

H.59

An act relating to technical corrections

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

Sec. 1. 2 V.S.A. § 20 is amended to read:

§ 20. LIMITATION ON DISTRIBUTION AND DURATION OF AGENCY
REPORTS

(a) Unless otherwise provided by law, whenever it is required by statute, ~~regulation~~ rule, or otherwise that an agency submit an annual, biennial, or other periodic report to the General Assembly, that requirement shall be met by submission by January 15 of copies of the report for activities in the preceding fiscal year to the Clerk of the House, the Secretary of the Senate, the Legislative Council, and such individual members of the General Assembly or committees that specifically request a copy of the report. To the extent practicable, reports shall also be placed on the agency's Internet website. No general distribution or mailing of such reports shall be made to members of the General Assembly.

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Sec. 2. 3 V.S.A. § 473 is amended to read:

§ 473. FUNDS

(a) Assets. All of the assets of the Retirement System shall be credited to the Vermont State Retirement Fund.

* * *

Sec. 3. 3 V.S.A. § 928 is amended to read:

§ 928. RULES

(a) The Board, as necessary to carry out the provisions of this chapter, shall ~~make~~ adopt and may amend and rescind ~~and adopt such rules and regulations~~ consistent with this chapter, ~~as may be necessary to carry out the provisions of this chapter~~.

(b) Notwithstanding the provisions of subsection (a) of this section, rules adopted by the Board as they relate to grievance appeals shall provide:

(1) If a collective bargaining agreement provides that an appeal to the Board will constitute the final step in the grievance procedure, all employees and other persons authorized by this chapter shall have the right to appeal to the Board in accordance with the rules ~~and regulations~~ of the Board.

* * *

Sec. 4. 3 V.S.A. § 962 is amended to read:

§ 962. EMPLOYEES

It shall be an unfair labor practice for an employee organization or its agents:

* * *

(10) To charge a collective bargaining service fee unless such employee organization has established and maintained a procedure to provide nonmembers with:

(A) an audited financial statement that identifies the major categories of expenses, and divides them into chargeable and nonchargeable expenses;

(B) an opportunity to object to the amount of the ~~agency~~ collective bargaining service fee sought, any amount reasonably in dispute to be placed in escrow;

(C) prompt arbitration by the Board to resolve any objection over the amount of the collective bargaining service fee.

Sec. 5. 3 V.S.A. § 1027 is amended to read:

§ 1027. EMPLOYEES

It shall be an unfair labor practice for an employee organization or its agents:

* * *

(10) To charge a collective bargaining service fee unless the employee organization has established and maintained a procedure to provide nonmembers with all the following:

(A) an audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses;

(B) an opportunity to object to the amount of the fee requested and to place in escrow any amount reasonably in dispute;

(C) prompt arbitration by the Board to resolve any objection over the amount of the collective bargaining service fee.

Sec. 6. 4 V.S.A. § 1105 is amended to read:

§ 1105. ANSWER TO COMPLAINT; DEFAULT

* * *

(f) If a person fails to appear or answer a complaint, the Bureau shall enter a default judgment against the person. However, no default judgment shall be entered until the filing of a declaration by the issuing officer or State's Attorney, under penalty of perjury, setting forth facts showing that the defendant is not a person in military service as defined ~~at 50 App. U.S.C. § 511~~ in 50 U.S.C. § 3911 (Servicemembers Civil Relief Act definitions), except upon order of the hearing officer in accordance with ~~the Servicemembers Civil Relief Act, 50 App. U.S.C. Titles I-H~~ the Act. The Bureau shall mail a notice to the person that a default judgment has been entered. A default judgment may be set aside by the hearing officer for good cause shown.

* * *

Sec. 7. 6 V.S.A. § 648 is amended to read:

§ 648. INSPECTIONS

* * *

(c) For those seeds sold in containers of more than ten pounds, a report shall be filed annually on January 15 on forms supplied by the Secretary regarding sales during the previous calendar year, and fees based on the ~~35-cent-per-hundredweight~~ \$10.00 per ton rate shall accompany the report. Reporting periods are January 1-June 30 and July 1-December 31.

(d) For those seeds sold in containers of ten pounds or less, the fee of ~~\$75.00~~ \$85.00 per company shall be paid annually prior to distribution in the State. Fees shall be paid annually on January 1.

* * *

Sec. 8. 6 V.S.A. § 1104 is amended to read:

§ 1104. POWERS OF SECRETARY

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

* * *

(3) Adopt standards, procedures, and requirements relating to the display, sale, use, application, treatment, storage, or disposal of economic poisons or their waste products and limit the conditions under which the same may be sold, used, treated, stored, or disposed of. The use of pesticides which the Secretary finds to have a hazardous or long-term deleterious effect on the environment shall be restricted, and permits shall be required for their use in accordance with ~~regulations~~ rules adopted by the Secretary. Specific uses of certain pesticides deemed to present a likely risk to human health or be

dangerous shall be restricted by ~~regulation~~ rule or by ordering the deletion of certain uses for registered pesticides from the label on pesticide products to be marketed in the State. Approved methods for the safe display, storage, and shipping of poisonous pesticides shall be prescribed and enforced. Procedures for the disposal of pesticides which are illegal, obsolete, surplus, or in damaged containers shall be adopted and enforced with the cooperation of the Agency of Natural Resources.

* * *

(8) Revoke or suspend any license or certificate for failure to comply with this chapter or any rule ~~or regulation~~ adopted under its authority, or for being subject to a final order imposing a civil penalty under 7 U.S.C. ~~section~~ § 136 l or for being convicted under 7 U.S.C. ~~section~~ § 136 l on due notice to the licensee or holder of the certificate with an opportunity for hearing if a written request for hearing is filed with the Secretary within five days of receipt of notice of a violation.

(9) Make, adopt, revise, and amend reasonable rules ~~and regulations~~ as he or she deems necessary with the advice of the Pesticide Advisory Council in order to carry out the provisions of this chapter.

(10) Appoint assistants, subject to applicable laws and ~~regulations~~ rules, to perform or assist in the performance of any duties or functions of the Secretary under this chapter.

(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 ~~regulations~~ rules thereto.

(12) Cooperate fully with the federal government or other agency in the operation of any joint federal-state programs concerning the ~~regulation~~ rule of the application or use of pesticides, such programs, including ~~but not limited to~~ the program promulgated by Public Law 92-516 of the 92nd Congress.

(13) Institute appropriate proceedings on behalf of the Agency to enforce this chapter and any ~~regulations duly promulgated thereunder~~ rules adopted pursuant to this chapter. Whenever the Secretary believes that any person is in violation of the provisions of this chapter or ~~regulations~~ rules adopted ~~thereunder~~ pursuant to this chapter, an action may be brought in the name of the Agency in a court of competent jurisdiction against the person to restrain by temporary or permanent injunction the continuation or repetition of the violation. The court may issue temporary or permanent injunctions without bond, and other relief as may be necessary and appropriate for abatement of any violation.

(14) In any case in which the Secretary has authority to institute an action or proceeding under this chapter, in lieu thereof he or she may accept an assurance of discontinuance of any violation of any of the statutes and ~~regulations~~ rules specified in this chapter including schedules of abatement for a violation. Any assurance of discontinuance shall be prepared in writing with the assistance of the Attorney General. The assurance shall be signed by all parties, and at the discretion of the Secretary, the Attorney General shall submit the assurance of discontinuance to the Superior ~~court~~ Court having jurisdiction over the subject matter, and shall request that the presiding judge sign the document and issue it as an order of the court. Evidence of a violation of such assurance shall be prima facie proof of violation of a statute or ~~regulation~~ rule specified ~~above~~ in this chapter as cited in the assurance. Prior to institution of any action or proceeding under this subdivision, the Secretary whenever he or she believes any person to be or to have been in violation of any statute or ~~regulation~~ rule specified in this subdivision may issue a notice of violation setting forth the nature of the violation, the corrective action necessary to abate the violation, and the notice of intention to institute an action or proceeding against the person responsible for the violation. In that event, the Secretary shall provide the person within 30 days of the notice an opportunity to be heard and an opportunity to settle the matter by an assurance

to discontinue prior to instituting an action or proceeding as provided for in this subdivision.

* * *

Sec. 9. 6 V.S.A. § 1105a is amended to read:

§ 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST
MANAGEMENT PRACTICES

(a) The Secretary of Agriculture, Food and Markets, upon the recommendation of the Pesticide Advisory Council, may adopt by rule:

(1) best management practices, standards, procedures, and requirements relating to the sale, use, storage, or disposal of treated articles the use of which the Pesticide Advisory Council has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

* * *

(3) requirements ~~by the Secretary~~ for the examination or inspection of treated articles the use of which the Pesticide Advisory Council has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

* * *

Sec. 10. 6 V.S.A. § 1109 is amended to read:

§ 1109. LICENSING RETAIL DEALERS

The Secretary may adopt ~~regulations~~ rules requiring persons selling Class C pesticides at retail to be licensed under this chapter, and may establish reasonable requirements for obtaining licenses. The license fee for a retail dealer shall be \$25.00 for one year or any part thereof for each store or place of business operated by the retail dealer. The license period shall be January 1 to December 31.

Sec. 11. 6 V.S.A. § 1111 is amended to read:

§ 1111. ADMINISTRATIVE PENALTIES

(a) The ~~secretary~~ Secretary may assess an administrative penalty, not to exceed \$1,000.00 per violation for private applicators or certified private applicators or \$5,000.00 per violation for certified noncommercial applicators, certified commercial applicators, licensed dealers, licensed companies or permit holders, in any case in which he or she determines that an applicator, dealer, licensed company or permit holder has done any of the following acts in violation of this chapter, or of the rules ~~or regulations promulgated~~ adopted under this chapter:

* * *

(7) violated the terms or conditions of a permit issued pursuant to this chapter, or pursuant to the rules ~~or regulations promulgated~~ adopted pursuant to this chapter.

* * *

Sec. 12. 6 V.S.A. § 3302 is amended to read:

§ 3302. DEFINITIONS

As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

(1) “Adulterated” shall apply to any livestock product or poultry product under one or more of the following circumstances:

(A) If it contains any poisonous or harmful substance which may render it injurious to health. The product shall not be considered adulterated under this definition if the quantity of the substance in or on the product does not ordinarily render it injurious to health.

* * *

(C) If it is a raw agricultural commodity and the commodity contains a pesticide chemical which is unsafe within the meaning of ~~section 408 of the Federal Food, Drug, and Cosmetic Act~~ 21 U.S.C. § 346a (tolerances for pesticide residues).

(D) If it contains any food additive which is unsafe within the meaning of ~~section 409 of the Federal Food, Drug, and Cosmetic Act~~ 21 U.S.C. § 348 (unsafe food additives).

(E) If it contains any color additive which is unsafe within the meaning of ~~section 706 of the Federal Food, Drug, and Cosmetic Act~~ 21 U.S.C. § 379e (listing of color additives). A product which is not otherwise deemed adulterated under subdivisions (1)(C) and (D) of this section and this subdivision shall be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on the product is prohibited by rules of the Secretary in official or licensed establishments.

