

No. 113. An act relating to technical corrections.

(H.843)

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

Sec. 1. 1 V.S.A. § 314 is amended to read:

§ 314. PENALTY AND ENFORCEMENT

(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting ~~for which provision is herein made,~~ subject to this subchapter shall be guilty of a misdemeanor and shall be fined not more than \$500.00.

* * *

Sec. 2. 3 V.S.A. § 311 is amended to read:

§ 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

(a) The classified service to which this chapter shall apply shall include all positions and categories of employment by the State, except as otherwise provided by law, and except the following:

(1) The State Legislature and its employees and other officers elected by popular vote or by vote of the Legislature and persons appointed to fill vacancies in elective offices.

* * *

(13) ~~Town service officers appointed under 33 V.S.A. § 2102.~~

[Repealed.]

* * *

Sec. 3. 3 V.S.A. § 801 is amended to read:

§ 801. SHORT TITLE AND DEFINITIONS

(a) This chapter may be cited as the “Vermont Administrative Procedure Act.”

(b) As used in this chapter:

* * *

(11) “Adopting authority” means, for agencies ~~which~~ that are attached to the Agencies of Administration, of Commerce and Community Development and Community Affairs, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components, the commissioners of those departments; and for other agencies, the chief officer of the agency. However, for the procedural rules of boards with quasi-judicial powers, for the Transportation Board, for the Vermont Veterans’ Memorial Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or executive secretary of the board shall be the adopting authority. The Secretary of State shall be the adopting authority for the Office of Professional Regulation.

* * *

Sec. 4. 3 V.S.A. § 2473 is amended to read:

§ 2473. DIVISION FOR HISTORIC PRESERVATION

The Division ~~of~~ for Historic Preservation is created within the Department of Housing and Community Development as the successor to and the continuation of the Board of Historic Sites and the Division of Historic Sites.

Sec. 5. 5 V.S.A. § 202 is amended to read:

§ 202. DEFINITIONS

As used in this part of this title, unless the context otherwise requires, the following definitions shall apply:

(1) “Aeronautics” means the science, art, and practice of flight, including transportation by aircraft and matters relating to air commerce; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and aircraft accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities; and air instruction.

* * *

Sec. 6. 5 V.S.A. § 207 is amended to read:

§ 207. REGISTRATION; LICENSES, CERTIFICATE OF APPROVAL

(a) The Board is authorized to approve airport and restricted landing area sites or other air navigation facilities in accordance with rules to be adopted by

the Board. Certificates of approval shall be granted for airports and restricted landing areas ~~which~~ that were being operated on or before July 1, 1945.

* * *

(h) In emergency circumstances, the Agency may suspend temporarily, and in nonemergency circumstances, the Board may revoke both temporarily and permanently, any certificate of approval when it shall determine that an airport, restricted landing area, or other air navigation facility is not being maintained or used in accordance with the provisions of this chapter and the rules ~~promulgated~~ adopted. A person aggrieved by a temporary suspension issued by the Agency may appeal to the Board within 30 days ~~of~~ after the Agency's decision. Unless otherwise ordered by the Board, the temporary suspension shall remain in effect pending final determination of the appeal.

* * *

Sec. 7. 5 V.S.A. § 207a is amended to read:

§ 207a. CARRYING AND INSPECTION OF AIRMAN LICENSE

The federal license, certificate, or permit shall be kept in the personal possession of the airman when operating within this State and must be presented for inspection upon the demand of a passenger; a peace officer of this State; an authorized official, or employee of the Agency; or an official, manager, or person in charge of any airport in this State upon which ~~there is a landing~~ it shall land. The federal aircraft license, certificate, or permit must be carried in every aircraft operating in this State at all times and must be

presented for inspection upon the demand of a passenger; a peace officer of this State; an authorized official; or employee of the Agency; or an official, manager, or person in charge of any airport in this State upon which it shall land.

Sec. 8. 5 V.S.A. § 208 is amended to read:

§ 208. INSPECTION

To carry out the provisions of this part, the Board or any ~~member~~, of its members; the Secretary or officers, or employees of the Agency; and any ~~officers~~, State or municipal, officers charged with the duty of enforcing this part may inspect and examine at reasonable hours any premises, and the buildings and other structures, where airports, restricted landing areas, air schools, flying clubs, or other air navigation facilities or aeronautical activities are operated or carried on.

Sec. 9. 5 V.S.A. § 1019 is amended to read:

§ 1019. CONDEMNATION, APPEALS

* * *

(c) If any corporation, subject to regulation as a public service corporation pursuant to Title 30 or as a common carrier or railroad pursuant to ~~parts~~ part 3 or 4 of this title, is aggrieved by the adoption of airport zoning regulations, or by a direction to lower, remove, reconstruct, or equip a structure, or by taking of its property or rights in property, or by refusal to grant a variance permit, within 30 days after the adoption, direction, taking, or refusal, the corporation

may appeal to the Public Utility Commission or the Transportation Board, as appropriate, and if after notice and a hearing, the appropriate ~~board~~ Commission or Board determines that the public safety, necessity, and convenience will be best served by the amendment or annulment of the regulation, direction, or taking, it may order the regulation, direction, or taking to be amended or annulled, or may grant a variance permit as prescribed in sections 1011-1013 of this title.

Sec. 9a. 5 V.S.A. § 2001 is amended to read:

§ 2001. TRANSPORTATION OF HAZARDOUS MATERIALS

(a) The Secretary of Transportation is authorized to promote safety in the transportation of hazardous materials by all modes of transportation, and furthermore:

(1) Is authorized to make rules, under 3 V.S.A. chapter 25, governing transportation of hazardous materials. ~~“Hazardous materials” are~~ As used in this section, “hazardous matterials” means those substances or materials in such quantity and form ~~which~~ that may pose an unreasonable risk to health and safety or property when transported in commerce; by all modes. For purposes of this section, hazardous materials ~~may include~~ includes explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases. These rules shall be no less protective of public safety than the rules promulgated by the federal government with respect to the

transportation of hazardous materials but no rule shall prohibit a person between ~~the ages of~~ 18 to 21 years of age from operating a motor vehicle transporting hazardous materials.

* * *

Sec. 10. 5 V.S.A. § 3478 is amended to read:

§ 3478. ORGANIZATION OF RAILROAD CORPORATIONS;
CONTINUATION OF EXISTING CORPORATIONS

* * *

(b) Any domestic railroad corporation in existence ~~on the effective date of this act~~ before July 1, 1994 shall continue in existence and shall not be required to file new or amended articles of incorporation or to obtain a new or amended charter to continue its corporate existence.

(c) Any foreign railroad corporation authorized to do business in this State ~~on the effective date of this act~~ before July 1, 1994 shall continue to be authorized to do business in this State, and shall not be required to obtain a new or amended certificate of authority.

* * *

Sec. 11. 5 V.S.A. § 3529 is amended to read:

§ 3529. WHEN OWNER IS AN INFANT OR HAS AN INTELLECTUAL
OR PSYCHIATRIC DISABILITY

When the owner of the land or estate is an infant, or lacks capacity to protect his or her interests due to an intellectual or psychiatric disability, or

does not reside in this State, or is not known, the corporation shall cause the damages sustained by the owner to be determined in the manner ~~heretofore~~ described in this subchapter, and shall pay the same to the lawful owner when demanded, with interest thereon. Such damages and interest shall be a specific lien upon the real estate of such corporation, and be preferred before any other demand against such corporation.

Sec. 12. 5 V.S.A. § 3639 is amended to read:

§ 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION
AND MAINTENANCE

(a) A person or corporation owning or operating a railroad shall construct and maintain farm crossings of the road for the use of the proprietors of lands adjoining the railroad, and cattle guards at all farm and road crossings sufficient to prevent cattle and animals from getting on the railroad. A farm crossing may be temporarily or permanently closed or discontinued by mutual agreement between all parties having an interest therein. If no such mutual agreement can be reached by such interested parties, then a person or corporation owning or operating a railroad and desiring to close any farm crossing shall make application to the Transportation Board. The Board shall thereupon give notice to all parties interested, in such manner as the Board may direct, of hearing on ~~such the~~ application, ~~such the~~ hearing to be in the county where such crossing is located. After ~~such the~~ hearing, a person or corporation owning or operating a railroad shall not close such farm crossing

without the approval of the Transportation Board. A person aggrieved by the closing of a farm crossing after January 1, 1955; by a person or corporation owning or operating a railroad may notify the Transportation Board by registered or certified mail of ~~such~~ the closing, and thereupon ~~such~~ the Board shall conduct a hearing. Notice and place of hearing shall be as hereinbefore provided. The Transportation Board may require the reopening of any such crossing and make such other order as is permitted in section 3649 of this title. At any such hearing, the burden of proof shall rest with the person or persons effecting or seeking to effect the closing of such farm crossing. Any person aggrieved by an order of the Transportation Board may, in accordance with Rule ~~75~~ 74 of the Vermont Rules of Civil Procedure, appeal to the Superior Court, whereupon such cause shall be tried as an original action brought under the provisions of 12 V.S.A. § 402.

* * *

Sec. 13. 5 V.S.A. § 3670 is amended to read:

§ 3670. CLEARANCE STANDARDS; VARIANCE

* * *

(d) Notwithstanding this section, tracks, bridges, and structures lawfully in existence (or already under construction) ~~on the effective date of this act~~ before July 1, 1990 may continue to be used and repaired, provided that clearances are not further reduced.

Sec. 14. 6 V.S.A. § 238 is redesignated to read:

§ 238. ~~REGULATIONS~~ RULES

Sec. 15. 6 V.S.A. § 333 is amended to read:

§ 333. PENALTIES

(a) Any person who violates any provision of this chapter, the rules ~~promulgated~~ adopted under this chapter, or an order of the Secretary made pursuant to this chapter shall be subject to a criminal fine not to exceed \$1,000.00. Each violation shall be a separate and distinct offense and in the case of a continuing violation each day's continuance shall be deemed a separate and distinct offense.

(b) A State's Attorney or the Attorney General to whom any violation is reported may cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

* * *

Sec. 16. 6 V.S.A. § 355 is amended to read:

§ 355. ENFORCEMENT; ~~REGULATIONS~~ RULES; INSPECTORS

The Secretary of Agriculture, Food and Markets, through the ~~division of markets~~ Division of Business Development, shall enforce the provisions of this chapter and shall establish such rules ~~and regulations~~ and employ such inspectors as are deemed necessary and advisable. Such duly appointed inspectors shall have free access at all reasonable hours to any building or

other place wherein it is reasonable to believe eggs are being sold, offered, or exposed for sale.

Sec. 17. 6 V.S.A. § 363 is amended to read:

§ 363. DEFINITIONS

~~When~~ As used in this chapter:

* * *

(7) “Guaranteed analysis” means:

* * *

(B) in reference to agricultural lime or agricultural liming material, the minimum percentages of calcium oxide and magnesium oxide ~~and/or~~ or calcium carbonate and the calcium carbonate equivalent, or both, as claimed by the manufacturer or producer of the product.

* * *

Sec. 18. 6 V.S.A. § 365 is amended to read:

§ 365. LABELS

* * *

(c)(1) If the Secretary finds that a requirement for expressing calcium and magnesium in elemental form would not impose an economic hardship on distributors and users of agricultural liming materials by reason of conflicting label requirements among states, he or she may require by rule that the minimum percent of calcium oxide and magnesium oxide ~~and/or~~ or calcium

carbonate and magnesium carbonate, or both, shall be expressed in the following terms:

- Total Calcium (Ca) percent
- Total Magnesium (Mg) percent

* * *

Sec. 19. [Deleted.]

Sec. 20. 6 V.S.A. § 911 is amended to read:

§ 911. DEFINITIONS

~~For the purpose of~~ As used in this chapter:

* * *

(14) “Labeling” means all labels and other written, printed, or graphic matter:

(A) ~~Upon~~ upon the economic poison or any of its containers or wrappers;

(B) ~~Accompanying~~ accompanying the economic poison at any time; or

(C) ~~To~~ to which reference is made on the label or in literature accompanying the economic poison, except when accurate, nonmisleading reference is made to current official publications of the ~~United States~~ U.S. Department of Agriculture or of the Interior, the ~~United States~~ U.S. Public Health service Service, state experiment stations, state agricultural colleges, or other similar federal institutions or official agencies of

this State or other states authorized by law to conduct research in the field of economic poisons.

* * *

Sec. 21. 6 V.S.A. § 921 is amended to read:

§ 921. SEIZURE AND CONDEMNATION

Any economic poison that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be liable to be proceeded against in any Superior Court of the State where it may be found and seized for confiscation by process of libel for condemnation:

(1) ~~If~~ if it is adulterated or misbranded;

(2) ~~If~~ if it has not been registered under the provisions of section 918 of this title;

(3) ~~If~~ if it fails to bear on its label the information required by this chapter; or

(4) ~~If~~ if it is a white powder economic poison and is not colored as required under this chapter.

Sec. 22. 6 V.S.A. § 1030 is amended to read:

§ 1030. DEFINITIONS

Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context:

* * *

(13) “Quarantine” means a legal declaration by the Secretary to prevent the spread of highly injurious plant pests ~~which~~ that specifies the plant pest, plants, parts of plants, plant products ~~or the~~ regulated articles, conditions governing movement, the area or areas quarantined, and any exemptions.

* * *

Sec. 23. 6 V.S.A. § 1035 is amended to read:

§ 1035. PERMITS

No person ~~may~~ shall sell, offer for sale, barter, expose, move, transport, deliver, ship, or offer for shipment into or within this State any plant pest or biological control agent in any living stage without first obtaining ~~either~~ a federal permit, where applicable, and a State permit from the Secretary. A State permit may only be issued after it has been determined by the Secretary that the plant pests or biological control agents are not injurious, are generally present already, or are for scientific purposes subject to specified safeguards.

Sec. 24. 6 V.S.A. § 1104 is amended to read:

§ 1104. POWERS OF SECRETARY

The Secretary in furtherance of the purposes of this chapter may:

* * *

(11) Enter into reciprocal agreements with appropriate pesticide control agencies of other states or the federal government for the acceptance of licensing and certification of pesticide applicators and operators, provided their standards and administration are substantially equal to the standards

established by the Secretary under the provisions of this chapter and the rules ~~thereto~~ adopted under this chapter.

* * *

Sec. 25. 6 V.S.A. § 1677 is amended to read:

§ 1677. PENALTIES

A person who violates any of the provisions of or who fails to perform any duty imposed by this chapter or who violates any rule ~~or regulation~~ adopted hereunder under this chapter shall be assessed an administrative penalty under section 15 of this title. Each day upon which such violation occurs constitutes a separate offense. In addition thereto, the person may be enjoined from further violation.

Sec. 26. 6 V.S.A. § 2672 is amended to read:

§ 2672. DEFINITIONS

As used in this ~~part~~ chapter, the following terms have the following meanings:

* * *

(21) “Drug” or “drugs” mean:

(A) articles recognized in the official U.S. Pharmacopeia, official Homeopathic Pharmacopeia of the ~~U.S.~~ United States, or official National Formulary, or ~~supplement thereto~~ its supplement;

* * *

(22) Definitions and standards of milk products not ~~herein~~ defined in this section shall be those established by federal agencies and published in the Code of Federal Regulations.

* * *

Sec. 27. 6 V.S.A. § 2701 is amended to read:

§ 2701. RULES

(a) The Secretary, in accordance with 3 V.S.A. chapter 25, shall adopt, and may amend and rescind, dairy sanitation rules relating to dairy products to enforce this chapter, including labeling, weighing, measuring and testing facilities, buildings, equipment, methods, procedures, health of animals, health and capability of personnel, and quality standards. In addition, the uniform regulation for sanitation requirements, as adopted by the National Conference on Interstate Milk Shippers, and published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Grade A Pasteurized Milk Ordinance (PMO), ~~together with amendments, supplements, and revisions thereto~~ as amended, supplemented, or revised, are adopted as part of this chapter, except as modified or rejected by rule. When adherence to the PMO is deemed unreasonable by the Agency for non-Grade “A” products, the most current version of the Recommended Requirements of the U.S. Department of Agriculture, Agricultural Marketing Service, Milk for Manufacturing Purposes and its Production and Processing may be used.

* * *

Sec. 28. 6 V.S.A. § 2705 is amended to read:

§ 2705. REVOCATION OF LICENSES

* * *

(b) If the Secretary is unable to secure compliance with the provisions of this part and the ~~regulations promulgated~~ rules adopted thereunder, he or she shall report the matter to the Attorney General, together with all relevant information. Except as provided in section 2881 of this title, the Attorney General shall take such action as the public interest requires, including injunctions or prosecution in any court of competent jurisdiction.

Sec. 29. 6 V.S.A. § 2742 is amended to read:

§ 2742. DAIRY FARMS

Before a dairy farm may sell or offer for sale, milk to a handler, and at least once a year thereafter, the Secretary shall inspect or cause to be inspected all dairy farms as to their premises, equipment, dairy animals, procedures, and sanitation conditions. He or she may enter into reciprocal agreements with or accept the inspection reports of appropriate dairy sanitation agencies of other states, municipalities, or the federal government in lieu of inspection by the Secretary, provided their standards and administration are substantially equal to the standards established by the Secretary under the provisions of this part. All milk producers shall comply with all state-federal-cooperative livestock disease control ~~and/or~~ or eradication programs.

Sec. 30. 6 V.S.A. § 2927 is amended to read:

§ 2927. INTERSTATE CONFERENCES AND COMPACTS

The ~~commission~~ Commission shall have power to confer and agree with legally constituted similar boards or authorities of other states, or agencies of the federal government, and to adopt necessary regulations to effect a uniformity in regulation and assure an adequate and proper supply of fluid dairy products in Vermont; also to confer with similar boards or other authorities of other states or of the United States with respect to uniform milk control of milk produced in this State and handled in interstate commerce and may exercise all the powers hereunder for such purpose as well as, but not limited by, the following powers:

* * *

(4) To provide for classification of milk in accordance with the form in which it is used or moved with uniform minimum prices or methods of fixing such prices for each class; for payment to all producers and associations of producers delivering milk to handlers of uniform prices irrespective of the use made by the handler to whom delivered, subject to adjustments for grade, location, and butterfat content; for adjustment by the handlers with the joint agent in order to ensure uniformity in and equalization of prices as between producers and handlers; compensation for services to producers; and to make such joint regulations by compact or otherwise as may be incidental to the

foregoing and not inconsistent thereto and as may be necessary to effectuate the ~~above-mentioned~~ powers enumerated in this section.

Sec. 31. 6 V.S.A. § 3021 is amended to read:

§ 3021. DEFINITIONS

As used in this chapter:

* * *

(15) “Person” shall include all corporations, partnerships, associations, societies, individuals or group of individuals or any employee, servant, or agent acting for or employed by any person as ~~above~~ defined in this subdivision.

