(B) Kavet further found that, although job training programs can be important subsidies to businesses, without them many businesses would simply pay for the training themselves and accept this as a cost of doing business, and further that most companies in Vermont shoulder these costs without state subsidization.

(C) Finally, Kavet concluded that, although VTP is a good program that lowers the cost of doing business in Vermont by subsidizing job training that would probably be otherwise borne by the business or the individual, as with most state expenditures, the program is unlikely to be net fiscally positive.

(4) Currently, as is the case with many programs that receive state funding and are included in the unified economic development budget, the VTP is not collecting and reporting sufficient data, nor are sufficient performance measures and benchmarks in place, to measure effectively the program's performance.

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:

(1) when issuing grants to an employer or consortium of employers, the employer promises as a condition of the grant to increase employment or provide training to enhance employment stability at an existing or expanded eligible facility within the state where eligible facility is defined as in subdivision 212(6) of this title relating to Vermont economic development authority, or the employer or consortium of employers promises to open an eligible facility within the state which will employ persons, provided that for the purposes of this section, eligible facility may be broadly interpreted to include employers in sectors other than manufacturing including the fields of information technology, telecommunications, health care, agriculture, and environmental technologies; and

* * *

(b) Eligibility for grant. 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:~~

~~(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~~

by rule or emergency rule develop eligibility criteria for grants issued pursuant to this section.

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

(1) employ new persons at a wage which, at the completion of the training program, is two times the prevailing state or federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 30 percent of the gross program wage, or for existing employees, to increase the wage to two times the prevailing state and federal minimum wage, whichever is greater, reduced by the value of any existing health benefit package up to a limit of 20 percent of the gross program wage, upon completion of training; provided, however, that in areas defined by the secretary of commerce and community development in which the secretary finds that the rate of unemployment is ~~50~~ 30 percent greater than the average for the state, the wage rate under this subsection may be set by the secretary at a rate no less than one and one-half times the federal or state minimum wage, whichever is greater;

* * *

(4) submit a customer satisfaction report to the secretary of commerce and community development, on a form prepared by the secretary for that purpose, no more than 30 days from the last day of the training program.

(d) In issuing a grant or entering a contract for the conduct of order to avoid duplication of programs or services and to provide the greatest return on investment from training provided under this section, the secretary of commerce and community development shall:

(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 services provided 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 whether the grantee has accessed, or is eligible to access, other workforce development and training resources offered by public or private workforce development partners;

(2) disburse grant funds only for training hours that have been successfully completed by employees; provided that a grant for on-the-job training shall either provide not more than 50 percent of wages for each employee in training, or not more than 50 percent of trainer expense, but not both, and further provided that training shall be performed in accordance with a training plan that defines the subject of the training, the number of training hours, and how the effectiveness of the training will be evaluated; and

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

(e) The secretary of commerce and community development shall administer all training programs under this section, may select and use providers of training as appropriate, and shall adopt rules and may accept services, money or property donated for the purposes of this section. The secretary shall promote awareness of, and shall give priority to, training that enhances critical skills, productivity, innovation, quality, or competitiveness, such as training in Innovation Engineering, "Lean" systems, and ISO certification for expansion into new markets.

* * *

(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 statute and the median wages paid to employees in each category upon completion.~~

~~(D) A list and description of the benefits required under subdivision (e)(3) of this section for all affected employees, including the number of employees that receive each type of benefit.~~

~~(E) The number of employers allowed to pay reduced wages in high unemployment areas of the state, along with the number of affected workers and their median wage.~~

~~(2) Upon request by the secretary of commerce and community development, participating employers shall provide the information necessary to conduct the performance report required by this subsection. The secretary, in turn, shall provide such information to the joint fiscal office in a manner agreed upon by the secretary and the joint fiscal office. The secretary and the joint fiscal office shall take measures to ensure that company specific data and information remain confidential and are not publicly disclosed except in 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 report shall be reimbursed from the training program fund up to \$15,000.00.~~

Program Outcomes.

(1) On or before September 1, 2011, the agency of commerce and community development, in coordination with the department of labor and in periodic consultation with the joint fiscal office, shall develop, to the extent appropriate, a common set of benchmarks and performance measures for the training program established in this section and the workforce education and training fund established in section 543 of this title, and shall collect employee-specific data on training outcomes regarding the performance measures.

(2) On or before January 15, 2013, the joint fiscal office shall prepare a performance report using the benchmarks and performance measures created pursuant to subdivision (1) of this subsection. The joint fiscal office shall submit its report to the senate committee on economic development, housing and general affairs and the house committee on commerce and economic development.

(3) The secretary shall use information gathered pursuant to this subsection and the survey results 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. 11. 10 V.S.A. § 544 is added to read:

§ 544. VERMONT CAREER INTERNSHIP PROGRAM

(a)(1) The department of labor, in consultation with the department of education, shall develop and implement a statewide Vermont Career Internship Program for Vermonters who are in high school or in college and for those who are recent graduates of 24 months or less.

(2) The department of labor shall coordinate and provide funding to 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, colleges, and recent graduates of 24 months or less.

(3) Funding awarded through the Vermont Career Internship Program may be used to administer an internship program and to provide participants with a stipend during the internship, based on need. Funds 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 and recent graduates 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; and

(F) offer participants 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.

(4) 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.

(b) The department of labor, in collaboration with the agency of agriculture, food and markets, the department of education and state-funded postsecondary educational institutions, the workforce development council, and other state agencies and departments that have workforce development and training monies, shall:

(1) identify new and existing funding sources that may be allocated to the Vermont career internship program;

(2) collect data and establish program goals and quantifiable performance measures for internship programs funded through the Vermont career internship program;

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

(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 department of labor, in collaboration with the agency of agriculture, food and markets, the department of education and state-funded post-secondary educational institutions, the workforce development council, and other state agencies and departments that have workforce development and training monies.

(b) The state may provide workers' compensation coverage to participants in the Vermont career internship program authorized in 10 V.S.A. § 544. The state shall be considered a single entity solely for purposes of purchasing a single workers' compensation insurance policy providing coverage for interns. This subsection is intended to permit the state to provide workers' compensation coverage, and the state shall not be considered the employer of the participants for any other purposes. The cost of coverage may be deducted from grants provided for the internship program.

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 Career 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 career internship program established in section 544 of this section.~~

Sec. 14. REPEAL

10 V.S.A. § 542 (regional workforce development) is repealed.

Sec. 14a. WORKFORCE DEVELOPMENT PERFORMANCE GRANTS

(a) The commissioner of labor, in consultation with the secretary of commerce and community development, is authorized to issue up to \$75,000.00 in 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, the geographic region to be served, and shall include outcomes and measures to evaluate the grantee’s performance.

(c) The secretary and the commissioner shall jointly develop a grant process and eligibility criteria, as well as an outreach process for notifying potential participants of the grant program.

* * * 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.

(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; ASSIGNMENT OF DUTIES; VERMONT FILM CORPORATION

(a) 10 V.S.A. chapter 26 (Vermont film corporation; Vermont film production incentive program) is repealed.

(b) The duties of the Vermont film corporation shall be transferred to the agency of commerce and community development.

Sec. 17. 3 V.S.A. § 2471d is added read:

§ 2471d. VERMONT FILM AND NEW MEDIA ADVISORY BOARD

The secretary of commerce and community development shall appoint a film advisory board to make recommendations to the secretary on promoting Vermont as a location for commercial film and television production and facilitating the participation of local individuals and companies in such productions. The primary function of the advisory board is to recommend to the secretary strategies to link Vermonters employed in the film and new

media, video, or other creative arts, to economic opportunities in their trades in Vermont.

Sec. 18. 11A V.S.A. § 8.20 is amended to read:

§ 8.20. MEETINGS

(a) The board of directors may hold regular or special meetings, as defined in subdivision 1.40(26) of this title, in or outside this state.

(b) The board of directors may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication, including an electronic, telecommunications, and video- or audio-conferencing conference telephone call, by which all directors participating may simultaneously or sequentially communicate with each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

Sec. 19. 11B V.S.A. § 8.20 is amended to read:

§ 8.20. REGULAR AND SPECIAL MEETINGS

(a) If the time and place of a directors' meeting is fixed by the bylaws or the board, the meeting is a regular meeting. All other meetings are special meetings.

(b) A board of directors may hold regular or special meetings in or out of this state.