* * *

(J) If it has been subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to ~~section 409 of the Federal Food, Drug, and Cosmetic Act~~ 21 U.S.C. § 348.

* * *

(11) “Federal Food, Drug, and Cosmetic Act” means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and amendatory or supplementary acts codified at 21 U.S.C. §§ 301-399f. It shall include as part of its meaning the “Vermont Food, Drug, Cosmetic and Hazardous Substance Labeling Act” codified at 18 V.S.A. chapter 82, subchapter 1, rules promulgated adopted

under that chapter, and amendatory or supplementary acts, where not inconsistent with the “Federal Food, Drug, and Cosmetic Act.”

* * *

(13) “Handler of dead, dying, disabled, or diseased animals” means any person who buys, sells, transports, or otherwise handles any animal which died other than by slaughter, or any animal which displays symptoms of having any of the following:

(A) central nervous system disorder;

* * *

(G) any of the conditions for which livestock is required to be condemned on antemortem inspection in accordance with the requirements of this chapter and the rules ~~promulgated~~ adopted pursuant to this chapter.

* * *

(25) “Misbranded” shall apply to any livestock product or poultry product under one or more of the following circumstances:

(A) if its labeling is false or misleading in any way;

* * *

(I) if it is not subject to the provisions of subdivision (25)(G) of this section, unless its label bears:

(i) the common or usual name of the food, if any; and

(ii) in case it is fabricated from two or more ingredients, the common name of each ingredient, except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each; provided, that, to the extent that compliance with the requirements of subdivision (ii) of this subdivision (I) is impracticable, or results in deception or unfair competition, exemptions shall be established by rules ~~promulgated~~ adopted by the Secretary;

* * *

(K) if it contains any artificial flavoring, artificial coloring, or chemical preservative, unless it has a label stating that fact; provided, that to the extent that compliance with the requirements of this subdivision (K) is impracticable, exemptions shall be established by rules ~~promulgated~~ adopted by the Secretary;

* * *

Sec. 13. 9 V.S.A. § 2453 is amended to read:

§ 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER
PROTECTION

* * *

(c) The Attorney General shall ~~make~~ adopt rules ~~and regulations~~, when necessary and proper to carry out the purposes of this chapter, relating to unfair methods of competition in commerce and unfair or deceptive acts or practices

in commerce. The rules ~~and regulations~~ shall not be inconsistent with the rules, regulations, and decisions of the Federal Trade Commission and the federal courts interpreting the Federal Trade Commission Act.

(d) Violation of a rule ~~or regulation as made~~ adopted by the Attorney General is prima facie proof of the commission of an unfair or deceptive act in commerce.

* * *

Sec. 14. 9 V.S.A. § 2461c is amended to read:

§ 2461c. PREDATORY PRICING

* * *

(c) The Attorney General shall ~~make~~ adopt rules ~~and regulations~~ when necessary and proper to carry out the purposes of this section. The rules ~~and regulations~~ shall not be inconsistent with the rules, regulations, and decisions of the Federal Trade Commission or with the decisions of the courts of the United States construing federal anti-trust law.

* * *

Sec. 15. 9 V.S.A. § 2730 is amended to read:

§ 2730. LICENSING FOR OPERATION OF WEIGHING AND
MEASURING DEVICES

* * *

(c) Any person wishing to obtain a license to operate a weighing or measuring device shall annually apply to the Secretary, on forms provided by the Secretary, on or before January 1. Each application shall be accompanied by a fee as specified in this section. Except for new applicants, any applicant who applies for a license after January 1 shall pay ~~an additional late fee equal to 10 percent of the specified fee~~ the late fee assessed by the Secretary pursuant to 6 V.S.A. § 1(13).

* * *

Sec. 16. 10 V.S.A. § 152 is redesignated to read:

§ 152. AUTHORITY TO NAME ~~ROADS AND~~ GEOGRAPHIC
LOCATIONS

Sec. 17. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(k)(1) With respect to the commercial extraction of slate from a slate quarry, activities that are not ancillary to slate mining operations may constitute substantial changes, and be subject to permitting requirements under this chapter. “Ancillary activities” include the following activities that pertain to slate and that take place within a registered parcel that contains a slate quarry: drilling, crushing, grinding, sizing, washing, drying, sawing and cutting stone, blasting, trimming, punching, splitting, and gauging, and use of

buildings and use and construction of equipment exclusively to carry out ~~the~~
~~above~~ such activities. Buildings that existed on April 1, 1995, or any
replacements to those buildings, shall be considered ancillary.

* * *

Sec. 18. 10 V.S.A. § 6608 is amended to read:

§ 6608. RECORDS; REPORTS; MONITORING

* * *

(d) Where the Secretary has determined that the disposal of a hazardous
waste at an uncontrolled hazardous waste site presents a hazard to health or the
environment, the Secretary shall provide notice to a town of the location of that
uncontrolled site which has been found to exist in the town and to be regulated
under this chapter. The notice shall identify the location of the site, the wastes
involved, the actions proposed to be taken by the Secretary under this chapter
and the location where the records on the site are being maintained by State
government. The Secretary shall also notify the town when conditions noticed
~~above~~ under this subsection are no longer a hazard. These notices shall be
recorded in accord with 24 V.S.A. § 1154.

* * *

Sec. 19. 10 V.S.A. § 6615 is amended to read:

§ 6615. LIABILITY

* * *

(d)(1) There shall be no liability under this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of hazardous material and the resulting damages ~~resulting therefrom~~ were caused solely by any of the following:

* * *

(D) Any combination of ~~the above~~ subdivisions (A)–(C) of this subdivision (1).

* * *

Sec. 20. 10 V.S.A. § 7714 is amended to read:

§ 7714. TYPE 3 PROCEDURES

(a) Purpose; scope.

* * *

(2) The procedures under this section shall be known as Type 3 Procedures. This section governs each of the following:

* * *

(C) An application or request for approval of:

~~(i) an individual shoreland permit under chapter 49A of this title;~~

~~(ii)~~(i) an aquatic nuisance control permit under chapter 50 of this title;

~~(iii)~~(ii) a change in treatment for a public water supply under chapter 56 of this title;

~~(iv)~~(iii) a collection plan for mercury-containing lamps under section 7156 of this title;

~~(v)~~(iv) an individual plan for the collection and recycling of electronic waste under section 7554 of this title; and

~~(vi)~~(v) a primary battery stewardship plan under section 7586 of this title.

* * *

Sec. 21. 16 V.S.A. § 140 is amended to read:

§ 140. TOBACCO USE PROHIBITED ON PUBLIC SCHOOL GROUNDS

No person shall be permitted to use tobacco products or tobacco substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public school sponsored functions. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

Sec. 22. 16 V.S.A. § 1981 is amended to read:

§ 1981. DEFINITIONS

As used in this chapter unless the context requires otherwise:

* * *

(7) “Agency fee” means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. ~~The collective bargaining~~

~~service~~ agency fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization and shall be used to defray the costs of chargeable activities.

* * *

Sec. 23. 16 V.S.A. § 2004 is amended to read:

§ 2004. AGENDA

The school board, through its negotiations council, shall, upon request, negotiate with representatives of the teachers' or administrators' organization negotiations council on matters of salary, related economic conditions of employment, the manner in which it will enforce an employee's obligation to pay the agency ~~service~~ fee, procedures for processing complaints and grievances relating to employment, and any mutually agreed upon matters not in conflict with the statutes and laws of the State of Vermont.

Sec. 24. 16 V.S.A. § 2974 is amended to read:

§ 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

* * *

(f) Within 30 days of receipt of the supervisory union's report of progress, the Secretary shall notify the supervisory union that its progress is either satisfactory or not satisfactory.

* * *

(2) If the ~~district~~ supervisory union fails to make satisfactory progress after the first year of withholding, 10 percent shall be withheld in each subsequent year pending satisfactory compliance with the plan; provided, however, before funds are withheld in any year under this subdivision (f)(2), the supervisory union shall explain to the State Board either the reasons the supervisory union believes it made satisfactory progress on the remediation plan or the reasons it failed to do so. The State Board's decision whether to withhold funds under this subdivision shall be final.

* * *

Sec. 25. 18 V.S.A. § 130 is amended to read:

§ 130. CIVIL ENFORCEMENT

(a) The ~~commissioner~~ Commissioner, or a local board of health, may bring an action in the ~~superior court~~ Superior Court of the county in which a violation or a public health hazard or public health risk has occurred or is occurring, to enforce the provisions of this title, or the rules, permits or orders issued pursuant thereto, including ~~but not limited to~~ the terms of an assurance of discontinuance entered into under section 125 of this title.

(b) The court may grant temporary and permanent injunctive relief and may exercise all the powers available to it, including ~~but not limited to~~:

* * *

Sec. 26. 18 V.S.A. § 1123 is redesignated to read:

§ 1123. IMMUNIZATION RULES ~~AND REGULATIONS~~

Sec. 27. 18 V.S.A. § 4230 is amended to read:

§ 4230. MARIJUANA

* * *

(b) Selling or dispensing.

* * *

(3) A person knowingly and unlawfully selling or dispensing one pound or more of marijuana or 2.8 ounces or more of hashish shall be imprisoned not more than 15 years or fined not more than \$500,000.00, or both.

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Sec. 28. 18 V.S.A. § 5212b is amended to read:

§ 5212b. UNMARKED BURIAL SITES SPECIAL FUND; REPORTING OF
UNMARKED BURIAL SITES

* * *

(c) The ~~commissioner of economic, housing and community development~~ Commissioner of Housing and Community Development may authorize disbursements from the ~~fund~~ Fund for use in any municipality in which human remains are discovered in unmarked burial sites in accordance with a process approved by the ~~commissioner~~ Commissioner. The ~~commissioner~~

Commissioner may approve any process developed through consensus or agreement of the interested parties, including the municipality, a Native American group historically based in Vermont with a connection to the remains, owners of private property on which there are known or likely to be unmarked burial sites, and any other appropriate interested parties, provided the ~~commissioner~~ Commissioner determines that the process is likely to be effective, and includes all the following:

* * *

Sec. 29. 20 V.S.A. § 3908 is redesignated to read:

§ 3908. ADOPTION OF ~~REGULATIONS~~ RULES

Sec. 30. 21 V.S.A. § 4 is amended to read:

§ 4. DUTIES AS TO EMPLOYMENT AND PAYMENT OF WAGES

The Commissioner or the Commissioner's agent shall make examinations and investigations to see that the laws pertaining to the employment of minors ~~and women~~ and the weekly payment of wages are being complied with and for such purposes may enter any place where persons are employed.

Sec. 31. 21 V.S.A. § 6 is amended to read:

§ 6. DUTY WHEN UNITED STATES AT WAR

With the approval of the Governor, the Commissioner of Labor may suspend the operation of the laws relating to the hours of employment of ~~women and~~ children while the United States is at war.

