

H.765

An act relating to technical corrections

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

* * * Miscellaneous Technical Corrections * * *

Sec. 1. 1 V.S.A. § 213 is amended to read:

§ 213. PENDING SUITS UNAFFECTED

~~Acts of the general assembly, except acts regulating practice in court, relating to the competency of witnesses or to amendments of process or pleadings, shall not affect a suit begun or pending at the time of their passage.~~
No act of the General Assembly shall affect a suit begun or pending at the time of its passage, except acts regulating practice in court, relating to the competency of witnesses, or relating to amendments of process or pleadings.

Sec. 2. 3 V.S.A. § 260(c) is amended to read:

(c) The principal office of each of the following boards and divisions shall be located in Montpelier: ~~Aeronautics Board, Division for Historic Preservation, Board of Libraries, and Division of Recreation~~ Division for Historic Preservation and Board of Libraries.

Sec. 3. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) ~~Unless a different meaning is plainly required by the context, the following words and phrases as used in this subchapter shall have the following meanings:~~ As used in this subchapter:

* * *

(b) ~~The masculine pronoun, wherever used, shall include the feminine pronoun, and the feminine the masculine. [Repealed]~~

Sec. 4. 3 V.S.A. § 809a(a) is amended to read:

(a) ~~When~~ This section applies when an agency has issued a subpoena to compel a person to appear and testify or to produce documents or things, if the person:

(1) ~~Has~~ has failed to appear or has failed to produce the subpoenaed materials, in which case any party or the agency may bring a proceeding to enforce the subpoena; or

(2) ~~Has~~ has appeared but has refused to take an oath or affirmation authorized by law, or has refused to testify or to answer a question, in which case any party or the agency may bring a proceeding to compel testimony by the person.

Sec. 5. 3 V.S.A. § 2805 is amended to read:

§ 2805. ENVIRONMENTAL PERMIT FUND

(a) There is hereby established a special fund to be known as the Environmental Permit Fund. Within the Fund, there shall be two accounts: the Environmental Permit Account and the Air Pollution Control Account. Unless otherwise specified, fees collected in accordance with subsections 2822(i) and (j) of this title, and 10 V.S.A. § 2625 and gifts and appropriations shall be deposited in the Environmental Permit Account. Fees collected in accordance with subsections 2822(j)(1), (k); ~~(l)~~; and (m) of this title shall be deposited in the Air Pollution Control Account. The Environmental Permit Fund shall be used to implement the programs specified under section 2822 of this title. The Secretary of Natural Resources shall be responsible for the Fund and shall account for the revenues and expenditures of the Agency of Natural Resources. The Environmental Permit Fund shall be subject to the provisions of 32 V.S.A. chapter 7, subchapter 5. The Environmental Permit Fund shall be used to cover a portion of the costs of administering the Environmental Division established under 4 V.S.A. chapter 27. The amount of \$143,000.00 per fiscal year shall be disbursed for this purpose.

(b) Any fee required to be collected under subdivision 2822(j)(1) of this title shall be utilized solely to cover all reasonable (direct or indirect) costs required to support the operating permit program authorized under 10 V.S.A.

chapter 23. Any fee required to be collected under subsection 2822(k),~~(l)~~, or (m) of this title for air pollution control permits or registrations or motor vehicle registrations shall be utilized solely to cover all reasonable (direct or indirect) costs required to support the programs authorized under 10 V.S.A. chapter 23. Fees collected pursuant to subsections 2822(k),~~(l)~~, and (m) of this title shall be used by the Secretary to fund activities related to the Secretary's hazardous or toxic contaminant monitoring programs and motor vehicle-related programs.

Sec. 6. 3 V.S.A. § 2822(i) is amended to read:

~~(i) The Secretary shall not process an application for which the applicable fee has not been paid unless the Secretary specifies that the fee may be paid at a different time or unless the person applying for the permit is exempt from the permit fee requirements pursuant to 32 V.S.A. § 710. Municipalities shall be exempt from the payment of fees under this section except for those fees prescribed in subdivisions (j)(1), (7), (8), (14), and (15) of this section for which a municipality may recover its costs by charging a user fee to those who use the permitted services. Municipalities shall be subject to the payment of fees prescribed in subdivisions (j)(2), (10), (11), (12), and (26), except that a municipality shall also be exempt from those fees for stormwater systems prescribed in subdivisions (j)(2)(A)(iii) and (2)(B)(iv)(I) or (II) of this section~~

~~for which a municipality has assumed full legal responsibility for the permit pursuant to 10 V.S.A. § 1264.~~

(i) The Secretary shall not process an application for which the applicable fee has not been paid unless the Secretary specifies that the fee may be paid at a different time or unless the person applying for the permit is exempt from the permit fee requirements pursuant to 32 V.S.A. § 710. Municipalities shall be exempt from the payment of fees under this section except for those fees prescribed in subdivisions (j)(1), (7), (8), (14), and (15) of this section for which a municipality may recover its costs by charging a user fee to those who use the permitted services. Municipalities shall pay fees prescribed in subdivisions (j)(2), (10), (11), (12), and (26), except that a municipality shall also be exempt from those fees for stormwater systems prescribed in subdivision (j)(2)(A)(iii)(I), (II), or (IV) and (j)(2)(B)(iv)(I), (II), or (V) of this section for which a municipality has assumed full legal responsibility under 10 V.S.A. § 1264.

Sec. 7. 3 V.S.A. § 2873(a) is amended to read:

(a) The Department of Environmental Conservation is created within the Agency of Natural Resources. The Department is the successor to and continuation of the Department of Water Resources and Environmental Engineering, and shall administer the Water Resources Programs contained in Title 10; air pollution control and abatement as provided in 10 V.S.A. chapter

23; waste disposal as provided in 10 V.S.A. chapter 159; ~~and subdivision and trailer and tent sites as provided in subsection (c) of this section.~~

Sec. 8. 3 V.S.A. § 3085c(c) is amended to read:

(c) The Commission on Juvenile Justice shall have the following duties:

* * *

(7) To cooperate with appropriate federal agencies in maximizing the receipt of funds in support of programs relating to juvenile justice, particularly those involving persons charged as youthful offenders under 33 V.S.A.

§ ~~5505~~ 5281.

* * *

Sec. 9. 8 V.S.A. § 2232a(e) is amended to read:

(e) Each licensed lender or holder shall upon repayment of the loan in full, promptly mark indelibly every obligation and security signed by the borrower with the word "Paid" or "Canceled," and within 30 days release any mortgage, restore any pledge, cancel and return any note, record or file any necessary release or discharge, cancel and return any assignment given to the licensee by the borrower, and refund to the borrower, in accordance with ~~regulations promulgated~~ rules adopted by the Commissioner any unearned portion of the premium for credit life or disability insurance if a premium for such insurance was disbursed on behalf of the borrower at the time the loan was originally

made. The provisions of this subsection shall not affect the right of action created by ~~section 464 of Title 27~~ 27 V.S.A. § 464.

Sec. 10. 8 V.S.A. § 2550 is amended to read:

§ 2550. ADMINISTRATIVE PROCEDURES

All administrative proceedings under this chapter shall be conducted in accordance with 3 V.S.A. chapter 25 of Title 3 and any ~~regulations promulgated~~ rules adopted by the Department on hearing procedure.

Sec. 11. 8 V.S.A. § 2758(a) is amended to read:

(a) The Commissioner may suspend, revoke, or refuse to renew a license, place a licensee in receivership, impose injunctive orders, or order that a licensee cease and desist in any specified conduct if the Commissioner finds that:

* * *

(2) the licensee has violated any provision of this chapter, or any rule or ~~regulation~~ lawfully made adopted by the Commissioner under and within the authority of this chapter;

* * *

Sec. 12. 8 V.S.A. § 2760b(j) is amended to read:

(j) No licensee shall execute any contract or agreement to be signed by the debtor unless the contract or agreement is fully completed, and the duration of

any such contract shall be in conformance with any limitations specified pursuant to ~~regulations of~~ rules adopted by the Commissioner.