(c) Unless the articles of incorporation or bylaws provide otherwise, a board may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication, including an electronic, telecommunications, and video- or audio-conferencing conference telephone call, by which all directors participating may simultaneously or sequentially communicate with each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

* * * Finance; Access to Capital * * *

Sec. 20. 8 V.S.A. § 12603 is amended to read:

§ 12603. MERCHANT BANKS

* * *

(f) The minimum amount of initial capital for a merchant bank is ~~\$10,000,000.00~~ \$1,000,000.00, all of which ~~at least \$5,000,000.00~~ shall be common stock or equity interest in the merchant bank. ~~The balance may be~~

~~composed of qualifying subordinated or similar debt~~ A merchant bank may use qualified subordinated debt or senior debt as part of its capital structure above \$1,000,000.00, provided that the amount of subordinated debt or senior debt used as capital above \$1,000,000.00 is not greater than the amount of common stock or equity interest used as capital above \$1,000,000.00. The commissioner, in his or her discretion, may increase the minimum capital required for a merchant bank.

* * *

(m) Any acquisition or change in control of ~~five~~ ten percent or more of the common stock or equity interests in a merchant bank shall be subject to the prior approval by the commissioner. The acquiring person shall file an application with the commissioner for approval. The application shall be subject to the provisions of subchapter 7 of chapter 201 of this title.

(n) The commissioner ~~may~~ shall examine the merchant bank and any person who controls it to the extent necessary to determine the soundness and 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, or has power to vote ten percent or more of any class of equity interest of the merchant bank;

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

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

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 EB-5 visa regional development center. The fund shall consist of revenues derived from fees charged 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 development 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. chapter 7, subchapter 6 (establishment of executive and judicial branch fees), the secretary of commerce and community development is authorized to impose an administrative fee for services provided by the agency to investors in administering the state of Vermont EB-5 visa regional development center.

Sec. 22. EB-5 ENTERPRISE FUND FEE REPORT

On or before January 15, 2012, the secretary of commerce and community development shall submit a memorandum to the house committee on ways and means and the senate committee on finance concerning the performance of the 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.

* * * Housing and Development * * *

Sec. 23. FINDINGS: VERMONT NEIGHBORHOODS

The general assembly finds:

(1) The Vermont neighborhoods program offers benefits to municipalities and developers with projects that promote affordable, high-density, smart growth principles in areas of the town most suitable for targeted growth and infill development.

(2) Among the benefits afforded by the program, projects within designated Vermont neighborhoods can be designed to reduce the scope and cost of Act 250 jurisdiction, can reduce environmental permitting costs, and in some cases can eliminate land gains tax.

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

(4) By providing landowners the ability to apply for Vermont neighborhood designation directly and in compliance with procedures designed to ensure public notice and participation, developers, municipalities, and Vermonters will likely benefit from expansion of the Vermont neighborhoods program and the types of smart growth development it promotes.

Sec. 23a. 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 with representation from the municipal legislative body and the appropriate municipal panel, and shall be held concurrently with the local permitting process. Designation pursuant to this subsection 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 boundaries of a designated downtown district, designated village center, designated new town center, or designated growth center, the downtown board shall issue the designation.

(2) Designation by downtown board in towns without growth centers. If an application is submitted in compliance with this subsection by a

municipality or a landowner in a municipality that does not have a designated growth center and proposes to create a Vermont neighborhood that has boundaries that include land that is not within its designated downtown, village center, or new town center, the downtown board shall consider the application. This application may be for approval of one or more Vermont neighborhoods that are outside but contiguous to a designated downtown district, village center, or new town center. The application for designation shall include a map of the boundaries of the proposed Vermont neighborhood, including the property outside but contiguous to a designated downtown district, village center, or new town center and verification that the municipality or landowner has notified the regional planning commission and the regional development corporation of its application for this designation.

* * *

(f) Alternative designation in towns without density or design standards. If a municipality has not adopted either the minimum density requirements or design standards, or both, set out in subdivision (c)(5) of this section in its zoning bylaw, a landowner within a proposed Vermont neighborhood may apply to the downtown board for designation of a Vermont neighborhood that meets the standards set out in subdivision (c)(5) of this section by submitting:

(1) a copy of the plans and necessary municipal permits obtained for a project; and

(2) a letter of support for the project issued to the landowner from the municipality within 30 days of the effective date of a final municipal permit.

Sec. 24. FINDINGS: SMALL CONDOMINIUM EXCEPTION TO UCIOA

The general assembly finds:

(1) There are two kinds of common interest communities in Vermont: planned communities and condominiums, the practical difference being that a planned community is a subdivision of land, and a condominium is a subdivision of a building.

(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 designed when a developer begins construction, particularly in cases that blend affordable rentals with subsidized home ownership units, or in projects that include rental housing mixed with commercial space.

(4) By including an exception for small condominium projects, developers of affordable housing and mixed use projects have the statutory authority necessary to utilize most effectively monies available through programs such as the new markets tax credit program, the low income housing tax credit, the community development institutions fund, and diverse private and nonprofit capital streams to maximize funding opportunities for these projects.

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

§ 1-209. SMALL CONDOMINIUMS; EXCEPTION; ACCESS TO MIXED FUNDING SOURCES

~~A condominium that will contain no more than 12 units and is not subject to any development rights, unless the declaration provides that the entire act is applicable, shall not be subject to subsection Subsection 2-101(b), subdivisions 2-109(b)(2) and (11), subsection 2-109(g), section 2-115, and Article 4 of this title shall not apply to a condominium if the declaration:~~

(1) creates fewer than ten units; and

(2) restricts ownership of a unit to entities that are controlled by, affiliated with, or managed by the declarant.

Sec. 26. REPEAL

Sec. 12 of No. 155 of the Acts of the 2009 Adj. Sess. (2010) (repeal of 27A V.S.A. § 1-209, effective January 1, 2012) is repealed.

Sec. 27. [RESERVED]

Sec. 28. [RESERVED]

* * * Economic Development Planning * * *

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

§ 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.
- (4) Administer tax credits, loans, and grants for water, sewer, housing, schools, transportation, and other community or industrial infrastructure, in a manner consistent with the purposes of this section.
- (5) To the extent possible, endeavor to make the expenditure of state appropriations consistent with the purposes of this section.
- (6) Encourage development in, and work to revitalize, land and buildings in existing village and urban centers, including "brownfields," housing stock, and vacant or underutilized development zones. Each agency is to set meaningful and quantifiable benchmarks.
- (7) Encourage communities to approve settlement patterns based on maintaining the state's compact villages, open spaces, working landscapes, and rural countryside.
- (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 effectiveness and impact of this section on the state's economic growth and land use development and the activities of the council of regional commissions.~~

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

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

(d)(1) Pursuant to the recommendations of the oversight panel on economic development created in Section G6 of No. 146 of the Acts of the 2009 Adj. Sess. (2010), the development cabinet shall create an interagency work group as provided in subsection (b) of this section with the secretary of commerce and community development serving as its chair.

(2) The mission of the work group shall be to develop a long-term economic development plan for the state, which shall identify goals and recommend actions to be taken over ten years, and which shall be consistent with the four goals of economic development identified in 10 V.S.A. § 3 and the outcomes for economic development identified in Sec. 8 of No. 68 of the Acts of the 2009 Adj. Sess. (2010).

(e)(1) On or before January 15, 2014, and every two years thereafter, the development cabinet or its workgroup shall complete a long-term economic 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. [RESERVED]

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:

* * *

(10) An economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.

* * *

Sec. 33. 24 V.S.A. § 4382 is amended to read:

§ 4382. THE PLAN FOR A MUNICIPALITY

(a) A plan for a municipality may be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

* * *

(11) An economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.

* * *

* * * Agriculture; Vermont Sustainable Jobs Fund * * *

Sec. 34. SLAUGHTERHOUSE AND MEAT PROCESSING FACILITY CAPACITY

The agency of agriculture, food and markets is authorized to issue one or more competitive matching grants to increase slaughterhouse and meat processing facility capacity throughout the state. Funds made available in a fiscal year for this section shall be used exclusively for direct grants and shall not be used for administration of the program.

Sec. 35. FINDINGS: VERMONT SUSTAINABLE JOBS FUND (VSJF)

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, while also preserving the state's connection to the governance of the board.

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 pleasure of the governor and may be removed at any time with or without cause.

(3) A director of the board who is or is appointed by a state government official or employee shall not be eligible to hold the position of chair, vice chair, secretary, or treasurer of the board.

* * *

Sec. 36. VERMONT SUSTAINABLE JOBS FUND BOARD OF DIRECTORS; TRANSITION

Notwithstanding any other provision of law to the contrary, and notwithstanding any provision of the articles of incorporation or the bylaws of the corporation:

(1) The chair, vice chair, and secretary of the Vermont sustainable jobs fund board of directors as of January 1, 2011 shall constitute an initial nominating committee charged with appointing eight independent directors who shall take office on July 1, 2011.

(2) The initial nominating committee shall appoint each independent director to serve a term of one, two, or three years. Independent director terms shall be staggered so that the terms of no more than three members expire during a calendar year.

(3) The terms of the directors in office on the date of passage of this act shall expire on July 1, 2011.

Sec. 37. REPEAL

Secs. G18 and G19 of No. 146 of the Acts of the 2009 Adj. Sess. (2010) are repealed.

