

House Calendar

Wednesday, March 01, 2017

57th DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 PM

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Favorable with Amendment

H. 144

An act relating to the membership of the Nuclear Decommissioning Citizens Advisory Panel

Rep. Squirrel of Underhill, for the Committee on Natural Resources; Fish & Wildlife, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1700 is amended to read:

§ 1700. CREATION; MEMBERSHIP; OFFICERS; QUORUM

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

- (1) The Secretary of Human Services, ex officio, or designee.
- (2) The Secretary of Natural Resources, ex officio, or designee.
- (3) The Commissioner of Public Service, ex officio, or designee.
- (4) The Secretary of Commerce and Community Development, ex officio, or designee.
- (5) The member of the House of Representatives representing the Town of Vernon.
- (6) One member of the House ~~Committee on Natural Resources and Energy~~ of Representatives from Windham County, other than the House member representing the Town of Vernon, chosen by the Speaker of the House.
- ~~(6)~~(7) One member of the Senate ~~Committee on Natural Resources and Energy~~ from Windham County, chosen by the Committee on Committees.
- ~~(7)~~(8) One representative of the Windham Regional Commission or designee, selected by the Regional Commission.
- ~~(8)~~(9) One representative of the Town of Vernon or designee, selected by the legislative body of that town.
- ~~(9)~~(10) Six members of the public, two each selected by the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. Under this subdivision, each appointing authority initially shall appoint a member for a three-year term and a member for a four-year term. Subsequent appointments under this subdivision shall be for terms of four years.

(40)(11) Two representatives of the owners of the Vermont Yankee Nuclear Power Station (VYNPS or Station) selected by the owner of the Station.

(41)(12) A representative of the International Brotherhood of Electric Workers (IBEW) selected by the IBEW who shall be a present or former employee at the VYNPS.

(42)(13) One member who will represent collectively the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, when selected by the Governor of New Hampshire at the invitation of the Commissioner of Public Service.

(43)(14) One member who will represent collectively the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, when selected by the Governor of Massachusetts at the invitation of the Commissioner of Public Service.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(**Committee Vote: 8-0-1**)

H. 171

An act relating to expungement

Rep. Lalonde of South Burlington, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. § 8005 is amended to read:

§ 8005. NOTICE OF COLLATERAL CONSEQUENCES AND
ELIGIBILITY FOR EXPUNGEMENT IN PRETRIAL
PROCEEDING

* * *

(b) Before the ~~Court~~ court accepts a plea of guilty or nolo contendere from an individual, the ~~Court~~ court shall:

(1) confirm that the individual received the notice required by subsection (a) of this section and had an opportunity to discuss the notice with counsel, if represented, and understands that there may be collateral consequences to a conviction; and

(2) provide written notice, as part of a written plea agreement or through another form, of the following:

(A) that collateral consequences may apply because of the conviction;

(B) the Internet address of the collection of laws published under this chapter;

(C) that there may be ways to obtain relief from collateral consequences;

(D) that the conviction may be eligible for expungement or sealing pursuant to section 7602 of this title;

(E) contact information for government or nonprofit agencies, groups, or organizations, if any, offering assistance to individuals seeking relief from collateral consequences; and

~~(E)~~(F) that conviction of a crime in this State does not prohibit an individual from voting in this State.

Sec. 2. 13 V.S.A. § 8006 is amended to read:

§ 8006. NOTICE OF COLLATERAL CONSEQUENCES AND

ELIGIBILITY FOR EXPUNGEMENT UPON RELEASE

(a) Prior to the completion of a sentence, an individual in the custody of the Commissioner of Corrections shall be given written notice of the following:

(1) that collateral consequences may apply because of the conviction;

(2) the Internet address of the collection of laws published under this chapter;

(3) that there may be ways to obtain relief from collateral consequences;

(4) that the conviction may be eligible for expungement or sealing pursuant to section 7602 of this title;

(5) contact information for government or nonprofit agencies, groups, or organizations, if any, offering assistance to individuals seeking relief from collateral consequences; and

~~(5)~~(6) that conviction of a crime in this State does not prohibit an individual from voting in this State.

(b) For persons sentenced to incarceration, the notice shall be provided not more than 30 days and at least 10 days before completion of the sentence. If the sentence is for a term of less than 30 days then notice shall be provided when the sentence is completed.

(c) For persons receiving a sentence involving community supervision,

such as probation, furlough, home confinement, conditional reentry, or parole, the notice shall be provided by the Department of Corrections in keeping with its mission of ensuring rehabilitation and public safety.

(d) For persons receiving a penalty involving a fine only, the court shall, at the time of the judgment, provide either oral or written notice that the conviction may be eligible for expungement or sealing pursuant to section 7602 of this title.

Sec. 3. 13 V.S.A. § 7601(4) is amended to read:

(4) “Qualifying crime” means:

(A) a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation of a protection order in violation of section 1030 of this title, a prohibited act as defined in section 2632 of this title, or a predicate offense;

(B) a violation of subsection 3701(a) of this title related to criminal mischief;

(C) a violation of section 2501 of this title related to grand larceny;
or

(D) a violation of section 1201 of this title related to burglary, excluding any burglary into an occupied dwelling, as defined in subdivision 1201(b)(2) of this title; or

(E) a violation of 18 V.S.A. § 4223 related to fraud or deceit.

Sec. 4. 13 V.S.A. § 7602 is amended to read:

§ 7602. EXPUNGEMENT AND SEALING OF RECORD,

POSTCONVICTION; PROCEDURE

* * *

(b)(1) ~~The Court~~ Unless the court finds that expungement would not be in the interest of justice, the court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~10~~ three years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least ~~10~~ three years previously.

(B) The person has not been convicted of a crime arising out of a

new incident or occurrence since the person was convicted for the qualifying crime.

(C) Any restitution ordered by the ~~Court~~ court has been paid in full.

~~(D) The Court finds that expungement of the criminal history record serves the interest of justice.~~

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), and (C) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

(B) the person committed the qualifying crime after reaching 19 years of age.

~~(c)(1) The Court~~ Unless the court finds that expungement would not be in the interest of justice, the court shall grant the petition and order that the criminal history record be expunged pursuant to section 7606 of this title if the following conditions are met:

(A) At least ~~20~~ five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(B) The person has not been convicted of a felony arising out of a new incident or occurrence since the person was convicted of the qualifying crime.

(C) The person has not been convicted of a misdemeanor during the past ~~15~~ three years.

(D) Any restitution ordered by the ~~Court~~ court for any crime of which the person has been convicted has been paid in full.

