

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 **DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION**

2 TO THE HOUSE OF REPRESENTATIVES:

3 The Committee on Government Operations to which was referred House
4 Bill No. 856 entitled “An act relating to miscellaneous amendments to
5 municipal law” respectfully reports that it has considered the same and
6 recommends that the bill be amended by striking out all after the enacting
7 clause and inserting in lieu thereof the following:

8 * * * Municipal Elections and Appointments * * *

9 Sec. 1. 17 V.S.A. § 2640 is amended to read:

10 § 2640. ANNUAL MEETINGS

11 (a)(1) A meeting of the legal voters of each town shall be held annually on
12 the first Tuesday of March for the election of officers and the transaction of
13 other business, and it may be adjourned to another date.

14 (2) When a municipality fails to hold an annual meeting, a subsequent
15 warning for a ~~subsequent~~ meeting shall be issued immediately, and at that
16 meeting all the officers required by law may be elected and its business
17 transacted.

18 (b) When a town so votes, it may thereafter start its annual meeting on any
19 of the three days immediately preceding the first Tuesday in March at such
20 time as it elects and may transact at that time any business not involving voting

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 by Australian ballot or voting required by law to be ~~by ballot and to be~~ held on
2 the first Tuesday in March. A meeting so started shall be adjourned until the
3 first Tuesday in March.

4 * * *

5 Sec. 2. 17 V.S.A. § 2651a is amended to read:

6 § 2651a. CONSTABLES; APPOINTMENT; REMOVAL

7 (a)(1) A town may vote by Australian ballot at an annual ~~or special town~~
8 meeting to authorize the ~~selectmen~~ selectboard to appoint a first constable, and
9 if needed a second constable, in which case at least a first constable shall be
10 appointed.

11 (2) A constable so appointed may be removed by the ~~selectmen~~
12 selectboard for just cause after notice and hearing.

13 (3) When a town votes to authorize the ~~selectmen~~ selectboard to appoint
14 constables, the ~~selectmen's~~ selectboard's authority to make such appointments
15 shall remain in effect until the town rescinds that authority by the majority vote
16 of the ~~legal~~ registered voters present and voting at an annual meeting, duly
17 warned for that purpose.

18 (b) Notwithstanding the provisions of subsection (a) to the contrary, a vote
19 to authorize the ~~selectmen~~ selectboard to appoint constables shall become
20 effective only upon a two-thirds vote of those present and voting, if a written

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 protest against the authorization is filed with the ~~legislative body~~ selectboard at
2 least 15 days before the vote by at least five percent of the voters of the
3 ~~municipality~~ town.

4 (c) The authority to authorize the selectboard to appoint the constable as
5 provided in this section shall extend to all towns except those that have a
6 charter that specifically provides for the election or appointment of the office
7 of constable.

8 Sec. 3. 17 V.S.A. § 2651b is amended to read:

9 § 2651b. ELIMINATION OF OFFICE OF AUDITOR; APPOINTMENT OF
10 PUBLIC ACCOUNTANT

11 (a)(1) A town may vote by ballot at an annual ~~or special town~~ meeting to
12 eliminate the office of town auditor.

13 (2)(A) If a town votes to eliminate the office of town auditor, the
14 selectboard shall contract with a public accountant, licensed in this State, to
15 perform an annual financial audit of all funds of the town except the funds
16 audited pursuant to 16 V.S.A. § 323.

17 (B) Unless otherwise provided by law, the selectboard shall provide
18 for all other ~~auditor~~ auditor's duties to be performed.

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 (3) A vote to eliminate the office of town auditor shall remain in effect
2 until rescinded by majority vote of the ~~legal~~ registered voters present and
3 voting, by ballot, at an annual meeting duly warned for that purpose.

4 (b) The term of office of any auditor in office on the date a town votes to
5 eliminate that office shall expire on the 45th day after such vote or on the date
6 upon which the selectboard enters into a contract with a public accountant
7 under this section, whichever occurs first.

8 (c) The authority to vote to eliminate the office of town auditor as provided
9 in this section shall extend to all towns except those towns that have a charter
10 that specifically provides for the election or appointment of the office of town
11 auditor.