Sec. 38. Sec. G28 of No. 146 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. G28. EFFECTIVE DATES

Secs. G1 through G28 of this act (economic development) shall take effect upon passage, ~~except that Secs. G18 and G19 (Vermont sustainable jobs~~

~~(A) Secs. G18 and G19 (Vermont sustainable job fund program) shall take effect upon the cessation of state funding to the program from the general fund.~~

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

§ 20. VERMONT LARGE ANIMAL VETERINARIAN EDUCATIONAL LOAN REPAYMENT FUND

(a) There is created a special fund to be known as the Vermont large animal veterinarian educational loan repayment fund that shall be used for the purpose of ensuring a stable and adequate supply of large animal veterinarians ~~throughout~~ in regions of the state as determined by the secretary. The fund shall be established and held separate and apart from any other funds or monies of the state and shall be used and administered exclusively for 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.

Sec. 41. 6 V.S.A. § 3319 is added to read:

§ 3319. SKILLED MEAT CUTTER TRAINING

The secretary shall issue a request for proposals to develop a curriculum and provide classroom and on-the-job training for the occupation of skilled meat cutter.

Sec. 42. 6 V.S.A. § 4724 is added to read:

§ 4724. LOCAL FOODS COORDINATOR

(a) The position of local food coordinator is established in the agency of agriculture, food and markets for the purpose of assisting Vermont producers to increase their access to commercial markets and institutions, including schools, state and municipal governments, and hospitals.

(b) The duties of the local foods coordinator shall include:

(1) working with institutions, distributors, producers, commercial markets, and others to create matchmaking opportunities that increase the number of Vermont institutions that purchase foods grown or produced in Vermont;

(2) coordinating funding and providing support to the farm-to-school and farm-to-institutions programs within the agency of agriculture, food and markets, and coordinating with interested parties to create matchmaking opportunities that increase participation in those programs;

(3) working with the department of buildings and general services to encourage the enrollment of state employees in a local community supported agriculture (CSA) organization;

(4) developing a database of producers and potential purchasers and enhancing the agency's website to improve and support local foods coordination through the use of information technology; and

(5) providing technical support to local communities with their food security efforts.

(c) For purposes of this section, and notwithstanding 29 V.S.A. § 5, the commissioner of buildings and general services and the agency of agriculture, food and markets may authorize the advertisement or solicitation on state property of one or more local CSA organizations, subject to reasonable

restrictions collaboratively adopted by the commissioner and the secretary on the time, manner, and location of such advertisements or solicitations, in order to encourage and enable state employees to enroll in a CSA.

(d) The local foods coordinator shall administer a local foods grant program, the purpose of which shall be to provide grants to allow Vermont producers to increase their access to commercial and institutional markets.

Sec. 43. FARM-TO-PLATE INVESTMENT PROGRAM IMPLEMENTATION

(a)(1) The agency of agriculture, food and markets shall coordinate with the Vermont sustainable jobs fund program established under 10 V.S.A. § 328, stakeholders, and other interested parties, including the agriculture development board, to implement actions necessary to fulfill the goals of the farm-to-plate investment program as established under 10 V.S.A. § 330.

(2) The actions shall be guided by, but not limited to, the strategies outlined in the farm-to-plate strategic plan.

(3) The agency shall develop and maintain a report of the actions undertaken to achieve the goals of the farm-to-plate investment program and the farm-to-plate strategic plan.

(b) The secretary of agriculture, food and markets may contract with a third party to assist the agency with implementation of the program, to track those activities over time, and to develop a report on the progress of the program.

* * * Exemption from Sales and Use Tax * * *

Sec. 44. 32 V.S.A. § 9743 is amended to read:

§ 9743. ORGANIZATIONS NOT COVERED

Any sale, service, or admission to a place of entertainment charged by or to any of the following or any use by any of the following are not subject to the sales and use taxes imposed under this chapter:

* * *

(5) Organizations which qualify for exempt status under the provisions of 26 U.S.C. § 501(c)(4)-(13) and (19), and political organizations as defined in 26 U.S.C. § 527(e), as the same may be amended or redesignated, other than organizations which qualify for exempt status under the provisions of 26 U.S.C. § 501(c)(4) whose bylaws provide for the contribution of their net income to organizations which qualify for exempt status under the provisions of 26 U.S.C. § 501(c)(3), shall not be exempt from taxation of the sale or use of tangible personal property as defined in section 9701 of this title, but shall

be exempt from the sales and use tax upon entertainment charges as defined in section 9701, in the case of not more than four special events (not including usual or continuing activities of the organization) held in any calendar year, and which, in the aggregate, are not held on more than four days in such year, and which are open to the general public. In case the organization holds more than four such special events a year, or such events are held on more than four days in a year, the organization may elect the events or the days to which the exemption provided by this subsection shall apply, by giving prior notice to the commissioner. This subdivision shall not apply to agricultural organizations governed by subdivision (3) of this section.

* * *

(7) An exemption under ~~subdivisions~~ subdivision (3) ~~and (5)~~ of this section shall not be available for entertainment charges for admission to a live performance by an organization whose gross sales of entertainment charges by or on behalf of an organization for admission to live performances in the prior calendar year exceeded \$50,000.00.

* * * Consumer Protection; Local Florists * * *

Sec. 45. 9 V.S.A. § 2465b is added to read:

§ 2465b. MISREPRESENTATION OF A FLORAL BUSINESS AS LOCAL

(a) In connection with the sale of floral products, it shall be an unlawful and deceptive act and practice in commerce in violation of section 2453 of this title for a floral business to misrepresent in an advertisement, on the Internet, on a website, or in a listing of the floral business in a telephone directory or other directory assistance database the geographic location of the floral business as “local,” “locally owned,” or physically located within Vermont.

(b) A floral business is considered to misrepresent its geographic location that it is “local,” “locally owned,” or located within Vermont in violation of subsection (a) of this section if the floral business is not physically located in Vermont and:

(1) the advertisement, Internet, web site, or directory listing would lead a reasonable consumer to conclude that the floral business is physically located in Vermont; or

(2) the advertisement, Internet, web site, or directory listing uses the name of a floral business that is physically located in Vermont, with geographic terms that would lead a reasonable consumer to understand the advertised floral business to be physically located in Vermont.

(c) A retail floral business physically located in Vermont shall be deemed a consumer for the purposes of enforcing this section under § 2461(b) of this chapter.

* * * Study of Vermont Building Codes * * *

Sec. 46. STUDY; VERMONT BUILDING CODES

(a) Findings.

(1) The state of Vermont has two codes that are used to regulate construction in public buildings: one is the International Code Council (ICC) who publishes the International Building Code (IBC) which is adopted by the State, the other is National Fire Protection Association (NFPA), who publishes the (Life Safety Code and Uniform Fire Code) adopted by the State. In most cases, the life safety codes do not regulate the actual construction of buildings, but rather, are designed to protect life safety and property. Other states may use only the International Code Council codes; however, these codes have greater than 300 references to the NFPA codes; in addition, these states also modified the code for particular local or state issues. Some states have no building codes at all.

(2) Construction is regulated under the Division of Fire Safety and by municipal code officials. Application of these codes should be consistent throughout the state. This would help to reduce confusion with contactors, design professional, and the enforcement staff located in regional offices and municipalities. It would also reduce time during the design process and improve efficiency. The issues are further complicated when determining the appropriate application of one or more codes to both new buildings and to existing buildings, it is realized that the IBC code is not appropriate to use for existing building which may present differing concerns from the perspective of both construction, and design professionals, however, those working in the field of existing building renovation understand that the use of the NFPA codes are applied by public safety.

(3) Notwithstanding these competing perspectives, Vermont's blend of codes remains difficult for most professionals from all perspectives to interpret and apply. It is appropriate for design professionals to meet with division staff during preconstruction of complex design, this is a free service which is encouraged. A better understanding of the codes through education and cooperation would substantially reduce public resources.

(4) The general assembly therefore has determined that it should create an interim committee to consider whether the process may be simplified to

improve clarity and reduce regulatory costs without reducing life safety for occupants and for first responders in the case of emergency.

(b) Creation of committee. There is created a building code study committee to evaluate the present use of multiple building and life safety codes, to assess the costs and benefits of each, to recommend to the general assembly whether one or more codes should used going forward, and to what types of buildings or classes of buildings they should be applied.

(c) Creation of committee. There is created a building code study committee to evaluate the present use of multiple building and life safety codes, to assess the costs and benefits of each, to recommend to the general assembly whether one or more codes should used going forward, and to what types of buildings or classes of buildings they should be applied.

