

H.358

An act relating to technical corrections

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

Sec. 1. 1 V.S.A. § 318(d) is amended to read:

(d) In responding to a request to inspect or copy a record under this subchapter, a public agency shall consult with the person making the request in order to clarify the request or to obtain additional information that will assist the public agency in responding to the request and, when authorized by this subchapter, in facilitating production of the requested record for inspection or copying. In unusual circumstances, as that term is defined in subdivision ~~(a)(5)~~ (b)(5) of this section, a public agency may request that a person seeking a voluminous amount of separate and distinct records narrow the scope of a public records request.

Sec. 2. 3 V.S.A. § 117(g) is amended to read:

(g) In fulfilling the duties as Director of the Vermont State Archives and Records Administration ~~Program~~, the State Archivist shall:

* * *

Sec. 3. 3 V.S.A. § 472a is amended to read:

§ 472a. COMPLIANCE WITH FEDERAL LAW

* * *

(k) Consent. An individual who is not a vested member of the System and who has not yet reached the later of normal retirement age or age 62 must

consent to any withdrawal of his or her assets of greater than \$1,000.00. For individuals who are not vested members of the System and who have reached the later of normal retirement age or age 62, amounts greater than \$1,000.00 may be paid out without the individual's consent. In all cases, amounts of \$1,000.00 or less may be paid out without the individual's consent.

(1) Rules. The Board may adopt rules to ensure that this chapter complies with federal law requirements.

Sec. 4. 3 V.S.A. § 848 is amended to read:

§ 848. RULES REPEAL; AMENDMENT OF AUTHORITY; NOTICE BY
AGENCY

(a) Repeal by operation of law. A rule shall be repealed without formal proceedings under this chapter if:

* * *

(3) the statutory authority for the rule, as stated by the agency under subdivision ~~838(b)(4)~~ 838(a)(10) of this title, is repealed by the General Assembly or declared invalid by a court of competent jurisdiction.

* * *

(d) Amendment of authority for rule.

(1) If the statutory authority for a rule, as stated by the agency under subdivision ~~838(b)(4)~~ 838(a)(10) of this title, is amended by the General Assembly, and the amendment does not transfer authority from the adopting

agency to another agency, the agency within 30 days following the effective date of the statutory amendment shall review the rule and make a written determination as to whether the statutory amendment repeals the authority upon which the rule is based or requires revision of the rule and shall submit a copy of this written determination to the Secretary of State and the Legislative Committee on Administrative Rules, in such manner as the Secretary may prescribe by rule or procedure.

(2) If the statutory authority for a rule, as stated by the agency under subdivision ~~838(b)(4)~~ 838(a)(10) of this title, is transferred by act of the General Assembly to another agency, the agency to which the authority is transferred shall provide notice of the transfer, in such manner as the Secretary of State may prescribe by rule or procedure, within 30 days following the effective date of the statutory amendment, to the Secretary and the Legislative Committee on Administrative Rules.

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

§ 207a. CARRYING AND INSPECTION OF AIRMAN LICENSE

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

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

Sec. 6. 5 V.S.A. § 3639(a) is amended to read:

(a) A person or corporation owning or operating a railroad shall construct and maintain farm crossings of the road for the use of the proprietors of lands adjoining the railroad, and cattle guards at all farm and road crossings sufficient to prevent cattle and animals from getting on the railroad. A farm crossing may be temporarily or permanently closed or discontinued by mutual agreement between all parties having an interest therein. If no such mutual agreement can be reached by such interested parties, then a person or corporation owning or operating a railroad and desiring to close any farm crossing shall make application to the Transportation Board. The Board shall thereupon give notice to all parties interested, in such manner as the Board may direct, of hearing on the application, the hearing to be in the county where such crossing is located. After the hearing, a person or corporation owning or operating a railroad shall not close such farm crossing without the approval of the Transportation Board. A person aggrieved by the closing of a farm

crossing after January 1, 1955 by a person or corporation owning or operating a railroad may notify the Transportation Board by registered or certified mail of the closing, and thereupon the Board shall conduct a hearing. Notice and place of hearing shall be ~~as hereinbefore provided~~ as set forth in this subsection. The Transportation Board may require the reopening of any such crossing and make such other order as is permitted in section 3649 of this title. At any such hearing, the burden of proof shall rest with the person or persons effecting or seeking to effect the closing of such farm crossing. Any person aggrieved by an order of the Transportation Board may, in accordance with Rule 74 of the Vermont Rules of Civil Procedure, appeal to the Superior Court, whereupon such cause shall be tried as an original action brought under the provisions of 12 V.S.A. § 402.

Sec. 7. 6 V.S.A. § 857 is amended to read:

§ 857. ENFORCEMENT; ADMINISTRATIVE ORDERS

(a) Notwithstanding the requirements of section 856 of this title, the Secretary at any time may pursue one or more of the following:

(1) issue a cease and desist order ~~in accordance~~ to a person the Secretary believes to be in violation of the rules listed in section 852 of this title;

* * *

Sec. 8. 7 V.S.A. § 251 is amended to read:

§ 251. EDUCATIONAL SAMPLING EVENT PERMIT

* * *

(f) Taxes for the alcoholic beverages served at the event shall be paid as follows:

(1) malt beverages:

(A) \$0.265 per gallon of malt beverages served that contain not more than six percent of alcohol by volume at 60 degrees Fahrenheit; and

(B) \$0.55 per gallon of malt beverages served that contain more than six percent of alcohol by volume at 60 degrees Fahrenheit;

* * *

Sec. 9. 7 V.S.A. § 1001 is amended to read:

§ 1001. DEFINITIONS

As used in this chapter:

* * *

(5) "Tobacco license" means a license issued by the Division of Liquor Control under this chapter permitting the licensee to engage in the retail sale of tobacco products ~~or locate a vending machine on the premises identified in the~~ license.

* * *

Sec. 10. 8 V.S.A. § 4091f(c) is amended to read:

(c) Liability of succeeding carrier.

* * *

(3) The succeeding carrier is not liable under this ~~subdivision~~ subsection for benefits required to be paid by the prior carrier.