Sec. 32. 21 V.S.A. § 305 is amended to read:

§ 305. NURSING MOTHERS IN THE WORKPLACE

* * *

(d) In lieu of an enforcement action through the Vermont Judicial Bureau, the Attorney General or a State's Attorney may enforce the provisions of this section by bringing a civil action for temporary or permanent injunctive relief, economic damages, including prospective lost wages for a period not to exceed one year, and investigative and court costs. The Attorney General or a State's Attorney may conduct an investigation of an alleged violation and enter into a settlement agreement with the employer. Such investigation shall not be a prerequisite to bringing a court action.

Sec. 33. 21 V.S.A. § 345 is amended to read:

§ 345. NONPAYMENT OF WAGES AND BENEFITS

(a) Each employer who violates ~~sections~~ section 342, 343, 482, ~~and~~ or 483 of this title shall be fined not more than \$5,000.00. Where the employer is a corporation, the president or other officers who have control of the payment operations of the corporation shall be considered employers and liable to the employee for actual wages due when the officer has willfully and without good cause participated in knowing violations of this chapter.

* * *

Sec. 34. 21 V.S.A. § 418 is amended to read:

§ 418. OTHER RIGHTS

The rights and remedies provided to employees by this subchapter do not infringe upon or alter any other contractual or statutory rights and remedies of the employees. Nothing in this ~~section~~ subchapter is intended to alter or diminish or replace any federal or State regulatory mandates for a shutdown or closure of a regulated business or entity.

Sec. 35. 21 V.S.A. § 435 is amended to read:

§ 435. EXAMINATION AND REPORT

When so ordered by the Secretary of Education, the superintendent of schools for the school district where the child under 16 years of age resides shall examine the child for the purpose of determining the child's eligibility for employment in accordance with the provisions of ~~sections~~ section 432 ~~and 433~~ of this title and shall, upon the completion of the examination, make a written report to the Secretary of Education who shall transmit a copy of the report to the Commissioner.

Sec. 36. 21 V.S.A. § 473 is amended to read:

§ 473. RETALIATION PROHIBITED

An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise his or her rights under this subchapter. The provisions against retaliation in subdivision 495(a)(8) of this

~~title and the penalty and enforcement provisions of section 495b of this title~~
shall apply to this subchapter.

Sec. 37. 21 V.S.A. § 474 is amended to read:

§ 474. PENALTIES AND ENFORCEMENT

(a) ~~The provisions against retaliation in subdivision 495(a)(8) of this title~~
~~and the penalty and enforcement provisions of section 495b of this title~~ shall
apply to this subchapter.

(b) An employer may bring a civil action to recover compensation paid to
the employee during leave, except payments made for accrued sick leave or
vacation leave, and court costs to enforce the provisions of subsection 472(h)
of this title.

Sec. 38. 21 V.S.A. § 495g is amended to read:

§ 495g. PROVISION APPLICABLE TO COLLEGE PROFESSORS

Nothing in this ~~act~~ subchapter shall be construed to prohibit any institution
of higher education as defined by section 1201(a) of the federal Higher
Education Act of 1965 from retiring any employee who is serving under a
contract of unlimited tenure, who attains 65 years of age prior to July 1, 1982,
or 70 years of age thereafter. Any employee whose tenure contract is
terminated may, in the discretion of the institution, be allowed to continue in
the employ of the institution on a nontenured basis.

Sec. 39. 21 V.S.A. § 624 is amended to read:

§ 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

* * *

(f) Expenses of recovery shall be the reasonable expenditures, including attorney's fees, incurred in effecting the recovery. Attorney's fees, unless otherwise agreed upon, shall be divided among the attorneys for the plaintiff as directed by the court. The expenses of recovery ~~above mentioned~~ shall be apportioned by the court between the parties as their interests appear at the time of the recovery.

* * *

Sec. 40. 21 V.S.A. § 635 is amended to read:

§ 635. PERIODS OF COMPENSATION

The compensation provided for by the provisions of this chapter shall be payable during the following periods:

(1)(A) Spouse. To a spouse until:

~~(A)(i)~~ The age of 62 sixty-two years of age if at that time the spouse is entitled to benefits under the Social Security Act as amended or thereafter at such time as the spouse is entitled to benefits under the Social Security Act as amended; or

~~(B)(ii)~~ Remarriage remarriage; or

~~(C)(iii)~~ Death death, whichever occurs first.

(B) However, in no event shall the spouse receive less than a sum equal to 330 times the maximum weekly compensation except when the compensation terminates by reason of death;_

(2) Child. To or for a child, during dependency as ~~hereinbefore~~ defined in section 634 of this title;_

(3) Parent or Grandparent. To a parent or grandparent, during the continuation of a condition of actual dependency, but in no case to exceed 264 weeks;_ ~~and.~~

(4) Grandchild or sibling. To or for a grandchild, brother, or sister, during dependency as ~~hereinbefore~~ defined in section 634 of this title, but in no case to exceed 264 weeks.

Sec. 41. 21 V.S.A. § 640 is amended to read:

§ 640. MEDICAL BENEFITS; ASSISTIVE DEVICES; HOME AND
AUTOMOBILE MODIFICATIONS

(a) An employer subject to the provisions of this chapter shall furnish to an injured employee reasonable surgical, medical and nursing services and supplies, including prescription drugs and durable medical equipment. The employer shall provide assistive devices and modification to vehicles and residences reasonably necessary to permit an injured worker who is determined to have or expected to suffer a permanent disability, such as an ambulatory disability as defined in ~~section 271 of this title~~ 20 V.S.A. § 2900 or blindness

as defined in ~~section 271~~ 20 V.S.A. § 2900, that substantially and permanently prevents or limits the worker's ability to continue to live at home or perform basic life functions. In determining what devices and modifications are reasonably necessary, consideration shall be given to factors that include ownership of the residence to be modified, the length of time the worker is expected to utilize and benefit from the devices or modifications, and the extent to which the devices or modifications enhance or improve the worker's independent functioning. The employer shall also furnish reasonable hospital services and supplies, including surgical, medical, and nursing services while the injured employee is confined in a hospital for treatment and care.

* * *

Sec. 42. 21 V.S.A. § 671 is amended to read:

§ 671. JURISDICTION; FINDINGS FOR NEW AWARD

The jurisdiction of such court shall be limited to a review of questions of fact or questions of fact and law certified to it by the Commissioner and upon completion of the case in Superior Court, either after trial or upon remand from the Supreme Court, the clerk shall certify the findings of the court to the Commissioner who shall thereupon make a new order in accordance therewith and shall forthwith send to each of the parties a copy of such order. Such new order shall have all the force and effect of an award made pursuant to the

provisions of sections 663, and 664 and 665 of this title and shall supersede the award previously made by ~~such~~ the Commissioner.

Sec. 43. 21 V.S.A. § 710 is amended to read:

§ 710. UNLAWFUL DISCRIMINATION

* * *

(b) No person shall discharge or discriminate against an employee from employment because such employee asserted or attempted to assert a claim for benefits under this chapter or under the law of any state or ~~under~~ of the United States.

* * *

(e) The Attorney General or a State's Attorney may enforce the provisions of this section by restraining prohibited acts, seeking civil penalties, obtaining ~~assurance~~ assurances of discontinuance, and conducting civil investigations in accordance with the procedures established in 9 V.S.A. §§ 2458-2461 as though discrimination under this section were an unfair act in commerce.

* * *

Sec. 44. 21 V.S.A. § 1031 is amended to read:

§ 1031. DEFINITIONS

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

* * *

(6) “Financial responsibility” means the current and expected future condition of financial solvency sufficient to support a reasonable expectation that an employee leasing company can successfully conduct its business without jeopardizing the interests of the employees leased to the ~~client company~~, client company or the public.

* * *

Sec. 45. 21 V.S.A. § 1103 is amended to read:

§ 1103. SUPPLEMENTARY INSTRUCTION

(a) The Department of Labor shall provide for related and supplementary instruction for apprentices employed under apprenticeship programs registered and approved by the Council, and for all on-the-job trainees. To make certain there is statewide access to training opportunities, the Department shall ensure that instruction in the electrical and plumbing trades is offered at each regional ~~career technical center~~ CTE center, as defined by 16 V.S.A. § 1522(4). If the Department enters into a single-source contract with an entity to provide apprenticeship training, the contract shall specify that access to programs must be available to all Vermont residents, at least through online courses.

* * *

Sec. 46. 21 V.S.A. § 1153 is amended to read:

§ 1153. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND
FOOD PRODUCTION CONSORTIUM; POWERS AND DUTIES

* * *

(b) Among the programs to be reviewed and coordinated by the Consortium are projects that involve agriculture and the environment; programs within the elementary and middle school system which provide hands-on learning, such as “Ag in the Classroom” sponsored by the Agency of Agriculture, Food and Markets, and “Forest, Fields, and Futures” sponsored by UVM Extension Service; and secondary school programs in agriculture and natural resources-related areas in education; “Smokeyhouse” and other career technical education, agriculture, and natural resources programs offered by high schools and ~~career technical centers~~ regional CTE centers. In addition, it shall review and coordinate programs such as the Youth Conservation Corps and the Farm Youth Corps of the Department of Labor which has offered summer employment for students on farms, and other summer employment programs and alternative programs for in-school youth operated outside the public school funding system.

* * *

Sec. 47. 21 V.S.A. § 1253 is amended to read:

§ 1253. ELIGIBILITY

The Commissioner shall make all determinations for eligibility under this chapter. An individual shall be eligible for up to 26 weekly payments when the Commissioner determines that the individual voluntarily left work due to circumstances directly resulting from domestic and sexual violence, provided the individual:

(1) Leaves employment for one of the following reasons:

* * *

(B) The individual intends to relocate in order to avoid future domestic and sexual violence ~~of~~ against the individual or a member of the individual's family.

* * *

Sec. 48. 21 V.S.A. § 1314 is amended to read:

§ 1314. REPORTS AND RECORDS; SEPARATION INFORMATION;
DETERMINATION OF ELIGIBILITY; FAILURE TO REPORT
EMPLOYMENT INFORMATION; DISCLOSURE OF
INFORMATION TO OTHER STATE AGENCIES TO
INVESTIGATE MISCLASSIFICATION OR MISCODING

* * *

(e)(1) Subject to such restrictions as the Board may by regulation prescribe, information from unemployment insurance records may be made available to any public officer or public agency of this or any other state or the federal government dealing with the administration or regulation of relief, public assistance, unemployment compensation, a system of public employment offices, wages and hours of employment, workers' compensation, misclassification or miscoding of workers, occupational safety and health, or a public works program for purposes appropriate to the necessary operation of those offices or agencies. The Commissioner may also make information available to colleges, universities, and public agencies of the State for use in connection with research projects of a public service nature, and to the Vermont Economic Progress Council with regard to the administration of 32 V.S.A. chapter 105, subchapter 2; but no person associated with those institutions or agencies may disclose that information in any manner that would reveal the identity of any individual or employing unit from or concerning whom the information was obtained by Commissioner.

