

1 H.320

2 Introduced by Representative Sweaney of Windsor

3 Referred to Committee on

4 Date:

5 Subject: Legislature; Vermont Statutes Annotated; technical corrections

6 Statement of purpose of bill as introduced: This bill proposes to make several
7 technical corrections to the Vermont Statutes Annotated without substantively
8 changing the law.

9 An act relating to technical corrections

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

11 * * * Technical Corrections Relating to Public Records * * *

12 Sec. 1. 1 V.S.A. § 313(a) is amended to read:

13 (a) No public body may hold an executive session from which the public is
14 excluded, except by the affirmative vote of two-thirds of its members present
15 in the case of any public body of State government or of a majority of its
16 members present in the case of any public body of a municipality or other
17 political subdivision. A motion to go into executive session shall indicate the
18 nature of the business of the executive session, and no other matter may be
19 considered in the executive session. Such vote shall be taken in the course of
20 an open meeting and the result of the vote recorded in the minutes. No formal

1 or binding action shall be taken in executive session except for actions relating
2 to the securing of real estate options under subdivision (2) of this subsection.
3 Minutes of an executive session need not be taken, but if they are, the minutes
4 ~~shall not be made public subject to, notwithstanding~~ subsection 312(b) of this
5 title, be exempt from public copying and inspection under the Public Records
6 Act. A public body may not hold an executive session except to consider one
7 or more of the following:

8 * * *

9 Sec. 2. 1 V.S.A. § 317(c) is amended to read:

10 (c) The following public records are exempt from public inspection and
11 copying:

12 * * *

13 (11) Student records, including records of a home study student, ~~at~~
14 ~~educational institutions or agencies funded wholly or in part by State revenue;~~
15 provided, however, that such records shall be made available upon request
16 under the provisions of the Federal Family Educational Rights and Privacy Act
17 of 1974 (~~P.L. 93-380~~) and as, 20 U.S.C. § 1232g, as may be amended.

18 * * *

19 (20) Information ~~which~~ that would reveal the location of archeological
20 sites and underwater historic properties, except as provided in 22 V.S.A.
21 § ~~762~~ 761.

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(22) ~~Any documents filed, received, or maintained by the Agency of Commerce and Community Development with regard to administration of 32 V.S.A. chapter 151, subchapters 11C and 11D (new jobs tax credit; manufacturer's tax credit), except that all such documents shall become public records under this subchapter when a tax credit certification has been granted by the Secretary of Administration, and provided that the disclosure of such documents does not otherwise violate any provision of Title 32. [Repealed.]~~

* * *

(30) ~~All code and machine-readable structures of state-funded and controlled State-controlled database applications structures and application code, including the vermontvacation.com website and Travel Planner application, which are known only to certain ~~state~~ State departments engaging in marketing activities and which give the ~~state~~ State an opportunity to obtain a marketing advantage over any other state, regional, or local governmental or nonprofit quasi-governmental entity, or private sector entity, unless any such ~~state~~ State department engaging in marketing activities determines that the license or other voluntary disclosure of such materials is in the ~~state's~~ State's best interests.~~

* * *

1 (36) Anti-fraud plans and summaries submitted ~~by insurers to the~~
2 ~~Department of Financial Regulation~~ for the purposes of complying with
3 8 V.S.A. § 4750.

4 * * *

5 (38) Records held ~~by the Agency of Human Services, which~~ that include
6 prescription information containing ~~prescriber identifiable~~ data, that could be
7 used to identify a prescriber, except that the records shall be made available
8 upon request for medical research, consistent with and for purposes expressed
9 in 18 V.S.A. §§ ~~4621, 4631, 4632, 4633, and § 4622 or 9410 and,~~ 18 V.S.A.
10 chapter 84, ~~or as provided for in 18 V.S.A. chapter or~~ 84A, and for other law
11 enforcement activities.

12 * * *

13 (40) Records of genealogy provided in an application or in support of an
14 application for tribal recognition pursuant to chapter 23 of this title.

15 * * *

16 Sec. 3. EFFECT OF REPEAL

17 Sec. 2 of this act repeals 1 V.S.A. § 317(c)(22), which related to documents
18 filed, received, or maintained by the Agency of Commerce and Community
19 Development with regard to administration of 32 V.S.A. chapter 151,
20 subchapters 11C and 11D (new jobs tax credit; manufacturer's tax credit).
21 32 V.S.A. chapter 151, subchapters 11C and 11D were repealed in 2006, and

1 thus the exemption at 1 V.S.A. § 317(c)(22) is no longer needed. However, if
2 a public agency retains custody of records that qualified as exempt under the
3 former 1 V.S.A. § 317(c)(22), these records shall remain exempt from public
4 inspection and copying after its repeal.

5 Sec. 4. 8 V.S.A. § 4089a is amended to read:

6 § 4089a. MENTAL HEALTH CARE SERVICES REVIEW

7 * * *

8 (i) The confidentiality of any health care information acquired by or
9 provided to ~~the independent panel of mental health professionals an~~
10 independent review organization pursuant to section 4089f of this title shall be
11 maintained in compliance with any applicable State or federal laws. ~~The~~
12 ~~independent panel shall not constitute a public agency 1 V.S.A. § 317(a), or a~~
13 ~~public body under section 310 of Title 1.~~ Records of, and internal materials
14 prepared for, specific reviews under this section shall be exempt from public
15 ~~disclosure under 1 V.S.A. § 316~~ inspection and copying under the Public
16 Records Act.

17 Sec. 5. EFFECT OF AMENDMENT

18 Sec. 4 of this act amends 8 V.S.A. § 4089a(i) to eliminate references to
19 independent panels of mental health professionals. Such panels were
20 eliminated in 2011 Acts and Resolves No. 21, Sec. 14, and therefore the
21 references to such panels in subsection (i) likewise should be removed.

1 However, if a public agency obtained and retains custody of records of such
2 panels in connection with specific reviews under 8 V.S.A. § 4089a, the records
3 shall remain exempt from public inspection and copying under the Public
4 Records Act, and shall continue to be maintained in compliance with any
5 applicable State or federal laws, after the amendments in Sec. 4 of this act take
6 effect.

7 Sec. 6. 8 V.S.A. § 7041(e) is amended to read:

8 (e) The notice of hearing held under subsection (a) of this section and any
9 order issued pursuant to subsection (a) shall be served upon the insurer
10 pursuant to the provisions of 3 V.S.A. chapter 25. The notice of hearing shall
11 state the time and place of hearing, and the conduct, condition, or ground upon
12 which the Commissioner may base his or her order. Unless mutually agreed
13 between the Commissioner and the insurer, the hearing shall occur not less
14 than ten days nor more than 30 days after notice is served and shall be held at
15 the offices of the Department of Financial Regulation or in some other place
16 convenient to the parties as determined by the Commissioner. ~~Hearings Unless~~
17 the insurer requests a public hearing, hearings and hearing records under
18 subsection (a) of this section shall be private and shall not be subject to the
19 provisions of 1 V.S.A. chapter 5, subchapters 2 and 3 (~~public information and~~
20 ~~access to public records~~), ~~unless the insurer requests a public hearing~~ the Open
21 Meeting Law and the Public Records Act).

1 Sec. 7. 9 V.S.A. § 4100b is amended to read:

2 § 4100b. ENFORCEMENT; TRANSPORTATION BOARD

3 * * *

4 (e) The Board shall be empowered to determine the location of hearings,
5 appoint persons to serve at the deposition of out-of-state witnesses, administer
6 oaths, and authorize stenographic or recorded transcripts of proceedings before
7 it. Prior to the hearing on any protest, but no later than 45 days after the filing
8 of the protest, the Board shall require the parties to the proceeding to attend a
9 prehearing conference in which the Chair or designee shall have the parties
10 address the possibility of settlement. If the matter is not resolved through the
11 conference, the matter shall be placed on the Board's calendar for hearing.
12 ~~Conference discussions~~ Settlement communications shall remain confidential
13 ~~and~~, shall be exempt from public inspection and copying under the Public
14 Records Act, shall not be disclosed ~~or~~, and shall not be used as an admission in
15 any subsequent hearing.

16 * * *

17 Sec. 8. 17 V.S.A. § 2154(b) is amended to read:

18 (b) A registered voter's month and day of birth, driver's license number,
19 the last four digits of the applicant's Social Security number, and street address
20 if different from the applicant's mailing address shall ~~not be considered a~~
21 ~~public record as defined in 1 V.S.A. § 317(b)~~ be kept confidential and are

1 exempt from public copying and inspection under the Public Records Act.

2 Any person wishing to obtain a copy of all of the statewide voter checklist

3 must swear or affirm, under penalty of perjury pursuant to 13 V.S.A.

4 chapter 65, that the person will not use the checklist for commercial purposes.

5 The affirmation shall be filed with the ~~secretary of state~~ Secretary of State.

6 Sec. 9. 18 V.S.A. § 5083 is amended to read:

7 § 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

8 (a) If a participant in the program described in 15 V.S.A. chapter 21,

9 subchapter 3 who is the parent of a child born during the period of program

10 participation notifies the physician or midwife who delivers the child, or the

11 hospital at which the child is delivered, not later than 24 hours after the birth of

12 the child, that the participant's confidential address should not appear on the

13 child's birth certificate, then the ~~department~~ Department shall not disclose such

14 confidential address or the participant's town of residence on any public

15 records. A participant who fails to provide such notice shall be deemed to

16 have waived the provisions of this section. If such notice is received, then

17 notwithstanding section 5071 of this title, the attendant physician or midwife

18 shall file the certificate with the ~~supervisor of vital records registration~~

19 Supervisor of Vital Records within ten days of the birth, without the

20 confidential address or town of residence, and shall not file the certificate with

21 the town clerk.

1 (b) The ~~supervisor of vital records registration~~ Supervisor of Vital Records
2 shall receive and file for record all certificates filed in accordance with this
3 section, and shall ensure that a parent's confidential address and town of
4 residence do not appear on the birth certificate during the period that the parent
5 is a program participant. A certificate filed in accordance with this section
6 shall be a public document. The ~~supervisor of vital records~~ Supervisor of Vital
7 Records shall notify the ~~secretary of state~~ Secretary of State of the receipt of a
8 birth certificate on behalf of a program participant.

9 (c) The ~~department~~ Department shall maintain a confidential record of the
10 parent's actual mailing address and town of residence. Such record shall be
11 exempt from public inspection and copying under the Public Records Act.

12 * * *

13 Sec. 10. 18 V.S.A. § 5112(c) is amended to read:

14 (c) A new certificate issued pursuant to subsection (a) of this section shall
15 be substituted for the original birth certificate in official records. The new
16 certificate shall not show that a change in name or sex, or both, has been made.
17 The original birth certificate, the ~~probate court~~ Probate Division order, and any
18 other records relating to the issuance of the new birth certificate shall be
19 confidential and shall ~~not be subject to~~ be exempt from public inspection
20 ~~pursuant to 1 V.S.A. § 317(e)~~ and copying under the Public Records Act;
21 however an individual may have access to his or her own records and may

1 authorize the ~~state registrar~~ State Registrar to confirm that, pursuant to court
2 order, it has issued a new birth certificate to the individual that reflects a
3 change in name or sex, or both.

4 Sec. 11. 18 V.S.A. § 5132(c) is amended to read:

5 (c) The ~~department~~ Department shall maintain a confidential record of the
6 person's actual mailing address and town of residence. Such record shall be
7 exempt from public inspection and copying under the Public Records Act.

8 Sec. 12. 21 V.S.A. § 516 is amended to read:

9 § 516. CONFIDENTIALITY

10 (a) Any health care information about an individual to be tested shall be
11 ~~taken~~ collected only by a medical review officer ~~and~~. This information shall
12 be confidential and shall not be released to anyone except the individual tested,
13 and may not be obtained by court order or process, except as provided in this
14 subchapter. In addition, a medical review officer shall not reveal the identity
15 of an individual being tested to any person, including the laboratory.

16 (b) Employers, medical review officers, laboratories, and ~~their~~ the agents of
17 any of these, who receive or have access to information about drug test results,
18 shall keep all information confidential. Release of such information under any
19 other circumstance shall be solely pursuant to a written consent form signed
20 voluntarily by the person tested, except where such release is compelled by a
21 court of competent jurisdiction in connection with an action brought under this

1 subchapter. ~~A medical review officer shall not reveal the identity of an~~
2 ~~individual being tested to any person, including the laboratory.~~

3 (c) If information about drug test results is released contrary to the
4 provisions of this subchapter, it shall be inadmissible as evidence in any
5 judicial or quasi-judicial proceeding, except in a court of competent
6 jurisdiction in connection with an action brought under this subchapter.

7 Sec. 13. 26 V.S.A. § 1317(c) is amended to read:

8 (c) Except as provided in section 1368 of this title, information provided to
9 ~~the department of health or of mental health~~ Department of Health, the
10 Department of Mental Health, or the Department of Disabilities, Aging, and
11 Independent Living under this section shall be confidential unless the
12 ~~department~~ Department of Health decides to treat the report as a complaint, in
13 which case, the provisions of section 1318 of this title shall apply.

14 Sec. 14. 26 V.S.A. § 1368(a) is amended to read:

15 (a) A data repository is created within the Department of Health which will
16 be responsible for the compilation of all data required under this section ~~and,~~
17 under this chapter, and under any other law or rule which requires the reporting
18 of such information. Notwithstanding any provision of law to the contrary,
19 licensees shall promptly report and the Department shall collect the following
20 information to create individual profiles on all health care professionals
21 licensed, certified, or registered by the Department, pursuant to the provisions

1 of this title, in a format created by the Department that shall be available for
2 dissemination to the public:

3 * * *

4 Sec. 15. 33 V.S.A. § 5205 is amended to read:

5 § 5205. FINGERPRINTS; PHOTOGRAPHS

6 (a) Fingerprint files of a child under the jurisdiction of the Court shall be
7 kept separate from those of other persons under special security measures.
8 Inspection of such files shall be limited to inspection by law enforcement
9 officers only on a need-to-know basis unless otherwise authorized by the Court
10 in individual cases.

11 * * *

12 Sec. 16. 33 V.S.A. § 5287(d) is amended to read:

13 (d) Upon discharge and dismissal under subsection (c) of this section, all
14 records relating to the case in the ~~District Court~~ Criminal Division shall be
15 expunged, and all records relating to the case in the Family Court shall be
16 sealed pursuant to section 5119 of this title.

