S.159

An act relating to various amendments to Vermont's land use control law and related statutes

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

* * * Amendments to Act 250 * * *

Sec. 1. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

~~When used in~~ In this chapter:

* * *

(3)(A) "Development" means each of the following:

* * *

(ix) any support structure proposed for construction, which is primarily for communication or broadcast purposes and which will extend vertically 20 feet or more above the highest point of an attached existing structure or 50 feet or more above ground level in the case of a proposed new support structure, in order to transmit or receive communication signals for commercial, industrial, municipal, county, or state purposes, independently of the acreage involved.

(I) Under this subdivision (ix):

(aa) the word "development" shall also include the construction of improvements ancillary to the support structure, including buildings, broadcast or communication equipment, foundation pads, cables,

wires, antennas or hardware, and all means of ingress and egress to the support structure; and

(bb) the word "development" shall not include future improvements that are not ancillary to the support structure and do not involve an additional support structure, unless they would otherwise be considered a development under this subdivision (3).

(II) The criteria and procedures for obtaining a permit for a development under this subdivision (ix) shall be the same as for any other development;

(x) any withdrawal of more than 340,000 gallons of groundwater per day from any well or spring on a single tract of land or at a place of business, independently of the acreage of the tract of land or place of business, if the withdrawal requires a permit under section 1418 of this title or is by a bottled water facility regulated under chapter 56 of this title.

* * *

(D) The word "development" does not include:

* * *

(vii) The construction of improvements below the elevation of 2,500 feet for the onsite storage, preparation, and sale of compost, provided that one of the following applies:

(I) The compost is produced from no more than 100 cubic yards of material per year; ~~or~~

(II) The compost is principally produced from inputs grown or produced on the farm; ~~or~~

(III) The compost is principally used on the farm where it was produced; ~~or~~

(IV) The compost is produced on a farm primarily used for the raising, feeding, or management of livestock, only from:

(aa) manure produced on the farm; and

(bb) unlimited clean, dry, high-carbon bulking agents from any source; ~~or~~

(V) The compost is produced on a farm primarily used for the raising, feeding, or management of livestock, only from:

(aa) manure produced on the farm;

(bb) up to 2,000 cubic yards per year of organic inputs allowed under the agency of natural resources' acceptable management practices, including food residuals or manure from off the farm, or both; and

(cc) unlimited clean, dry, high-carbon bulking agents from any source; ~~or~~

(VI) The compost is produced on a farm primarily used for the cultivation or growing of food, fiber, horticultural, or orchard crops, that

complies with the agency of natural resources' solid waste management rules, only from up to 5,000 cubic yards per year of total organic inputs allowed under the agency of natural resources' acceptable management practices, including up to 2,000 cubic yards per year of food residuals;

* * *

(19)(A) "Subdivision" means each of the following:

(i) a tract or tracts of land, owned or controlled by a person, which the person has partitioned or divided for the purpose of resale into 10 or more lots within a radius of five miles of any point on any lot, or within the jurisdictional area of the same district commission, within any continuous period of five years. In determining the number of lots, a lot shall be counted if any portion is within five miles or within the jurisdictional area of the same district commission~~. The word "subdivision" shall not include a lot or lots created for the purpose of conveyance to the state or to a qualified organization, as defined under section 6301a of this title, if the land to be transferred includes and will preserve a segment of the Long Trail. The word "subdivision" shall not include a lot or lots created for the purpose of conveyance to the state or to a "qualified holder" of "conservation rights and interest," as those terms are defined in section 821 of this title. "Subdivision" shall also mean~~;

(ii) a tract or tracts of land, owned or controlled by a person, which the person has partitioned or divided for the purpose of resale into six or more lots, within a continuous period of five years, in a municipality which does not have duly adopted permanent zoning and subdivision bylaws;

(iii) a tract or tracts of land, owned or controlled by a person, which have been partitioned or divided for the purpose of resale into five or more separate parcels of any size within a radius of five miles of any point on any such parcel, and within any period of ten years, by public auction.

(I) In this subdivision (iii), "public auction" means any auction advertised or publicized in any manner, or to which more than ten persons have been invited.

(II) If sales described under this subdivision (iii) are of interests that, when sold by means other than public auction, are exempt from the provisions of this chapter under the provisions of subsection 6081(b) of this title, the fact that these interests are sold by means of a public auction shall not, in itself, create a requirement for a permit under this chapter.