(d) Membership. The building code study committee shall be composed of the following:

(1) one member appointed by the division of fire safety within the department of public safety who shall serve as chair of the committee;

(2) one member appointed by the AIA-VT who shall be a licensed architect;

(3) one member appointed by the Structural Engineers Association of Vermont who shall be a structural engineer;

(4) two members appointed by the Vermont Coalition of Fire and Rescue Services, one of whom shall be a professional firefighter, and one of whom shall be an emergency medical technician;

(5) one member appointed by the Associated General Contractors of Vermont who is a general contractor;

(6) one member appointed by the governor who shall be a representative of a nonprofit developer; and

(7) two members appointed by the Vermont League of Cities and Towns, one from a city and one from a town, and each of whom represent the interests of municipalities that administer building code programs.

(8) one member appointed by the secretary of commerce and community development who shall have expertise in historic preservation.

(e) Report. On or before January 15, 2011, the committee shall report its findings and any recommendations for legislative action to the house committees on commerce and economic development and on general, housing

and military affairs, and to the senate committee on economic development, housing and general affairs.

(f) The committee may meet no more than six times, shall serve without compensation, and shall cease to exist on January 31, 2011.

Sec. 47. 32 V.S.A. § 3756(i) is amended to read:

(i)(1) ~~The~~ In the event that the department of forests, parks and recreation has not received a management activity report or has received an adverse inspection report, the director shall notify the owner under this section and remove from use value appraisal an entire parcel of managed forest land and notify the owner in accordance with the procedure in subsection (b) of this section when the department of forests, parks and recreation has not received a management activity report or has received an adverse inspection report, unless the lack of conformance consists solely of the failure to make prescribed planned cutting. In that case the director may delay removal from use value appraisal for a period of one year at a time to allow time to bring the parcel into conformance with the plan:

(A) land which is authorized for timber harvesting under a forest management plan for parcels under 5,000 acres; or

(B) three times that portion of land which is authorized for timber harvesting under the violated stand-specific harvest prescription amendment to the landowner's ten-year concept forest management plan approved by the department of forests, parks and recreation. For the purpose of this subdivision, "stand-specific harvest prescription amendment" refers to a harvest permitted under a use value appraisal large landowner alternative forest management plan as specified in Appendix R of the use value appraisal manual promulgated by the agency of natural resources.

(2) In the event that the department of forests, parks and recreation has not received a management activity report or has received an adverse inspection report on the same parcel for a second time, the director shall notify the owner under this section and remove from the use value program one-half of the entire parcel of managed forest land remaining in the program.

(3) In the event that the department of forests, parks and recreation has not received a management activity report or has received an adverse inspection report on the same parcel for a third time, the director shall notify the owner under this section and remove from the use value program the entire parcel of managed forest land remaining in the program.

(4) If the owner's violation under any provision of this subsection consists solely of the failure to make prescribed planned cutting, the director

may delay removal from use value appraisal for a period of one year at a time to allow time to bring the parcel into conformance with the plan.

* * * Break-open Tickets; Exemption for Agents * * *

Sec. 48. 32 V.S.A. § 10203 is amended to read:

§ 10203. DISTRIBUTION; RETAIL PURCHASE AND SALE

* * *

(e) Only nonprofit organizations or their registered agents may sell break-open tickets at retail.

* * *

* * * Website for Affiliates of Online Retailers Collecting
Sales Tax * * *

Sec. 49. [RESERVED]

Sec. 50. ACCD; WEBSITE FOR AFFILIATES OF ONLINE BUSINESSES

The agency of commerce and community development shall create a website, or a new section of its website, the purpose of which shall be to provide matchmaking opportunities for Vermont companies to affiliate with online retailers that collect and remit sales tax on purchases made online.

* * * TIFs * * *

Sec. 51. 24 V.S.A. § 1891 is amended to read:

§ 1891. DEFINITIONS

When used in this subchapter:

* * *

(6) “Related costs” means expenses, exclusive of the actual cost of constructing and financing improvements that are directly related to creation of the tax increment financing district and reimbursement of sums previously advanced by the municipality for those purposes, and attaining the purposes and goals for which the tax increment financing district was created, as approved by the Vermont economic progress council. Related costs may include municipal expenses related to administering the district to the extent they are paid from the tax increment realized in municipal and not education fund taxes.

(7) “Financing” means ~~the following types of~~ debt incurred or used by a municipality to pay for improvements in a tax increment financing district:

~~(A) Bonds.~~

~~(B) Housing and Urban Development Section 108 financing instruments.~~

~~(C) Interfund loans within a municipality.~~

~~(D) State of Vermont revolving loan funds.~~

~~(E) United States Department of Agriculture loans.~~

Sec. 52. 24 V.S.A. § 1894 is amended to read:

§ 1894. POWER AND ~~LIFE~~ DURATION OF DISTRICT

(a) Incurring indebtedness.

(1) A municipality may incur indebtedness against revenues of the tax increment financing district at any time during a period of up to 20 years following the creation of the district, if approved as required under 32 V.S.A. § 5404a(h). The creation of the district shall occur at 12:01 a.m. on the April 1 of the year so voted that follows the vote by the legislative body of the municipality. Any indebtedness incurred during this 20-year period may be retired over any period authorized by the legislative body of the municipality under section 1898 of this title.

(2) If no indebtedness is incurred within the first ~~five~~ ten years after creation of the district, no indebtedness may be incurred unless the municipality obtains re-approval from the Vermont economic progress council under 32 V.S.A. § 5404a(h).

(3) The district shall continue until the date and hour the indebtedness is retired.

(b) Use of the education property tax increment. For any debt incurred within the first ~~five~~ ten years after creation of the district, or ~~within the first five years after re-approval~~ reapproval by the Vermont economic progress council, but for no other debt, the education tax increment may be retained for up to 20 years beginning with the initial date of the ~~first debt incurred within the first five years~~ creation of the district or on April 1 of the year in which debt is first incurred. If the municipality chooses to begin the 20-year retention period in the year debt is first incurred, the assessed valuation of all taxable real property within the district, as certified under section 1895 of this title, shall be recertified as of April 1 of the year in which the first debt is incurred. The municipality shall submit a tax increment financing plan amendment to the council, including the recertified assessed valuation.

* * *

Sec. 53. 24 V.S.A. § 1897(a) is amended to read:

(a)(1) The legislative body may pledge and appropriate in equal proportion any part or all of the state and municipal tax increments received from properties contained within the tax increment financing district for the financing for improvements and for related costs in the same proportion by which the infrastructure or related costs directly serve the district at the time of approval of the project financing by the council, and in the case of infrastructure essential to the development of the district that does not reasonably lend itself to a proportionality formula, the council shall apply a rough proportionality and rational nexus test; provided, that if any tax increment utilization is approved pursuant to 32 V.S.A. § 5404a(f), no more than 75 percent of the state property tax increment and no less than an equal percent of the municipal tax increment may be used to service this debt.

(2) Bonds shall only be issued if the legal voters of the municipality, by a majority vote of all voters present and voting on the question at a special or annual municipal meeting duly warned for the purpose, give authority to the legislative body to pledge the credit of the municipality for these purposes.

(3) Notwithstanding any provision of any municipal charter, the legal voters of a municipality, ~~by a single vote~~, shall authorize the legislative body to pledge the credit of the municipality up to a specified maximum dollar amount for ~~all~~ debt obligations to be financed with state property tax increment pursuant to approval by the Vermont economic progress council and subject to the provisions of this section and 32 V.S.A. § 5404a.

(4) Authorization for debt may be granted all in one vote or in separate votes for each debt obligation.

(5) Background information to be made available to voters shall include the project description, a development financing plan, a pro forma projection of expected costs, and a development schedule that includes a list, a cost estimate, and a schedule for public improvements, and projected private development to occur as a result of the improvements.

Sec. 54. 24 V.S.A. § 1902 is added to read:

§ 1902. TAX INCREMENT FINANCING DISTRICTS; CAP

Notwithstanding any other provision of law, the Vermont economic progress council shall not approve the use of education tax increment financing for more than ten tax increment financing districts and shall not approve more than one newly created tax increment financing district in any municipality within the period of ten state fiscal years beginning July 1, 2009. For purposes

of this section a reapproval of a tax increment financing shall not be counted against the cap of ten tax increment financing districts.

Sec. 55. 32 V.S.A. § 5404a is amended to read:

§ 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT FINANCING DISTRICTS

* * *

(h) Criteria for approval. To approve utilization of incremental revenues pursuant to subsection (f) of this section, the Vermont economic progress council shall do all the following:

* * *

(5) TIF District Criteria. Determine, the extent possible at the time of the application, that the TIF district plan and TIF financing plan, as presented to the municipality for a public hearing, approved by a vote of the municipal legislative body, and filed with the council, meet the definitions, requirements, and conditions of subchapter 5 of chapter 135 of Title 32.