* * *

(4)(A)(i) The Department of Labor shall disclose, upon request, to officers or employees of any State or local agency charged with administering ~~AFDC-TANF~~, any wage information with respect to an identified individual which is contained in its records, which is necessary for the purpose of

determining an individual's eligibility for aid or services or the amount of such aid or services to needy families with children.

(ii) The term "State or local agency charged with administering ~~AFDC~~ TANF" means any such agency administering a plan approved under part A of Title IV of the Social Security Act.

(B) The information requested shall not be released unless the requesting ~~AFDC~~ TANF agency agrees to reimburse the Department of Labor for the costs involved in furnishing such information.

* * *

Sec. 49. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

DISCLOSURE TO SUCCESSOR ENTITY

(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

* * *

(2) If an individual's unemployment is directly caused by a major ~~natural~~ disaster declared by the President of the United States pursuant to 42 U.S.C. § 5122 and the individual would have been eligible for federal disaster unemployment assistance benefits but for the receipt of regular benefits, an employer shall be relieved of charges for benefits paid to the individual with respect to any week of unemployment occurring due to the natural disaster up to a maximum amount of four weeks.

* * *

Sec. 50. 21 V.S.A. § 1329 is amended to read:

§ 1329. COLLECTION OF UNPAID CONTRIBUTIONS; SUIT

(a)~~(1)~~ If any employer fails to make, when due, any contributions or payments required of him or her under this chapter, the obligation shall carry interest at the rate of:

~~(1)~~(A) one percent per month from due date if the due date is prior to July 31, 1983;

~~(2)~~(B) two and one-half percent per month from due date if the due date is subsequent to July 31, 1983 and on or prior to July 31, 1987;

~~(3)~~(C) one and one-half percent per month from due date if the due date is subsequent to July 31, 1987.

(2) It shall be the duty of the Commissioner to collect the overdue obligations and interest. Interest so collected shall be paid into the Contingent Fund provided in section 1365 of this title. Provided, that if an employer has paid such contributions or payments timely to another state through error, the Commissioner may waive such interest. Provided further, that the commissioner may waive all or a portion of such interest in any case in which, in the Commissioner's determination, the untimeliness of the payment was not caused by fault, neglect, or bad faith on the part of the employer.

* * *

Sec. 51. 21 V.S.A. § 1343 is amended to read:

§ 1343. CONDITIONS

* * *

(b) Notwithstanding any other provisions of this chapter, any otherwise eligible claimant regularly attending a training course or program approved for him or her by the Commissioner shall be deemed to be available for work and while attending the course and making satisfactory progress in the training shall not be denied benefits solely because of his or her attendance at the course or because of his or her refusal of an offer of suitable work. Benefits paid to an eligible claimant regularly attending a training course or program, approved as above provided, pursuant to this subsection for any unemployment following his or her refusal of an offer of suitable work, shall not be charged

against the experience rating record of any employer, but shall be charged to the Fund.

* * *

Sec. 52. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(2) For any week benefits are claimed, except as provided in subdivision (a)(3) of this section, until he or she has presented evidence to the satisfaction of the Commissioner that he or she has performed services in employment for a bona fide employer and has had earnings in excess of six times his or her weekly benefit amount if the Commissioner finds that such individual is unemployed because:

(A) He or she has left the employ of his or her last employing unit voluntarily without good cause attributable to such employing unit. An individual shall not suffer more than one disqualification by reason of such separation. However, an individual shall not be disqualified for benefits if the individual left such employment to accompany a spouse who:

(i) is on active duty with the U.S. Armed Forces and is required to relocate due to permanent change of station orders, activation orders, or unit deployment orders, and when such relocation would make it impractical or

impossible, as determined by the Commissioner, for the individual to continue working for such ~~employment~~ employing unit; or

(ii) holds a commission in the U.S. Foreign Service and is assigned overseas, and when such relocation would make it impractical or impossible, as determined by the Commissioner, for the individual to continue working for such ~~employment~~ employing unit.

* * *

(F)(i) Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because:

(i)(I) he or she is in training approved under section 236(a)(1) of the Trade Act of 1974, 19 U.S.C. § 2296(a);

(i)(II) nor shall such individual be denied benefits with respect to any week in which he or she is in such approved training by reason of leaving work to enter such training provided the work left is not suitable employment, as defined in section 236(a)(3)(e) of the Trade Act of 1974, 19 U.S.C.

§ 2296(e); or

(i)(III) because of the application to any such week in training of provisions in this law (or any federal unemployment insurance law administered by this agency), relating to availability for work, active search for work, or refusal to accept work.

(ii) Provided that, benefits paid to an eligible claimant regularly attending a training course approved under the Trade Act of 1974, 19 U.S.C. § 2296(e), following a refusal of work, or leaving of unsuitable work, shall not be charged against the experience-rating record of any employer, but shall be charged to the Fund.

* * *

(5) For any week with respect to which the individual is receiving or has received remuneration in the form of:

(A) wages in lieu of notice; or

(B) vacation pay or holiday pay; provided that:

(i) Vacation pay due at time of separation in accordance with a work agreement (whether a formal contract or established custom) shall be allocated to the period immediately following separation, or if due subsequent to separation, it shall be allocated to the week in which due or the next following week, and that number of weeks immediately following as required to equal the total of the weeks of pay due. Any mutual agreement between the employer and employee(s) (whether or not payment is made), allocating such remuneration to any period during which work is performed, within four weeks prior to the date of separation, shall not be valid for the purpose of determining unemployment compensation entitlement or waiting period credit purposes and

such payment shall be allocated to the period immediately following separation.

(ii) There shall be no disqualification amount for any holiday.

* * *

(E)(i) A pension (which shall include a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment) under a plan maintained or contributed to by a base period or chargeable employer. The weekly benefit amount payable to such individual for such week shall be reduced (but not below zero):

~~(i)~~(I) by the entire prorated weekly amount of the pension if no contributions to the plan were made by the individual; ~~or~~

~~(ii)~~(II) by no part of the pension if the entire contributions to the plan were provided by such individual, or by the individual and an employer (or any other person or organization); or

~~(iii)~~(III) by no part of the pension if the services performed by the individual during the base period (or remuneration received for such services) for such employer did not affect the individual's eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or similar payment.

(ii) Provided that if such remuneration specified in this subdivision, (after applying the provisions of this subdivision) is less than the

benefits which would otherwise be due under this chapter, he or she shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration (after applying the provisions of this subdivision) after rounding such remuneration to the next higher dollar and the provisions of subdivision 1301(9) and sections 1338a and 1339 of this title do not apply.

* * *

Sec. 53. 21 V.S.A. § 1347 is amended to read:

§ 1347. NONDISCLOSURE OR MISREPRESENTATION

* * *

(b) Any person who receives remuneration described in subdivision 1344(a)(5)(A), (B), (C), (D), (E), or (F) of this title which is allocable in whole or in part to prior weeks during which he or she received any amounts as benefits under this chapter shall be liable for all such amounts of benefits or those portions of such amounts equal to the portions of such remuneration properly allocable to the weeks in question. Notice of determination in such cases shall specify that the person is liable to repay to the Fund the amount of overpaid benefits, the basis of the overpayment, and the week or weeks for which such benefits were paid. The determination shall be made within three years from the date of such overpayment or within one year from the date of receipt of the remuneration, whichever period is longer.

* * *

Sec. 54. 21 V.S.A. § 1378 is amended to read:

§ 1378. REQUIREMENTS FOR OBTAINING LICENSE OR
GOVERNMENTAL CONTRACT

* * *

(g)(1) For the purposes of this section, a person is in good standing with respect to any and all contributions or payments in lieu of contributions payable if:

~~(1)~~(A) no contributions or payments in lieu of contributions are due and payable;

~~(2)~~(B) the liability for any contributions or payments in lieu of contributions due and payable is on appeal;

~~(3)~~(C) the employing unit is in compliance with a payment plan approved by the Commissioner; or

~~(4)~~(D) in the case of a licensee, the agency finds that requiring immediate payment of contributions or payments in lieu of contributions due and payable would impose an unreasonable hardship.

(2) If the agency finds an unreasonable hardship, it may condition renewal on terms which will place the person in good standing with respect to any and all contributions or payments in lieu of contributions as soon as reasonably possible.

Sec. 55. 21 V.S.A. § 1502 is amended to read:

§ 1502. DEFINITIONS

As used in this chapter:

* * *

(14) “Agency fee” means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization that is the exclusive bargaining agent for the bargaining unit of the employee. ~~A collective bargaining service~~ An agency fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization and shall be used to defray the costs of chargeable activities.

Sec. 56. 21 V.S.A. § 1503 is amended to read:

§ 1503. RIGHTS OF EMPLOYEES; MUTUAL DUTY TO BARGAIN

* * *

(b) A labor organization shall not charge the agency fee unless it has established and maintained a procedure to provide nonmembers with:

* * *

(3) Prompt arbitration by an arbitrator selected jointly by the objecting fee payer and the ~~teachers’ or administrators’ organization~~ labor organization

or pursuant to the rules of the American Arbitration Association to resolve any objection over the amount of the agency fee. The costs of arbitration shall be paid by the labor organization.

Sec. 57. 21 V.S.A. § 1623 is amended to read:

§ 1623. JUDICIAL REVIEW

* * *

(c) Any aggrieved party to a proceeding under section 1622 of this title may appeal to the Supreme Court under 12 V.S.A. chapter 102 and the Vermont Rules of Appellate Procedure.

* * *

Sec. 58. 21 V.S.A. § 1729 is amended to read:

§ 1729. ENFORCEMENT AND REVIEW

* * *

(c) Any person aggrieved by an order or decision of the Labor Relations Board issued under the authority of this chapter may appeal on questions of law to the Supreme Court under 12 V.S.A. chapter 102 and the Vermont Rules of Appellate Procedure.

* * *

Sec. 59. 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:

(1) Each party to the impasse shall select one member of the panel and state its final offer on all disputed issues on the 20th day following publication of the fact finder's report.

(2) The two members so selected shall within five 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 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.

(3) Within 30 days of the appointment of the Chair, the panel shall decide by majority vote all disputed issues involving wages, hours, and conditions of employment as defined by this chapter, and this award shall become an agreement of the parties.

* * *

Sec. 60. 22 V.S.A. § 951 is amended to read:

§ 951. DEFINITIONS

As used in this chapter:

(1) "Public information" means any state data that is included within the information deemed to be public pursuant to the ~~Freedom of Information~~

Public Records Act and other provisions of law providing for release of information to the public at large or to specified groups or recipients.

* * *

Sec. 61. 23 V.S.A. § 1008 is amended to read:

§ 1008. REGULATIONS IN MUNICIPALITIES

(a) The legislative body of a municipality may make special regulations as to the operation, use, and parking of motor vehicles, including angle parking, as to the location, design, and structure of traffic lights, as to “stop” signs and “yield right of way” signs at intersections, as to “no-passing” zones, and as to streets designated for one way traffic in the thickly settled portions of the municipality and may cause any street or highway of adequate width to be divided by appropriate markings into three or more lanes, and may, by ordinance or regulation, regulate the direction of travel and the turning of vehicles proceeding in those lanes and the passing of vehicles in one lane by overtaking vehicles in another lane, may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby direct the course traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver may turn a vehicle at an intersection other than as directed by the markers, buttons, or signs. However, signs indicating the special regulations must be conspicuously posted in and near all areas affected.

