

STATE OF VERMONT
Executive Department

EXECUTIVE ORDER

[Private Activity Bond Advisory Committee]

WHEREAS, section 146(e) of the Internal Revenue Code requires each state to devise an allocation formula or a process for allocating the state's private activity bond capacity among issuing authorities;

WHEREAS, pursuant to 32 V.S.A. section 992, the emergency board established by chapter 3 of Title 32 is the duly authorized agency of the state having the power to apportion the state's private activity bond ceiling to and among the constituted issuing authorities empowered to issue such bonds;

WHEREAS, the Governor seeks to develop an advisory process relating to such allocation that increases awareness of the availability of private activity bond capacity to prospective issuers, encourages new and creative uses of this financing mechanism, promotes job-creation in Vermont, and otherwise maximizes the economic benefits of private activity bonding;

NOW, THEREFORE, I, Peter Shumlin, by the power vested in me as Governor, establish a Private Activity Bond Advisory Committee ("the Committee") to promote maximization of the economic benefit to Vermont of private activity bonding.

I. Composition

The Committee shall consist of the State Treasurer or his or her designee, the Secretary of Administration or his or her designee, the Secretary of the Agency of Commerce and Community Development or his or her designee, and two public representatives appointed at the pleasure of the Governor. Each public representative shall serve a two year term beginning February 1 in odd-numbered years, or until his or her successor is appointed.

The State Treasurer or his or her designee shall serve as chair of the committee.

II. Committee Charge

- a. The Committee shall survey the expected need for private activity bond allocations among constituted and eligible issuing authorities empowered to issue such bonds on an annual basis.
- b. The Committee shall develop recommended guidelines for allocation of private activity bonding capacity designed to maximize the availability of tax exempt financing among competing sectors of the Vermont economy with a focus on economic development, housing, education, redevelopment, public works, energy,

waste management, waste and recycling collection, transportation, and other activities that the Committee determines will benefit the citizens of Vermont. The guidelines should support efforts and entities that increase the number of good paying jobs in this state, promote economic development, support affordable housing and affordable access to postsecondary education, encourage the use of Vermont's human and natural resources in endeavors that maximize Vermont's comparative economic advantages, and be flexible enough to include new and innovative uses of private activity bonds, consistent federal regulations and IRS code.

- c. The Committee shall make annual recommendations to the emergency board on the allocation (including any reservations) of the state's private activity bond ceiling to and among the constituted issuing authorities empowered to issue such bonds.

III. **Committee Process**

The Committee shall meet at least annually and make its apportionment recommendation to the emergency board no later than December 1st of each year for the next calendar year. The Committee must hold at least one public hearing prior to the submission of its recommendation and file an annual report with the Governor and Legislature.

On its own initiative, at the request of the Governor, or at the request of the emergency board, the Committee may make recommendations to the Governor or emergency board concerning assignments or reallocation of any unused portion of the ceiling subsequent to the emergency board's initial allocation in a given year.

The Office of the State Treasurer shall provide administrative support to the Committee.

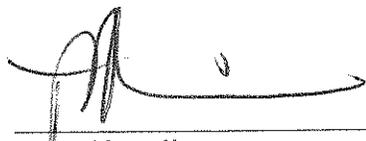
Public representatives may receive reimbursement of expenses and a per diem pursuant to 32 V.S.A. §1010(e).

IV. **Effective Date**

This Order shall take effect upon signing.



Dated this 2nd day of November, 2011



Peter Shumlin
Governor

Executive Order No. 14-11