(i) The Vermont economic progress council and the department of taxes shall make an annual report to the senate committee on economic development, housing and general affairs, the senate committee on finance, the house committee on commerce and the house committee on ways and means of the general assembly on or before ~~January 15~~ April 30. The report shall include, in regard to each existing tax increment financing district, the year of approval, the scope of the planned improvements and development, the ~~equalized education grand list value of the district prior to the TIF approval,~~ the original taxable ~~property value,~~ the annual and aggregated municipal and education property tax increment generated, the actual improvements and developments that have occurred, and the annual amount of tax increments utilized ~~any material or substantive amendments to previously approved TIF districts.~~

(j) The municipality shall provide the council with all information related to the proposed financing necessary to assure its consistency with the plan approved pursuant to all other provisions of subsection (h) of this section. The council shall assure the viability and reasonableness of any proposed financing other than bonding and least-cost financing.

(k) The Vermont economic incentive review board may require a third-party financial and technical analysis as part of the application of a municipality applying for approval of a tax increment financing district pursuant to this section. The applicant municipality shall pay a fee to cover the

actual cost of the analysis to be deposited in a special fund which shall be managed pursuant to subchapter 5 of chapter 7 of this title and be available to the board to pay the actual cost of the analysis.

(l) The state auditor of accounts shall review and audit ~~at~~ each active tax increment financing districts every within the first three years of its approval. Subsequent audits shall occur as necessary in the discretion of the auditor.

(m) Authority to adopt procedures. The economic progress council shall have the authority to adopt procedures to provide:

(1) An efficient process for accepting and deciding TIF district applications.

(2) For an approval process utilizing a master TIF district plan determination with partial determinations and consideration and approval of subsequent phases implementing the TIF district.

(3) For annual reporting by municipalities in accordance with 24 V.S.A. § 1901.

(4) For reapproval if no debt is incurred ten years after creation of the TIF district, in accordance with 24 V.S.A. § 1894(a)(2), which may include, at the discretion of the council, enforcement or waiver of the requirement to readdress all criteria for approval under subsection (h) of this section.

(5) A process for municipalities to file, and the council to consider, amendments that represent substantial changes to approved TIF plans and TIF financing plans, and which may require approval by the municipal legislative body.

Sec. 56. REPEAL

(a) 24 V.S.A. § 1896(b) (tax increments) is repealed.

(b) Sec. 2i of No. 184 of the Acts of the 2005 Adj. Sess. (2006) (tax increment financing districts; cap), as amended by Sec. 67 of No. 190 of the 2007 Adj. Sess. (2008), is repealed.

Sec. 57–59. [RESERVED]

* * * First and Second Class Liquor Licenses; Food Service * * *

Sec. 60. 7 V.S.A. § 222 is amended to read:

§ 222. FIRST AND SECOND CLASS LICENSES, GRANTING OF; SALE TO MINORS; CONTRACTING FOR FOOD SERVICE

* * *

~~(4)(A) A holder of a first class license may contract with another person to prepare and dispense food on the license holder's premises. The first class license holder may have no more than 75 events each year under this subdivision. At least five days prior to each event under this subdivision, the first class license holder shall provide to the department of liquor control written notification that includes the name and address of the license holder, the date and time of the event and the name and address of the person who will provide the food.~~

(B) The first class license holder shall provide to the department written notification five business days prior to start of the contract the following information:

(i) the name and address of the license holder;

(ii) a signed copy of the contract;

(iii) the name and address of the person contracted to provide the food;

(iv) a copy of the person's license from the department of health for the facility in which food is served; and

(v) the person's rooms and meals tax certificate from the department of taxes.

(C) The holder of the first class license shall notify the department within five business days of the termination of the contract to prepare and dispense food. It is the responsibility of the first class licensee to control all conduct on the premises at all times, including the area in which the food is prepared and stored.

* * * Sales and Use Tax; Auctioneers * * *

Sec. 61. 32 V.S.A. § 9741(48) is added to read:

(48) Sales of tangible personal property, including any buyer's premium charged by the auctioneer, that are conducted by a licensed auctioneer on the premises of an owner of some of the property, and so long as no property owned by the auctioneer is sold.

Secs. 62–63. [RESERVED]

Sec. 64. STUDY; PRIVATE ACTIVITY BONDS

(a) Findings.

(1) Due to changes in federal law governing underwriting and servicing student loans, the Vermont student assistance corporation has experienced a

substantial decrease in its ability to generate revenue and is currently downsizing its operation.

(2) As a result, the general assembly finds that VSAC's private activity bond allocation, which in recent years has exceeded \$100 million, may be available for use as an economic development tool, and that the secretary of administration should review the process of allocation and the potential uses to which the state's allocation should be dedicated.

(b) On or before November 1, 2011, the secretary of administration shall review and report his or her findings to the house committee on commerce and economic development and to the senate committee on economic development, housing and general affairs concerning:

(1) the state's current process for allocation private activity bond capacity, including whether the process should be modified to increase participation by the public and interested parties; and

(2) a cost-benefit analysis of one or more projects that may be suitable for private activity bond funding.

* * * Southeast Vermont Economic Development Strategy * * *

Sec. 65. SOUTHEAST VERMONT ECONOMIC DEVELOPMENT STRATEGY

The general assembly finds:

(1) In light of the scheduled closure of the Vermont Yankee nuclear facility in March 2012, Windham County will experience dramatic regional economic dislocation and will require additional support beyond background economic development programs.

(2) Windham County is currently undertaking an economic development planning process, the Southeast Vermont Economic Development Strategy (SeVEDS), the purpose of which is to prepare for the economic shift that will occur upon closure of Vermont Yankee. The process is now funded by Fairpoint Communications, but that funding will expire prior to completion of the process.

(3) The general assembly therefore finds it appropriate to provide funding to support the completion of the SeVEDS and to support workforce development and other activities that will assist Windham County in addressing the adverse economic consequences of the closure of Vermont Yankee, with particular emphasis on supporting Vermont Yankee employees and their families in securing new employment in Windham County.

* * * Next Generation Initiative Fund; Appropriations, Transfers, and
Funding * * *

Sec. 66. Sec. B.1100(a)(1)(A)–(B) of H.441 of 2011 (Sec. B.1100 of No. __ of the Acts of 2011) are amended to read:

(A) Workforce Education Training Fund (WETF). The sum of \$1,301,000 is transferred to the Vermont workforce education and training fund created in 10 V.S.A. § 543, and subsequently appropriated to the department of labor for workforce development. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for the Vermont ~~student~~ career internship program ~~for purposes described in 10 V.S.A. § 543 created in 10 V.S.A. § 544.~~

(B) Adult Technical Education Programs. The amount of \$360,000 is appropriated to the department of labor working with the workforce development council. This appropriation is for the purpose of awarding grants to regional technical centers and comprehensive high schools to provide adult technical education, as that term is defined in 16 V.S.A. § 1522, to unemployed and underemployed Vermont adults. ~~Centers receiving funding shall provide to the department the Social Security number of each individual who has completed a training program within 30 days of the completion of the program. The department shall include the Adult Education Program in the table required by Sec. 6(b) of No. 46 of the Acts of 2007 as added by Sec. 8 of No. 54 of the Acts of 2009. Notwithstanding any other provision of law to the contrary, the funds appropriated pursuant to this subdivision (B) shall be evenly divided among the regional technical centers and the comprehensive high schools.~~

Sec. 67. Sec. B.1100(a)(2)(B) of H. 441 of 2011 (Sec. B.1100 of No. __ of the Acts of 2011) is amended to read:

(B) Large animal veterinarians' loan forgiveness: \$30,000 is appropriated to the agency of agriculture, food and markets for a loan forgiveness program for large animal veterinarians ~~patterned after the health care loan forgiveness program to meet demonstrated regional needs as defined by the secretary of agriculture, food and markets pursuant to 6 V.S.A. § 20.~~

Sec. 68. Sec. B.1100(a)(4) of H.441 of 2011 (Sec. B.1100 of No. __ of the Acts of 2011) is amended to read:

(4) ~~Science Technology Engineering and Math (STEM) Incentive: The sum of \$57,500 is appropriated to the agency of commerce and community development for an incentive payment for a recent college graduate (graduated within the last 18 months), with an associate's degree or higher, who takes a~~

~~STEM job in Vermont. The incentive is \$1,500 per year if the graduate remains in Vermont for five or more years and shall be consistent with H.287 of 2011. The sum of \$50,000.000 is appropriated to the agency of commerce and community development for the Southeast Vermont economic development strategy pursuant to Sec. 65 of H. 287.~~

Sec. 69. Sec. B.1100.1(a) of H. 441 of 2011 (Sec. B.1100.1 of No. __ of the Acts of 2011) is amended to read:

Sec. B.1100.1 WORKFORCE DEVELOPMENT COUNCIL
RECOMMENDATION FOR FISCAL YEAR 2013 NEXT GENERATION
FUND DISTRIBUTION

(a) ~~The commissioners of labor and of education, in consultation with executive committee of the workforce development council, created in 10 V.S.A. § 541, in collaboration with the agency of commerce and community development, and the agency of human services, and the departments of labor and of education,~~ shall make recommendations to the governor no later than November 1, 2011, on how \$4,793,000 from the next generation fund should be allocated or appropriated in fiscal year 2013 to provide maximum benefit to workforce development, participation in postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont.

