

**H.313 As Passed the House and Senate  
May 12, 2009**

Sec.	
1	<b>Findings</b>
2	<b>Purpose</b>
	Directs the Vermont Office of Economic Recovery and Stimulus (VOESR) to coordinate ARRA stimulus efforts and oversight in Vermont.
3	<b>ARRA Funds; Economic Security for Women</b>
	Recognizes disproportionate impact of economic recession on women and children, and directs VOESR to report the number of jobs created and retained by industry to allow a determination of the number of jobs likely to benefit women.
4-5	<b>Commission on the Future of Economic Development</b>
	<ul style="list-style-type: none"> <li>• Codifies a definition of “economic development” and four principal goals for economic development, as identified by the Commission on the Future of Economic Development (CFED).</li> <li>• Directs the current chair of CFED to organize a summer working group of select members to establish benchmarks for the four principal goals, study models of economic development in other states, and evaluate the unified economic development budget.</li> </ul>
6-11	<b>Workforce Development</b>
	<p><i>Purpose is to promote state-sponsored workforce development that is coherent and targeted to growing industry sectors</i></p> <ul style="list-style-type: none"> <li>• Allows greater flexibility with how workforce development funds are appropriated among existing programs (career exploration programs (many applications) and alternative intensive vocations/academic programs (fewer applications))</li> <li>• Eliminates the workforce development leadership subcommittee and transfers its responsibilities to the workforce development council executive committee</li> <li>• Through Social Security numbers of participating individuals, tracks the employment history of program participants as a means of measuring outcomes, not applicable to training programs lasting no more than two days; SSN’s may not be retained for more than five years by the departments</li> <li>• Report on Vermont’s work-based learning programs is required by January 1, 2010</li> <li>• Creates the Green Workforce Collaborative, the purpose of which is to evaluate Vermont’s job force and education needs for the emerging energy-related job sectors, with a focus on target populations defined by ARRA.</li> </ul>
12-15	<b>VEGI Technical Amendments</b>

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	<p><b><i>Purpose is to make minor revisions and clarifications to the VEGI (Vermont Employment Growth Incentive) Program</i></b></p> <ul style="list-style-type: none"> <li>• Replaces the phrase “preliminary approval” with “initial approval” of an application to clarify that it concerns the first formal application consideration given by the Board as opposed to the informal “preliminary incentive estimates” provided by the Board</li> <li>• Specifies that “final” approval must occur before December 31 of the calendar year in which the economic activity commences to ensure VEGI authorizations are applied to the correct annual calendar year cap</li> <li>• Amends statutes to conform with last session’s repeal of the property-tax-allocation incentive</li> </ul>
16	<p><b>ARRA Funds; Smart Grid and Energy Grants</b></p>
	<ul style="list-style-type: none"> <li>• Directs the Department of Public Service and energy utilities to collaborate on identifying and applying for competitive ARRA grants.</li> <li>• Directs the governor, DPS, PSB, and necessary state and local government entities to take steps required by the ARRA to qualify for additional state energy grants available from the U.S. department of energy.</li> </ul>
17	<p><b>ARRA Funds; Legislative Priorities</b></p>
	<p><b><i>Purpose is to affirm legislative priorities for economic stimulus projects and programs funded by the American Recovery and Reinvestment Act of 2009 (ARRA)</i></b>          Priorities include: Burlington International Airport projects; agricultural projects; and, municipal communications projects.</p>
18	<p><b>SBA Loan Programs</b></p>
	<p><b><i>Purpose is to notify potential small-business borrowers of new lending programs created by the American Recovery and Reinvestment Act of 2009</i></b></p> <ul style="list-style-type: none"> <li>• New Small Business Association (SBA) loan programs include a 90-percent guaranty; no guaranty fee; and low rates</li> <li>• New terms are applicable to lines of credit; contract financing (such as government contracts with the Agency of Transportation); export financing; and long-term fixed-asset financing of real estate and equipment</li> <li>• Public outreach spearheaded by the Commissioner of Economic Development and the Director of the Vermont district office of the United States SBA</li> </ul>
19	<p><b>Cloud Computing Study</b></p>
	<p><b><i>Purpose is to evaluate virtualized information technology infrastructure which may save the state money</i></b></p> <ul style="list-style-type: none"> <li>• Authorizes an RFP for an evaluation of cloud-computing and other virtualized infrastructure options for the legislative, executive, and judicial branches</li> <li>• Proposals submitted to the legislative information technology committee</li> <li>• Supersedes similar provision in H.441 (2009)</li> </ul>