~~(E) After considering the particular nature of any subsequent offense, the Court finds that expungement of the criminal history record for the qualifying crime serves the interest of justice.~~

(2) The ~~Court~~ court shall grant the petition and order that all or part of the criminal history record be sealed pursuant to section 7607 of this title if the conditions of subdivisions (1)(A), (B), (C), and (D) of this subsection are met and the ~~Court~~ court finds that:

(A) sealing the criminal history record better serves the interest of justice than expungement; and

~~(B) the person committed the qualifying crime after reaching 19 years of age.~~

~~(d) The Court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) The petitioner committed the qualifying crime or crimes prior to reaching 25 years of age.~~

~~(2) At least five years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction, or if the person has successfully completed the terms and conditions of an indeterminate term of probation that commenced at least five years previously.~~

~~(3) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted of the qualifying crime.~~

~~(4) The person successfully completed a term of regular employment or public service, independent of any service ordered as a part of the petitioner's sentence for the conviction, and as approved by the Community Justice Network of Vermont, which may include:~~

~~(A) community service hours completed without compensation, reparation of harm to the victim, or education regarding ways not to reoffend, or a combination of the three;~~

~~(B) at least one year of service in the U.S. Armed Forces, followed by an honorable discharge or continued service in good standing;~~

~~(C) at least one year of service in AmeriCorps or another local, state, national, or international service program, followed by successful completion of the program or continued service in good standing; or~~

~~(D) at least one year of regular employment.~~

~~(5) Any restitution ordered by the Court for any crime of which the person has been convicted has been paid in full.~~

~~(6) The Court finds that expungement of the criminal history record serves the interest of justice.~~

~~(e) For petitions filed pursuant to subdivision (a)(1)(B) of this section, unless the court finds that expungement would not be in the interest of justice, the Court court shall grant the petition and order that the criminal history record be expunged in accordance with section 7606 of this title if the following conditions are met:~~

~~(1) At least one year has elapsed since the completion of The petitioner~~

has completed any sentence or supervision for the offense, ~~whichever is later.~~

(2) Any restitution ordered by the ~~Court~~ court has been paid in full.

(3) ~~The Court finds that expungement of the criminal history record serves the interest of justice.~~

* * *

Sec. 5. 13 V.S.A. § 7605 is amended to read:

§ 7605. DENIAL OF PETITION

If a petition for expungement is denied by the ~~Court~~ court pursuant to this chapter, no further petition shall be brought for at least ~~five years~~ one year, unless a shorter duration is authorized by the court.

Sec. 6. JUDICIARY; NEXT GENERATION CASE MANAGEMENT SYSTEM; AUTOMATION OF EXPUNGEMENT PROCESS

On or before January 15, 2018, the Court Administrator shall report to the House and Senate Committees on Judiciary on the feasibility of automating the expungement and sealing petition process through the Next Generation Case Management System or any other available method.

Sec. 7. OFFICE OF THE ATTORNEY GENERAL; PUBLIC NOTICE OF EXPUNGEMENT OPPORTUNITY

The Office of the Attorney General shall provide public education and awareness regarding the availability of the expungement petition process to inform Vermonters of the opportunity to expunge or seal the record of a criminal conviction.

Sec. 8. LEGISLATIVE INTENT

Because the expungement of criminal history records serves the interests of rehabilitative justice, the General Assembly expresses its intent to continue examining the issue, and to consider whether to expand the range of offenses for which a person's criminal history records can be expunged.

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 10-0-1)

Favorable

H. 297

An act relating to judicial organization and restructuring

Rep. Jessup of Middlesex, for the Committee on Judiciary, recommends the bill ought to pass.

(Committee Vote: 10-0-1)

Amendment to be offered by Rep. Jessup of Middlesex to H. 297

In Sec. 6, 27 V.S.A. § 463(b), by striking out “~~and recorded~~” and inserting in lieu thereof “and recorded”

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous court operations procedures”

NOTICE CALENDAR

Committee Bill for Second Reading

H. 493

An act relating to relief from abuse orders.

(Rep. Morris of Bennington will speak for the Committee on Judiciary.)

H. 494

An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

(Rep. Brennan of Colchester will speak for the Committee on Transportation.)

H. 495

An act relating to miscellaneous agriculture subjects.

(Rep. Bock of Chester will speak for the Committee on Agriculture & Forestry.)

Favorable with Amendment

H. 4

An act relating to calculating time periods in court proceedings

Rep. Lalonde of South Burlington, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 4 V.S.A. § 961(a) is amended to read:

(a) Any person who fails to return a completed questionnaire within ~~ten~~ 14 days of its receipt may be summoned by the ~~superior court~~ Superior Court clerk to appear forthwith before the clerk to fill out a jury questionnaire. Any person so summoned who fails to appear as directed shall be ordered forthwith by the presiding judge to appear and show cause for his or her failure to comply with the summons. Any person who fails to appear pursuant to such order or who fails to show good cause for noncompliance may be found in

contempt of court and shall be subject to the penalties for contempt.

Sec. 2. 6 V.S.A. § 4996(b) is amended to read:

(b) If the Secretary issues an emergency order under this chapter, the person subject to the order may request a hearing before the Civil Division of Superior Court. Notice of the request for hearing under this subdivision shall be filed with the Civil Division of Superior Court and the Secretary within five business days of receipt of the order. A hearing on the emergency order shall be held at the earliest possible time and shall take precedence over all other hearings. The hearing shall be held within five business days of receipt of the notice of the request for hearing. A request for hearing on an emergency order shall not stay the order. The Civil Division of the Superior Court shall issue a decision within five business days from the conclusion of the hearing, and no later than 30 days from the date the notice of request for hearing was received by the person subject to the order.

Sec. 3. 8 V.S.A. § 3370(b) is amended to read:

(b) Service of such process shall be made by delivering and leaving with the Secretary of State two copies thereof and the payment to the Secretary of State of the fee prescribed by law. The Secretary of State shall forthwith mail by registered mail one of the copies of such process to such insurer at its last known principal place of business, and shall keep a record of all process so served upon him or her. Such process shall be sufficient service upon such insurer provided notice of such service and a copy of the process are, within ~~40~~ 14 days thereafter, sent by registered mail or on behalf of the director to such insurer at its last known principal place of business, and such insurer's receipt and the affidavit of compliance herewith by or on behalf of the director are filed with the clerk of the court in which such action or proceeding is pending on or before the return date of such process or within such further time as the ~~Court~~ court may allow.

Sec. 4. 8 V.S.A. § 3383 is amended to read:

§ 3383. SERVICE UPON THE SECRETARY OF STATE; NOTICE TO
DEFENDANT

Such service of process shall be made by delivering to and leaving with the Secretary of State or some person in apparent charge of his or her office two copies thereof and the payment to him or her of such fee as is required by 12 V.S.A. § 852. The Secretary of State shall forthwith mail by registered mail one of the copies of such process to the defendant at its last known principal place of business and shall keep a record of all processes so served upon him or her. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ~~40~~ 14 days thereafter by

registered mail by plaintiff or plaintiff's attorney to the defendant at its last known principal place of business, and the defendant's receipt, or receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

Sec. 5. 8 V.S.A. § 3384 is amended to read:

§ 3384. SERVICE UPON OTHER AGENTS; NOTICE TO DEFENDANT

Service of process in any such action, suit, or proceeding shall in addition to the manner provided in section 3383 of this title be valid if served upon any person within this State who, in this State on behalf of such insurer, is:

(1) soliciting insurance; or

(2) making, issuing, or delivering any contract of insurance; or

(3) collecting or receiving any premium, membership fee, assessment, or other consideration for insurance; and a copy of such process is sent within ~~10~~ 14 days thereafter by registered mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant, and the defendant's receipt, or the receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

Sec. 6. 8 V.S.A. § 10204 is amended to read:

§ 10204. EXCEPTIONS

This subchapter does not prohibit any of the activities listed in this section. This section shall not be construed to require any financial institution to make any disclosure not otherwise required by law. This section shall not be construed to require or encourage any financial institution to alter any procedures or practices not inconsistent with this subchapter. This section shall not be construed to expand or create any authority in any person or entity other than a financial institution.