Special regulations may not be established on any State highway as defined by

~~19 V.S.A. § 19~~ 19 V.S.A. § 1(20). Regulations on all State highways may be made only by the Traffic Committee under section 1003 of this title, except that the Traffic Committee may authorize the legislative body of a municipality to regulate parking within a thickly settled area of a municipality, particularly described in the authorization, on State highways. The board of school directors of a union high school district may make special regulations as to the operation, use, and parking of motor vehicles within the boundaries of its school property.

* * *

Sec. 62. 24 V.S.A. § 134 is redesignated to read:

§ 134. COUNTY TAX; COUNTY TREASURER; WARRANT

Sec. 63. 24 V.S.A. § 135 is redesignated to read:

§ 135. COUNTY TAX; PAYMENT BY TOWN

Sec. 64. 24 V.S.A. § 214 is redesignated to read:

§ 214. CARE OF LANDS IN UNORGANIZED TOWNS AND GORES;

LEASE LANDS

Sec. 65. 24 V.S.A. § 215 is amended to read:

§ 215. LANDS IN UNORGANIZED TOWNS AND GORES; POWER TO

SUE AND DEFEND ACTIONS ~~AS TO SUCH LANDS~~

During the time ~~such~~ the towns or gores described in section 214 of this subchapter remain unorganized, the treasurer may commence and prosecute or

defend in the name of the county; any action necessary to recover or protect the possession of such lands; or to recover damages for trespass committed thereon.

Sec. 66. 24 V.S.A. § 216 is amended to read:

§ 216. LANDS IN UNORGANIZED TOWNS AND GORES; RENTS

(a) ~~He or she may lease such lands~~ The treasurer may lease the lands described in section 214 of this subchapter in such manner as he or she judges beneficial, reserving rents for the same, which shall annually be paid into the treasury of the county, until the town or gore in which the lands lie is organized. Thereafter the rents shall be paid into the treasury of the town in which the lands lie.

(b) Lands granted to the first settled minister shall not be leased at any one time for a longer period than five years, or until a minister is settled who is entitled to the same.

Sec. 67. 24 V.S.A. § 217 is amended to read:

§ 217. DISPOSAL OF RENTS OF LANDS IN UNORGANIZED TOWNS
AND GORES

When paid into the county treasury, ~~such~~ the rents described in section 216 of this subchapter shall be disposed of as other funds in the treasury.

Sec. 68. 24 V.S.A. § 220 is amended to read:

§ 220. TAX WARRANT; PAYMENT BY TOWN

Each town treasurer shall present ~~such~~ the warrant described in section 219 of this subchapter to the selectboard who shall, within the time required by the warrant, draw an order on the town treasury for the amount of such warrant and ~~such~~ that treasurer shall forthwith pay the county treasurer the amount of such order, which amount shall be assessed by the selectboard as a tax upon the grand list of the town unless otherwise provided for.

Sec. 69. 24 V.S.A. § 308 is amended to read:

§ 308. DEPUTY SHERIFFS; NO COMPENSATION FOR APPOINTMENT;
PENALTY

(a) A sheriff shall not ask of or receive from his or her deputies any pay, compensation or reward by way of deputation fee, or otherwise, for such appointments.

(b) A sheriff who violates a provision of this section shall be fined not more than \$200.00 nor less than \$50.00.

Sec. 70. 24 V.S.A. § 1170 is redesignated to read:

§ 1170. APPOINTMENT OF ASSISTANT CLERK

Sec. 71. 24 V.S.A. § 1171 is redesignated to read:

§ 1171. DUTIES OF ASSISTANT CLERK

Sec. 72. 24 V.S.A. § 1172 is redesignated to read:

§ 1172. ASSISTANT CLERK; RECORD TO COUNTY CLERK

Sec. 73. 24 V.S.A. § 1311 is redesignated to read:

§ 1311. FORFEITURE FOR BREACH OF BYLAWS

Sec. 74. 24 V.S.A. § 1317 is redesignated to read:

§ 1317. ANNEXATION; PROCEDURE

Sec. 75. 24 V.S.A. § 1318 is redesignated to read:

§ 1318. ANNEXATION; FIX TIME FOR VOTING

Sec. 76. 24 V.S.A. § 1356 is amended to read:

§ 1356. FUNCTIONS AND DUTIES OF BOARD OF APPRAISERS

(a) The Board of Appraisers shall perform the same functions and duties for the ~~unorganized~~ unified towns and gores of Essex County that ~~the~~ listers perform for their municipality.

(b) Except as otherwise specifically provided, the appraisers shall enjoy the same powers, privileges, immunities, and remuneration; and shall be subject to the same obligations, limitations, liabilities, and penalties in respect to their ~~unorganized~~ the unified towns and gores of Essex County; as listers enjoy and are subject to in respect to their municipality.

Sec. 77. 24 V.S.A. § 1402 is redesignated to read:

§ 1402. APPRAISERS; OATH; FILE

Sec. 78. 24 V.S.A. § 1404 is redesignated to read:

§ 1404. SUPERVISORS; COMMISSION AND OATH; RECORD

Sec. 79. 24 V.S.A. § 1524 is amended to read:

§ 1524. TAX LEVIES; HOW KEPT

The town treasurer upon receiving from the selectboard a town tax bill under the provisions of 32 V.S.A. § 4791 or the receipt of the tax collector for such bill under the provisions of section 1522 of this title shall credit the town highway department and the town school district, ~~subject, however, to the provision of 16 V.S.A. § 513 as to school districts,~~ each with the gross sum of the levy provided for such department and district. The balance of such levy shall be credited to the general fund.

Sec. 80. 24 V.S.A. § 1525 is redesignated to read:

§ 1525. TAX LEVIES; CREDIT FOR GAINS

Sec. 81. 24 V.S.A. § 1526 is redesignated to read:

§ 1526. TAX LEVIES; DEBIT OF GENERAL FUND

Sec. 82. 24 V.S.A. § 1533 is amended to read:

§ 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES

The board of civil authority, with the listers and the town treasurer, shall constitute a board for the abatement of town, town school district ~~taxes,~~ and current use taxes. The act of a majority of a quorum at a meeting shall be treated as the act of the board. ~~The above requirement in respect to a quorum~~

This quorum requirement need not be met if the town treasurer, a majority of the listers, and a majority of the selectboard are present at the meeting.

Sec. 83. 24 V.S.A. § 1536 is redesignated to read:

§ 1536. ABATEMENT; RECORD; DISCHARGE

Sec. 84. 24 V.S.A. § 1583 is redesignated to read:

§ 1583. OUTSTANDING ORDERS; PUBLICATION OF NOTICE

Sec. 85. 24 V.S.A. § 1584 is amended to read:

§ 1584. OUTSTANDING ORDERS; NO INTEREST AFTER DAY NAMED
OF NOTICE

When such notice has been given, by publication as ~~aforsaid~~ set forth in section 1583 of this subchapter or by written notice signed by the treasurer and delivered to the holder of any such order, such order shall not draw interest after the day named in the notice, unless the treasurer fails to pay such order on presentation according to the terms of the notice.

Sec. 86. 24 V.S.A. § 1685 is amended to read:

§ 1685. ~~VILLAGE~~ SUBCHAPTER APPLICATION TO VILLAGES

Sections 1681-1684 of this ~~title~~ subchapter shall apply to all incorporated villages.

Sec. 87. 24 V.S.A. § 1689 is amended to read:

§ 1689. PENALTY FOR FAILURE TO SEND NOTICE

A bank, trust company, or individual who violates a provision of section 1687 or 1688 of this ~~title~~ subchapter shall be fined not less than \$10.00 nor more than \$25.00.

Sec. 88. 24 V.S.A. § 1758 is amended to read:

§ 1758. CONDUCT OF MEETINGS

* * *

(c) A public informational hearing adhering to the requirements of 17 V.S.A. § 2680(g) shall be held to discuss the proposition of a school district incurring a bonded debt to pay for an improvement. At such hearing, the school board shall distribute to the participants a written estimate of the percentage of the costs of the improvement that will not be eligible for State school construction aid because its unit costs ~~and/or~~ or allowable space, or both, cause it to exceed the maximum cost for State participation under the State Board of Education's formula for school construction.

Sec. 89. 24 V.S.A. § 1772 is redesignated to read:

§ 1772. ~~AUTHORIZATION~~ REFUNDING BONDS; PROCEDURE AND
LIMITATIONS

Sec. 90. 24 V.S.A. § 1782 is redesignated to read:

§ 1782. REGISTERED BONDS; FORM OF CERTIFICATE

Sec. 91. 24 V.S.A. § 1783 is redesignated to read:

§ 1783. REGISTERED BONDS; INDORSEMENT ~~TO BE~~ CONCLUSIVE
EVIDENCE OF AUTHORITY

Sec. 92. 24 V.S.A. § 1784 is redesignated to read:

§ 1784. REGISTERED BONDS; TREASURER TO KEEP RECORD

Sec. 93. 24 V.S.A. § 1785 is redesignated to read:

§ 1785. REGISTERED BONDS; CONVERSION NOT TO AFFECT
LIABILITY

Sec. 94. 24 V.S.A. § 1824 is amended to read:

§ 1824. SPECIFIC PROVISIONS

(a) Generally. Any pledge of net revenues or bond proceeds and earnings thereon made by a municipal corporation under this subchapter shall be binding from the time when the pledge is made. Net revenues or bond proceeds and earnings thereon to be pledged and thereafter received by the municipal corporation shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge

shall be binding against all parties having claims of any kind in tort, contract or otherwise against the municipal corporation, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the municipal corporation.

* * *

Sec. 95. 24 V.S.A. § 1974 is amended to read:

§ 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

* * *

(c) Prosecutions of criminal ordinances shall be brought before the Superior Court pursuant to 4 V.S.A. § 441 32.

* * *

Sec. 96. 24 V.S.A. § 2202a is amended to read:

§ 2202a. MUNICIPALITIES—RESPONSIBILITIES FOR SOLID WASTE

* * *

(c)(1) ~~No later than~~ On or before July 1, 1988, each municipality, as defined in subdivision 4303(12) of this title, shall join or participate in a solid waste management district organized pursuant to chapter 121 of this title ~~no later than~~ on or before January 1, 1988 or participate in a regional planning commission's planning effort for purposes of solid waste implementation planning, as implementation planning is defined in 10 V.S.A. § 6602.

