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H.59

Introduced by Representative Townsend of South Burlington

Referred to Committee on

Date:

Subject: Legislature; Vermont Statutes Annotated; technical corrections

Statement of purpose of bill as introduced: This bill proposes to make
nonsubstantive technical changes to the Vermont Statutes Annotated.

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

1 general distribution or mailing of such reports shall be made to members of the
2 General Assembly.

3 * * *

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

5 § 473. FUNDS

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

8 * * *

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

10 § 928. RULES

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

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

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

21 * * *

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

2 § 962. EMPLOYEES

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

5 * * *

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

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

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

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

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

17 § 1027. EMPLOYEES

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

20 * * *

1 to the person that a default judgment has been entered. A default judgment
2 may be set aside by the hearing officer for good cause shown.

3 * * *

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

5 § 648. INSPECTIONS

6 * * *

7 (c) For those seeds sold in containers of more than ten pounds, a report
8 shall be filed annually on January 15 on forms supplied by the Secretary
9 regarding sales during the previous calendar year, and fees based on the
10 ~~35-cent per hundredweight~~ \$10.00 per ton rate shall accompany the report.

11 Reporting periods are January 1-June 30 and July 1-December 31.

12 (d) For those seeds sold in containers of ten pounds or less, the fee of
13 ~~\$75.00~~ \$85.00 per company shall be paid annually prior to distribution in the
14 State. Fees shall be paid annually on January 1.

15 * * *

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

17 § 1104. POWERS OF SECRETARY

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

19 * * *

20 (3) Adopt standards, procedures, and requirements relating to the
21 display, sale, use, application, treatment, storage, or disposal of economic

1 poisons or their waste products and limit the conditions under which the same
2 may be sold, used, treated, stored, or disposed of. The use of pesticides which
3 the Secretary finds to have a hazardous or long-term deleterious effect on the
4 environment shall be restricted, and permits shall be required for their use in
5 accordance with ~~regulations~~ rules adopted by the Secretary. Specific uses of
6 certain pesticides deemed to present a likely risk to human health or be
7 dangerous shall be restricted by ~~regulation~~ rule or by ordering the deletion of
8 certain uses for registered pesticides from the label on pesticide products to be
9 marketed in the State. Approved methods for the safe display, storage, and
10 shipping of poisonous pesticides shall be prescribed and enforced. Procedures
11 for the disposal of pesticides which are illegal, obsolete, surplus, or in damaged
12 containers shall be adopted and enforced with the cooperation of the Agency of
13 Natural Resources.

14 * * *

15 (8) Revoke or suspend any license or certificate for failure to comply
16 with this chapter or any rule ~~or regulation~~ adopted under its authority, or for
17 being subject to a final order imposing a civil penalty under 7 U.S.C. ~~section~~
18 § 136 l or for being convicted under 7 U.S.C. ~~section~~ § 136 l on due notice to
19 the licensee or holder of the certificate with an opportunity for hearing if a
20 written request for hearing is filed with the Secretary within five days of
21 receipt of notice of a violation.

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

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

7 (11) Enter into reciprocal agreements with appropriate pesticide control
8 agencies of other states or the federal government for the acceptance of
9 licensing and certification of pesticide applicators and operators, provided their
10 standards and administration are substantially equal to the standards
11 established by the Secretary under the provisions of this chapter and the
12 ~~regulations~~ rules thereto.

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

17 (13) Institute appropriate proceedings on behalf of the Agency to
18 enforce this chapter and any ~~regulations duly promulgated thereunder~~ rules
19 adopted pursuant to this chapter. Whenever the Secretary believes that any
20 person is in violation of the provisions of this chapter or ~~regulations~~ rules
21 adopted ~~thereunder~~ pursuant to this chapter, an action may be brought in the

1 name of the Agency in a court of competent jurisdiction against the person to
2 restrain by temporary or permanent injunction the continuation or repetition of
3 the violation. The court may issue temporary or permanent injunctions without
4 bond, and other relief as may be necessary and appropriate for abatement of
5 any violation.