* * *

Sec. 11. 8 V.S.A. § 11201 is amended to read:

§ 11201. BUSINESS DAYS

(a)(1) For purposes of this title, unless otherwise provided under other state or federal law applicable to a Vermont or state financial institution ~~which~~ that is a depository institution, a business day is a calendar day other than the following:

(A) Saturday and Sunday;

~~January 1, New Year's Day;~~

~~The 3rd the third Monday in January, Martin Luther King, Jr. Day;~~

~~February 12, Lincoln's birthday;~~

~~The 3rd the third Monday in February, President's Day;~~

~~The first Tuesday in March, Town Meeting Day;~~

~~The last Monday in May, Memorial Day, but if the United States government designates May 30 as the date of observance of Memorial Day, then May 30;~~

~~July 4, Independence Day;~~

~~August 16, Bennington Battle Day;~~

~~The first Monday in September, Labor Day;~~

~~The 2nd the second Monday in October, Columbus Day~~

~~November 11, Veterans' Day;~~

~~The 4th the fourth Thursday in November, Thanksgiving Day; and~~

~~December 25, Christmas Day.~~

(B) New Year's Day, January 1;

(C) Martin Luther King, Jr.'s Birthday, the third Monday in January;

(D) President's Day, the third Monday in February;

(E) Town Meeting Day, the first Tuesday in March;

(F) Memorial Day, the last Monday in May;

(G) Independence Day, July 4;

(H) Bennington Battle Day, August 16;

(I) Labor Day, the first Monday in September;

(J) Columbus Day, the second Monday in October;

(K) Veterans' Day, November 11;

(L) Thanksgiving Day, the fourth Thursday in November;

(M) Christmas Day, December 25.

(2) A legal holiday ~~which~~ that falls on a Saturday may be observed on the preceding Friday and a legal holiday ~~which~~ that falls on a Sunday may be observed on the following Monday.

* * *

Sec. 12. 10 V.S.A. § 329 is amended to read:

§ 329. ANNUAL REPORT

Prior to January 31 of each year, the corporation formed under section 328 of this title shall submit a report concerning its activities to the Governor, ~~and to the legislative committees on commerce, general affairs, natural resources, ways and means, finance, institutions and appropriations~~ House Committees on Appropriations, on Commerce and Economic Development, on Corrections and Institutions, on General, Housing, and Military Affairs, on Natural Resources, Fish, and Wildlife, and on Ways and Means and to the Senate Committees on Appropriations, on Economic Development, Housing and General Affairs, on Finance, on Institutions, and on Natural Resources and Energy. The report shall include the following information:

* * *

Sec. 13. 10 V.S.A. § 531 is amended to read:

§ 531. THE VERMONT TRAINING PROGRAM

(a) Authority.

(1) The Secretary of Commerce and Community Development, in consultation with the State Workforce Development Board, shall have the authority to design and implement a Vermont Training Program, the purpose of which shall be to issue performance-based grants to employers and to education and training providers to increase employment opportunities in Vermont consistent with this chapter.

* * *

(c) Disclosure. In the case of a grant to a training provider, the Secretary shall require as a condition of the grant that the provider shall disclose to the Secretary the name of the employer and the number of employees trained prior to final payment for the training.

(d) Conditions. In order to avoid duplication of programs or services and to provide the greatest return on investment from training provided under this section, the Secretary of Commerce and Community Development shall:

* * *

(f) Certificate. Upon completion of the training program for any individual, the Secretary of Commerce and Community Development shall review the records and shall award to the trainee, if appropriate, a certificate of completion for the training.

* * *

(k) Report. Annually on or before January 15, the Secretary shall submit a report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs. In addition to the reporting requirements under section 540 of this title, the report shall identify:

* * *

Sec. 14. 10 V.S.A. § 627 is amended to read:

§ 627. MORTGAGE PURCHASES

* * *

(b) Bonds, notes, and other obligations issued by the Agency pursuant to this section shall not be general obligations of the Agency, shall not be secured in whole or in part by a debt service reserve fund to which State funds may be appropriated pursuant to subsection ~~632(d)~~ 632a(f) of this title, shall not be subject to subdivision 631(b)(1) of this title, and shall not be taken into account for purposes of the limitation on indebtedness of the Agency contained in the last sentence of subdivision 631(a)(1). Such bonds, notes, and other obligations shall be payable solely from the receipts, revenues, or other income derived in respect of loans and securities purchased pursuant to this section or from the proceeds of such bonds, notes, and other obligations, or from receipts, revenues, or other income derived in respect of such proceeds or reserves established therefrom. Any official statement or other prospectus used by the

Agency in offering such obligations for sale shall clearly indicate that such obligations are not the debt or obligation of the State or of the Agency except to the extent provided in this section.

* * *

(d)(1) In issuing eligible securities pursuant to this section, the Agency and any trust established by it shall have, in addition to its other powers under this chapter or general law, all the powers the Agency has in issuing bonds, notes, and other obligations pursuant to subsection (b) of this section, subject to the special provisions of subsection (b) of this section, including the following powers:

~~(1)~~(A) to authorize such securities, to issue them as negotiable investment securities, to execute them through appropriate present or former officers, and to sell them at public or private sale;

~~(2)~~(B) to make agreements and contracts with, and valid and effective pledges of property to, securities holders by resolution or otherwise;

~~(3)~~(C) to issue taxable securities, cause them to be registered, and grant appropriate indemnification;

~~(4)~~(D) to purchase and deal in such securities;

~~(5)~~(E) to secure such securities by appropriate trust instruments and agree that its contracts with securities holders will not be impaired by the State;
and

~~(6)(F)~~ to use and invest proceeds of securities and refunding securities.

(2) All of the foregoing The Agency's exercise of the powers set forth in subdivision (1) of this subsection shall be in the manner more fully provided in this chapter for bonds, notes, and other obligations, or in a manner the Agency determines is reasonably comparable thereto taking into account the different characteristics of eligible securities, or of the issuer thereof, and other matters the Agency considers necessary or appropriate to effectively issue such securities.

* * *

Sec. 15. 10 V.S.A. § 690(a) is amended to read:

(a) If the Secretary finds, after reasonable notice and opportunity for hearing, that a grantee under this subchapter has failed to comply substantially with the provisions of this subchapter, the rules ~~promulgated~~ adopted under the provisions of this subchapter, or of applicable provisions of federal law, the Secretary, until he or she is satisfied that there is no longer any such failure to comply, may:

- (1) terminate payments to the grantee under this subchapter; or
- (2) limit the availability of payments under this subchapter under such conditions as may be established by the Secretary.

Sec. 16. 10 V.S.A. § 719 is amended to read:

§ 719. ELECTIONS

After the issuance of a certificate by the Secretary of State certifying to the organization of a natural resources conservation district, nominating petitions shall be filed with the districts and shall be submitted to the Council once the nominee is approved by the districts as defined in section 720 of this title, who shall be qualified voters as hereinafter specified. No such nominating petition shall be accepted unless it shall be subscribed to by 25 or more owners of land lying within the boundaries of the district. Landowners may sign more than one nominating petition to nominate more than one candidate for supervisor. The names of all nominees shall appear, arranged in the alphabetical order of the surnames, upon ballots with a square before each name and a direction to insert an X mark in the square before one name to indicate the voter's choice. Only landowners shall be eligible to vote. The candidates who shall receive the largest number of the votes cast in the election shall be the elected supervisors for the districts. The Council shall pay all the expenses, supervise, prescribe ~~regulations~~ rules, determine eligibility of voters, and publish the results of all elections.