17 * * * Technical Corrections Relating to Education; Education Quality

18 Standards * * *

19 Sec. 17. 16 V.S.A. § 11(a)(8) is amended to read:

20 (8) "Independent school" means a school other than a public school,
21 which provides a program of elementary or secondary education, or both. An

1 “independent school meeting ~~school~~ education quality standards” means an
2 independent school in Vermont that undergoes the ~~school~~ education quality
3 standards process and meets the requirements of subsection 165(b) of this title.

4 Sec. 18. 16 V.S.A. § 164 is amended to read:

5 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

6 The State Board shall evaluate education policy proposals, including timely
7 evaluation of policies presented by the Governor and Secretary; engage local
8 school board members and the broader education community; and establish
9 and advance education policy for the State of Vermont. In addition to other
10 specified duties, the Board shall:

11 * * *

12 (18) Ensure that Vermont’s students, including students enrolled in
13 secondary career technical education, have access to a substantially equal
14 educational opportunity by developing a system to evaluate the equalizing
15 effects of Vermont’s education finance system and ~~school~~ education quality
16 standards under section 165 of this title.

17 * * *

1 Sec. 19. 16 V.S.A. § 165 is amended to read:

2 § 165. ~~STANDARDS OF QUALITY FOR PUBLIC SCHOOLS~~

3 EDUCATION QUALITY STANDARDS; EQUAL EDUCATIONAL
4 OPPORTUNITIES; INDEPENDENT SCHOOL MEETING SCHOOL
5 EDUCATION QUALITY STANDARDS

6 (a) In order to carry out Vermont's policy that all Vermont children will be
7 afforded educational opportunities that are substantially equal in quality, each
8 Vermont public school, including each career technical center, shall meet the
9 following ~~school~~ education quality standards:

10 (1) The school ~~shall~~, through a process including parents, teachers,
11 students, and community members, ~~develop, implement, and annually update a~~
12 ~~comprehensive action~~ develops, implements, and annually updates a
13 continuous improvement plan to improve student performance within the
14 school. The plan shall include goals and objectives for improved student
15 learning and educational strategies and activities to achieve ~~their~~ its goals. The
16 plan shall also address the effectiveness of efforts made since the previous
17 ~~action~~ continuous improvement plan to ensure the school maintains a safe,
18 orderly, civil, and positive learning environment that is free from harassment,
19 hazing, and bullying. The school shall assess student performance under the
20 plan using a method or methods of assessment developed under subdivision
21 164(9) of this title.

1 (2) The school, at least annually, reports student performance results to
2 community members in a format selected by the school board. In the case of a
3 regional career technical center, the community means the school districts in
4 the service region. The provisions of 2 V.S.A. § 20(d) (expiration of required
5 reports) shall not apply to the report to be made under this subdivision. The
6 school report shall include:

7 * * *

8 (C) Information indicating progress toward meeting the goals of an
9 annual ~~action~~ continuous improvement plan.

10 * * *

11 (b) Every two years, the Secretary shall determine whether students in each
12 Vermont public school are provided educational opportunities substantially
13 equal to those provided in other public schools. If the Secretary determines
14 that a school is not meeting the education quality standards listed in subsection
15 (a) of this section or that the school is making insufficient progress in
16 improving student performance in relation to the standards for student
17 performance set forth in subdivision 164(9) of this title, he or she shall
18 describe in writing actions that a district must take in order to meet either or
19 both sets of standards and shall provide technical assistance to the school. If
20 the school fails to meet the standards or make sufficient progress by the end of

1 the next two-year period, the Secretary shall recommend to the State Board one
2 or more of the following actions:

3 * * *

4 (e) If the Secretary determines at any time that the failure of a school to
5 meet the ~~school~~ education quality standards listed in subsection (a) of this
6 section is severe or pervasive, potentially results in physical or emotional harm
7 to students, or significant deprivation of equal education opportunities, and the
8 school has either unreasonably refused to remedy the problem or its efforts
9 have proved ineffective, he or she may recommend to the State Board one or
10 more of the actions listed in subsection (b) of this section. The State Board
11 shall then follow the procedure of subsection (c) of this section.

12 (f) In order to be designated an independent school meeting ~~school~~
13 education quality standards, an independent school shall participate in the
14 ~~school~~ education quality standards process of subsection (b) of this section.
15 An independent school shall receive technical assistance in accordance with
16 the provisions of subsection (b), but shall not be subject to subdivisions
17 (b)(2)-(4) of this section. The school shall be an independent school meeting
18 ~~school~~ education quality standards unless the State Board, after opportunity for
19 hearing, finds that:

20 (1) the school has discontinued its participation in the ~~school~~ education
21 quality standards process; or

1 (2) two or more years following a determination that the school is not
2 meeting the education quality standards or that the school is making
3 insufficient progress in improving student performance, the school fails to
4 meet the standards or make sufficient progress toward meeting the standards.

5 Sec. 20. 16 V.S.A. § 212 is amended to read:

6 § 212. SECRETARY'S DUTIES GENERALLY

7 The Secretary shall execute those policies adopted by the State Board in the
8 legal exercise of its powers and shall:

9 * * *

10 (12) Distribute at his or her discretion upon request to approved
11 independent schools appropriate forms and materials relating to the ~~school~~
12 education quality standards for elementary and secondary students.

13 * * *

14 Sec. 21. 16 V.S.A. § 821(d) is amended to read:

15 (d) Notwithstanding subdivision (a)(1) of this section, the electorate of a
16 school district that does not maintain an elementary school may grant general
17 authority to the school board to pay tuition for an elementary student at an
18 approved independent elementary school or an independent school meeting
19 ~~school~~ education quality standards pursuant to sections 823 and 828 of this
20 chapter upon notice given by the student's parent or legal guardian before
21 April 15 for the next academic year.

1 Sec. 22. 16 V.S.A. § 822 is amended to read:

2 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
3 PAY TUITION

4 (a) Each school district shall maintain one or more approved high schools
5 in which high school education is provided for its resident students unless:

6 (1) the electorate authorizes the school board to close an existing high
7 school and to provide for the high school education of its students by paying
8 tuition to a public high school, an approved independent high school, or an
9 independent school meeting ~~school~~ education quality standards, to be selected
10 by the parents or guardians of the student, within or outside the State; or

11 * * *

12 (c)(1) A school district may both maintain a high school and furnish high
13 school education by paying tuition:

14 * * *

15 (B) to an approved independent school or an independent school
16 meeting ~~school~~ education quality standards if the school board judges that a
17 student has unique educational needs that cannot be served within the district
18 or at a nearby public school.

19 * * *

1 Sec. 23. 16 V.S.A. § 823(b) is amended to read:

2 (b) Unless the electorate of a school district authorizes payment of a higher
3 amount at an annual or special meeting warned for the purpose, the tuition paid
4 to an approved independent elementary school or an independent school
5 meeting ~~school~~ education quality standards shall not exceed the least of:

6 * * *

7 Sec. 24. 16 V.S.A. § 824(b) is amended to read:

8 (b) Except as otherwise provided for technical students, the district shall
9 pay the full tuition charged its students attending a public high school in
10 Vermont or an adjoining state or a public or approved independent school in
11 Vermont functioning as an approved area career technical center, or an
12 independent school meeting ~~school~~ education quality standards; provided:

13 (1) If a payment made to a public high school or an independent school
14 meeting ~~school~~ education quality standards is three percent more or less than
15 the calculated net cost per secondary pupil in the receiving school district or
16 independent school for the year of attendance then the district or school shall
17 be reimbursed, credited, or refunded pursuant to section 836 of this title.

18 (2) Notwithstanding the provisions of this subsection or of subsection
19 825(b) of this title, the board of the receiving public school district, public or
20 approved independent school functioning as an area career technical center, or
21 independent school meeting ~~school~~ education quality standards may enter into

1 tuition agreements with the boards of sending districts that have terms differing
2 from the provisions of those subsections, provided that the receiving district or
3 school must offer identical terms to all sending districts, and further provided
4 that the statutory provisions apply to any sending district that declines the
5 offered terms.

6 Sec. 25. 16 V.S.A. § 826 is amended to read:

7 § 826. NOTICE OF TUITION RATES; SPECIAL EDUCATION CHARGES

8 (a) A school board, or the board of trustees of an independent school
9 meeting ~~school~~ education quality standards, that proposes to increase tuition
10 charges shall notify the school board of the school district from which its
11 nonresident students come, and the Secretary, of the proposed increase on or
12 before January 15 in any year; such increases shall not become effective
13 without the notice and not until the following school year.

14 (b) A school board or the board of trustees of an independent school
15 meeting ~~school~~ education quality standards may establish a separate tuition for
16 one or more special education programs. No such tuition shall be established
17 unless the State Board has by rule defined the program as of a type that may be
18 funded by a separate tuition. Any such tuition shall be announced in
19 accordance with the provisions of subsection (a) of this section. The amount
20 of tuition shall reflect the net cost per pupil in the program. The announcement

1 of tuition shall describe the special education services included or excluded
2 from coverage. Tuition for part-time students shall be reduced proportionally.

3 * * *

4 Sec. 26. 16 V.S.A. § 828 is amended to read:

5 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

6 A school district shall not pay the tuition of a student except to a public
7 school, an approved independent school, an independent school meeting ~~school~~
8 education quality standards, a tutorial program approved by the State Board, an
9 approved education program, or an independent school in another state or
10 country approved under the laws of that state or country, nor shall payment of
11 tuition on behalf of a person be denied on account of age. Unless otherwise
12 provided, a person who is aggrieved by a decision of a school board relating to
13 eligibility for tuition payments, the amount of tuition payable, or the school he
14 or she may attend, may appeal to the State Board and its decision shall be final.

15 Sec. 27. 16 V.S.A. § 1532 is amended to read:

16 § 1532. MINIMUM STANDARDS; MEASUREMENT OF STANDARDS

17 (a) The State Board shall adopt by rule:

18 (1) Minimum standards for the operation and performance of career
19 technical centers that include the ~~school~~ education quality standards adopted
20 by the State Board under subdivision 164(9) and section 165 of this title.

21 * * *

1 Sec. 28. 16 V.S.A. § 3447 is amended to read:

2 § 3447. SCHOOL BUILDING CONSTRUCTION; STATE BONDS; CITY
3 AS SCHOOL DISTRICT

4 The State Treasurer may issue bonds under 32 V.S.A. chapter 13 in such
5 amount as may from time to time be appropriated to assist incorporated school
6 districts, joint contract schools, town school districts, union school districts,
7 regional career technical center school districts, and independent schools
8 meeting ~~school~~ education quality standards that serve as the public high school
9 for one or more towns or cities, or combination thereof, and that both receive
10 their principal support from public funds and are conducted within the State
11 under the authority and supervision of a board of trustees, not less than
12 two-thirds of whose membership is appointed by the selectboard of a town or
13 by the city council of a city or in part by such selectboard and the remaining
14 part by such council under the conditions and for the purpose set forth in
15 sections 3447–3456 of this title. A city shall be deemed to be an incorporated
16 school district within the meaning of sections 3447–3456 of this title.

1 Sec. 29. 28 V.S.A. § 120 is amended to read:

2 § 120. DEPARTMENT OF CORRECTIONS EDUCATION PROGRAM;
3 INDEPENDENT SCHOOL

4 * * *

5 (b) Applicability of education provisions. The education program shall be
6 approved by the State Board of Education as an independent school under
7 16 V.S.A. § 166, shall comply with the ~~school~~ education quality standards
8 provided by 16 V.S.A. § 165, and shall be coordinated with adult education,
9 special education, and career technical education.

10 * * *

11 Sec. 30. STATUTORY REVISION

12 In its statutory revision capacity under 2 V.S.A. § 424, the Office of
13 Legislative Council shall, where appropriate, replace the words “school quality
14 standards” with the words “education quality standards” wherever those words
15 appear in the Vermont Statutes Annotated.

16 * * * Technical Corrections Relating to Education; Miscellaneous * * *

17 Sec. 31. 16 V.S.A. § 11(a)(30)(B) is amended to read:

18 (B) The definitions of “educational institution,” “organization,”
19 “pledging,” and “student” shall be the same as those in section ~~140a~~ 570i of
20 this title.

1 Sec. 32. 16 V.S.A. § 563 is amended to read:

2 § 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE IF BUDGET
3 EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE
4 AVERAGE

5 The school board of a school district, in addition to other duties and
6 authority specifically assigned by law:

7 * * *

8 (2) May take any action that is required for the sound administration of
9 the school district. The ~~Commissioner~~ Secretary, with the advice of the
10 Attorney General, upon application of a school board, shall decide whether any
11 action contemplated or taken by a school board under this subdivision is
12 required for the sound administration of the district and is proper under this
13 subdivision. The ~~Commissioner's~~ Secretary's decision shall be final.

14 * * *

15 Sec. 33. 16 V.S.A. § 1533(b) is amended to read:

16 (b) Evaluations of career technical centers shall consider at least the
17 following areas:

18 * * *

19 (7) the adequacy and effectiveness of the center in meeting the
20 educational and employment needs of all its eligible students, including its

1 success in taking steps to encourage each student to consider enrolling in
2 courses not traditional for that student's ~~sex~~ gender.

3 Sec. 34. 16 V.S.A. § 1542(b) is amended to read:

4 (b) A regional advisory board, with the consent of the Workforce
5 ~~Development Council~~ Investment Board, may delegate its responsibilities to
6 the grantee that performs workforce development activities in the region
7 pursuant to 10 V.S.A. § 542. In this case, the grantee shall become the
8 regional advisory board unless and until the school board that operates the
9 career technical center requests that the regional advisory board be
10 reconstituted pursuant to subsection (a) of this section.

11 Sec. 35. 16 V.S.A. § 1546(b) is amended to read:

12 (b) A comprehensive high school shall charge and receive tuition pursuant
13 to section 824 of this title. A comprehensive high school shall be a career
14 technical center for the purposes of receiving funding for grants per full-time
15 equivalent student under section 1561 of this title, for tryout classes under
16 section 1562 of this title, ~~for equipment replacement under section 1564 of this~~
17 ~~title, for incentive grants under section 1566 of this title,~~ and for reporting
18 requirements under section 1568 of this title. Funds received under this section
19 shall be used for support of career technical education programs within the
20 comprehensive high school.