Sec. 32. 6 V.S.A. § 3305 is amended to read:

§ 3305. ADDITIONAL POWERS OF THE SECRETARY

In order to accomplish the objectives stated in section 3303 of this title, the Secretary may:

* * *

(8) Adopt rules as necessary for the efficient execution of the provisions of this chapter, including rules of practice providing opportunity for hearing in connection with issuance of orders under subdivision 3304(5) or subdivision (1), (2), or (3) of this section and establishing a procedure for proceedings in these cases. This shall not preclude a requirement that a label or container be withheld from use, or a refusal of inspection under subdivision 3304(5) or subdivision (1) or (3) of this section pending issuance of a final order in any

proceeding. The federal meat inspection regulations and federal poultry inspection regulations of the U.S. Department of Agriculture, Title 9, Code of Federal Regulations, Chapter 3, 9 CFR §§ 300.1 et seq., together with any amendments, supplements, ~~and~~ or revisions thereto, are adopted as part of this chapter.

* * *

Sec. 33. 6 V.S.A. § 3318 is amended to read:

§ 3318. INVESTIGATION; RECORD KEEPING

(a) The Secretary shall also have power:

* * *

(2) ~~to~~ To require, by general or special orders, persons engaged in intrastate commerce to file with the Secretary, in the form that the Secretary may prescribe, annual ~~and/or~~ or special reports or answers in writing to specific questions. The person filing the reports or answers shall furnish the Secretary with any information he or she may require as to the organization, business, conduct, practices, management, and relation to other persons. The reports and answers shall be made under oath, or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within a reasonable period as the Secretary may prescribe, unless additional time is granted by the Secretary.

* * *

Sec. 34. 6 V.S.A. § 4032 is amended to read:

§ 4032. COOPERATION WITH OTHER GOVERNMENT AGENCIES

The Secretary may enter into agreements or programs with other government agencies to allow movement of nursery stock or to implement federal ~~and/or~~ or state quarantines as the Secretary deems necessary or are required under federal or state law.

Sec. 35. 6 V.S.A. § 4810 is amended to read:

§ 4810. AUTHORITY; COOPERATION; COORDINATION

* * *

(d) Cooperation and coordination. The Secretary of Agriculture, Food and Markets shall coordinate with the Secretary of Natural Resources in implementing and enforcing programs, plans, and practices developed for reducing and eliminating agricultural non-point source pollutants and discharges from concentrated animal feeding operations. On or before July 1, 2016, the Secretary of Agriculture, Food and Markets and the Secretary of Natural Resources shall revise the memorandum of understanding for the non-point program describing program administration, grant negotiation, grant sharing, and how they will coordinate watershed planning activities to comply with ~~Public Law~~ Pub. L. No. 92-500. The memorandum of understanding shall describe how the agencies will implement the antidegradation implementation policy, including how the agencies will apply the antidegradation implementation policy to new sources of agricultural non-point

source pollutants. The Secretary of Agriculture, Food and Markets and the Secretary of Natural Resources shall also develop a memorandum of understanding according to the public notice and comment process of 10 V.S.A. § 1259(i) regarding the implementation of the federal ~~concentrated animal feeding operation program~~ Concentrated Animal Feeding Operation Program and the relationship between the requirements of the federal ~~program~~ Program and the State agricultural water quality requirements for large, medium, and small farms under this chapter. The memorandum of understanding shall describe ~~program~~ Program administration, permit issuance, an appellate process, and enforcement authority and implementation. The memorandum of understanding shall be consistent with the federal National Pollutant Discharge Elimination System permit regulations for discharges from concentrated animal feeding operations. The allocation of duties under this chapter between the Secretary of Agriculture, Food and Markets and the Secretary of Natural Resources shall be consistent with the Secretary's duties, established under the provisions of 10 V.S.A. § 1258(b), to comply with ~~Public Law~~ Pub. L. No. 92-500. The Secretary of Natural Resources shall be the State lead person in applying for federal funds under ~~Public Law~~ Pub. L. No. 92-500, but shall consult with the Secretary of Agriculture, Food and Markets during the process. The agricultural non-point source program may compete with other programs for competitive watershed projects funded from federal funds. The Secretary of Agriculture, Food and Markets shall be

represented in reviewing these projects for funding. Actions by the Secretary of Agriculture, Food and Markets under this chapter concerning agricultural non-point source pollution shall be consistent with the water quality standards and water pollution control requirements of 10 V.S.A. chapter 47 and the federal Clean Water Act as amended. In addition, the Secretary of Agriculture, Food and Markets shall coordinate with the Secretary of Natural Resources in implementing and enforcing programs, plans, and practices developed for the proper management of composting facilities when those facilities are located on a farm. On or before January 15, 2016, the Secretary of Agriculture, Food and Markets and the Secretary of Natural Resources shall each develop three separate measures of the performance of the agencies under the memorandum of understanding required by this subsection. Beginning on January 15, 2017, and annually thereafter, the Secretary of Agriculture, Food and Markets and the Secretary of Natural Resources shall submit separate reports to the Senate Committee on Agriculture, the House Committee on Agriculture and Forestry, the Senate Committee on Natural Resources and Energy, and the House Committee on ~~Fish, Wildlife and Water Resources~~ Natural Resources, Fish, and Wildlife regarding the success of each agency in meeting the performance measures for the memorandum of understanding.

Sec. 36. 6 V.S.A. § 4810a is amended to read:

§ 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION

(a) On or before September 15, 2016, the Secretary of Agriculture, Food and Markets shall file under 3 V.S.A. § 841 a final proposal of a rule amending the required agricultural practices in order to improve water quality in the State, assure practices on all farms eliminate adverse impacts to water quality, and implement the small farm certification program required by section 4871 of this title. At a minimum, the amendments to the required agricultural practices shall:

* * *

(2)(A) Except as authorized under subdivision (C) of this subdivision
(2) prohibit a farm from stacking or piling manure, storing fertilizer, or storing other nutrients on the farm:

* * *

(C) The Secretary may authorize one or more of the following:

(i) siting of manure stacking or piling sites, fertilizer storage, or other nutrient storage within 200 feet, but not less than 100 feet, of a private well or surface water if the Secretary determines that the site is the best available site on the farm for the purposes of protecting groundwater quality or surface water quality; and

(ii) siting of a waste storage facility within 200 feet of a surface water or private well if the site is the best available site on the farm for the

purposes of protecting groundwater quality or surface water quality and the waste storage facility is designed by a licensed engineer to meet the requirements of section 4815 of this title.

* * *

Sec. 37. 6 V.S.A. § 4858 is amended to read:

§ 4858. MEDIUM FARM OPERATION PERMITS

* * *

(e) Operating fee. A person required to obtain a permit or coverage under this section shall submit an annual operating fee of \$1,500.00 to the Secretary. The fees collected under this section shall be deposited in the Agricultural Water Quality Special Fund under section 4803 of this title.

Sec. 38. 7 V.S.A. § 213 is amended to read:

§ 213. LICENSEE EDUCATION

* * *

(c)(1) Each licensee, permittee, or common carrier certificate holder shall ensure that every employee who is involved in the delivery, sale, or serving of alcoholic beverages completes a training program approved by the Department of Liquor Control before the employee begins delivering, serving, or selling alcoholic beverages and at least once every 24 months thereafter. Each licensee shall maintain written documentation, signed by each employee trained, of each training program conducted.

* * *

Sec. 39. 7 V.S.A. § 223 is amended to read:

§ 223. THIRD-CLASS LICENSES

(a)(1) The Liquor Control Board may grant to a person who operates a hotel, restaurant, club, boat, or railroad dining car, or who holds a manufacturer's or rectifier's license, a third-class license if the person files an application accompanied by the fee provided in section 204 of this title for the premises in which the business of the hotel, restaurant, ~~or club, or~~ manufacturer or rectifier is carried on or for the boat or railroad dining car.

* * *

Sec. 40. 7 V.S.A. § 256 is amended to read:

§ 256. PROMOTIONAL TASTINGS FOR LICENSEES

* * *

(c)(1) Upon receipt of a first- or second-class application by the Department, a holder of a wholesale dealer's license may dispense malt or vinous beverages for promotional purposes without charge to invited management and staff of the business that has applied for a first- or second-class license, provided they are of legal age.

* * *

(5) No permit is required under this ~~subdivision~~ subsection, but the wholesale dealer shall provide written notice of the event to the Department at least five days prior to the date of the tasting.

Sec. 41. 7 V.S.A. § 582 is redesignated to read:

§ 582. SALE OF ~~LIQUOR~~ ALCOHOLIC BEVERAGES TAKEN BY
ATTACHMENT OR ON EXECUTION

Sec. 42. 7 V.S.A. § 1001 is amended to read:

§ 1001. DEFINITIONS

As used in this chapter:

* * *

(8) “Tobacco substitute” means products, including electronic cigarettes or other electronic or battery-powered devices, that contain and are designed to deliver nicotine or other substances into the body through ~~inhaling the~~ inhalation of vapor and that have not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes.

Sec. 43. 8 V.S.A. § 4088d is amended to read:

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

(a) A health insurance plan shall provide coverage for medically necessary health care services covered by the plan when provided by a naturopathic physician licensed in this State for treatment within the scope of practice described in 26 V.S.A. chapter 81 and shall recognize naturopathic physicians

who practice primary care to be primary care physicians. Health care services provided by naturopathic physicians may be subject to reasonable deductibles, co-payment and coinsurance amounts, and fee or benefit limits consistent with those applicable to other primary care physicians under the plan, as well as practice parameters, cost-effectiveness and clinical efficacy standards, and utilization review consistent with any applicable rules published by the Department of Financial Regulation. Any amounts, limits, standards, and review shall not function to direct treatment in a manner unfairly discriminative against naturopathic care, and collectively shall be ~~no~~ not more restrictive than those applicable under the same policy to care or services provided by other primary care physicians, but may allow for the management of the benefit consistent with variations in practice patterns and treatment modalities among different types of health care providers. A health insurance plan may require that the naturopathic physician's services be provided by a licensed naturopathic physician under contract with the insurer or shall be covered in a manner consistent with out-of-network provider reimbursement practices for primary care physicians; however, this shall not relieve a health insurance plan from compliance with the applicable network adequacy requirements adopted by the Commissioner by rule. Nothing contained ~~herein~~ in this section shall be construed as impeding or preventing either the provision or the coverage of health care services by licensed naturopathic physicians,

within the lawful scope of naturopathic practice, in hospital facilities on a staff or employee basis.

* * *

Sec. 44. 10 V.S.A. § 323 is amended to read:

§ 323. ANNUAL REPORT

Prior to January 31 of each year, the Board shall submit a report concerning its activities to the Governor and to the House Committees on Agriculture and Forestry, on Appropriations, on Corrections and Institutions, on Energy and Technology, on Natural Resources, Fish, and Wildlife, and on Ways and Means and the Senate Committees on Agriculture, on Appropriations, on Finance, on Institutions, and on Natural Resources and Energy. The report shall include the following:

* * *

Sec. 44a. 10 V.S.A. § 754 is amended to read:

§ 754. FLOOD HAZARD AREA RULES; USES EXEMPT FROM
MUNICIPAL REGULATION

* * *

(g) Delegation.

* * *

(3) Prior to entering a memorandum of understanding, the Secretary shall post the proposed memorandum of understanding on its website for 30 days for notice and comment. When the memorandum of understanding is

posted, it shall include a summary of the proposed memorandum; the name, telephone number, and address of a person able to answer questions and receive comments on the proposal; and the deadline for receiving comments.

A final copy of a memorandum of understanding entered into under this section shall be sent to the chairs of the House ~~and Senate Committees on Natural Resources and Energy, the House Committee on Fish, Wildlife and Water Resources, Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife, the Senate Committee on Natural Resources and Energy,~~ and any other committee that has jurisdiction over an agency that is a party to the memorandum of understanding.

* * *

Sec. 44b. 10 V.S.A. § 1196 is amended to read:

§ 1196. REPORT

Beginning in 1989 and annually thereafter, the advisory commission shall file a report on its activities under this subchapter. The report shall be filed with the Agency of Natural Resources, the Governor, and the ~~Committees on Natural Resources and Energy of the House and Senate~~ General Assembly on or before July 15.

Sec. 44c. 10 V.S.A. § 1253 is amended to read:

§ 1253. CLASSIFICATION OF WATERS DESIGNATED,
RECLASSIFICATION

* * *

(d)(1) Through the process of basin planning, the Secretary shall determine what degree of water quality and classification should be obtained and maintained for those waters not classified by the Board before 1981 following the procedures in sections 1254 and 1258 of this title. Those waters shall be classified in the public interest. The Secretary shall prepare and maintain an overall surface water management plan to assure that the State water quality standards are met in all State waters. The surface water management plan shall include a schedule for updating the basin plans. The Secretary, in consultation with regional planning commissions and the Natural Resources Conservation Council, shall revise all 15 basin plans and update the basin plans on a five-year rotating basis. On or before January 15 of each year, the Secretary shall report to the House Committees on Agriculture and Forestry; and on Natural Resources ~~and Energy, and on Fish, Wildlife and Water Resources,~~ Fish, and Wildlife and to the Senate Committees on Agriculture and on Natural Resources and Energy regarding the progress made and difficulties encountered in revising basin plans. The report shall include a summary of basin planning activities in the previous calendar year, a schedule for the production of basin plans in the subsequent calendar year, and a summary of actions to be taken over the subsequent three years. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

* * *

Sec. 44d. 10 V.S.A. § 2609a is amended to read:

§ 2609a. INCOME FROM LEASE OF MOUNTAINTOP

COMMUNICATION SITES

Annually on or before February 15, the Agency of Natural Resources shall submit a report to the Senate ~~and House Committees~~ Committee on Natural Resources and Energy and the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife containing an itemization of the income generated through the end of the previous fiscal year from the use of sites for communication purposes.

Sec. 44e. 10 V.S.A. § 2721 is amended to read:

§ 2721. VERMONT FORESTRY AND FOREST PRODUCTS VIABILITY

PROGRAM

* * *

(c) The Commissioner of Forests, Parks and Recreation shall report in writing to the Senate ~~Committee~~ Committees on Agriculture and on Natural Resources and Energy and the House ~~Committee~~ Committees on Agriculture and Forestry ~~and the Senate and House Committees,~~ on Energy and Technology, and on Natural Resources and Energy, Fish, and Wildlife on or before January 31 of each year on the activities and performance of the Forestry and Forest Products Viability Program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. At a minimum, the report shall include:

* * *

Sec. 44f. 10 V.S.A. § 4083 is amended to read:

§ 4083. FISH

Any ~~regulation~~ rule or amendment ~~thereto~~ to a rule adopted pursuant to this subchapter that relates to fish may apply to all or any portion of the State and may address any or all of the following as to any species or varieties of fish:

* * *

Sec. 45. 10 V.S.A. § 6084 is amended to read:

§ 6084. NOTICE OF APPLICATION; HEARINGS, COMMENCEMENT OF
REVIEW

(a) On or before the date of filing of an application with the District Commission, the applicant shall send notice and a copy of the initial application to the owner of the land if the applicant is not the owner; the municipality in which the land is located; the municipal and regional planning commissions for the municipality in which the land is located; the Vermont Agency of Natural Resources; and any adjacent Vermont municipality and municipal and regional planning commission if the land is located on a municipal or regional boundary. The applicant shall furnish to the District Commission the names of those furnished notice by affidavit, and shall post a copy of the notice in the town clerk's office of the town or towns ~~wherein~~ in which the project lies. The applicant shall also provide a list of adjoining landowners to the District Commission. Upon request and for good cause, the

District Commission may authorize the applicant to provide a partial list of adjoining landowners in accordance with Board rules.

* * *

Sec. 46. 10 V.S.A. § 6602 is amended to read:

§ 6602. DEFINITIONS

As used in this chapter:

* * *

(4) "Hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat, or other means, which in the judgment of the Secretary may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the State. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 ~~and amendments thereto,~~ as subsequently amended and codified in 42 U.S.C. § 2014, is specifically excluded from this definition.

* * *

Sec. 47. 10 V.S.A. § 6604 is amended to read:

§ 6604. SOLID WASTE MANAGEMENT PLAN

* * *

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

prior to submitting ~~its~~ the report, the Secretary shall post any recommendations within the report to ~~its~~ the Agency's website for notice and comment.

* * *

Sec. 47a. 10 V.S.A. § 6608a is amended to read:

§ 6608a. ECONOMIC POISONS

(a) The Secretary of Agriculture, Food and Markets shall be responsible for and have the authority to implement and enforce those statutes enacted by the General Assembly, including sections 6610a and 6612 of this title, and, those rules concerning the generation, transportation, treatment, storage, and disposal of economic poisons ~~which~~ that are adopted by the Secretary of Natural Resources in order to operate a hazardous waste management program that is equivalent to the federal program under Subtitle C of the Resource Conservation and Recovery Act of 1976 ~~and amendments thereto,~~ as subsequently amended and codified as in 42 U.S.C. chapter 82, subchapter 3. Procedures and funding for the interdepartmental implementation of a waste economic poison management program shall be established between the Secretary of Natural Resources and the Secretary of Agriculture, Food and Markets.

* * *

Sec. 48. 10 V.S.A. § 6608b is amended to read:

§ 6608b. RADIOACTIVE WASTES MIXED WITH HAZARDOUS
WASTES

(a) The Commissioner of Health shall be responsible for and have the authority to implement and enforce those statutes enacted by the General Assembly, including sections 6610a and 6612 of this title, and, those rules concerning the generation, transportation, treatment, storage, and disposal of radioactive wastes mixed with hazardous wastes which are adopted by the Secretary in order to operate a hazardous waste management program that is equivalent to the federal program under Subtitle C of the Resource Conservation and Recovery Act of 1976 ~~and amendments thereto,~~ as subsequently amended and codified as in 42 U.S.C. chapter 82, subchapter 3. Procedures and funding for the interdepartmental implementation of a mixed radioactive waste management program shall be established between the Secretary and the Commissioner of Health.