Sec. 13. 8 V.S.A. § 4062e is amended to read:

§ 4062e. COMPLIANCE WITH MEDICAID RECOVERY PROVISIONS

A health insurer as defined in 33 V.S.A. § ~~1904~~ 1900 that issues, sells, renews, or offers health insurance coverage in Vermont or who is required to be licensed or registered with the Department shall comply with the requirements of 33 V.S.A. §§ 1907, 1908, 1909, and 1910. The Commissioner shall enforce such requirements pursuant to his or her authority under this title.

Sec. 14. 8 V.S.A. § 4088b(a)(2) is amended to read:

(2) Any rules adopted under this section shall be restricted to approved cancer clinical trials conducted under the auspices of the following cancer care providers (“cancer care providers”): ~~Vermont Cancer Center at Fletcher Allen Health Care~~ The University of Vermont Medical Center, the Norris Cotton Cancer Center at Dartmouth-Hitchcock Medical Center, and approved clinical trials administered by a hospital and its affiliated, qualified cancer care providers.

Sec. 15. 8 V.S.A. § 4088d is amended to read:

§ 4088d. COVERAGE FOR COVERED SERVICES PROVIDED BY
NATUROPATHIC PHYSICIANS

(a) A health insurance plan shall provide coverage for medically necessary health care services covered by the plan when provided by a naturopathic physician licensed in this State for treatment within the scope of practice described in 26 V.S.A. chapter 81 and shall recognize naturopathic physicians who practice primary care to be primary care physicians. Health care services provided by naturopathic physicians may be subject to reasonable deductibles, co-payment and co-insurance amounts, and fee or benefit limits consistent with those applicable to other primary care physicians under the plan, as well as practice parameters, cost-effectiveness and clinical efficacy standards, and utilization review consistent with any applicable ~~regulations~~ rules published by the Department of Financial Regulation. Any amounts, limits, standards, and review shall not function to direct treatment in a manner unfairly discriminative against naturopathic care, and collectively shall be no more restrictive than those applicable under the same policy to care or services provided by other primary care physicians, but may allow for the management of the benefit consistent with variations in practice patterns and treatment modalities among different types of health care providers. A health insurance plan may require that the naturopathic physician's services be provided by a

licensed naturopathic physician under contract with the insurer or shall be covered in a manner consistent with out-of-network provider reimbursement practices for primary care physicians; however, this shall not relieve a health insurance plan from compliance with the applicable ~~Rule H-2009-03~~ network adequacy requirements adopted by the Commissioner by rule. Nothing contained herein shall be construed as impeding or preventing either the provision or the coverage of health care services by licensed naturopathic physicians, within the lawful scope of naturopathic practice, in hospital facilities on a staff or employee basis.

(b) As used in this section, “health insurance plan” means Medicaid,~~the Vermont Health Access Plan,~~ and any other public health care assistance program, any individual or group health insurance policy, any hospital or medical service corporation or health maintenance organization subscriber contract, or any other health benefit plan offered, issued, or renewed for any person in this State by a health insurer, as defined by 18 V.S.A. § 9402. The term shall not include benefit plans providing coverage for specific disease or other limited benefit coverage.

Sec. 16. 8 V.S.A. § 4088f(a) is amended to read:

(a) As used in this section:

(1) “Health insurance plan” means any health insurance policy or health benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well

as Medicaid, ~~the Vermont health access plan~~, and any other public health care assistance program offered or administered by the State or by any subdivision or instrumentality of the State. The term shall not include policies or plans providing coverage for a specific disease or other limited benefit coverage.

* * *

Sec. 17. 8 V.S.A. § 4158(8) is amended to read:

(8) The benefits for which the Association may become liable shall in no event exceed the lesser of:

(A) ~~The~~ the contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(B)(i) ~~With~~ with respect to any one life, regardless of the number of policies or contracts:

* * *

(ii) ~~With~~ with respect to each individual participating in a governmental retirement plan established under Section 401, 403(b), or 457 of the U.S. Internal Revenue Code covered by an unallocated annuity contract or the beneficiaries of each such individual if deceased, in the aggregate, \$250,000.00 in present value annuity benefits, including net cash surrender and net cash withdrawal values; ~~provided, however, that in no event shall the Association be liable to expend more than \$300,000.00 in the aggregate with respect to any one individual under subdivisions (B)(i)(I), (B)(i)(II)(aa) and~~

~~(bb), and (B)(ii) of this subdivision (8); and provided further, however, that in no event shall the Association be liable to expend more than \$500,000.00 in the aggregate with respect to any one individual under subdivision (B)(i)(II)(cc) of this subdivision (8); or~~

* * *

(v) ~~Provided~~ provided, however, that in no event shall the Association be liable to expend more than \$300,000.00 in the aggregate with respect to any one individual under subdivisions (B)(i)(I), (B)(i)(II)(aa) and (bb), (B)(i)(III), and (B)(ii), and (B)(iii) of this subdivision (8); and provided further, however, that in no event shall the Association be liable to expend more than \$500,000.00 in the aggregate with respect to any one individual under subdivision (B)(i)(II)(cc) of this subdivision (8).

Sec. 18. 9 V.S.A. § 6002 is amended to read:

§ 6002. VERMONT FINANCIAL LITERACY COMMISSION

* * *

(b) The Commission shall be composed of the following members:

* * *

(7) ~~a representative~~ one representative appointed by the Governor from a nonprofit entity that provides financial literacy and related services to persons with low income;

(8) one representative from Vermont's banking industry appointed by the Vermont Bankers Association, and one representative from Vermont's credit union industry appointed by the Association of Vermont Credit Unions; and

(9) one member of the public, appointed by the Governor.

Sec. 19. 10 V.S.A. § 123(c) is amended to read:

(c) Within the limits of available resources, the Center shall operate a program of standards development, data dissemination, and quality assurance, and shall perform the following duties:

* * *

(5) For all geographic data that are or may be useful to the Center's users, and that have been collected by any part of State government or generated with State support, ensure that such data:

* * *

(B) Upon request of a potential user, are actually made available to the user in a usable format in accordance with 1 V.S.A. § ~~315~~ 316 relating to access to public records and related statutes.

* * *

Sec. 20. 10 V.S.A. § 1389b is amended to read:

§ 1389b. CLEAN WATER FUND AUDIT

(a) On or before January 15, 2021, the Secretary of Administration shall submit to the House and Senate Committees on Appropriations, the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Agriculture, the House Committee on Agriculture and Forest Products, the Senate Committee on Natural Resources and Energy, and the House Committee on Fish, Wildlife and Water Resources a program audit of the Clean Water Fund. The ~~report~~ audit shall include:

* * *

Sec. 21. 10 V.S.A. § 1391 is amended to read:

§ 1391. DEFINITIONS

As used in this chapter:

* * *

(9) “Public water supply” means a water supply system with ~~ten~~ 15 or more connections.

* * *

Sec. 22. 10 V.S.A. § 1423 is amended to read:

§ 1423. WATER RESOURCES AND SHORELAND USE PLAN

(a) The ~~secretary~~ Secretary shall make studies, establish policies and make plans for the efficient use, conservation, development and protection of the ~~state's~~ State's water resources and:

(1) On the basis of these studies and plans, make recommendations to ~~the natural resources board and existing state~~ State agencies relative to their water resources activities;

(2) Locate and maintain information relating to the ~~state's~~ State's water resources; ~~and. The Secretary shall collect pertinent data available from State,~~ regional, and federal agencies, the University of Vermont, Vermont State Colleges, local units of government, and other sources.

~~The secretary shall collect pertinent data available from state, regional and federal agencies, the University of Vermont, Vermont state colleges, local units of government and other sources;~~

(3) Public shorelands in which the existing use is exclusively as a public water supply and public shorelands in which the potential use may be as a public water supply shall be classified on that basis;

(4) Serve as a ~~clearing house~~ clearinghouse for information relating to water resources including referring citizens and local units of government to

the appropriate sources for advice and assistance in connection with particular water use problems.