1 Sec. 36. 16 V.S.A. § 1562 is amended to read:

2 § 1562. TRYOUT CLASSES

3 From the monies annually available for use in career technical education,
4 the State Board may reimburse part of the program cost attributable to
5 programs designed to assist students in deciding whether to enroll in career
6 technical courses. As a condition of such assistance, the program shall
7 demonstrate that it has taken steps to encourage each student to consider
8 enrolling in courses not traditional for that student's ~~sex~~ gender.

9 Sec. 37. 16 V.S.A. § 1940(b)(1)(C) is amended to read:

10 (C) In the absence of an open estate or Probate Division of the
11 Superior Court decree of distribution, and where the deceased member's
12 account is valued at less than \$1,000.00 to the surviving spouse of the deceased
13 owner, or, if there is no surviving spouse, then to the next of kin according to
14 ~~14 V.S.A. § 551~~ 14 V.S.A. § 314.

15 Sec. 38. 16 V.S.A. § 1941(a)(1)(B)(iii) is amended to read:

16 (iii) In the absence of an open estate or Probate Division of the
17 Superior Court decree of distribution, and when the deceased member's
18 account is valued at less than \$1,000.00 to the surviving spouse of the deceased
19 owner, or, if there is no surviving spouse, then to the next of kin according to
20 ~~14 V.S.A. § 551~~ 14 V.S.A. § 314.

1 Sec. 39. 16 V.S.A. § 1943(a) is amended to read:

2 (a) The members of the Vermont Pension Investment Committee
3 established in 3 V.S.A. chapter 17 shall be the trustees of the Fund created by
4 this ~~subchapter~~ chapter, and with respect to them may invest and reinvest the
5 assets of the Fund, and hold, purchase, sell, assign, transfer, and dispose of the
6 securities and investments in which the assets of the Fund have been invested
7 and reinvested. Investments shall be made in accordance with the standard of
8 care established by the prudent investor rule under ~~9 V.S.A. chapter 147~~
9 14A V.S.A. chapter 9.

10 Sec. 40. 16 V.S.A. § 2281(f) is amended to read:

11 (f) Control of funds appropriated ~~and of the work carried on under the~~
12 ~~terms of section 2321 of this title~~ shall be vested in the Board of Trustees of
13 the University of Vermont and State Agricultural College. All funds
14 appropriated to the Agricultural College shall be kept in a separate account and
15 shall be audited annually by an independent accounting firm registered in the
16 State of Vermont in accordance with government auditing standards issued by
17 the ~~United States~~ U.S. Government Accountability Office.

18 Sec. 41. 16 V.S.A. § 4028(d) is amended to read:

19 (d) Notwithstanding ~~32 V.S.A. § 502(b)(2)~~ 2 V.S.A. § 502(b)(2), the Joint
20 Fiscal Office shall prepare a fiscal note for any legislation that requires a
21 supervisory union or school district to perform any action with an associated

1 cost, but does not provide money or a funding mechanism for fulfilling that
2 obligation. Any fiscal note prepared under this subsection shall be completed
3 no later than the date that the legislation is considered for a vote in the first
4 committee to which it is referred.

5 * * * Technical Corrections Relating to Health Care and Human Services * * *

6 Sec. 42. 9 V.S.A. § 2466a(c)(2)(A) is amended to read:

7 (A) “Manufacturer of prescription drugs” means a person authorized
8 by law to manufacture, bottle, or pack drugs or biological products, a licensee
9 or affiliate of that person, or a labeler that receives drugs or biological products
10 from a manufacturer or wholesaler and repackages them for later retail sale and
11 has a labeler code from the federal Food and Drug Administration under
12 ~~21 C.F.R. 2027.20 (1999)~~ 21 C.F.R. § 202.20.

13 Sec. 43. 16 V.S.A. § 3856(j) is amended to read:

14 (j) In the case of bonds issued in connection with a new health care project
15 subject to the provisions of 18 V.S.A. chapter 221, subchapter 5, the Agency
16 shall not authorize bonds on behalf of an eligible institution defined under
17 subdivision 3851(c)(5) of this title, unless the project and the capital
18 expenditures associated with the project have been approved by the
19 ~~Commissioner of Financial Regulation~~ Green Mountain Care Board, pursuant
20 to 18 V.S.A. chapter 221, subchapter 5. The Agency shall consider the

1 recommendations of the ~~Commissioner~~ Board in connection with any such
2 proposed authorization.

3 Sec. 44. 18 V.S.A. § 1905(21) is amended to read:

4 (21) In conducting its reviews, the licensing agency shall evaluate the
5 quality and financial indicators published by the ~~department of financial~~
6 ~~regulation~~ Commissioner of Health under subsection 9405b(c) of this title.

7 Sec. 45. 18 V.S.A. § 5227 is amended to read:

8 § 5227. RIGHT TO DISPOSITION

9 (a) If there is no written directive of the decedent, in the following order of
10 priority, one or more competent adults shall have the right to determine the
11 disposition of the remains of a decedent, including the location, manner, and
12 conditions of disposition and arrangements for funeral goods and services:

13 (1) an individual appointed to arrange for the disposition of decedent's
14 remains pursuant to chapter 231 (advance directives) of this title;

15 (2) a surviving spouse, ~~civil union partner, or reciprocal beneficiary, as~~
16 ~~defined in 15 V.S.A. § 1302,~~ of the decedent;

17 * * *

1 Sec. 46. 18 V.S.A. § 5250i is amended to read:

2 § 5250i. WHO MAY MAKE ANATOMICAL GIFT OF DECEDENT'S
3 BODY OR PART

4 (a) Subject to subsections (b) and (c) of this section and unless barred by
5 section 5250g or 5250h of this title, an anatomical gift of a decedent's body or
6 part for purpose of transplantation, therapy, research, or education may be
7 made by any member of the following classes of persons who is reasonably
8 available, in the order of priority listed:

9 * * *

10 (3) ~~the decedent's reciprocal beneficiary, as defined in 15 V.S.A.~~
11 ~~§ 1302; [Repealed.]~~

12 * * *

13 Sec. 47. 18 V.S.A. § 9701(18) is amended to read:

14 (18) "Interested individual" means:

15 (A) the principal's spouse, adult child, parent, adult sibling, adult
16 grandchild, ~~reciprocal beneficiary~~, or clergy person; or

17 * * *

18 Sec. 48. 18 V.S.A. § 9703(c) is amended to read:

19 (c) Neither the agent appointed by the principal nor the principal's spouse,
20 ~~reciprocal beneficiary~~, parent, adult sibling, adult child, or adult grandchild
21 may witness the advance directive.

1 Sec. 49. 33 V.S.A. § 7301 is amended to read:

2 § 7301. NURSING HOME RESIDENTS' BILL OF RIGHTS

3 The General Assembly hereby adopts the Nursing Home Residents' Bill of
4 Rights as follows:

5 (1) The governing body of the facility shall establish written policies
6 regarding the rights and responsibilities of residents and, through the
7 administrator, is responsible for development of, and adherence to, procedures
8 implementing such policies. These policies and procedures shall be made
9 available to residents, to any guardians, next of kin, ~~reciprocal beneficiaries,~~
10 sponsoring agency, or representative payees selected pursuant to subsection
11 205(j) of the Social Security Act, and Subpart Q of ~~20 CFR Part 404~~ 20 C.F.R.
12 part 404, and to the public.

13 (2) The staff of the facility shall ensure that, at least, each individual
14 admitted to the facility:

15 * * *

16 (N) If married ~~or in a reciprocal beneficiaries relationship,~~ is assured
17 privacy for visits by the resident's spouse ~~or reciprocal beneficiary;~~ if both are
18 residents of the facility, they are permitted to share a room.

19 * * *

1 (3) The staff of the facility shall ensure that the residents and their
2 families, ~~including a reciprocal beneficiary:~~

3 * * *

4 Sec. 50. 33 V.S.A. § 7306 is amended to read:

5 § 7306. RESIDENT'S REPRESENTATIVE

6 (a) The rights and obligations established under this chapter shall devolve
7 to a resident's ~~reciprocal beneficiary~~, guardian, next of kin, sponsoring agency,
8 or representative payee (except when the facility itself is a representative
9 payee) if the resident:

10 * * *

11 Sec. 51. 18 V.S.A. chapter 221, subchapter 1 is redesignated to read:

12 Subchapter 1. ~~Health Information Technology~~ Quality, Resource Allocation,
13 and Cost Containment

14 Sec. 52. 18 V.S.A. § 9718 is amended to read:

15 § 9718. PETITION FOR REVIEW BY PROBATE DIVISION OF THE
16 SUPERIOR COURT

17 (a) ~~An~~ A petition may be filed in Probate Division of the Superior Court
18 under this section by:

19 * * *

1 (4) a representative of the State-designated protection and advocacy
2 system if the principal is in the custody of the Department of ~~Health~~ Mental
3 Health; or

4 * * *

5 Sec. 53. 33 V.S.A. § 1116(d) is amended to read:

6 (d) A participant may cure a sanction by coming into compliance in
7 accordance with the Department's rules. During the first 60 months of the
8 family's receipt of financial assistance, a participating adult may have all
9 previous sanctions forgiven by demonstrating 12 consecutive months of
10 compliance with family development plan requirements or work requirements
11 or any combination of the two. Subsequent acts of noncompliance after a
12 sanctioned adult has completed a successful 12-month sanction forgiveness
13 period will be treated in accordance with ~~subdivisions (c)(1) through (5)~~
14 subdivisions (c)(1) and (2) of this section without consideration of the
15 sanctions that have been forgiven.

16 Sec. 54. 33 V.S.A. § 1812(b)(1) is amended to read:

17 (b)(1) An individual or family with income at or below 300 percent of the
18 ~~federal poverty guideline~~ federal poverty level shall be eligible for cost-sharing
19 assistance, including a reduction in the out-of-pocket maximums established
20 under Section 1402 of the Affordable Care Act.

1 Sec. 55. 33 V.S.A. § 1827(h) is amended to read:

2 (h) Any prescription drug coverage offered by Green Mountain Care shall
3 be consistent with the standards and procedures applicable to the pharmacy
4 best practices and cost control program established in ~~sections 1996 and~~
5 section 1998 of this title.

6 Sec. 56. 33 V.S.A. § 1906 is amended to read:

7 § 1906. RECOUPMENT OF AMOUNTS SPENT ON CHILD MEDICAL
8 CARE

9 (a) The State Medicaid agency, any State agency administering health
10 benefits or a health benefit plan for which Medicaid is a source of funding, or
11 the ~~office of child support~~ Office of Child Support may recoup the amounts
12 paid by the State for child medical expenses from any person who:

13 (1) is required by court or administrative order to provide coverage of
14 the cost of health services to a child eligible for medical assistance under
15 Medicaid; and who either:

16 (2)(A)(1) ~~has~~ Has received payment from a third party for the costs of
17 such services, but has not used the payments to reimburse either the other
18 parent or guardian of the child or the provider of the services. Claims for
19 current and past due child support shall take priority over these claims; ~~or.~~

20 (B)(2) ~~has~~ Has failed to give any notice required by 15 V.S.A.
21 § 663(d).

1 **(b)** In addition to any other remedies available at law, all remedies
2 available for the collection and enforcement of child support under 15 V.S.A.
3 chapter 11 shall apply to medical support recoupment under this section.

4 Sec. 57. 33 V.S.A. § 2001(e)(3) is amended to read:

5 (3) The Commissioner shall not enter into a contract with a pharmacy
6 benefit manager who has entered into an agreement or engaged in a practice
7 described in subdivision (2) of this subsection, unless the Commissioner
8 determines, ~~and certifies in the fiscal report required by subdivision (d)(4) of~~
9 ~~this section,~~ that ~~such~~ the agreement or practice furthers the financial interests
10 of Vermont; and does not adversely affect the medical interests of Vermont
11 beneficiaries.

12 Sec. 58. 33 V.S.A. § 2114(c) is amended to read:

13 (c) A family is eligible if:

14 (1) The family includes at least one dependent child.

15 (2)(A) The family is in imminent danger of losing its housing due to
16 circumstances that could not reasonably have been avoided, including:

17 (i) the rent or mortgage payments were not made because the
18 family experienced an extraordinary event that appropriately required the use
19 of the funds;

1 (ii) a family member has a disability which contributed to the
2 circumstances that could not reasonably have been avoided and resulted in the
3 rent or mortgage payments not being made; or

4 (iii) the family's essential expenses exceeded the family's income
5 or the family's gross housing expenses were equal to or greater than 60 percent
6 of the family's income; or

7 (B) The family is likely to be eligible for temporary housing
8 assistance, and payment under this section would be more cost-effective than
9 providing temporary housing.

10 (3) The payment of all or a portion of that arrearage will prevent, not
11 merely postpone, homelessness.

12 * * *

13 Sec. 59. 33 V.S.A. § 4304a is amended to read:

14 § 4304a. ADVISORY BOARD

15 (a) An Advisory Board is created to advise the Secretary of Education and
16 the Commissioners of Mental Health and for Children and Families about
17 children and adolescents with a severe emotional disturbance and their
18 families.

1 (b) The Advisory Board shall also advise the Secretary and the
2 Commissioners on the development of the system of care plan described in
3 subsection 4305(c) of this title.

4 * * *

5 Sec. 60. 33 V.S.A. § 4305(b)(2) is amended to read:

6 (2) Local interagency teams shall submit procedures developed in
7 accordance with the rules adopted under subdivision (1)(A) of this subsection
8 to the Advisory Board for review and comment. Thereafter, the proposed
9 procedures shall be submitted to the Secretary and the Commissioners, who
10 shall approve the procedures if all the elements specified in subdivision (1)(A)
11 of this subsection are satisfied.

12 Sec. 61. 33 V.S.A. § 5308 is amended to read:

13 § 5308. TEMPORARY CARE ORDER

14 (a) The Court shall order that legal custody be returned to the child's
15 custodial parent, guardian, or custodian unless the Court finds by a
16 preponderance of the evidence that a return home would be contrary to the
17 child's welfare because any one of the following exists:

18 * * *

19 (4) The custodial parent, guardian, or ~~guardian~~ custodian has abandoned
20 the child.

21 * * *

1 Sec. 62. 33 V.S.A. § 5316 is amended to read:

2 § 5316. DISPOSITION CASE PLAN

3 (a) The Department shall file a disposition case plan ordered pursuant to
4 subsection 5315(g) of this title no later than 28 days from the date of the
5 finding by the Court that a child is in need of care or supervision.