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20	<b>Initiative to Build a Media and Film Industry in Vermont</b>
	<p><i>Purpose is to develop the media and film industry sector in Vermont to attract business and retain Vermont employees</i> Vt Film Commission in collaboration with the VT Film and Media Coalition and others shall propose a program and present it to the relevant legislative committees in January 2010.</p>
21-22	<b>ARRA Funds; School Construction</b>
	<p><i>Purpose is to encourage public schools to take advantage of new and expanded tax-credit bond programs available under the American Recovery and Reinvestment Act of 2009</i></p> <ul style="list-style-type: none"> <li>• Applies to qualified school academy zones and qualified school construction bonds</li> </ul> <p>Financing can be used for school building construction and rehabilitation; the purchase of equipment; the development of course materials; and teacher and personnel training</p> <p><i>Purpose is to enable the commissioner of education to create a list of school districts that may be eligible for funding other than state aid (such as federal stimulus funds)</i></p> <ul style="list-style-type: none"> <li>• Commissioner of education shall review applications for aid, upon request</li> <li>• Commissioner shall use standards and procedures of chapter 123 of Title 16 to determine preliminary approval</li> </ul>
23-24	<b>Microbusiness and Individual Development Accounts</b>
	<ul style="list-style-type: none"> <li>• Identifies the Microbusiness and IDA programs within the office of economic opportunity as funding priorities for ARRA workforce and education funding.</li> <li>• Commissions a study of funding models, tax credits, and related strategies to enhance these programs.</li> </ul>
25-27	<b>Entrepreneurs' Seed Capital Fund</b>
	<p><i>Purpose is to assist young start-up companies with obtaining access to capital financing and thereby promote job growth</i></p> <ul style="list-style-type: none"> <li>• Establishes the Entrepreneurs' Seed Capital Fund</li> <li>• \$8 million fiscal stabilization (ARRA) funds over two years, along with enhanced tax credit for private investors (50 percent)</li> <li>• Of above \$8M, \$250k to the Vt Sustainable Jobs Fund program for start-up capital in the flexible capital fund program</li> <li>• Establishes the technology loan program through the Vermont Economic Development Authority.</li> </ul>
28	<b>Technology Loan Program</b>

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	<ul style="list-style-type: none"> <li>• Establishes the technology loan program through the Vermont Economic Development Authority.</li> <li>• Designed to meet the working capital and capital-asset finance needs of technology-based companies, many of which do not have access to conventional financing.</li> </ul>
29	<b>Downtown and Village Center Tax Credits</b>
	<i>Purpose is to provide additional funding for the Downtown and Village Center Program</i> <ul style="list-style-type: none"> <li>• Increases the cap on tax credits from \$1.6M to \$1.7 so additional money is available for the Downtown and Village Center Program</li> <li>• Program administered by the Vermont Downtown Development Board</li> <li>• Tax credits available for historic rehabilitation; façade improvement; and code improvement</li> </ul>
30	<b>Licensed Lender Study</b>
	Authorizes a BISHCA study on the application of Vermont’s licensed-lender requirements to certain commercial lending practices
31	<b>Minimum Wage</b>
	<i>Purpose is to ensure that the minimum wage in Vermont shall not be decreased if there is a negative CPI</i>
32	<b>ARRA; Workers’ Compensation; Davis-Bacon</b>
	<i>Purpose is to ensure Vermont contracts only with entities that comply with state and federal labor laws</i> <ul style="list-style-type: none"> <li>• Requires agencies of administration and transportation to establish procedures to assure that state contracting procedures and contracts are designed to minimize misclassification and miscoding by contractors on state projects costing more than \$250K</li> <li>• ARRA-funded projects must comply with prevailing wages as required by Davis-Bacon Act and, if such wages haven’t been updated within last three years, the project must pay wages equal to that of the VT county that has most recently updated its DB wages</li> </ul>
33-34	<b>ARRA; Unemployment Insurance</b>
	<i>Purpose is to maximize federal stimulus dollars in Vermont by meeting specified UI conditions</i> <ul style="list-style-type: none"> <li>• Provides extended benefits for workers in approved training programs</li> </ul>
35-36	<b>Farm-to-Plate Investment Program</b>