(b) The ~~secretary~~ Secretary shall prepare a comprehensive plan relating to water resources as a guide for the preparation of a ~~state~~ State, regional, or municipal land use or development plan. The plan shall be based on the classification of waters pursuant to chapter 47 of this title. The plan shall to the extent possible give consideration to any existing regional or municipal plans which are compatible with the interests of the ~~state~~ State. The primary purpose of the plan shall be for the preventive control of pollution, giving due consideration to necessary development and growth. The plans shall be governed by the following general standards:

* * *

Sec. 23. 10 V.S.A. § 1671(8) is amended to read:

(8) "Required agricultural practices" shall be as defined by the Secretary of Agriculture, Food and Markets under ~~subsection 1021(f) of this title~~ 6 V.S.A. § 4810.

Sec. 24. 10 V.S.A. § 4132 is amended to read:

§ 4132. GENERAL DUTIES OF COMMISSIONER

* * *

(b) The Commissioner may publish such bulletins as he or she deems advisable for information and instruction concerning the work of the

Department and shall keep an account of the business and proceedings of the Department. Any publication available to the general public which describes rules ~~and regulations~~ regarding boating and fishing shall include information about aquatic nuisances provided to the Commissioner ~~pursuant to subdivision 921(b)(7) of this title.~~

* * *

(e) The Commissioner, subject to the direction and approval of the Secretary, shall adopt and publish ~~regulations~~ rules in the name of the Agency for reasonable fees or charges for the use of the lands, roads, buildings, other property, and the use of and tuition for the Green Mountain Conservation Camps, notwithstanding 32 V.S.A. § 603. Fees collected for the use of fish and wildlife lands and properties shall be deposited in the Fish and Wildlife Fund.

Sec. 25. 10 V.S.A. § 4252 is amended to read:

§ 4252. ACTIVITIES PERMITTED UNDER LICENSES

(a) Subject to provisions of this part and ~~regulations~~ rules of the Board:

* * *

(3) A ~~trappers'~~ trapping license shall entitle the holder to take animals other than fish with the use of traps.

* * *

(9) A second muzzle loader license, which may only be purchased by a holder of a muzzle loader license, shall entitle the holder to take one wild deer, in addition to the number allowed to a holder of a muzzle loader license, with a muzzle loading firearm ~~pursuant to section 4743 of this title.~~

(10) A second archery license, which may only be purchased by a holder of an archery license, shall entitle the holder to take one deer, in addition to the number allowed to a holder of an archery license, with a bow and arrow ~~pursuant to section 4744 of this title.~~

* * *

Sec. 26. 10 V.S.A. § 4502 is amended to read:

§ 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

* * *

(b) A person violating provisions of this part shall receive points for convictions in accordance with the following schedule (all sections are in this title of the Vermont Statutes Annotated):

* * *

(2) Ten points shall be assessed for:

* * *

(O) ~~§ 4753. Deer, annual limit~~ [Repealed.]

* * *

(BB) ~~Appendix § 8. Bobcat~~ [Repealed.]

* * *

(FF) ~~Appendix § 43. Method of taking (trapping)~~ [Repealed.]

* * *

(3) Twenty points shall be assessed for:

* * *

(C) ~~Chapter 105, subchapter 2. Eel fishing~~ [Repealed.]

* * *

(H) ~~§ 4744(a) and (b). Bow and arrow deer season~~ [Repealed.]

* * *

(R) Appendix § 31~~(e)~~, (d), (e), and (f). Seasons, bag limits for ~~bear~~,
caribou, elk, and moose

* * *

Sec. 27. 10 V.S.A. § 4522(h) is amended to read:

(h) This section shall not apply to property seized as evidence of a violation
of section ~~4304~~, 4513, 4606, or 4747 of this title.

Sec. 28. 10 V.S.A. § 6003 is amended to read:

§ 6003. PENALTIES

A violation of any provision of this chapter or the rules ~~promulgated~~
~~hereunder~~ adopted under this chapter is punishable by a fine of not more than
\$500.00 for each day of the violation or imprisonment for not more than two
years, or both. A person who completely transfers ownership and control of

property that is the subject of a permit under this chapter shall not be liable for later violations of that permit by another person.

Sec. 29. 10 V.S.A. § 6093(a)(4)(B) is amended to read:

(B) In any application to a District Commission to amend a permit for an existing industrial park, the most efficient and full use of land shall be allowed consistent with all applicable criteria of subsection 6086(a) of this title. Industrial park expansions and industrial park infill shall not be subject to requirements established in subdivision 6086(a)(9)(B)(iii) ~~of this title, nor to requirements established in subdivision~~ or 6086(a)(9)(C)(iii) of this title.

Sec. 30. 10 V.S.A. § 6237a is amended to read:

§ 6237a. MOBILE HOME PARK CLOSURES

* * *

(d) A park owner who gives notice of intent to sell pursuant to section 6242 of this title shall not give notice of closure until after:

(1) ~~At~~ at least 45 days after giving notice of intent to sell; and

(2) ~~If~~ if applicable, the Commissioner receives notice from the mobile home owners and the park owner that negotiations have ended following the 120-day negotiation period provided in subdivision 6242(c)(1) of this title.

Sec. 31. 10 V.S.A. § 6554 is amended to read:

§ 6554. IMPACT STATEMENT

A State agency, municipality, or organization, before making a capital improvement, which is funded in whole or in part by federal or State money, within or adjacent to a fragile area on public land shall, in compliance with rules adopted pursuant to 42 U.S.C. §§ § 3334, ~~4231, and 4332~~, attach to the notice of intent for the State clearinghouse a statement of the impact of the proposed action on the fragile area.

Sec. 32. 10 V.S.A. § 6603c is amended to read:

§ 6603c. IMPLEMENTATION GRANTS AND LOANS FOR WASTE
MANAGEMENT

* * *

(d) The Secretary may authorize low interest loans from the Vermont Solid Waste Revolving Fund, as provided in 24 V.S.A. chapter 120, for the construction of facilities proposed in, or equipment required to implement a utility and facility element, as defined in 24 V.S.A. § 4348a, for refuse disposal, which the Secretary finds is consistent with the State Waste Management Plan, or to implement a plan approved by the Agency of Natural Resources ~~under subsection 6603b(a)~~.

Sec. 33. 10 V.S.A. § 6604(b) is amended to read:

(b) The Secretary shall hold public hearings, conduct analyses, and make recommendations to the House and Senate Committees on Natural Resources and Energy regarding the volume, amount, and toxicity of the waste stream. In this process, the Secretary shall consult with manufacturers of commercial products and of packaging used with commercial products, retail sales enterprises, health and environmental advocates, waste management specialists, the general public, and State agencies. The goal of the process is to ensure that packaging used and products sold in the State are not an undue burden to the State's ability to manage its waste. The Secretary shall seek voluntary changes on the part of the industrial and commercial sector in both their practices and the products they sell, so as to serve the purposes of this section. In this process, the Secretary may obtain voluntary compliance schedules from the appropriate industry or commercial enterprise, and shall entertain recommendations for alternative approaches. The Secretary shall report at the beginning of each biennium to the House and Senate Committees on Natural Resources and Energy, with any recommendations or options for legislative consideration. At least 45 days prior to submitting its report, the Secretary shall post any recommendations within the report to its website for notice and comment.

* * *

(2) With respect to the ~~above~~ items listed in subdivision (1) of this subsection, the Secretary shall consider the following:

* * *

Sec. 34. 10 V.S.A. § 6608(b) is amended to read:

(b) Six months after ~~promulgation~~ adoption of the rules relating to hazardous waste it shall be unlawful for any person to generate, store, transport, treat, or dispose of hazardous wastes in this State without reporting such activity to the Secretary according to the procedures described in said rules.