* * *

Sec. 49. 10 V.S.A. § 6610a is amended to read:

§ 6610a. ENFORCEMENT

(a) Notwithstanding any other provision of this chapter, the Secretary, upon receipt of information that the storage, transportation, treatment, or disposal of any solid waste or hazardous waste ~~as defined herein~~ may present a hazard to the health of persons or to the environment; or may be in violation of any

provision of this chapter, the rules adopted thereunder, or the terms or conditions of any order or certification issued under this chapter, may take such action as the Secretary determines to be necessary. The action the Secretary may take includes:

* * *

(c) This subsection shall apply only to facilities subject to exemption from the provisions of chapter 151 of this title, as provided by the provisions of subsection 6081(h) of this title. With respect to facilities subject to this subsection, notwithstanding any other provision of this chapter, the Secretary may take such action as the Secretary determines to be necessary, upon receipt of information that the storage, transportation, treatment, or disposal of any solid waste or hazardous waste ~~as defined herein~~ may present a hazard to the health of persons or to the environment; or may be in violation of any provision of this chapter, the rules adopted thereunder, or the terms or conditions of any order or certification issued under this chapter, or upon receipt of information that a solid waste disposal facility has failed to perform closure and post-closure operations as deemed necessary by the Secretary to preserve and protect the air, groundwater, surface water, public health, and the environment. The action the Secretary may take includes:

* * *

Sec. 49a. 10 V.S.A. § 6620a is amended to read:

§ 6620a. LIMITATIONS ON THE USE OF HEAVY METALS IN
PACKAGING

* * *

(h) The Secretary shall review the effectiveness of this section by the second January first that follows the determination made under subsection (a) of this section and shall provide a report based upon that review to the Governor, the House Committee on Natural Resources, Fish, and Wildlife, and the Committees Senate Committee on Natural Resources and Energy of the General Assembly. The report may contain recommendations to add other toxic substances contained in packaging to the list set forth in this section in order to further reduce the toxicity of packaging waste, and a description of the nature of the substitutes used in lieu of lead, mercury, cadmium, and hexavalent chromium. The Secretary shall, in consultation with the source reduction task force of the Coalition of Northeastern Governors (CONEG), review the extension of the recycling exemption as it is provided for in subdivision (f)(3) of this section. This review shall commence ~~no later than~~ on or before January 1, 1997. A report based upon that review shall be provided to the Governor and ~~Legislature by~~ General Assembly on or before January 1, 1999.

Sec. 49b. 10 V.S.A. § 6630 is amended to read:

§ 6630. TOXICS USE REDUCTION AND HAZARDOUS WASTE
REDUCTION PERFORMANCE REPORT

(a) On or before March 31, 1994, or March 31 of the year following the first plan, whichever is later, and annually thereafter, each generator or large user shall prepare and submit a hazardous materials management performance report to the House Committee on Natural Resources, Fish, and Wildlife and the Senate ~~Committees~~ Committee on Natural Resources and Energy documenting toxics use reduction and hazardous waste reduction methods implemented by the generator or large user.

* * *

Sec. 49c. 10 V.S.A. § 7559 is amended to read:

§ 7559. AGENCY OF NATURAL RESOURCES RESPONSIBILITIES

The Agency of Natural Resources shall:

* * *

(4) Annually review data submitted under this chapter to determine whether any of the variables in the statewide recycling goal should be changed. The Agency shall submit recommended changes to the Senate ~~and House~~ ~~Committees~~ Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife.

* * *

Sec. 49d. 10 V.S.A. § 8017 is amended to read:

§ 8017. ANNUAL REPORT

The Secretary and the Attorney General shall report annually to the President Pro Tempore of the Senate, the Speaker of the House, the House Committee on Natural Resources, Fish, and Wildlife ~~and Water Resources~~, and the Senate ~~and House Committees~~ Committee on Natural Resources and Energy. The report shall be filed ~~no later than~~ on or before January 15, on the enforcement actions taken under this chapter, and on the status of citizen complaints about environmental problems in the State. The report shall describe, at a minimum, the number of violations, the actions taken, disposition of cases, the amount of penalties collected, and the cost of administering the enforcement program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

Sec. 50. 13 V.S.A. § 3255 is amended to read:

§ 3255. EVIDENCE

(a) In a prosecution for a crime defined in this chapter and in sections 2601 and 2602 of this title, for human trafficking or aggravated human trafficking under chapter 60 of this title, or for abuse of a vulnerable adult under chapter 28 of this title or 33 V.S.A. chapter 69:

* * *

(2) Evidence shall be required as it is for all other criminal offenses, and additional corroborative evidence ~~heretofore~~ set forth by case law regarding sexual assault shall no longer be required.

* * *

Sec. 51. 18 V.S.A. § 106 is amended to read:

§ 106. DELEGATION OF DUTIES BY BOARD THROUGH
COMMISSIONER

Any delegation of responsibility and authority by the Board shall be made through the Commissioner and shall in no ~~wise~~ way relieve the Board of its accountability for the proper administration of the provisions of this title.

Sec. 52. 18 V.S.A. § 501 is amended to read:

§ 501. STATE HEALTH LABORATORY; OTHER LABORATORIES;
TESTS

The Board shall have supervision and management of the Vermont State health laboratory. The Board may provide for approval and registration of laboratories performing examinations or tests of a public health nature. Any laboratory ~~which~~ that examines material for any living agent or evidence of living agent of a reportable disease to any person shall send the results of such tests, if positive, forthwith to the State health laboratory ~~of hygiene~~. The laboratory shall make chemical and bacteriological examination of water supplies, milk, and food products and examinations for the detection and

control of communicable diseases; and shall carry on such work in relation to the health of the residents of the State as the Board shall direct.

Sec. 53. 18 V.S.A. § 501a is amended to read:

§ 501a. SPECIMENS SUBMITTED BY CHIROPRACTIC PHYSICIANS

(a) According to the public health laws of this State, the State health laboratory of ~~hygiene~~ is required to serve the ~~interest~~ interests of all of the people of the State, and as chiropractic physicians are subject to the laws relating to contagious and infectious diseases, the purpose of this section is to authorize the facilities of the State health laboratory of ~~hygiene~~ to chiropractic physicians and their patients.

* * *

Sec. 54. 18 V.S.A. § 613 is amended to read:

§ 613. POWERS OF LOCAL BOARD

(a) A local board of health may make and enforce rules ~~and regulations~~ in such town or city relating to the prevention, removal, or destruction of public health hazards and the mitigation of public health risks, provided that such rules ~~and regulations~~ have been approved by the Commissioner. Such rules ~~and regulations~~ shall be posted and published in the same manner that ordinances of the municipality are required to be posted and published.

* * *

Sec. 55. 18 V.S.A. § 709 is amended to read:

§ 709. ANNUAL REPORT

(a) The Director of the Blueprint shall report annually, ~~no later than~~ on or before January 31, on the status of implementation of the Vermont Blueprint for Health for the prior calendar year and shall provide the report to the House Committee on Health Care, the Senate Committee on Health and Welfare, and the Health Care Reform Oversight Committee.

* * *

Sec. 56. 18 V.S.A. § 904 is amended to read:

§ 904. ADMINISTRATIVE PROVISIONS

* * *

(b) The Secretary of Human Services, upon the recommendation of the Commissioner of Health, may issue ~~regulations~~ rules to carry out the purposes and responsibilities of this chapter.

Sec. 57. 18 V.S.A. § 1008 is amended to read:

§ 1008. VACCINES, ANTIBIOTICS, ANTISERUMS, AND OTHER
AGENTS; PURCHASE AND DISTRIBUTION; PENALTIES

(a) The Department is authorized to procure vaccines, antibiotics, antiserums, and such other agents as may be necessary for the prevention and diagnosis of infectious and communicable diseases or diseases of public health significance in which there is an unmet need and to distribute same free of charge upon application thereof by licensed physicians, and under such rules

~~and regulations~~ as the Department and Secretary of Human Services may prescribe; and the expense thereof shall be paid by the State.

* * *

Sec. 58. 18 V.S.A. § 1010 is amended to read:

§ 1010. OPHTHALMIA NEONATORUM

The Department and the Secretary of Human Services may make such rules ~~and regulations~~ as they deem necessary for the prevention of blindness caused by the disease known as ophthalmia neonatorum, and they may furnish, at the expense of the State, such prophylactic outfits as are necessary for the use of physicians.

Sec. 59. 18 V.S.A. § 1057 is amended to read:

§ 1057. MEDICAL MANAGEMENT

* * *

(b) Nothing in sections 1055 to 1061 of this title shall be construed to compel any person who is being treated by prayer or spiritual means alone in accordance with the tenets and practice of a well-recognized church or religious denomination by a duly accredited practitioner to be medically managed in a place to which he or she objects as long as suitable healing methods or isolation can be maintained in a place of his or her own choosing, provided that he or she does not constitute a public health hazard as determined by the Commissioner, and that all sanitation rules ~~and regulations~~ are complied with.

Sec. 60. 18 V.S.A. § 1100 is amended to read:

§ 1100. ~~RULES AND REGULATIONS~~

The Board shall make and enforce such rules ~~and regulations~~ for the quarantining and treatment of cases of venereal disease reported to it as may be deemed necessary for the protection of the public.

Sec. 61. 18 V.S.A. § 1103 is amended to read:

§ 1103. ~~BIRTH CERTIFICATE~~ REPORT OF BIRTH; SEROLOGICAL TEST

A person required by section 5071 of this title to file a ~~certificate report~~ report of birth shall state on the ~~certificate report~~ report whether a blood test for syphilis has been made upon a sample of blood taken from the woman who bore the child named in the ~~certificate report~~ report and if so shall state the date on which the test was made. In case no such blood test has been made, such fact shall be stated in the ~~certificate report~~ report with the reason why such test has not been made. In no event shall the birth certificate state the result of the serological test for syphilis made pursuant to the provisions of this section and section 1102 of this title.

Sec. 62. 18 V.S.A. § 1416 is amended to read:

§ 1416. DEFINITIONS

As used in this chapter:

* * *

(5) “Health hazard” means any material, including biological material, ~~and/or~~ or energy, or both, in any form from any source ~~which~~ that can

adversely affect the health of any employee, or can adversely affect the health of any person exposed in a place of employment or any person adversely exposed from a source in a place of employment.

* * *

~~(10) "Rules" means rule or regulation.~~

Sec. 63. 18 V.S.A. § 1417 is amended to read:

§ 1417. FUNCTIONS AND DUTIES OF DIVISION

The Division of Occupational Health shall:

* * *

(4) investigate health hazards in places of employment ~~which~~ that cause ill health or occupational disease, or may be suspected of doing so, and recommend rules ~~and regulations~~ to the Board of Health and the Secretary of Human Services for the control or elimination of the health hazards;

* * *

Sec. 63a. 18 V.S.A. § 1700 is amended to read:

§ 1700. CREATION; MEMBERSHIP; OFFICERS; QUORUM

(a) There is created the Nuclear Decommissioning Citizens Advisory Panel ~~which~~ that shall consist of the following:

* * *

(5) One member of the House Committee on ~~Natural Resources and Energy~~ and Technology, chosen by the Speaker of the House.

(6) One member of the Senate Committee on Natural Resources and Energy, chosen by the Committee on Committees.

* * *

Sec. 64. 18 V.S.A. § 1852 is amended to read:

§ 1852. PATIENTS' BILL OF RIGHTS; ADOPTION

(a) The General Assembly hereby adopts the "Bill of Rights for Hospital Patients" as follows:

* * *

(3) The patient has the right to obtain, from the physician coordinating his or her care, complete and current information concerning diagnosis, treatment, and any known prognosis in terms the patient can reasonably be expected to understand. If the patient consents or if the patient is incompetent or unable to understand, immediate family members, ~~a reciprocal beneficiary,~~ or a guardian may also obtain this information. The patient has the right to know by name the attending physician primarily responsible for coordinating his or her care.

* * *

(14) Whenever possible, guardians or parents have the right to stay with their children 24 hours per day. Whenever possible, agents, guardians, ~~reciprocal beneficiaries,~~ or immediate family members have the right to stay with terminally ill patients 24 hours a per day.

* * *

Sec. 65. 18 V.S.A. § 1902 is amended to read:

§ 1902. DEFINITIONS

The following words and phrases, as used in this chapter, shall have the following meanings unless otherwise provided:

(1) “Hospital” means a place devoted primarily to the maintenance and operation of diagnostic and therapeutic facilities for in-patient medical or surgical care of individuals who have an illness, disease, injury, or physical disability, or for obstetrics.

(A) “General hospital” is a hospital of which not more than 50 percent of the total patient days during the year are customarily assignable to the following categories of cases: chronic, convalescent and rest, drug and alcoholic, epilepsy, developmental and psychiatric disabilities and mental conditions, and tuberculosis, and which provides adequate and separate facilities and equipment for the performance of surgery and obstetrics, or either, and for diagnostic X-ray and laboratory services.

* * *

(I) The provisions of this subdivision (1) do not apply to any of the following institutions:

* * *

(ii) Any hospital conducted, maintained, or operated by the U.S. government or a duly authorized agency thereof. ~~The Commissioner of Health may develop interim licensing criteria specific to the Vermont State Hospital~~

~~that shall be applicable until the hospital achieves recertification by the federal Centers for Medicare and Medicaid Services or until January 31, 2005, whichever occurs first.~~

* * *

Sec. 66. 18 V.S.A. § 1903 is amended to read:

§ 1903. LICENSE

No person or governmental unit may establish, conduct, or maintain a hospital in this State without first obtaining a license ~~therefor in the manner hereinafter provided~~ in accordance with this chapter.

Sec. 67. 18 V.S.A. § 1905 is amended to read:

§ 1905. LICENSE REQUIREMENTS

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

* * *

(20) All hospitals shall comply with the ~~regulations~~ rules adopted by the Commissioner pursuant to section ~~1912~~ 1914 of this title. License applications shall certify compliance with the ~~regulations~~ rules.

* * *

Sec. 68. 18 V.S.A. § 1916 is amended to read:

§ 1916. INTENTIONAL UNSAFE ACTS

* * *

(b) For intentional unsafe acts reportable to other departments or agencies, a hospital shall notify the Department of Health or provide a copy of any written report. Such reports shall not constitute a waiver of peer review or any other privilege.

* * *

Sec. 69. 18 V.S.A. § 1917 is amended to read:

§ 1917. PROTECTION AND DISCLOSURE OF INFORMATION

* * *

(f) Notwithstanding subsections (a) and (b) of this section:

* * *

(2) The Department staff responsible for verifying compliance with the patient safety surveillance and improvement system may disclose information to others in the Department, and the Department may disclose information to the Board of Health and others responsible for carrying out the Department's enforcement responsibilities with respect to this chapter if the Department reasonably believes that a hospital deliberately or repeatedly has not complied with the requirements of this chapter and any ~~regulations~~ rules adopted hereunder. The Commissioner, the Board of Health, and others responsible for carrying out the Department's enforcement responsibilities with respect to this chapter are authorized to disclose such information during the course of any legal or regulatory action taken against a hospital for deliberate or repeated noncompliance with the requirements of this chapter and any rules adopted

hereunder. Information disclosed under this subdivision shall otherwise maintain all applicable protections under this section and otherwise provided by law.

* * *

Sec. 70. 18 V.S.A. § 4031 is amended to read:

§ 4031. NOTICE OF VIOLATIONS OF UNITED STATES STATUTES

The board or an agent thereof shall notify the proper prosecuting officer of a violation of a ~~United States statute~~ federal law for preventing the adulteration or misbranding of food or drugs.

Sec. 71. 18 V.S.A. § 4051 is amended to read:

§ 4051. DEFINITIONS

~~For the purposes of~~ As used in this chapter:

* * *

(10)(A) The term “poison” means any toxic substance ~~which~~ that falls within any of the following categories:

* * *

(B) If available data on human experience with any substance in the ~~above named~~ dosages or concentrations described in subdivision (A) of this subdivision (10) indicate results different from those obtained on animals, the human data shall take precedence.

* * *

Sec. 72. 18 V.S.A. § 4052 is amended to read:

§ 4052. MANUFACTURE, SALE, DELIVERY; PROHIBITIONS

The following acts and the causing thereof within the State of Vermont are hereby prohibited:

* * *

(12) ~~No person shall sell, offer for sale, distribute, or transport~~ The sale, offering for sale, distribution, or transportation for sale within this State of any misbranded package of a hazardous substance in a package or container intended for general home and household use ~~any misbranded package of a hazardous substance.~~

Sec. 73. 18 V.S.A. § 4060 is amended to read:

§ 4060. MISBRANDED FOOD

A food shall be deemed to be misbranded:

* * *

(3) If it is an imitation of another food for which a definition and standard of identity have been prescribed by ~~regulations as provided by rules~~ adopted pursuant to section 4058 of this title; or if it is an imitation of another food that is not subject to subdivision (7) of this section, unless its label bears in type of uniform size and prominence the word imitation and, immediately thereafter, the name of the food imitated.

* * *

(5) If in package form, unless it bears a label containing:

(A) the name and place of business of the manufacturer, packer, or distributor; and

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

* * *

(7) If it purports to be or is represented as a food for which a definition and standard of identity ~~have~~ has been prescribed by ~~regulations as provided~~ by rules adopted pursuant to section 4058 of this title, unless:

(A) it conforms to that definition and standard; and

(B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by the ~~regulations~~ rules, the common names of optional ingredients (other than spices, flavoring, and coloring) present in the food.

(8) If it purports to be or is represented as:

(A) a food for which a standard of quality has been prescribed by ~~regulations, as provided by~~ rules adopted pursuant to section 4058 of this title, and its quality falls below the standard unless its label bears, in such manner and form as the ~~regulations~~ rules specify, a statement that it falls below those standards; or

(B) a food for which a standard or standards of fill of container have been prescribed by ~~regulation, as provided by~~ rules adopted pursuant to section 4058 of this title, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as the ~~regulations~~ rules specify, a statement that it falls below the standard.

(9) If it is not subject to the provisions of subdivision (7) of this section, unless it bears labeling clearly giving:

(A) the common or usual name of the food, if any there be; and

(B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; provided that, to the extent that compliance with the requirements of this subdivision is impractical or results in deception or unfair competition, exemptions shall be established by ~~regulations promulgated~~ rules adopted by the Board. And provided, further, that the requirements of this subdivision shall not apply to food products ~~which~~ that are packaged at the direction of purchasers at retail at the time of sale, the ingredients of which are disclosed to the purchasers by other means in accordance with ~~regulations promulgated~~ rules adopted by the Board.

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Board determines to be, and by ~~regulations prescribed~~

rules adopted, as necessary in order to ~~fully~~ inform purchasers fully as to its value for such uses.

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that to the extent that compliance with the requirements of this subsection is impracticable, exemptions shall be established by ~~regulations promulgated~~ rules adopted by the Board.

* * *

Sec. 74. 18 V.S.A. § 4070 is amended to read:

§ 4070. INSPECTION; EXAMINATION OF SAMPLES

(a) The Board or its duly authorized agent shall have free access at all reasonable hours to any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held for introduction into commerce, or to enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in commerce, for the purpose:

(1) of inspecting the factory, warehouse, establishment, or vehicle to determine if any of the provisions of this chapter are being violated; and

(2) to secure samples or specimens of any food, drug, device, or cosmetic after paying or offering to pay for the sample.

(b) It shall be the duty of the Board to make or cause to be made examinations of samples secured under the provisions of this section to determine whether ~~or not~~ any provision of this chapter is being violated.