12 Sec. 4. 17 V.S.A. § 2651c is amended to read:

13 § 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;

14 ELIMINATION OF OFFICE

15 (a)(1) Notwithstanding any other provisions of law to the contrary and
16 except as provided in subsection (b) of this section, in the event the board of
17 listers of a ~~municipality~~ town falls below a majority and the selectboard is
18 unable to find a person or persons to appoint as a lister or listers under the
19 provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 perform the duties of a lister as set forth in Title 32 V.S.A. chapter 121,
2 subchapter 2 until the next annual meeting.

3 (2) The appointed person need not be a resident of the ~~municipality~~
4 town and shall have the same powers and be subject to the same duties and
5 penalties as a duly elected lister for the ~~municipality~~ town.

6 (b)(1) A town may vote by ballot at an annual ~~or special town~~ meeting to
7 eliminate the office of lister.

8 (2)(A) If a town votes to eliminate the office of lister, the selectboard
9 shall contract with or employ a professionally qualified assessor, who need not
10 be a resident of the town.

11 (B) The assessor shall have the same powers, discharge the same
12 duties, proceed in the discharge thereof in the same manner, and be subject to
13 the same liabilities as are prescribed for listers or the board of listers under the
14 provisions of Title 32.

15 (2)(3) A vote to eliminate the office of lister shall remain in effect until
16 rescinded by majority vote of the ~~legal~~ registered voters present and voting at
17 an annual meeting warned for that purpose.

18 (3)(c) The term of office of any lister in office on the date a town votes
19 to eliminate that office shall expire on the 45th day after the vote or on the date

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 upon which the selectboard appoints an assessor under this subsection,
2 whichever occurs first.

3 ~~(4)~~(d) The authority to vote to eliminate the office of lister as provided
4 in this ~~subsection~~ **section** shall extend to all towns except those towns that have
5 a charter that specifically provides for the election or appointment of the office
6 of lister.

7 Sec. 5. 17 V.S.A. § 2651d is amended to read:

8 § 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;

9 REMOVAL

10 (a)(1) A municipality may vote at an annual or special municipal meeting
11 to authorize the legislative body to appoint a collector of delinquent taxes, who
12 may be the municipal treasurer.

13 (2) A collector of delinquent taxes so appointed may be removed by the
14 legislative body for just cause after notice and hearing.

15 (b) When a municipality votes to authorize the legislative body to appoint a
16 collector of delinquent taxes, the legislative body's authority to make such
17 appointment shall remain in effect until the municipality rescinds that authority
18 by the majority vote of the ~~legal~~ registered voters present and voting at an
19 annual or special meeting, duly warned for that purpose.

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 Sec. 6. 17 V.S.A. § 2651e is amended to read:

2 § 2651e. MUNICIPAL CLERK; APPOINTMENT; REMOVAL

3 (a)(1) A municipality may vote at an annual ~~or special municipal~~ meeting
4 to authorize the legislative body to appoint the municipal clerk.

5 (2) A municipal clerk so appointed may be removed by the legislative
6 body for just cause after notice and hearing.

7 (b) A vote to authorize the legislative body to appoint the municipal clerk
8 shall remain in effect until rescinded by the majority vote of the ~~legal~~
9 registered voters present and voting at an annual or special meeting, duly
10 warned for that purpose.

11 (c) The term of office of a municipal clerk in office on the date a
12 municipality votes to allow the legislative body to appoint a municipal clerk
13 shall expire 45 calendar days after the vote or on the date upon which the
14 legislative body appoints a municipal clerk under this section, whichever
15 occurs first, unless a petition for reconsideration or rescission is filed in
16 accordance with section 2661 of this title.

17 (d) The authority to authorize the legislative body to appoint the municipal
18 clerk as provided in this section shall extend to all municipalities except those
19 that have a charter that specifically provides for the election or appointment of
20 the office of municipal clerk.

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 Sec. 7. 17 V.S.A. § 2651f is amended to read:

2 § 2651f. MUNICIPAL TREASURER; APPOINTMENT; REMOVAL

3 (a)(1) A municipality may vote at an annual ~~or special municipal~~ meeting
4 to authorize the legislative body to appoint the municipal treasurer.

5 (2) A treasurer so appointed may be removed by the legislative body for
6 just cause after notice and hearing.