6 (b) A disposition case plan shall include, as appropriate:

7 (1) ~~A permanency goal.~~ The long-term goal for a child found to be in
8 need of care and supervision is a safe and permanent home. A disposition case
9 plan shall include a permanency goal and an estimated date for achieving the
10 permanency goal. The plan shall specify whether permanency will be
11 achieved through reunification with a custodial parent, guardian, or custodian;
12 adoption; permanent guardianship; or other permanent placement. In addition
13 to a primary permanency goal, the plan may identify a concurrent permanency
14 goal.

15 * * *

16 Sec. 63. 33 V.S.A. § 6902(7) is amended to read:

17 (7)~~(A)~~ “Neglect” means purposeful or reckless failure or omission by a
18 caregiver to:

19 ~~(A)~~(i) provide care or arrange for goods or services necessary to
20 maintain the health or safety of a vulnerable adult, including food, clothing,
21 medicine, shelter, supervision, and medical services, unless the caregiver is

1 acting pursuant to the wishes of the vulnerable adult or his or her
2 representative, or an advance directive, as defined in 18 V.S.A. § 9701;

3 * * *

4 Sec. 64. 33 V.S.A. § 6902(10) is amended to read:

5 (10) “Representative” means a court-appointed guardian, or an agent
6 acting under a ~~durable power of attorney for health care~~ an advance directive
7 executed pursuant to 18 V.S.A. chapter 231, unless otherwise specified in the
8 terms of the power of attorney.

9 Sec. 65. 2014 Acts and Resolves No. 142, Sec. 112 is amended to read:

10 Sec. 112. REPORT REPEAL DELAYED

11 The reports set forth in this section shall not be subject to expiration under
12 the provisions of 2 V.S.A. § 20(d) (expiration of required reports) until July 1,
13 2018:

14 * * *

15 (6) 18 V.S.A. §§ 1756 (lead poisoning report), 7402 (Commissioner of
16 Mental Health report), ~~8725(d) (System of Care Plan report)~~, 9505 (Vermont
17 Tobacco Evaluation and Review Board conflict of interest policy report), and
18 9507(a) (Vermont Tobacco Evaluation and Review Board report).

19 * * *

1 Sec. 66. 2014 Acts and Resolves No. 158, Sec. 11 is amended to read:

2 Sec. 11. 18 V.S.A. § 8839 is amended to read:

3 § 8839. DEFINITIONS

4 As used in this subchapter:

5 * * *

6 (3) “Person in need of custody, care, and habilitation” means:

7 (A)(i) a ~~mentally retarded~~ person with an intellectual disability,
8 which means significantly subaverage intellectual functioning existing
9 concurrently with deficits in adaptive behavior that were manifest before
10 18 years of age; or

11 (ii) a person with a traumatic brain injury;

12 (B) who presents a danger of harm to others; and

13 (C) for whom appropriate custody, care, and habilitation can be
14 provided by the ~~commissioner~~ Commissioner in a designated program.

15 * * * Technical Corrections Relating to Updates Reflecting Language as Used

16 in the Administrative Procedures Act * * *

17 Sec. 67. 3 V.S.A. § 209 is amended to read:

18 § 209. EFFICIENCY AND COOPERATION; TRANSFER OF

19 PERSONNEL; REGULATIONS OF GOVERNOR

20 The ~~governor~~ Governor shall provide for and require a practical working
21 system to ~~insure~~ ensure efficiency and mutual helpfulness among the

1 departments herein specified. The ~~governor~~ Governor may transfer,
2 temporarily or permanently, subordinates of any one of such departments to
3 another department as the needs of the ~~state~~ State may seem to him or her to
4 require. He or she shall ~~make, promulgate~~ adopt and have power to enforce
5 such rules ~~and regulations~~ as he or she may see fit for the conduct of such
6 departments and alter or add to the same in his or her discretion.

7 Sec. 68. 5 V.S.A. § 205(c) is amended to read:

8 (c) The ~~agency~~ Agency shall perform acts, issue and amend orders, ~~and~~
9 ~~make, promulgate, adopt~~ and amend reasonable general or special rules;
10 ~~regulations~~, and procedure, and establish minimum standards, consistent with
11 the provisions of this part, as the ~~agency~~ Agency shall deem necessary to carry
12 out the provisions of this part.

13 Sec. 69. 5 V.S.A. § 426 is amended to read:

14 § 426. HELICOPTERS; AIRCRAFT ENGAGED IN CROP SPRAYING OR
15 DUSTING

16 The ~~agency~~ Agency may ~~promulgate~~ adopt rules necessary to regulate the
17 operation in flight of helicopters, or of aircraft engaged in crop spraying or
18 dusting. The provisions of section 421 of this title shall not apply to these
19 rules.

1 Sec. 70. 5 V.S.A. § 773 is amended to read:

2 § 773. RULES

3 The ~~secretary~~ Secretary is authorized to ~~promulgate~~ adopt rules governing
4 the provisions of this subchapter.

5 Sec. 71. 6 V.S.A. § 367 is amended to read:

6 § 367. INSPECTION; SAMPLING; ANALYSIS

7 For the purpose of enforcing this chapter and determining whether or not
8 fertilizers and limes distributed in this ~~state~~ State endanger the health and
9 safety of Vermont citizens, the ~~secretary~~ Secretary upon presenting appropriate
10 credentials is authorized:

11 (1) ~~to~~ To enter any public or private premises except domiciles during
12 regular business hours and stop and enter any vehicle being used to transport or
13 hold fertilizer or lime;

14 (2) ~~to~~ To inspect blending plants, warehouses, establishments, vehicles,
15 equipment, finished or unfinished materials, containers, labeling, and records
16 relating to distribution, storage, or use;

17 (3) ~~to~~ To sample and analyze any fertilizer or lime. The methods of
18 sampling and analysis shall be those adopted by the Association of Official
19 Analytical Chemists. In cases not covered by this method, or in cases where
20 methods are available in which improved applicability has been demonstrated,

1 the ~~secretary~~ Secretary may authorize and adopt methods which reflect sound
2 analytical procedures;

3 (4) ~~to~~ To develop any reasonable means necessary to monitor and
4 ~~promulgate~~ adopt rules for the use of fertilizers and agricultural limes on
5 Vermont soils where monitoring indicates environmental or health problems.

6 In addition, the ~~secretary~~ Secretary may develop and ~~promulgate~~ adopt rules
7 for the proper storage of fertilizers and limes held for distribution or sale.

8 Sec. 72. 6 V.S.A. § 611 is amended to read:

9 § 611. SERVICE FOR CERTIFICATION OF SEED; STANDARDS AND

10 REGULATIONS RULES

11 (a) The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture,
12 Food and Markets shall establish and make available to the people of the ~~state~~
13 State a service for the inspection of fields of potatoes for the purpose of
14 certifying the product thereof for seed purposes. The ~~secretary~~ Secretary shall
15 have authority to establish certification standards which shall specify the
16 maximum percentages of diseases and other defects which will be permitted in
17 fields, the product of which is certified for seed. The ~~secretary~~ Secretary shall
18 also have authority to ~~promulgate~~ adopt rules ~~and regulations~~ regarding the
19 growing, roguing, grading, and shipping of certified seed potatoes and the
20 conditions under which the service shall be available and a certificate granted.

21 * * *

1 Sec. 73. 6 V.S.A. § 1153 is amended to read:

2 § 1153. RULES

3 (a) The ~~secretary~~ Secretary shall ~~promulgate~~ adopt rules necessary for the
4 discovery, control, and eradication of contagious diseases and for the slaughter,
5 disposal, quarantine, vaccination, and transportation of animals found to be
6 diseased or exposed to a contagious disease. The ~~secretary~~ Secretary may also
7 ~~promulgate~~ adopt rules requiring the disinfection and sanitation of real estate,
8 buildings, vehicles, containers, and equipment which have been associated
9 with diseased livestock.

10 (b) The ~~secretary~~ Secretary shall adopt rules establishing fencing and
11 transportation requirements for deer.

12 (c) The ~~secretary~~ Secretary shall adopt rules necessary for the inventory,
13 registration, tracking, and testing of deer.

14 Sec. 74. 6 V.S.A. § 2672(20) is amended to read:

15 (20) “Additional definitions”: The Secretary may (after due notice and
16 public hearing) in accordance with 3 V.S.A. chapter 25, ~~promulgate~~ adopt,
17 amend, or rescind definitions of other dairy products, including modified milk,
18 dairy processes, and rules relating to specially trained personnel.

1 Sec. 75. 6 V.S.A. § 2681 is amended to read:

2 § 2681. ADDITIVES

3 The ~~secretary~~ Secretary may, in accordance with ~~chapter 25 of Title 3,~~
4 ~~promulgate 3 V.S.A. chapter 25,~~ adopt a list of food grade additives which may
5 be added to milk. The additives used in milk sold in retail packages shall be
6 conspicuously stated in descending order of volume on the label of the package
7 in a manner approved by the ~~secretary~~ Secretary.

8 Sec. 76. 6 V.S.A. § 2701 is amended to read:

9 § 2701. ~~REGULATIONS~~ RULES

10 (a) The ~~secretary~~ Secretary, in accordance with ~~chapter 25 of Title 3~~
11 ~~3 V.S.A. chapter 25,~~ shall ~~promulgate~~ adopt, and may amend and rescind,
12 dairy sanitation ~~regulations~~ rules relating to dairy products to enforce this
13 chapter, including ~~but not limited to:~~ labeling, weighing, measuring and testing
14 facilities, buildings, equipment, methods, procedures, health of animals, health
15 and capability of personnel, and quality standards. In addition, the uniform
16 regulation for sanitation requirements, as adopted by the National Conference
17 on Interstate Milk Shippers, and published by the U.S. Department of Health
18 and Human Services, Public Health Service, Food and Drug Administration,
19 Grade A Pasteurized Milk Ordinance (PMO), together with amendments,
20 supplements, and revisions thereto, are adopted as part of this chapter, except
21 as modified or rejected by ~~regulation~~ rule. When adherence to the PMO is

1 deemed unreasonable by the ~~agency~~ Agency for non-Grade “A” products, the
2 most current version of the Recommended Requirements of the ~~United States~~
3 U.S. Department of Agriculture, Agricultural Marketing Service, Milk for
4 Manufacturing Purposes and its Production and Processing may be used.

5 (b) The ~~secretary~~ Secretary shall ~~promulgate~~ adopt and from time to time
6 amend or terminate ~~regulations~~ rules concerning but not limited to the taking
7 and storing of samples, sampling equipment, approved tests, testing
8 equipment, methods and procedures for performing tests, and related trade
9 practices which are used as a basis for payment or acceptance for dairy
10 products. The ~~secretary~~ Secretary shall ~~make~~ adopt, amend, or terminate
11 ~~regulations~~ rules concerning examination for and the granting and terminating
12 of dairy technician’s licenses.

13 Sec. 77. 6 V.S.A. § 3029(b) and (c) are amended to read:

14 (b) The ~~secretary~~ Secretary may, by ~~regulation~~ rule, create a permit
15 program to allow persons to operate hives without removable frames for
16 exhibition purposes. The owner of such a hive will not be in violation of this
17 section so long as he or she holds a valid permit and is in compliance with all
18 applicable ~~regulations~~ rules which the ~~secretary~~ Secretary may ~~promulgate~~
19 adopt.

20 (c) Upon determination that an owner has violated the terms of this section
21 or any ~~regulation~~ ~~promulgated~~ rule adopted pursuant to this section, the

1 ~~secretary~~ Secretary may destroy the hive or hives. Any determination of a
2 violation shall be appealable to the ~~secretary~~ Secretary, who shall provide the
3 owner a hearing within ten days of the determination of the violation, during
4 which the order to destroy shall be stayed.

5 Sec. 78. 6 V.S.A. § 3030 is amended to read:

6 § 3030. ~~REGULATIONS~~ RULES

7 The ~~secretary~~ Secretary may adopt, ~~promulgate~~ and enforce such rules ~~and~~
8 ~~regulations~~ which may provide for inspection, disinfection, seizure,
9 destruction, or other disposition of bees, equipment, or bee products capable of
10 carrying or transmitting any disease.

11 Sec. 79. 6 V.S.A. § 4012 is amended to read:

12 § 4012. ~~RULES AND REGULATIONS~~

13 The ~~secretary of agriculture, food and markets~~ Secretary of Agriculture,
14 Food and Markets may ~~promulgate~~ adopt any rules ~~and regulations~~ necessary
15 to carry out the purposes of this chapter.

16 Sec. 80. 7 V.S.A. § 104 is amended to read:

17 § 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

18 The Board shall have supervision and management of the sale of spirituous
19 liquors within the State in accordance with the provisions of this title, and
20 through the Commissioner of Liquor Control shall:

21 * * *

1 (5) ~~Make and promulgate regulations~~ Adopt rules necessary for the
2 execution of its powers and duties and of the powers and duties of all persons
3 under its supervision and control.

4 * * *

5 (9) ~~Make and promulgate regulations~~ Adopt rules regarding labeling and
6 advertising of malt or vinous beverages and spirituous liquors by adoption of
7 federal regulations or otherwise, and collaborate with federal agencies in
8 respect thereto and the enforcement thereof.

9 (10) ~~Make and promulgate regulations~~ Adopt rules relating to extension
10 of credit by and to licensees or permittees.

11 (11) ~~Make and promulgate regulations~~ Adopt rules regarding intrastate
12 transportation of malt and vinous beverages.

13 Sec. 81. 7 V.S.A. § 238(c) is amended to read:

14 (c) The Liquor Control Board shall ~~promulgate~~ adopt rules ~~or regulations~~
15 as it deems necessary to effectuate the purposes of this section.

16 Sec. 82. 7 V.S.A. § 807 is amended to read:

17 § 807. ~~RULES AND REGULATIONS; PROMULGATION~~ ADOPTION

18 The ~~liquor control board~~ Liquor Control Board shall ~~promulgate~~ adopt rules
19 ~~or regulations~~ as it deems necessary to effectuate the purposes of this chapter.

1 Sec. 83. 8 V.S.A. § 4160(a)(2) is amended to read:

2 (2) If the Association fails to submit a suitable plan of operation within
3 180 days following April 27, 1972 or if at any time thereafter the Association
4 fails to submit suitable amendments to the plan, the Commissioner shall, after
5 notice and hearing, adopt ~~and promulgate~~ such reasonable rules as are
6 necessary or advisable to effectuate the provisions of this subchapter. Such
7 rules shall continue in force until modified by the Commissioner or superseded
8 by a plan submitted by the Association and approved by the Commissioner.