(B) The word "subdivision" shall not include each of the following:

(i) a lot or lots created for the purpose of conveyance to the State or to a qualified organization, as defined under section 6301a of this title, if the land to be transferred includes and will preserve a segment of the Long Trail;

(ii) a lot or lots created for the purpose of conveyance to the State or to a "qualified holder" of "conservation rights and interest," as defined in section 821 of this title.

* * *

Sec. 2. 10 V.S.A. § 6001a is amended to read:

§ 6001a. ~~PUBLIC AUCTIONS~~

~~As used in this chapter "development" shall also mean the sale of any interest in a tract or tracts of land, owned or controlled by a person, which have been partitioned or divided for the purpose of resale into five or more separate parcels of any size within a radius of five miles of any point on any such parcel, and within any period of ten years, by public auction; and "public auction" means any auction advertised or publicized in any manner, or to which more than ten persons have been invited. However, if the sales described under this section are of interests that, when sold by means other than public auction, are exempt from the provisions of this chapter under the provisions of subsection 6081(b) of this title, the fact that these interests are sold by means of a public auction shall not, in itself, create a requirement for a permit under this chapter.~~ [Repealed.]

Sec. 3. 10 V.S.A. § 6001b is amended to read:

§ 6001b. ~~LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY~~

~~Any low-level radioactive waste disposal facility proposed for construction under chapter 161 of this title shall be a development, for purposes of this chapter, independent of the acreage involved. Any construction of improvements which is likely to generate low-level radioactive waste is a development, for purposes of this chapter, independent of the acreage involved. The criteria and procedures for obtaining a permit shall be the same as for any other development.~~ [Repealed.]

Sec. 4. 10 V.S.A. § 6001c is amended to read:

§ 6001c. ~~JURISDICTION OVER BROADCAST AND COMMUNICATION SUPPORT STRUCTURES AND RELATED IMPROVEMENTS~~

~~In addition to other applicable law, any support structure proposed for construction, which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, above the highest point of an attached existing structure or 50 feet, or more, above ground level in the case of a proposed new support structure, in order to transmit or receive communication signals for commercial, industrial, municipal, county, or state purposes, shall be a development under this chapter, independent of the acreage involved. If jurisdiction is triggered for such a support structure, then jurisdiction will also extend to the construction of improvements ancillary to~~

~~the support structure, including buildings, broadcast or communication equipment, foundation pads, cables, wires, antennas or hardware, and all means of ingress and egress to the support structure. To the extent that future improvements are not ancillary to the support structure and do not involve an additional support structure, those improvements shall not be considered a development, unless they would be considered a development under this chapter in the absence of this section. The criteria and procedures for obtaining a permit under this section shall be the same as for any other development.~~ [Repealed.]

Sec. 5. 10 V.S.A. § 6001d is amended to read:

§ 6001d. ~~LARGE VOLUME GROUNDWATER WITHDRAWAL~~

~~In addition to all other applicable law, any withdrawal of more than 340,000 gallons of groundwater per day from any well or spring on a single tract of land or at a place of business, independent of the acreage of the tract of land or place of business, shall be a development under this chapter if the withdrawal requires a permit under section 1418 of this title or is by a bottled water facility regulated under chapter 56 of this title.~~ [Repealed.]

Sec. 6. [Deleted]

Sec. 7. REPEAL OF SUNSET

2010 Acts and Resolves No. 141, Sec. 3a (sunset of composting exemptions) is repealed.

Sec. 8. 10 V.S.A. § 6007 is amended to read:

§ 6007. ACT 250 DISCLOSURE STATEMENT; JURISDICTIONAL DETERMINATION

* * *

(c) With respect to the partition or division of land, or with respect to an activity which might or might not constitute development, any person may submit to the district coordinator an "Act 250 Disclosure Statement" and other information required by the rules of the ~~board~~ Board, and may request a jurisdictional opinion from the district coordinator concerning the applicability of this chapter. If a requestor wishes a final determination to be rendered on the question, the district coordinator, at the expense of the requestor and in accordance with rules of the ~~board~~ Board, shall publish notice of the issuance of the opinion in a local newspaper generally circulating in the area where the land which is the subject of the opinion is located, and shall serve the opinion on all persons listed in subdivisions 6085(c)(1)(A) through (D) of this title. In addition, the requestor who is seeking a final determination shall consult with the district coordinator and obtain approval of a subdivision 6085(c)(1)(E) list of persons who shall be notified by the district coordinator because they are adjoining property owners or other persons who would be likely to be able to demonstrate a particularized interest protected by this chapter that may be affected by an act or decision by a district commission. ~~A jurisdictional~~

~~opinion of a district coordinator shall be subject to a request for reconsideration in accordance with rules of the board and may be appealed to the environmental division pursuant to chapter 220 of this title.~~

(d) A person who seeks review of a jurisdictional opinion issued by a district coordinator may request consideration by the Board of the issues addressed in the opinion.