6 (14) In any case in which the Secretary has authority to institute an
7 action or proceeding under this chapter, in lieu thereof he or she may accept an
8 assurance of discontinuance of any violation of any of the statutes and
9 ~~regulations~~ rules specified in this chapter including schedules of abatement for
10 a violation. Any assurance of discontinuance shall be prepared in writing with
11 the assistance of the Attorney General. The assurance shall be signed by all
12 parties, and at the discretion of the Secretary, the Attorney General shall
13 submit the assurance of discontinuance to the Superior ~~court~~ Court having
14 jurisdiction over the subject matter, and shall request that the presiding judge
15 sign the document and issue it as an order of the court. Evidence of a violation
16 of such assurance shall be prima facie proof of violation of a statute or
17 ~~regulation~~ rule specified ~~above~~ in this chapter as cited in the assurance. Prior
18 to institution of any action or proceeding under this subdivision, the Secretary
19 whenever he or she believes any person to be or to have been in violation of
20 any statute or ~~regulation~~ rule specified in this subdivision may issue a notice of
21 violation setting forth the nature of the violation, the corrective action

1 necessary to abate the violation, and the notice of intention to institute an
2 action or proceeding against the person responsible for the violation. In that
3 event, the Secretary shall provide the person within 30 days of the notice an
4 opportunity to be heard and an opportunity to settle the matter by an assurance
5 to discontinue prior to instituting an action or proceeding as provided for in
6 this subdivision.

7 * * *

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

9 § 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST

10 MANAGEMENT PRACTICES

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

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

18 * * *

19 (3) requirements ~~by the Secretary~~ for the examination or inspection of
20 treated articles the use of which the Pesticide Advisory Council has determined

1 will have a hazardous or long-term deleterious effect on the environment,
2 presents a likely risk to human health, or is dangerous;

3 * * *

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

5 § 1109. LICENSING RETAIL DEALERS

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

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

13 § 1111. ADMINISTRATIVE PENALTIES

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

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(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).

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

3 * * *

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

8 (A) central nervous system disorder;

9 * * *

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

13 * * *

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

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

17 * * *

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

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

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

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

7 * * *

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

9 § 2461c. PREDATORY PRICING

10 * * *

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

16 * * *

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

18 § 2730. LICENSING FOR OPERATION OF WEIGHING AND
19 MEASURING DEVICES

20 * * *

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

8 * * *

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

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

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

13 § 6081. PERMITS REQUIRED; EXEMPTIONS

14 * * *

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

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

4 * * *

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

6 § 6608. RECORDS; REPORTS; MONITORING

7 * * *

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

18 * * *

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

20 § 6615. LIABILITY

21 * * *

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

5 * * *

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

8 * * *

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

10 § 7714. TYPE 3 PROCEDURES

11 (a) Purpose; scope.

12 * * *

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

15 * * *

16 (C) An application or request for approval of:

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

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

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

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

6 * * *

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

8 § 2004. AGENDA

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

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

17 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

18 * * *

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

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(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~~:

* * *

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

8 * * *

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

10 § 3908. ADOPTION OF ~~REGULATIONS~~ RULES

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

12 § 4. DUTIES AS TO EMPLOYMENT AND PAYMENT OF WAGES

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

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

18 § 6. DUTY WHEN UNITED STATES AT WAR

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

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

2 § 305. NURSING MOTHERS IN THE WORKPLACE

3 * * *

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

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

13 § 345. NONPAYMENT OF WAGES AND BENEFITS

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

20 * * *

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

2 § 418. OTHER RIGHTS

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

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

9 § 435. EXAMINATION AND REPORT

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

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

18 § 473. RETALIATION PROHIBITED

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

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

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

4 § 474. PENALTIES AND ENFORCEMENT

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

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

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

13 § 495g. PROVISION APPLICABLE TO COLLEGE PROFESSORS

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

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

2 § 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

3 * * *

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

10 * * *

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

12 § 635. PERIODS OF COMPENSATION

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

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

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

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

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

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

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

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

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

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

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

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

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

11 * * *

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

13 § 671. JURISDICTION; FINDINGS FOR NEW AWARD

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

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

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

4 § 710. UNLAWFUL DISCRIMINATION

5 * * *

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

10 * * *

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

16 * * *

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

18 § 1031. DEFINITIONS

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

20 * * *

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

2 § 1153. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND
3 FOOD PRODUCTION CONSORTIUM; POWERS AND DUTIES

4 * * *

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

19 * * *

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

2 § 1253. ELIGIBILITY

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

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

9 * * *

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

13 * * *

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

15 § 1314. REPORTS AND RECORDS; SEPARATION INFORMATION;
16 DETERMINATION OF ELIGIBILITY; FAILURE TO REPORT
17 EMPLOYMENT INFORMATION; DISCLOSURE OF
18 INFORMATION TO OTHER STATE AGENCIES TO
19 INVESTIGATE MISCLASSIFICATION OR MISCODING

20 * * *

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

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

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

9 * * *

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

11 § 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

12 DISCLOSURE TO SUCCESSOR ENTITY

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

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* * *

(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.