* * *

(19) Disclosure requested pursuant to subpoena, provided that no disclosure shall be made until ~~ten~~ 14 days after the financial institution has notified the customer that financial information has been requested by

subpoena. Such notice shall be served by first class mail to the customer at the most recent address known to the financial institution. The provisions of this subdivision shall not apply where the subpoena is issued by or on behalf of a regulatory, criminal, or civil law enforcement agency.

* * *

Sec. 7. 8 V.S.A. § 19108 is amended to read:

§ 19108. APPEAL; RECEIVER

The propriety and necessity of the orders issued by the Commissioner under sections 19103 through 19107 of this title shall be open to review upon action brought in the usual form by an aggrieved party within ~~ten~~ 14 days to the Superior Court of Washington County. No injunction may be issued without prior notice to the Commissioner, and the court, on motion of the Commissioner, may appoint a temporary receiver of a financial institution involved in those proceedings.

Sec. 8. 8 V.S.A. § 36103(b) is amended to read:

(b) Not later than ~~ten~~ 14 days after the date on which the Commissioner takes possession and control of the business and assets of a credit union pursuant to subsection (a) of this section, such credit union may apply to the Superior Court of Washington County for an order requiring the Commissioner to show cause why the Commissioner should not be enjoined from continuing such possession and control. Except as provided in this subsection, no court may take any action, except at the request of the Commissioner by regulation or order, to restrain or affect the exercise of powers or functions of the Commissioner as conservator.

Sec. 9. 9 V.S.A. § 4025(b) is amended to read:

(b) If the company defaults in the performance of its obligation to redeem trading stamps, any rightful holder may file, within three months after the default, a complaint in the Washington Superior Court. Upon the filing of a complaint, the presiding judge shall, upon ~~10~~ 14 days' notice in writing sent by certified mail to the company, summarily hear and forthwith make a determination whether there has been a default. If the presiding judge determines that there has been a default, he or she shall give notice of the determination to the company and if the default is not corrected within ~~10~~ 14 days, he or she shall order the clerk of the ~~Court~~ court to publish notice of the default in three consecutive publications of one or more newspapers having general circulation throughout this State and therein require that proof of all claims for redemption of the trading stamps of the company shall be filed with the ~~Court~~ court, together with the trading stamps upon which the claim is based, within three months after the date of the first publication. Promptly

after the expiration of that period, the ~~Court~~ court shall determine the validity of all claims so filed. Thereupon, the ~~Court~~ court shall be paid by the surety such amount as shall be necessary to satisfy all valid claims so filed, not exceeding, however, the principal sum of the bond. Upon the failure to pay the amount demanded, the ~~Court~~ court shall notify the Attorney General who shall bring an action in a ~~Court~~ court of record, to recover the amount demanded. Upon payment or recovery of the amount demanded, the clerk of the ~~Court~~ court shall promptly thereafter make an equitable distribution of the proceeds of the bond to the claimants and shall promptly destroy the trading stamps so surrendered.

Sec. 10. 9 V.S.A. § 4469a(e) is amended to read:

(e) If the ~~Court~~ court finds that the farm employer has suffered actual hardship because of the unavailability of the farm housing for a replacement employee, the ~~Court~~ court shall enter an order approving a writ of possession, which shall be executed ~~no sooner~~ not earlier than five business days nor later than 30 days after the writ is served, to put the plaintiff into possession.

Sec. 11. 9 V.S.A. § 5602(f) is amended to read:

(f) Unless presented by an emergency or exigent circumstances, the Commissioner shall give notice to the Attorney General and U.S. Attorney not less than five business days before applying to the Washington County Superior Court to compel the testimony, the filing of the statement, the production of the record, or the giving of other evidence under subsection (e) of this section. In the case of an emergency or exigent circumstances, the Commissioner shall notify the Attorney General and U.S. Attorney as soon as possible before applying to the Washington County Superior Court.

Sec. 12. 10 V.S.A. § 8009 is amended to read:

§ 8009. EMERGENCY ADMINISTRATIVE ORDERS; REQUEST FOR HEARING

* * *

(d) Request for hearing. If an emergency order is issued, the respondent may request a hearing before the Environmental Division. Notice of the request for hearing shall be filed with the Environmental Division and the agency issuing the order within five business days of receipt of the order. A hearing on the emergency order shall be held at the earliest possible time and shall take precedence over all other hearings. The hearing shall be held within five business days of receipt of the notice of the request for hearing. A request for hearing on an emergency order shall not stay the order. The Environmental Division shall issue a decision within five business days from the conclusion of the hearing, and no later than 30 days from the date the notice of request for hearing was received.

* * *

Sec. 13. 11 V.S.A. § 1534 is amended to read:

§ 1534. APPOINTMENT OF COMMISSIONERS, HEARING

If sufficient cause is shown, the court shall appoint three disinterested persons as commissioners, who shall fix a time and place for hearing, and give reasonable notice thereof to those who defend. If, at the time of giving such notice, a person has not entered to defend, the commissioners shall give notice of such hearing by posting a notice thereof, at least ~~ten~~ 14 days before such hearing, in three or more public places in the town in which such corporation or society is located.

Sec. 14. 11C V.S.A. § 1210(b) is amended to read:

(b) Not later than ~~10~~ 14 days after filing an application under subsection (a) of this section, a dissolved mutual benefit enterprise shall give notice of the proceeding to each known claimant holding a contingent claim.

Sec. 15. 12 V.S.A. § 2432 is amended to read:

§ 2432. PASSING CAUSES TO SUPREME COURT; RECOGNIZANCE IN
EJECTMENT CASES

In actions brought under the provisions of sections 4851-4853 of this title, within three business days after judgment, the appealing party shall give security to the other party by way of recognizance or bond approved by the court to pay the costs as the other party shall finally recover against him or her. If the appealing party is the defendant, he or she shall also give the security as ~~above provided~~ for rents then due and intervening rent. If final judgment is for the plaintiff, the costs, damages, and rents may be recovered by an action upon the recognizance or an action on contract founded on the judgment.

Sec. 16. 12 V.S.A. § 2791 is amended to read:

§ 2791. RETURN OF EXECUTION

The officer commencing proceedings for sale on execution of real estate or the right to collect and receive rents, issues, and profits thereof, may make such sale, although the return day of the execution has passed, and shall return the execution within five business days after the sale. A failure to make such return shall not affect the purchaser's title to the property.