Sec. 35. 10 V.S.A. § 6608a(c) is amended to read:

(c) Nothing in this section is intended to interfere with the Secretary of Agriculture, Food and Markets' authority relating to insecticides, fungicides, and rodenticides under 6 V.S.A. chapter 81 and relating to pesticides under 6 V.S.A. chapter 87 or shall prohibit the Secretary of Agriculture, Food and Markets from ~~promulgating~~ adopting rules ~~and regulations~~ concerning the management of waste economic poisons which are more stringent than the statutory and regulatory requirements under Subtitle C of the Resource Conservation and Recovery Act of 1976. Nothing in this section is intended to interfere with the Agency of Transportation's authority under section 6607 of this title.

Sec. 36. 10 V.S.A. § 6608b(c) is amended to read:

(c) Nothing in this section is intended to interfere with the authority of the Commissioner of Health relating to general powers under 18 V.S.A. chapter 3, relating to appointing health officers for unorganized towns or gores under 18 V.S.A. chapter 11, and relating to radiation control under 18 V.S.A. chapter 32, nor shall prohibit the Secretary of Human Services from ~~promulgating~~ adopting rules, ~~and regulations~~ concerning the management of radioactive wastes mixed with hazardous wastes ~~which~~ that are more stringent than the statutory and regulatory requirements under Subtitle C of the Resource Conservation and Recovery Act of 1976. Nothing in this section is intended to interfere with the Agency of Transportation's authority under section 6607 of this chapter.

Sec. 37. 10 V.S.A. § 6610a is amended to read:

§ 6610a. ENFORCEMENT

(a) Notwithstanding any other provision of this chapter, the Secretary, upon receipt of information that the storage, transportation, treatment, or disposal of any solid or hazardous waste as defined herein may present a hazard to the health of persons or to the environment, or may be in violation of any provision of this chapter, the rules ~~promulgated~~ adopted thereunder, or the terms or conditions of any order or certification issued under this chapter, may

take such action as the Secretary determines to be necessary. The action the Secretary may take includes, ~~but is not limited to:~~

* * *

Sec. 38. 10 V.S.A. § 6612 is amended to read:

§ 6612. PENALTIES

(a) Any person who violates any provision of this chapter, the rules ~~promulgated herein~~ adopted under this chapter, or the terms or conditions of any order of certification granted by the Secretary, shall be subject to a criminal penalty not to exceed \$25,000.00 or imprisonment for not more than six months, or both.

(b) Any person who violates any provision of this chapter relating to solid or hazardous waste management, the ~~regulations promulgated thereunder~~ rules adopted under this chapter, or the terms or conditions of any order relating to solid or hazardous waste management or terms and conditions of any solid or hazardous waste facility certification, shall be subject to a civil penalty not to exceed \$10,000.00.

* * *

Sec. 39. 10 V.S.A. § 6615(g)(1) is amended to read:

(g)(1) A secured lender or a fiduciary, as the term fiduciary is defined in 14 V.S.A. § 204(2), shall not, absent other circumstances resulting in liability under this section, be liable as either an owner or operator under this section

merely because of any one or any combination of more than one of the following:

* * *

(E) requiring, through financial documents or otherwise, the management of hazardous materials at a facility in compliance with the requirements of this chapter and the ~~regulations promulgated~~ rules adopted thereunder;

* * *

Sec. 40. 10 V.S.A. § 8221(c) is amended to read:

(c)(1) In any civil action brought pursuant to this section in which a temporary restraining order or preliminary injunction is sought, relief shall be obtained upon a showing that there is the probability of success on the merits and that:

~~(1)~~(A) a violation exists; or

~~(2)~~(B) a violation is imminent and substantial harm is likely to result.

(2) In such an action, the Secretary or Board need not demonstrate immediate and irreparable injury, loss or damage.

Sec. 41. 11 V.S.A. § 1623 is amended to read:

§ 1623. REGISTRATION BY CORPORATIONS AND LIMITED

LIABILITY COMPANIES

(a) A corporation or limited liability company doing business in this State under any name other than that of the corporation or limited liability company shall be subject to all the provisions of this chapter; and shall file returns sworn to by some officer or ~~member~~ director of such corporation or by some ~~member~~ director or manager of such limited liability company, setting forth the name other than the corporate or limited liability company name under which such business is carried on, the name of the town wherein such business is to be carried on, a brief description of the kind of business transacted under such name, and the corporate or the limited liability company name and location of the principal office of such corporation or limited liability company.

* * *

Sec. 42. 11 V.S.A. § 4003(b) is amended to read:

(b) An operating agreement may not:

* * *

(8) vary the requirement to wind up a limited liability company's business as specified in section ~~4102~~ 4101 of this title;

* * *

Sec. 43. 11 V.S.A. § 4141 is amended to read:

§ 4141. DEFINITIONS

In this subchapter:

* * *

(3) “Conversion” means a transaction authorized by sections ~~by~~ 4142 through 4147 of this title.

* * *

(13) “Limited partnership” means a limited partnership created under chapter ~~11~~ 23 of this title, a predecessor law, or comparable law of another jurisdiction.

* * *

(17) “Partnership” means a general partnership under chapter ~~9~~ 22 of this title, a predecessor law, or comparable law of another jurisdiction.

* * *

(21) “Protected agreement” means:

(A) a record evidencing indebtedness of an organization and any related agreement in effect ~~on the effective date set forth in section 4171 of this title~~ on July 1, 2016, or on the date the organization elects to become subject to this chapter, whichever is earlier;

(B) an agreement that is binding on an organization ~~on the effective date set forth in section 4171 of this title~~ on July 1, 2016, or on the date the organization elects to become subject to this chapter, whichever is earlier;

(C) the organizational documents of an organization in effect ~~on the effective date set forth in section 4171 of this title~~ on July 1, 2016, or on the date the organization elects to become subject to this chapter, whichever is earlier; or

(D) an agreement that is binding on any of the governors or interest holders of an organization ~~on the effective date set forth in section 4171 of this title~~ on July 1, 2016, or on the date the organization elects to become subject to this chapter, whichever is earlier.

* * *

Sec. 44. 11 V.S.A. § 4142 is amended to read:

§ 4142. CONVERSION AUTHORIZED

(a) By complying with sections ~~4142~~ 4143 through 4146 of this title, a domestic limited liability company may become a domestic organization that is a different type of organization.

(b) By complying with sections ~~4142~~ 4143 through 4146 of this title, a domestic partnership or limited partnership may become a domestic limited liability company.

(c) By complying with sections ~~4142~~ 4143 through 4146 of this title applicable to foreign organizations, a foreign organization that is not a foreign limited liability company may become a domestic limited liability company if the conversion is authorized by the law of the foreign organization's jurisdiction of formation.

(d) If a protected agreement contains a provision that applies to a merger of a domestic limited liability company but does not refer to a conversion, the provision applies to a conversion of the company as if the conversion were a merger until the provision is amended ~~after the effective date set forth in section 4171 of this title~~ after July 1, 2016 or after the date the organization elects to become subject to this chapter, whichever is earlier.

* * *

Sec. 45. 11 V.S.A. § 4149 is amended to read:

§ 4149. ACTION ON PLAN OF MERGER BY CONSTITUENT LIMITED
LIABILITY COMPANY

(a) Subject to section 4156 of this title, a plan of merger shall be approved in accordance with the organizational documents of the constituent limited liability company, or, in the absence of a provision governing approval of ~~conversions~~ a merger, by all the members of the limited liability company entitled to vote on or consent to any matter.

(b) Subject to section 4156 of this title and any contractual rights, after a merger is approved, and at any time before the articles of merger are delivered to the Secretary of State for filing under section 4150 of this title, a constituent limited liability company may amend the plan or abandon the merger:

(1) as provided in the plan; or

(2) except as otherwise prohibited in the plan, with the same consent as was required to approve the plan.

Sec. 46. 17 V.S.A. § 2680 is amended to read:

§ 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

(a) Application. Unless specifically required by statute, the provisions of the Australian ballot system shall not apply to the annual or special meeting of a municipality unless that municipality, at its annual meeting or at a special meeting called for that purpose, votes to have them apply.