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

3 * * *

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

5 § 1344. DISQUALIFICATIONS

6 (a) An individual shall be disqualified for benefits:

7 * * *

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

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

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

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

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

7 * * *

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

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

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

16 § 2296(e); or

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

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

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

4 * * *

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

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

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

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

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

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

6 * * *

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

8 § 1347. NONDISCLOSURE OR MISREPRESENTATION

9 * * *

10 (b) Any person who receives remuneration described in subdivision
11 1344(a)(5)(A), (B), (C), (D), (E), or (F) of this title which is allocable in whole
12 or in part to prior weeks during which he or she received any amounts as
13 benefits under this chapter shall be liable for all such amounts of benefits or
14 those portions of such amounts equal to the portions of such remuneration
15 properly allocable to the weeks in question. Notice of determination in such
16 cases shall specify that the person is liable to repay to the Fund the amount of
17 overpaid benefits, the basis of the overpayment, and the week or weeks for
18 which such benefits were paid. The determination shall be made within three
19 years from the date of such overpayment or within one year from the date of
20 receipt of the remuneration, whichever period is longer.

21 * * *

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

2 § 1378. REQUIREMENTS FOR OBTAINING LICENSE OR
3 GOVERNMENTAL CONTRACT

4 * * *

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

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

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

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

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

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

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

2 § 1502. DEFINITIONS

3 As used in this chapter:

4 * * *

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

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

15 § 1503. RIGHTS OF EMPLOYEES; MUTUAL DUTY TO BARGAIN

16 * * *

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

19 * * *

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

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

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

5 § 1623. JUDICIAL REVIEW

6 * * *

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

10 * * *

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

12 § 1729. ENFORCEMENT AND REVIEW

13 * * *

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

18 * * *

19 Sec. 59. 21 V.S.A. § 1733 is amended to read:

20 § 1733. ARBITRATION

21 * * *

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

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

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

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

16 * * *

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

18 § 951. DEFINITIONS

19 As used in this chapter:

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

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

3 * * *

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

5 § 1008. REGULATIONS IN MUNICIPALITIES

6 (a) The legislative body of a municipality may make special regulations as
7 to the operation, use, and parking of motor vehicles, including angle parking,
8 as to the location, design, and structure of traffic lights, as to “stop” signs and
9 “yield right of way” signs at intersections, as to “no-passing” zones, and as to
10 streets designated for one way traffic in the thickly settled portions of the
11 municipality and may cause any street or highway of adequate width to be
12 divided by appropriate markings into three or more lanes, and may, by
13 ordinance or regulation, regulate the direction of travel and the turning of
14 vehicles proceeding in those lanes and the passing of vehicles in one lane by
15 overtaking vehicles in another lane, may cause markers, buttons, or signs to be
16 placed within or adjacent to intersections and thereby direct the course traveled
17 by vehicles turning at an intersection, and when markers, buttons, or signs are
18 so placed no driver may turn a vehicle at an intersection other than as directed
19 by the markers, buttons, or signs. However, signs indicating the special
20 regulations must be conspicuously posted in and near all areas affected.
21 Special regulations may not be established on any State highway as defined by