7 (b) A vote to authorize the legislative body to appoint the treasurer shall
8 remain in effect until rescinded by the majority vote of the ~~legal~~ registered
9 voters present and voting at an annual or special meeting, duly warned for that
10 purpose.

11 (c) The term of office of a treasurer in office on the date a municipality
12 votes to allow the legislative body to appoint a treasurer shall expire 45
13 calendar days after the vote or on the date upon which the legislative body
14 appoints a treasurer under this section, whichever occurs first, unless a petition
15 for reconsideration or rescission is filed in accordance with section 2661 of this
16 title.

17 (d) The authority to authorize the legislative body to appoint the treasurer
18 as provided in this section shall extend to all municipalities except those that
19 have a charter that specifically provides for the election or appointment of the
20 office of municipal treasurer.

Key: Yellow highlighting = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 ~~(6) A library trustee shall not be constable, collector of taxes, town~~
2 ~~treasurer, assistant town treasurer, auditor, town agent, lister, or assessor.~~

3 * * *

4 * * * Executive Sessions * * *

5 ~~Sec. 9. 1 V.S.A. § 313 is amended to read:~~

6 ~~§ 313. EXECUTIVE SESSIONS~~

7 ~~(a) No A public body may shall not hold an executive session from which~~
8 ~~the public is excluded, except by the affirmative vote of two-thirds of its~~
9 ~~members present in the case of any public body of State government or of a~~
10 ~~majority of its members present in the case of any public body of a~~
11 ~~municipality or other political subdivision. A motion to go into executive~~
12 ~~session shall indicate the nature of the business of the executive session, and~~
13 ~~no other matter may shall be considered in the executive session. Such vote~~
14 ~~shall be taken in the course of an open meeting and the result of the vote~~
15 ~~recorded in the minutes. No A formal or binding action shall not be taken in~~
16 ~~executive session except for actions relating to the securing of real estate~~
17 ~~options under subdivision (2) of this subsection. Minutes of an executive~~
18 ~~session need not be taken, but if they are, the minutes shall, notwithstanding~~
19 ~~subsection 312(b) of this title, be exempt from public copying and inspection~~

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 ~~under the Public Records Act. A public body may shall not hold an executive~~
2 ~~session except to consider one or more of the following:~~

3 * * *

4 ~~(2) the negotiating or securing of real estate purchase, sale, or lease~~
5 ~~options;~~

6 * * *

7 * * * Smoking on Municipal Grounds * * *

8 Sec. 10. 18 V.S.A. § 1742 is amended to read:

9 § 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

10 (a) The possession of lighted tobacco products or use of tobacco substitutes
11 in any form is prohibited in:

12 * * *

13 (3) designated smoke-free areas of property or grounds owned by or
14 leased to the State or a municipality; and

15 * * *

16 * * * Town Highways * * *

17 Sec. 11. 19 V.S.A. § 302 is amended to read:

18 § 302. CLASSIFICATION OF TOWN HIGHWAYS

19 (a) For the purposes of this section and receiving ~~state~~ State aid, all town
20 highways shall be categorized into one or another of the following classes:

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 (1) Class 1 town highways are those town highways ~~which~~ that form the
2 extension of a ~~state~~ State highway route and ~~which~~ that carry a ~~state~~ State
3 highway route number. The Agency shall determine which highways are to be
4 class 1 highways.

5 (2) Class 2 town highways are those town highways selected as the most
6 important highways in each town. As far as practicable, they shall be selected
7 with the purposes of securing trunk lines of improved highways from town to
8 town and to places ~~which~~ that by their nature have more than the normal
9 amount of traffic. The ~~selectmen~~ selectboard, with the approval of the ~~agency~~
10 Agency, shall determine which highways are to be class 2 highways.

11 (3) Class 3 town highways:

12 (A) Class 3 town highways are all traveled town highways other than
13 class 1 or 2 highways. The ~~selectmen~~ selectboard, after ~~conference~~
14 consultation with a representative of the ~~agency~~ Agency, shall determine which
15 highways are class 3 town highways.