* * *

(e) Use. A municipality shall not use the Australian ballot system at the same election at which its voters decide that the system shall be used.

(f) Presiding officer. The presiding officer for any election or part of an election using the Australian ballot system shall be the town clerk or as otherwise provided in section 2452 of this title.

(g) Hearing. Whenever a municipality has voted to adopt the Australian ballot system of voting on any public question or budget, except the budget

revote as provided in subsection (c) of this section, the legislative body shall hold a public informational hearing on the question by posting warnings at least 10 days in advance of the hearing in at least two public places within the municipality and in the town clerk's office. The hearing shall be held within the 10 days preceding the meeting at which the Australian ballot system is to be used. The hearing under this subsection may be held in conjunction with the meeting held under subsection 2640(c) of this title, in which case the moderator shall preside.

Sec. 47. 18 V.S.A. § 1754(c) is amended to read:

(c) The Commissioner shall develop a program or approve a program, or both, to train owners and managers of rental target housing and child care facilities and their employees to perform essential maintenance practices. The names and addresses of all persons who attend the approved training program shall be maintained as a public record that the Commissioner shall provide to the ~~Department of Economic, Housing and Community Development~~ Department of Housing and Community Development.

Sec. 48. 18 V.S.A. § 1758(b) is amended to read:

(b) If additional funds are appropriated to the Department in fiscal year 1998, on or before October 1, 1997, the ~~Department of Economic, Housing and Community Development~~ Department of Housing and Community Development shall establish and maintain a list of housing units ~~which~~ that (1)

are lead free, or (2) have undergone lead hazard control measures and passed independent dust clearance tests. The registry shall be maintained as a public record.

Sec. 49. 18 V.S.A. § 1905 is amended to read:

§ 1905. LICENSE REQUIREMENTS

Upon receipt of an application for license and the license fee, the licensing agency shall issue a license when it determines that the applicant and hospital facilities meet the following minimum standards:

* * *

(16) ~~After date of passage of this act, all~~ All new construction involving hospitals and related buildings on hospital premises shall comply with standards of the State Fire Marshal and State Board of Health, whether or not federal aid under Title VI of the Public Health Service Act is received for such construction.

* * *

Sec. 50. 18 V.S.A. § 4243 is amended to read:

§ 4243. JUDICIAL FORFEITURE PROCEDURE

* * *

(f) Filing of petition. ~~Except as provided in section 4243a of this title, the~~ The State shall file a petition for forfeiture of any property seized under section 4242 of this title promptly, but not more than 14 days from the date the

preliminary order or process is issued. The petition shall be filed in the Superior Court of the county in which the property is located or in any court with jurisdiction over a criminal proceeding related to the property.

* * *

Sec. 51. 18 V.S.A. § 8839(2) is amended to read:

(2) “Designated program” means a program designated by the Commissioner as adequate to provide in an individual manner appropriate custody, care, and habilitation to persons with intellectual disabilities receiving services under this subchapter. ~~Placement in the Brandon Training School may only be accomplished through the procedures set forth in subchapter 1 of chapter 206 of this title.~~

Sec. 52. 19 V.S.A. § 1 is amended to read:

§ 1. DEFINITIONS

As used in this title:

* * *

(13) “Management road” means a road not designated as a “State Forest highway” used for the long-term management of lands owned by or under the control of the Department of Forests, Parks and Recreation, the Department of Fish and Wildlife, or the Department of Environmental Conservation to meet the responsibilities and purposes set forth in 10 V.S.A. chapter 83, 10 V.S.A. part 4, and ~~regulations promulgated~~ rules adopted under those statutes. The

term “management road” includes associated easements and rights-of-way. A “management road” is not a “highway” or a “town highway” as defined in this title, is not a public road, and the public has no common law or statutory right of access or use of such a road. A “management road” may be open for temporary, seasonal uses by the public or may be closed temporarily or seasonally at the discretion of the Agency of Natural Resources, the Department of Forests, Parks and Recreation, the Department of Fish and Wildlife, or the Department of Environmental Conservation. A “management road” may be closed permanently upon 30 days’ notice to the governing body of the municipality in which the road is located and any affected user groups. Designation of a road as a “management road” shall not diminish any deeded rights-of-way or easements of private landowners on lands owned or controlled by the Agency of Natural Resources, the Department of Forests, Parks and Recreation, the Department of Fish and Wildlife, or the Department of Environmental Conservation.

* * *

(19) “State Forest highway” means a road used for the long-term management of lands owned by or under the control of the Department of Forests, Parks and Recreation to meet the responsibilities and purposes set forth in 10 V.S.A. § 2601 et seq. and ~~regulations promulgated~~ rules adopted under that statute. The term “State Forest highway” includes easements and

rights-of-way. A “State Forest highway” is not a “highway” or a “town highway” as defined in this title, is not a public road, and the public has no common law or statutory right of access or use of such road. A “State Forest highway” may be open for temporary, seasonal uses by the public or may be closed temporarily or seasonally for any reason at the discretion of the Agency of Natural Resources or the Department of Forests, Parks and Recreation. A “State Forest highway” may be closed permanently upon 30 days’ notice to the governing body of the municipality in which the road is located and to any affected user groups. Designation of a road as a “State Forest highway” shall not diminish any deeded rights of way or easements of private landowners on lands owned or controlled by the Agency of Natural Resources or the Department of Forests, Parks and Recreation.

* * *

(24) “Traffic Committee” consists of the Secretary of Transportation or his or her designee, the Commissioner of Motor Vehicles or his or her designee, and the Commissioner of Public Safety or his or her designee and is responsible for establishing speed zones, parking and no parking areas, ~~regulations~~ rules for use of limited access highways, and other traffic control procedures.

* * *

Sec. 53. 20 V.S.A. § 3901(14) is amended to read:

(14) “Fair” means any public or privately operated facility where animals are confined for the purpose of display ~~and/or~~ or sale, or both, or for viewing.

Sec. 54. 21 V.S.A. § 224 is amended to read:

§ 224. RULES AND STANDARDS

* * *

(c) Any standard ~~promulgated~~ adopted under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to inform employees of all safety or health hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure. Where appropriate, a rule shall prescribe suitable protective clothing, devices, or equipment which shall be provided by the employer, and control or technological procedures to be used in connection with the safety or health hazard; and shall provide for monitoring or measuring employee exposure at such locations and intervals and in such manner as may be necessary for the protection of employees.

(d) Where appropriate, a standard ~~promulgated~~ adopted by the Secretary of ~~human~~ Human Services may prescribe the type and frequency of medical examinations or other tests which shall be made available by an employer or at the expense of the employer, to employees exposed to health hazards in

employment, in order to effectively determine whether the health of the employee is adversely affected by exposure to the hazard. In the event medical examinations are in the nature of research, as determined by the Secretary of Human Services, such examinations may be furnished at the expense of the State. The results of the examinations or tests shall be furnished only to the Secretary of Human Services, the Commissioner of Health, the Director of Occupational Health, the Commissioner of Labor, and at the request of the employee, to the employee's physician and the employee.

(e) The Commissioner or Secretary, in ~~promulgating~~ adopting standards dealing with toxic materials or harmful physical agents under this section, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his or her working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of safety and health protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other safety and health laws. Whenever

practicable, the standard ~~promulgated~~ adopted shall be expressed in terms of objective criteria and of the performance desired.

Sec. 55. 21 V.S.A. § 495b(c) is amended to read:

(c) Any employer who violates the provisions of subdivision ~~495(a)(8)~~ 495(a)(7) of this title shall be liable to any affected employee in the amount of the underpaid wages and an equal amount as liquidated damages, in addition to any other remedies available under this section.

Sec. 56. 24 V.S.A. § 1966(a) is amended to read:

(a) Support from the Agency of Human Services. The Agency of Human Services shall provide to the community justice centers the information, analysis, and technical support ~~which~~ that the community justice centers, in collaboration with the Agency of Human Services, determine are necessary to further their policy of restorative justice.