(1) If the opinion was served on the person when issued, the person's request under this subsection shall be submitted to the Board within 30 days of the opinion's issuance.

(2) If the opinion was not served on the person when issued, the request shall be submitted to the Board:

(A) within 30 days from the date on which the opinion was served on the requestor; or

(B) at any time, if the opinion is never served on the requestor.

(3) The Board shall give notice of the request.

(A) The Board shall serve the notice on all persons listed in subdivisions 6085(c)(1)(A)–(D) of this title and post the notice on its website.

(B) If the request pertains to a jurisdictional opinion for which a final determination was requested under subsection (c) of this section, the Board shall:

(i) serve the notice on all persons on the approved subdivision 6085(c)(1)(E) list; and

(ii) publish at the expense of the requestor the notice in a local newspaper having general circulation in the area where the land which is the subject of the request is located.

(4) An act or decision of the Board under this subsection may be appealed to the Environmental Division pursuant to chapter 220 of this title.

Sec. 9. 10 V.S.A. § 6021 is amended to read:

§ 6021. BOARD; VACANCY, REMOVAL

(a) A ~~natural resources board~~ Natural Resources Board is created ~~with a land use panel and a water resources panel~~.

(1) The ~~board~~ Board shall consist of ~~nine~~ five members appointed by the ~~governor~~ Governor, with the advice and consent of the ~~senate~~ Senate, so that one appointment ~~on each panel~~ expires in each ~~odd numbered~~ year. In making these appointments, the ~~governor and the senate~~ Governor and the Senate shall give consideration to experience, expertise, or skills relating to the environment or land use.

(A) The ~~governor~~ Governor shall appoint a ~~chair~~ Chair of the ~~board~~ Board, a position that shall be a full-time position. ~~The other eight members shall be appointed by the governor, four to the water resources panel of the board and~~

~~four others to the land use panel of the board. The chair shall serve as chair on each panel of the board.~~

(B) Following initial appointments, the members, except for the chair, shall be appointed for terms of four years.

(2) The ~~governor~~ Governor shall appoint up to five persons, with preference given to former ~~environmental board, water resources board, natural resources board~~ Environmental Board, Natural Resources Board, or district commission members, with the advice and consent of the ~~senate~~ Senate, to serve as alternates for ~~board~~ Board members.

(A) Alternates shall be appointed for terms of four years, with initial appointments being staggered.

(B) The ~~board chair~~ Chair of the Board may assign alternates to sit on specific matters before the ~~panels of the board~~ Board, in situations where fewer than five ~~panel~~ members are available to serve. ~~No person who receives or, during the previous two years, has received a significant portion of the person's income directly or indirectly from permit holders or applicants for one or more permits under chapter 47 of this title may be a member of the water resources panel.~~

(b) Any vacancy occurring in the membership of the ~~board~~ Board shall be filled by the ~~governor~~ Governor for the unexpired portion of the term.

(c) Notwithstanding the provisions of 3 V.S.A. § 2004, members shall be removable for cause only, except the chair, who shall serve at the pleasure of the ~~governor~~ Governor.

(d) The ~~chair~~ Chair of the Board, upon request of the chair of a district commission, may appoint and assign former commission members to sit on specific commission cases when some or all of the regular members and alternates of the district commission are disqualified or otherwise unable to serve.

Sec. 10. 10 V.S.A. § 6025 is amended to read:

§ 6025. RULES

(a) The ~~board~~ Board may adopt rules of procedure for ~~the panels,~~ itself and the district commissions~~, and the board itself~~.

(b) The ~~land use panel~~ Board may adopt substantive rules, in accordance with the provisions of 3 V.S.A. chapter 25, that interpret and carry out the provisions of this chapter ~~that pertain to land use regulated under section 6086 of this title~~. These rules shall include provisions that establish criteria under which applications for permits under this chapter may be classified in terms of complexity and significance of impact under the standards of subsection 6086(a) of this chapter. In accordance with that classification the rules may:

* * *

Sec. 11. RULES; TRANSITION

Rules of the Land Use Panel of the Natural Resources Board as they existed immediately prior to the effective date of this section shall be deemed rules of the Board under Sec. 9 of this act, 10 V.S.A. § 6025, and shall be in full force until amended by the Natural Resources Board in accordance with the Administrative Procedure Act.