Sec. 17. 12 V.S.A. § 2796 is amended to read:

§ 2796. REDEMPTION-BOND; WRIT OF POSSESSION; ACCOUNTING
BY PURCHASER FOR RENTS AND PROFITS

When real estate is sold on execution, the debtor or person claiming under

him or her may redeem the same at any time within six months from the date of such sale. He or she shall file a bond within ~~ten~~ 14 days after such sale with the clerk of the court or magistrate who issued such execution, to the purchaser, in a penal sum that the clerk or magistrate shall order, conditioned in case he or she does not redeem the property to pay the purchaser the fair rents and profits of such premises and commit no waste on the same, which bond shall be approved by the clerk or magistrate. When the debtor fails to file the bond as ~~aforsaid~~ provided for in this section, the purchaser may have his or her writ of possession from the clerk or magistrate, and may enter and take possession and manage such real estate in a good husbandlike manner. If the defendant in such action shall redeem the same, the purchaser shall account for the fair value of the rents and profits thereof, until the same shall be redeemed.

Sec. 18. 12 V.S.A. § 4853a is amended to read:

§ 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

* * *

(b) A hearing on the motion shall be held any time after ~~10~~ 14 days' notice to the parties. If the tenant appears at the hearing and has not been previously defaulted, the court shall not enter judgment by default unless the tenant fails to file a written answer within ~~10~~ 14 days after the hearing. Any rent escrow order shall remain in effect notwithstanding the issuance of a default judgment but shall cease upon execution of a writ of possession.

* * *

(h) If the tenant fails to pay rent into court in the amount and on the dates ordered by the court, the landlord shall be entitled to judgment for immediate possession of the premises. The court shall forthwith issue a writ of possession directing the sheriff of the county in which the property or a portion thereof is located to serve the writ upon the defendant and, ~~no sooner~~ not earlier than five business days after the writ is served, or, in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 30 days after the writ is served, to put the plaintiff into possession.

Sec. 19. 12 V.S.A. § 4854 is amended to read:

§ 4854. JUDGMENT FOR PLAINTIFF; WRIT OF POSSESSION

If the court finds that the plaintiff is entitled to possession of the premises, the plaintiff shall have judgment for possession and rents due, damages, and costs, and when a written rental agreement so provides, the court may award reasonable attorney's fees. A writ of possession shall issue on the date judgment is entered, unless the court for good cause orders a stay. The writ shall direct the sheriff of the county in which the property or a portion thereof

is located to serve the writ upon the defendant and, ~~no sooner~~ not earlier than ~~ten~~ 14 days after the writ is served, to put the plaintiff into possession.

Sec. 20. 12 V.S.A. § 4914 is amended to read:

§ 4914. COMPLAINT AND WARRANT

When a complaint is formally made in writing, to a district judge of such unlawful or forcible entry or detainer, he or she shall issue a warrant returnable within such county not less than six business days thereafter, which shall be directed to the sheriff, commanding such officer to apprehend the person against whom such complaint is made and bring him or her before the district judge having jurisdiction.

Sec. 21. 12 V.S.A. § 4919 is amended to read:

§ 4919. PROCEEDINGS WHEN RESPONDENT CANNOT BE FOUND

When the sheriff or his or her deputy cannot find the party against whom the warrant is issued, six business days before the time appointed for returning the same, he or she may leave a true and attested copy thereof at the usual place of abode of such person. If, at the return of the warrant, he or she cannot find or apprehend the person against whom it issued, he or she shall make a return of such fact of the time he or she so left a copy. If the party complained against does not appear at the time appointed for trial, a district judge, in his or her discretion, may adjourn or proceed with the case, but shall not impose a fine at such hearing.

Sec. 22. 12 V.S.A. § 4933(c) is amended to read:

(c) Acceptance of a foreclosure complaint by the court clerk that, due to a good faith error or omission by the plaintiff or the clerk, does not contain the certification required in subsection (a) of this section shall not invalidate the foreclosure proceeding, provided that the plaintiff files the required notice with the Commissioner within ~~10~~ 14 days of obtaining knowledge of the error or omission.

Sec. 23. 12 V.S.A. § 5134(b) is amended to read:

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall state upon its face a date, time, and place that the defendant may appear to petition the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than ~~10~~ 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted

the plaintiff. If the court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other orders as it deems necessary to protect the plaintiff or the plaintiff's children, or both.

Sec. 24. 13 V.S.A. § 354 is amended to read:

§ 354. ENFORCEMENT; POSSESSION OF ABUSED ANIMAL;
SEARCHES AND SEIZURES; FORFEITURE

* * *

(f)(1) At the hearing on the motion for forfeiture, the State shall have the burden of establishing by clear and convincing evidence that the animal was subjected to cruelty, neglect, or abandonment in violation of section 352 or 352a of this title. The ~~Court~~ court shall make findings of fact and conclusions of law and shall issue a final order. If the State meets its burden of proof, the ~~Court~~ court shall order the immediate forfeiture of the animal in accordance with the provisions of subsection 353(c) of this title.

(2) Affidavits of law enforcement officers, humane officers, animal control officers, veterinarians, or expert witnesses of either party shall be admissible evidence which may be rebutted by witnesses called by either party. The affidavits shall be delivered to the other party at least five business days prior to the hearing. Upon request of the other party or the ~~Court~~ court, the party offering an affidavit shall make the affiant available by telephone at the hearing. The ~~Court~~ court may allow any witness to testify by telephone in lieu of a personal appearance and shall adopt rules with respect to such testimony.

(3) No testimony or other information presented by the defendant in connection with a forfeiture proceeding under this section or any information directly or indirectly derived from such testimony or other information may be used for any purpose, including impeachment and cross-examination, against the defendant in any criminal case, except a prosecution for perjury or giving a false statement.

(g)(1) If the defendant is convicted of criminal charges under this chapter or if an order of forfeiture is entered against an owner under this section, the defendant or owner shall be required to repay all reasonable costs incurred by the custodial caregiver for caring for the animal, including veterinary expenses. The Restitution Unit within the Center for Crime Victim Services is authorized to collect the funds owed by the defendant or owner on behalf of the custodial caregiver or a governmental agency that has contracted or paid for custodial care in the same manner as restitution is collected pursuant to section 7043 of this title. The restitution order shall include the information required under subdivision 7043(e)(2)(A) of this title. The ~~Court~~ court shall make findings with respect to the total amount of all costs incurred by the

custodial caregiver.

(2)(A) If the defendant is acquitted of criminal charges under this chapter and a civil forfeiture proceeding under this section is not pending, an animal that has been taken into custodial care shall be returned to the defendant unless the State institutes a civil forfeiture proceeding under this section within seven business days of the acquittal.

(B) If the ~~Court~~ court rules in favor of the owner in a civil forfeiture proceeding under this section and criminal charges against the owner under this chapter are not pending, an animal that has been taken into custodial care shall be returned to the owner unless the State files criminal charges under this section within seven business days after the entry of final judgment.