16 (B) The minimum standards for a class 3 ~~highways~~ highway are that
17 a highway be negotiable under normal conditions during all seasons of the year
18 by a standard manufactured pleasure car. This would include ~~but not be~~
19 ~~limited to~~ sufficient surface and base, adequate drainage, and sufficient width
20 ~~capable to provide~~ allow for winter maintenance, except that based on safety

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 considerations for the traveling public and municipal employees, the
2 selectboard shall, by ~~rule adopted under 24 V.S.A. chapter 59, and after~~
3 ~~following the process for providing notice and hearing in section 709 of this~~
4 ~~title~~ resolution adopted at a duly warned public meeting, have authority to
5 determine whether a class 3 highway, or section of highway, should be plowed
6 and made negotiable during the winter. However, a property owner aggrieved
7 by a decision of the selectboard may appeal to the ~~transportation board~~
8 Transportation Board pursuant to subdivision 5(d)(9) of this title.

9 (C) A highway not meeting these standards may be reclassified as a
10 provisional class 3 highway if, within five years of the determination, it will
11 meet all class 3 highway standards.

12 * * *

13 (b) The ~~agency~~ Agency may require any municipality ~~which that~~ fails to
14 comply with the class 3 provisional commitments to return all ~~state~~ State aid
15 generated by the section or sections of highways involved.

16 Sec. 12. 19 V.S.A. § 310 is amended to read:

17 § 310. HIGHWAYS, BRIDGES, AND TRAILS

18 (a) A town shall keep its class 1, 2, and 3 highways and bridges in good
19 and sufficient repair during all seasons of the year, except that based on safety
20 considerations for the traveling public and municipal employees, the

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 selectboard shall, by ~~rule adopted under 24 V.S.A. chapter 59, and after~~
 2 ~~following the process for providing notice and hearing in section 709 of this~~
 3 ~~title resolution adopted at a duly warned public meeting,~~ have authority to
 4 determine whether a class 2 or 3 highway, or section of highway, should be
 5 plowed and made negotiable during the winter. A property owner aggrieved
 6 by a decision of the selectboard may appeal to the ~~transportation board~~
 7 Transportation Board pursuant to subdivision 5(d)(9) of this title.

* * *

* * * Animal Pounds * * *

10 Sec. 13. 20 V.S.A. chapter 191, subchapter 2 is amended to read:

11 Subchapter 2. Pounds and Impounding

12 Article 1. General Provisions

13 § 3381. MAINTENANCE OF POUNDS

14 (a)(1) Each organized town shall maintain as many good and sufficient
 15 pounds as it may need for the impounding of ~~beasts~~ animals liable to be
 16 impounded.

17 (2) The pound may be kept in an adjacent town if the adjacent town
 18 consents and the poundkeeper may be a resident of an adjacent town.

19 (b) Each town may regulate the operation of its pounds except as to matters
 20 regulated by ~~statute~~ law.

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 § 3382. ~~PENALTY FOR FAILURE TO MAINTAIN POUND~~

2 If a town, for the term of six months at one time, is without such pound, it
3 shall be fined \$30.00. [Repealed.]

4 * * *

5 Sec. 14. LEGISLATIVE COUNCIL; CONFORMING REVISIONS;

6 20 V.S.A. CHAPTER 191, SUBCHAPTER 2; REPLACE “BEAST”
7 WITH “ANIMAL”

8 When preparing the Vermont Statutes Annotated for publication, the Office
9 of Legislative Council shall replace “beast” with “animal” and “beasts” with
10 “animals” throughout 20 V.S.A. chapter 191, subchapter 2 (pounds and
11 impounding), provided the revisions have no other effect on the meaning of the
12 affected statutes.

13 * * * Assistant Town Clerks * * *

14 Sec. 15. 24 V.S.A. § 1171 is amended to read:

15 § 1171. DUTIES OF ASSISTANT CLERK

16 (a) ~~Such~~ The assistant clerk shall be sworn and is authorized to perform the
17 recording and filing duties of the town clerk, to issue licenses and certified
18 copies of records, and, in the absence, death, or disability of the town clerk, is
19 further authorized to perform all other duties of ~~such~~ the clerk.

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 **(b)** If ~~the~~ there is a vacancy in the office of town clerk ~~dies~~, the authority of
2 the assistant town clerk to perform the duties of the town clerk shall continue
3 until a successor is appointed by the selectboard under section 963 of this title.