Sec. 75. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

As used in this chapter, unless the context otherwise requires:

* * *

(6) “Depressant or stimulant drug” means:

(A) any drug ~~which~~ that contains any quantity of barbituric acid or any of the salts of barbituric acid, or any derivative of barbituric acid, ~~which~~ that is designated as ~~habit-forming~~ habit-forming because of its effect on the central nervous system in the ~~regulations~~ rules adopted by the Board of Health under section 4202 of this title;

(B) any drug, other than methamphetamine, ~~which~~ that contains any quantity of amphetamine or any of its optical isomers, any salt or amphetamine or any salt of an optical isomer of amphetamine, ~~which~~ that the Board of Health so designates by such ~~regulation~~ rule as ~~habit-forming~~ habit-forming because of its effect on the central nervous system;

* * *

(G) any drug, other than methamphetamine, ~~which~~ that contains any quantity of a substance ~~which~~ that the Board of Health so designates by such ~~regulation~~ rule as having a serious potential for abuse arising out of its effect on the central nervous system.

* * *

(10) “Hallucinogenic drugs” means stramonium, mescaline or peyote, lysergic acid diethylamide, and psilocybin, and all synthetic equivalents of chemicals contained in resinous extractives of Cannabis sativa, or any salts or derivatives or compounds of any preparations or mixtures thereof, and any other substance ~~which~~ that is designated as habit-forming or as having a serious potential for abuse arising out of its effect on the central nervous system or its hallucinogenic effect in the ~~regulations~~ rules adopted by the Board of Health under section 4202 of this title.

* * *

(16) “Narcotic,” “narcotics,” or “narcotic drugs” means opium, coca leaves, pethidine (isonipecaine, meperidine), and opiates or their compound, manufacture, salt, alkaloid, or derivative, and every substance neither chemically nor physically distinguishable from them, and preparations containing such drugs or their derivatives, by whatever trade name identified and whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, as the same are so designated in the ~~regulations~~ rules adopted by the Board of Health under section 4202 of this title.

* * *

(28) “Registry number” means the number assigned under ~~regulations~~ rules adopted by the Board of Health to each person authorized under this

chapter to use, prescribe, dispense, possess, or administer a regulated drug in connection with his or her professional practice.

* * *

Sec. 76. 18 V.S.A. § 4202 is amended to read:

§ 4202. POWERS AND DUTIES OF THE BOARD OF HEALTH

(a) The Board of Health is authorized and empowered to adopt such ~~regulations which~~ rules that in its judgment may be necessary or proper to supplement the provisions of this chapter to effectuate the purposes and intent thereof or to clarify its provisions so as to provide the procedure or details to secure effective and proper enforcement of its provisions.

(b) These ~~rules, regulations, and determination~~ determinations, when adopted, shall, until modified or rescinded, have the force and effect of law.

* * *

(d) The ~~regulations~~ rules adopted by the Board of Health under section 4201 of this title for the purpose of determining those drugs defined under that section may be adopted only after prior written notice to the Board of Pharmacy and the Board of Medical Practice and after the Board of Pharmacy and the Board of Medical Practice have had an opportunity to advise the Board of Health with respect to the form and substance of those ~~regulations~~ rules or amendments and to recommend revisions thereof, except with respect to emergency rules adopted pursuant to 3 V.S.A. § 844, which may be adopted without notice by the Commissioner of Health.

Sec. 77. 18 V.S.A. § 4204 is amended to read:

§ 4204. PREPARATIONS EXCEPTED

(a) The Board of Health may provide, by ~~regulation~~ rule, for the exception from all provisions of this chapter (except as provided in section 4223 of this title) of the administration, dispensation, or sale at retail of a medicinal preparation containing such amounts of one or more regulated drugs ~~which~~ that the Board considers not subject to abuse.

* * *

Sec. 78. 18 V.S.A. § 4217 is amended to read:

§ 4217. REPORTS BY PHYSICIANS AND HOSPITALS

It shall be the duty of every physician and every hospital to report to the Board of Health, promptly, all cases wherein a person has been or is being treated for the use of, or for problems arising from the use of, regulated drugs. ~~Said~~ The reports shall include the type of problem being treated, the class of regulated drug ~~which~~ that was used, and such further information as is required by ~~regulation~~ rules of the Board of Health as ~~promulgated~~ adopted under section 4202 of this title, except that the ~~regulations~~ rules shall not require the listing or other identification of the names of the persons being so treated.

Sec. 79. 18 V.S.A. § 4218 is amended to read:

§ 4218. ENFORCEMENT

(a) It is hereby made the duty of the Department of Public Safety, its officers, agents, inspectors, and representatives, and pursuant to its specific

authorization any other peace officer within the State, and of all State's Attorneys, to enforce all provisions of this chapter and of the rules ~~and regulations~~ of the Board of Health adopted under this chapter, except those otherwise specifically delegated, and to cooperate with all agencies charged with the enforcement of the federal drug laws, this chapter, and the laws of other states relating to regulated drugs.

* * *

Sec. 80. 18 V.S.A. § 4226 is amended to read:

§ 4226. MINORS; TREATMENT; CONSENT

(a)~~(1)~~ If a minor 12 years of age or older is suspected ~~either (1) to be dependent upon regulated drugs as defined in section 4201 of this title, or (2) to have venereal disease, or (3) to be an alcoholic as defined in section 8401 of this title, and the finding of such dependency or disease, or alcoholism is verified by a licensed physician, the minor may give:~~

~~(1)(A)~~ his or her consent to medical treatment and hospitalization; and;

~~(2)(B)~~ in the case of a drug dependent or alcoholic person, consent to nonmedical inpatient or outpatient treatment at a program approved by the Agency of Human Services to provide treatment for drug dependency or alcoholism if deemed necessary by the examining physician for diagnosis or treatment of such dependency or disease or alcoholism.

(2) Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of the parent or legal

guardian of a minor consenting under this section shall not be necessary to authorize care as described in this subsection.

* * *

Sec. 81. 18 V.S.A. § 4229 is amended to read:

§ 4229. MAINTENANCE OF RECORDS

Notwithstanding the provisions of sections 4202, 4210, 4213, and 4215 relating to the maintenance of records, all ~~regulations~~ rules adopted by the Board of Health and the Board of Pharmacy governing the records for the manufacturing, distribution, and dispensation of regulated drugs shall be in accordance with the similar requirements set by the federal government under the Controlled Substances Act so that compliance with Board of Health and Board of Pharmacy ~~regulations~~ rules will result in compliance with federal laws and regulations.

Sec. 82. 18 V.S.A. § 4234b is amended to read:

§ 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

* * *

(c) Electronic registry system.

* * *

(4) ~~Except as provided in subdivision (5) of this subsection (c), a~~ A person or retail establishment that violates this subsection shall:

* * *

Sec. 83. 18 V.S.A. § 4237 is amended to read:

§ 4237. SELLING OR DISPENSING TO MINORS; SELLING ON SCHOOL
GROUNDS

* * *

(d) Abutting school property. The selling or dispensing of a regulated drug to a person on property abutting school property is a violation under this section only if it occurs within 500 feet of the school property. Property shall be considered abutting school property if:

* * *

(e) Penalty. A person who violates subsection (c) of this section shall, in addition to any other penalty, be sentenced to a term of imprisonment of not more than 10 years.

(f) Definitions. As used in this section:

* * *

Sec. 84. 18 V.S.A. § 4255 is amended to read:

§ 4255. CONTROLLED SUBSTANCES AND PAIN MANAGEMENT
ADVISORY COUNCIL

* * *

(b)(1) The Controlled Substances and Pain Management Advisory Council shall consist of the following members:

* * *

(CC) a drug and alcohol abuse counselor licensed pursuant to ~~33 V.S.A. chapter 8~~ 26 V.S.A. chapter 62, to be selected by the Deputy Commissioner of Health for Alcohol and Drug Abuse Programs;

* * *

Sec. 85. 18 V.S.A. § 4282 is amended to read:

§ 4282. DEFINITIONS

As used in this chapter:

(1) “Dispenser” ~~shall mean~~ means any person who “dispenses” or engages in “dispensing” as those terms are defined in 26 V.S.A. § 2022(5).

(2) “Health care provider” ~~shall mean~~ means an individual licensed, certified, or authorized by law to provide professional health care service in this State to an individual during that individual’s medical or dental care, treatment, or confinement.

(3) “VPMS” ~~shall mean~~ means the Vermont Prescription Monitoring System established under this chapter.

* * *

Sec. 86. 18 V.S.A. § 4392 is amended to read:

§ 4392. EXCEPTIONS; DISPENSING DEVICES

(a) The provisions of section 4391 of this title shall not be construed to prevent or prohibit a person, firm, or corporation from purchasing milk in bulk for uses other than for serving patrons for drinking purposes, nor to prevent the sale or serving of cream, skimmed milk, or buttermilk from bulk, if the same is

pure and wholesome and is sold and served as cream, skimmed milk, or buttermilk, nor shall it prevent or prohibit the sale of milk in mixed drinks at soda fountains, or from original bulk containers equipped with a dispensing device, provided the owner of such device has notified the Board and the Agency of Agriculture, Food and Markets of each device installed and its location, and has complied in all other respects with the rules and regulations of the Secretary of Agriculture, Food and Markets as ~~hereinafter~~ provided in this subchapter.

(b) Milk or chocolate milk dispensed from any such device shall be homogenized and pasteurized and flavored skimmed milk shall be pasteurized. The words “chocolate milk,” as used ~~herein~~ in this subsection, shall be construed to mean milk of a butterfat content of not less than 3.5 percent butterfat to which chocolate has been added and any flavored milk drink with a content of less than 3.5 percent butterfat shall be labeled “Flavored Drink” according to the flavor used.

Sec. 87. 18 V.S.A. § 4393 is amended to read:

§ 4393. ~~REGULATIONS~~ RULEMAKING

The Secretary of Agriculture, Food and Markets shall, subject to approval by the State Board of Health, make and adopt such rules ~~and regulations~~ as the Secretary deems necessary relating to the construction, operation, and use of such dispensing devices.

Sec. 88. 18 V.S.A. § 4474d is amended to read:

§ 4474d. LAW ENFORCEMENT VERIFICATION OF INFORMATION;
RULEMAKING

* * *

(d) The Department of Public Safety shall implement the requirements of this act ~~within 120 days of its effective date~~ subchapter. The Department may adopt rules under 3 V.S.A. chapter 25 and shall develop forms to implement this ~~act~~ subchapter.

* * *

Sec. 89. 18 V.S.A. § 4801 is amended to read:

§ 4801. DECLARATION OF POLICY

* * *

(b) The General Assembly therefore declares that:

(1) alcoholics and alcohol abusers shall no longer be subjected to criminal prosecution solely because of their consumption of alcoholic beverages or other behavior related to consumption ~~which~~ that is not directly injurious to the welfare or property of the public; and

(2) alcoholics and alcohol abusers shall be treated as ~~sick~~ persons with the condition of alcoholism and shall be provided adequate and appropriate medical and other humane rehabilitative services congruent with their needs.

Sec. 90. 18 V.S.A. § 4802 is amended to read:

§ 4802. DEFINITIONS

As used in this chapter:

(1) “Alcoholic” means a person ~~suffering from~~ with the condition of alcoholism.

* * *

Sec. 91. 18 V.S.A. § 5016 is amended to read:

§ 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

* * *

(b) Certified copies.

(1) Application. The State Registrar and issuing agents may issue certified copies of birth and death certificates only upon receipt of a complete application accompanied by a form of identification prescribed in rules adopted by the State Registrar. The State Registrar and issuing agents shall record in a database maintained by the State Registrar any application received.

(2) Eligible persons. Only the following persons shall be eligible for a certified copy of a birth or death certificate:

* * *

Sec. 92. 18 V.S.A. § 5132 is amended to read:

§ 5132. CIVIL MARRIAGE LICENSE; PARTICIPANTS IN ADDRESS
CONFIDENTIALITY PROGRAM

(a) If a participant in the program described in 15 V.S.A. chapter 21, subchapter 3 notifies the town that the participant's confidential address should not appear on the civil marriage license or certificate, then the town clerk shall not disclose such confidential address or the participant's town of residence on any public records. A participant who fails to provide such notice shall be deemed to have waived the provisions of this section. If such notice is received, then notwithstanding section 5131 of this title, the town clerk shall file the civil marriage certificate with the ~~Supervisor of Vital Records~~ State Registrar within 10 days ~~of~~ after receipt, without the confidential address or town of residence, and shall not retain a copy of the civil marriage certificate.

(b) The ~~Supervisor of Vital Records~~ State Registrar shall receive and file for record all certificates filed in accordance with this section, and shall ensure that a person's confidential address and town of residence do not appear on the civil marriage certificate during the period that the person is a program participant. A certificate filed in accordance with this section shall be a public document. The ~~Supervisor of Vital Records~~ State Registrar shall notify the Secretary of State of the receipt of a civil marriage certificate on behalf of a program participant.

* * *

(d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation of program participation of any person of whom the Secretary of State received notice from the ~~Supervisor of Vital Records~~ State Registrar, the Secretary of State shall notify the ~~Supervisor of Vital Records~~ State Registrar.

(e) Upon notice of the expiration, withdrawal, invalidation, or cancellation of program participation, the ~~Supervisor of Vital Records~~ State Registrar shall enter the actual mailing address and town of residence on the original marriage certificate and shall transmit the completed original civil marriage certificate to the town clerk where the certificate was issued.

* * *

Sec. 93. 18 V.S.A. § 5217 is amended to read:

§ 5217. REMOVAL OF MARKED HISTORIC REMAINS

(a) As used in this section:

* * *

(4) “Removal” means ~~to transport~~ the transporting of human remains from one location to another premises.

* * *

Sec. 94. 18 V.S.A. § 5302 is amended to read:

§ 5302. DEFINITIONS

As used in this chapter and unless otherwise required by the context:

(1) “Agencies” ~~mean~~ means town cemeteries, religious or ecclesiastical society cemeteries, cemetery associations, and any person, firm, corporation,

or unincorporated association ~~heretofore~~ engaged in the business of a cemetery.

* * *

(5) “Community mausoleum” means a structure or building of durable and lasting construction used or intended to be used for the permanent disposition of the remains of deceased persons in crypts or spaces ~~therein of the remains of deceased persons~~, provided such crypts or spaces ~~and their use for the purposes aforesaid~~, are available to or may be obtained by individuals or the public for a price in money or its equivalent.

* * *

Sec. 95. 18 V.S.A. § 5573 is amended to read:

§ 5573. CONSTRUCTION REQUIREMENTS

A community mausoleum or columbarium, the crypts or niches of which are available to the public, shall be constructed and erected only with the consent and approval of the State Board of Health. Before commencing the building, construction, or erection of any such structure, full detailed plans and specifications shall be presented to the State Board of Health. The approval of such plans and specifications shall be evidenced by a certificate in writing, signed by the State Board of Health. A community mausoleum, columbarium, or any structure intended to hold or contain permanently the bodies of the dead, and to which the public shall have access, shall not be constructed or erected without the approvals required by this section. A building not used for

the permanent disposition of the human dead shall not be altered or changed for such use or used for such purposes, and an addition shall not be made to any existing community mausoleum or columbarium, unless constructed of such material and workmanship as will ensure its durability and permanence as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

Sec. 96. 18 V.S.A. § 5578 is amended to read:

§ 5578. PERPETUAL CARE FUNDS

There shall be established and maintained a fund for the perpetual care and maintenance of such community mausoleum and columbarium; by applying in the case of a community mausoleum not less than the sum of \$100.00 from the proceeds received from the sale of each crypt and 10 percent of the proceeds received from the sale of each room; and in case of niches in a community mausoleum or columbarium, used as a repository for the remains of deceased persons after cremation, a sum which shall be equivalent to 10 percent of the sale price of each niche. In event sales of crypts or rooms in a community mausoleum, or sales of niches in a community mausoleum or columbarium ~~be~~ are made upon partial payments, there shall be set apart and applied to such fund from each ~~such partial~~ partial payment ~~such the percentage thereof as that~~ the amount of the partial payment bears to the total purchase price of ~~such the~~ crypt, room, or niche.

Sec. 97. 18 V.S.A. § 7105 is amended to read:

§ 7105. ARREST OF ELOPED PERSONS

Any sheriff, deputy sheriff, constable, or officer of state or local police, and any officer or employee of any designated hospital, or designated program, ~~or training school~~ may arrest any person who has eloped from a designated hospital or designated program ~~or training school~~ and return such person.

Sec. 98. 18 V.S.A. § 7107 is amended to read:

§ 7107. EXTRAMURAL WORK

Any hospital ~~or training school~~ in the State dealing with mental health may do, or procure to be done, extramural work in the way of prevention, observation, care, and consultation with respect to mental health.

Sec. 99. 18 V.S.A. § 7257a is amended to read:

§ 7257a. MENTAL HEALTH CRISIS RESPONSE COMMISSION

* * *

(c)(1) The Commission shall comprise the following members:

* * *

(H) an individual who has a personal experience of living with a mental ~~illness~~ condition or psychiatric disability, appointed by Vermont Psychiatric Survivors;

* * *

Sec. 100. 18 V.S.A. § 7304 is amended to read:

§ 7304. PERSONS NOT HOSPITALIZED

The Board shall have general jurisdiction of persons with an intellectual disability or mental illness who have been discharged from a hospital ~~or training school~~ by authority of the Board. It shall also have jurisdiction of persons with a mental illness or intellectual disability of the State not hospitalized, so far as concerns their physical and mental condition and their care, management, and medical treatment and shall make such orders therein as each case duly brought to its attention requires.

Sec. 101. 18 V.S.A. § 7311 is amended to read:

§ 7311. INVESTIGATION

If, in the judgment of the Board, an investigation is necessary, it shall appoint a time and place for hearing and give the patient's attorney, guardian, ~~and~~ spouse, parent ~~or~~ adult child, or interested party, if any, in that order, and the head of the hospital reasonable notice thereof. At the time appointed, it shall conduct a hearing and make any lawful order the case requires.

Sec. 102. 18 V.S.A. § 8705 is amended to read:

§ 8705. STERILIZATION; POLICY

(a) It is the policy of the State of Vermont to allow voluntary and involuntary sterilizations of adults with an intellectual disability under circumstances ~~which~~ that will ensure that the best interests and rights of such persons are fully protected. In accordance with this policy, a person with an

intellectual disability, as defined ~~by subdivision 7101(12) of this title in~~
1 V.S.A. § 146, may not be sterilized without his or her consent unless there is
a prior hearing in the Superior Court as provided in this chapter. A person
with an intellectual disability under ~~the age of 18~~ may years of age shall not be
sterilized.

* * *

Sec. 103. 18 V.S.A. § 8839 is amended to read:

§ 8839. DEFINITIONS

As used in this subchapter:

* * *

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

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

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

* * *

Sec. 104. 18 V.S.A. § 9317 is amended to read:

§ 9317. GENERAL PROVISION

The Commissioner may delegate his or her powers and duties under this
chapter to staff within the Department, and may adopt, pursuant to 3 V.S.A.
chapter 25, ~~such rules and regulations~~ necessary for the proper and efficient
administration of this chapter.