(2) ~~No later than~~ On or before July 1, 1990, each regional planning commission shall work on a cooperative basis with municipalities within the region to prepare a solid waste implementation plan for adoption by all of the municipalities within the region ~~which~~ that are not members of a solid waste district, that conforms to the State Waste Management Plan and describes in detail how the region will achieve the priorities established by 10 V.S.A. § 6604(a)(1). A solid waste implementation plan adopted by a municipality that is not a member of a district shall not in any way require the approval of a district. ~~No later than~~ On or before July 1, 1990, each solid waste district shall adopt a solid waste implementation plan that conforms to the State Waste Management Plan, describes in detail how the district will achieve the priorities established by 10 V.S.A. § 6604(a), and is in conformance with any regional plan adopted pursuant to chapter 117 of this title. Municipalities or solid waste management districts that have contracts in existence as of January 1, 1987, which contracts are inconsistent with the State Solid Waste Plan and the priorities established in 10 V.S.A. § 6604(a), shall not be required to breach those contracts, provided they make good faith efforts to renegotiate those contracts in order to comply. The Secretary may extend the deadline for completion of a plan upon finding that despite good faith efforts to comply, a regional planning commission or solid waste management district has been unable to comply, due to ~~the unavailability of planning assistance funds under~~

~~10 V.S.A. § 6603b(a)~~ or delays in completion of a landfill evaluation under
10 V.S.A. § 6605a.

* * *

Sec. 97. 24 V.S.A. § 2243 is amended to read:

§ 2243. ADMINISTRATION; DUTIES AND AUTHORITY

The Agency of Transportation and the Secretary of Natural Resources are designated as responsible for carrying out the provisions of this subchapter and shall have the following additional responsibilities and powers:

(1) The Agency of Transportation or the Secretary of Natural Resources may make such reasonable rules ~~and regulations~~ as it, he, or she deems necessary, provided such rules ~~and regulations~~ do not conflict with any federal laws, rules, and regulations, or the provisions of this subchapter.

(2) The Agency of Transportation shall enter into agreements with the U.S. Secretary of Transportation or his or her representatives in order to designate those areas of the State ~~which~~ that are properly zoned or used for industrial activities, and to arrange for federal cost participation.

* * *

(4) The Agency of Transportation may seek an injunction against a salvage yard ~~which~~ that is in violation of the relevant provisions of this subchapter. The Secretary may enforce the relevant provisions of this chapter under 10 V.S.A. chapter 201.

* * *

Sec. 98. 24 V.S.A. § 2262 is amended to read:

§ 2262. ELIGIBILITY

The Secretary shall issue a certificate of registration upon finding:

* * *

(3) The applicant has complied with any ~~regulations~~ rules of the Secretary issued under section 2243 of this title and with screening or fencing requirements ~~which~~ that, under limitations of the surrounding terrain, are capable of feasibly and effectively screening the salvage yard from view of the main traveled way of all highways.

Sec. 99. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(28) Notwithstanding any contrary provision of sections 2291a and 4413 of this title or 30 V.S.A. chapter 5 or 89, a municipality may adopt an ordinance to establish screening requirements that shall apply to a ground-mounted plant that generates electricity from solar energy. In a proceeding under 30 V.S.A. § 248, the municipality may make recommendations to the Public Service Board applying the ordinance to such a plant. The ordinance may designate the municipal body to make this recommendation. Screening requirements and recommendations adopted under this subdivision shall be a condition of a certificate of public good issued for the plant under 30 V.S.A. § 248, provided that they do not prohibit or have the effect of prohibiting the installation of such a plant and do not have the effect of interfering with its intended functional use.

* * *

(B) In this ~~section~~ subdivision (28), “plant” shall have the same meaning as in 30 V.S.A. § 8002 and “screening” means reasonable aesthetic mitigation measures to harmonize a facility with its surroundings and includes landscaping, vegetation, fencing, and topographic features.

* * *

Sec. 100. 24 V.S.A. § 2509 is redesignated to read:

§ 2509. CUTTING SHADE TREES; HEARING

Sec. 101. 24 V.S.A. § 2606 is redesignated to read:

§ 2606. PHYSICIAN'S RESIDENCE; FINANCING

Sec. 102. 24 V.S.A. § 2696 is amended to read:

§ 2696. ASSOCIATED TOWN HOME

Any number of towns may unite for the purpose of supporting a town home. For this purpose they may enter into ~~a compact under chapter 89 of Title 24~~ an agreement under chapter 121 of this title.

Sec. 103. 24 V.S.A. § 2806 is redesignated to read:

§ 2806. CONDEMNED LAND; NOTICE TO MORTGAGEE;

APPLICATION OF PAYMENT

Sec. 104. 24 V.S.A. § 2807 is redesignated to read:

§ 2807. PROCEDURE FOR TAKING LAND

Sec. 105. 24 V.S.A. § 2808 is redesignated to read:

§ 2808. CONDEMNATION; RECORD OF ORDERS AND PROCEEDINGS

Sec. 106. 24 V.S.A. § 2811 is redesignated to read:

§ 2811. COMMISSIONER'S NOTICE; HEARING; AND REPORT;

COSTS SUPERIOR COURT ORDER

Sec. 107. 24 V.S.A. § 3102 is amended to read:

§ 3102. BUILDING INSPECTORS

(a) Upon the adoption of any codes, rules, or regulations as provided in section 3101 of this title, the mayor and board of aldermen of a city, the

selectboard of a town, or the trustees of an incorporated village shall appoint and may remove a building inspector, and may appoint and may remove a deputy building inspector, prescribe their duties, and fix their compensation.

(b) The building inspector ~~and/or~~ and any deputy building inspector shall be a disinterested and competent person with experience in the construction of various types of buildings.

Sec. 108. 24 V.S.A. § 3217 is amended to read:

§ 3217. COOPERATION BY PUBLIC BODIES

(a)(1) For the purpose of aiding in the planning, undertaking, or carrying out of an urban renewal project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:

~~(1)(A)~~ (A) dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a municipality;

~~(2)(B)~~ (B) incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section;

~~(3)(C)~~ (C) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan;

~~(4)(D)~~ (D) lend, grant, or contribute funds to a municipality;

~~(5)~~(E) enter into agreements ~~which~~ that may extend over any period, notwithstanding any provisions or rule of law to the contrary, with a municipality or other public body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds or other assistance in connection with an urban renewal project; and

~~(6)~~(F) cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works ~~which~~ that it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places; plan ~~or~~, replan, zone, or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality.

(2) If at any time title to or possession of any urban renewal project is held by any public body or governmental agency, other than the municipality, ~~which~~ that is authorized by law to engage in the undertaking, carrying out, or administration of urban renewal projects, including any agency or instrumentality of the United States of America, the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency.

(3) As used in this subsection, the term “municipality” shall also include an urban renewal agency or a housing authority vested with all of the urban renewal project powers pursuant to the provisions of section 3219 of this title.

* * *

(d)(1) For the purposes of this section, or for the purpose of aiding in the planning, undertaking, or carrying out of an urban renewal project of a municipality, ~~such~~ that municipality may, in addition to any authority to issue bonds pursuant to section 3214 of this title, issue and sell its general obligation bonds.

(2) Any bonds issued by a municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by ~~such~~ that municipality for public purposes generally. However, bonds so issued:

~~(1)~~(A) shall not be considered as indebtedness of ~~such~~ the municipality limited by the provisions of section 1762 of this title or any other general or special law; and

~~(2)~~(B) may be authorized by a majority of all the voters present and voting on the question at a meeting of such municipality held for the purpose pursuant to subchapter 1 of chapter 53 of this title or pursuant to the provisions of any special law ~~which~~ that governs the authorization of indebtedness by ~~such~~ the municipality.

(3)(A) So long as any such bonds of a the municipality are outstanding the local governing body may deduct, in any one or more years from any net increase in the aggregate taxable valuation of land and improvements in all areas covered by urban renewal plans the amount necessary to produce tax revenues equal to the current debt service on such bonds, assuming the previous year's total tax rate and full collection.

(B) Only the balance, if any, of such net increase shall be taken into account in computing the sums ~~which~~ that may be appropriated for other purposes under applicable tax rate limits.

(C) ~~But all~~ All the taxable property in all areas covered by urban renewal plans, including the whole of such net increase, shall be subject to the same total tax rate as other taxable property, except as may be otherwise provided by law.

(D) ~~Such~~ The net increase shall be computed each year by subtracting, from the current aggregate valuation of the land and improvements in all the areas covered by urban renewal plans, the sum of the aggregate valuations of land and improvements in each such area on the date the urban plan for such area was approved under ~~section~~ subsection 3207(f) of this title. An area shall be deemed to be covered by an urban renewal plan until the date shown in the plan as its expiration date or until the date all the indebtedness

incurred by the municipality to finance the applicable project has been paid,
whichever date is later.

(4) All the provisions of this subsection shall apply to all municipalities,
notwithstanding any provision of general or special law ~~which to the contrary~~
that specifies a different debt limit, ~~which that~~ requires a greater vote to
authorize bonds, ~~which that~~ prescribes a different computation of
appropriations under tax rate limits, or ~~which that~~ is otherwise inconsistent
with this subsection ~~to the contrary notwithstanding~~.

Sec. 109. 24 V.S.A. § 4756 is amended to read:

§ 4756. ELIGIBILITY CERTIFICATION

(a) No construction loan or loan for the purchase of land or conservation
easements to a municipality shall be made under this chapter, nor shall any part
of any revolving fund which is designated for project construction be expended
under section 4757 of this title, until such time as:

* * *

(6) The Secretary shall certify to the Bond Bank that any management
program to be financed under subdivision 4753(a)(1) and section 4754 of this
title is in conformance with all applicable State and federal laws, and all
~~regulations promulgated~~ rules and regulations adopted thereunder;

* * *

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

* * *

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

* * *

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

* * *

Sec. 110. 24 V.S.A. § 5605 is amended to read:

§ 5605. RECREATIONAL FACILITIES GRANT PROGRAM

* * *

(c) Administrative support. The Department of Buildings and General Services shall provide administrative support to the Program.

Sec. 111. 24 V.S.A. § 5606 is amended to read:

§ 5606. HUMAN SERVICES AND EDUCATIONAL FACILITIES
COMPETITIVE GRANT PROGRAM

* * *

(c) Administrative support. The Department of Buildings and General Services shall provide administrative support to the Program.

Sec. 112. 24 App. V.S.A. chapter 19, § 601 is amended to read:

§ 601. ORGANIZATION

(a) ~~Creation of departments.~~ The City Council, in consultation with the Manager, may create, modify, or eliminate administrative departments, offices, or agencies which shall be under the direction and supervision of the City Manager, who shall appoint the head of such departments.

* * *

Sec. 113. 24 App. V.S.A. chapter 19, § 602 is amended to read:

§ 602. CITIZEN ENGAGEMENT

(a) [Repealed.]

(b) ~~Council appointment.~~ The City Council may appoint additional boards and commissions at its discretion or as required by law.

* * *

Sec. 114. 24 App. V.S.A. chapter 19, § 704 is amended to read:

§ 704. BUDGET

* * *

(e) Reports. The budget shall be prepared and managed by the Manager, who shall issue an annual report on all City budgets, in accordance with section 504 of this charter. The budget shall be monitored by the City Treasurer who shall make timely periodic reports thereof to the Council.