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	<p><i><b>Purpose is to create a strategic plan for agricultural economic development in Vermont</b></i></p> <ul style="list-style-type: none"> <li>• Establishes the Vermont farm-to-plate investment program through the VSJF, in consultation with the VT sustainable agriculture council</li> <li>• Strategic plan due June 30, 2010; shall be based on an inventory of Vermont’s food system infrastructure; assessment of gaps in infrastructure and distribution systems</li> <li>• Establish grant funding to support farm-to-plate direct marketing</li> <li>• Appropriates \$100k of ARRA funds</li> </ul>
37	<b>Municipal Full Faith and Credit for Bonds</b>
	<i><b>Purpose is to give municipalities the discretion to issue revenue bonds backed by the municipality’s full faith and credit</b></i>
38-40	<b>Small Scale Hydroelectric Projects</b>
	<p><i><b>Purpose is to require the Agency of Natural Resources (ANR) to develop a predictable and timely application process for applicants seeking a Clean Water Act 401 certification from ANR for small scale hydroelectric projects</b></i></p> <ul style="list-style-type: none"> <li>• Authorizes Secretary of Natural Resources to adopt rules establishing application process for certification of small scale hydroelectric projects (up to 1 MW)</li> <li>• Specifies information that shall be included in the application for a Clean Water Act 401 certification</li> <li>• ANR shall submit the application process to the relevant legislative standing committees</li> </ul>
41-43	<b>Stormwater</b>
	<p><i><b>Purpose is to extend the state interim stormwater permit program in order to allow development in impaired waters prior to development of final cleanup plans</b></i></p> <ul style="list-style-type: none"> <li>• Extends sunset on interim stormwater permit and title fix provision to 2012</li> </ul> <p>Gives municipal stormwater projects in the stormwater-impaired waters of the state priority over other projects with respect to ARRA funds in the state environmental revolving fund; repealed January 2012</p> <p><i><b>Purpose is to require the Agency of Natural Resources to review and revise the stormwater management practices required for renewable energy projects</b></i></p> <ul style="list-style-type: none"> <li>• Requires the Vermont Department of Environmental Conservation to amend its rules or the stormwater management manual to include alternative guidance for stormwater permitting specific to wind facilities</li> </ul>
44-51	<b>Telecommunications and Permitting</b>

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	<p><i>Purpose is to make all types of communications facilities eligible for approval by the Public Service Board (PSB), as well as single facilities without having to make a “network” proposal</i></p> <ul style="list-style-type: none"> <li>• Amendments to the Telecom Act of 2007</li> <li>• Under current law, developers may apply to the PSB to permit telecommunications facilities for networks of 3 or more structures that are contiguous and exceed 50 feet. Facilities so approved by PSB are exempt from Act 250 and local zoning</li> <li>• Expands authority of PSB to permit any telecommunications facility or ancillary structure, regardless of height or contiguity</li> <li>• Requires PSB to give due consideration to the recommendations of municipal legislative bodies as well as the municipal and regional commissions and to the conditions of any existing Act 250 or local permits for communications structures</li> <li>• Extends to July 1, 2011 the sunset provision in existing law on the PSB-approval option</li> <li>• Authorizes a PSB “minor” application process for telecommunications facilities, including periods for decision-making and the ability to waive or modify notice to adjoining landowners according to statutory criteria</li> <li>• Authorizes PSB to issue implementing and interpreting rules and requires PSB to seek to simplify the process consistent with statute; and to waive the requirements of 248a by rule or order</li> <li>• Authorizes Act 250 district commissions and appropriate municipals panels to impose sanctions for misrepresentation of material fact, after notice and opportunity for hearing</li> <li>• Authorizes Environmental Court to revoke municipal land use permits for violations or misrepresentation of material fact, after notice and opportunity for hearing</li> <li>• Revises the legislative goals related to the state telecommunications plan and VTA to promote, to the extent practical and cost-effective, the use of the best commercially available broadband technology and avoidance of widespread installation of technology that becomes outmoded within a short period after installation</li> <li>• Requires DPS to update minimum service characteristics for broadband technology no less than every three years starting in 2009</li> </ul>
52-54	<p style="text-align: center;"><b>Act 250</b></p> <ul style="list-style-type: none"> <li>• Exempts from Act 250’s definition of “development” certain hazardous-materials remediation directed by the Secretary of Natural Resources (ANR), and communications facilities approved by Public Service Board</li> <li>• Expands from 10 percent to 25 percent existing exemptions from Act 250’s “substantial change” provisions for increases in various public infrastructure projects; sunset 7/1/2011</li> </ul>
55	<b>ARRA; Utility Relocations</b>