4 * * * Municipal Managers * * *

5 Sec. 16. 24 V.S.A. § 1236 is amended to read:

6 § 1236. POWERS AND DUTIES IN PARTICULAR

7 The manager shall have authority and it shall be his or her duty:

8 * * *

9 (4) To have charge and supervision of all public town buildings, repairs
10 thereon, and repairs of buildings of the town school district upon requisition of
11 the school directors; and all building done by the town or town school district,
12 unless otherwise ~~specially voted~~ provided for by the selectboard, shall be done
13 under his or her charge and supervision.

14 * * *

15 (8) To supervise and expend all special appropriations of the town, as if
16 the same were a separate department of the town, unless otherwise ~~voted~~
17 provided for by the ~~town~~ selectboard.

18 * * *

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

- 1 (2) taxes or charges of persons who have removed from the State;
- 2 (3) taxes or charges of persons who are unable to pay their taxes or
- 3 charges, interest, and collection fees;
- 4 (4) taxes in which there is manifest error or a mistake of the listers;
- 5 (5) taxes or charges upon real or personal property lost or destroyed
- 6 during the tax year;
- 7 (6) the exemption amount available under 32 V.S.A. § 3802(11) to
- 8 persons otherwise eligible for exemption who file a claim on or after May 1
- 9 but before October 1 due to the claimant’s sickness or disability or other good
- 10 cause as determined by the board of abatement; but that exemption amount
- 11 shall be reduced by 20 percent of the total exemption for each month or portion
- 12 of a month the claim is late filed;
- 13 (7), (8) [Repealed.]
- 14 (9) taxes or charges upon a mobile home moved from the town during
- 15 the tax year as a result of a change in use of the mobile home park land or parts
- 16 thereof; or closure of the mobile home park in which the mobile home was
- 17 sited, pursuant to 10 V.S.A. § 6237.
- 18 (b) The board’s abatement of an amount of tax or charge shall
- 19 automatically abate any uncollected interest and fees relating to that amount.

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 (c) The board shall, in any case in which it abates taxes or charges, interest,
2 or collection fees accruing to the town, or denies an application for abatement,
3 state in detail in writing the reasons for its decision.

4 (d)(1) The board may order that any abatement as to an amount or amounts
5 already paid be in the form of a refund or in the form of a credit against the tax
6 or charge for the next ensuing tax year, or charge billing cycle and for
7 succeeding tax years or billing cycles if required to use up the amount of the
8 credit.

9 (2) Whenever a municipality votes to collect interest on overdue taxes
10 pursuant to 32 V.S.A. § 5136, interest in a like amount shall be paid by the
11 municipality to any person for whom an abatement has been ordered.

12 (3) Interest on taxes or charges paid and subsequently abated shall
13 accrue from the date payment was due or made, whichever is later. However,
14 abatements issued pursuant to subdivision (a)(5) of this section need not
15 include the payment of interest.

16 (4) When a refund has been ordered, the board shall draw an order on
17 the town treasurer for ~~such~~ payment of the refund.

18 * * *

19 Subchapter 3. Orders Drawn by ~~Selectboard~~ Municipal Bodies

20 * * *

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 § 1622. TOWN ORDERS; RECORD

2 (a)(1) The **chair of the selectboard** shall keep or cause to be kept a single
3 record of all orders drawn by the board showing the number, date, to whom
4 payable, for what purpose, and the amount of each ~~such~~ order.

5 (2) All other officers authorized by law to draw orders upon the town
6 treasurer shall keep a like record.

7 (b) Such records shall be submitted to the town auditors annually on or
8 before February 1.

9 (c) If the records of orders named in this section are made by an assistant
10 clerk, the assistant clerk shall not be the town treasurer, or the ~~wife or husband~~
11 spouse of ~~such~~ the town treasurer, or any person acting in the capacity of clerk
12 for the town treasurer.

13 § 1623. SIGNING ORDERS

14 (a) The selectboard may do either of the following:

15 (1) Authorize one or more members of the board to examine and allow
16 claims against the town for town expenses and draw orders for such claims to
17 the party entitled to payment.

18 (A) Orders shall state definitely the purpose for which ~~they are~~ each
19 is drawn and shall serve as full authority to the treasurer to make the payments.