Sec. 17. 10 V.S.A. § 722(a) is amended to read:

(a) The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds. They shall keep a

full record of all proceedings and of all resolutions, ~~regulations~~ rules, and orders issued, and shall provide for an annual audit of the receipts and disbursements.

Sec. 18. 10 V.S.A. § 724 is amended to read:

§ 724. LAND-USE, EROSION CONTROL, AND NATURAL RESOURCES
CONSERVATION ~~REGULATIONS~~ RULES; APPROVAL

The supervisors of any district shall have authority to formulate ~~regulations~~ rules, as ~~hereinafter provided~~ set forth in this chapter, governing the use of lands within the district in the interest of conserving soil, controlling soil and stream bank erosion, and promoting conservation of natural resources and drainage. The supervisors may conduct such public meetings and public hearings upon ~~regulations~~ rules proposed to be enacted as may be necessary to assist them in this work. The supervisors shall not have authority to enact such land-use ~~regulations~~ rules into ordinances unless a majority of the owners of land lying within the boundaries of the district cast their votes for the approval of the proposed ordinance. The approval of the proposed ordinance by a majority of the votes cast in the referendum shall not be deemed to require the supervisors to enact the proposed ordinance. The ~~regulations~~ rules to be adopted by the supervisors under the provisions of this chapter may include provisions for conserving soil resources, soil and stream bank erosion, water quality improvement, and conservation of natural resources and drainage.

Sec. 19. 10 V.S.A. § 725 is amended to read:

§ 725. UNIFORMITY OF ~~REGULATIONS~~ RULES

The ~~regulations~~ rules shall be uniform throughout the district, except that the supervisors may classify, prior to the adoption of such ordinances, the lands within the district with reference to such factors as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide ~~regulations~~ rules varying with the type or class of land affected, but uniform as to the lands within each class or type, provided however, that such classification has first been included in the notice published for such meeting. Copies of land-use ~~regulations~~ rules adopted under the provisions of this chapter shall be made available to all owners and persons in possession of lands lying within the district, but such ordinances shall not apply to ~~forest lands~~ forestlands.

Sec. 20. 10 V.S.A. § 726 is amended to read:

§ 726. ORDINANCES PRESCRIBING ~~REGULATIONS~~ RULES;

REFERENDUM

A referendum shall be conducted as follows:

(1) The ordinances proposed to be enacted shall be delivered by the supervisors or by agents authorized by them, or by mail to the last known address of such owners of land within the district, together with a warning of a

district meeting, which warning shall contain an article for a vote upon the following question:

Shall the proposed ordinance, No. . . . , prescribing land-use ~~regulations~~ rules for conserving soil resources, soil and stream bank erosion, and conservation of natural resources, be adopted, the substance of which is as follows?

(2) The vote under such article shall be by ballot in the following form:

Shall the proposed ordinance No. . . . , prescribing land-use ~~regulations~~ rules for conserving soil resources, soil and stream bank erosion, and conservation of natural resources be adopted?

YES []

NO []

Sec. 21. 10 V.S.A. § 727 is amended to read:

§ 727. CONDUCT OF REFERENDUM

The supervisors shall prescribe appropriate ~~regulations~~ rules governing the conduct of the referendum, and shall publish and record the result of the ballot. All owners of lands within the district shall be eligible to vote in such referendum.

Sec. 22. 10 V.S.A. § 728 is amended to read:

§ 728. AMENDMENT OR REPEAL OF ~~REGULATIONS~~ RULES

Any owner or person in possession of land within a district may at any time file a petition with the supervisors asking that any or all of the land-use

~~regulations~~ rules prescribed in any ordinance adopted by the supervisors under the provisions of this chapter shall be amended, supplemented, or repealed.

Land-use ~~regulations~~ rules prescribed in any ordinance adopted pursuant to the provisions of this chapter shall not be amended, supplemented, or repealed except in accordance with the procedure prescribed in this chapter for adoption of land-use ~~regulations~~ rules. Referenda on adoption, amendment, supplementation, or repeal of land-use ~~regulations~~ rules shall not be held more often than once in six months.

Sec. 23. 10 V.S.A. § 730 is amended to read:

§ 730. EFFECT OF TERMINATION

Upon issuance of a certificate of dissolution under the provisions of this chapter, all ordinances and ~~regulations theretofore~~ rules previously adopted and in force within such districts shall be of no further force and effect. All contracts ~~theretofore~~ previously entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The State Natural Resources Conservation Council shall have the right to be substituted for the district or supervisors as party to such contracts and, if it elects, the Council shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such contracts by mutual consent or otherwise, as the

supervisors of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of this chapter, nor the pendency of any action instituted under the provisions of this chapter, and the Council shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions.

Sec. 24. 10 V.S.A. § 731 is amended to read:

§ 731. FAILURE TO OBSERVE LAND-USE ORDINANCE;

CONFERENCES

In the event that the supervisors of a district find that the provisions of a land-use ordinance adopted according to the provisions of this chapter are not being observed on particular lands, and that such nonobservance tends substantially to increase erosion on such lands and substantially interferes with the prevention or control of erosion or conservation of natural resources on other lands within the district, the supervisors may summon the owner of the land to appear before them to discuss the failure of the owner to observe the ~~regulations~~ rules, and to perform particular work, operations, or avoidances as required by ordinance of the district, when the nonobservance tends substantially to increase erosion on the lands and substantially interferes with the prevention or control of erosion or conservation of natural resources on other lands within the district. By conference thus ~~convoled~~ summoned, the supervisors and the owner of land not observing the ordinance adopted by the

district, shall together make and sign a finding as to the issues ~~which are~~ involved in the failure of the owner to observe the ordinance of the district. ~~Upon~~ On the basis of such findings and if, after conference, it appears to the supervisors that there are great practical difficulties or unnecessary hardship involved in the full observance of the ordinance of the district, the supervisor shall endeavor to work out a program with the owner, as shall be acceptable to the owner and shall enable the owner to comply with the ordinance.