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	<p><i>Purpose is to maximize federal funds available to Vermont businesses with respect to utility relocations</i></p> <ul style="list-style-type: none"> <li>• Requires an 80 percent reimbursement for utility relocation costs incurred due to highway construction projects funded with federal stimulus dollars</li> <li>• Goal is to prevent costs of utility relocations from ultimately being shifted to Vermont ratepayers</li> </ul>
56	<b>Indirect Source Permits</b>
	Repeals permit requirements for indirect air source (e.g., large parking lots) because other regulations apply such as CAFE standards
57-61	<b>Environmental Ticketing</b>
	Authorizes environmental enforcement ticketing authority for ANR and Natural Resources Board. Would apply to enforcement of minor violations, including general and individual permits
62-63	<b>ARRA; Permit Expediting; Expired Permits</b>
	<ul style="list-style-type: none"> <li>• Expediting for federal stimulus: requires ANR, AOT, Act 250, and local authorities to make stimulus-funded projects a priority and enacts time limits with “deemed approved” provisions for municipal and Act 250 review of such projects; repealed July 2012</li> <li>• Would revive permits that have expired within last 5 years if funded by federal stimulus</li> </ul>
64-65	<b>VEPC Name Change</b>
	<ul style="list-style-type: none"> <li>• Re-establishes “Vermont economic progress council” (VEPC) as the name of the current Economic Incentives Review Board</li> </ul>
66-68	<b>Vermont Village Green Program</b>
	<p><i>Purpose is to establish housing or business zones of economic development opportunities within definable sites having a local energy source that is renewable or efficiently utilized</i></p> <ul style="list-style-type: none"> <li>• Establishes two Vermont Village Green Renewable pilot projects, one in Montpelier and one in Randolph, to bring district heat and possible power to a designated downtown district or a designated growth center</li> <li>• Customers who connect are eligible for financial incentives through the Clean Energy Development Fund (up to \$100k for the program)</li> </ul>
69-69a	<b>VOSHA Service of Process; Workers’ Compensation Information Sharing</b>

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	<ul style="list-style-type: none"> <li>• Allows service of process by certified mail;</li> <li>• Allows agencies to share certain information for purposes of tracking workers' compensation</li> </ul>
70	<b>Study; Mobile Home Rent-to-Own Purchases</b>
	<ul style="list-style-type: none"> <li>• Commissions a study and report on the practice of selling property, and mobile homes in particular, on a rent-to-own basis.</li> </ul>
71-75	<b>Necessity Condemnation Proceedings</b>
	<p><i>Cross references relevant provisions of the Transportation bill which are geared toward making necessity/condemnation decisions more efficient and timely</i></p> <ul style="list-style-type: none"> <li>• Transfers authority to "initiate" highway condemnation proceedings from the transportation board to the agency of transportation</li> <li>• Transfers authority to conduct necessity hearings from superior court to the transportation board</li> </ul>
76	<b>Miscellaneous Tax Amendments</b>
	<ul style="list-style-type: none"> <li>• Increases the number of compliance personnel.</li> </ul>
77	<b>Spaying and Neutering Program</b>
	<ul style="list-style-type: none"> <li>• Directs the agency of agriculture to adopt an emergency rule to limit free spaying and neutering to adopted animals.</li> </ul>
78-80	<b>Workers' Compensation Compliance</b>
	<ul style="list-style-type: none"> <li>• Increases the penalty for worker misclassification to \$20,000</li> <li>• Amends the requirements for workers' compensation compliance statements.</li> </ul>
81	<b>Current Use for FY 2011</b>
	<ul style="list-style-type: none"> <li>• Provides that multiple strategies will be used to generate \$1.6 million in savings or increased revenues in the current use value program.</li> </ul>
82-83	<b>Tax Increment Financing</b>
	<p><i>Purpose is to clarify and expand aspects of the tax increment financing (TIF) program</i></p> <ul style="list-style-type: none"> <li>• Amends certain TIF requirements applicable to the Town of Milton.</li> <li>• Authorizes the City of Burlington to incur indebtedness for its currently-existing TIF district for an additional five years beginning January 2010.</li> </ul>
84	<b>Vermont Opportunity Redevelopment Site in Springfield</b>