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 (3) ~~What interest bearing~~ what interest-bearing notes or orders of the
2 town ~~or town school district~~ are outstanding ~~with~~ and the serial number, date,
3 amount, payee, and rate of interest of each, and the total amount thereof.

4 * * * Penalties for Municipal Violations * * *

5 Sec. 18. 24 V.S.A. § 1974 is amended to read:

6 § 1974. ENFORCEMENT OF CRIMINAL ORDINANCES

7 (a)(1) The violation of a criminal ordinance or rule adopted by a
8 municipality under this chapter shall be a misdemeanor.

9 (2) The criminal ordinance or rule may provide for a fine or
10 imprisonment, but no fine ~~may~~ shall exceed ~~\$500.00~~ \$800.00, nor may any
11 term of imprisonment exceed one year.

12 (3) Each day the violation continues shall constitute a separate offense.

13 * * *

14 Sec. 19. 24 V.S.A. § 2201 is amended to read:

15 § 2201. THROWING, DEPOSITING, BURNING, AND DUMPING

16 REFUSE; PENALTY; SUMMONS AND COMPLAINT

17 (a)(1) Prohibition. Every person shall be responsible for proper disposal of
18 his or her own solid waste. A person shall not throw, dump, deposit, or cause,
19 or permit to be thrown, dumped, or deposited any solid waste as defined in
20 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 lands or waters of the State outside a solid waste management facility certified
2 by the Agency of Natural Resources.

3 * * *

4 (b) Prosecution of violations. A person who violates a provision of this
5 section commits a civil violation and shall be subject to a civil penalty of not
6 more than ~~\$500.00~~ \$800.00.

7 (1) This violation shall be enforceable in the Judicial Bureau pursuant to
8 the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a
9 municipal attorney, a solid waste management district attorney, an
10 environmental enforcement officer employed by the Agency of Natural
11 Resources, a grand juror, ~~or~~ a designee of the legislative body of the
12 municipality, or ~~by~~ any duly authorized law enforcement officer.

13 (2) If the throwing, placing, or depositing was done from a snowmobile,
14 vessel, or motor vehicle, except a motor bus, there shall be a rebuttable
15 presumption that the throwing, placing, or depositing was done by the operator
16 of ~~such~~ the snowmobile, vessel, or motor vehicle.

17 (3) Nothing in this section shall be construed as affecting the operation
18 of an automobile graveyard or salvage yard as defined in section 2241 of this
19 title, nor shall anything in this section be construed as prohibiting the

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 installation and use of appropriate receptacles for solid waste provided by the
2 State or towns.

3 * * *

4 Sec. 20. 24 V.S.A. § 2297a is amended to read:

5 § 2297a. ENFORCEMENT OF SOLID WASTE ORDINANCE BY TOWN,
6 CITY, OR INCORPORATED VILLAGE

7 (a) Solid waste order. A legislative body may issue and enforce a solid
8 waste order in accordance with this section. A solid waste order may include a
9 directive that the respondent take actions necessary to achieve compliance with
10 the ordinance, to abate hazards created as a result of noncompliance, or to
11 restore the environment to the condition existing before the violation and may
12 include a civil penalty of not more than ~~\$500.00~~ \$800.00 for each violation and
13 in the case of a continuing violation, not more than \$100.00 for each
14 succeeding day. In determining the amount of civil penalty to be ordered, the
15 legislative body shall consider the following:

16 (1) the degree of actual or potential impact on public health, safety,
17 welfare, and the environment resulting from the violation;

18 (2) whether the respondent has cured the violation;

19 (3) the presence of mitigating circumstances;

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 (4) whether the respondent knew or had reason to know the violation
2 existed;

3 (5) the respondent’s record of compliance;

4 (6) the economic benefit gained from the violation;

5 (7) the deterrent effect of the penalty;

6 (8) the costs of enforcement;

7 (9) the length of time the violation has existed.

8 * * *

9 (e) Contents of proposed order. A proposed order shall include:

10 * * *

11 (5) if applicable, a civil penalty of not more than ~~\$500.00~~ \$800.00 for
12 each violation and in the case of a continuing violation, not more than \$100.00
13 for each succeeding day.