Sec. 57. 24 V.S.A. § 3109 is amended to read:

§ 3109. APPEALS FROM ORDERS

When a person is aggrieved by an order of a building inspector, that person, or the person's architect or builder may appeal to a board of arbitrators appointed as provided in section 3110 of this title, or to the Criminal Division of the Superior Court, at his or her election. The board of arbitrators or the Court shall have the power to annul, amend, modify, or affirm the order of the building inspector. The appeal shall be taken within five days after the receipt

of the inspector's notice and order by the aggrieved party, or his or her architect or builder. In case of an election to appeal to a board of arbitrators, it shall be deemed perfected by a written notice of appeal left with the building inspector personally, or at his or her office. In case of an election to appeal to the Criminal Division of the Superior Court, the appeal shall be deemed perfected by the filing with the court of a complaint. The taking of the appeal shall operate as a stay.

Sec. 58. 24 V.S.A. § 4753a is amended to read:

§ 4753a. AWARDS FROM REVOLVING LOAN FUNDS

(a) Pollution control. The General Assembly shall approve all categories of awards made from the special funds established by section 4753 of this title for water pollution control facility construction, in order to assure that such awards conform with State policy on water quality and pollution abatement, and with the State policy that municipal entities shall receive first priority in the award of public monies for such construction, including monies returned to the revolving funds from previous awards. To facilitate this legislative oversight, the Secretary of Natural Resources shall annually no later than January 15 report to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the House and Senate Committees on Natural Resources and Energy on all awards made from the relevant special funds during the prior and current fiscal years, and shall report on and seek

legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed. 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.

~~(b) Water supply. The Secretary of Natural Resources shall no later than January 15, 2000 recommend to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, and the House and Senate Committees on Natural Resources and Energy a procedure for reporting to and seeking the concurrence of the Legislature with regard to the special funds established by section 4753 of this title for water supply facility construction.~~

[Repealed.]

* * *

Sec. 59. 24 V.S.A. § 4756(b) is amended to read:

(b) The Bond Bank may make loans to a municipality for the preparation of final engineering plans and specifications subject to the following conditions and limitations:

* * *

(2) The Secretary of Natural Resources shall have certified to the Bond Bank that the project:

* * *

(C) is in conformance with applicable State and federal law and ~~regulations promulgated~~ rules adopted thereunder.

Sec. 60. 26 V.S.A. § 1311(3) is amended to read:

(3) “License” means license to practice medicine and surgery in the ~~state~~ State as defined in subchapter 3 of this chapter. “Licensee” includes ~~individuals licensed under this chapter and chapter 7 of this title and registrants and holders of certificates issued by the board~~ any individual licensed or certified by the Board.

Sec. 61. 26 V.S.A. § 3001(1) is amended to read:

(1) “Practice of psychology” means rendering or offering to render to individuals, groups, or organizations, for a consideration, any service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior which are primarily drawn from the science of psychology. The science of psychology includes, ~~but is not restricted to,~~ assessment, diagnosis, prevention, and amelioration of adjustment problems and emotional and mental disorders of individuals and groups.

Sec. 62. 30 V.S.A. § 8005a(p) is amended to read:

(p) Existing hydroelectric plants. Notwithstanding any contrary requirement of this section, no later than January 15, 2013, the Board shall make a standard offer contract available to existing hydroelectric plants in accordance with this subsection.

(1) In this subsection:

(A) “Existing hydroelectric plant” means a hydroelectric plant of five MW plant capacity or less that is located in the State, that was in service as of January 1, 2009, that is a qualifying small power production facility under 16 U.S.C. § 796(17)(C) and 18 C.F.R. part 292, and that does not have an agreement with the Board’s purchasing agent for the purchase of its power pursuant to subdivision 209(a)(8) of this title and ~~board~~ Board rules adopted under subdivision (8). The term includes hydroelectric plants that have never had such an agreement and hydroelectric plants for which such an agreement has expired, provided that the expiration date is prior to December 31, 2015.

(B) “LIHI” means the Low-Impact Hydropower Institute ~~of Portland, Maine.~~

* * *

Sec. 63. 31 V.S.A. § 707(f) is amended to read:

(f) ~~Fee-due-state payment plans.~~ The Commissioner has discretion to authorize a tramway operator to enter a payment plan to pay some or all of the fee-due-state after November 1 upon a showing of financial need. The authorization and terms of any payment plan shall be in writing and set a date or dates for payment, provided that the total amount of the fee-due-state shall be paid no later than January 15. Failure to pay on November 1 or pursuant to

an authorized plan may subject the operator to the penalties established in section 712 of this title.

Sec. 64. 31 V.S.A. § 712(c) is amended to read:

(c) Operating after an order to cease. Any person who operates a passenger tramway after being ordered to cease operations shall be fined not more than \$5,000.00 for each day of illegal operation.

Sec. 65. 32 V.S.A. § 401(c) is amended to read:

(c) In recording revenues of the General Fund as set forth in section 435 of this title, and revenues of the Transportation Fund as set forth in 19 V.S.A. § ~~8-11~~, the Commissioner of Finance and Management shall as of June 30 each year maintain ~~and apply~~ accounting records in accordance with Generally Accepted Accounting Principles that ~~insure~~ ensure consistency with each ~~proceeding~~ preceding fiscal year.

Sec. 66. 32 V.S.A. § 5920(f) is amended to read:

(f)(1) Subsection (c) of this section shall not apply to a partnership or limited liability company engaged solely in the business of operating one or more affordable housing projects in this State, provided such partnership or limited liability company shall notify its nonresident partners or nonresident members of their obligation under subchapter 6 of this chapter to file Vermont personal income tax returns and under subchapter 2 of this chapter to pay a tax on income earned from such investment; instruct each nonresident partner or

nonresident member to pay such tax; and in addition to filing copies of all schedules K-1 with its partnership or limited liability company return shall file with the Commissioner segregated duplicate copies of all nonresident schedules K-1. In this subsection, “affordable housing project” means a rental residential development that is intended primarily to benefit low income Vermont residents throughout the period of the investment and that is subject to one or more of the following:

~~(1)~~(A) ~~A~~ a housing subsidy covenant that has been granted to the Vermont Housing and Conservation Board;

~~(2)~~(B) ~~A~~ a regulatory agreement or LIHTC housing subsidy covenant that has been granted to the Vermont Housing Finance Agency;

~~(3)~~(C) ~~A~~ a housing assistance payment contract with the U.S. Department of Housing and Urban Development pursuant to 24 C.F.R. Part 883;

~~(4)~~(D) ~~A~~ a regulatory agreement that has been granted to the Farmers Home Administration of the U.S. Department of Agriculture.

(2) In this subsection, “low income” means income that is less than or equal to area median income based on statistics from State or federal sources.

Sec. 67. 32 V.S.A. § 5930u is amended to read:

§ 5930u. TAX CREDIT FOR AFFORDABLE HOUSING

* * *

(g)(1) In any fiscal year, the allocating agency may award up to:

(A) \$400,000.00 in total first-year credit allocations to all applicants for rental housing projects, for a total aggregate limit of \$2,000,000.00 over any given five-year period that credits are available under this subdivision;

(B) \$300,000.00 in total first-year credit allocations for owner-occupied unit financing or down payment loans consistent with the allocation plan, including for new construction and manufactured housing, for a total aggregate limit of \$1,500,000.00 over any given five-year period that credits are available under this subdivision.

(2) In fiscal years 2016, 2017, and 2018, the allocating agency may award up to \$125,000.00 in total first-year credit allocations for loans through the Down Payment Assistance Program created in subdivision (b)(2) of this section for a total aggregate limit of \$375,000.00 over ~~the~~ any given five-year period that credits are available under this subdivision.