(f) Enterprise and special revenue budgets. The Manager shall submit enterprise and special revenue budgets to the Council. The Council may amend and shall approve the enterprise and special revenue budgets prior to the start of each fiscal year.

Sec. 115. 24 App. V.S.A. chapter 19, § 705 is amended to read:

§ 705. CAPITAL IMPROVEMENT PLAN

* * *

(c) Revisions and extensions. The information in this section may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 116. 24 App. V.S.A. chapter 129, § 202 is amended to read:

§ 202. ELECTIVE OFFICERS

(a) Officers. The officers elected at its annual meeting shall be:

* * *

Sec. 117. 26 V.S.A. § 1354 is amended to read:

§ 1354. UNPROFESSIONAL CONDUCT

(a) The Board shall find that any one of the following, or any combination of the following, whether ~~or not~~ the conduct at issue was committed within or outside the State, constitutes unprofessional conduct:

* * *

(26) any physician who, in the course of a collaborative agreement with a nurse practitioner allows the nurse practitioner to perform a medical act ~~which~~ that is outside the usual scope of the physician's own practice or ~~which~~ that the nurse practitioner is not qualified to perform by training or experience, or ~~which~~ that the ordinary reasonable and prudent physician engaged in a similar practice would not agree should be written into the scope of the nurse practitioner's practice, ~~shall be subject to disciplinary action by the Board in accordance with chapter 23 of this title;~~

* * *

Sec. 118. 26 V.S.A. § 1583 is amended to read:

§ 1583. EXEMPTIONS

This chapter does not prohibit:

* * *

(10) An advanced practice registered nurse who is duly licensed and in good standing in another state, territory, or jurisdiction of the United States or in Canada from practicing in this State if the APRN is employed as or formally designated as the team APRN by an athletic team visiting Vermont for a specific sporting event and the APRN limits the practice of advanced practice registered nursing in this State to treatment of the members, coaches, and staff of the sports team employing or designating the APRN.

Sec. 119. 26 V.S.A. § 2665 is amended to read:

§ 2665. POWERS AND DUTIES OF THE DIRECTOR

(a) The Director shall:

(1) adopt only those rules for the full and efficient performance of its duties;

* * *

(3) establish standards of education required of applicants for licensing and establish, by appropriate rules ~~and regulations~~, the minimum standards for any school presenting a course for present or future opticians;

* * *

(b) The Director shall not:

(1) adopt any rules ~~or regulations~~ prohibiting lawful advertising, the display of ophthalmic materials or merchandise, or limiting the place or location where opticians may practice; or

* * *

Sec. 120. 29 V.S.A. § 1158 is amended to read:

§ 1158. ACTS AND RESOLVES; VERMONT STATUTES ANNOTATED;
DISTRIBUTION

(a) The State Librarian shall deliver the Acts and Resolves as follows: to the Secretary of State, six copies; to the Clerk of the U.S. Supreme Court for the use of the Court, one copy; to the Governor's Office and to the Governor

and Lieutenant Governor, one copy each; to the Library of Congress, four copies; to each county clerk, three copies; one to each of the following officers and institutions: each department of the U.S. government and upon request to federal libraries, elective and appointive State officers, the clerk of each State board or commission, superintendent of each State institution, the library of the University of Vermont, the ~~libraries~~ library of Castleton, University, the libraries of Johnson, and Lyndon State Colleges, Vermont Technical College, Middlebury College, Norwich University, St. Michael's College, senators and representatives of this State in Congress, members of the General Assembly during the session at which such laws were adopted, the Secretary and Assistant Secretary of the Senate, Clerk and Assistant Clerks of the House of Representatives, the judges, attorney, marshal, and clerk of the U.S. District Court in this State, the judge of the Second Circuit U.S. Court of Appeals from Vermont, Justices and ex-Justices of the Supreme Court, Superior judges, the reporter of decisions, judges and registers of probate, sheriffs, State's Attorneys, town clerks; one each, upon request and as the available supply permits, to assistant judges, justices of the peace, the chair of the legislative body of each municipality and town treasurers; one within the State, to the Vermont Historical Society, to each county or regional bar law library, and one copy to each state or territorial library or Supreme Court library, and foreign library which makes available to Vermont its comparable publication, provided

that if any of these officials hold more than one of the offices named, that official shall be entitled to only one copy.

* * *

Sec. 121. 30 V.S.A. § 51 is amended to read:

§ 51. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH
CODE

* * *

(c) Revision and interpretation of energy standards. The Commissioner of Public Service shall amend and update the RBES, by means of administrative rules adopted in accordance with 3 V.S.A. chapter 25. ~~No later than~~ On or before January 1, 2011, the Commissioner shall complete rulemaking to amend the energy standards to ensure that, to comply with the standards, residential construction must be designed and constructed in a manner that complies with the 2009 edition of the IECC. ~~These amendments shall be effective three months after final adoption and shall apply to construction commenced on and after the date they become effective.~~ After January 1, 2011, the Commissioner shall ensure that appropriate revisions are made promptly after the issuance of updated standards for residential construction under the IECC. The Department of Public Service shall provide technical assistance and expert advice to the Commissioner in the interpretation of the RBES and in the formulation of specific proposals for amending the RBES. Prior to final

adoption of each required revision of the RBES, the Department of Public Service shall convene an Advisory Committee to include one or more mortgage lenders, builders, building designers, utility representatives, and other persons with experience and expertise, such as consumer advocates and energy conservation experts. The Advisory Committee may provide the Commissioner with additional recommendations for revision of the RBES.

* * *

(2) ~~Except for the amendments required by this subsection to be adopted by January 1, 2011, each~~ Each time the RBES are amended by the Commissioner, the amended RBES shall become effective upon a date specified in the adopted rule, a date that shall not be less than three months after the date of adoption. ~~Except for the amendments required by this subsection to be adopted by January 1, 2011, persons~~ Persons commencing residential construction before the effective date of the amended RBES shall have the option of complying with the applicable provisions of the earlier or the amended RBES. After the effective date of the original or the amended RBES, any person commencing residential construction shall comply with the most recent version of the RBES.

* * *

Sec. 122. 30 V.S.A. § 53 is amended to read:

§ 53. COMMERCIAL BUILDING ENERGY STANDARDS

* * *

(c) Revision and interpretation of energy standards. ~~No later than~~ On or before January 1, 2011, the Commissioner shall complete rulemaking to amend the commercial building energy standards to ensure that commercial building construction must be designed and constructed in a manner that complies with ANSI/ASHRAE/IESNA standard 90.1-2007 or the 2009 edition of the IECC, whichever provides the greatest level of energy savings. ~~These amendments shall be effective three months after final adoption and shall apply to construction commenced on and after the date they become effective.~~ At least every three years after January 1, 2011, the Commissioner of Public Service shall amend and update the CBES by means of administrative rules adopted in accordance with 3 V.S.A. chapter 25. The Commissioner shall ensure that appropriate revisions are made promptly after the issuance of updated standards for commercial construction under the IECC or ASHRAE/ANSI/IESNA standard 90.1, whichever provides the greatest level of energy savings. Prior to final adoption of each required revision of the CBES, the Department of Public Service shall convene an Advisory Committee to include one or more mortgage lenders; builders; building designers; architects; civil, mechanical, and electrical engineers; utility

representatives; and other persons with experience and expertise, such as consumer advocates and energy conservation experts. The Advisory Committee may provide the Commissioner of Public Service with additional recommendations for revision of the CBES.

(1) Any amendments to the CBES shall be:

* * *

(2) ~~Except for the amendments required by this subsection to be adopted by January 1, 2011, each~~ Each time the CBES are amended by the Commissioner of Public Service, the amended CBES shall become effective upon a date specified in the adopted rule, a date that shall not be less than three months after the date of adoption. ~~Except for the amendments required by this subsection to be adopted by January 1, 2011, persons~~ Persons submitting an application for any local permit authorizing commercial construction, or an application for construction plan approval by the Commissioner of Public Safety pursuant to 20 V.S.A. chapter 173, before the effective date of the amended CBES shall have the option of complying with the applicable provisions of the earlier or the amended CBES. After the effective date of the original or the amended CBES, any person submitting such an application for commercial construction in an area subject to the CBES shall comply with the most recent version of the CBES.

* * *

Sec. 123. 30 V.S.A. § 202 is amended to read:

§ 202. ELECTRICAL ENERGY PLANNING

* * *

(e) The Department shall conduct public hearings on the final draft and shall consider the evidence presented at such hearings in preparing the final Plan. The Plan shall be adopted ~~no later than~~ on or before January 1, 2016 and readopted in accordance with this section ~~by~~ on or before every sixth January 15 thereafter, and shall be submitted to the General Assembly each time the plan is adopted or readopted. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the submission to be made under this subsection.

* * *

Sec. 124. 30 V.S.A. § 202b is amended to read:

§ 202b. STATE COMPREHENSIVE ENERGY PLAN

* * *

(c) The Department shall adopt a State Energy Plan on or before January 1, 2016 and shall readopt the Plan ~~by~~ on or before every sixth January 15 thereafter. On adoption or readoption, the Plan shall be submitted to the General Assembly. The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not apply to such submission.

* * *

Sec. 125. 30 V.S.A. § 248 is amended to read:

§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
FACILITIES; CERTIFICATE OF PUBLIC GOOD

(a)(1) No company, as defined in section 201 of this title, may:

* * *

(2) Except for the replacement of existing facilities with equivalent facilities in the usual course of business, and except for electric generation facilities that are operated solely for on-site electricity consumption by the owner of those facilities and for hydroelectric generation facilities subject to licensing jurisdiction under the Federal Power Act, 16 U.S.C. chapter 12, subchapter 1:

(A) no company, as defined in section 201 of this title, and no person, as defined in 10 V.S.A. § 6001(14), may begin site preparation for or construction of an electric generation facility or electric transmission facility within the State ~~which~~ that is designed for immediate or eventual operation at any voltage; and

* * *

(4)(A) With respect to a facility located in the State, the Public Service Board shall hold a nontechnical public hearing on each petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located.

(B) The Public Service Board shall hold technical hearings at locations ~~which~~ that it selects.

* * *

(G) The regional planning commission for the region in which the facility is located shall have the right to appear as a party in any proceedings held under this subsection. The regional planning commission of an adjacent region shall have the same right if the distance of the facility's nearest component to the boundary of that planning commission is within 500 feet or 10 times the height of the facility's tallest component, whichever is greater.

(H) The legislative body and the planning commission for the municipality in which a facility is located shall have the right to appear as a party in any proceedings held under this subsection. The legislative body and planning commission of an adjacent municipality shall have the same right if the distance of the facility's nearest component to the boundary of that adjacent municipality is within 500 feet or 10 times the height of the facility's tallest component, whichever is greater.