Sec. 25. 10 V.S.A. § 733 is amended to read:

§ 733. POWERS OF BOARD

Upon the basis of such inquiry as it deems it necessary to conduct, and ~~upon~~ on the basis of findings resulting ~~therefrom~~ from the inquiry, the board of adjustment shall have authority by order to authorize ~~such a~~ a variance from the ordinances in their application to the lands of the owner who has not complied with the ordinance of the district, when ~~such the~~ the variance will relieve practical difficulties or unnecessary hardship to ~~such the~~ the owner and when ~~such the~~ the variance is not contrary to public ~~interest~~ interests and is in accordance with the purpose of land-use ~~regulations~~ rules. The board of adjustment may request the landowner not complying with an ordinance to sign a stipulation setting forth the conditions agreed upon by the landowner and supervisors so that the practical difficulties or unnecessary hardship may be overcome and work proceed by the consent of ~~such the~~ the landowner upon his or her land.

~~However;~~ provided, however, that nothing in this chapter shall be construed so as to make ineffective any remedies available under the laws of the ~~state~~ State.

Sec. 26. 10 V.S.A. § 803(b) is amended to read:

(b)(1) The board of directors shall present to the Secretary of State an application signed by them ~~which~~ that shall set forth:

~~(1)~~(A) that a petition for the creation of the union was filed with the council pursuant to the provisions of this chapter;

~~(2)~~(B) that the proceedings specified in this chapter were taken pursuant to such petition; and

~~(3)~~(C) that the application is filed in order to complete the organization of the union as a corporate entity.

(2) The application shall be subscribed to by each of the directors.

Sec. 27. 10 V.S.A. § 821 is amended to read:

§ 821. DEFINITIONS

~~(a)~~ As used in this chapter:

(1) “Conservation rights and interests” mean rights held by a qualified holder to restrict or condition the use, modification, or subdivision of a land or water area and rights to perform, or require the performance of, specified activities with respect thereto. These rights and interests shall be for the purpose of maintaining, enhancing, and conserving that land or water area, including improvements thereon, predominantly in its natural, scenic, or open

condition, or in agricultural, farming, forest, wildlife, or open space use, or for public recreation, or in other use or condition consistent with the purposes set forth in section 6301 of this title.

~~(b)~~(2) “Preservation rights and interests” mean rights held by a qualified holder to restrict or condition the use, modification, or subdivision of a structure or site, and rights to perform, or require the performance of, specified activities with respect thereto. Such rights and interests shall be for the purpose of preserving, rehabilitating, or restoring a structure or site having significant historical, architectural, cultural, or archaeological characteristics.

~~(e)~~(3) “Qualified holder” and “holder,” ~~as used in this chapter,~~ mean:

~~(1)~~(A) a municipality, department, or board of the State of Vermont;

~~(2)~~(B) an organization qualifying under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, provided one of the stated purposes of the organization is to acquire property or rights and interests in property in order to preserve historic, agricultural, forestry, or open space resources;

~~(3)~~(C) an organization qualifying under Section 501(c)(2) of the Internal Revenue Code of 1986, as amended, provided that organization is controlled exclusively by an organization or organizations described in subdivision ~~(2)~~(B) of this ~~subsection~~ subdivision (3); and

~~(4)~~(D) the United States of America.

Sec. 28. 10 V.S.A. § 1204 is amended to read:

§ 1204. EFFECTIVE DATE-ARTICLE III

A. This compact shall become effective when a bill of the New Hampshire General ~~Assembly~~ Court that incorporates the compact becomes a law in New Hampshire and when it is approved by the U.S. Congress.

Sec. 29. 10 V.S.A. § 1235 is amended to read:

§ 1235. EFFECTIVE DATE-ARTICLE III

This compact shall become effective when a bill of the New Hampshire General ~~Assembly~~ Court that incorporates the compact becomes a law in New Hampshire and when it is approved by the U.S. Congress.

Sec. 30. 10 V.S.A. § 1250 is amended to read:

§ 1250. STATE WATER QUALITY POLICY

It is the policy of the State of Vermont to:

- (1) protect and enhance the quality, character and usefulness of its surface waters and to assure the public health;
- (2) maintain the purity of drinking water;
- (3) control the discharge of wastes to the waters of the State, prevent degradation of high quality waters and prevent, abate or control all activities harmful to water quality;
- (4) assure the maintenance of water quality necessary to sustain existing aquatic communities;

(5) provide clear, consistent, and enforceable standards for the permitting and management of discharges;

(6) protect from risk and preserve in their natural state certain high quality waters, including fragile high-altitude waters, and the ecosystems they sustain;

(7) manage the waters of the State to promote a healthy and prosperous agricultural community, to increase the opportunities for use of the State's forest, park, and recreational facilities, and to allow beneficial and environmentally sound development; and

(8) It is further the policy of the State to seek over the long term to upgrade the quality of waters and to reduce existing risks to water quality.

Sec. 31. 10 V.S.A. § 1268 is amended to read:

§ 1268. EMERGENCY PERMITS

When a discharge permit holder finds that pollution abatement facilities require repairs, replacement, or other corrective action in order for them to continue to meet standards specified in the permit, the holder may apply in the manner specified by the Secretary for an emergency pollution permit for a term sufficient to effect repairs, replacements, or other corrective action. The Secretary shall proceed in accordance with chapter 170 of this title. No emergency pollution permit shall be issued unless the applicant certifies and the Secretary finds that:

* * *

(4) the discharge will not be unreasonably harmful to the quality of the receiving waters; and

(5) the cause or reason for the emergency is not due to willful or intended acts or omissions of the applicant.

Sec. 32. 10 V.S.A. § 1343 is amended to read:

§ 1343. COMMISSION MEMBERSHIP

The State shall be represented on the Commission by five commissioners, one of whom shall be the Commissioner of ~~Water Resources~~ Environmental Conservation, and four of whom shall be appointed by the Governor. Of those appointed by the Governor, one shall be an officer of municipal government, and the remaining members may be members of the public or officers or employees of State government.

Sec. 33. 10 V.S.A. § 1390 is amended to read:

§ 1390. POLICY

The General Assembly hereby finds and declares that:

(1) ~~the~~ The State should adhere to the policy for management of groundwater of the State as set forth in section 1410 of this title;

(2) ~~in~~ In recognition that the groundwater of Vermont is a precious, finite, and invaluable resource upon which there is an ever-increasing demand for present, new, and competing uses; and in further recognition that an

adequate supply of groundwater for domestic, farming, dairy processing, and industrial uses is essential to the health, safety, and welfare of the people of Vermont, the withdrawal of groundwater of the State should be regulated in a manner that benefits the people of the State; is compatible with long-range water resource planning, proper management, and use of the water resources of Vermont; and is consistent with Vermont's policy of managing groundwater as a public resource for the benefit of all Vermonters;

(3) ~~It~~ It is the policy of the State that the State shall protect its groundwater resources to maintain high-quality drinking water;

(4) ~~It~~ It is the policy of the State that the groundwater resources of the State shall be managed to minimize the risks of groundwater quality deterioration by regulating human activities that present risks to the use of groundwater in the vicinities of such activities while balancing the State's groundwater policy with the need to maintain and promote a healthy and prosperous agricultural community; ~~and~~.