* * *

Sec. 68. 33 V.S.A. § 2001 is amended to read:

§ 2001. LEGISLATIVE OVERSIGHT

(a) In connection with the Pharmacy Best Practices and Cost Control Program, the Commissioner of Vermont Health Access shall report for review by the ~~Health Care Oversight Committee, prior to initial implementation, and~~ House Committees on Appropriations, on Health Care, and on Human Services

and the Senate Committees on Appropriations and on Health and Welfare prior to any subsequent modifications:

(1) the compilation that constitutes the preferred drug list or list of drugs subject to prior authorization or any other utilization review procedures;

(2) any utilization review procedures, including any prior authorization procedures; and

(3) the procedures by which drugs will be identified as preferred on the preferred drug list, and the procedures by which drugs will be selected for prior authorization or any other utilization review procedure.

(b) The ~~Health Care Oversight Committee~~ Committees shall closely monitor implementation of the preferred drug list and utilization review procedures to ensure that the consumer protection standards enacted pursuant to section 1999 of this title are not diminished as a result of implementing the preferred drug list and the utilization review procedures, including any unnecessary delay in access to appropriate medications. The ~~Committee~~ Committees shall ensure that all affected interests, including consumers, health care providers, pharmacists, and others with pharmaceutical expertise have an opportunity to comment on the preferred drug list and procedures reviewed under this subsection.

(c) The Commissioner of Vermont Health Access shall report annually on or before August 31 to the ~~Health Reform Oversight Committee~~ House

Committees on Appropriations, on Health Care, and on Human Services and
the Senate Committees on Appropriations and on Health and Welfare

concerning the Pharmacy Best Practices and Cost Control Program. Topics covered in the report shall include issues related to drug cost and utilization; the effect of national trends on the pharmacy program; comparisons to other states; and decisions made by the Department's Drug Utilization Review Board in relation to both drug utilization review efforts and the placement of drugs on the Department's preferred drug list.

* * *

Sec. 69. 33 V.S.A. § 6902(10) is amended to read:

(10) "Representative" means a court-appointed guardian, or an agent acting under an advance directive executed pursuant to 18 V.S.A. chapter 231, unless otherwise specified in the terms of the ~~power of attorney~~ advance directive.

Sec. 70. 33 V.S.A. § 8003 is amended to read:

§ 8003. PROGRAM LIMITATIONS

(a) Cash contributions. The Treasurer or designee shall not accept a contribution:

(1) unless it is in cash; or

(2) except in the case of a contribution under 26 U.S.C. § 529A(c)(1)(C)

(relating to a change in a designated beneficiary or program), if such

contribution to an ABLE account would result in aggregate contributions from all contributors to the ABLE account for the taxable year exceeding the amount in effect under ~~subsection 2503(b) of this title~~ 26 U.S.C. § 2503(b) for the calendar year in which the taxable year begins.

* * *

* * * Center for Crime Victim Services * * *

Sec. 71. 3 V.S.A. § 18 is amended to read:

§ 18. SPOUSE ABUSE PROGRAMS; ELIGIBILITY

(a) There is hereby created a Spouse Abuse Program.

(b) The Vermont Center for Crime ~~Victims~~² Victim Services, shall be authorized to award grants for the Spouse Abuse Program. Awards shall be made by the Center to spouse abuse programs established for the purpose of providing shelter, protection, or support for battered or abused spouses. The Center shall, insofar as possible, award grants to provide reasonable geographic distribution of funds around the State.

* * *

Sec. 72. 3 V.S.A. § 21 is amended to read:

§ 21. SEXUAL ASSAULT VICTIMS PROGRAM

(a) A Sexual Assault Victims Program is hereby established.

(b) The Vermont Center for Crime ~~Victims~~² Victim Services is authorized to award grants for ~~the~~ a sexual assault victims program. Awards shall be

made by the Center to ~~Sexual Assault Victims Program~~ a sexual assault victims program established for the purpose of providing emergency services, counseling, and support for victims of sexual assault. The Center shall, insofar as possible, award grants to provide reasonable geographic distribution of funds around the State.

* * *

Sec. 73. 3 V.S.A. § 1101(b) is amended to read:

(b) ~~For purposes of~~ As used in this chapter, “State employee” includes any elective or appointive officer or employee within the Legislative, Executive, or Judicial Branch of State Government or any former such employee or officer.

The term includes, ~~without limitation~~:

* * *

(9) staff employed by the ~~center for crime victims~~ Center for Crime Victim Services and ~~victims~~ victim advocates.

Sec. 74. 13 V.S.A. § 3256 is amended to read:

§ 3256. TESTING FOR INFECTIOUS DISEASES

* * *

(g) Upon request of the victim at any time after the commission of a crime involving a sexual act under subsection (b) of this section, the State shall provide any of the following services to the victim:

(1) counseling regarding human immunodeficiency virus (HIV);

(2) testing, which shall remain confidential unless otherwise provided by law, for HIV and other sexually transmitted diseases, including gonorrhea, herpes, chlamydia, and syphilis;

(3) counseling by a medically trained professional on the accuracy of the testing, and the risk of transmitting HIV and other sexually transmitted diseases to the victim as a result of the crime involving a sexual act; and

(4) prophylaxis treatment, crisis counseling, and support services.

(h) A victim who so requests shall receive monthly follow-up HIV testing for six months after the initial test.

(i) The State shall provide funding for HIV or AIDS, or both, and sexual assault cross-training between sexual assault programs and HIV and AIDS service organizations.

* * *

(l) The Center for Crime ~~Victims~~ Victim Services shall be the primary coordinating agent for the services to be provided in subsections (g), (h), and (i) of this section.

Sec. 75. 13 V.S.A. § 5304(a) is amended to read:

(a) The ~~center for crime victims services~~ Center for Crime Victim Services shall create and maintain a victims assistance program. Except as otherwise provided by law, victim advocates shall provide victims the following services:

* * *

Sec. 76. 13 V.S.A. § 5314(a) is amended to read:

(a) Information to all victims. After initial contact between a victim and a law enforcement agency responsible for investigating a crime, the agency shall promptly give in writing to the victim:

(1) an explanation of the victim's rights under this chapter and chapter 167 of this title;

(2) information concerning the availability of:

(A) assistance to victims, including medical, housing, counseling, and emergency services;

(B) compensation for victims under chapter 167 of this title, and the name, street address, and telephone number of the ~~center for crime victims' services~~ Center for Crime Victim Services;

(C) protection for the victim, including protective court orders; and

(D) access by the victim and the defendant to records related to the case which are public under the provisions of 1 V.S.A. chapter 5, subchapter 3 ~~of chapter 5 of Title 1~~ (access to public records).

Sec. 77. 13 V.S.A. § 5352 is amended to read:

§ 5352. ~~VICTIMS~~ VICTIM'S COMPENSATION BOARD

(a) A ~~victims compensation board~~ Victim's Compensation Board is established for the purpose of awarding compensation to victims of crimes and to their dependents. The ~~board~~ Board shall consist of five members appointed

by the ~~governor~~ Governor as follows: one physician licensed to practice in this ~~state~~ State, one attorney admitted to practice in this ~~state~~ State, one individual who is a crime victim, and two public members. Each member shall serve for a term of three years. A vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(b) The ~~board~~ Board shall function independently. In order to maximize eligibility for federal reimbursement, the ~~center for crime victims services~~ Center for Crime Victim Services shall coordinate the ~~victims compensation program~~ Victim's Compensation Program with other programs compensating victims of crime, including offender restitution and counseling costs for victims of child sexual abuse.

* * *

Sec. 78. 13 V.S.A. § 5359 is amended to read:

§ 5359. ~~VICTIMS'~~ VICTIM'S COMPENSATION SPECIAL FUND

(a) There is created a fund to be known as the ~~victims' compensation fund~~ Victim's Compensation Fund. This ~~fund~~ Fund shall be administered by the ~~victims' compensation board~~ Victim's Compensation Board established by section 5352 of this title. The purpose of this ~~fund~~ Fund shall be to support the activities and the operating costs of the ~~victims' compensation board~~ Victim's Compensation Board and the ~~center for crime victims services~~ Center for Crime Victim Services.