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

9 * * *

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

11 § 134. COUNTY TAX; COUNTY TREASURER; WARRANT

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

13 § 135. COUNTY TAX; PAYMENT BY TOWN

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

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

16 LEASE LANDS

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

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

19 SUE AND DEFEND ACTIONS AS TO SUCH LANDS

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

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

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

5 § 216. LANDS IN UNORGANIZED TOWNS AND GORES; RENTS

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

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

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

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

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

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

2 § 220. TAX WARRANT; PAYMENT BY TOWN

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

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

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

11 PENALTY

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

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

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

18 § 1170. APPOINTMENT OF ASSISTANT CLERK

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

20 § 1171. DUTIES OF ASSISTANT CLERK

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

2 § 1172. ASSISTANT CLERK; RECORD TO COUNTY CLERK

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

4 § 1311. FORFEITURE FOR BREACH OF BYLAWS

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

6 § 1317. ANNEXATION; PROCEDURE

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

8 § 1318. ANNEXATION; FIX TIME FOR VOTING

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

10 § 1356. FUNCTIONS AND DUTIES OF BOARD OF APPRAISERS

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

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

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

20 § 1402. APPRAISERS; OATH; FILE

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

2 § 1404. SUPERVISORS; COMMISSION AND OATH; RECORD

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

4 § 1524. TAX LEVIES; HOW KEPT

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

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

13 § 1525. TAX LEVIES; CREDIT FOR GAINS

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

15 § 1526. TAX LEVIES; DEBIT OF GENERAL FUND

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

17 § 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES

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

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

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

4 § 1536. ABATEMENT; RECORD; DISCHARGE

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

6 § 1583. OUTSTANDING ORDERS; PUBLICATION OF NOTICE

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

8 § 1584. OUTSTANDING ORDERS; NO INTEREST AFTER DAY NAMED
9 OF NOTICE

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

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

16 § 1685. ~~VILLAGE~~ SUBCHAPTER APPLICATION TO VILLAGES

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

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

2 § 1689. PENALTY FOR FAILURE TO SEND NOTICE

3 A bank, trust company, or individual who violates a provision of section
4 1687 or 1688 of this ~~title~~ subchapter shall be fined not less than \$10.00 nor
5 more than \$25.00.

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

7 § 1758. CONDUCT OF MEETINGS

8 * * *

9 (c) A public informational hearing adhering to the requirements of
10 17 V.S.A. § 2680(g) shall be held to discuss the proposition of a school district
11 incurring a bonded debt to pay for an improvement. At such hearing, the
12 school board shall distribute to the participants a written estimate of the
13 percentage of the costs of the improvement that will not be eligible for State
14 school construction aid because its unit costs ~~and/or~~ or allowable space, or
15 both, cause it to exceed the maximum cost for State participation under the
16 State Board of Education's formula for school construction.

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

2 § 1772. AUTHORIZATION REFUNDING BONDS; PROCEDURE AND
3 LIMITATIONS

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

5 § 1782. REGISTERED BONDS; FORM OF CERTIFICATE

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

7 § 1783. REGISTERED BONDS; INDORSEMENT TO BE CONCLUSIVE
8 EVIDENCE OF AUTHORITY

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

10 § 1784. REGISTERED BONDS; TREASURER TO KEEP RECORD

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

12 § 1785. REGISTERED BONDS; CONVERSION NOT TO AFFECT
13 LIABILITY

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

15 § 1824. SPECIFIC PROVISIONS

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

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

6 * * *

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

8 § 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

9 * * *

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

12 * * *

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

14 § 2202a. MUNICIPALITIES—RESPONSIBILITIES FOR SOLID WASTE

15 * * *

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

1 (2) ~~No later than~~ On or before July 1, 1990, each regional planning
2 commission shall work on a cooperative basis with municipalities within the
3 region to prepare a solid waste implementation plan for adoption by all of the
4 municipalities within the region ~~which~~ that are not members of a solid waste
5 district, that conforms to the State Waste Management Plan and describes in
6 detail how the region will achieve the priorities established by 10 V.S.A.
7 § 6604(a)(1). A solid waste implementation plan adopted by a municipality
8 that is not a member of a district shall not in any way require the approval of a
9 district. ~~No later than~~ On or before July 1, 1990, each solid waste district shall
10 adopt a solid waste implementation plan that conforms to the State Waste
11 Management Plan, describes in detail how the district will achieve the
12 priorities established by 10 V.S.A. § 6604(a), and is in conformance with any
13 regional plan adopted pursuant to chapter 117 of this title. Municipalities or
14 solid waste management districts that have contracts in existence as of
15 January 1, 1987, which contracts are inconsistent with the State Solid Waste
16 Plan and the priorities established in 10 V.S.A. § 6604(a), shall not be required
17 to breach those contracts, provided they make good faith efforts to renegotiate
18 those contracts in order to comply. The Secretary may extend the deadline for
19 completion of a plan upon finding that despite good faith efforts to comply, a
20 regional planning commission or solid waste management district has been
21 unable to comply, due to ~~the unavailability of planning assistance funds under~~

1 ~~10 V.S.A. § 6603b(a)~~ or delays in completion of a landfill evaluation under
2 10 V.S.A. § 6605a.

3 * * *

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

5 § 2243. ADMINISTRATION; DUTIES AND AUTHORITY

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

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

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

17 * * *

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

2 § 2606. PHYSICIAN'S RESIDENCE; FINANCING

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

4 § 2696. ASSOCIATED TOWN HOME

5 Any number of towns may unite for the purpose of supporting a town home.

6 For this purpose they may enter into ~~a compact under chapter 89 of Title 24~~ an

7 agreement under chapter 121 of this title.