* * *

Sec. 25. 13 V.S.A. § 2451(c) is amended to read:

(c) It shall be a defense to a charge of keeping a child from the child's lawful custodian that the person charged with the offense was acting in good faith to protect the child from real and imminent physical danger. Evidence of good faith shall include, ~~but is not limited to,~~ the filing of a ~~non-frivolous~~ nonfrivolous petition documenting that danger and seeking to modify the custodial decree in a Vermont court of competent jurisdiction. This petition must be filed within ~~72 hours~~ three business days of the termination of visitation rights. This defense shall not be available if the person charged with the offense has left the ~~state~~ State with the child.

Sec. 26. 13 V.S.A. § 5403(b) is amended to read:

(b) Within ~~10~~ 14 days after sentencing, the ~~Court~~ court shall forward to the Department:

(1) the sex offender's conviction record, including offense, date of conviction, sentence, and any conditions of release or probation; and

(2) an order issued pursuant to section 5405a of this title, on a form developed by the Court Administrator, that the defendant comply with Sex Offender Registry requirements.

Sec. 27. 13 V.S.A. § 5405(h) is amended to read:

(h) After making its determinations, the court shall issue a written decision explaining the reasons for its determinations and provide a copy of the decision to the ~~department~~ Department within ~~10~~ 14 days.

Sec. 28. 13 V.S.A. § 5405a is amended to read:

§ 5405a. COURT DETERMINATION OF SEX OFFENDER REGISTRY
REQUIREMENTS

(a)(1) The ~~Court~~ court shall determine at sentencing whether Sex Offender Registry requirements apply to the defendant.

(2) If the State and the defendant do not agree as to the applicability of Sex Offender Registry requirements to the defendant, the State shall file a motion setting forth the Sex Offender Registry requirements applicable to the defendant within ~~10~~ 14 days of the entry of a guilty plea. To the extent the defendant opposes the motion, the State and the defendant shall present evidence at the sentencing as to the applicability of Sex Offender Registry requirements to the defendant.

* * *

(d) Within ~~10~~ 14 days after the sentencing or the presentation of evidence pursuant to subdivision (a)(2) of this section, the ~~Court~~ court shall issue an order determining whether Sex Offender Registry requirements apply to the defendant. The order shall include:

* * *

Sec. 29. 13 V.S.A. § 7042(b) is amended to read:

(b) ~~A state's attorney or the attorney general~~ State's Attorney or the Attorney General, within seven business days of the imposition of a sentence, may file with the sentencing judge a motion to increase, reduce, or otherwise modify the sentence. This motion shall set forth reasons why the sentence should be altered. After hearing, the court may confirm, increase, reduce, or otherwise modify the sentence.

Sec. 30. 13 V.S.A. § 7403 is amended to read:

§ 7403. APPEAL BY THE STATE

* * *

(e) The appeal in all cases shall be taken within seven business days after the decision, judgment, or order has been rendered. In cases where the defendant is detained for lack of bail, he or she shall be released pending the appeal upon such conditions as the ~~Court~~ court shall order unless bail is denied as provided in the Vermont Constitution or in other pending cases. Such appeals shall take precedence on the docket over all cases and shall be assigned for hearing or argument at the earliest practicable date and expedited in every way.

Sec. 31. 13 V.S.A. § 7556 is amended to read:

§ 7556. APPEAL FROM CONDITIONS OF RELEASE

* * *

(e) A person held without bail prior to trial shall be entitled to review of that determination by a panel of three ~~supreme court justices~~ Supreme Court Justices within seven business days after bail is denied.

Sec. 32. 13 V.S.A. § 7560a(b) is amended to read:

(b) The surety may respond to a motion to forfeit a bond. Responses must be served within ~~40~~ 14 days of service of the motion.

Sec. 33. 14 V.S.A. § 2625(f) is amended to read:

(f)(1) The court may grant an emergency guardianship petition filed ex parte by the proposed guardian if the court finds that:

(A) both parents are deceased or medically incapacitated; and

(B) the best interests of the child require that a guardian be appointed without delay and before a hearing is held.

(2) If the court grants an emergency guardianship petition pursuant to subdivision (1) of this subsection (e), it shall schedule a hearing on the petition as soon as practicable and in no event more than ~~72 hours~~ three business days after the petition is filed.

Sec. 34. 14 V.S.A. § 2671(h) is amended to read:

(h) The person under guardianship may, at any time, file a motion to revoke the guardianship. Upon receipt of the motion, the court shall give notice as provided by the rules of probate procedure. Unless the guardian files a motion pursuant to section 3063 of this title within ~~ten~~ 14 days from the date of the notice, the court shall enter judgment revoking the guardianship and shall provide the ward and the guardian with a copy of the judgment.

Sec. 35. 14 V.S.A. § 3067(d) is amended to read:

(d) The proposed guardian shall provide the court with the information and consents necessary for a complete background check. Not more than ~~40~~ 14 days after receipt of an evaluation supporting guardianship of the respondent, the court shall order from the respective registries background checks of the proposed guardian from any available ~~state~~ State registries, including ~~but not limited to~~ the adult abuse registry, child abuse registry, Vermont ~~crime information center~~ Crime Information Center, and the Vermont ~~state sex offender registry~~ State Sex Offender Registry, and the court shall consider information received from the registries in determining whether the proposed guardian is suitable. However, if appropriate under the circumstances, the court may waive the background reports or may proceed with appointment of a guardian prior to receiving the background reports, provided that the court may remove a guardian if warranted by background reports which the court receives after the guardian's appointment. If the proposed guardian has lived in Vermont for fewer than five years or is a resident of another state, the court may order background checks from the respective state registries of the states in which the proposed guardian lives or has lived in the past five years or from

any other source. The court shall provide copies of background check reports to the petitioner, the respondent, and the respondent's attorney.

Sec. 36. 14 V.S.A. § 3081(c) is amended to read:

(c) An emergency temporary guardian may be appointed without notice to the respondent or respondent's counsel only if it clearly appears from specific facts shown by affidavit or sworn testimony that immediate, serious, and irreparable harm will result to the respondent before the hearing on the appointment of an emergency temporary guardian can be held. A request for ex parte emergency temporary guardianship under this section shall be made by written motion, accompanied by a petition for guardianship, unless waived by the court for good cause shown. If the court appoints an ex parte emergency temporary guardian, the court shall immediately schedule a temporary hearing in accordance with subsection (b) of this section. The ex parte order shall state why the order was granted without notice and include findings on the immediate, serious, and irreparable harm. The ex parte order shall be for a fixed period of time, not to exceed ~~10~~ 14 days, and shall expire on its terms unless extended after the temporary hearing. If the temporary hearing cannot be held before the ex parte order expires, the ex parte order can be extended for good cause shown for an additional ~~10~~ 14 days until the temporary hearing is held.

Sec. 37. 15 V.S.A. § 304(e) is amended to read:

(e) Any motion objecting to genetic test results must be made in writing to the court and to the party intending to introduce the evidence not less than five business days prior to any hearing at which the results may be introduced into evidence. If no timely objection is made, the written results shall be admissible as evidence without the need for foundation testimony or other proof of authenticity or accuracy.