(5) ~~It~~ It is the policy of the State that the groundwater resources of the State are held in trust for the public. The State shall manage its groundwater resources in accordance with the policy of this section, the requirements of subchapter 6 of this chapter, and section 1392 of this title for the benefit of citizens who hold and share rights in such waters. The designation of the groundwater resources of the State as a public trust resource shall not be

construed to allow a new right of legal action by ~~an individual~~ a person other than the State of Vermont, except to remedy injury to a particularized interest related to water quantity protected under this subchapter.

Sec. 34. 10 V.S.A. § 1394(e) is amended to read:

(e) In determining the appropriate classification of groundwater, the Secretary shall consider:

- (1) its use or potential future use as a public water supply source;
- (2) the extent of activity which poses a risk to the groundwater;
- (3) its current water quality;
- (4) its availability in quantities needed for beneficial use;
- (5) the consequences of its potential contamination and the availability of alternate sources of water; ~~and~~
- (6) the classification of adjacent surface waters; and
- (7) other factors relevant to determine the maximum beneficial use of the aquifer.

Sec. 35. 10 V.S.A. § 1418(a) is amended to read:

(a)(1) On and after July 1, 2010, no person, for commercial or industrial uses, shall make a new or increased groundwater withdrawal of more than 57,600 gallons a day from any well or spring on a single tract of land or at a place of business without first receiving from the Secretary of Natural

Resources a groundwater withdrawal permit. The following shall constitute a “new or increased withdrawal”:

~~(1)~~(A) ~~The~~ the expansion of any existing withdrawal through:

~~(A)~~(i) additional withdrawal from one or more new wells or springs;

or

~~(B)~~(ii) an increase in the rate of withdrawal from a well or spring

above the maximum rate set forth in any existing permit issued by the Secretary of Natural Resources under this section; or

~~(2)~~(B) ~~For~~ for previously unpermitted withdrawals, an increase in the rate of withdrawal after July 1, 2010 from a well or spring on a single tract of land or at a place of business of 25 percent of the baseline withdrawal or an increase of 57,600 gallons of groundwater withdrawn, whichever is smaller.

~~(3)~~(2) For the purposes of this subsection, the baseline withdrawal shall be the highest amount withdrawn by a person between 2005 and 2010.

Sec. 36. 10 V.S.A. § 1426 is amended to read:

§ 1426. PENALTY

Any person who violates a rule ~~promulgated~~ adopted under this chapter, shall be subject to the civil penalty provision of 23 V.S.A. § 3317(b).

Sec. 37. 10 V.S.A. § 1525(a) is amended to read:

~~(a)~~(1) No beverage shall be sold or offered for sale at retail in this State:

~~(1)~~(A) in a metal container designed and constructed so that part of the container other than a piece of pressure sensitive tape is detachable in opening the container; or

~~(2)~~(B) in containers connected to each other with plastic rings or similar devices that are not classified as biodegradable by the Secretary.

(2) For the purposes of this subsection only, the word “beverage” includes all drinks sold in liquid form intended for human consumption, whether or not specifically listed in section 1521 of this chapter.

Sec. 38. 10 V.S.A. § 1675(f)(1) is amended to read:

(1) The Secretary may, after notice and opportunity for hearing, revoke or suspend any permit issued pursuant to the authority under this title if the Secretary finds that:

* * *

(B) the permit holder has violated any material requirement, restriction, or condition of this chapter, any rule ~~promulgated thereunder~~ adopted pursuant to this chapter, or any permit or certification issued pursuant to this chapter, or any assurance of discontinuance or order relating to the provisions of this chapter or the rules ~~promulgated thereunder~~ adopted pursuant to this chapter; or

* * *

Sec. 39. 10 V.S.A. § 1681 is amended to read:

§ 1681. CRIMINAL ENFORCEMENT

(a) Any permit holder or person who violates a provision of this chapter or the rules ~~promulgated thereunder~~ adopted pursuant to this chapter, or who fails or neglects to obey or comply with the terms of a permit issued under this chapter or who fails or neglects to obey or comply with an assurance of discontinuance or order relating to this chapter or the rules ~~promulgated thereunder~~ adopted pursuant to this chapter shall be fined not more than \$5,000.00. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance shall be deemed a separate violation.

(b) Any permit holder or person who refuses to obey or comply with the terms of a permit issued under this chapter or who refuses to obey or comply with an assurance of discontinuance or order relating to this chapter or the rules ~~promulgated thereunder~~ adopted pursuant to this chapter shall be fined not more than \$25,000.00 or be imprisoned not more than six months, or both. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed a separate violation.

(c) Any person who knowingly makes a false statement, representation, or certification as to any material fact in any application, record, report, plan, testing result, or other document filed or required to be maintained under this

chapter, or who falsifies, tampers with, or knowingly renders inaccurate a testing device or method required to be maintained under this chapter or the rules adopted pursuant to this chapter, or any permit or certification issued pursuant to this chapter, or any assurance of discontinuance or order relating to the provisions of this chapter or the rules ~~promulgated thereunder~~ adopted pursuant to this chapter shall be fined not more than \$10,000.00 or be imprisoned for not more than six months, or both.

* * *

Sec. 40. 10 V.S.A. § 1683 is amended to read:

§ 1683. FILTRATION REQUIREMENTS

(a) The Department of Environmental Conservation shall review each application for a construction grant ~~under section 1624 of this title~~ to determine whether the project qualifies for an avoidance of filtration waiver under the surface water treatment rule and notify the applicant of the results of that review. The Department shall provide an opportunity for the applicant to submit information in support of an affirmative finding.

* * *

Sec. 41. 10 V.S.A. § 1927(b) is amended to read:

(b) A permit for an underground storage tank shall specify:

* * *

(10) requirements for the upgrade or closure of tanks by December 22, 1998 that do not meet standards adopted to prevent releases due to corrosion, and spills or overfills; and

(11) other requirements necessary to carry out the purposes indicated in section 1921 of this title.

Sec. 42. 10 V.S.A. § 1935(b) is amended to read:

(b) Civil penalty. Any person who violates any provision of this chapter, the rules ~~promulgated herein~~ adopted pursuant to this chapter, or the terms and conditions of any order or permit issued by the ~~secretary~~ Secretary, shall be subject to a civil penalty not to exceed \$10,000.00 per storage tank.