9 Sec. 84. 8 V.S.A. § 4990 is amended to read:

10 § 4990. RULES; ENFORCEMENT

11 The Commissioner may ~~promulgate~~ adopt reasonable rules to carry out the
12 purposes of this chapter, and may suspend or revoke, after reasonable notice
13 and a hearing, the certificate of authority or license to transact the business of
14 insurance in this State of any member or other person that fails to comply with
15 the provisions of this chapter, rules ~~promulgated~~ adopted hereunder, or any
16 plan.

17 Sec. 85. 8 V.S.A. § 5102 is amended to read:

18 § 5102. APPLICATION; CERTIFICATION, FILING, AND LICENSE FEES

19 * * *

1 (b) Application for a certificate of authority shall be made to the
2 Commissioner and include such information and in such form as the
3 Commissioner prescribes, including the following:

4 * * *

5 (7) A description of the proposed method of marketing the plan, a
6 financial plan which includes a three-year projection of the initial operating
7 results anticipated, and a statement as to the sources of working capital as well
8 as any other sources of funding. The Commissioner shall ~~promulgate~~ adopt
9 such rules ~~and regulations~~ relating to financial reserves of the health
10 maintenance organization as he or she deems necessary. ~~Such regulations~~
11 These rules shall require financial reserves to be computed in relation to the
12 health maintenance organization's financial risks and the impact of those risks
13 on the health maintenance organization's ability to fulfill its contractual and
14 financial obligations to its members.

15 * * *

16 (e)(1) Continuance by the Commissioner of a certificate of authority issued
17 under this section shall be contingent upon satisfactory performance by the
18 organization as to the delivery, continuity, accessibility, and quality of the
19 services to which enrolled members are entitled, compliance with the

1 provisions of Vermont law and rules ~~and regulations promulgated~~ adopted
2 thereunder, and the continuing fiscal soundness of the organization.

3 * * *

4 Sec. 86. 8 V.S.A. § 5111 is amended to read:

5 § 5111. ~~REGULATIONS~~ RULES

6 The Commissioner may, after notice and hearing, ~~promulgate~~ adopt
7 reasonable rules ~~and regulations adopted~~ under 3 V.S.A. chapter 25, as are
8 necessary or proper to carry out the provisions of this chapter.

9 Sec. 87. 8 V.S.A. § 14407(b) is amended to read:

10 (b) In addition to any other rules ~~which~~ that the Commissioner finds
11 necessary or desirable for the administration of this section, the Commissioner
12 may ~~promulgate regulations~~ adopt rules on the following:

13 * * *

14 Sec. 88. 9 V.S.A. § 103(c) is amended to read:

15 (c) The Commissioner of Financial Regulation may ~~promulgate~~ adopt rules
16 specifying the form, content, and timing of commitment letters required by this
17 section. The Commissioner may order any person to make restitution to any
18 person injured as a result of a violation of this subchapter and may impose an
19 administrative penalty of up to \$1,000.00 for a violation of this subchapter.

20 The Commissioner may order any person to cease violating this subchapter.

1 Sec. 89. 9 V.S.A. § 104 is amended to read:

2 § 104. HIGH RATE LOANS

3 (a) The Commissioner may ~~promulgate~~ adopt disclosure rules for loans
4 secured by a first lien on residential real estate in which the borrower is
5 expected to be charged in excess of four points or interest in excess of three
6 percent over the rate established pursuant to 32 V.S.A. § 3108, or both, on the
7 loan. The rules may provide for restrictions on representations by the lender
8 regarding the disclosures required by the rules.

9 * * *

10 Sec. 90. 9 V.S.A. § 2461b(b) and (c) are amended to read:

11 (b) For the purpose of promoting business practices which are uniformly
12 fair to sellers and which protect consumers, the Attorney General shall
13 ~~promulgate~~ adopt necessary rules ~~and regulations~~, including notice prior to
14 disconnection, repayment agreements, minimum delivery, discrimination,
15 security deposits, and the assessment of fees and charges.

16 (c)(1) A violation of this section, or a rule ~~or regulation promulgated~~
17 adopted under this section not inconsistent with this section, shall constitute an
18 unfair and deceptive act in commerce in violation of section 2453 of this title.

19 (2) No contract for propane services shall contain any provision that
20 conflicts with the obligations and remedies established by this section or by

1 any rule ~~or regulation promulgated~~ adopted under this section, and any
2 conflicting provision shall be unenforceable and void.

3 Sec. 91. 9 V.S.A. § 2514(c) is amended to read:

4 (c) In addition to its other authority under Title 30, the Public Service
5 Board shall have the authority to regulate compliance with this section, and to
6 ~~promulgate~~ adopt any other ~~regulations~~ rules to protect consumers that the
7 ~~board~~ Board finds necessary and appropriate, and in accordance with this
8 chapter, including ~~regulations~~ rules concerning periodic notification of the
9 passage of time to a caller while using interactive pay-per-call services, and
10 ~~regulations~~ rules setting specific caps for any type of pay-per-call service.

11 Sec. 92. 9 V.S.A. § 3683a(d) is amended to read:

12 (d) The Agency of Transportation is authorized to ~~make and promulgate~~
13 adopt such ~~regulations~~ rules and standards as may, in its judgment, be
14 necessary to carry out the policy of this State as set forth in subchapter 2 of
15 chapter 93 of this title, provided ~~such regulations~~ the rules and standards are
16 not less restrictive than any national standards promulgated by the ~~United~~
17 ~~States~~ U.S. Secretary of Commerce pursuant to Title 23, ~~United States Code of~~
18 the U.S. Code, or any other appropriate officer or agency of the United States.

1 Sec. 93. 9 V.S.A. § 4113 is amended to read:

2 § 4113. INVENTORY REPORTING; CONFIDENTIALITY

3 (a) The Commissioner may ~~promulgate regulations which~~ adopt rules that
4 require any person owning or leasing primary storage facilities within the State
5 to report to the Commissioner data concerning storage, inventory, and product
6 receipts.

7 * * *

8 Sec. 94. 9 V.S.A. § 4133 is amended to read:

9 § 4133. PETROLEUM SET-ASIDE

10 (a) The Commissioner shall ~~promulgate~~ adopt rules establishing a
11 petroleum set-aside system for liquid fossil fuels. The fuel set-aside system
12 established pursuant to this chapter shall not go into effect in whole or in part
13 except where the federal government terminates, suspends, or fails to
14 implement all or part of the federal petroleum allocation program. After a
15 determination has been made by the Governor that the program is required to
16 meet a petroleum supply shortage within the State which will significantly
17 impair essential public services or essential economic activity, and after the
18 Governor has complied with any notice requirements and has received any
19 approval required by federal law, the Commissioner shall implement only that
20 portion of the State set-aside program necessary to prevent and alleviate any
21 energy hardships or shortages. The State set-aside program shall continue in

1 effect for no more than 90 days and shall terminate when the federal petroleum
2 allocation program is renewed or implemented or when the energy hardship or
3 shortage ceases to exist. Rules adopted by the Commissioner shall direct that
4 prime suppliers set aside an amount of liquid fossil fuel, as determined by the
5 Commissioner, which amount shall be a percentage of the monthly volume of
6 liquid fossil fuels which prime suppliers intend to sell into the State
7 distribution system for consumption within the State.

8 * * *

9 Sec. 95. 9 V.S.A. § 4174 is amended to read:

10 § 4174. VERMONT MOTOR VEHICLE ARBITRATION BOARD

11 * * *

12 (b) The Board shall ~~promulgate~~ adopt rules under the provisions of
13 3 V.S.A. chapter 25 to implement the provisions of this chapter.

14 * * *

15 Sec. 96. 10 V.S.A. § 555(c) is amended to read:

16 (c) Any person operating or responsible for the operation of an air
17 contaminant source emitting more than five tons of contaminants per year shall
18 register the source with the ~~secretary~~ Secretary and renew the registration
19 annually. Each day of operating an air contaminant source without a valid,
20 current registration shall constitute a separate violation and subject the operator
21 to a civil penalty not to exceed \$100.00 per violation. The ~~secretary~~ Secretary

1 shall, after notice and opportunity for public hearing, ~~promulgate~~ adopt rules to
2 carry out this section.

3 Sec. 97. 10 V.S.A. § 663 is amended to read:

4 § 663. ADMINISTRATION

5 (a) The ~~department of economic development~~ Department of Economic
6 Development, through the Vermont ~~department of tourism and marketing~~
7 Department of Tourism and Marketing, shall administer the travel promotion
8 matching funds program with such flexibility so as to bring about the most
9 effective and economical travel promotion program possible. The ~~department~~
10 ~~will promulgate~~ Department shall adopt rules and procedures necessary and
11 appropriate to the proper operation of the matching funds program. These
12 rules shall also establish which travel promotion organizations are eligible to
13 apply for matching funds.

14 (b) The ~~department will~~ Department shall make available complete
15 instructions as to the applicant's duties and responsibilities and ~~will~~ shall
16 establish forms necessary to carry out the purposes of this chapter.

17 Sec. 98. 10 V.S.A. § 1105 is amended to read:

18 § 1105. INSPECTION OF DAMS

19 The ~~state~~ State agency having jurisdiction shall employ an engineer to make
20 periodic inspections of nonfederal dams in the ~~state~~ State to determine their
21 condition and the extent, if any, to which they pose a potential or actual threat

1 to life and property, or shall ~~promulgate~~ adopt rules pursuant to ~~chapter 25 of~~
2 ~~Title 3~~ 3 V.S.A. chapter 25 to require an adequate level of inspection by an
3 independent registered engineer experienced in the design and investigation of
4 dams. The agency shall provide the owner with the findings of the inspection
5 and any recommendations.

6 Sec. 99. 10 V.S.A. § 2603(c)(1) is amended to read:

7 (c)(1) The Commissioner, subject to the direction and approval of the
8 Secretary, shall ~~promulgate~~ adopt and publish ~~regulations~~ rules in the name of
9 the Agency for the use of State forests, or park lands, including reasonable fees
10 or charges for the use of the lands, roads, camping sites, buildings, and other
11 facilities and for the harvesting of timber or removal of minerals or other
12 resources from such lands, notwithstanding 32 V.S.A. § 603.

13 Sec. 100. 10 V.S.A. § 6608a is amended to read:

14 § 6608a. ECONOMIC POISONS

15 (a) The ~~commissioner of agriculture, food and markets~~ Secretary of
16 Agriculture, Food and Markets shall be responsible for and have the authority
17 to implement and enforce those statutes enacted by the ~~general assembly~~
18 General Assembly, including ~~but not limited to~~ sections 6610a and 6612 of this
19 title, and, those rules ~~and regulations~~ concerning the generation, transportation,
20 treatment, storage, and disposal of economic poisons which are ~~promulgated~~
21 adopted by the ~~secretary~~ Secretary of Natural Resources in order to operate a

1 hazardous waste management program that is equivalent to the federal
2 program under Subtitle C of the Resource Conservation and Recovery Act of
3 1976 and amendments thereto, codified as 42 U.S.C. Chapter 82, subchapter 3.
4 Procedures and funding for the interdepartmental implementation of a waste
5 economic poison management program shall be established between the
6 ~~secretary~~ Secretary of Natural Resources and the ~~commissioner of agriculture,~~
7 ~~food and markets~~ Commissioner of Agriculture, Food and Markets.

8 (b) The ~~secretary~~ Secretary of Natural Resources shall not ~~promulgate~~
9 ~~adopt~~ rules ~~or regulations~~ concerning the management of waste economic
10 poisons ~~which~~ that are more stringent than the statutory and regulatory
11 requirements under Subtitle C of the Resource Conservation and Recovery Act
12 of 1976 without the concurrence of the ~~commissioner of agriculture, food and~~
13 ~~markets~~ Secretary of Agriculture, Food and Markets.

14 * * *

15 Sec. 101. 10 V.S.A. § 6608b is amended to read:

16 § 6608b. RADIOACTIVE WASTES MIXED WITH HAZARDOUS
17 WASTES

18 (a) The ~~commissioner of health~~ Commissioner of Health shall be
19 responsible for and have the authority to implement and enforce those statutes
20 enacted by the ~~general assembly~~ General Assembly, including ~~but not limited~~
21 ~~to~~ sections 6610a and 6612 of this title, and, those rules ~~and regulations~~

1 concerning the generation, transportation, treatment, storage, and disposal of
2 radioactive wastes mixed with hazardous wastes which are ~~promulgated~~
3 adopted by the ~~secretary~~ Secretary in order to operate a hazardous waste
4 management program that is equivalent to the federal program under Subtitle C
5 of the Resource Conservation and Recovery Act of 1976 and amendments
6 thereto, codified as 42 U.S.C. Chapter 82, subchapter 3. Procedures and
7 funding for the interdepartmental implementation of a mixed radioactive waste
8 management program shall be established between the ~~secretary~~ Secretary and
9 the ~~commissioner of health~~ Commissioner of Health.

10 (b) The ~~secretary~~ Secretary shall not ~~promulgate~~ adopt rules ~~or regulations~~
11 concerning the management of radioactive wastes mixed with hazardous
12 wastes ~~which~~ that are more stringent than the statutory and regulatory
13 requirements under Subtitle C of the Resource Conservation and Recovery Act
14 of 1976 without the concurrence of the ~~commissioner of health~~ Commissioner
15 of Health.

16 * * *

17 Sec. 102. 11 V.S.A. § 926 is amended to read:

18 § 926. REDEMPTION

19 Scrip shall not be issued unless its redemption is secured by:

20 * * *

21 (3) Deposits in banks having their principal place of business within this
22 ~~state~~ State and approved by the ~~commissioner~~ Commissioner. Scrip may not

1 be issued against the security of such deposits to an amount in excess of
2 one-third of the principal of such deposits assigned to the scrip corporation.
3 The ~~commissioner~~ Commissioner may ~~promulgate~~ adopt rules limiting the
4 percentage and maximum amount and providing for the minimum amounts
5 exceeding the usual percentage of any single bank deposit which may be so
6 assigned as security. Such amount and percentages may be varied with respect
7 to the class of deposits, whether savings or commercial or on certificate of
8 deposit, and also with respect to the amount of such deposits.