Sec. 38. 15 V.S.A. § 594a is amended to read:

§ 594a. TEMPORARY RELIEF

Either party or both parties to a civil marriage may apply for temporary relief at any time following the separation of the parties to the marriage coincidental with, or subsequent to the filing of complaint for absolute divorce or legal separation. The court to which the cause is returnable, or a ~~superior~~ Superior judge, on such notice to the adverse party as the court or judge directs, may make such orders pending final hearing and further order of the court as the court would be authorized to make upon final hearing. A prompt hearing will be held, and the evidence shall be recorded by a court reporter. The court or judge shall issue an order within ~~10~~ 14 days from the date of the hearing. Failure of the court or judge to issue an order within ~~10~~ 14 days shall

not affect the validity of any order issued after the ~~10-day~~ 14-day period.

Sec. 39. 15 V.S.A. § 663 is amended to read:

§ 663. SUPPORT ORDERS; REQUIRED CONTENTS

* * *

(c) Every order for child support made or modified under this chapter on or after July 1, 1990, shall:

* * *

(3) require that every party to the order must notify the ~~registry~~ Registry in writing of their current mailing address and current residence address and of any change in either address within seven business days of the change, until all obligations to pay support or support arrearages or to provide for visitation are satisfied;

* * *

Sec. 40. 15 V.S.A. § 668a(e) is amended to read:

(e)(1) If a custodial parent refuses to honor a noncustodial parent's visitation rights without good cause, the court may modify the parent-child contact order if found to be in the best interests of the child. Good cause shall include:

(A) a pattern or incidence of domestic or sexual violence;

(B) a reasonable fear for the child's or the custodial parent's safety; or

(C) a history of failure to honor the visitation schedule agreed to in the parent-child contact order.

(2) A custodial parent, upon a showing of good cause as defined in subdivision (1)(A) or (B) of this subsection, may receive an ex parte order suspending a noncustodial parent's visitation rights until a court hearing is held. A hearing shall be held within ~~10~~ 14 days from the issuance of the order.

Sec. 41. 15 V.S.A. § 684(a) is amended to read:

(a) Upon the return of the deploying parent, either parent may file a motion to modify the temporary order on the grounds that compliance with the order will result in immediate danger of irreparable harm to the child, and may request that the court issue an ex parte order. The deploying parent may file such a motion prior to his or her return. The motion shall be accompanied by an affidavit in support of the requested order. Upon a finding of irreparable harm based on the facts set forth in the affidavit, the court may issue an ex parte order modifying parental rights and responsibilities and parent-child contact. If the court issues an ex parte order, the court shall set the matter for hearing within ~~ten~~ 14 days from the issuance of the order.

Sec. 42. 15 V.S.A. § 782 is amended to read:

§ 782. EXPEDITED PROCEDURE FOR WAGE WITHHOLDING

(a) In the case of an order for child support made or modified after July 1, 1990 which does not include an order for immediate wage withholding, an obligee may request a wage withholding order when any amount due under the order has not been paid within seven business days after the amount is due. The obligor may request wage withholding at any time. The petition for wage withholding shall set forth:

(1) ~~The~~ the amount of support arrearages, if any;

(2) ~~The~~ the terms of the support order;

(3) ~~The~~ the periodic amount to be withheld for support and arrearages; and

(4) ~~A~~ a statement that the obligor may object to wage withholding on the basis of an error in the amount of current support or arrearages or an error in identity, at a hearing to be held within ~~ten~~ 14 days of the date the petition is filed.

(b) The petition shall be served upon the other party or parties as provided in section 783 of this title.

(c) The court shall set the date for the hearing and notify the parties of the place, ~~date,~~ and time. The hearing shall be held within ~~ten~~ 14 days of the date the petition is filed.

(d) The court shall enter a judgment for wage withholding under any one of the following circumstances:

(1) The obligor does not appear at the hearing without good cause.

(2) The obligor has requested the wage withholding order.

(3) The court finds after hearing that any amount due under a support order has not been paid within seven business days after the amount is due.

* * *

Sec. 43. 15 V.S.A. § 783 is amended to read:

§ 783. WAGE WITHHOLDING; NOTICE AND HEARING

(a) In the case of a child support order issued prior to July 1, 1990 or a spousal support order, an obligee may request a wage withholding order when any amount due under a support order has not been paid within seven business days after the amount is due. The obligor may request wage withholding at any time. The petition for wage withholding shall set forth:

* * *

(e) The court shall order wage withholding if the obligor has requested wage withholding or if any amount due under a support order has not been paid within seven business days after the amount is due. In all cases the court shall issue a wage withholding order, if any, within 45 days of notice sent to the responding party.

* * *

Sec. 44. 15 V.S.A. § 785(c) is amended to read:

(c) The court shall file a wage withholding order with the ~~registry~~ Registry. Within seven business days of receipt of the order, the ~~registry~~ Registry shall provide the obligor's employer with notice of withholding by first class mail and send a copy of the notice and the order to the obligor and the obligee.

Sec. 45. 15 V.S.A. § 788(a) is amended to read:

(a) Any parent subject to a child support or parental rights and responsibilities order shall notify in writing the court which issued the most recent order and the ~~office of child support~~ Office of Child Support of his or her current mailing address and current residence address and of any change in either address within seven business days of the change, until all obligations to pay support or support arrearages, or to provide for parental rights and responsibilities are satisfied. For good cause the court may keep information provided under this subsection confidential.

Sec. 46. 15 V.S.A. § 791(d) is amended to read:

(d) If the ~~office of child support~~ Office of Child Support does not issue a release of lien within 10 days or if there is a disagreement over the amount of arrearages, the obligor may request the court to determine the amount of arrearages or to issue a release of lien, or both. The court shall schedule a hearing to be held within ~~10~~ 14 days of the request. The court may issue a release of lien without requiring the obligor to satisfy his or her liability for the total amount due if it finds that justice so requires.

Sec. 47. 15 V.S.A. § 798(d) is amended to read:

(d) Upon receipt of a license suspension order issued under this section, the license issuing authority shall suspend the license according to the terms of the order. Prior to suspending the license, the license issuing authority shall notify the license holder of the pending suspension and provide the license holder with an opportunity to contest the suspension based solely on the grounds of mistaken identity or compliance with the underlying child support order. The license shall be reinstated within five business days of a reinstatement order from the court or notification from the ~~office of child support~~ Office of Child Support or the custodial parent, where the rights of that parent have not been assigned to the ~~office of child support~~ Office of Child Support, that the parent

is in compliance with the underlying child support order. The license issuing authority shall charge a reinstatement fee as provided for in 23 V.S.A. § 675, or as otherwise provided by law or rule.

Sec. 48. 15 V.S.A. § 1104(b) is amended to read:

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall state upon its face a date, time, and place when the defendant may appear to petition the ~~Court~~ court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than ~~40~~ 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving abuse by a preponderance of the evidence. If the ~~Court~~ court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other order as it deems necessary to protect the plaintiff.