* * * State Contracting; Net Costs of Contracting * * *

Sec. 70. FINDINGS: NET COSTS OF GOVERNMENT CONTRACTING

The general assembly finds:

(1) The state of Vermont is a significant purchaser of goods and services. As a result, the purchasing policies of the state of Vermont both influence the practices of vendors and have a fiscal impact on the state.

(2) Although multiple factors are considered in the procurement process, Vermont often selects the lowest bids for goods and services contracts and does not consistently account for the true economic costs of procurement from out-of-state providers relative to local and socially responsible providers.

(3) This policy fails to account for the fact that procurement decisions based on a bid price alone do not necessarily account for the total fiscal impact to the state of the bid award. Among the fiscal impacts to the state inherent in bid proposals are: the amount of wages paid to Vermont resident employees, the local spending effect of earned wages and profits in the Vermont economy by Vermont residents, revenue effects of purchasing of goods and services from other Vermont businesses in support of the primary vendor's submitting

the bid, the possible reduction of Vermont unemployment, and the possible reduction in public assistance programs that result from earned wages.

(4) In recognition of the total fiscal impacts of state procurement practices, new procurement policies are required to ensure that the state of Vermont makes sound financial decisions that reflect the whole cost of contracts.

Sec. 71. ECONOMETRIC MODELING

(a) The secretary of administration shall develop an econometric model to allow state agencies and departments to evaluate the net costs and economic impacts of government contracts. The secretary shall report back to the senate committee on economic development, housing and general affairs and the house committee on commerce and economic development by January 15, 2012.

(b) The model shall:

(1) consider the net fiscal impact to the state of all significant elements of bids, including but not limited to the level of local employment, wages and benefits, source of goods, and domicile of bidder;

(2) be designed to be easily updated from year to year;

(3) be designed such that state employees administering bid processes can easily utilize the model in an expedient fashion.

(c) Upon development of the model, two previously conducted state bidding processes shall be tested by the model to demonstrate its effectiveness. The results of this test shall be included in the report to the respective committees.

(d) Once the econometric model is complete, the secretary may allow state agencies and departments to utilize the econometric model prior to January 15, 2012.

Sec. 72. 29 V.S.A. § 909 is added to read:

§ 909. STATE PURCHASE OF FOOD AND AGRICULTURAL PRODUCTS

(a) When procuring food and agricultural products for the state, its agencies, departments, instrumentalities, and institutions, the commissioner of buildings and general services shall consider the interests of the state relating to the proximity of the supplier and the costs of transportation, and relating to the economy of the state and the need to maintain and create jobs in the state.

(b) When making purchases pursuant to this section, the secretary of administration, the commissioner of buildings and general services, and any state-funded institutions shall, other considerations being equal and considering the results of any econometric analysis conducted, purchase products grown or produced in Vermont when available.

Sec. 73. REPEAL

6 V.S.A. § 4601 (purchase of Vermont agricultural products) is repealed.

Sec. 74–99. [RESERVED]

* * * Appropriations and Allocations * * *

Sec. 100. 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 the local foods coordinator and the local foods grant program in Sec. 42 of this act, not more than \$75,000.00 of which funds shall be used for the total annual compensation of the coordinator, and not less than \$50,000.00 of which funds shall be used for the performance of the local foods coordinator's duties under this act and for competitive matching grants from the agency to Vermont producers, unless in the secretary's discretion it shall be necessary to increase the amount of total compensation of the local foods coordinator in order to retain a highly qualified candidate for the position.

(D) \$100,000.00 for implementation of the farm-to-plate investment program in Sec. 43 of this act.

(E) \$75,000.00 for competitive matching grants for the farm-to-school program established in 6 V.S.A. § 4721.

(F) \$50,000.00 for competitive matching grants to increase slaughterhouse and meat processing facility capacity in Sec. 34 of this act.

(G) \$25,000.00 for travel funds for agency personnel to participate in the legislative process for the federal farm bill.

(3) The amount of \$40,000.00 is appropriated from the general fund to the secretary of administration for the work of the executive economist, and to reimburse the joint fiscal office for the work of the legislative economist, to develop an econometric model for the evaluation of net costs of government contracts pursuant to Sec. 71 of this act.

(b) Allocations and reductions. In fiscal year 2012, as provided in H.441 (2011)(No. _ of the Acts of 2011):

(1) From the next generation initiative fund:

(A) The amount of \$350,000.00 shall be allocated to the department of labor for the Vermont career internship program in Secs. 11–13 of this act.

(B) The amount of \$30,000.00 shall be allocated to the Vermont large animal veterinarian educational loan repayment fund in Sec. 39 of this act.

(C) The amount of \$57,500.00 shall be allocated to the agency of commerce and community development to fund the completion of the Southeast Vermont Economic Development Strategy, workforce development, and other activities pursuant to Sec. 65 of this act.

(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.

(3) Of the funds appropriated to the department of labor:

(A) \$75,000.00 shall be allocated to fund performance grants for regional workforce development activities pursuant to Sec. 14a of this act; and

(B) \$23,895.00 shall be allocated to the department of labor for the Vermont career internship program in Secs. 11–13 of this act.

(4) Reductions. The funds appropriated from the general fund to the department of labor shall be reduced by \$40,000.00.

Sec. 101. 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. 102. EFFECTIVE DATES

This act shall take effect on passage, except that:

- (1) Secs. 8a (executive director of workforce development council), 55 and 56 (tax increment financing), and 66–69 (next generation appropriations and transfers) shall take effect July 1, 2011.
- (2) Sec. 47 (current use violation penalties) shall take effect upon passage and shall apply retroactively to December 1, 2007.
- (3) Secs. 51, 52, 53, and 54 (tax increment financing districts) shall take effect upon passage and shall apply retroactively to July 1, 2008.
- (4) Sec. 61 (sales tax exemption for on-site auctions) shall take effect upon passage and shall apply retroactively to sales that occurred after January 1, 2007 to the extent tax on such sales was not collected.
- (5) Notwithstanding any other provision of law to the contrary, no program funds shall be expended or allocated prior to July 1, 2011.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Ashe, for the Committee on Finance, to which the bill was referred reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out in their entirety Secs. 20 (merchant banks), 44 (certain nonprofit exemptions from sales and use tax), 47 (penalty for current use violation), 48 (retail sale of break-open tickets), 61 (sales and use tax exemption for certain sales by auctioneers), and 66–69 (amendments to H.441 [2012 budget bill]).

Second: In Sec. 24 (small condo exception to uniform common interest ownership act), by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) There are two kinds of common interest communities governed by the Vermont Common Interest Ownership Act: planned communities and condominiums, either of which may be used for the subdivision of land or for the subdivision of a building.

Third: In Sec. 51 (tax increment finance district definitions), in subdivision (7), following the word “debt” by adding the following: that meets or exceeds any quality or safety standards for borrowing adopted by the municipality, and that is

Fourth: In Sec. 55 (tax increment financing), in 32 V.S.A. § 5404a(h)(5), by striking out the following: “chapter 135 of Title 32” and inserting in lieu thereof the following: chapter 53 of Title 24 and by striking out subsection (l) in its entirety and inserting in lieu thereof a new subsection (l) to read as follows:

(l) The state auditor of accounts shall review and audit all active tax increment financing districts every three years.

Fifth: In Sec. 64 (private activity bond study), in subsection (b), following the word “administration” by adding the following: , in collaboration with the office of the treasurer, and in subdivision (b)(1), following the word “allocation” by adding the word of

Sixth: By striking out Sec. 71 (econometric modeling) in its entirety and inserting in lieu thereof a new section to be numbered Sec. 71 to read as follows:

Sec. 71. STUDY; NET COST OF GOVERNMENT CONTRACTING; ECONOMETRIC MODELING

(a) The secretary of administration shall conduct a study on the net economic costs and benefits of government contracting and how the state may most effectively increase purchasing of in-state products and services.

(b) As a component of the study, the secretary shall investigate the development of an econometric model, based on or similar to the REMI model currently used by the executive and legislative economists, to allow state agencies and departments to evaluate the net costs and economic impacts of government contracts for goods and services. The secretary may, in his or her discretion, contract for the development of an econometric model that would:

(1) consider the net fiscal impact to the state of all significant elements of bids, including the level of local employment, wages and benefits, source of goods, and domicile of bidder;

(2) be designed to be easily updated from year to year; and

(3) be designed such that state employees administering bid processes can easily utilize the model in an expedient fashion.