9 Sec. 103. 11 V.S.A. § 927 is amended to read:

10 § 927. LIMITATION OF AMOUNT OF SCRIP ISSUED

11 The ~~commissioner~~ Commissioner may ~~promulgate~~ adopt rules ~~and~~
12 ~~regulations~~ governing and limiting the amount of scrip which may be issued
13 against any one or all of the classes of security mentioned in section 926 of this
14 title.

15 Sec. 104. 18 V.S.A. § 102 is amended to read:

16 § 102. DUTIES OF BOARD

17 The ~~board~~ Board shall supervise and direct the execution of all laws vested
18 in the ~~department of health~~ Department of Health by virtue of this title, and
19 shall formulate and carry out all policies relating thereto, and shall ~~make and~~
20 ~~promulgate~~ adopt such rules ~~and regulations~~ as are necessary to administer this
21 title and shall make a biennial report with recommendations to the ~~governor~~

1 ~~Governor~~ and to the ~~general assembly~~ General Assembly. The ~~board~~ Board
2 may delegate such powers and assign such duties to the ~~commissioner~~
3 Commissioner as it may deem appropriate and necessary for the proper
4 execution of provisions of this title. The authority of the ~~board~~ Board to ~~make~~
5 ~~and promulgate~~ adopt the rules ~~and regulations~~ shall extend to all matters
6 relating to the preservation of the public health and consistent with the duties
7 and responsibilities of the ~~board~~ Board. The ~~board's~~ Board's jurisdiction over
8 sewage disposal includes emergent conditions which create a risk to the public
9 health as a result of sewage treatment and disposal, or its effects on water
10 supply, but does not include rulemaking on design standards for on-site sewage
11 disposal systems.

12 Sec. 105. 18 V.S.A. § 112 is amended to read:

13 § 112. CIRCULARS OF INFORMATION

14 The ~~board~~ Board shall prepare and distribute to local boards of health,
15 physicians, and other persons such printed circulars as it deems necessary and
16 such rules ~~and regulations~~ as the ~~board~~ Board may ~~promulgate~~ adopt and, upon
17 request of the ~~board~~ Board, the ~~commissioner~~ Commissioner thereof shall give
18 information relative to the cause and prevention of disease and directions as to
19 modes of management, quarantine, and means of prevention of contagious and
20 infectious diseases.

1 Sec. 106. 18 V.S.A. § 1908 is amended to read:

2 § 1908. RULES; EXCEPTIONS

3 (a) The licensing agency shall adopt, ~~promulgate,~~ and enforce rules,
4 ~~regulations,~~ and standards with respect to the different types of hospitals to be
5 licensed hereunder as may be designed to further the accomplishment of the
6 purposes herein set forth; such rules, ~~regulations~~ and standards shall be
7 modified, amended, or rescinded from time to time by the licensing agency as
8 may be in the public interest.

9 (b) No such rules, ~~regulations,~~ and standards shall be adopted or enforced
10 which would have the effect of denying a license to a hospital solely by reason
11 of the school or system of practice employed or permitted to be employed by
12 physicians therein; provided that such school or system of practice is
13 recognized by the laws of the ~~state~~ State. Provided, however, that no
14 ~~regulation~~ rule or requirement shall be made under this chapter for any hospital
15 conducted for those who rely upon treatment by spiritual means or prayer in
16 accordance with the creed or tenets of any recognized church or religious
17 denomination, except as to the sanitary and safe condition of the premises,
18 cleanliness of operation, and its physical equipment.

1 Sec. 107. 18 V.S.A. § 4051(6) is amended to read:

2 (6)(A) The term “device” (except when used in subdivision (18) of this
3 section and in ~~sections~~ subdivisions 4052(10), 4060(6), ~~4064(e)~~ 4064(3), and
4 4067(3) of this title) means instruments, apparatus, and contrivances, including
5 their components, parts, and accessories, intended:

6 (6)(i) for use in the diagnosis, cure, mitigation, treatment, or
7 prevention of disease in ~~man~~ humans or other animals; or (B) to affect the
8 structure of any function of the body of man or other animals. The term
9 “device” shall not mean professional diagnostic instruments.

10 (6)(ii) to affect the structure of any function of the body of ~~man~~
11 humans or other animals.

12 (6)(B) The term “device” shall not mean professional diagnostic
13 instruments.

14 Sec. 108. 18 V.S.A. § 4053 is amended to read:

15 § 4053. ~~REGULATIONS~~ RULES AND HEARINGS

16 (a) The authority to enforce this chapter is vested in the ~~board~~ Board. The
17 ~~board~~ Board shall from time to time for the efficient enforcement of this
18 chapter ~~promulgate regulations~~ adopt rules after public hearing following due
19 notice at least ten days in advance of the hearings to interested persons.

20 * * *

1 Sec. 109. 18 V.S.A. § 4058 is amended to read:

2 § 4058. ~~REGULATIONS~~ RULES; STANDARDS

3 Whenever in the judgment of the ~~board~~ Board such action will promote
4 honesty and fair dealing in the interest of consumers, the ~~board~~ Board shall
5 ~~promulgate regulations~~ adopt rules fixing and establishing for any food or class
6 of food a reasonable definition and standard of identity, or reasonable standard
7 of quality or fill of container. In prescribing a definition and standard of
8 identity for any food or class of food in which optional ingredients are
9 permitted, the ~~board~~ Board shall, for the purpose of promoting honesty and fair
10 dealing in the interest of consumers, designate the optional ingredients which
11 shall be named on the label. The definitions and standard so ~~promulgated~~
12 adopted shall conform so far as practicable to the definitions and standards
13 promulgated under authority of the federal act.

14 Sec. 110. 18 V.S.A. § 4061(a) is amended to read:

15 § 4061. REGULATIONS OF PERMITS; INVESTIGATION

16 (a) Whenever the ~~board~~ Board finds after investigation that the distribution
17 in Vermont of any class of food may, by reason of contamination with
18 micro-organisms during manufacture, processing, or packing thereof in any
19 locality, be injurious to health, and that the injurious nature cannot be
20 adequately determined after the articles have entered commerce, it then, and in
21 that case only, shall ~~promulgate regulations~~ adopt rules providing for the

1 issuance to manufacturers, processors, or packers of that class of food in that
2 locality, of permits to which shall be attached such conditions governing the
3 manufacture, processing, or packing of that class of food and for such
4 temporary period of time, as may be necessary to protect the public health; and
5 after the effective date of the ~~regulations~~ rules and during the temporary
6 period, no person shall introduce or deliver for introduction into commerce any
7 such food manufactured, processed, or packed by any such manufacturer,
8 processor, or packer unless the manufacturer, processor, or packer holds a
9 permit issued by the ~~board~~ Board as provided by the ~~regulations~~ rules.

10 Sec. 111. 18 V.S.A. § 4062 is amended to read:

11 § 4062. SUBSTANCES ADDED TO FOOD; ~~REGULATIONS~~ RULES

12 Any poisonous or deleterious substance added to any food except where the
13 substance is required in the production thereof or cannot be avoided by good
14 manufacturing practice, shall be deemed to be unsafe for purposes of the
15 application of subdivision 4059(1)(B) of this title; but when the substance is so
16 required or cannot be so avoided, the ~~board~~ Board shall ~~promulgate regulations~~
17 adopt rules limiting the quantity therein or thereon to such extent as the ~~board~~
18 Board finds necessary for the protection of public health, and any quantity
19 exceeding the limits so fixed shall also be deemed to be unsafe for purposes of
20 the application of subdivision 4059(1)(B) of this title. While such a ~~regulation~~
21 rule is in effect limiting the quantity of any such substance in the case of any

1 food, the food shall not, by reason of bearing or containing any added amount
2 of the substance, be considered to be adulterated within the meaning of
3 subdivision 4059(1)(A) of this title. In determining the quantity of the added
4 substance to be tolerated in or on different articles of food, the ~~board~~ Board
5 shall take into account the extent to which the use of the substance is required
6 or cannot be avoided in the production of each such article and the other ways
7 in which the consumer may be affected by the same or other poisonous or
8 deleterious substances.

9 Sec. 112. 18 V.S.A. § 4064 is amended to read:

10 § 4064. MISBRANDED DRUGS OR DEVICE

11 A drug or device is misbranded²:

12 ~~(a)~~(1) If its labeling is false or misleading in any particular.

13 ~~(b)~~(2) If in package form unless it bears a label containing:

14 ~~(1)~~(A) the name and place of business of the manufacturer, packer, or
15 distributor; and

16 ~~(2)~~(B) an accurate statement of the quantity of the contents in terms
17 of weight, measure, or numerical count; provided, that under this subdivision
18 ~~(2)~~(B) reasonable variations shall be permitted, and exemptions as to small
19 packages shall be established by ~~regulations prescribed~~ rules adopted by the
20 ~~board~~ Board.

1 ~~(e)~~(3) If any word, statement, or other information required by or under
2 authority of this chapter to appear on the labeling is not prominently placed
3 thereon with such conspicuousness (as compared with other words, statements,
4 designs, or devices, in the labeling) and in such terms as to render it likely to
5 be read and understood by the ordinary individual under customary conditions
6 of purchase and use.

7 ~~(d)~~(4) If it is for use by ~~man~~ humans and contains any quantity of the
8 narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine,
9 bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin,
10 ~~marihuana~~ marijuana, morphine, opium, paraldehyde, peyote, sulphonmethane
11 or other recognized narcotic or hypnotic substances or any chemical derivative
12 of those substances, which derivative has been by the ~~board~~ Board, after
13 investigation, found to be, and by ~~regulations~~ rules under this chapter,
14 designated as, habit forming, unless its label bears the name and quantity or
15 proportion of the substance or derivative and in juxtaposition therewith the
16 statement “warning—may be habit forming.”

17 ~~(e)~~(5) If it is a drug and is not designated solely by a name recognized in
18 an official compendium unless its label bears:

19 ~~(1)~~(A) the common or usual name of the drug, if such there be; and

20 ~~(2)~~(B) in case it is fabricated from two or more ingredients, the
21 common or usual name of each active ingredient including the kind and

1 quantity or proportion of any alcohol, and also including whether active or not
2 the name and quantity or proportion of any bromides, ether, chloroform,
3 acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine,
4 hyoscyamine, arsenic, digitalis, glucosides, mercury, ouabain, strophanthin,
5 strychnine, thyroid, or other synthetic compounds, or any derivative or
6 preparation of any of those substances, contained therein; provided, that to the
7 extent that compliance with the requirements of this subdivision ~~(2)(B)~~ is
8 impracticable, exemptions shall be established by ~~regulations promulgated~~
9 rules adopted by the ~~board~~ Board.

10 ~~(6)~~ Unless its labeling bears:

11 ~~(1)(A)~~ adequate directions for use; and

12 ~~(2)(B)~~ such adequate warnings against use in those pathological
13 conditions or by children where its use may be dangerous to health, or against
14 unsafe dosage or methods or duration of administration or application, in such
15 manner and form, as are necessary for the protection of users; provided, that
16 where any requirement of this ~~subdivision (1) of this subsection~~, as applied to
17 any drug or device, is not necessary for the protection of the public health, the
18 ~~board~~ Board shall ~~promulgate regulations~~ adopt rules exempting the drug or
19 device from the requirements.

20 ~~(7)~~ If it purports to be a drug the name of which is recognized in an
21 official compendium, unless it is packaged and labeled as prescribed th erein;

1 provided, that the method of packing may be modified with consent of the
2 ~~board~~ Board. Whenever a drug is recognized in both the ~~United States~~ U.S.
3 Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it
4 shall be subject to the requirements of the ~~United States~~ U.S. Pharmacopoeia
5 with respect to packaging and labeling unless it is labeled and offered for sale
6 as a homeopathic drug, in which case it shall be subject to the provisions of the
7 Homeopathic Pharmacopoeia of the United States, and not to those of the
8 ~~United States~~ U.S. Pharmacopoeia.

9 ~~(h)~~(8) If it has been found by the ~~board~~ Board to be a drug liable to
10 deterioration, unless it is packaged in such form and manner, and its label bears
11 a statement of such precautions, as the ~~board~~ Board shall by ~~regulations~~ rule
12 require as necessary for the protection of public health. No such ~~regulation~~
13 rule shall be established for any drug recognized in an official compendium
14 until the ~~board~~ Board informs the appropriate body charged with the revision
15 of the compendium of the need for the packaging or labeling requirements and
16 that body fails within a reasonable time to prescribe the requirements.

17 ~~(i)~~(1)(9)(A) If it is a drug and its container is so made, formed, or filled
18 as to be misleading;

19 ~~(2)~~(B) if it is an imitation of another drug; or

20 ~~(3)~~(C) if it is offered for sale under the name of another drug.

1 ~~(10)~~ If it is dangerous to health when used in the dosage, or with the
2 frequency or duration prescribed, recommended, or suggested in the labeling
3 thereof.

4 ~~(11)~~ If ~~(1)~~ it is a drug sold at retail and contains any quantity of
5 aminopyrine, barbituric acid, cinchophen, pituitary, thyroid, or their
6 derivatives; ~~or (2)~~ it is a drug or device sold at retail and its label (as originally
7 packed) directs that it is to be dispensed or sold only on prescription, unless it
8 is dispensed or sold on a written prescription signed by a practitioner who is
9 licensed by law to administer the drug or device and its label (as dispensed)
10 bears the name and place of business of the dispenser or seller, the serial
11 number and date of the prescription, and the name of the licensed practitioner.
12 Those prescriptions shall not be refilled except on the specific authorization of
13 the prescribing practitioner, provided, that where any requirement of this
14 subsection, as applied to any drug or device, is not necessary for the protection
15 of the public health, the ~~board~~ Board shall ~~promulgate regulations~~ adopt rules
16 exempting the drug or device from the requirement.

17 ~~(12)~~ A drug sold on a written prescription signed by a member of the
18 medical, dental, or veterinary profession (except a drug sold in the course of
19 the conduct of a business of selling drugs pursuant to diagnosis by mail) shall
20 be exempt from the requirement of this section if²:

1 ~~(1)(A)~~ the member of the medical, dental, or veterinary profession is
2 licensed by law to administer the drug or recognized synthetic compounds; and

3 ~~(2)(B)~~ the drug bears a label containing the name and place of
4 business of the seller, the serial number and date of the prescription, and the
5 name of the member of the medical, dental, or veterinary profession.