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

9 § 2806. CONDEMNED LAND; NOTICE TO MORTGAGEE;

10 APPLICATION OF PAYMENT

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

12 § 2807. PROCEDURE FOR TAKING LAND

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

14 § 2808. CONDEMNATION; RECORD OF ORDERS AND PROCEEDINGS

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

16 § 2811. COMMISSIONER'S NOTICE; HEARING; AND REPORT;

17 COSTS SUPERIOR COURT ORDER

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

19 § 3102. BUILDING INSPECTORS

20 (a) Upon the adoption of any codes, rules, or regulations as provided in

21 section 3101 of this title, the mayor and board of aldermen of a city, the

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

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

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

8 § 3217. COOPERATION BY PUBLIC BODIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 § 4756. ELIGIBILITY CERTIFICATION

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

15 * * *

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

20 * * *

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

4 * * *

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

7 * * *

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

10 * * *

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

12 § 5605. RECREATIONAL FACILITIES GRANT PROGRAM

13 * * *

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

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

17 § 5606. HUMAN SERVICES AND EDUCATIONAL FACILITIES

18 COMPETITIVE GRANT PROGRAM

19 * * *

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

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

2 § 601. ORGANIZATION

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

7 * * *

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

9 § 602. CITIZEN ENGAGEMENT

10 (a) [Repealed.]

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

13 * * *

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

15 § 704. BUDGET

16 * * *

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

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

2 § 2665. POWERS AND DUTIES OF THE DIRECTOR

3 (a) The Director shall:

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

6 * * *

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

10 * * *

11 (b) The Director shall not:

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

15 * * *

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

17 § 1158. ACTS AND RESOLVES; VERMONT STATUTES ANNOTATED;

18 DISTRIBUTION

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

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

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

3 * * *

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

5 § 51. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH
6 CODE

7 * * *

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

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

7 * * *

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

19 * * *

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

2 § 53. COMMERCIAL BUILDING ENERGY STANDARDS

3 * * *

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

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

5 (1) Any amendments to the CBES shall be:

6 * * *

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

21 * * *

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

2 § 202. ELECTRICAL ENERGY PLANNING

3 * * *

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

12 * * *

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

14 § 202b. STATE COMPREHENSIVE ENERGY PLAN

15 * * *

16 (c) The Department shall adopt a State Energy Plan on or before January 1,
17 2016 and shall readopt the Plan ~~by~~ on or before every sixth January 15
18 thereafter. On adoption or readoption, the Plan shall be submitted to the
19 General Assembly. The provisions of 2 V.S.A. § 20(d)(expiration of required
20 reports) shall not apply to such submission.

21 * * *

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

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

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

5 * * *

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

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

17 * * *

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

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

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

10 * * *

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

12 § 406. PENALTY

13 A person, firm, or corporation who violates a provision of sections 404 and
14 405 of this title shall be subject to ~~the penalty set forth in 10 V.S.A. § 1094~~
15 penalties in the same manner as a violation of 10 V.S.A. chapter 43.

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

17 § 8008. AGREEMENTS; ATTRIBUTE REVENUES; DISPOSITION BY
18 BOARD

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

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

7 * * *

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

9 § 608. APPLICATION; BOND

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

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

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

4 § 615. PARI-MUTUEL POOLS

5 * * *

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

10 * * *

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

21 * * *

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

2 § 622. TOWN VOTE; APPROVAL, REVOCATION

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

10 * * *

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

12 § 101. COMMUNICATIONS TO GOVERNOR AND ASSEMBLY

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

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

19 § 312. TAX EXPENDITURE REPORT

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

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

2 Tax expenditures shall not include the following:

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

4 * * *

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

7 (b) Tax expenditure reports. Biennially, as part of the budget process,
8 beginning January 15, 2009, the Department of Taxes and the Joint Fiscal
9 Office shall file with the House Committees on Ways and Means and on
10 Appropriations and the Senate Committees on Finance and on Appropriations
11 a report on tax expenditures in the personal and corporate income taxes, sales
12 and use tax, and meals and rooms tax, insurance premium tax, bank franchise
13 tax, education property tax, diesel fuel tax, gasoline tax, and motor vehicle
14 purchase and use tax. The Office of Legislative Council shall also be available
15 to assist with this tax expenditure report. The provisions of 2 V.S.A. § 20(d)
16 (expiration of required reports) shall not apply to the report to be made under
17 this subsection. The report shall include, for each tax expenditure, the
18 following information:

19 * * *

20 (c) [Repealed.]