Sec. 105. 18 V.S.A. § 9375 is amended to read:

§ 9375. DUTIES

* * *

(b) The Board shall have the following duties:

* * *

(7) Review and establish hospital budgets pursuant to chapter 221, subchapter 7 of this title, ~~beginning July 1, 2012.~~

(8) Review and approve, approve with conditions, or deny applications for certificates of need pursuant to chapter 221, subchapter 5 of this title, ~~beginning January 1, 2013.~~

* * *

Sec. 106. 18 V.S.A. § 9375a is amended to read:

§ 9375a. EXPENDITURE ANALYSIS; UNIFIED HEALTH CARE
BUDGET

* * *

(b)(1) Annually, the Board shall prepare a three-year projection of health care expenditures made on behalf of Vermont residents, based on the format of the health care budget and expenditure analysis adopted by the Board under this section, projecting expenditures in broad sectors such as hospital, physician, home health, or pharmacy. The projection shall include estimates for:

* * *

(3) The Board's projections prepared under this subsection shall be used as a tool in the evaluation of health insurance rate and trend filings with the Department of Financial Regulation, and shall be made available in connection with the hospital budget review process under chapter 221, subchapter 7 of this ~~chapter title~~, the certificate of need process under chapter 221, subchapter 5 of this ~~chapter title~~, and the development of the Health Resource Allocation Plan.

* * *

Sec. 107. 18 V.S.A. § 9419 is amended to read:

§ 9419. CHARGES FOR ACCESS TO MEDICAL RECORDS

* * *

(c) As used in this section:

* * *

(3) "Individual" means a natural person, alive or dead, who is the subject of health care information and includes, when appropriate, the individual's attorney-in-fact, legal guardian, health care agent, as defined in ~~18 V.S.A. chapter 111~~ 231 of this title, executor, or administrator.

Sec. 108. 18 V.S.A. § 9420 is amended to read:

§ 9420. CONVERSION OF NONPROFIT HOSPITALS

* * *

(g) Notice and hearing for public comment on application.

* * *

(2) The Attorney General shall provide reasonable notice of any hearing to the parties, the Board, and the public, and may order that the parties bear the cost of notice to the public. Notice to the public shall be provided in newspapers having general circulation in the region affected and shall identify the applicants and the proposed conversion. A copy of the public notice shall be sent to the ~~State health care and long term care ombudspersons~~ Office of the Health Care Advocate, the State Long-Term Care Ombudsman, and to the Senators and members of the House of Representatives representing the county and district and to the clerk, chief municipal officer, and legislative body, of the municipality in which the nonprofit hospital is principally located. Upon receipt, the clerk shall post notice in or near the clerk's office and in at least two other public places in the municipality. Any person may testify at a hearing under this section and, within such reasonable time as the Attorney General may prescribe, file written comments with the Attorney General and Board concerning the proposed conversion.

* * *

Sec. 109. 18 V.S.A. § 9421 is amended to read:

§ 9421. PHARMACY BENEFIT MANAGEMENT; REGISTRATION;
INSURER AUDIT OF PHARMACY BENEFIT MANAGER
ACTIVITIES

* * *

(f) As used in this section:

(1) “Health insurer” ~~is defined~~ shall have the same meaning as in subdivision 9471(2) of this title.

(2) “Health plan” ~~is defined~~ shall have the same meaning as in subdivision 9471(3) of this title.

(3) “Pharmacy benefit management” ~~is defined~~ shall have the same meaning as in subdivision 9471(4) of this title.

(4) “Pharmacy benefit manager” ~~is defined~~ shall have the same meaning as in subdivision 9471(5) of this title.

Sec. 110. 18 V.S.A. § 9474 is amended to read:

§ 9474. ENFORCEMENT

* * *

(e) Notwithstanding ~~the foregoing~~ any provision of this section to the contrary, the Commissioner and the Attorney General may bring a joint enforcement action against any person or entity for a violation of this subchapter.

Sec. 111. 18 V.S.A. § 9491 is amended to read:

§ 9491. HEALTH CARE WORKFORCE; STRATEGIC PLAN

* * *

(b) The Director or designee shall collaborate with the area health education centers, the State Workforce Development Council Board established in 10 V.S.A. § ~~544~~ 541a, the Prekindergarten-16 Council

established in 16 V.S.A. § 2905, the Department of Labor, the Department of Health, the Department of Vermont Health Access, and other interested parties, to develop and maintain the plan. The Director of Health Care Reform shall ensure that the strategic plan includes recommendations on how to develop Vermont's health care workforce, including:

* * *

(4) ~~review~~ reviewing data on the extent to which individual health care professionals begin and cease to practice in their applicable fields in Vermont;

(5) ~~identify~~ identifying factors which either hinder or assist in recruitment or retention of health care professionals, including an examination of the processes for prior authorizations, and ~~make~~ making recommendations for further improving recruitment and retention efforts;

(6) ~~assess~~ assessing the availability of State and federal funds for health care workforce development.

* * *

Sec. 112. 18 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

As used in this chapter:

(1) "Advance directive" means a written record executed pursuant to section 9703 of this title, which may include appointment of an agent, identification of a preferred primary care clinician, instructions on health care desires or treatment goals, an anatomical gift ~~as defined in subdivision 5238(1)~~

~~of this title~~, disposition of remains, and funeral goods and services. The term includes documents designated under prior law as a durable power of attorney for health care or a terminal care document.

* * *

(5) "Clinician" means a medical doctor licensed to practice under 26 V.S.A. chapter 23, an osteopathic physician licensed pursuant to 26 V.S.A. ~~§ 1750(9)~~ chapter 33, an ~~advance~~ advanced practice registered nurse licensed pursuant to 26 V.S.A. ~~§ 1572(4)~~ chapter 28, subchapter 2, and a physician assistant ~~certified~~ licensed pursuant to 26 V.S.A. ~~§ 1733~~ chapter 31 acting within the scope of the license under which the clinician is practicing.

* * *

Sec. 113. 20 V.S.A. § 361 is amended to read:

§ 361. MILITARY DEPARTMENT; NATIONAL GUARD

(a) The ~~military department~~ Military Department, created by 3 V.S.A. § 212, shall be administered by the ~~adjutant general~~ Adjutant and Inspector General and shall include the ~~national guard~~ National Guard and all military components of the ~~state~~ State.

(b) The organized militia shall be known as the ~~national guard~~ National Guard, and shall consist of ~~such~~ the organizations and personnel of such arm, service, corps, or department as ~~may from time to time be required by the~~ federal government may require to be maintained in the ~~state~~ State, organized in accordance with federal regulations ~~prescribed therefor by the federal~~

~~government~~ and approved by the ~~governor~~ Governor. The ~~governor~~ Governor may alter, divide, annex, consolidate, disband, or reorganize the same and create new organizations, when the federal regulations ~~prescribed by the federal government shall so~~ require, in order that the ~~national guard~~ National Guard of this ~~state~~ State shall conform to any system of drill, discipline, administration, and instruction ~~now or hereafter~~ prescribed for the ~~armed forces of the United States~~ U.S. Armed Forces. The ~~governor~~ Governor shall ~~prescribe~~ adopt all necessary ~~regulations~~ rules for the government of the ~~national guard~~ National Guard pursuant to this section.

Sec. 114. 20 V.S.A. § 362 is amended to read:

§ 362. FEDERAL LAWS AND REGULATIONS

Matters relating to the organization, discipline, training, and government of the ~~national guard~~ National Guard not otherwise provided for in this chapter, nor in the general ~~regulations~~ rules, shall be decided by the federal laws and regulations prescribed for the ~~national guard~~ National Guard and the ~~army~~ U.S. Army, ~~air force~~ Air Force, or ~~navy of the United States as the case may be, so far as the same are~~ Navy as applicable.

Sec. 115. 20 V.S.A. § 363 is amended to read:

§ 363. OFFICERS GENERALLY

The ~~general assembly~~ General Assembly shall biennially elect an ~~adjutant and inspector general~~ Adjutant and Inspector General, who shall also be ~~quartermaster general~~ Quartermaster General with the rank of a major general.

~~Such officer~~ The Adjutant General may appoint a deputy with appropriate rank, an ~~assistant adjutant general for army~~ Assistant Adjutant General for Army, an ~~assistant adjutant general for air~~ Assistant Adjutant General for Air, an ~~assistant adjutant general for joint operations~~ Assistant Adjutant General for Joint Operations, a ~~sergeant major~~ Sergeant Major, and a ~~chief master sergeant~~ Chief Master Sergeant, without pay, with the approval of the ~~governor~~ Governor. The ~~adjutant general~~ Adjutant and Inspector General may remove the appointed assistant adjutant generals and sergeants and shall be responsible for their acts. Upon appointment, each ~~assistant adjutant general~~ Assistant Adjutant General shall be a federally recognized officer of the ~~national guard~~ National Guard of the rank of lieutenant colonel or above, and shall have a rank of colonel or brigadier general, and the ~~sergeant major~~ Sergeant Major shall be a federally recognized noncommissioned officer of the ~~national guard~~ National Guard of the rank of master sergeant or first sergeant or above, and the ~~chief master sergeant~~ Chief Master Sergeant shall be a federally recognized noncommissioned officer of the rank of senior master sergeant or first sergeant. The ~~deputy~~ Deputy, ~~assistants~~ Assistants, and ~~sergeants~~ Sergeants shall perform duties as the ~~adjutant and inspector general and quartermaster general~~ Adjutant and Inspector General and Quartermaster General shall direct. In the absence or disability of the officer, the ~~deputy~~ Deputy shall perform the duties of that office. In case a vacancy occurs in the office of ~~adjutant~~ Adjutant and ~~inspector general~~ Inspector General and ~~quartermaster general~~

Quartermaster General, the ~~deputy~~ Deputy shall assume and discharge the duties of the office until the vacancy is filled. The appointments shall be in writing and recorded in the office of the ~~secretary of state~~ Secretary of State. All other officers of the ~~national guard~~ National Guard shall be chosen in accordance with ~~such regulations as the governor may prescribe~~ rules adopted by the Governor consistent with the laws of this ~~state~~ State and the United States.

Sec. 116. 20 V.S.A. § 365 is amended to read:

§ 365. DISCHARGES TO OFFICERS

Discharges to commissioned officers may be granted by the ~~commander in chief under such regulations as he or she prescribes~~ Commander-in-Chief under rules adopted by the Commander-in-Chief.

Sec. 117. 20 V.S.A. § 421 is amended to read:

§ 421. DUTIES GENERALLY

The ~~adjutant and inspector general~~ Adjutant and Inspector General shall issue, sign, and transmit the orders of the ~~commander in chief~~ Commander-in-Chief, and the ~~regulations which~~ rules that may be established, and obey the orders from him or her as to carrying into execution the laws of the United States and of this ~~state~~ State. He or she shall be charged with the correspondence between the ~~commander in chief~~ Commander-in-Chief and officers of the several states and territories, the ~~secretary of defense~~ Secretary

of Defense, and other persons in official stations, on the subject of military affairs, and shall keep a record of such correspondence.

Sec. 118. 20 V.S.A. § 486 is amended to read:

§ 486. PROVISION FOR PAY

The ~~quartermaster general~~ Quartermaster General shall provide for the pay of each officer and enlisted ~~man~~ Guard member for duty performed and authorized by in accordance with part 2 of this title ~~in accordance with the provisions of the same~~, under ~~regulations prescribed~~ rules adopted by the ~~commander in chief~~ Commander-in-Chief.

Sec. 119. 20 V.S.A. § 545 is amended to read:

§ 545. ~~REGULATIONS AS TO USE OF ARMORIES; RULES~~

(a) ~~Such board~~ The Board shall establish rules ~~and regulations~~ governing the use and occupancy of ~~such~~ the armories and property, and shall cause the same to be posted conspicuously in ~~such~~ the buildings. A member of the ~~national guard~~ National Guard who violates ~~such rule or regulation~~ the rules shall be deemed guilty of a military offense, punishable as a court-martial shall direct, ~~agreeably~~ pursuant to the provisions of sections 941 and 942 of this title.

(b) Fees collected under this section for rental of armories shall be credited to a special fund and shall be available to the ~~department~~ Department to offset the cost of providing the services.

Sec. 120. 20 V.S.A. § 601 is amended to read:

§ 601. WHEN AND BY WHOM NATIONAL GUARD CALLED OUT

The ~~commander in chief~~ Commander-in-Chief or, in his or her absence, the ~~lieutenant governor~~ Lieutenant Governor, or, in the absence of both, the ~~adjutant and inspector general~~ Adjutant and Inspector General, in case of riot, rebellion, or insurrection within the ~~state~~ State, or in case of great opposition to the service of legal process, whether civil or criminal, or in case of invasion or imminent danger thereof, or in case of disaster, or emergency proclaimed by the ~~governor~~ Governor, may call out the ~~national guard~~ National Guard, or such parts ~~thereof as~~ of the National Guard he or she deems necessary, and may order ~~such this~~ force into camp for instruction and drill. Until discharged by order of the ~~commander in chief such~~ Commander-in-Chief, the force shall be subject to his or her order and shall be governed by the regulations prescribed for the ~~army of the United States~~ U.S. Army; and the ~~commander in chief~~ Commander-in-Chief may order the same into camp for instruction and drill when in his or her judgment the interests of the ~~state~~ State require.

Sec. 121. 20 V.S.A. § 701 is amended to read:

§ 701. OATHS OF OFFICERS

A person commissioned as an officer or warrant officer of the ~~national guard~~ National Guard, within ~~such the~~ time as ~~the commander in chief may designate~~ designated by the Commander-in-Chief after such commission is tendered ~~him or her~~ to the officer, shall take and subscribe to ~~such the~~ oath as

~~may be prescribed~~ required by federal law and regulations before a civil officer legally qualified to administer oaths, or before a ~~national-guard~~ National Guard officer or warrant officer who has previously taken and subscribed ~~such the~~ the oath; provided that ~~such the~~ the oath shall contain obligations of allegiance to the ~~state~~ State and to the United States, and in the absence of federal law or regulations upon the subject, the oath shall be as prescribed by the ~~commander in-chief~~ Commander-in-Chief. In case of neglect or refusal to take ~~such the~~ the oath within the time specified, the officer shall be deemed to have resigned his or her office and a new election shall be ordered or appointment made as required by law.

Sec. 122. 20 V.S.A. § 702 is amended to read:

§ 702. OATHS OF ENLISTED MEMBERS

At the time of their enlistment, all enlisted members of the ~~national-guard~~ National Guard shall take and subscribe to ~~such the~~ the oath and contract ~~as shall~~ be prescribed by federal law and regulations before a ~~national-guard~~ National Guard officer or warrant officer who has taken and subscribed to the oath for officers prescribed in section 701 of this title; provided that ~~such the~~ the oath shall contain obligations of allegiance to the ~~state~~ State and to the United States, ~~and~~ in. In the absence of applicable federal law or regulations ~~upon the subject,~~ the oath and contract shall be as prescribed by the ~~commander in-chief~~ Commander-in-Chief.

Sec. 123. 20 V.S.A. § 703 is amended to read:

§ 703. DUTIES OF OFFICERS

Commissioned officers shall obey orders received from superior officers; attend drills, parades, inspections, and reviews, prescribed or authorized by this chapter; make such returns as the ~~commander in chief~~ Commander-in-Chief directs; and under such ~~regulations~~ rules as he ~~prescribes~~, or she adopts; perform other duties incident to their positions under the ~~constitution~~ Constitution and laws of this ~~state~~ State and of the United States; and conform to such ~~regulations as are prescribed~~ rules adopted by the ~~commander in chief~~ Commander-in-Chief.

Sec. 124. 20 V.S.A. § 704 is amended to read:

§ 704. DUTIES OF ENLISTED MEMBERS

Enlisted members shall obey orders received from their officers to attend drills, parades, inspections, and reviews, directed or authorized by this chapter, prescribed for them to attend, and perform the duties incident to their respective positions, subject to the ~~regulations which the commander in chief prescribes~~ rules adopted by the Commander-in-Chief.

Sec. 125. 20 V.S.A. § 823 is amended to read:

§ 823. STORAGE OF PROPERTY

Military stores belonging to the ~~state~~ State not issued to the ~~national guard~~ National Guard, and military property belonging to the United States in possession of the ~~state~~ State and not issued to the ~~national guard~~ National

Guard, shall be stored in the ~~state~~ State, and the ~~commander-in-chief~~

Commander-in-Chief shall ~~prescribe~~ adopt the necessary ~~regulations~~ rules to secure the safekeeping of military property issued to the ~~national-guard~~ National Guard.

Sec. 126. 20 V.S.A. § 824 is amended to read:

§ 824. UNIFORMS AND EQUIPMENT

The uniforms and equipment of organizations and members of the ~~national-guard~~ National Guard shall be as prescribed and furnished by the federal government but the ~~commander-in-chief~~ Commander-in-Chief may permit ~~such modification or addition thereto~~ modifications or additions as he or she deems for the best interests of the ~~state~~ State, consistent with law and federal regulations for the government of the ~~national-guard~~ National Guard.

Sec. 127. 20 V.S.A. § 942 is amended to read:

§ 942. MILITARY COURTS FOR THE VERMONT NATIONAL GUARD

(a) Except in organizations in the service of the United States, military courts in the Vermont ~~national-guard~~ National Guard are of three kinds: general, special, and summary courts-martial.

(b) When practicable considering finances, personnel, and administration, ~~they~~ the military courts shall be constituted like similar courts provided for by the laws and regulations governing the ~~armed forces of the United States~~ U.S. Armed Forces and shall follow the forms and procedure prescribed for those courts.

Sec. 128. 20 V.S.A. § 942a is amended to read:

§ 942a. STRUCTURE OF COURTS-MARTIAL

(a) General court-martial. A general court-martial of the Vermont ~~national guard~~ National Guard shall be convened only by order of the ~~governor~~ Governor.

(1) A general court-martial may try any person subject to the military code of Vermont for a crime made punishable by the military laws of the United States and the ~~state~~ State, and may impose fines not exceeding \$200.00, sentence forfeiture of pay and allowances, reprimand, dismiss or dishonorably discharge from the service, and reduce noncommissioned officers in rank. Any two or more punishments may be combined in the sentence imposed by the court.

(2) The procedure by which a general court-martial shall function in view of the ~~state's~~ State's lack of manpower, and shortage of places of confinement and finances, shall be in compliance with reasonable rules ~~and regulations~~, adjusted to the peculiar characteristics of the ~~state~~ State. The rules ~~and regulations~~ shall be formulated by the ~~adjutant general~~ Adjutant and Inspector General, drafted by the ~~staff judge-advocate~~ Staff Judge Advocate and approved by the ~~governor~~ Governor.

(b) Special court-martial. The ~~adjutant general~~ Adjutant and Inspector General or the commanding officer of a battalion or similar unit may appoint a special court-martial, but the special court-martial may in any case be

appointed by superior authority when ~~it~~ the superior authority considers the appointment desirable.

(1) A special court-martial may try any person subject to the military code of Vermont, except a commissioned or warrant officer, for any crime of a purely military nature made punishable ~~as such~~ by military law of the United States or the ~~state~~ State.