(c) On or before January 15, 2012, the secretary shall submit a report of his or her findings to the senate committees on finance, on economic development, housing and general affairs, and on government operations, and to the house committees on commerce and economic development and on government operations.

Seventh: By adding a new section to be numbered section Sec. 76 to read as follows:

Sec. 76. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(32) “Art gallery or bookstore permit”: a permit granted by the liquor control board permitting an art gallery or bookstore to conduct an event at which malt or vinous beverages or both are served by the glass to the public, provided that the event is approved by the local licensing authority. A permit holder may purchase malt or vinous beverages directly from a licensed retailer. A permit holder shall be subject to the provisions of this title and the rules of the board regarding the service of alcoholic beverages. A request for a permit shall be submitted to the department in a form required by the 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.

Eighth: By adding a new section to be numbered Sec. 77 to read as follows:

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.

* * *

Ninth: By striking out Sec. 100 in its entirety and adding a new section to be numbered Sec. 100 to read as follows:

Sec. 100. APPROPRIATIONS AND ALLOCATIONS

(a) The following funds are appropriated in Sec. B 1104 of H.441 of 2011 in fiscal year 2012:

(1) \$25,000.00 to the department of labor for the long-term unemployed hiring incentive in Sec. 7 of this act.

(2) \$475,000.00 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 the local foods coordinator and the local foods grant program in Sec. 42 of this act, not more than \$75,000.00 of which funds shall be used for the total annual compensation of the coordinator, and not less than \$50,000.00 of which funds shall be used for the performance of the local foods coordinator's duties under this act and for competitive matching grants from the agency to Vermont producers, unless in the secretary's discretion it shall be necessary to increase the amount of total compensation of the local foods coordinator in order to retain a highly qualified candidate for the position.

(D) \$100,000.00 for implementation of the farm-to-plate investment program in Sec. 43 of this act.

(E) \$75,000.00 for competitive matching grants for the farm-to-school program established in 6 V.S.A. § 4721.

(F) \$50,000.00 for competitive matching grants to increase slaughterhouse and meat processing facility capacity as authorized in Sec. 34 of this act.

(3) \$25,000.00 to the agency of commerce and community development for a matching grant to the Vermont employee ownership center.

(b) The following Next Generation funds are appropriated in Sec. B 1100 of H.441 of 2011 in fiscal year 2012:

(1) \$350,000.00 to the department of labor for the Vermont career internship program developed in Secs. 11–13 of this act.

(2) \$30,000.00 to the agency of agriculture, food and markets for the Vermont large animal veterinarian educational loan repayment fund created in Sec. 39 of this act.

(3) \$25,000.00 to the agency of commerce and community development to fund the completion of the southeast Vermont economic development strategy, workforce development, and other activities pursuant to Sec. 65 of this act.

(c) Of the funds appropriated to the agency of commerce and community development in H.441 of 2011, \$100,000.00 shall be allocated for the office of creative economy created in Secs. 15–16 of this act.

(d) Of the funds appropriated to the department of labor in H.441 of 2011:

(1) \$75,000.00 shall be allocated to fund performance grants for regional workforce development activities pursuant to Sec. 14a of this act.

(2) \$23,895.00 shall be allocated to the department of labor for the Vermont career internship program developed in Secs. 11–13 of this act.

(3) Up to \$40,000.00 shall be allocated for transfer to the secretary of administration for the work of the executive economist, and to reimburse the joint fiscal office for the work of the legislative economist, to conduct a study on government contracting, and to develop an econometric model for the evaluation of net costs of government contracts pursuant to Sec. 71 of this act.

Tenth: In Sec. 102 (Effective dates), in subdivision (1), by inserting a comma after the following: “55”, and by striking out the following: “, and 66–69 (next generation appropriations and transfers)”, and by striking out subdivisions (2) and (4) in their entirety, and by renumbering the remaining subdivisions to be numerically correct.

And that the bill ought to pass in concurrence with such proposals of amendment.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committees on Economic Development, Housing and General Affairs and Finance.

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, the pending question, Shall the proposal of amendment of the Committee on Economic Development, Housing and General Affairs be

amended as recommended by the Committee on Finance?, Senator Pollina moved that the question be divided.

Which was agreed to.

Thereupon, the *first* through *fifth* and *seventh* through *tenth* proposals of amendment of the Committee on Finance were severally agreed to.

Thereupon, the question, Shall the proposal of amendment of the Committee on Economic Development, Housing and General Affairs be amended as recommended by the Committee on Finance in the *sixth* proposal of amendment?, was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Economic Development, Housing and General Affairs, as amended?, was agreed.

Thereupon, pending third reading of the bill, Senator Galbraith moved to amend the Senate proposal of amendment by adding a new section to be numbered Sec. 85 to read as follows:

Sec. 85. 9 V.S.A. § 2466 is amended to read:

§ 2466. GOODS AND SERVICES APPEARING ON TELEPHONE BILL

(a) ~~No~~ 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 without the consumer's express authorization bill for telephone service provided by any local exchange carrier.

(b) ~~No later than the tenth business day after a seller has entered into a contract or other agreement with a consumer to sell or lease or otherwise provide for consideration goods or services that will appear as a charge on the consumer's local telephone bill, the seller shall send, or cause to be sent, to the consumer, by first class mail, postage prepaid, a notice of the contract or agreement:~~

(c) ~~The notice shall clearly and conspicuously disclose:~~

(1) ~~The nature of the goods or services to be provided;~~

(2) ~~The cost of the goods or services;~~

(3) ~~Information on how the consumer may cancel the contract or agreement;~~

(4) ~~The consumer assistance address and telephone number specified by the attorney general;~~

~~(5) That the charges for the goods or services may appear on the consumer's local telephone bill; and~~

~~(6) Such other information as the attorney general may prescribe by rule.~~

~~(d) The notice shall be a separate document sent for the sole purpose of providing to the consumer the information required by subsection (c) of this section. The notice shall not be combined with any sweepstakes offer or other inducement to purchase goods or services.~~

~~(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 this section. This prohibition applies, but is not limited, to persons who aggregate consumer billings for a seller and to persons who serve as a clearinghouse for aggregated billings.~~

~~(g)(c) Failure to comply with this section is an unfair and deceptive act and practice in commerce under this chapter.~~

~~(h)(d) The attorney general may make rules and regulations to carry out the purposes of this section.~~

~~(i)(e) Nothing in this section limits the liability of any person under existing statutory or common law.~~

~~(j)(f)(1) This section shall apply to billing aggregators described in 30 V.S.A. § 231a, but shall does not apply to; sellers regulated by~~

~~(A) billing for goods or services marketed or sold by persons subject to the jurisdiction of the Vermont public service board under Title 30, other than section 231a of Title 30 30 V.S.A. § 203;~~

~~(B) billing for direct dial or dial around services initiated from the consumer's telephone; or~~

~~(C) operator-assisted telephone calls, collect calls, or telephone services provided to facilitate communication to or from correctional center inmates.~~

~~(2) Nothing in this section affects any rule issued by the Vermont public service board.~~

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Baruth moved to amend the Senate proposal of amendment in Sec. 100(a)(2)(C), following the word “producers” by striking out the following: “, unless in the secretary’s discretion it shall be necessary to increase the amount of total compensation of the local foods coordinator in order to retain a highly qualified candidate for the position”

Which was disagreed to on a division of the Senate, Yeas 8, Nays 14.

Thereupon, pending third reading of the bill, Senator Kittell moved to amend the Senate proposal of amendment as follows:

First: By adding a new section to be numbered Sec. 77 to read as follows:

Sec. 77. 32 V.S.A. § 3756(i) is amended to read:

(i) ~~The~~ When the department of forests, parks and recreation has not received a management activity report as required by section 3755 of this chapter or has received an adverse inspection report, the director shall notify the owner and remove from use value appraisal an entire parcel of managed forest land and notify the owner in accordance with the procedure in subsection (b) of this section when the department of forests, parks and recreation has not received a management activity report or has received an adverse inspection report all contiguous enrolled forest land of the owner in the municipality in which the activity resulting in the adverse inspection report occurred, unless the lack of conformance consists solely of the failure to make prescribed planned cutting. In that case, the director may delay removal from use value appraisal for a period of one year at a time to allow time to bring the parcel into conformance with the plan.

Second: By adding a new section to be numbered Sec. 78 to read as follows:

Sec. 78. 32 V.S.A. § 3755(d) is amended to read:

(d) After a ~~parcel of managed forest land~~ forestland has been removed from use value appraisal due to an adverse inspection report pursuant to subsection 3756(i) of this title, a new application for use value appraisal will not be considered for a period of five years, and then shall be approved by the department of forests, parks and recreation only if a compliance report has been filed with the new application certifying that appropriate measures have been taken to bring the parcel into compliance with minimum acceptable standards for forest or conservation management.