Sec. 49. 15A V.S.A. § 3-601(a) is amended to read:

(a) Not later than five business days after a complete petition for adoption of a minor is filed, the court shall order that an evaluation be made by:

(1) a qualified employee of the agency that placed the minor for adoption; or

(2) in a direct placement adoption, the person who made the placement evaluation or another person qualified under section 2-202 of this title.

Sec. 50. 21 V.S.A. § 208(a) is amended to read:

(a) Whenever the ~~commissioner~~ Commissioner finds that any workplace is in violation of any portion of the VOSHA Code or this chapter and that the violation creates a dangerous condition which can be reasonably expected to cause imminent death or serious physical harm, the ~~commissioner~~ Commissioner may order the workplace or any portion of the workplace to be immediately closed or order that steps be taken to avoid, correct, or remove the imminently dangerous conditions. The ~~commissioner~~ Commissioner may permit the presence of individuals necessary to avoid, correct, or remove the imminent danger, or to maintain the capacity of a continuous process operation to resume normal operations without complete cessation of operations, or where a cessation of operations is necessary, to permit it to be accomplished in a safe and orderly manner. On two business days' notice to the ~~commissioner~~ Commissioner, an order issued under this section may be contested by filing a petition in ~~superior court~~ Superior Court requesting dissolution or modification of the order. In that event, the court shall proceed to hear and to make an expeditious determination.

Sec. 51. 21 V.S.A. § 392 is amended to read:

§ 392. COURT PROCEEDINGS

If any employer covered by a wage order has failed to comply with the wage order within ~~40~~ 14 days after receiving notification of the violation, the ~~commissioner~~ Commissioner shall take court action to enforce the order.

Sec. 52. 21 V.S.A. § 1733(b) is amended to read:

(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:

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. 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 business days, the third member shall be appointed by the Superior Court for the county in which the municipality is situated, upon petition of either party, and notice to the other party. 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. 53. 23 V.S.A. § 1746 is amended to read:

§ 1746. VIOLATIONS; ADMISSION; WAIVER

Any person who has violated any ordinance of the town which regulates, districts, or defines the time, place, or manner of parking vehicles in the town and who has not been convicted of any violation of the parking ordinances more than twice before in the same calendar year may, within three business days from the date of such violation, by a statement signed by him or her admit the violation and waive the issuance of any process and a trial by jury or hearing, and may voluntarily pay to the police court of the town the penalty herein prescribed; provided, however, that whenever in the opinion of the court the gravity of the offense requires a fine in excess of the prescribed penalty, as provided in section 1749 of this title, the court may refuse to accept the signed statement and penalty and refer the matter to the grand juror or State's Attorney who may proceed against the offender in the manner prescribed by law. In that event, the signed statement and penalty shall be returned to the offender and shall not be considered as an admission or used as evidence in any court in this State.

Sec. 54. 27 V.S.A. § 143(a) is amended to read:

(a) When the spouse of an owner of a homestead lacks capacity to protect his or her interests due to a mental condition or psychiatric disability and the owner desires to convey it or an interest therein, he or she may petition the Probate Division of the Superior Court in the district in which the homestead is situated for a license to convey the same. Upon not less than ~~ten~~ 14 days' notice of the petition to the kindred of the spouse who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability residing in the State, and to the selectboard members of the town in which the homestead is situated, which notice may be personal or by publication, the ~~Court~~ court may hear and determine the petition and may license the owner or convey the homestead, or an interest therein, by his or her sole deed. The license shall be recorded in the office where a deed of the homestead is required to be recorded and the sole deed shall have the same effect as if the spouse has the capacity to protect his or her interests and had joined therein.

Sec. 55. 27 V.S.A. § 372 is amended to read:

§ 372. PROCEEDINGS WHEN GRANTOR REFUSES TO
ACKNOWLEDGE-SUMMONS

When a grantor or lessor refuses to acknowledge his or her deed, the grantee or lessee, or a person claiming under him or her, may apply to a district judge who shall thereupon issue a summons to the grantor or lessor to appear at a certain time and place before him or her to hear the testimony of the subscribing witnesses to the deed. Such summons, with a copy of the deed annexed, shall be served like a writ of summons, seven business days at least before the time therein assigned for proving the deed.

Sec. 56. 27 V.S.A. § 378 is amended to read:

§ 378. EFFECT OF RECORDING UNACKNOWLEDGED DEED

A person interested in a deed or lease not acknowledged may cause the deed or lease to be recorded without acknowledgment before or during the application to the court, or the proceedings before any of the authorities named in sections 371-376 of this title; and, when so recorded in the proper office, it shall be as effectual as though the same had been duly acknowledged and recorded for 60 days thereafter. If such proceedings for proving the execution of the deed are pending at the expiration of such 60 days, the effect of such record shall continue until the expiration of six business days after the termination of the proceedings.

Sec. 57. 32 V.S.A. § 642(a)(3)(F) is amended to read:

(F) The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this section shall be a date which is not less than seven business days after the date on which demand

is received, unless the Attorney General or an Assistant Attorney General designated by the Attorney General determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.

Sec. 58. 32 V.S.A. § 4461(b) is amended to read:

(b) On or before the last day on which appeals may be taken from the decision of the board of civil authority, the agent of the town to prosecute and defend suits in which the town is interested, in the name of the town, on written application of one or more taxpayers of the town whose combined grand list represents at least three percent of the grand list of the town for the preceding year, shall appeal to the Superior Court from any action of the board of civil authority not involving appeals of the applying taxpayers. However, the town agent shall, in any event, have at least six business days after receipt of such taxpayers' application for appeal in which to take the appeal, and the date for the taking of such appeal shall accordingly be extended, if necessary, until the six business days shall have elapsed. The \$70.00 entry fee shall be paid by the applicants with respect to each individual property thus being appealed which is separately listed in the grand list.

Sec. 59. 32 V.S.A. § 4463 is amended to read:

§ 4463. OBJECTIONS TO APPEAL

When a taxpayer, town agent, or selectboard claims that an appeal to the Director is in any manner defective or was not lawfully taken, on or before ~~10~~ 14 days after mailing of the notice of appeal by the clerk under Rule 74(b) of the Vermont Rules of Civil Procedure, the taxpayer, town agent, or selectboard shall file objections in writing with the Director, and furnish the appellant or appellant's attorney with a copy of the objections. When the taxpayer, town agent, or selectboard so requests, the Director shall thereupon fix a time and place for hearing the objections, and shall notify all parties thereof, by mail or otherwise. Upon hearing or otherwise, the Director shall pass upon the objections and make such order in relation thereto as is required by law. The order shall be recorded or attached in the town clerk's office in the book wherein the appeal is recorded.