(2) A special court-martial has the same powers of punishment as a general court-martial, except that a fine may not exceed \$100.00.

(c) Summary court-martial. The commanding officer of a unit may appoint a summary court to consist of one officer who may administer oaths and may try enlisted ~~men~~ Guard members for breach of discipline and for minor violations of a military regulation governing the unit. The court, when satisfied of the guilt of the soldier, may fine him or her not exceeding \$25.00 for any single offense, sentence to a reduction in rank, and declare not in excess of one month's forfeiture of pay and allowances. The proceedings shall be informal.

(d) Appeal from convictions. Any appeal from the sentence of a court-martial by the defendant shall be taken to the ~~adjutant general~~ Adjutant and Inspector General.

(1) The defendant shall file written notice of appeal within 30 days ~~of~~ after the court's finding of guilty.

(2) The ~~adjutant general~~ Adjutant and Inspector General with the assistance of the ~~staff judge advocate~~ Staff Judge Advocate shall review all questions of law and fact.

(3) The final decision in all appeals from the special and summary courts-martial are with the ~~adjutant general~~ Adjutant and Inspector General. An appeal from the general court-martial conviction shall be reviewed by the ~~adjutant general~~ Adjutant and Inspector General as provided in this subsection. ~~However the defendant, within~~

(4) Within 60 days after being served with the written decision of the ~~adjutant general~~ Adjutant and Inspector General, affirming in whole or in part the conviction, the defendant may appeal to the ~~governor~~ Governor, whose decision is final.

Sec. 129. 20 V.S.A. § 942b is amended to read:

§ 942b. EXPENSES OF MILITARY COURTS

(a) The expense incident to and connected with the holding of military courts in this ~~state~~ State under this chapter shall be paid out of the ~~general fund~~ General Fund under orders; and rules ~~and regulations~~ issued by the ~~adjutant general~~ Adjutant and Inspector General with the approval of the ~~governor~~ Governor.

(b) All fines levied and collected under this section shall be paid to the ~~state~~ State of Vermont for deposit in the ~~state general fund~~ State's General Fund.

(c) For each day of duty as a member of a general court-martial, or as a witness under summons from the ~~president~~ President or ~~judge-advocate~~ Judge Advocate of the court, officers and ~~men~~ enlisted Guard members shall be paid as provided in section 603 of this title.

* * *

(e) All expenses incident to conduct of military boards shall be paid for upon proper vouchers drawn against the ~~state general fund~~ State's General Fund.

(f) If a member of the ~~national guard~~ National Guard is prosecuted by civil or criminal action for an act performed or committed by him or her or an act caused, ordered, or directed by him or her to be done or performed in furtherance of and while in the performance of his or her military duty, the expenses of the defense of the action, civil or criminal, including ~~attorney~~ attorney's fees, witness fees for the defense, defendant's court costs, and all costs for transcripts of records and abstracts on appeal by the defense, shall be paid out of the ~~state general fund~~ State's General Fund.

Sec. 130. 20 V.S.A. § 945 is amended to read:

§ 945. ~~REGULATIONS~~ RULES OF THE NATIONAL GUARD

All matters relating to the organization, government, and discipline of the ~~national guard~~ National Guard, including nonjudicial punishment similar to that provided for in the Uniform Code of Military Justice, not otherwise provided for by the laws of the United States, this chapter, or regulations

issued by the ~~president~~ President, shall be governed by ~~regulations issued~~ rules adopted by the ~~adjutant general~~ Adjutant and Inspector General and approved by the ~~governor~~ Governor, and the ~~regulations when~~ adopted, rules shall have the same force and effect as though enacted in this chapter.

Sec. 131. 20 V.S.A. § 961 is amended to read:

§ 961. COMMANDING OFFICER NONJUDICIAL DISCIPLINE

(a)(1) A commanding officer may impose nonjudicial discipline upon a service member for minor military offenses without the intervention of a court-martial in accordance with the provisions of this subchapter.

(2) The commanding officer who intends to impose nonjudicial discipline upon a service member shall notify him or her of the following:

* * *

(C) any other nonjudicial discipline procedural rights established by ~~regulation~~ rule.

* * *

Sec. 132. 20 V.S.A. § 1151 is amended to read:

§ 1151. ORGANIZATION AND MAINTENANCE

(a) Whenever any part of the ~~national guard~~ National Guard of this ~~state~~ State is in active federal service, the ~~governor~~ Governor is hereby authorized to organize and maintain within this ~~state~~ State during such period, under ~~such~~ the regulations ~~as that the secretary~~ of the U.S. Army of the ~~United States~~ U.S. Army may prescribe for the organization, standards of training, instruction, and

discipline, such military forces as the ~~governor~~ Governor may deem necessary to defend this ~~state~~ State. ~~Such~~

(b) The forces shall be:

(1) composed of officers commissioned or assigned, and ~~such~~ any able-bodied citizens of the ~~state~~ State as shall volunteer for service ~~therein~~, supplemented, if necessary, by ~~men~~ members of the unorganized militia enrolled by draft or otherwise as provided by law. ~~Such forces shall be;~~

(2) additional to and distinct from the ~~national guard~~ National Guard and shall be known as the Vermont ~~state guard~~. ~~Such forces shall be~~ State Guard;

(3) ~~uniformed. Such forces shall be;~~ and

(4) located in places having ~~national guard~~ National Guard units ~~therefrom then~~ in federal service and such other places as the ~~governor~~ Governor may direct provided adequate personnel are available for such service.

Sec. 133. 20 V.S.A. § 1152 is amended to read:

§ 1152. AUTHORITY OF GOVERNOR TO ~~PRESCRIBE REGULATIONS~~

ADOPT RULES

The ~~governor~~ Governor is hereby authorized to ~~prescribe~~ adopt rules ~~and regulations~~ not inconsistent with the provisions of part 3 of this title governing the enlistment, organization, administration, equipment, maintenance, training, and discipline of ~~such~~ forces; provided, however, that ~~such~~ the rules ~~and regulations~~, insofar as he or she deems practicable and desirable, shall conform

to existing law governing and pertaining to the ~~national guard~~ National Guard and the rules ~~and regulations promulgated~~ adopted thereunder, and such regulations as the ~~secretary of the army~~ Secretary of the Army may prescribe.

Sec. 134. 20 V.S.A. § 1153 is amended to read:

§ 1153. EQUIPMENT AND FACILITIES

For the use of ~~such~~ the forces described in this chapter, the ~~governor~~ Governor is hereby authorized to requisition from the ~~secretary of the army~~ Secretary of the Army any arms, ammunition, clothing, and equipment as ~~that the secretary of the army~~ Secretary of the Army, in his or her discretion and under regulations determined by him or her, is authorized to issue and to make available to ~~such~~ the forces the facilities of ~~state~~ State armories and their equipment and ~~such~~ other state State premises and property as may be available.

Sec. 135. 20 V.S.A. § 1156 is amended to read:

§ 1156. ARTICLES OF WAR IN RELATION TO COURTS-MARTIAL

Whenever ~~such~~ the forces described in this chapter, or any part thereof, shall be ordered out for active service, the ~~articles of war~~ Articles of War of the United States applicable to members of the ~~national guard~~ National Guard of this ~~state~~ State in relation to court-martial, their jurisdiction, and the limits of punishment, and the rules and regulations prescribed ~~thereunder~~ under the Articles of War shall be in full force and effect with respect to the Vermont ~~state guard~~ State Guard.

Sec. 136. 20 V.S.A. § 1271 is amended to read:

§ 1271. PAY AND RATIONS

When the ~~state guard~~ State Guard or any part thereof shall be ordered out for active duty or for field training, they shall be entitled to the same pay and rations as the ~~national guard~~ National Guard on similar duty and shall be paid under ~~such regulations as the governor prescribes~~ rules adopted by the Governor.

Sec. 137. 20 V.S.A. § 1714 is amended to read:

§ 1714. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

Except as otherwise provided in this chapter, the Board shall have all powers necessary and convenient for governing the Home, providing services to veterans and other residents, and otherwise performing its duties under this chapter, including the authority to:

* * *

(2) Receive, hold, accept, manage, and convey any interest in real or personal property acquired by the Home by gift, grant, purchase, devise, or otherwise for the purpose of managing the Home and providing services to veterans and such members of their families as the Board deems proper, under such conditions and ~~regulations~~ rules as the Board may ~~from time to time prescribe~~ adopt. Included within the powers granted by this subdivision, and notwithstanding any other ~~contrary~~ provision of law to the contrary, is the authority to apply and administer the real or personal property to further the

purposes of the Home in accordance with the terms specified by gift, grant, or devise; provided, however, that in the absence of specified terms, the Board shall have the authority to apply and administer the property in the manner and for the purposes that the Board deems appropriate. Also included within the powers granted in this subdivision is the authority to hold title to the real property originally conveyed to the Trustees of the Soldiers Home in Vermont by the Trenor W. Park Home for Destitute Children and Women by quitclaim deed dated January 15, 1887, which shall be administered in the manner provided by the gift.

* * *

Sec. 138. 20 V.S.A. § 1716 is amended to read:

§ 1716. CHIEF EXECUTIVE OFFICER

The Chief Executive Officer shall be the chief administrative officer of the Home and shall exercise general supervision over the business and affairs of the Home. In addition to other duties, the Chief Executive Officer shall:

* * *

(7) Ensure that all laws, rules, ~~regulations~~, and policies pertaining to the Home are observed.

* * *

Sec. 139. 20 V.S.A. § 2056e is amended to read:

§ 2056e. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
DEPARTMENT OF BUILDINGS AND GENERAL SERVICES

* * *

(c) The Commissioner of Buildings and General Services shall obtain from the Vermont Crime Information Center the record of Vermont convictions and pending criminal charges for any security personnel applicant after the applicant has received an offer of employment conditioned on the record check. Nothing ~~herein~~ in this section shall automatically bar a person who has a criminal record from applying or being selected for a security position.

* * *

Sec. 140. 20 V.S.A. § 2056h is amended to read:

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

* * *

(c) The Commissioner of Financial Regulation shall obtain from the Vermont Crime Information Center the record of Vermont convictions and pending criminal charges for any banking division examiner applicant after the applicant has received an offer of employment conditioned on the record check. Nothing ~~herein~~ in this section shall automatically bar a person who has a criminal record from applying or being selected for a banking division examiner position.

* * *

Sec. 141. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
POLICING POLICY; RACE DATE COLLECTION

(a)(1) On or before March 1, 2018, every State, ~~local~~ county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt a fair and impartial policing policy that includes, at a minimum, each component of the Criminal Justice Training Council's model fair and impartial policing policy.

* * *

Sec. 142. 20 V.S.A. § 2730 is amended to read:

§ 2730. DEFINITIONS

* * *

(c) For the purpose of this subchapter, subchapter 3 of this chapter, and ~~21 V.S.A. chapter 4~~ chapter 174 of this title, the words “premises,” “building,” and “structure,” or any part thereof shall mean “public building” as defined in this section.

* * *

Sec. 143. 20 V.S.A. § 2731 is amended to read:

§ 2731. RULES; INSPECTIONS; VARIANCES

(a) Rules. The Commissioner is authorized to adopt rules regarding the construction of buildings, maintenance and operation of premises, and prevention of fires and removal of fire hazards, and to prescribe standards necessary to protect the public, employees, and property against harm arising out of or likely to arise out of fire.

(b) Inspections. The Commissioner shall conduct inspections of premises to assure that the rules adopted under this subchapter are being observed and may establish priorities for enforcing these rules and standards based on the relative risks to persons and property from fire of particular types of premises. The Commissioner may also conduct inspections to assure that buildings are constructed in accordance with approved plans and drawings.

(c) Fees. The following fire prevention and building code fees are established:

* * *

(d) Permit processing. The Commissioner shall make all practical efforts to process permits in a prompt manner. The Commissioner shall establish time limits for permit processing as well as procedures and time periods within which to notify applicants whether an application is complete.

(e) Variations; exemptions. The Commissioner may grant variations or exemptions from rules adopted under this subchapter where strict compliance

would entail practical difficulty, unnecessary hardship, or is otherwise found unwarranted, provided that:

* * *

(f) State-funded building energy standards. The Commissioner shall, in State-funded buildings or new additions to State-funded buildings on which construction is begun after June 30, 2001, meet the standards contained in “The Vermont Guidelines for Energy Efficient Commercial Construction” as published in its most recent edition by the Department of Public Service.

(g) Definition. “Publicly funded building” as used in this section means any public building or an addition thereto that is paid for in whole or in part with federal, State, or municipal monies.

(h) Older and historic renovations. A building owner or contractor engaged in an older and historic renovation project may propose innovative, performance-based alternatives in lieu of strict fire and building code compliance. The Commissioner shall consider such alternatives and shall accept those that provide equivalent protection of the public safety and health. A decision to accept or deny a proposed alternative shall be in writing and explain the reasons for accepting or denying the alternative.

(i) Plan reviews.

(1) The Department approves stamped architectural plans by issuing a plan review letter. If, upon final inspection, the Department requires structural changes, additional life safety modifications, or State-mandated accessibility

modifications, and the modifications or changes are not the result of design or construction changes by the owner, the owner or architect:

* * *

(j) Detectors. Rules adopted under this section shall require that information written, approved, and distributed by the Commissioner on the type, placement, and installation of photoelectric smoke detectors and carbon monoxide detectors be conspicuously posted in the retail sales area where the detectors are sold.

* * *

(l) Energy standard certificates. Provision of a certificate as required by 30 V.S.A. §§ 51 (residential building energy standards) or 53 (commercial building energy standards) shall be a condition precedent to the issuance of a certificate of use or occupancy for a public building under the rules adopted pursuant to this section.

Sec. 144. 20 V.S.A. § 3581 is amended to read:

§ 3581. GENERAL REQUIREMENTS

(a) A person who is the owner of a dog or wolf-hybrid more than six months old shall annually on or before April 1 cause it to be registered, numbered, described, and licensed on a form approved by the Secretary for one year from that day in the office of the clerk of the municipality ~~wherein~~ in which the dog or wolf-hybrid is kept. A person who owns a working farm dog and who intends to use that dog on a farm pursuant to the exemptions in

section 3549 of this title shall cause the working farm dog to be registered as a working farm dog and shall, in addition to all other fees required by this section, pay \$5.00 for a working farm dog license. The owner of a dog or wolf-hybrid shall cause it to wear a collar, and attach thereto a license tag issued by the municipal clerk. Dog or wolf-hybrid owners shall pay for the license \$4.00 for each neutered dog or wolf-hybrid, and \$8.00 for each unneutered dog or wolf-hybrid. If the license fee for any dog or wolf-hybrid is not paid ~~by~~ on or before April 1, its owner or keeper may thereafter procure a license for that license year by paying a fee of 50 percent in excess of that otherwise required.

* * *

Sec. 145. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

* * *

(d)(1) An employee shall not have a cause of action in negligence for any injury occurring to the employee on the account of an employer complying with subdivisions ~~(a)(6)~~(a)(5) and ~~(7)(6)~~ of this section.

(2) A person shall not have a cause of action in negligence for any injury occurring to the person on ~~the~~ account of an employer complying with subdivisions ~~(a)(6)~~(a)(5) and ~~(7)(6)~~ of this section.

* * *

Sec. 146. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(12)~~(A)~~ “Reasonable accommodation” means the changes and modifications which can be made in the structure of a job or in the manner in which a job is performed unless it would impose an undue hardship on the employer.

~~(B) Reasonable accommodation~~ “Reasonable accommodation” may include:

~~(A)(i)~~ making the facilities used by the employees, including common areas used by all employees such as hallways, restrooms, cafeterias, and lounges, readily accessible to and usable by individuals with disabilities; and

~~(B)(ii)~~ job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and other similar actions;

(C) ~~factors~~ Factors to be considered in determining whether an undue hardship is imposed by the requirement that reasonable accommodation be made for an individual with a disability include:

(i) the overall size of the employer’s operation with respect to the number of employees, number and type of facilities, and size of budget; and

(ii) the cost for the accommodation needed.

* * *

Sec. 147. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

* * *

(11) “Personal injury by accident arising out of and in the course of employment” includes an injury caused by the willful act of a third person directed against an employee because of that employment.

* * *

(E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and (4), who dies or has a disability from a cancer listed in subdivision ~~(iv)~~(iii) of this subdivision (E), the firefighter shall be presumed to have had the cancer as a result of exposure to conditions in the line of duty, unless it is shown by a preponderance of the evidence that the cancer was caused by nonservice-connected risk factors or nonservice-connected exposure, provided:

(i)(I) ~~The~~ the firefighter completed an initial and any subsequent cancer screening evaluations as recommended by the American Cancer Society based on the age and sex of the firefighter prior to becoming a firefighter or within two years of July 1, 2007, and the evaluation indicated no evidence of cancer;

~~(ii)~~(II) ~~The~~ the firefighter was engaged in firefighting duties or other hazardous activities over a period of at least five years in Vermont prior to the diagnosis; and

(III) the firefighter is under 65 years of age.

~~(iii)~~(ii) The presumption shall not apply to any firefighter who has used tobacco products at any time within 10 years of the date of diagnosis.

~~(iv)~~(iii) The disabling cancer shall be limited to leukemia, lymphoma, or multiple myeloma, and cancers originating in the bladder, brain, colon, gastrointestinal tract, kidney, liver, pancreas, skin, or testicles.

~~(v) The firefighter is under the age of 65.~~

* * *

Sec. 148. 21 V.S.A. § 624 is amended to read:

§ 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

* * *

(d) In the event the injured employee or personal representative settle the claim for injury or death, or commence proceedings thereon against the third party before the payment of workers' compensation, the recovery or commencement of proceedings shall not act as an election of remedies and any monies so recovered shall be applied as ~~herein~~ provided in this section.

* * *

Sec. 149. 21 V.S.A. § 1502 is amended to read:

§ 1502. DEFINITIONS

As used in this chapter:

* * *

(11) “Professional employee” means:

(A) any employee engaged in work:

* * *

(iii) of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

* * *

Sec. 150. 21 V.S.A. § 1733 is amended to read:

§ 1733. ARBITRATION

* * *

(b) Where an impasse continues for 20 days after a fact finder has made a report public under subsection 1732(e) of this title, a three-member arbitration panel shall be formed as follows:

* * *

(2) The two members so selected shall within five business days select the third member of the panel to serve as Chair. If the two members fail to select a third member of the panel within five business days, the third member shall be appointed by the Superior Court for the county in which the municipality is situated, upon petition of either party, and notice to the other party.

* * *

Sec. 151. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(7) “Crosswalks” means:

(A) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

(B) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

* * *

Sec. 152. 23 V.S.A. § 372a is amended to read:

§ 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

* * *

(b) As used in this section, a motor bus used in public transportation service is a motor bus used by a nonprofit public transit system as defined in 24 V.S.A. § 5088(3), and a motor bus used in local transit is a motor bus used entirely within or not more than 100 miles beyond the boundaries of a city or town.