14 * * * Road Commissioner Compensation * * *

15 Sec. 21. 32 V.S.A. § 1225 is amended to read:

16 § 1225. TOWN ROAD COMMISSIONER

17 The compensation of a town road commissioner shall be fixed by the
18 selectboard, ~~shall not be less than \$2.00 per day for time actually spent, and~~
19 ~~shall be paid out of the Transportation Fund.~~

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

* * * Property Appraisal Appeals * * *

Sec. 22. 32 V.S.A. § 4404 is amended to read:

§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST

(a) Within 14 days after the date of notice thereof, a person aggrieved by the final decision of the listers under the provisions of section 4221 of this title, may appeal in writing therefrom to the board of civil authority, by lodging his or her appeal with the town clerk, who shall record the same in the book containing the abstract of individual lists. The grounds upon which ~~such~~ the appeal is based shall therein be briefly set forth.

(b)(1) The town clerk forthwith shall call a meeting of the board to hear and determine such appeals, which shall be held at ~~such~~ a time, not later than 14 days after the last date allowed for notice of appeal, and at ~~such~~ a place within the town as that he or she shall designate.

(2) Notice of ~~such~~ the time and place shall be given by posting a warning therefor in three or more public places in ~~such~~ the town, and by mailing a copy of ~~such~~ the warning, postage prepaid, to each member of the board, the agent of the town to prosecute and defend suits, the chair of the board of listers, and ~~to~~ all persons so appealing.

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 (c)(1) The ~~Board~~ board shall meet at the time and place so designated, and
2 on that day and from day to day thereafter shall hear and determine ~~such~~ the
3 appeals until all questions and objections are heard and decided.

4 (2)(A) Each property, the appraisal of which is being appealed, shall be
5 inspected by a committee of not less than three members of the board ~~who~~. At
6 least one lister shall be allowed to attend the inspection. The committee shall
7 report to the board within 30 days from the hearing on the appeal and before
8 the final decision pertaining to the property is given.

9 (B) If, after notice, the appellant refuses to allow an inspection of the
10 property or attendance of at least one lister as required under this subsection,
11 including the interior and exterior of any structure on the property, the appeal
12 shall be deemed withdrawn.

13 (3) The board shall, within 15 days from the time of the report, certify in
14 writing its notice of decision, with reasons, in the premises, and shall file ~~such~~
15 the notice with the town clerk, who shall thereupon record the same in the
16 book wherein the appeal was recorded and forthwith notify the appellant in
17 writing of the action of ~~such~~ the board, by certified mail.

18 (4)(A) If the board does not substantially comply with the requirements
19 of this subsection and if the appeal is not withdrawn by filing written notice of
20 withdrawal with the board or deemed withdrawn as provided in this

Key: **Yellow highlighting** = potentially added to bill as introduced

Red strikethrough = potentially removed from bill as introduced

1 subsection, the grand list of the appellant for the year for which appeal is being
 2 made shall remain at the amount set before the appealed change was made by
 3 the listers; except, if there has been a complete reappraisal, the grand list of the
 4 appellant for the year for which appeal is being made shall be set at a value
 5 ~~which~~ that will produce a tax liability equal to the tax liability for the
 6 preceding year.

7 (B) The town clerk shall immediately record the same in the book
 8 wherein the appeal was recorded and forthwith notify the appellant in writing
 9 of ~~such~~ the action, by certified mail. Thereupon the appraisal so determined
 10 pursuant to this subsection shall become a part of the grand list of such person.

11 (d) Listers and agents to prosecute and defend suits wherein a town is
 12 interested shall not be eligible to serve as members of the board while
 13 convened to hear and determine ~~such~~ those appeals nor shall an appellant, or
 14 his or her servant, agent, or attorney be eligible to serve as a member of the
 15 ~~Board~~ board while convened to hear and determine any appeals. However,
 16 listers and agents to prosecute and defend suits wherein a town is interested
 17 shall be given the opportunity to defend the appraisals in question.

* * * Effective Date * * *

19 Sec. 23. EFFECTIVE DATE

20 This act shall take effect on July 1, 2018.

Key: **Yellow highlighting** = potentially added to bill as introduced

~~Red strikethrough~~ = potentially removed from bill as introduced

1

2

3

4

5

6

7

8 (Committee vote: _____)

9

10

Representative _____

11

FOR THE COMMITTEE