Sec. 12. 10 V.S.A. § 6031 is added to read:

§ 6031. ETHICAL STANDARDS

(a) The Chair and members of the Board and the chair and members of each district commission shall comply with the following ethical standards:

(1) The provisions of 12 V.S.A. § 61 (disqualification for interest).

(2) The Chair and each member shall conduct the affairs of his or her office in such a manner as to instill public trust and confidence and shall take all reasonable steps to avoid any action or circumstance that might result in any one of the following:

(A) Undermining his or her independence or impartiality of action.

(B) Taking official action on the basis of unfair considerations.

(C) Giving preferential treatment to any private interest on the basis of unfair considerations.

(D) Giving preferential treatment to any family member or member of his or her household.

(E) Using his or her office for the advancement of personal interest or to secure special privileges or exemptions.

(F) Adversely affecting the confidence of the public in the integrity of the district commission.

(b) As soon as practicable after grounds become known, a party may move to disqualify a Board member or district commissioner from a particular matter before the Board or district commission.

(1) The motion shall contain a clear statement of the specific grounds for disqualification and when such grounds were first known.

(2) On receipt of the motion, a district commissioner who is the subject of the motion shall disqualify himself or herself or shall refer the motion to the Chair of the Board.

(A) The Chair of the Board may disqualify the district commissioner from the matter before the district commission if, on review of the motion, the chair determines that such disqualification is necessary to ensure compliance with subsection (a) (ethical standards) of this section.

(B) On disqualification of a district commissioner under this subsection, the Chair of the Board shall assign another district commissioner to take the place of the disqualified commissioner. The Chair shall consider making such an assignment from among the members of the same district commission before assigning a member of another district commission.

(3) On receipt of the motion, a Board member who is the subject of the motion shall disqualify himself or herself or shall refer the motion to the full Board. The Board may disqualify a member from the matter before the Board if, on review of the motion, the Board determines that such disqualification is necessary to ensure compliance with subsection (a) (ethical standards) of this section. The Board member who is the subject of the motion shall not be eligible to vote on the motion.

(c) For one year after leaving office, a former appointee to the Board or a district commission shall not, for pecuniary gain:

(1) Be an advocate on any matter before the Board or the district commission to which he or she was appointed; or

(2) Be an advocate before any other public body or the General Assembly or its committees regarding any matter in which, while an appointee, he or she exercised any official responsibility or participated personally and substantively.

Sec. 13. 10 V.S.A. § 6083 is amended to read:

§ 6083. APPLICATIONS

(a) An application for a permit shall be filed with the district ~~commissioner~~ commission as prescribed by the rules of the ~~board~~ Board and shall contain at least the following documents and information:

* * *

(b) An applicant or petitioner shall grant the ~~appropriate panel of the board~~ Board or district commission, or their agents, permission to enter upon the applicant's or petitioner's land for these purposes.

* * *

(d) The ~~panels of the board~~ Board and commissions shall make all practical efforts to process matters before the ~~board~~ Board and permits in a prompt manner. The ~~land use panel~~ Board shall establish time limits for the processing of land use permits issued under section 6086 of this title as well as procedures and time periods within which to notify applicants whether an application is complete. The ~~land use panel~~ Board shall report annually by February 15 to the ~~general assembly~~ General Assembly by electronic submission. The annual report shall assess the performance of the ~~board~~ Board and commissions in meeting the limits; identify areas which hinder effective performance; list fees collected for each permit; summarize changes made to improve performance; and describe staffing needs for the coming year. The annual report shall list the number of enforcement actions taken by the ~~land use panel~~ Board, the disposition of such cases, and the amount of penalties collected. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

* * *

Sec. 14. 10 V.S.A. § 6089 is amended to read:

§ 6089. APPEALS

Appeals of any act or decision of a ~~district coordinator or a~~ district commission under this chapter or the Natural Resources Board under section 6007(d) of this title shall be made to the ~~environmental division~~ Environmental Division in accordance with chapter 220 of this title. For the purpose of this section, a decision of the chair of a district commission under section 6001e of this title on whether action has been taken to circumvent the requirements of this chapter shall be considered an act or decision of the district commission.