Sec. 153. 23 V.S.A. § 1006c is amended to read:

§ 1006c. CHAIN REQUIREMENTS FOR VEHICLES WITH WEIGHT RATINGS OF MORE THAN 26,000 POUNDS

* * *

(e) When signs are posted and chains required in accordance with this section, chains shall be affixed as follows on vehicles with a GVWR or a GCWR of more than 26,000 pounds:

* * *

(2) Vehicles with semitrailers or trailers. A vehicle towing one or more semitrailers or trailers:

(A) that has a single-drive axle towing a trailer shall have chains on two tires on each side of the drive axle and on one tire on the front axle and on one tire on one of the rear axles of the trailer;

(B) that has a single-drive axle towing a semitrailer shall have chains on two tires on each side of the drive axle and on two tires, one on each side, of any axle of the semitrailer;

(C) that has a tandem-drive axle towing a trailer shall have:

(i) chains on two tires on each side of the primary drive axle, or if both axles of the vehicle are powered by the drive line, on one tire on each side of each drive axle; and

(ii) chains on one tire of the front axle and on one tire on one of the rear axles of the trailer;

(D) that has a tandem-drive axle towing a semitrailer shall have:

(i) chains on two tires on each side of the primary drive axle, or if both axles of the vehicle are powered by the drive line, on one tire on each side of each drive axle; and

* * *

Sec. 154. 23 V.S.A. § 4108 is amended to read:

§ 4108. COMMERCIAL DRIVER LICENSE, COMMERCIAL LEARNER'S
PERMIT QUALIFICATION STANDARDS

* * *

(f) The fee for a knowledge test and the fee for a ~~skill~~ skills test shall each be \$32.00. The fee for an endorsement test shall be \$14.00. In the event that an applicant fails a test three times, he or she may not take the test again for at least six months. A fee of \$24.00 shall be paid by the applicant before he or she may schedule a ~~skill~~ skills test. If an applicant does not appear for the scheduled ~~skill~~ skills test, the \$24.00 scheduling fee is forfeited, unless the applicant has given the Department at least 48 hours' notice of cancellation of the test. If the applicant appears for the ~~skill~~ skills test, the \$24.00 scheduling fee for that test will be used as part of the test fee. Use of an interpreter is prohibited during the administration of the knowledge or skills tests.

* * *

Sec. 155. 24 V.S.A. § 1168 is amended to read:

§ 1168. RETURN OF NAMES OF LISTERS TO DIRECTOR OF THE
DIVISION OF PROPERTY VALUATION AND REVIEW

After each annual meeting, a town clerk shall report forthwith electronically to the Director of the Division of Property Valuation and Review the name of each lister ~~therein~~ in the town, his or her post office address, and the length of his or her term of office. In like manner, a town clerk shall notify the Director of the Division of Property Valuation and Review of any lister appointed to fill a vacancy.

Sec. 156. 24 V.S.A. § 1402 is amended to read:

§ 1402. APPRAISERS; OATH; FILE

~~Appraisers~~ Each appraiser shall take and subscribe to an oath in form and substance as required of listers in towns and file the same in the office of the county clerk where he or she is to exercise the duties of his or her office.

Sec. 157. 24 V.S.A. § 1965 is amended to read:

§ 1965. DUTIES OF THE COMMUNITY JUSTICE CENTERS

Each community justice center:

(1) shall work in close coordination with State agencies, law enforcement agencies, State's Attorneys, social service providers, victim advocacy organizations, and other community resources in administering the programs defined in subdivision ~~1964(3)~~ 1964(a)(3) of this title;

* * *

Sec. 158. 24 V.S.A. § 4003 is amended to read:

§ 4003. HOUSING AUTHORITY; ESTABLISHMENT

(a) In each municipality, ~~as herein defined~~, there is hereby created a public body corporate and politic to be known as the housing authority; provided, however, that such authority shall not transact any business or exercise its power ~~hereunder~~ under this chapter, until or unless the governing body of the municipality by proper resolution shall declare ~~at any time hereafter~~ that there is a need for the authority to function in ~~said~~ the municipality.

* * *

Sec. 159. 24 V.S.A. § 4005 is amended to read:

§ 4005. VERMONT STATE HOUSING AUTHORITY; ESTABLISHMENT,
MEMBERS, POWERS

(a) The Vermont State Housing Authority is created. It is referred to ~~herein~~
in this chapter as the “State Authority.” It is a public body corporate and
politic of perpetual duration; and shall consist of seven commissioners.

* * *

Sec. 159a. 24 V.S.A. § 4753a is amended to read:

§ 4753a. AWARDS FROM REVOLVING LOAN FUNDS

(a) Pollution control. The General Assembly shall approve all categories of
awards made from the special funds established by section 4753 of this title for
water pollution abatement and facility construction, in order to assure that such
awards conform with State policy on water quality and pollution abatement,
and with the State policy that municipal entities shall receive first priority in
the award of public monies for such construction, including monies returned to
the revolving funds from previous awards. To facilitate this legislative
oversight, the Secretary of Natural Resources shall annually on or before
January 15 report to the House ~~Committee~~ Committees on Corrections and
Institutions; and on Natural Resources, Fish, and Wildlife and the Senate
~~Committee~~ Committees on Institutions; ~~and the House and Senate Committees~~
and on Natural Resources and Energy on all awards made from the relevant
special funds during the prior and current fiscal years, and shall report on and

seek legislative approval of all the types of projects for which awards are proposed to be made from the relevant special funds during the current or any subsequent fiscal year. Where feasible, the specific projects shall be listed. The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not apply to the report to be made under this subsection.

* * *

Sec. 160. 24 App. V.S.A. chapter 3, article 84 is redesignated to read:

Article 84. Airport Commissioners; Airport ~~Manager~~ Management

Sec. 161. 24 App. V.S.A. chapter 3, § 276 is redesignated to read:

§ 276. COMPOSITION; TERMS; POWERS; ~~MANAGER~~ AIRPORT
MANAGEMENT

Sec. 162. 24 App. V.S.A. chapter 123, § 902 is amended to read:

§ 902. WATER SUPPLY; DUTIES OF SELECTBOARD MEMBERS

* * *

(7) When any person shall be dissatisfied with the award of the Selectboard so made, in any of the cases mentioned in ~~the preceding~~ section 901 of this charter, such person may petition a court of competent jurisdiction for a ~~re-assessment~~ reassessment and award of damages, and such proceedings shall be had in said court on said petition as are provided by law for the assessment of damages for land taken for highway. Said petition shall be served on the Clerk of said Town within 60 days next after said award shall be filed in the Town Clerk's office as aforesaid, but nothing in such proceedings

shall prevent the Selectboard from entering on such land, and laying and constructing said aqueduct, reservoirs, and appurtenances, and using said water after their award shall have been made and the amount thereof tendered by them.

* * *

Sec. 163. 24 App. V.S.A. chapter 123A, § 203 is amended to read:

§ 203. DUTIES OF ELECTED OFFICERS

* * *

(b) Moderator. The Moderator:

* * *

Sec. 164. 24 App. V.S.A. chapter 403, § 54 is amended to read:

§ 54. WITHDRAWAL OF MEMBER MUNICIPALITY

A member municipality may withdraw from the District upon the following terms and conditions ~~specified below~~:

* * *

Sec. 165. 26 V.S.A. § 1368 is amended to read:

§ 1368. DATA REPOSITORY; LICENSEE PROFILES

(a) A data repository is created within the Department of Health, ~~which that~~ will be responsible for the compilation of all data required under this section, under this chapter, and under any other law or rule that requires the reporting of such information. Notwithstanding any provision of law to the contrary, licensees shall promptly report and the Department shall collect the following

information to create individual profiles on all health care professionals licensed, certified, or registered by the Department, pursuant to the provisions of this title, in a format created by the Department that shall be available for dissemination to the public:

* * *

(6)(A) All medical malpractice court judgments and all medical malpractice arbitration awards in which a payment is awarded to a complaining party during the last 10 years, and all settlements of medical malpractice claims in which a payment is made to a complaining party within the last 10 years. Dispositions of paid claims shall be reported in a minimum of three graduated categories, indicating the level of significance of the award or settlement, if valid comparison data are available for the profession or specialty. Information concerning paid medical malpractice claims shall be put in context by comparing an individual health care professional's medical malpractice judgment awards and settlements to the experience of other health care professionals within the same specialty within the New England region or nationally. The Commissioner may, in consultation with the Vermont Medical Society, report comparisons of individual health care professionals covered under this section to all similar health care professionals within the New England region or nationally.

* * *

(C)(i) Information concerning all settlements shall be accompanied by the following statement: “Settlement of a claim may occur for a variety of reasons ~~which~~ that do not necessarily reflect negatively on the professional competence or conduct of the health care professional. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred.” Nothing ~~herein~~ in this subdivision (6) shall be construed to limit or prevent the licensing authority from providing further explanatory information regarding the significance of categories in which settlements are reported.

(ii) Pending malpractice claims and actual amounts paid by or on behalf of a professional in connection with a malpractice judgment, award, or settlement shall not be disclosed by the Commissioner of Health or by the licensing authority to the public. Nothing ~~herein~~ in this subdivision (6) shall be construed to prevent the licensing authority from investigating and disciplining a health care professional on the basis of medical malpractice claims that are pending.

* * *

(c) The profile shall include the following conspicuous statement: “This profile contains information ~~which~~ that may be used as a starting point in evaluating the professional. This profile should not, however, be your sole basis for selecting a professional.”

Sec. 166. 26 V.S.A. § 1734c is amended to read:

§ 1734c. EXEMPTIONS

Nothing ~~herein~~ in this chapter shall be construed to require licensure under this chapter of:

* * *

Sec. 167. 28 V.S.A. § 102 is amended to read:

§ 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;
POWERS; RESPONSIBILITIES

(a) The Department is under the direction of the Commissioner, who shall be appointed by the Secretary of Human Services with the approval of the Governor and shall serve at the pleasure of the Secretary. The Commissioner's salary shall be fixed by the Governor within the appropriation ~~therefor~~ for that purpose.

* * *

Sec. 168. [Deleted.]

Sec. 169. 28 V.S.A. § 204 is amended to read:

§ 204. SUBMISSION OF WRITTEN REPORT; PROTECTION OF
RECORDS

* * *

(d)(1) Except as provided in subdivision (2) of this subsection, any presentence investigation report or parole summary prepared by any employee of the Department in the discharge of the employee's official duty, except as

provided in subdivision 204a(b)(5) and section 205 of this title, is confidential and shall not be disclosed to anyone outside the Department other than the judge or the Parole Board.

(2)(A) The court or Board shall permit inspection of the presentence investigation report or parole summary, redacted of information that may compromise the safety or confidentiality of any person, by the State's Attorney and by the defendant or inmate or his or her attorney; and

(B) the court or Board may, in its discretion, permit the inspection of the presentence investigation report or parole summary or parts thereof by other persons having a proper interest ~~therein~~ in the report or parole summary, whenever the best ~~interest~~ interests or welfare of the defendant or inmate makes that action desirable or helpful.

* * *

Sec. 170. 28 V.S.A. § 452 is amended to read:

§ 452. OFFICIAL SEAL; RECORDS

* * *

(b) The Board shall keep a record of its acts and shall notify each correctional facility of its decisions relating to persons confined ~~therein~~ in that facility.

* * *

Sec. 171. 29 V.S.A. § 152 is amended to read:

§ 152. DUTIES OF COMMISSIONER

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

* * *

(19) Transfer any unexpended project balances between projects that are authorized within the same section of ~~the~~ an annual capital construction act.

* * *

Sec. 172. 29 V.S.A. § 160 is amended to read:

§ 160. PROPERTY MANAGEMENT REVOLVING FUND

* * *

(c) Monies from the Fund shall be expended for rental of property for the purposes contemplated ~~herein~~ in this section, and to defray the cost of custodial services and other expenses necessary to the proper use and enjoyment of such premises by the occupant. Monies from the Fund may also be expended for management of buildings and property under the jurisdiction of the Department of Buildings and General Services, including inventory, appraisal, space study and allocation, and renovations. Cost of studies, renovations, alterations, and modifications shall not exceed \$50,000.00 unless approved by the Secretary of Administration.

* * *

Sec. 173. 30 V.S.A. § 2 is amended to read:

§ 2. DEPARTMENT POWERS

* * *

(e) The Commissioner of Public Service (the Commissioner) will work with the Director of the Office of Economic Opportunity (the Director), the Commissioner of Housing and Community Development, the Vermont Housing and Conservation Board (VHCB), the Vermont Housing Finance Agency (VHFA), the Vermont Community Action Partnership, and the efficiency entity or entities appointed under subdivision 209(d)(2) of this title and such other affected persons or entities as the Commissioner considers relevant to improve the energy efficiency of both single- and multi-family affordable housing units, including multi-family housing units previously funded by VHCB and VHFA and subject to the Multifamily Energy Design Standards adopted by the VHCB and VHFA. In consultation with the other entities identified in this subsection, the Commissioner and the Director together shall report twice to the House Committee on Energy and Technology and ~~the Senate Committees~~ Committee on Natural Resources and Energy, on or before January 31, 2015 and 2017, respectively, on their joint efforts to improve energy savings of affordable housing units and increase the number of units assisted, including their efforts to:

* * *

Sec. 173a. 30 V.S.A. § 21 is amended to read:

§ 21. PARTICULAR PROCEEDINGS AND ACTIVITIES; ASSESSMENT
OF COSTS

* * *

(e) Annually, on or before January 15, each agency shall report to the Senate ~~and House Committees~~ Committee on Natural Resources and Energy and the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife the total amount of expenses allocated under this section during the previous fiscal year. The report shall include the name of each applicant or company to whom expenses were allocated and the amount allocated to each applicant or company. The Agency of Agriculture, Food and Markets also shall submit a copy of its report to the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry.

* * *

Sec. 173b. 30 V.S.A. § 218c is amended to read:

§ 218c. LEAST-COST INTEGRATED PLANNING

* * *

(d)(1) Least-cost transmission services shall be provided in accordance with this subsection. ~~Not later than~~ On or before July 1, 2006, any electric company that does not have a designated retail service territory and that owns or operates electric transmission facilities within the State of Vermont, in conjunction with any other electric companies that own or operate these

facilities, jointly shall prepare and file with the Department of Public Service and the Public Utility Commission a Transmission System Plan that looks forward for a period of at least 10 years. A copy of the plan shall be filed with each of the following: the House Committees on Commerce and Economic Development and on ~~Natural Resources and Energy~~ and Technology and the Senate Committees on Finance and on Natural Resources and Energy. The objective of the Plan shall be to identify the potential need for transmission system improvements as early as possible, in order to allow sufficient time to plan and implement more cost-effective nontransmission alternatives to meet reliability needs, wherever feasible. The Plan shall:

* * *

Sec. 173c. 30 V.S.A. § 254 is amended to read:

§ 254. CONSTRUCTION OR EXTENDED OPERATION OF NUCLEAR
PLANT; PUBLIC ENGAGEMENT PROCESS

(a) ~~Time lines~~ Timelines for approval.

* * *

(3) Upon completion of the studies, the Department of Public Service shall provide the studies to the Public Utility Commission and to the Senate Committees on Finance and on Natural Resources and Energy; and the House ~~Committee~~ Committees on Commerce and Economic Development; and the ~~Senate Committee on Finance~~ on Energy and Technology, together with other information requested by the General Assembly.

(b) Public engagement and fact-finding.

* * *

(3) In conducting its part of the public engagement process, the Department shall conduct no less than three public meetings. The meetings shall be at separate locations within the State, in proximity to the nuclear energy generating facilities involved as well as in other locations as determined by the Department, and each shall be noticed by at least two advertisements, each occurring between one and three weeks prior to the meetings, in newspapers having general circulation within the State and within the municipalities in which the meetings are to be held. Copies of the notices shall be provided to the Public Utility Commission, the General Assembly, the Agency of Natural Resources, the Department of Health, the Agency of Transportation, the Attorney General, and each retail electricity provider within the State. During this public engagement and fact-finding process, the Department shall have authority to retain expert witnesses, counsel, advisors, stenographic, and other research assistance it may require. The Department may compensate the same and allocate related costs, as well as the costs of procuring the studies, to the owner of the Vermont Yankee nuclear power station, in the same manner authorized for personnel in particular proceedings under sections 20 and 21 of this title. The Department shall prepare a report of the proceedings containing a discussion of the principal contentions made by members of the public, analyses by any expert witnesses or consultants

retained by the Department, presentations by any State agency, and by any utility, and shall provide the same to the members of the Senate Committees on Finance and on Natural Resources and Energy, and the House Committee Committees on Commerce and Economic Development and on Energy and Technology, and the Senate Committee on Finance, and to the public.

* * *

Sec. 173d. 30 V.S.A. § 254a is amended to read:

§ 254a. JOINT FISCAL COMMITTEE; NUCLEAR ENERGY ANALYSIS

(a) The Joint Fiscal Committee may authorize or retain services or resources to assist the General Assembly:

(1) in any legislative proceeding under or related to subsection 248(e) of this title or 10 V.S.A. chapter 157; or

(2) with respect to any proceedings before any State or federal court concerning a nuclear generating plant in the State and related issues.

(b) Persons retained pursuant to subsection (a) of this section shall work under the direction of a special committee consisting of the Chairs of the House Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife and the Senate Committees Committee on Natural Resources and Energy and the Joint Fiscal Committee.

* * *

Sec. 173e. 30 V.S.A. § 255 is amended to read:

§ 255. REGIONAL COORDINATION TO REDUCE GREENHOUSE
GASES

* * *

(e) Reports. ~~By~~ On or before January 15 of each year, commencing in 2007, the Department of Public Service in consultation with the Agency of Natural Resources and the Public Utility Commission shall provide to the House Committees on Commerce and Economic Development, on Energy and Technology, and on Natural Resources, Fish, and Wildlife and the Senate Committees on Finance and on Natural Resources and Energy, ~~the Senate Committee on Finance, and the House Committee on Commerce and Economic Development~~ a report detailing the implementation and operation of RGGI and the revenues collected and the expenditures made under this section, together with recommended principles to be followed in the allocation of funds. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

* * *

Sec. 174. 30 V.S.A. § 504 is amended to read:

§ 504. CERTIFICATES OF PUBLIC GOOD

* * *

(c) In addition to the requirements set forth in subsection (b) of this section, the Commission shall ensure that the system provides or utilizes:

* * *

(4) unless waived by the Commission, an office ~~which~~ that shall be open during usual business hours, ~~have~~ and a listed, toll-free telephone number so that complaints and requests for repairs or adjustments may be received; and

* * *

Sec. 174a. 30 V.S.A. § 2811 is amended to read:

§ 2811. SMART METERS; CUSTOMER RIGHTS; REPORTS

* * *

(c) Reports. On January 1, 2014 and again on January 1, 2016, the Commissioner of Public Service shall publish a report on the savings realized through the use of smart meters, as well as on the occurrence of any breaches to a company's cyber-security infrastructure. The reports shall be based on electric company data requested by and provided to the Commissioner of Public Service and shall be in a form and in a manner the Commissioner deems necessary to accomplish the purposes of this subsection. The reports shall be submitted to the Senate Committees on Finance and on Natural Resources and Energy and the House Committees on Commerce and Economic Development ~~and on Natural Resources and on Energy~~ and Technology.