Sec. 43. 10 V.S.A. § 4254 is amended to read:

§ 4254. FISHING AND HUNTING LICENSES; ELIGIBILITY, DESIGN,
DISTRIBUTION, SALE, AND ISSUE

* * *

(c) Training. The Commissioner shall provide for a course of basic instruction in the safe handling of firearms, survival training, and first aid training and a course in bow hunter education. For this purpose, the Commissioner may cooperate with any reputable association, organization, or agency, and he or she may designate any person found by him or her to be competent to give such instruction. A person satisfactorily completing the course of instruction shall receive from the instructor a certificate in evidence

thereof. No fee shall be charged for a course of instruction provided under this subsection.

(d) Administration. The Commissioner shall be responsible for the design of all licensing documents and forms, the sale of licenses, the reporting of sales, and the full return of all funds due the Department.

(e) Licenses. The Commissioner shall establish:

* * *

(f) License agency. All persons or businesses who wish to serve as agents shall apply on forms provided by the Department. Except for the fee collected under subdivision (e)(9) of this section, all license fees collected by an agent are the property of the State of Vermont and shall be promptly paid to the State following the procedures established under subdivision (e)(6) of this section.

(g) [Repealed.]

(h) Lotteries. If the Board decides to hold a lottery for the purpose of allocating permits to hunt or fish, except for a lottery held pursuant to sections 4081 or 4153 of this title or for water fowl hunting permits for specific areas as defined by the Board by rule, the Department shall require that each resident entering the lottery shall submit a nonrefundable fee of \$10.00 and each nonresident entering the lottery shall submit a nonrefundable fee of \$25.00 with each application. Proceeds from the sale of applications shall be deposited into the Fish and Wildlife Fund.

(i) Moose hunting.

(1) If the Board establishes a moose hunting season, up to five moose permits shall be set aside to be auctioned. The moose permits set aside for auction shall be in addition to the number of annual moose permits authorized by the Board. The Board shall adopt rules necessary for the Department to establish, implement, and run the auction process. The Commissioner annually may establish a minimum dollar amount of not less than \$1,500.00 for any winning bid for a moose permit auctioned under this subdivision. Proceeds from the auction shall be deposited in the Fish and Wildlife Fund and used for conservation education programs run by the Department. Successful bidders must have a Vermont hunting or combination license in order to purchase a moose permit.

* * *

Sec. 44. 13 V.S.A. § 2153 is amended to read:

§ 2153. RACING ANIMALS; DRUGS OR DEVICES; FALSE NAMES

A person shall not:

(1) influence, induce, or conspire with any owner, jockey, groom, or other person associated with or interested in any stable, horse, or race in which a horse participates, ~~or any greyhound dog or race in which a greyhound dog participates,~~ to affect the result of such race by stimulating or depressing a horse ~~or dog~~ through the administration of any drug to such horse ~~or dog~~, or by

the use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment;

(2) so stimulate or depress a horse ~~or dog~~;

(3) knowingly enter any horse ~~or dog~~ in any race within a period of 24 hours after any drug has been administered to such horse ~~or dog~~ for the purpose of increasing or retarding the speed of such horse ~~or dog~~;

* * *

Sec. 45. 13 V.S.A. § 2156 is amended to read:

§ 2156. TOUTING PROHIBITED; PENALTY

Any person who knowingly and designedly by false representation attempts to, or does persuade, procure, or cause another person to wager on a horse ~~or dog~~ in a race to be run in this State or elsewhere, and upon which money is wagered in this ~~state~~ State, and who asks or demands compensation as a reward for information or purported information given in such case is a tout, and is guilty of touting and shall be fined not more than \$500.00 or imprisoned not more than one year, or both.

Sec. 46. 15C V.S.A. § 402(b) is amended to read:

(b) A proceeding to challenge the parentage of a person whose parentage is presumed under section 401 of this title may be commenced two years or more after the birth of the child in the following circumstances:

* * *

(2) An alleged genetic parent who did not know of the potential genetic parentage of a child and who could not reasonably have known on account of material misrepresentation or concealment may commence a proceeding under this section within two years after discovering the potential genetic parentage. If the person is adjudicated to be the genetic parent of the child, the court ~~may~~ shall not disestablish a presumed parent.

* * *

Sec. 47. 17 V.S.A. § 2647(a)(1) is amended to read:

(a)(1) An auditor shall not be town clerk, town treasurer, selectboard member, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner, cemetery commissioner, or ~~town district school director~~ town school district director; nor shall a spouse of or any person assisting any of these officers in the discharge of official duties be eligible to hold office as auditor.

Sec. 48. 18 V.S.A. § 1561(i) is amended to read:

(i) Definition. As used in this chapter, “child” means an individual from the time of birth to 18 years of age.

Sec. 49. 18 V.S.A. § 4466 is amended to read:

§ 4466. INSPECTION

(a) The Commissioner may inspect through his or her duly authorized officers, inspectors, agents, or assistants, at all reasonable times, a short-term rental and the ~~registrant's~~ operator's records related to the short-term rental.

(b) Whenever an inspection demonstrates that the short-term rental is not operated in accordance with applicable provisions of this chapter, the officer, inspector, agent, or assistant shall notify the ~~registrant~~ operator of the conditions found and shall direct necessary changes.

(c) Nothing in this section shall be construed to supersede the authority and responsibilities of the Division of Fire Safety. The Division's Executive Director shall inform the Commissioner in a timely manner of any enforcement actions that the Division has taken against the ~~registrant~~ operator of a short-term rental.

Sec. 50. 18 V.S.A. § 4474e(n) is amended to read:

(n) Nothing in this subchapter shall prevent a dispensary from acquiring, possessing, cultivating, manufacturing, transferring, transporting, supplying, selling, and dispensing hemp and hemp-infused products for symptom relief.

~~“Hemp”~~ As used in this section, “hemp” shall have the same meaning as provided in 6 V.S.A. § 562. A dispensary shall not be required to comply with the provisions of 6 V.S.A. chapter 34.

Sec. 51. 18 V.S.A. § 4750 is amended to read:

§ 4750. DEFINITION

As used in this chapter, “medication-assisted treatment” means the use of U.S. ~~Federal~~ Food and Drug Administration-approved medications, in combination with counseling and behavioral therapies, to provide a whole patient approach to the treatment of substance use disorders.

Sec. 52. [Deleted.]

Sec. 53. 18 V.S.A. § 9371 is amended to read:

§ 9371. PRINCIPLES FOR HEALTH CARE REFORM

* * *

(4) Primary care must be preserved and enhanced so that Vermonters have care available to them, preferably within their own communities. The health care system must ensure that Vermonters have access to appropriate mental health care that meets ~~the Institute of Medicine’s triple-aims~~ standards of quality, access, and affordability ~~and that is~~ equivalent to other components of health care as part of an integrated, holistic system of care. Other aspects of Vermont’s health care infrastructure, including the educational and research missions of the State’s academic medical center and other postsecondary educational institutions, the nonprofit missions of the community hospitals, and the critical access designation of rural hospitals, must be supported in such

a way that all Vermonters, including those in rural areas, have access to necessary health services and that these health services are sustainable.