* * *

(b) Before the Public Service Board issues a certificate of public good as required under subsection (a) of this section, it shall find that the purchase, investment, or construction:

* * *

(2) Is required to meet the need for present and future demand for service ~~which~~ that could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy-efficiency and load management measures, including those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of this title. In determining whether this criterion is met, the Board shall assess the environmental and economic costs of the purchase, investment, or construction in the manner set out under subdivision 218c(a)(1)(least cost integrated plan) of this title and, as to a generation facility, shall consider whether the facility will avoid, reduce, or defer transmission or distribution system investments.

* * *

(c)(1) Except as otherwise provided in subdivision (j)(3) of this section, in the case of a municipal plant or department formed under local charter or chapter 79 of this title or a cooperative formed under chapter 81 of this title, any proposed investment, construction, or contract ~~which~~ is subject to this section shall be approved by a majority of the voters of a municipality or the members of a cooperative voting upon the question at a duly warned annual or special meeting to be held for that purpose. However, in the case of a cooperative formed under chapter 81 of this title, an investment in or construction of an in-state electric transmission facility shall not be subject to

the requirements of this subsection if the investment or construction is solely for reliability purposes and does not include new construction or upgrades to serve a new generation facility.

(2) The municipal department or cooperative shall provide to the voters or members, as the case may be, written assessment of the risks and benefits of the proposed investment, construction, or contract ~~which~~ that were identified by the Public Service Board in the certificate issued under this section. The municipal department or cooperative also may provide to the voters an assessment of any other risks and benefits.

* * *

Sec. 126. 30 V.S.A. § 406 is amended to read:

§ 406. PENALTY

A person, firm, or corporation who violates a provision of sections 404 and 405 of this title shall be subject to ~~the penalty set forth in 10 V.S.A. § 1094~~ penalties in the same manner as a violation of 10 V.S.A. chapter 43.

Sec. 127. 30 V.S.A. § 8008 is amended to read:

§ 8008. AGREEMENTS; ATTRIBUTE REVENUES; DISPOSITION BY
BOARD

(a) ~~For the purpose of~~ As used in this section, “the revenues” means revenues that are from the sale, through tradeable renewable energy certificates or other means, of environmental attributes associated with the generation of

renewable energy from a system of generation resources with a total plant capacity greater than 200 MW and that are received by a Vermont retail electricity provider on ~~and~~ or after May 1, 2012, pursuant to an agreement, contract, memorandum of understanding, or other transaction in which a person or entity agrees to transfer such revenues or rights associated with such attributes to the provider.

* * *

Sec. 128. 31 V.S.A. § 608 is amended to read:

§ 608. APPLICATION; BOND

Fair associations or corporations ~~which~~ that now conduct annual agricultural fairs in Vermont, or Vermont corporations ~~who~~ that wish to conduct extended race meetings, with a percentage as designated for the benefit of ~~State Stipend Fund~~ the Racing Special Fund established pursuant to section 630 of this title, shall be eligible to apply for a license. An eligible association or corporation desiring to hold a running or harness horse race or meet for public exhibition at which pari-mutuel pools are to be sold, shall apply to the Commission to do so. Every fair association, or corporation conducting horse racing or meets at which pari-mutuel pools are to be sold under license from the Commission ~~created herein~~ shall give a bond in a sum not to exceed \$75,000.00 as shall be determined by the Commission, with good and sufficient surety or sureties, conditioned upon the faithful

performance of its duties and obligations to the State of Vermont as prescribed ~~herein~~ by this chapter.

Sec. 129. 31 V.S.A. § 615 is amended to read:

§ 615. PARI-MUTUEL POOLS

* * *

(c) From the pari-mutuel pool the Racing Commission established pursuant to section 602 of this title shall receive the applicable percentage stated below as set forth in this subsection and the licensee shall retain the balance of the pari-mutuel pool commission:

* * *

(5) During any calendar year the number of programs which the licensee is licensed by the Commission to conduct shall determine the amount of the payments to be made under this section to the Racing Commission established pursuant to section 602 of this title. If, in any year, the licensee fails to conduct the full number of licensed programs, any payment shortage shall be reimbursed immediately as due. The Commission has the duty and authority to make prompt orders, as necessary, to assure reimbursement. The funds received by the Racing Commission shall be managed pursuant to ~~32 V.S.A. chapter 7, subchapter 5~~ section 630 of this title, and shall be available to the Racing Commission to offset the costs of providing its services.

* * *

Sec. 130. 31 V.S.A. § 622 is amended to read:

§ 622. TOWN VOTE; APPROVAL, REVOCATION

(a) A license shall not be issued by the Commission under this chapter for holding a race meet in any town until the town, at an annual or special meeting called for the purpose, has, by majority vote of those present and voting, approved the issuance of licenses under this chapter in the town. ~~The Commission may issue a license for holding greyhound race meets without any additional voting approval by the town, in any town which has, prior to April 1, 1974, approved the issuance of licenses for horse race meets.~~

* * *

Sec. 131. 32 V.S.A. § 101 is amended to read:

§ 101. COMMUNICATIONS TO GOVERNOR AND ASSEMBLY

The Treasurer shall prepare an annual financial report and shall submit to the Governor ~~or~~ and either House of the General Assembly; ~~abstracts;~~ copies of accounts; or official documents of any kind ~~in the office of;~~ and information relating to ~~the revenue, to the official transactions or to,~~ and the Department of the Treasury ~~and prepare an annual financial report.~~

Sec. 132. 32 V.S.A. § 312 is amended to read:

§ 312. TAX EXPENDITURE REPORT

(a) As used in this section, “tax expenditure” shall mean the actual or estimated loss in tax revenue resulting from any exemption, exclusion,

deduction, credit, preferential rate, or deferral of liability applicable to the tax.

Tax expenditures shall not include the following:

- (1) revenue outside the taxing power of the State;

* * *

- (4) revenue forgone for the purpose of avoiding government taxing itself.

(b) Tax expenditure reports. Biennially, as part of the budget process, beginning January 15, 2009, the Department of Taxes and the Joint Fiscal Office shall file with the House Committees on Ways and Means and on Appropriations and the Senate Committees on Finance and on Appropriations a report on tax expenditures in the personal and corporate income taxes, sales and use tax, and meals and rooms tax, insurance premium tax, bank franchise tax, education property tax, diesel fuel tax, gasoline tax, and motor vehicle purchase and use tax. The Office of Legislative Council shall also be available to assist with this tax expenditure report. 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. The report shall include, for each tax expenditure, the following information:

* * *

(c) [Repealed.]

* * *

Sec. 133. 32 V.S.A. § 404 is amended to read:

§ 404. RETURNED PAYMENTS; PENALTY

(a) Agencies and departments of State government may assess a penalty of \$20.00 against the issuer for each payment for amounts due in the form of a check, draft, electronic payment, or other acceptable forms of payment that have been dishonored for lack of funds or credit to pay the same.

(b) Such penalty collected shall be credited to a special fund established and managed pursuant to ~~subchapter 5 of chapter 7, subchapter 5~~ of this title, or to another budgeted fund other than the General Fund, and shall be available to the agency or department to offset the costs of collecting the amount owed.

Sec. 134. 32 V.S.A. § 435 is amended to read:

§ 435. GENERAL FUND

* * *

(b) The General Fund shall be composed of revenues from the following sources:

* * *

(9) Revenues from the Racing Special Fund consistent with 31 V.S.A.

§ ~~614~~ 630;

* * *

Sec. 135. 32 V.S.A. § 992 is amended to read:

§ 992. ALLOCATION; AUTHORITY

* * *

(b)(1) One hundred percent of Vermont's federally allocated State ceiling on the volume of private activity bonds ~~which~~ that may be issued in any calendar year is hereby allocated to the State. The Emergency Board established by ~~3~~ 32 V.S.A. chapter 3 shall be the duly authorized agency of the State having the power to apportion the State's private activity bond ceiling to and among the constituted issuing authorities empowered to issue such bonds. The Emergency Board shall exercise this power on or before January 31 in each calendar year by apportioning the ceiling among issuing authorities, reserving such portion as the Board deems appropriate in the form of a contingency allocation to be available to all issuing authorities at the discretion of the Emergency Board, pursuant to policies and guidelines established by the Board.

(2) The Board may delegate the power and authority granted to it under this section to the Governor, subject to the Board's policies and guidelines, for any assignments or reallocations of any unused portion of the ceiling made after December 20 in any calendar year. All assignments or reallocations of the private activity bond ceiling made pursuant to this section shall be made in writing in accordance with Section 146 of the Internal Revenue Code of 1986.

Sec. 136. [Deleted.]

Sec. 137. 32 V.S.A. § 5864 is amended to read:

§ 5864. FAILURE TO FILE A RETURN; PETITION AND
COMPUTATION OF TAX

* * *

(b) Upon the failure of a taxpayer to file any return required under this chapter within 15 days of the date of a notice to the taxpayer under section 5863 of this title, whether or not a petition has been or will be filed under subsection (a) of this section, the Commissioner may compute the tax liability of the taxpayer with respect to which the return was required to be filed, according to the Commissioner's best information and belief. Upon that computation, the Commissioner shall notify the taxpayer of his or her deficiency with respect to the payment of that tax liability, and may assess any penalty or interest with respect thereto, under ~~section 5881~~ sections 3202 and 3203 of this title.

Sec. 138. 32 V.S.A. § 5886 is amended to read:

§ 5886. 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 5881~~ 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 60 days after the date of the notification or assessment. The collection by the Commissioner of the deficiency, penalty, or interest shall be stayed.

* * *

(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 5881~~ 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. 139. 32 V.S.A. § 5887 is amended to read:

§ 5887. 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 5884 of this title, and the appeal from an adverse determination of the petition for refund provided under section 5885 of this title. The exclusive remedy of a taxpayer with respect to a notification of deficiency or assessment of penalty or interest under ~~section 5884~~ sections 3202 and 3203 of this title shall be the petition for determination of the deficiency or assessment provided under section 5883 of this title, and the appeal from an adverse determination of deficiency or assessment provided under section 5885 of this title.

(b) Upon the failure of a taxpayer to petition in accordance with section 5883 of this title from a notice of deficiency or assessment under ~~section 5884~~ sections 3202 and 3203 of this title, or to appeal in accordance with section 5885 of this title from a determination of a deficiency or assessment of tax liability under section 5883 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, ~~without limitation,~~ 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. 140. 32 V.S.A. § 5895 is amended to read:

§ 5895. TAX LIABILITY AS PROPERTY LIEN

(a)(1) 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 5881~~ 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.

(2) 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.

(3) 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.

(4) 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~~ established pursuant to this section, 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~~ established pursuant to this section.

* * *

Sec. 141. INTERPRETATION

It is the intent of the General Assembly that the technical amendments in this act shall not supersede substantive changes contained in other acts passed 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. 142. REPEALS

The following are repealed:

- (1) 3 V.S.A. § 117(i) (delivery of printed volumes).
- (2) 21 V.S.A. § 520 (transitory provisions; therapeutic drug regulation).
- (3) 21 V.S.A. § 1153(c) (Food Production Consortium progress reports).

Sec. 143. EFFECTIVE DATE

This act shall take effect on July 1, 2017.