* * *

Sec. 175. 30 V.S.A. § 2901 is amended to read:

§ 2901. DEFINITIONS

In this chapter, unless the context otherwise requires, the following words shall have the following meanings:

(1) “Commission;” means the Public Utility Commission of this State.

(2) “Legal voter;” means a person qualified to vote under the provisions of ~~24 V.S.A. § 701~~ 17 V.S.A. § 2121.

(3) “Municipal plant;” means any plant or system owned and operated by any municipality for the manufacture, distribution, purchase, and sale of electricity or the manufacture, distribution, purchase, and sale of gas.

(4) “Municipality;” means any city, town, or village within this State.

(5) “Utility;” means any person or corporation engaged in the manufacture, distribution, and sale of gas and electricity in this State.

Sec. 175a. 30 V.S.A. § 8005b is amended to read:

§ 8005b. RENEWABLE ENERGY PROGRAMS; REPORTS

(a) The Department shall file reports with the General Assembly in accordance with this section.

(1) The House ~~Committee~~ Committees on Commerce and Economic Development, and on Energy and Technology and the Senate Committees on Economic Development, Housing and General Affairs ~~and~~, on Finance, ~~and the House and Senate Committees~~ on Natural Resources and Energy each shall receive a copy of these reports.

* * *

Sec. 175b. 30 V.S.A. § 8015 is amended to read:

§ 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

* * *

(e) Management of Fund.

* * *

(3) There is created the Clean Energy Development Board, which shall consist of seven persons appointed in accordance with subdivision (4) of this subsection.

* * *

(4) The Commissioner of Public Service shall appoint three members of the Clean Energy Development Board, and the ~~chairs~~ Chairs of the House Committee on Energy and Technology and the Senate Committees Committee on Natural Resources and Energy each shall appoint two members of the Clean Energy Development Board. The terms of the members of the Clean Energy Development Board shall be four years, except that when appointments to this Board are made for the first time after May 25, 2011, each appointing authority shall appoint one member for a two-year term and the remaining members for four-year terms. When a vacancy occurs in the Board during the term of a member, the authority who appointed that member shall appoint a new member for the balance of the departing member's term.

* * *

(7) The Department shall perform each of the following:

(A) ~~By~~ On or before January 15 of each year, provide to the ~~House and Senate Committees on Natural Resources and Energy, the Senate Committee~~ Committees on Finance, and on Natural Resources and Energy and the House ~~Committee~~ Committees on Commerce and Economic Development and on Energy and Technology a report for the fiscal year ending the preceding June 30 detailing the activities undertaken, the revenues collected, and the expenditures made under this subchapter. The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not apply to the report to be made under this subdivision.

* * *

Sec. 175c. 30 V.S.A. § 8105 is amended to read:

§ 8105. REPORTING

* * *

(b) Beginning on March 1, 2010, and annually thereafter, the Commissioner of Public Service shall submit a report to the Senate Committees on Economic Development, Housing and General Affairs, on Finance, and on Natural Resources and Energy, and the House Committees on Ways and Means, on Commerce and Economic Development, and on ~~Natural Resources and Energy~~ and Technology, and the Governor, which shall include an update on progress made in the development of the Vermont village green renewable projects authorized under this chapter. The report also shall include

an analysis of the costs and benefits of the projects as well as any recommendations consistent with the purposes of this chapter. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

Sec. 176. 31 V.S.A. § 601 is amended to read:

§ 601. CONSTRUCTION AND PURPOSE

This chapter is based upon the taxing power and the police power of the State and provides for the establishment, licensing, regulation, and control of the pari-mutuel system of wagering on horse races, and is for the protection of the public welfare and good order of the people of the State, the support and encouragement of agricultural fairs, and the improvement of the ~~breed~~ breeding of horses in Vermont.

Sec. 177. 31 V.S.A. § 605 is amended to read:

§ 605. RULES AND REGULATIONS

The Commission shall make rules ~~and regulations~~ for the holding, conducting, operating, and simulcasting of all running or harness horse or harness pony races or meets at which pari-mutuel pools are sold pursuant to the provisions of this chapter, and shall cause to be fingerprinted, under the direction of the Department of Public Safety, any and all persons working at or in connection with the operation of such horse races, or meets, including grooms, jockeys, and drivers.

Sec. 178. 31 V.S.A. § 610 is amended to read:

§ 610. ISSUANCE, CONTENTS; REVOCATION

(a) If the Commission is satisfied that all the provisions of this chapter and the rules ~~and regulations~~ prescribed have been and will be complied with by the applicant, it may issue a license ~~which~~ that shall expire on ~~the 31st day of~~ December 31. The license shall set forth the name of the licensee, the place where the races or race meets are to be held, and the time and number of days during which racing may be conducted by the licensee. It shall not be transferable or assignable.

* * *

Sec. 179. 31 V.S.A. § 614 is amended to read:

§ 614. PENALTY

* * *

(b) No person shall hold, conduct, operate, or simulcast a pari-mutuel dog race for public exhibition. Any person violating this subsection shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both.

Sec. 180. 31 V.S.A. § 627 is amended to read:

§ 627. DEFICITS; ASSESSMENTS

(a) Annually as of June 30, if, after comparing all racing Commission expenditures to the total of fees paid to the Commission under sections 615 and 618 of this title, there remains a deficit, then the Commission shall, on or before August 14 next, assess all licensees under section 610 of this title,

except agricultural fair licensees, an amount sufficient to cover the deficiency.

These assessments shall be on an equitable and practicable basis ~~as established~~
adopted by the Commission by ~~regulation~~ rule.

* * *

(c) In addition to the authority granted in subsection (b) of this section, the Commission shall have ~~such~~ the same authority to collect assessments levied under this section as granted to the Commissioner of Taxes to enforce and collect the tax on income under 32 V.S.A. chapter 151.

Sec. 181. [Deleted.]

Sec. 182. 31 V.S.A. § 661 is amended to read:

§ 661. SALES AND PURCHASE OF LOTTERY TICKETS

The following acts relating to the purchase and sale of lottery tickets are prohibited:

* * *

(3) No tickets ~~may~~ shall be sold to individuals who have not attained the age of majority. However, tickets may be given as gifts to minors or any other individuals except as prohibited by this chapter.

(4) No member of the Commission or employee of the Commission, or members of ~~their~~ the member's or employee's immediate household, ~~may~~ shall claim or receive prize money ~~hereunder~~ under this chapter.

Sec. 183. 31 V.S.A. § 675 is amended to read:

§ 675. CRIMINAL PROVISIONS-ARTICLE III

A. No person shall sell a ticket or share in a ticket at a price greater than that fixed by the Commission. No person other than a lottery agent ~~can~~ shall sell lottery tickets. Nothing in this section shall be construed to prevent any individual purchaser from giving lottery tickets or shares to another as a gift. Any person convicted of violating this article shall be punished by imprisonment for six months and a fine of \$1,000.00.

* * *

Sec. 184. [Deleted.]

Sec. 185. 32 V.S.A. § 639 is amended to read:

§ 639. LIMITATION OF ACTIONS; FINAL JUDGMENTS IN CRIMINAL
PROCEEDINGS

(a) A civil action under section 632 of this chapter for a violation of subsection 631(a) of this chapter may not be brought after the last to occur of:

(1) more than six years after the date on which the violation was committed; or

(2) more than three years after the date when facts material to the right of action are known or reasonably should have been known by the official within the Attorney General's office with responsibility to act in the circumstances, but in no event more than 10 years after the date on which the violation is committed;

~~whichever occurs last.~~

* * *

Sec. 186. 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees for issuing marriage licenses and vital event certificates:

(1) For issuing and recording a civil marriage license, \$60.00 to be paid by the applicant, \$10.00 of which sum shall be retained by the town clerk as a fee, \$35.00 of which shall be deposited in the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the State Treasurer in a return filed quarterly upon forms furnished by the State Treasurer and specifying all fees received by him or her during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.

(2) [Repealed.]

(3) [Repealed.]

(4) [Repealed.]

(5) Fees for vital event certificates shall be charged ~~and allocated~~ as specified in 18 V.S.A. § 5017.

Sec. 187. 32 V.S.A. § 3832 is amended to read:

§ 3832. PUBLIC, PIOUS, AND CHARITABLE USES

The exemption from taxation of real and personal estate granted, sequestered, or used for public, pious, or charitable uses shall not be construed as exempting:

(1) Real and personal property held in trust for a municipal corporation by virtue of a trust which takes effect after ~~passage of this act~~ May 20, 1959 when the property is located outside the town where the municipal corporation has its principal place of business, unless the town or municipality in which the property is located so votes at any regular or special meeting duly warned therefor.

* * *

Sec. 188. 32 V.S.A. § 7402 is amended to read:

§ 7402. DEFINITIONS

The following definitions shall apply throughout this chapter unless the context requires otherwise:

* * *

(3) “Federal estate tax liability” means for any decedent’s estate, the federal estate tax payable by the estate under the laws of the United States after the allowance of all credits against ~~such~~ the estate tax provided ~~thereto~~ by the laws of the United States.

* * *

Sec. 189. 32 V.S.A. § 7442a is amended to read:

§ 7442a. IMPOSITION OF A VERMONT ESTATE TAX AND RATE OF
TAX

* * *

(b) The tax shall be computed as follows. The following rates shall be applied to the Vermont taxable estate:

Amount of Vermont Taxable Estate	Rate of Tax
Not over <u>Under</u> \$2,750,000.00	None
\$2,750,000.00 or more	16 percent of the excess over \$2,750,000.00

The resulting amount shall be multiplied by a fraction not greater than one, where the numerator of which is the value of the Vermont gross estate plus the value of gifts under 32 V.S.A. § 7402(14)(C) with a Vermont situs, and the denominator of which is the federal gross estate plus the value of gifts under subdivision 7402(14)(C) of this title.

* * *

Sec. 190. 32 V.S.A. § 7486 is amended to read:

§ 7486. TIME LIMITATION ON NOTICES OF DEFICIENCY AND
ASSESSMENT OF PENALTY AND INTEREST

(a) The Commissioner may notify a taxpayer of a deficiency with respect to the payment of any tax liability, or assess a penalty or interest with respect thereto, in accordance with ~~section 7485~~ sections 3202 and 3203 of this title, at

any time within three years after the date that tax liability was originally required to be paid under this chapter.

(b) Notwithstanding subsection (a) of this section:

* * *

(3) If the notice of deficiency or assessment is founded upon an assertion or determination by the United States that the taxable gifts or estate, or estate or gift tax liability of the taxpayer under the laws of the United States is greater than such amount reported on any return of the taxpayer filed under the laws of the United States, the notification or assessment under ~~section 7485~~ sections 3202 and 3203 of this title may be made within the time prescribed under subsection (a) of this section, or at any time before the expiration of six months after the date the Commissioner is notified, in writing, by the taxpayer or by the United States of the federal assertion or determination, whichever period is the later to expire;

* * *

Sec. 191. 32 V.S.A. § 7487 is amended to read:

§ 7487. DETERMINATION OF DEFICIENCY, PENALTY, OR INTEREST

Upon receipt of a notice of deficiency or assessment of penalty or interest under ~~section 7485~~ sections 3202 and 3203 of this title, the taxpayer may, within 60 days after the date of the notice or assessment, petition the Commissioner in writing for a determination of that deficiency or assessment. The Commissioner shall thereafter grant a hearing upon the matter and notify

the taxpayer in writing of his or her determination concerning the deficiency, penalty or interest.

Sec. 192. 32 V.S.A. § 7490 is amended to read:

§ 7490. PAYMENT AND COLLECTION OF DEFICIENCIES AND

ASSESSMENTS; JEOPARDY NOTICES

(a) Upon notification to a taxpayer of any deficiency, and upon assessment against the taxpayer of any penalty or interest, under ~~section 7485~~ sections 3202 and 3203 of this title, the amount of the assessment shall be payable forthwith and the amount of the deficiency and assessment shall be collectible by the Commissioner 30 days after the date of the notification or assessment. The collection by the Commissioner of the deficiency, penalty, or interest shall be stayed:

(1) If within 30 days ~~of~~ after the notification of deficiency or the assessment under ~~section 7485~~ sections 3202 and 3203 of this title the taxpayer files a petition for determination by the Commissioner in accordance with section 7487 of this title, collection shall be stayed until 30 days after the notification of the taxpayer of the determination; and

* * *

(b) Notwithstanding subsection (a) of this section, the Commissioner, if he or she believes the collection from a taxpayer of any deficiency, penalty, or interest to be in jeopardy, may demand, in writing, that the taxpayer pay the deficiency, penalty, or interest forthwith. The demand may be made

concurrently with, or after the notice of deficiency or the assessment of penalty or interest given to the taxpayer under ~~section 7485~~ sections 3202 and 3203 of this title. The amount of deficiency, penalty, or interest shall be collectible by the Commissioner on the date of the demand, unless the taxpayer files with the Commissioner a bond in an amount equal to the deficiency, penalty, or interest sought to be collected as security for such amount as finally may be determined. In the event that it is finally determined that the taxpayer was not liable for the amount of the deficiency, penalty, or interest referred to in any demand under this subsection, the Commissioner shall reimburse the taxpayer, promptly upon such determination, for the reasonable cost to the taxpayer of any bond obtained by him or her for the purposes of this subsection.

Sec. 193. 32 V.S.A. § 7491 is amended to read:

§ 7491. REMEDY EXCLUSIVE; DETERMINATION FINAL

(a) The exclusive remedy of a taxpayer with respect to the refund of monies paid in connection with a return filed under this chapter shall be the petition for refund provided under section 7488 of this title, and the appeal from an adverse determination of the petition for refund provided under section 7489 of this title. The exclusive remedy of a taxpayer with respect to a notification of deficiency or assessment of penalty or interest under ~~section 7485~~ sections 3202 and 3203 of this title shall be the petition for determination of the deficiency or assessment provided under section 7487 of this title, and the

appeal from an adverse determination of deficiency or assessment provided under section 7489 of this title.

(b) Upon the failure of a taxpayer to petition in accordance with section 7487 of this title from a notice of deficiency or assessment under ~~section 7485~~ sections 3202 and 3203 of this title, or to appeal in accordance with section 7489 of this title from a determination of a deficiency of assessment of tax liability under section 7487 of this title, the taxpayer shall be bound by the terms of the notification, assessment or determination, as the case may be. The taxpayer shall not thereafter contest, either directly or indirectly, the tax liability as therein set forth, in any proceeding including a proceeding upon a claim of refund of all or any part of any payment made with respect to the tax liability, or a proceeding for the enforcement or collection of all or any part of the tax liability.

Sec. 194. 32 V.S.A. § 7497 is amended to read:

§ 7497. TAX LIABILITY AS PROPERTY LIEN

(a) If any corporation, partnership, individual, trust, or estate required to pay or remit any tax liability under this chapter neglects or refuses to pay it in accordance with this chapter after notification or assessment thereof under ~~section 7485~~ sections 3202 and 3203 of this title, the aggregate amount of the tax liability then due and owing, together with any costs that may accrue in addition thereto, shall be a lien in favor of this State upon all property and rights to property, whether real or personal, belonging to the corporation,

partnership, individual, trust, or estate. The lien shall arise at the time the notification or assessment is made by the Commissioner and shall continue until the aggregate tax liability with costs is satisfied in full or becomes unenforceable by reason of lapse of time. The lien shall be valid as against any subsequent mortgagee, pledgee, purchaser, or judgment creditor when notice of the lien and the sum due has been filed by the Commissioner with the clerk of the town or city in which the property subject to lien is situated, or, in the case of an unorganized town, gore, or grant, in the office of the clerk of the county wherein the property is situated. In the case of a motor vehicle, the lien shall also be valid when a notation of the lien is made on the certificate of title and shall only be valid as against any subsequent mortgagee, pledgee, bona fide purchaser or judgment creditor when such notation is made. In the case of any prior mortgage on any real or personal property so written as to secure a present debt and also future advances by the mortgagee to the mortgagor, the lien herein provided, when notice thereof has been filed in the proper clerk's office, shall be subject to the prior mortgage unless the Commissioner also notifies the mortgagee of the recording of the lien in writing, in which case any indebtedness thereafter created from the mortgagor to the mortgagee shall be junior to the lien herein provided for.

* * *

Sec. 195. 33 V.S.A. § 7509 is amended to read:

§ 7509. CONFLICT OF INTEREST

* * *

(c) The Ombudsman, consistent with the requirements of the Older Americans Act, shall be able to speak on behalf of the interest of individuals receiving long-term care and to carry out all duties prescribed in this chapter without being made subject to any disciplinary or retaliatory personnel or other action as a consequence of so doing. The Commissioner of Disabilities, Aging, and Independent Living shall establish a committee of ~~no~~ not fewer than five persons, who represent the interests of individuals receiving long-term care and who are not State employees, for the purpose of ensuring that the Ombudsman program is free from conflicts of interest. The Commissioner shall solicit from this committee its assessment of the Ombudsman program's capacity to operate in accordance with this ~~subsection~~ section and shall submit that assessment as an appendix to the report required under subdivision 7503(10) of this title. The Department, in consultation with this committee, shall establish a process for periodic review and identification of conflicts within the Ombudsman program.

Sec. 196. 2016 Acts and Resolves No. 150, Sec. 4 is amended to read:

Sec. 4. REPORTS; RULEMAKING; BULLETIN; REVISION

* * *

(b) On or before February 15, 2017, the Secretary shall report in writing to the ~~House and Senate Committees~~ Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife ~~and Water Resources~~ on the Secretary's progress in adopting the rules required by Sec. 1 of this act and revising and reestablishing the environmental notice bulletin in accordance with Secs. 1 and 3 of this act.

* * *

(d) On or before February 15, 2020, the Secretary of Natural Resources shall submit a written report to the ~~House and Senate Committees~~ Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife ~~and Water Resources~~ that:

* * *

Sec. 197. INTERPRETATION

It is the intent of the General Assembly that the technical amendments in this act shall not supersede substantive changes contained in other bills enacted by the General Assembly. Where possible, the amendments in this act shall be interpreted to be supplemental to other amendments to the same sections of statute; to the extent the provisions conflict, the substantive changes in other acts shall take precedence over the technical changes in this act.

Sec. 198. REPEALS

The following are repealed:

- (1) 7 V.S.A. § 507 (expiration of notices).

(2) 18 V.S.A. § 2056 (licensing of nursing home administrators).

Sec. 199. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

Date Governor signed bill: May 1, 2018