6 Sec. 113. 18 V.S.A. § 4069 is amended to read:

7 § 4069. ~~REGULATIONS~~ RULES; AUTHORITY

8 (a) The authority to ~~promulgate regulations~~ adopt rules for the efficient
9 enforcement of this chapter is hereby vested in the ~~board~~ Board. The ~~board~~
10 Board may make the ~~regulations promulgated~~ rules adopted under this chapter
11 conform, insofar as practicable, with those promulgated under the federal act.

12 (b) Hearings authorized or required by this chapter shall be conducted by
13 the ~~board~~ Board or such officer, agent, or employee as the ~~board~~ Board may
14 designate for the purpose.

15 (c) Before ~~promulgating~~ adopting any ~~regulations~~ rules contemplated by
16 section 4058; 4060(10); 4061; ~~4064(d), (f), (g), (h), and (k)~~ 4064(4), (6), (7),
17 (8), and (11); or 4068(b) of this title, the ~~board~~ Board shall give appropriate
18 notice of the proposal and of the time and place for a hearing. The ~~regulation~~
19 rule so ~~promulgated~~ adopted shall ~~become effective~~ take effect on a date fixed
20 by the ~~board~~ Board, which date shall not be earlier than 60 days after its
21 ~~promulgation~~ adoption. The ~~regulation~~ rule may be amended or repealed in the

1 same manner as is provided for its adoption, except that in the case of a
2 ~~regulation rule~~ amending or repealing any such ~~regulation rule~~ the ~~board~~
3 Board, to such extent as it deems necessary in order to prevent undue hardship,
4 may disregard the foregoing provisions regarding notice, hearing, or effective
5 date.

6 Sec. 114. 18 V.S.A. § 4442 is amended to read:

7 § 4442. ~~REGULATIONS~~ RULES AND INSPECTION BY STATE BOARD
8 OF HEALTH

9 The ~~board~~ Board shall ~~promulgate~~ adopt and enforce rules ~~and regulations~~
10 as the public health may require in respect to the sanitary conditions of
11 bakeries as defined herein. The ~~board~~ Board is hereby authorized to inspect
12 any such bakery at all reasonable times through its duly appointed officers,
13 inspectors, agents, or assistants.

14 Sec. 115. 18 V.S.A. § 4471 is amended to read:

15 § 4471. CANNABIS THERAPEUTIC RESEARCH PROGRAM;
16 ESTABLISHMENT; PARTICIPATION

17 (a) There is established in the ~~department of health~~ Department of Health
18 the cannabis therapeutic research program. The program shall be administered
19 by the ~~commissioner of health~~ Commissioner of Health who shall ~~promulgate~~
20 adopt rules ~~and regulations~~ necessary to enable physicians entitled to prescribe
21 regulated drugs under chapter 84 of this title to prescribe cannabis. In

1 ~~promulgating~~ adopting such rules ~~and regulations~~, the ~~department~~ Department
2 shall take into consideration those pertinent rules and regulations promulgated
3 by the federal Drug Enforcement Agency, the federal Food and Drug
4 Administration, and the National Institute on Drug Abuse.

5 * * *

6 Sec. 116. 18 V.S.A. § 8101(b) is amended to read:

7 (b) The ~~commissioner~~ Commissioner shall ~~promulgate~~ adopt, pursuant to
8 3 V.S.A. chapter 25, ~~regulations which~~ rules that set forth in detail the levels of
9 income, resources, expenses, and family size at which persons are deemed able
10 to pay given amounts for the care and treatment of a patient, and the
11 circumstances, if any, under which the rates of payment so established may be
12 waived or modified. A copy of the payment schedule so ~~promulgated~~ adopted
13 shall be made available in the admissions office at the Vermont State Hospital
14 or its successor in interest.

15 Sec. 117. 19 V.S.A. § 1109 is amended to read:

16 § 1109. AGENCY OF TRANSPORTATION RULES ON ABUSE OF
17 HIGHWAYS

18 The ~~agency of transportation~~ Agency of Transportation shall ~~promulgate~~
19 adopt rules as it deems necessary to prevent the abuse of any highway or
20 portion of a highway during any period of any season of the year.

1 Sec. 118. 19 V.S.A. § 2104 is amended to read:

2 § 2104. RULES

3 The ~~agency~~ Agency is authorized to ~~promulgate~~ adopt rules consistent with
4 federal regulations necessary to administer this chapter.

5 Sec. 119. 21 V.S.A. § 224 is amended to read:

6 § 224. RULES AND STANDARDS

7 (a) The ~~commissioner~~ Commissioner shall ~~make and promulgate~~ adopt
8 rules and standards necessary to implement the purposes and duties set forth in
9 this subchapter insofar as they relate to safety, and to enforcement of the
10 VOSHA Code.

11 (b) The ~~secretary of human services~~ Secretary of Human Services shall
12 ~~make and promulgate~~ adopt rules and standards necessary to implement the
13 purposes of the VOSHA Code and duties thereunder, insofar as they relate to
14 health. The ~~secretary of human services~~ Secretary of Human Services shall
15 furnish the ~~department~~ Department certified copies of the rules made under this
16 subsection, and the rules shall be published under the rules of the ~~department~~
17 Department by the ~~secretary of state~~ Secretary of State.

18 * * *

1 Sec. 120. 21 V.S.A. § 1359 is amended to read:

2 § 1359. ADMINISTRATION OF UNEMPLOYMENT COMPENSATION

3 FUND

4 (a) The ~~fund~~ Fund shall be administered in trust and used solely to pay
5 benefits and refunds upon vouchers drawn on the ~~fund~~ Fund by the
6 ~~commissioner~~ Commissioner pursuant to this chapter and to such rules ~~and~~
7 ~~regulations~~ as the ~~board~~ Board is authorized to ~~promulgate~~ adopt, except that
8 money credited to this ~~state's~~ State's account under ~~section~~ Section 903 of the
9 Social Security Act, as amended, shall be used exclusively as provided in
10 subsection (b) of this section. There shall be maintained within ~~said fund~~ the
11 Fund three separate fund accounts; (1) a clearing account; (2) an
12 unemployment trust fund account; and (3) a benefit account. All ~~moneys~~
13 monies payable to the ~~fund~~ Fund upon receipt thereof shall be immediately
14 deposited in the clearing account, and, after clearance thereof, shall, except that
15 ~~said moneys~~ the monies may be expended for the payment of refunds under
16 this chapter, be deposited immediately with the ~~secretary of the treasury of the~~
17 ~~United States of America~~ U.S. Secretary of the Treasury to the credit of the
18 unemployment trust fund account of the ~~state~~ State of Vermont in the
19 unemployment trust fund established and maintained pursuant to the act of
20 Congress designated as the Social Security Act, as amended. The
21 ~~commissioner~~ Commissioner shall requisition from ~~said~~ the Vermont

1 unemployment trust fund account such amounts from time to time as are
2 necessary for and to be used solely in the payment of benefits and refunds
3 under this chapter. ~~Such~~ The requisitioned sums shall be deposited in the
4 benefit account. Any ~~moneys~~ monies so withdrawn shall not be used for
5 expenses of administration or any purpose other than the payment of benefits
6 and refunds under this chapter. Requirements with respect to specific
7 appropriation or other formal release by ~~state~~ State officers of ~~moneys~~ monies
8 belonging to the ~~state~~ State shall not be applicable to withdrawals from ~~said~~
9 ~~fund~~ the Fund.

10 Sec. 121. 23 V.S.A. § 304a(f) is amended to read:

11 (f) Persons who have a temporary ambulatory disability may apply for a
12 temporary removable windshield placard to the Commissioner on a form
13 prescribed by him or her. The placard shall be valid for a period of up to six
14 months and displayed as required under the provisions of subsection (c) of this
15 section. The application shall be signed by a licensed physician, certified
16 physician assistant, or licensed advanced practice registered nurse. The
17 validation period of the temporary placard shall be established on the basis of
18 the written recommendation from a licensed physician, certified physician
19 assistant, or licensed advanced practice registered nurse. The Commissioner
20 shall ~~promulgate~~ adopt rules to implement the provisions of this subsection.

1 Sec. 122. 23 V.S.A. § 801 is amended to read:

2 § 801. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED

3 (a) The Commissioner shall require proof of financial responsibility to
4 satisfy any claim for damages, by reason of personal injury to or the death of
5 any person, of at least \$25,000.00 for one person and \$50,000.00 for two or
6 more persons killed or injured and \$10,000.00 for damages to property in any
7 one accident, as follows:

8 (1) From a person who is convicted of any of the following violations of
9 this title:

10 * * *

11 (G) Any moving violation as defined in section 4 of this title if the
12 person has five points assessed against the person's license at the time the
13 moving violation occurs. At the time a ticket or a citation for a moving
14 violation is issued, the law enforcement officer shall give the defendant an
15 insurance verification certificate, which shall not be an SR-22 certificate. The
16 defendant shall complete the certificate and mail or deliver it to the
17 Commissioner within 21 days of being issued the ticket or citation. The
18 Commissioner shall prescribe the form of the insurance verification certificate
19 and administer the insurance verification process by ~~promulgating~~ adopting

1 rules and may, pursuant to 3 V.S.A. chapter 25, ~~promulgate~~ adopt rules to
2 administer the insurance verification process.

3 * * *

4 Sec. 123. 23 V.S.A. § 1006a(c) is amended to read:

5 (c) Under 3 V.S.A. chapter 25, the Traffic Committee shall ~~make and~~
6 ~~promulgate~~ adopt such rules as are necessary to administer this section and
7 may delegate this authority to the Agency of Transportation.

8 Sec. 124. 24 V.S.A. § 2206(c) is amended to read:

9 (c) The ~~secretary~~ Secretary shall ~~promulgate~~ adopt rules pursuant to ~~chapter~~
10 ~~25 of Title 3~~ 3 V.S.A. chapter 25 to implement the provisions of this section.

11 Sec. 125. 24 V.S.A. § 5104(b) is amended to read:

12 (b) The authority shall be a body politic and corporate with the powers
13 incident to a municipal corporation under the laws of the State of Vermont
14 consistent with the purposes of the authority, and may exercise all powers
15 necessary, appurtenant, convenient, or incidental to the carrying out of its
16 functions, including the following:

17 * * *

18 (12) to ~~prescribe and promulgate~~ adopt necessary rules ~~and regulations;~~

19 * * *

1 Sec. 126. 24 V.S.A. § 5125(b) is amended to read:

2 (b) The district may exercise all powers necessary, appurtenant,
3 convenient, or incidental to the carrying out of its functions, including, ~~but not~~
4 ~~limited to~~, the following:

5 * * *

6 (7) to ~~prescribe and promulgate~~ adopt necessary rules and regulations;

7 * * *

8 Sec. 127. 24 V.S.A. App. chapter 127 § 104 is amended to read:

9 § 104. ADDITIONAL POWERS

10 The general grant of authority in section 103 of this chapter shall include
11 the following:

12 * * *

13 (13) The enumeration of powers herein shall not be deemed to limit the
14 general grant of authority to ~~promulgate~~ adopt ordinances conferred by section
15 103 of this Charter.

16 Sec. 128. 24 V.S.A. App. chapter 801 § 4(c) is amended to read:

17 (c) The Authority is granted the authority to exercise all powers necessary,
18 appurtenant, convenient, or incidental to the carrying out of the aforesaid
19 purposes, including the following rights and powers:

20 * * *

1 (b) The ~~director~~ Director shall not:

2 (2) ~~Promulgate~~ Adopt any rules and ~~regulations~~ specifically designed to
3 limit the number of opticians in this ~~state~~ State.

4 * * *

5 Sec. 131. 28 V.S.A. § 505 is amended to read:

6 § 505. COOPERATION OF CORRECTIONAL FACILITY OFFICIALS

7 (a) The ~~board~~ Board shall ~~promulgate regulations~~ adopt rules regarding and
8 shall direct, control, and supervise the administration of a system of paroles
9 from any appropriate correctional facility.

10 * * *

11 Sec. 132. 28 V.S.A. § 903 is amended to read:

12 § 903. ACCESS TO TREATMENT PENDING APPEAL; RULE

13 Treatment, assessment, evaluation, screening, or programming shall not be
14 restricted or denied to inmates on the basis of any anticipated or pending direct
15 or collateral appeal of any criminal conviction, nor on the basis of any position
16 taken by the appellant in any such action. The ~~commissioner~~ Commissioner
17 shall ~~promulgate~~ adopt rules pursuant to ~~chapter 25 of Title 3~~ 3 V.S.A. chapter
18 25 regarding the confidentiality of communications by an inmate made for the
19 purposes of treatment, assessment, evaluations, screening, or programming
20 while an appeal is pending. This provision neither expands nor contracts the

1 duty of the ~~commissioner~~ Commissioner to adopt rules pursuant to ~~chapter 25~~
2 ~~of Title 3~~ 3 V.S.A. chapter 25.

3 Sec. 133. 29 V.S.A. § 152 is amended to read:

4 § 152. DUTIES OF COMMISSIONER

5 (a) The Commissioner of Buildings and General Services, in addition to the
6 duties expressly set forth elsewhere by law, shall have the authority to:

7 * * *

8 (14) ~~The Commissioner of Buildings and General Services may~~
9 ~~promulgate~~ Adopt rules and regulations to govern access to and conduct upon
10 the grounds of and within the structures and buildings which fall within his or
11 her jurisdiction. Specifically, and without limitation of the foregoing, the
12 Commissioner is empowered to ~~promulgate~~ adopt rules governing access to
13 property; littering; alcoholic beverages and narcotics; soliciting, debt collection
14 and campaigning; photographs for advertising or commercial purposes; pets
15 and animals; and firearms and explosives while in State buildings under his or
16 her jurisdiction or upon the grounds of these buildings, and in or upon property
17 leased to the State and under the jurisdiction of the Commissioner.

18 * * *

19 (30) Provide services to the traveling public, lease space, sell products,
20 and conduct any other activities within limits set forth in the federal Surface
21 Transportation Act and Randolph-Sheppard Act and rules ~~promulgated~~

1 adopted thereunder, to administer the information and welcome centers; and
2 use funds generated in the centers to supplement funds for maintaining and
3 operating the centers.