Sec. 15. REPEALS

The following are repealed:

(1) 10 V.S.A. § 6027(k) (powers; water resources panel).

(2) 10 V.S.A. § 8002(10) (definitions; land use panel).

* * * Amendments to Environmental Enforcement Statutes * * *

Sec. 16. 10 V.S.A. § 8002(16) is added to read:

(16) "Agency issuing the order" means the Secretary when the Secretary has issued an administrative or emergency administrative order under this chapter and the Board when the Board has issued such an order.

Sec. 17. 10 V.S.A. § 8008 is amended to read:

§ 8008. ADMINISTRATIVE ORDERS

(a) The ~~secretary~~ Secretary may issue an administrative order when the ~~secretary~~ Secretary determines that a violation exists. ~~The~~ When the Board determines that a violation of 10 V.S.A. chapter 151 exists, the Board may issue an administrative order with respect to the violation. An administrative order shall be served as provided for under the Vermont Rules of Civil Procedure. A copy of the order also shall be delivered to the ~~attorney general~~ Attorney General. An order shall be effective on receipt unless stayed under subsection 8012(d) of this title.

* * *

(c) An order may include:

(1) a "stop work" order that directs the respondent to stop work until a permit is issued, compliance is achieved, a hazard is abated, or any combination of the above. ~~In issuing such an order, the secretary~~ The agency issuing the order shall consider the economic effect of ~~the~~ a "stop work" order, if included, on individuals other than the respondent;

* * *

Sec. 18. 10 V.S.A. § 8009 is amended to read;

§ 8009. EMERGENCY ADMINISTRATIVE ORDERS; REQUEST FOR HEARING

(a) Grounds for issuance. The ~~secretary~~ Secretary, or the Board with respect to matters relating to land use permits under chapter 151 of this title only, may issue an order under section 8008 of this title as an emergency administrative order when:

* * *

(b) Prerequisites to issuance. An emergency administrative order may be issued ~~by the secretary~~ only if:

(1) the order has been presented to the ~~environmental division~~ Environmental Division;

(2) all reasonable efforts have been made to notify the respondent of the presentation of the order to the ~~environmental division~~ Environmental Division; and

(3) the ~~environmental division~~ Environmental Division has found that the ~~secretary~~ agency issuing the order has made a sufficient showing that grounds for issuance of the order exist.

* * *

(d) Request for hearing. If an emergency order is issued, the respondent may request a hearing before the ~~environmental division~~ Environmental

Division. Notice of the request for hearing shall be filed with the ~~environmental division~~ Environmental Division and the ~~secretary~~ agency issuing the order within five days of receipt of the order. A hearing on the emergency order shall be held at the earliest possible time and shall take precedence over all other hearings. The hearing shall be held within five days of receipt of the notice of the request for hearing. A request for hearing on an emergency order shall not stay the order. The ~~environmental division~~ Environmental Division shall issue a decision within five days from the conclusion of the hearing, and no later than 30 days from the date the notice of request for hearing was received.

* * *

(f) Appeals. An appeal to the ~~supreme court~~ Supreme Court by the ~~secretary~~ Secretary or the Board shall stay the dissolution of an emergency order; an appeal to the ~~supreme court~~ Supreme Court by the respondent shall not stay operation of an emergency order.

Sec. 19. 10 V.S.A. § 8013 is amended to read:

§ 8013. CONDUCT OF HEARINGS; APPEAL; STAY

(a) The ~~secretary~~ agency issuing the order shall have the burden of proof by a preponderance of the evidence.

(b) Parties may be represented by counsel in hearings before the ~~environmental division~~ Environmental Division. The ~~agency of natural~~

~~resources~~ Agency of Natural Resources or the Board each may represent itself. A party may conduct cross-examination required for a full and true disclosure of the facts.

* * *

Sec. 20. 10 V.S.A. § 8019 is redesignated to read:

§ 8019. CIVIL ~~COMPLAINTS~~ CITATIONS

Sec. 21. 10 V.S.A. § 8020(c) and (d) are amended to read:

(c) Filing with court. ~~The environmental division~~ If a comment was received on the draft document, the Environmental Division shall hold the administrative order, assurance of discontinuance, or civil ~~complaint~~ citation for 14 days from the date of filing to allow any person who has filed written comments under subsection (b), who is not satisfied with the final action of the agency or the board, and who meets the definition of "aggrieved person" under subsection (a) of this section to file a motion for permissive intervention pursuant to the procedure in Rule 24(c) of the Vermont Rules of Civil Procedure.