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	<p><i>Purpose is to offer financial incentives for the renovation and renewal of use of industrial facilities that have been vacant or underutilized (and thus not generating much if any revenue) for more than 10 years</i></p> <ul style="list-style-type: none"> <li>• Authorizes the Secretary of Commerce and Community Development to designate a redevelopment area in the Town of Springfield for a period of seven years</li> <li>• Redevelopers and businesses seeking to locate in the opportunity zone shall apply to the Secretary for benefits</li> <li>• Site is eligible for education property tax stabilization, and tax shall remain stable at its 2009 level.</li> <li>• Eligible business may receive an income tax credit, and certain sales and use tax exemptions.</li> <li>• Report due January 15, 2011, and biennially thereafter</li> </ul>
85	<b>Exemption for Wastewater Systems</b>
	<ul style="list-style-type: none"> <li>• Provides a wastewater permit exemption for an existing building on subdivided property if located over 500 feet from new property line.</li> </ul>
86-87	<b>Purchase of Firearms</b>
	<p><i>Purpose is to remove barriers to firearms sales and purchases</i></p> <ul style="list-style-type: none"> <li>• Permits Vermonters to buy guns in noncontiguous states</li> <li>• Permits Vermont gunshops to sell guns to residents of noncontiguous states</li> </ul>
88	<b>Professional Regulation of Nursing</b>
	<ul style="list-style-type: none"> <li>• Provides nursing license exemption for individuals providing care of the sick in accordance with the tenets of a church or religious denomination if he/she does not hold himself out to be a licensed nurse.</li> </ul>
89-91	<b>General Permitting</b>
	<ul style="list-style-type: none"> <li>• Authorizes ANR to expand use of general permits beyond certain Clean Water Act projects.</li> <li>• Would reduce permit-process time and establish standard conditions for certain activities; would apply to a class or category of projects or discharges.</li> <li>• Allows more self-certification;</li> <li>• Sunsets July 2014</li> </ul>
92	<b>ARRA; State Energy Program, Energy Efficiency, and Conservation Block Grants</b>
	<ul style="list-style-type: none"> <li>• Appropriates \$31.5925 million from ARRA energy funds into the clean energy development fund.</li> </ul>

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93-95	<b>Clean Energy Development Fund</b>
	<p><i>Purpose is to vest the administration and management of the fund in a newly created oversight board and independent fund administrator</i></p> <ul style="list-style-type: none"> <li>• Establishes the Clean Energy Development Board (eliminates the Advisory Committee and the Investment Committee)</li> <li>• Membership includes 9 directors: 3 appointed by the House; 3 appointed by the president pro tem; 2 appointed by the governor; and the state treasurer ex officio</li> <li>• Fund manager is a state employee retained and supervised by the board and housed within the office of the treasurer</li> <li>• “Emerging energy-efficient technologies” eligible for grants from the fund</li> </ul>
96-103	<b>Bonds for Renewable Energy Projects; Solar Energy Tax Credits</b>
	<ul style="list-style-type: none"> <li>• Clarifies that the solar investment tax credit for individuals be attributable to Vermont property; provides that a taxpayer may either use a grant or use the tax credit, but not both; and provides that unused investment tax credits and solar energy investment credits be carried forward no more than 5 years.</li> <li>• on the solar energy tax credit for corporations, provides that a taxpayer may either take a grant or use the tax credit, but not both, and that unused solar energy investment credits be carried forward no more than 5 years.</li> <li>• repeals the 76-percent business solar tax credit effective Jan. 1, 2011 (but leaves in place the 5-year carry forward).</li> <li>• repeals the solar energy investment tax credit for corporations effective Jan. 1, 2011 (but leaves in place the five-year carry forward).</li> <li>• provides transition rules for 9b and 9c.</li> <li>• clarifies session law from 2007, relating to the recapture of federal tax credits.</li> </ul>
104-106	<b>Fuel Efficiency Fund</b>
	<ul style="list-style-type: none"> <li>• Specifies that fund is to receive 50% of the net proceeds above cost for the sale of carbon credits;</li> <li>• provides specific guidance for use of funds</li> </ul>
107	<b>DOL Compliance Personnel</b>
	<ul style="list-style-type: none"> <li>• Provides funding for four limited service employees as workers’ compensation fraud staff.</li> </ul>
108	<b>Privatization Contract</b>
	<ul style="list-style-type: none"> <li>• Expands definition of “privatization contract” to include the elimination of a vacant position of an employee covered by a collective bargaining agreement.</li> </ul>
109-112	<b>Pledges of Full Faith and Credit of the State</b>

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	<ul style="list-style-type: none"> <li>• Reduces the amount of the state's full faith and credit obligations.</li> </ul>
113	<b>Appropriations; Full Faith and Credit</b>
	<ul style="list-style-type: none"> <li>• \$3.4 million of ARRA funds to: \$2.15 million to the entrepreneurs' seed capital fund; \$1 million to the Vermont jobs fund; \$100,000 for the farm-to-plate investment program; \$150,000 for the flexible capital fund program;</li> <li>• \$1 million in full faith and credit of the state for VEDA's TECH loan program and small business loan program.</li> </ul>
114	<b>Effective Date</b>