* * *

Sec. 54. 18 V.S.A. § 9382 is amended to read:

§ 9382. OVERSIGHT OF ACCOUNTABLE CARE ORGANIZATIONS

(a) In order to be eligible to receive payments from Medicaid or commercial insurance through any payment reform program or initiative, including an all-payer model, each accountable care organization shall obtain and maintain certification from the Green Mountain Care Board. The Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish standards and processes for certifying accountable care organizations. To the extent permitted under federal law, the Board shall ensure these rules anticipate and accommodate a range of ACO models and sizes, balancing oversight with support for innovation. In order to certify an ACO to operate in this State, the Board shall ensure that the following criteria are met:

* * *

(2) The ACO has established appropriate mechanisms and care models to provide, manage, and coordinate high-quality health care services for its patients, including incorporating the Blueprint for Health, coordinating services for complex high-need patients, and providing access to health care providers who are not participants in the ACO. The ACO ensures equal access

to appropriate mental health care that meets ~~the Institute of Medicine's triple~~
~~aims~~ standards of quality, access, and affordability ~~in a manner that is~~
equivalent to other ~~aspects~~ components of health care as part of an integrated,
holistic system of care.

* * *

Sec. 55. 18 V.S.A. § 9405(a) is amended to read:

(a) The Secretary of Human Services or designee, in consultation with the
Chair of the Green Mountain Care Board and health care professionals and
after receipt of public comment, shall adopt a State Health Improvement Plan
that sets forth the health goals and values for the State. The Secretary may
amend the Plan as the Secretary deems necessary and appropriate. The Plan
shall include health promotion, health protection, nutrition, and disease
prevention priorities for the State; identify available human resources as well
as human resources needed for achieving the State's health goals and the
planning required to meet those needs; identify gaps in ensuring equal access
to appropriate mental health care that meets ~~the Institute of Medicine's triple~~
~~aims~~ standards of quality, access, and affordability equivalent to other
components of health care as part of an integrated, holistic system of care; and
identify geographic parts of the State needing investments of additional
resources in order to improve the health of the population. Copies of the Plan

shall be submitted to members of the Senate Committee on Health and Welfare and the House Committee on Health Care.

Sec. 56. 18 V.S.A. § 9405a(a) is amended to read:

(a) Each hospital shall have a protocol for meaningful public participation in its strategic planning process for identifying and addressing health care needs that the hospital provides or could provide in its service area. Needs identified through the process shall be integrated with the hospital's long-term planning. Each hospital shall post on its website a description of its identified needs, strategic initiatives developed to address the identified needs, annual progress on implementation of the proposed initiatives, opportunities for public participation, and the ways in which the hospital ensures access to appropriate mental health care that meets ~~the Institute of Medicine's triple aims~~ standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care. Hospitals may meet the community health needs assessment and implementation plan requirement through compliance with the relevant Internal Revenue Service community health needs assessment requirements for nonprofit hospitals.

Sec. 57. 18 V.S.A. § 9437 is amended to read:

§ 9437. CRITERIA

A certificate of need shall be granted if the applicant demonstrates that the project serves the public good and the Board finds:

* * *

(9) The project will support equal access to appropriate mental health care that meets ~~the Institute of Medicine's triple aims~~ standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care, as appropriate.

* * *

Sec. 58. 18 V.S.A. § 9456(c) is amended to read:

(c) Individual hospital budgets established under this section shall:

* * *

(6) demonstrate that they support equal access to appropriate mental health care that meets ~~the Institute of Medicine's triple aims~~ standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care.

* * *

Sec. 59. 18 V.S.A. § 9491 is amended to read:

§ 9491. HEALTH CARE WORKFORCE; STRATEGIC PLAN

* * *

(b) The Director or designee shall collaborate with the area health education centers, the State Workforce Development Board established in 10 V.S.A. § 541a, the Prekindergarten-16 Council established in 16 V.S.A. § 2905, the Department of Labor, the Department of Health, the Department of

Vermont Health Access, and other interested parties to develop and maintain the plan. The Director of Health Care Reform shall ensure that the strategic plan includes recommendations on how to develop Vermont's health care workforce, including:

* * *

(2) the resources needed to ensure that:

* * *

(C) all Vermont residents have access to appropriate mental health care that meets ~~the Institute of Medicine's triple aims~~ standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care;

* * *

Sec. 60. 18 V.S.A. § 9603(a) is amended to read:

§ 9603. DUTIES AND AUTHORITY

(a) The Office of the Health Care Advocate shall:

* * *

(11) Submit to the Governor; the House Committees on Health Care,
~~the House Committee on Ways and Means, and the House and Senate~~
~~Committees on Appropriations;~~ and the Senate Committees on Health and
Welfare, on Finance, and on Appropriations, on or before January 1 of each

year, a report on the activities, performance, and fiscal accounts of the Office during the preceding calendar year.

Sec. 61. 19 V.S.A. § 1111(k) is amended to read:

(k) Recording of deeds. No deed purporting to subdivide land abutting a State highway or a class 1 town highway can be recorded unless all the abutting lots so created are in accord with the standards of this section, including the requirement to provide a frontage road or roads.

Sec. 62. 23 V.S.A. § 800 is amended to read:

§ 800. MAINTENANCE OF FINANCIAL RESPONSIBILITY

* * *

(d) A person who violates subsection (c) of this section shall be subject to a ~~fine~~ civil penalty of not more than \$100.00.

Sec. 63. 23 V.S.A. § 3302(4) is amended to read:

(4) “Motorboat” means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel ~~which~~ that has a valid marine document issued by ~~the Bureau of Customs of the United States government~~ U.S. Customs and Border Protection or any federal agency successor thereto.

Sec. 64. 23 V.S.A. § 3307a(a) is amended to read:

(a) Annual validation required.

(1) An owner of a vessel, as defined in subdivision 3302(11) of this title, that has been registered in another state under a federally-approved numbering system, or that has a valid document issued by the U.S. Coast Guard, ~~the U.S. Bureau of Customs~~ U.S. Customs and Border Protection, or any other federal agency, and that is used in the waters of the State for at least 30 days in any calendar year shall apply annually to the Commissioner of Motor Vehicles for validation of the out-of-state or federal registration of that vessel.

* * *

Sec. 65. 23 V.S.A. § 3801(8) is amended to read:

(8) “Motorboat” means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion, but shall not include a vessel ~~which~~ that has a valid marine document issued by ~~the Bureau of Customs of the United States government~~ U.S. Customs and Border Protection or any federal agency successor thereto.