(d) Court action without motion to intervene. ~~At~~ If no comment was filed on the draft document or if, at the conclusion of the 14-day period, ~~if~~ no motion to intervene has been filed, the ~~environmental division shall take into consideration any comments received and~~ Environmental Division in its discretion, with or without a hearing, shall issue an order to affirm, vacate, or

remand the administrative order, assurance of discontinuance, or civil ~~complaint~~ citation.

* * * Amendments to Environmental Appeals Statutes * * *

Sec. 22. 10 V.S.A. § 8502(4) is amended to read:

(4) "Natural ~~resources board~~ Resources Board" or "Board" means the ~~board~~ Board established under chapter 151 of this title.

Sec. 23. 10 V.S.A. § 8503(b)(2) is amended to read:

(2) Appeals from ~~district coordinator jurisdictional opinions under chapter 151~~ an act or decision of the Natural Resources Board under subsection 6007(d) of this title.

Sec. 24. 10 V.S.A. § 8504 is amended to read:

§ 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

(a) Act 250 and agency appeals. Within 30 days of the date of the act or decision, any person aggrieved by an act or decision of the ~~secretary, a district coordinator~~ Secretary, the Natural Resources Board, or a district commission under the provisions of law listed in section 8503 of this title, or any party by right, may appeal to the ~~environmental division~~ Environmental Division, except for an act or decision of the ~~secretary~~ Secretary governed by section 8506 of this title.

* * *

(e) Act 250 jurisdictional ~~opinions~~ determinations by the Natural Resources Board.

(1) The appellant shall provide notice of the filing of an appeal to each person entitled to notice under subdivisions 6085(c)(1)(A) through (D) of this title and to each person on an approved subdivision 6085(c)(1)(E) list.

(2) Failure to appeal within the time required under subsection (a) of this section shall render the ~~jurisdictional opinion~~ decision of the Board under subsection 6007(d) of this title the final determination regarding jurisdiction under chapter 151 of this title unless the underlying jurisdictional opinion issued by the district coordinator was not properly served on persons listed in subdivisions 6085(c)(1)(A) through (D) of this title and on persons on a subdivision 6085(c)(1)(E) list approved under subsection 6007(c) of this title. ~~Any person listed in subdivisions 6085(c)(1)(A) through (D) of this title or on an approved 6085(c)(1)(E) list, who is not initially served as required, may appeal the jurisdictional opinion at any time if the person is never served, or within 30 days from the date the person has been served.~~

* * *

(l) Representation. The ~~secretary~~ Secretary may represent the ~~agency of natural resources~~ Agency of Natural Resources in all appeals under this section. The ~~chair of the natural resources board, on behalf of the board or either panel,~~ Chair of the Natural Resources Board may represent the ~~board or~~

~~either panel of the natural resources board~~ Board in any appeal under this section, unless the ~~board or the relevant panel~~ Board directs otherwise. If more than one state agency, other than the ~~board or a panel of the natural resources board~~ Board, either appeals or seeks to intervene in an appeal under this section, only the ~~attorney general~~ Attorney General may represent the interests of those agencies of the ~~state~~ State in the appeal.

* * *

(n) Intervention. Any person may intervene in a pending appeal if that person:

(1) appeared as a party in the action appealed from and retained party status;

(2) is a party by right;

(3) is the ~~natural resources board, or either panel of the board~~ Natural Resources Board;

* * *

* * * Statutory Revision; Effective Date * * *

Sec. 25. STATUTORY REVISION

In the Office of Legislative Council's statutory revision capacity under 2 V.S.A. § 424:

(1) Replacement of "Land Use Panel." To effect this act's revision of the Natural Resources Board from two panels to a single Board, the Office of

Legislative Council shall replace references in the Vermont Statutes Annotated to the Land Use Panel of the Natural Resources Board with references to the Natural Resources Board. For example, the Office of Legislative Council shall, as appropriate, replace "land use panel" with "Natural Resources Board" or "Board."

(2) Civil "complaints" to civil "citations." The Office of Legislative Council shall replace the terms "civil complaint," "civil complaints," and "complaint" contained in 10 V.S.A. §§ 8002(13), 8019 and 8020(a), (b), (e), and (f) with, as appropriate, "civil citation," "civil citations," or "citation."

Sec. 26. EFFECTIVE DATE

This act shall take effect on July 1, 2013.