Third: By striking out Sec. 102 in its entirety and inserting in lieu thereof a new section to be numbered Sec. 102 to read as follows:

Sec. 102. EFFECTIVE DATES

This act shall take effect on passage, except that:

(1) Sec. 1 (Vermont business partner incentive), Sec. 8A (executive director of workforce development council), Secs. 55 and 56 (tax increment financing), and Secs. 66-69 (next generation appropriations and transfers) shall take effect July 1, 2011.

~~(3)~~ (2) Secs. 51, 52, 53, and 54 (tax increment financing districts) shall take effect upon passage and shall apply retroactively to July 1, 2008.

~~(4)~~ (3) Sec. 61 (sales tax exemption for on-site auctions) shall take effect upon passage and shall apply retroactively to sales that occurred after January 1, 2007 to the extent tax on such sales was not collected.

~~(5)~~ (4) Notwithstanding any other provision of law to the contrary, no program funds shall be expended or allocated prior to July 1, 2011.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senator Kittell? Senator Lyons raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the proposal of amendment offered by Senator Kittell was *not germane* to the bill and therefore could not be considered by the Senate.

Thereupon, the President *sustained* the point of order and ruled that the proposal of amendment offered by Senator Kittell was *not germane* to the bill as it did not satisfy the criteria of Mason's Rule 402 regarding germaneness in that it was not naturally related to and did not follow in a logical sequence the subject matter of the original proposal.

The President thereupon declared that the proposal of amendment offered by Senator Kittell could *not* be considered by the Senate and the proposal of amendment was ordered stricken.

Thereupon, pending third reading of the bill, Senator Kittell moved that Sec. 402 of Mason's be suspended for the purpose of allowing a non-germane amendment.

Which was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the Senate proposal of amendment as recommended by Senator Kittell, was disagreed to on a division of the Senate, Yeas 7, Nays 17.

Thereupon, pending third reading of the bill, Senators Ashe and Brock moved to amend the Senate proposal of amendment as follows:

First: By adding a new section to be numbered Sec 55a. to read as follows:

Sec. 55a. TREATMENT OF TIF DISTRICTS FOR ACCOUNTING PURPOSES

The town of Milton may elect to treat the Husky and Catamount tax increment financing districts as a single district for purposes of the accounting and reporting requirements established under 32 V.S.A. § 5404a, 24 V.S.A. § 1901, and any rule adopted by the Vermont economic progress council governing tax increment financing districts, and such an election shall be conclusive for purposes of any state audit pursuant to 32 V.S.A. § 5404a(1).

Second: In Sec. 102 (effective dates), in subdivision (2), following the parenthetical, by inserting the following: and Sec. 55a (accounting of Milton TIFs)

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence with proposal of amendment.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Message from the House No. 61

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered bills originating in the Senate of the following titles:

S. 30. An act relating to assault of a health care worker.

S. 37. An act relating to expungement of a nonviolent misdemeanor criminal history record.

S. 101. An act relating to child support enforcement.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the Senate is requested.

The House has considered Senate proposal of amendment to the following House bill:

H. 411. An act relating to the application of Act 250 to agricultural fairs.

And has severally concurred therein.

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 160. House concurrent resolution in memory of Blair Hamilton.

H.C.R. 161. House concurrent resolution congratulating Andre Messier of Lake Region Union High School on being named the 2012 Vermont MetLife/NASSP High School Principal of the Year.

H.C.R. 162. House concurrent resolution in memory of former Representative Willis Lansing Curtis.

H.C.R. 163. House concurrent resolution congratulating the Global Campuses Foundation on its tenth anniversary.

H.C.R. 164. House concurrent resolution designating October 15, 2011, as the sixth annual Vermont Pumpkin Carving Day.

H.C.R. 165. House concurrent resolution commemorating the 250th anniversary of the establishment of the town of Pawlet.

H.C.R. 166. House concurrent resolution congratulating McNeil & Reedy of Rutland City on the haberdashery's 55th anniversary.

H.C.R. 167. House concurrent resolution congratulating the South Royalton High School Global Impact Apprentice Water Quality Team.

H.C.R. 168. House concurrent resolution in memory of Dr. Arthur Faris.

H.C.R. 169. House concurrent resolution congratulating the town of Dorset on its 250th anniversary.

H.C.R. 170. House concurrent resolution congratulating the Reverend Donald J. Ravey on the 50th anniversary of his ordination as a Roman Catholic priest.

In the adoption of which the concurrence of the Senate is requested.

The House has considered concurrent resolutions originating in the Senate of the following titles:

S.C.R. 16. Senate concurrent resolution honoring Dr. Cyrus Jordan and Helen Riehle for their exemplary contributions to the improvement of high quality health care in Vermont.

S.C.R. 17. Senate concurrent resolution congratulating David Keenan on being named the Northeast Kingdom Chamber of Commerce 2011 Citizen of the Year.

And has adopted the same in concurrence.

Rules Suspended; Bill Passed

H. 6.

On motion of Senator Campbell, the rules were suspended and Senate bill entitled:

An act relating to powers and immunities of the liquor control investigators.

Was placed on all remaining stages of its passage in concurrence with proposal of amendment forthwith.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Rules Suspended; Bills Messaged

On motion of Senator Campbell, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

H. 6, H. 287, H. 294, H. 452.

Senate Concurrent Resolutions

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, are hereby adopted on the part of the Senate:

By Senators Illuzzi, Ashe, Doyle, Galbraith and Campbell,

S.C.R. 14.

Senate concurrent resolution honoring John O’Kane for his career accomplishments at IBM and for his outstanding community service.

By Senator Ashe,

By Representative Peltz,

S.C.R. 15.

Senate concurrent resolution commemorating the 25th anniversary of the Chernobyl nuclear disaster with thoughts of the current nuclear crisis in Japan.

By All Members of the Senate,

S.C.R. 16.

Senate concurrent resolution honoring Dr. Cyrus Jordan and Helen Riehle for their exemplary contributions to the improvement of high quality health care in Vermont.

By Senators Kitchel and Benning,

By Representative Lawrence and others,

S.C.R. 17.

Senate concurrent resolution congratulating David Keenan on being named the Northeast Kingdom Chamber of Commerce 2011 Citizen of the Year.

[The full text of the Senate concurrent resolutions appeared in the Senate calendar addendum for April 28, 2011, and, if adopted in concurrence by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the seventieth-first biennial session of the Vermont General Assembly.]

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence:

By Senators Ashe, Ayer, Baruth, Brock, Campbell, Carris, Cummings, Doyle, Flory, Fox, Galbraith, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Mullin, Nitka, Pollina, Sears, Snelling, Starr, Westman and White,

By Representative Klein and others,

H.C.R. 160.

House concurrent resolution in memory of Blair Hamilton.

By Senators Illuzzi and Starr,

By Representative Young and others,

H.C.R. 161.

House concurrent resolution congratulating Andre Messier of Lake Region Union High School on being named the 2012 Vermont MetLife/NASSP High School Principal of the Year.

By Senators Campbell, McCormack and Nitka,

By Representative Clarkson,

H.C.R. 162.

House concurrent resolution in memory of former Representative Willis Lansing Curtis.

By Representative French and others,

H.C.R. 163.

House concurrent resolution congratulating the Global Campuses Foundation on its tenth anniversary.

By Representative Wilson and others,

H.C.R. 164.

House concurrent resolution designating October 15, 2011, as the sixth annual Vermont Pumpkin Carving Day.

By Representative Malcolm,

H.C.R. 165.

House concurrent resolution commemorating the 250th anniversary of the establishment of the town of Pawlet.

By Senators Flory, Carris and Mullin,

By Representative Fagan and others,

H.C.R. 166.

House concurrent resolution congratulating McNeil & Reedy of Rutland City on the haberdashery's 55th anniversary.

By Representative Buxton,

H.C.R. 167.

House concurrent resolution congratulating the South Royalton High School Global Impact Apprentice Water Quality Team.

By Senators Hartwell and Sears,

By Representative Miller,

H.C.R. 168.

House concurrent resolution in memory of Dr. Arthur Faris.

By Senators Hartwell and Sears,

By Representative Komline,

H.C.R. 169.

House concurrent resolution congratulating the town of Dorset on its 250th anniversary.

By Senator Lyons,

By Representatives Macaig and McCullough,

H.C.R. 170.

House concurrent resolution congratulating the Reverend Donald J. Ravey on the 50th anniversary of his ordination as a Roman Catholic priest.

[The full text of the House concurrent resolutions appeared in the Senate calendar addendum for April 28, 2011, and, if adopted in concurrence by the House, will appear in the volume of the Public Acts and Resolves to be published for this session of the seventieth-first biennial session of the Vermont General Assembly.]

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Monday, May 2, 2011, at one o'clock in the afternoon pursuant to J.R.S. 31.