(b) The ~~victims' compensation fund~~ Victim's Compensation Fund shall consist of:

(1) Fees imposed by the court clerk and designated for deposit into the ~~fund~~ Fund pursuant to section 7282 of this title.

(2) Restitution as ordered by the court pursuant to section 7043 of this title.

(3) Funds received from inmate labor contribution from the prison industries enhancement program or from any other source.

(4) Appropriations by the ~~general assembly~~ General Assembly.

(c) Balances in the ~~fund~~ Fund at the end of the fiscal year shall be carried forward and remain in the ~~fund~~ Fund.

Sec. 79. 13 V.S.A. § 5360 is amended to read:

§ 5360. DOMESTIC AND SEXUAL VIOLENCE SPECIAL FUND

A Domestic and Sexual Violence Special Fund is established, to be managed in accordance with 32 V.S.A. chapter 7, subchapter 5 and administered by the Center for Crime ~~Victims~~ Victim Services created in section 5361 of this title. The revenues of the Fund shall consist of that portion of the additional surcharge on penalties and fines imposed by section 7282 of this title deposited in the Domestic and Sexual Violence Special Fund and that portion of the town clerks' fee for issuing and recording civil marriage or civil union licenses in 32 V.S.A. § 1712(1) deposited in the Domestic and Sexual

Violence Special Fund. The Fund may be expended by the Center for Crime ~~Victims~~ Victim Services for budgeted grants to the Vermont Network against Domestic and Sexual Violence and for the Criminal Justice Training Council position dedicated to domestic violence training, pursuant to 20 V.S.A.

§ 2365(c).

Sec. 80. 13 V.S.A. § 5361 is amended to read:

§ 5361. CENTER FOR CRIME ~~VICTIMS~~ VICTIM SERVICES

(a) The ~~center for crime victims services~~ Center for Crime Victim Services is created and shall be responsible for the following:

(1) ~~Strengthen~~ strengthen and coordinate programs serving crime victims;

(2) ~~Promote~~ promote the rights and needs of crime victims statewide;

(3) [Repealed.]

(4) ~~Assist~~ assist in the development and administration of other programs and services for crime victims and witnesses, as needed;

(5) ~~Administer~~ administer the federal Victims of Crime Act funds (VOCA); and

(6) ~~Serve~~ serve as a clearinghouse for information regarding victims of crime.

(b) The ~~center~~ Center shall be governed by and attached to the ~~victims² compensation board~~ Victim's Compensation Board for administrative support.

(c) The ~~board~~ Board may employ such staff as necessary to carry out its responsibilities under this chapter and chapter 165 of this title.

Sec. 81. 15 V.S.A. § 1173(a) is amended to read:

(a) The Council shall consist of the following members to be appointed as follows:

* * *

(3) The following members:

(A) the Secretary of Human Services or designee;

(B) the Director of the Vermont Crime Information Center

or designee;

(C) the Defender General or designee;

(D) the Attorney General or designee;

(E) the Executive Director of the Vermont Center for Crime ~~Victims~~

Victim Services or designee;

(F) the Director of the Vermont Network Against Domestic and

Sexual Violence or designee;

(G) the Executive Director of the Criminal Justice Training Council

or designee;

(H) the Executive Director of the Vermont Commission on Women

or designee;

(I) a representative from each county domestic violence task force;

(J) a representative from Vermont's Supervised Visitation Coalition;

(K) a representative from the Vermont Police Chiefs' Association;

(L) a representative from the Vermont Sheriffs' Association;

(M) a representative from the Vermont Coalition of Batterer

Intervention Services;

(N) the Commissioner for Children and Families or designee;

(O) the Commissioner of Public Safety or designee;

(P) the Commissioner of Corrections or designee; and

(Q) the Secretary of Education or designee.

Sec. 82. 20 V.S.A. § 2365(c) is amended to read:

(c) The Vermont Police Academy shall employ a domestic violence trainer for the sole purpose of training Vermont law enforcement and related practitioners on issues related to domestic violence. Funding for this position shall be transferred by the Center for Crime ~~Victims~~ Victim Services from the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360.

Sec. 83. 32 V.S.A. § 3102 is amended to read:

§ 3102. CONFIDENTIALITY OF TAX RECORDS

(a) No present or former officer, employee or agent of the Department of Taxes shall disclose any return or return information to any person who is not an officer, employee, or agent of the Department of Taxes except in accordance with the provisions of this section. A person who violates this

section shall be fined not more than \$1,000.00 or imprisoned for not more than one year, or both; and if the offender is an officer or employee of this ~~state~~ State, he or she shall in addition be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

* * *

(e) The Commissioner may, in his or her discretion and subject to such conditions and requirements as he or she may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(13) To the Center for Crime ~~Victims~~ Victim Services for the purpose of determining or verifying a defendant's assets and income pursuant to 13 V.S.A. § 7043.

* * *

* * * Director of the Office of Professional Regulation * * *

Sec. 84. 26 V.S.A. § 3203 is amended to read:

§ 3203. DIRECTOR OF THE OFFICE OF PROFESSIONAL
REGULATION; DUTIES

(a) The Director of the Office of Professional Regulation shall:

(1) explain appeal procedures to licensed clinical social workers and applicants and complaint procedures to the public;

- (2) administer fees collected under this chapter;
- (3) provide general information to applicants for licensure as clinical social workers;
- (4) receive applications for licensing, license applicants qualified under this chapter, or renew, revoke, reinstate, and condition licensing as ordered by an administrative law officer.

(b) The Director, with the advice of two licensed clinical social workers appointed under section 3204 of this title, may adopt rules necessary to enable the Director to perform his or her duties under subsection (a) of this section.

Sec. 85. 26 V.S.A. § 3207 is amended to read:

§ 3207. EXAMINATION

(a) The Director of the Office of Professional Regulation shall conduct examinations under this chapter at least once a year at a time and place designated by it; provided, however, that examinations need not be conducted at times when there are no applicants requesting to be examined.

Examinations shall be written. Each applicant shall be designated by a number so that his or her name is not disclosed to the Director until the examination has been graded. Examinations shall include questions in such theoretical and applied fields as the Director deems most suitable to test an applicant's knowledge and competence to engage in the practice of clinical social work.

The Director of the Office of Professional Regulation, with the advice of the

clinical social workers appointed under section 3204 of this title, shall establish by rule fixed criteria for passing an examination that shall apply to all persons taking the examination.

(b) Examinations administered by the Director and the procedures of administration shall be fair and reasonable and shall be designed and implemented to ensure that all applicants are granted a license if they demonstrate that they possess the minimal occupational qualifications which are consistent with the public health, safety, and welfare. They shall not be designed or implemented for the purpose of limiting the number of licenses issued.

(c) The Director of the Office of Professional Regulation may contract with clinical social workers or with independent testing services for the preparation and administration of the ~~exam~~ examination.

Sec. 86. 26 V.S.A. § 4902 is amended to read:

§ 4902. DEFINITIONS

As used in this chapter:

* * *

(3) "Director" means the Director of the Office of Professional Regulation.

Sec. 87. REPEALS

The following shall be repealed on July 1, 2016:

(1) 1 V.S.A. § 120 (definition of “insane person”).

(2) 8 V.S.A. chapter 107, subchapter 1A (definitions for subchapter on Health Care Ombudsman).

(3) 8 V.S.A. § 4080(4) (required policy provision for employer-sponsored insurance plan).

(4) 8 V.S.A. § 4099b.1 (application of repealed chapter on services for treatment of alcoholism).

(5) 10 V.S.A. § 5208 (rights of breeders).

(6) 24 V.S.A. § 4755(d) (requirement for report by the year 2003).

* * * Effective Dates * * *

Sec. 88. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214, Sec. 18 (appointment of member from nonprofit entity to Vermont Financial Literacy Commission) shall apply retroactively to July 1, 2015.

(b) This section shall take effect on passage.

(c) The remaining sections shall take effect on July 1, 2016.