21 * * *

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

2 § 992. ALLOCATION; AUTHORITY

3 * * *

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

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

1 Sec. 136. [Deleted.]

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

3 § 5864. FAILURE TO FILE A RETURN; PETITION AND
4 COMPUTATION OF TAX

5 * * *

6 (b) Upon the failure of a taxpayer to file any return required under this
7 chapter within 15 days of the date of a notice to the taxpayer under section
8 5863 of this title, whether or not a petition has been or will be filed under
9 subsection (a) of this section, the Commissioner may compute the tax liability
10 of the taxpayer with respect to which the return was required to be filed,
11 according to the Commissioner's best information and belief. Upon that
12 computation, the Commissioner shall notify the taxpayer of his or her
13 deficiency with respect to the payment of that tax liability, and may assess any
14 penalty or interest with respect thereto, under ~~section 5881~~ sections 3202 and
15 3203 of this title.

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

17 § 5886. PAYMENT AND COLLECTION OF DEFICIENCIES AND
18 ASSESSMENTS; JEOPARDY NOTICES

19 (a) Upon notification to a taxpayer of any deficiency, and upon assessment
20 against the taxpayer of any penalty or interest, under ~~section 5881~~ sections
21 3202 and 3203 of this title, the amount of the assessment shall be payable

1 Sec. 139. 32 V.S.A. § 5887 is amended to read:

2 § 5887. REMEDY EXCLUSIVE; DETERMINATION FINAL

3 (a) The exclusive remedy of a taxpayer with respect to the refund of monies
4 paid in connection with a return filed under this chapter shall be the petition for
5 refund provided under section 5884 of this title, and the appeal from an
6 adverse determination of the petition for refund provided under section 5885 of
7 this title. The exclusive remedy of a taxpayer with respect to a notification of
8 deficiency or assessment of penalty or interest under ~~section 5884~~ sections
9 3202 and 3203 of this title shall be the petition for determination of the
10 deficiency or assessment provided under section 5883 of this title, and the
11 appeal from an adverse determination of deficiency or assessment provided
12 under section 5885 of this title.

13 (b) Upon the failure of a taxpayer to petition in accordance with section
14 5883 of this title from a notice of deficiency or assessment under ~~section 5884~~
15 sections 3202 and 3203 of this title, or to appeal in accordance with section
16 5885 of this title from a determination of a deficiency or assessment of tax
17 liability under section 5883 of this title, the taxpayer shall be bound by the
18 terms of the notification, assessment, or determination, as the case may be.
19 The taxpayer shall not thereafter contest, either directly or indirectly, the tax
20 liability as therein set forth, in any proceeding including, ~~without limitation,~~ a
21 proceeding upon a claim of refund of all or any part of any payment made with

1 respect to the tax liability, or a proceeding for the enforcement or collection of
2 all or any part of the tax liability.

3 * * *

4 Sec. 140. 32 V.S.A. § 5895 is amended to read:

5 § 5895. TAX LIABILITY AS PROPERTY LIEN

6 (a)(1) If any corporation, partnership, individual, trust, or estate required to
7 pay or remit any tax liability under this chapter neglects or refuses to pay it in
8 accordance with this chapter after notification or assessment thereof under
9 ~~section 5881~~ sections 3202 and 3203 of this title, the aggregate amount of the
10 tax liability then due and owing, together with any costs that may accrue in
11 addition thereto, shall be a lien in favor of this State upon all property and
12 rights to property, whether real or personal, belonging to the corporation,
13 partnership, individual, trust, or estate.

14 (2) The lien shall arise at the time the notification or assessment is made
15 by the Commissioner and shall continue until the aggregate tax liability with
16 costs is satisfied in full or becomes unenforceable by reason of lapse of time.
17 The lien shall be valid as against any subsequent mortgagee, pledgee,
18 purchaser, or judgment creditor when notice of the lien and the sum due has
19 been filed by the Commissioner with the clerk of the town or city in which the
20 property subject to lien is situated, or, in the case of an unorganized town,

1 statute; to the extent the provisions conflict, the substantive changes in other
2 acts shall take precedence over the technical changes in this act.

3 Sec. 142. REPEALS

4 The following are repealed:

5 (1) 3 V.S.A. § 117(i) (delivery of printed volumes).

6 (2) 21 V.S.A. § 520 (transitory provisions; therapeutic drug regulation).

7 (3) 21 V.S.A. § 1153(c) (Food Production Consortium progress reports).

8 Sec. 143. EFFECTIVE DATE

9 This act shall take effect on July 1, 2017.