4 * * *

5 Sec. 134. 30 V.S.A. § 11 is amended to read:

6 § 11. PLEADINGS; RULES OF PRACTICE; FINDINGS OF FACT

7 (a) The forms, pleadings, and rules of practice and procedure before the
8 Board shall be prescribed by it. The Board shall ~~promulgate and~~ adopt rules
9 which include, among other things, provisions that:

10 * * *

11 Sec. 135. 31 V.S.A. § 654 is amended to read:

12 § 654. POWERS AND DUTIES

13 The ~~commission~~ Commission shall ~~promulgate~~ adopt rules pursuant to
14 ~~chapter 25 of Title 3~~ 3 V.S.A. chapter 25, governing the establishment and
15 operation of the ~~state~~ State lottery. The rules may include, ~~but shall not be~~
16 ~~limited to~~, the following:

17 * * *

18 Sec. 136. 33 V.S.A. § 1913(10) is amended to read:

19 (10) “Units sold” means the number of individual cigarettes sold in the
20 State by the applicable tobacco product manufacturer (whether directly or
21 through a distributor, retailer, or similar intermediary or intermediaries) during

1 the year in question, as measured by excise taxes collected by the State on
2 packs (or “roll-your-own” tobacco containers) bearing the excise tax stamp of
3 the State. The Department of Taxes shall ~~promulgate regulations~~ adopt rules
4 as are necessary to ascertain the amount of the State excise tax paid on the
5 cigarettes of such tobacco product manufacturer for each year.

6 Sec. 137. 33 V.S.A. § 1922 is amended to read:

7 § 1922. QUARTERLY ESCROW DEPOSITS

8 To promote compliance with the provisions of this subchapter, the Attorney
9 General may ~~promulgate regulations~~ adopt rules requiring a nonparticipating
10 manufacturer to make the escrow deposits required by subchapter 1A of this
11 chapter in quarterly installments during the year in which the sales covered by
12 such deposits are made.

13 * * * Miscellaneous Technical Corrections * * *

14 Sec. 138. 2 V.S.A. § 264b(b) is amended to read:

15 (b) Every lobbying firm shall file a disclosure report on the same day as
16 lobbyist disclosure reports are due under subsection 264(a) of this title which
17 shall include:

18 * * *

19 (4) Contractual agreements in excess of \$100.00 per year or direct
20 business relationships that are in existence or were entered into within the
21 previous 12 months between the lobbying firm and:

1 (A) a legislator or administrator;

2 (B) a legislator's or administrator's spouse ~~or civil union partner~~; or

3 * * *

4 Sec. 139. 3 V.S.A. § 212 is amended to read:

5 § 212. DEPARTMENTS CREATED

6 The following administrative departments are hereby created, through the
7 instrumentality of which the Governor, under the Constitution, shall exercise
8 such functions as are by law assigned to each Department respectively:

9 (1) The Department of Mental Health

10 (2) ~~The Agency of Agriculture, Food and Markets~~ [Repealed.]

11 (3) The Department of Financial Regulation

12 (4) The Department of Corrections

13 (5) The Department of ~~Economic~~, Housing, and Community
14 Development

15 (6) [Repealed.]

16 (7) [Repealed.]

17 (8) The Department of Fish and Wildlife

18 (9) The Department of Forests, Parks and Recreation

19 (10) The Department of Health

20 (11) ~~The Department of Highways~~ [Repealed.]

21 (12) The Department of Labor

- 1 (13) The Department of Libraries
- 2 (14) The Department of Liquor Control
- 3 (15) [Repealed.]
- 4 (16) The Military Department
- 5 (17) The Department of Motor Vehicles
- 6 (18) The Department of Public Safety
- 7 (19) The Department of Public Service
- 8 (20) The Department for Children and Families
- 9 (21) The Department of Taxes
- 10 (22) The Department of Environmental Conservation-
- 11 (23) The Department of Disabilities, Aging, and Independent Living
- 12 (24) The Department of Vermont Health Access.

13 Sec. 140. 3 V.S.A. § 253 is amended to read:

14 § 253. DEPUTY OFFICERS

15 * * *

16 (c)(1) The Commissioner of Financial Regulation, with the approval of the
17 ~~governor~~ Governor, shall appoint a Deputy Commissioner of Banking, a
18 Deputy Commissioner of Insurance, a Deputy Commissioner of Captive
19 Insurance, and a Deputy Commissioner of Securities, ~~and a Deputy~~
20 ~~Commissioner of Health Care Administration~~. The Commissioner of Financial
21 Regulation may remove the deputy commissioners at pleasure and shall be

1 responsible for their acts. The functions and duties that relate to banks and
2 banking shall be in the charge of the Deputy Commissioner of Banking; those
3 that relate to the business of insurance shall be in the charge of the Deputy
4 Commissioner of Insurance; those that relate to the business of captive
5 insurance shall be in the charge of the Deputy Commissioner of Captive
6 Insurance; and those that relate to the business of securities shall be in the
7 charge of the Deputy Commissioner of Securities; ~~and those that relate to~~
8 ~~health care administration shall be in the charge of the Deputy Commissioner~~
9 ~~of Health Care Administration.~~

10 (2) In the case of a vacancy in the Office of the Commissioner of
11 Financial Regulation, one of the deputies appointed by the Commissioner shall
12 assume and discharge the duties of that office until the vacancy is filled or the
13 Commissioner returns.

14 (d) In case a vacancy occurs in the office of any appointing official who by
15 law is authorized to appoint a deputy, or such official is absent, his or her
16 deputy shall assume and discharge the duties of such office until ~~such~~ the
17 vacancy is filled; or ~~such~~ the official returns. ~~In the case of a vacancy in the~~
18 ~~office of the Commissioner of Financial Regulation, one of the deputies~~
19 ~~appointed by the Commissioner shall assume and discharge the duties of that~~
20 ~~office until the vacancy is filled or the Commissioner returns. In case a~~
21 ~~vacancy occurs in the office of the Secretary of Agriculture, Food and Markets,~~

1 ~~the Deputy Commissioner for administration and enforcement shall assume~~
2 ~~and discharge the duties of the Secretary until such vacancy is filled, or the~~
3 ~~Secretary returns.~~

4 (e)(1) The Secretary of Agriculture, Food and Markets, with the approval
5 of the Governor, shall appoint a Deputy ~~Commissioner for administration and~~
6 ~~enforcement~~ Secretary. The Secretary of Agriculture, Food and Markets may
7 remove the Deputy ~~Commissioner~~ Secretary at pleasure, and he or she shall be
8 responsible for the Deputy ~~Commissioner's~~ Secretary's acts. The Agency of
9 Agriculture, Food and Markets shall be so organized that, subject to the
10 supervision of the Secretary of Agriculture, Food and Markets, the functions
11 and duties that relate to administration and enforcement shall be in the charge
12 of the Deputy ~~Commissioner of Administration and Enforcement~~ Secretary.

13 (2) In case a vacancy occurs in the Office of the Secretary of
14 Agriculture, Food and Markets, the Deputy Secretary shall assume and
15 discharge the duties of the Secretary until the vacancy is filled or the Secretary
16 returns.

17 * * *

18 Sec. 141. 6 V.S.A. § 981 is amended to read:

19 § 981. ADOPTION OF COMPACT

20 * * *

1 (g) The Insurance Fund may accept for any of its purposes and functions
2 under this compact any and all donations, and grants of money, equipment,
3 supplies, materials, and services, conditional or otherwise, from any state, the
4 United States, or any other governmental agency, or from any person, firm,
5 association, or corporation, and may receive, utilize, and dispose of the same.
6 Any donation, gift, or grant accepted by the governing board pursuant to this
7 subsection or services borrowed pursuant to subsection (h) of this article shall
8 be reported in the annual report of the Insurance Fund. The report shall
9 include the nature, amount, and conditions, if any, of the donation, gift, grant,
10 or services borrowed and the identity of the donor or lender.

11 * * *

12 (i) The Insurance Fund annually shall make to the Governor and
13 Legislature of each party state a report covering its activities for the preceding
14 year. The Insurance Fund may make such additional reports to the Governor
15 and Legislature of party states as it may deem desirable.

16 * * *

17 Sec. 142. 6 V.S.A. § 2777(f) is amended to read:

18 (f) Producers selling ~~6~~ more than 87.5 gallons to 280 gallons (more than
19 350 to 1,120 quarts) of unpasteurized milk per week shall meet the

1 requirements of subsections (a) through (d) of this section as well as the
2 following standards:

3 * * *

4 Sec. 143. 9 V.S.A. § 2480ff(b) is amended to read:

5 (b) Not less than 20 days prior to the scheduled hearing on any application
6 for approval of a transfer of structured settlement payment rights under section
7 2480dd of this title, the transferee shall file with the court and serve on all
8 interested parties a notice of the proposed transfer and the application for its
9 authorization, including with such notice:

10 (1) a copy of any court order approving the settlement;

11 (2) a written description of the underlying basis for the settlement;

12 (3) a copy of the transferee's application;

13 (4) a copy of the transfer agreement;

14 (5) a copy of the disclosure statement required under section ~~2481b~~

15 2480cc of this title;

16 * * *

17 Sec. 144. 9 V.S.A. § 4502(f) is amended to read:

18 (f) It is a violation of this section for a public accommodation to fail to
19 comply with the provisions or rules pertaining to public buildings pursuant to
20 ~~21 V.S.A. chapter 4~~ 20 V.S.A. chapter 174.

1 Sec. 145. 12 V.S.A. § 4634(b) is amended to read:

2 (b) The report required by subsection (a) of this section shall not disclose
3 the mediator's assessment of any aspect of the case or substantive matters
4 discussed during the mediation, except as is required to report the information
5 required by this section. The report shall contain all of the following items:

6 * * *

7 (6)(A) A statement as to whether any person required under subsection
8 4633(d) of this title to participate in the mediation failed to:

9 * * *

10 Sec. 146. 20 V.S.A. § 2056h is amended to read:

11 § 2056h. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
12 DEPARTMENT OF FINANCIAL REGULATION

13 (a) The Department of Financial Regulation shall obtain from the Vermont
14 Crime Information Center a Vermont criminal record, an out-of-state criminal
15 record, and a record from the Federal Bureau of Investigation (FBI) ~~or~~ for any
16 applicant for a banking division examiner position who has given written
17 authorization, on a release form prescribed by the Center, pursuant to the
18 provisions of this subchapter and the user's agreement filed by the
19 Commissioner of Financial Regulation with the Center. The user's agreement
20 shall require the Department to comply with all federal and State statutes,
21 rules, regulations, and policies regulating the release of criminal history

1 records, and the protection of individual privacy. The user's agreement shall
2 be signed and kept current by the Commissioner. Release of interstate and FBI
3 criminal history records is subject to the rules and regulations of the FBI's
4 National Crime Information Center.

5 * * *

6 Sec. 147. 20 V.S.A. § 3550(h) is amended to read:

7 (h) The civil penalty shall be paid to the enforcing agency or enforcing
8 legislative body. If the respondent fails to pay the penalty within the time
9 prescribed, the legislative body or Secretary may bring a collection action ~~in~~
10 ~~Small Claims Court or~~ including a small claims action, in the Civil Division of
11 the Superior Court.

12 Sec. 148. 24 V.S.A. § 1173 is amended to read:

13 § 1173. TOWN OR VILLAGE REPORTS

14 The clerk of a municipality shall supply annually each library in such
15 municipality with two copies of the municipal report, upon its publication.

16 The clerk shall also send to the State Library ~~two copies~~ one copy thereof, and
17 one copy each to the Secretary of State, Commissioner of Taxes, State Board
18 of Health, Commissioner for Children and Families, Commissioner of
19 Vermont Health Access, Auditor of Accounts, and Board of Education.

20 Officers making these reports shall supply the clerk of the municipality with

1 the ~~printed~~ copies necessary for him or her to comply with the provisions of
2 this section and section 1174 of this title.

3 Sec. 149. 24 App. V.S.A. chapter 129 § 306 is amended to read:

4 § 306. APPOINTED OFFICERS

5 (a) The Selectboard shall appoint:

6 (1) Planning Commission

7 (2) Zoning Board of Adjustment

8 (3) Cemetery Commission

9 (4) Chittenden County Regional Planning Commission member

10 (5) Chittenden ~~Regional~~ Solid Waste District member

11 (6) Civil Defense Director

12 (b) The Selectboard may appoint such additional officers, commissions, or
13 committees as they feel to be in the best interest of the Town, including:

14 (1) Fire Warden

15 (2) Collector of Taxes

16 (3) Tree Warden

17 (4) Constable

18 * * *

1 Sec. 150. 30 V.S.A. § 53(d)(4) is amended to read:

2 (4) Provision of a certificate as required by subdivision (1) of this
3 subsection and of a certificate as required by subdivision (2) of this subsection
4 shall be conditions precedent to:

5 * * *

6 (B) issuance by a municipality of a certificate of occupancy for
7 ~~residential construction~~ commercial construction commencing on or after
8 July 1, 2013, if the municipality requires such a certificate under 24 V.S.A.
9 chapter 117.

10 * * *

11 Sec. 151. 30 V.S.A. § 248(g) is amended to read:

12 (g) ~~However, notwithstanding the above~~ Notwithstanding the 45 days'
13 notice required by subsection (f) of this section, plans involving the relocation
14 of an existing transmission line within the State must be submitted to the
15 municipal and regional planning commissions no less than 21 days prior to
16 application for a certificate of public good under this section.

17 Sec. 152. REPEALS

18 The following shall be repealed on July 1, 2015:

19 (1) 9 V.S.A. § 4502(f) (regarding requiring a public accommodation to
20 comply with provisions or rules for public buildings pursuant to 21 V.S.A.
21 chapter 4).

1 (2) 15 V.S.A. § 1101(6) (including a reciprocal beneficiary in the
2 definition of “family” for purposes of abuse prevention).

3 (3) 18 V.S.A. § 1853 (reciprocal beneficiary’s patient visitation and
4 health care decision-making rights).

5 (4) 18 V.S.A. § 5087(c) (referencing birth information council report).

6 (5) 18 V.S.A. § 5220 (reciprocal beneficiary’s decision-making rights
7 over a decedent’s remains).

8 (6) 33 V.S.A. § 102(10) (defining Secretary to mean Secretary of U.S.
9 Department of Health and Human Services).

10 Sec. 153. INTERPRETATION

11 It is the intent of the General Assembly that the technical amendments in
12 this act shall not supersede substantive changes contained in other acts passed
13 by the General Assembly. Where possible, the amendments in this act shall be
14 interpreted to be supplemental to other amendments to the same sections of
15 statute; to the extent the provisions conflict, the substantive changes in other
16 acts shall take precedents over the technical changes in this act.

17 Sec. 154. EFFECTIVE DATE

18 This act shall take effect on July 1, 2015.