Sec. 60. 32 V.S.A. § 5412(a) is amended to read:

(a)(1) If a listed value is reduced as the result of an appeal or court action, and if the municipality files a written request with the Commissioner within 30 days after the date of the determination, entry of the final order, or settlement agreement if the Commissioner determines that the settlement value is the fair market value of the parcel, the Commissioner shall recalculate the municipality's education property tax liability for the year at issue, in accord

with the reduced valuation, provided that:

(A) the reduction in valuation is the result of an appeal under chapter 131 of this title to the Director of Property Valuation and Review or to a court, with no further appeal available with regard to that valuation, or any judicial decision with no further right of appeal, or a settlement of either an appeal or court action if the Commissioner determines that the settlement value is the fair market value of the parcel;

(B) the municipality notified the Commissioner of the appeal or court action, in writing, within ~~40~~ 14 days after notice of the appeal was filed under section 4461 of this title or after the complaint was served; and

(C) as a result of the valuation reduction of the parcel, the value of the municipality's grand list is reduced at least one percent.

Sec. 61. 32 V.S.A. § 5843 is amended to read:

§ 5843. FAILURE TO ACCOUNT; MAINTENANCE OF TRUST

ACCOUNT

If a person fails at any time to comply with the Commissioner's requirement under ~~subdivision~~ subsection 5842(b) of this title to remit amounts deducted and withheld at such intervals and based upon such classifications as the Commissioner designates, the Commissioner may petition the Superior Court wherein the person has a place of business, and, upon the petition and hearing, a judge of that ~~Court~~ court shall issue a citation declaring any amounts thereafter deducted and withheld by the person under section 5841 of this title to be a trust for the State of Vermont. That order shall further require the person, (and, if the person is a corporation, any principal officer of the corporation), to remit those amounts as the Commissioner has required to, and to file a return with respect to each of those payments under the terms of this subchapter with, the ~~Court~~ court upon pain of contempt of court. The order of notice upon the petition shall be returnable not later than seven business days after the filing of the petition. The petition shall be heard and determined on the return day, or on such day as soon thereafter as the ~~Court~~ court considers practicable and shall fix, having regard to the circumstances of the case. The costs of the proceeding shall be payable as the ~~Court~~ court determines. The remittance of those amounts shall be made to the court or, if the court so directs, to the Commissioner, as the Commissioner has required for such period of time as the Commissioner determines with the approval of the ~~Court~~ court, whether or not all tax liabilities theretofore due have been satisfied, having regard to the maintenance of regular future payments by the person. All amounts and all returns received by the ~~Court~~ court under this section shall be remitted as soon as is practicable by the ~~Court~~ court to the

Commissioner.

Sec. 62. 32 V.S.A. § 9280(d) is amended to read:

(d) As an additional or alternate remedy, the Commissioner may issue a warrant, directed to the sheriff of any county commanding him or her to levy upon and sell the real and personal property of any person liable for the tax, which may be found within his or her county, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return the warrant to the Commissioner and to pay to him or her the money collected by virtue thereof within 60 days after the receipt of the warrant. The sheriff shall within five business days after the receipt of the warrant file with the county clerk a copy thereof, and thereupon the clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties, and interest for which the warrant is issued and the date when the copy is filed. Thereupon, the amount of the warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he or she shall be entitled to the same fees, which he or she may collect in the same manner. If a warrant is returned not satisfied in full, the Commissioner may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the State had recovered judgment therefor and execution thereon had been returned unsatisfied.

Sec. 63. 32 V.S.A. § 9811(b) is amended to read:

(b) As an additional or alternate remedy, the Commissioner may issue a warrant, directed to the sheriff of any county commanding him or her to levy upon and sell the real and personal property of any person liable for the tax, which may be found within his or her county, for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return the warrant to the Commissioner and to pay to him or her the money collected by virtue thereof within 60 days after the receipt of the warrant. The sheriff shall within five business days after the receipt of the warrant file with the county clerk a copy thereof, and thereupon the clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalties, and interest for which the warrant is issued and the date when the copy is filed. Thereupon the amount of the warrant so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property

upon judgments of a court of record and for services in executing the warrant, he or she shall be entitled to the same fees, which he or she may collect in the same manner. If a warrant is returned not satisfied in full, the Commissioner may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the State had recovered judgment therefor and execution thereon had been returned unsatisfied.

Sec. 64. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

(Committee Vote: 10-0-1)

H. 50

An act relating to extending the current expiration date of the telecommunications siting law

Reps. Carr of Brandon, for the Committee on Energy and Technology, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS FACILITIES

* * *

(e) Notice. No less than 60 days prior to filing an application for a certificate of public good under this section, the applicant shall serve written notice of an application to be filed with the Board pursuant to this section to the legislative bodies and municipal and regional planning commissions in the communities in which the applicant proposes to construct or install facilities; the Secretary of Natural Resources; the Secretary of Transportation; the Division for Historic Preservation; the Commissioner of Public Service and its Director for Public Advocacy; the Natural Resources Board if the application concerns a telecommunications facility for which a permit previously has been issued under 10 V.S.A. chapter 151; and the landowners of record of property adjoining the project sites. In addition, at least one copy of each application shall be filed with each of these municipal and regional planning commissions. The notices to the legislative body and planning commission of the municipality shall attach a statement that itemizes the rights and opportunities available to those bodies under subdivisions (c)(2) and (e)(2) of this section and under subsections (m), (n), and (o) of this section and informs them of the guide published under subsection (p) of this section and how to obtain a copy of that guide.

* * *

(2) On the request of the municipal legislative body or the planning

commission, the applicant shall attend a public meeting with the municipal legislative body or planning commission, or both, within the 60-day notice period before filing an application for a certificate of public good. The Department of Public Service shall attend the public meeting on the request of the municipality. The Department shall consider the comments made and information obtained at the meeting in making recommendations to the Board on the application and in determining whether to retain additional personnel under subsection (o) of this section.

(3) With the notice required under this subsection, the applicant shall include a written assessment of the collocation requirements of subdivision (c)(3) of this section, as they pertain to the applicant's proposed telecommunications facility. On the request of the municipal legislative body or the planning commission, the Department of Public Service, pursuant to its authority under subsection (o) of this section, shall retain an expert to review the applicant's collocation assessment and to conduct further independent analysis, as necessary. Within 45 days of receiving the applicant's notice and collocation assessment, the Department shall report its own preliminary findings and recommendations regarding collocation to the applicant and to all persons required to receive notice of an application for a certificate of public good under this subsection (e).

* * *

(i) Sunset of Board authority. Effective on July 1, ~~2017~~ 2020, no new applications for certificates of public good under this section may be considered by the Board.

* * *

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

and that after passage the title of the bill be amended to read: "An act relating to the telecommunications siting law"

(Committee Vote: 8-0-0)

Public Hearings

PUBLIC HEARING

Public Hearing on the Governor's Proposed Fiscal Year 2018 State Budget

For Advocates

House Committee on Appropriations

Tuesday, February 28, 2017, 2:30 p.m. – 3:30 p.m. for Agency of Human Services budget sections, and Friday, March 3, 2017, 9:30 a.m. – 10:30 a.m. for all other sections of the budget. – The House Committee on Appropriations will receive testimony on the Governor's proposed FY2018

State budget during these Advocate hearings in room 10 of the State House. Please sign up in advance, with Theresa Utton-Jerman at (802) 828-5767 or tutton@leg.state.vt.us or in room 40.