Sec. 66. 24 V.S.A. § 1891(7) is amended to read:

(7) “Financing” means debt incurred, including principal, interest, and any fees or charges directly related to that debt, or other instruments or borrowing used by a municipality to pay for improvements in a tax increment financing district, only if authorized by the legal voters of the municipality in accordance with section 1894 of this subchapter. Payment for the cost of district improvements may also include direct payment by the municipality

using the district increment. However, such payment is also subject to a vote by the legal voters of the municipality in accordance with section 1894 of this subchapter and, if not included in the tax increment financing plan approved under subsection 1894(d) of this subchapter, is also considered a substantial change and subject to the review process provided by subdivision ~~1901(3)~~ 1901(2)(B) of this subchapter. If interfund loans within the municipality are used as the method of financing, no interest shall be charged.

Sec. 67. 24 V.S.A. § 4362(a) is amended to read:

§ 4362. APPROPRIATIONS

(a) For the purposes outlined in ~~section 4361~~ subdivisions 4345(6) and (12) of this title, regional planning commissions may receive and expend monies from any source, including, ~~without limitation,~~ the participating municipalities and the ~~agency of commerce and community development~~ Agency of Commerce and Community Development, out of funds appropriated to that ~~office~~ Agency for this purpose. Municipalities may appropriate to and expend funds for regional planning commissions for this purpose. Direct financial assistance from the ~~state~~ State to regional planning commissions for the purposes outlined in ~~section 4361~~ subdivisions 4345(6) and (12) of this title is restricted to ~~fifty~~ 50 percent of the annual operating expenses of the commission.

Sec. 68. 24 V.S.A. § 5063a is amended to read:

§ 5063a. COMPLIANCE WITH FEDERAL LAW

* * *

(k) Consent. An individual who is not a vested member of the System and who has not yet reached the later of normal retirement age or age 62 must consent to any withdrawal of his or her assets of greater than \$1,000.00. For individuals who are not vested members of the System and who have reached the later of normal retirement age or age 62, amounts greater than \$1,000.00 may be paid out without the individual's consent. In all cases, amounts of \$1,000.00 or less may be paid out without the individual's consent.

(l) Rules. The Board may adopt rules to ensure that this chapter complies with federal law requirements.

* * *

Sec. 69. 31 V.S.A. § 605 is redesignated to read:

§ 605. ~~RULES AND REGULATIONS~~

Sec. 70. 31 V.S.A. § 614(a) is amended to read:

§ 614. PENALTY

(a) Any person, association, or corporation holding, conducting, or simulcasting a pari-mutuel horse race or aiding or abetting same, without a license from the Commission, shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both. Any person, association, or

corporation violating any rules ~~or regulations~~ of the Commission shall be fined not more than \$500.00 or imprisoned not more than six months, or both.

Sec. 71. 31 V.S.A. § 674 is amended to read:

§ 674. PROCEDURES AND CONDITIONS GOVERNING THE TRI-
STATE LOTTERY—ARTICLE II

* * *

Q. Immunity and limitation of liability. The Vermont Board of Liquor and Lottery shall be immune from:

* * *

Sec. 72. 32 V.S.A. § 309(e) is amended to read:

(e) Report duration. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to any report to be made under this section.

Sec. 73. 32 V.S.A. § 312(b) is amended to read:

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

shall also be available to assist with this tax expenditure report. The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not apply to the report to be made under this subsection. The report shall include, for each tax expenditure, the following information:

* * *

Sec. 74. 32 V.S.A. § 642 is amended to read:

§ 642. CIVIL INVESTIGATIVE DEMANDS

(a) In general.

* * *

(2) Service authority. The Attorney General may delegate the authority to issue civil investigative demands under this subsection. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General, the Deputy Attorney General, or an Assistant Attorney General shall cause to be served, in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and shall notify the person to whom such demand is issued of the date on which such copy was served. Any information obtained by the Attorney General or a designee of the Attorney General under this section may be shared with any qui tam relator if the Attorney General or designee determines it is necessary as part of any false claims act investigation.

* * *

Sec. 75. 32 V.S.A. § 1052(b) is amended to read:

(b) During any session of the General Assembly, each member is entitled to receive expenses as follows:

* * *

(3) Absences. If a member is absent for reasons other than sickness or legislative business for one or more entire days while the House in which the member sits is in session, the member shall notify the Legislative Council staff of that absence, and expenses received shall not include the amount which the legislator specifies was not incurred during the period of that absence.

(4) Intent. It is the intent of the General Assembly that only a member who is away from home and remains in Montpelier or the vicinity on the night preceding or following the day in which that member's chamber met shall receive reimbursement for expenses as provided in subdivision (1) of this subsection.

* * *

Sec. 76. 32 V.S.A. § 3201 is amended to read:

§ 3201. ADMINISTRATION OF TAXES

(a) Commissioner authority. In the administration of taxes, the Commissioner may:

* * *

Sec. 77. 32 V.S.A. § 5404a is amended to read:

§ 5404a. TAX STABILIZATION AGREEMENTS; TAX INCREMENT
FINANCING DISTRICTS

(a) ~~Tax agreements and exemptions affecting the education property tax grand list.~~ A tax agreement or exemption shall affect the education property tax grand list of the municipality in which the property subject to the agreement is located if the agreement or exemption is:

* * *

(h) ~~Criteria for approval.~~ To approve utilization of incremental revenues pursuant to subsection (f) of this section, the Vermont Economic Progress Council shall do all the following:

* * *

(j) ~~Tax increment financing district rulemaking, oversight, and enforcement.~~

(1) Authority to adopt rules. The Vermont Economic Progress Council is hereby granted authority to adopt rules in accordance with 3 V.S.A. chapter 25 for the purpose of providing clarification and detail for administering the provisions of 24 V.S.A. chapter 53, subchapter 5 and the tax increment financing district provisions of this section. A single rule shall be adopted for all tax increment financing districts that will provide further clarification for statutory construction and include a process whereby a municipality may

distribute excess increment to the Education Fund as allowed under 24 V.S.A. § 1900. From the date the rules are adopted, the municipalities with districts in existence prior to 2006 are required to abide by the governing rule and any other provisions of the law in force; provided, however, that the rule shall indicate which specific provisions are not applicable to those districts in existence prior to January 2006.

* * *

Sec. 78. 32 V.S.A. § 5409(3) is amended to read:

(3) In any case of administration under subdivision (2) of this section by the Commissioner of Taxes of education property tax:

(A) Sections 3202, 3203, 5868, ~~5869, 5873, 5875, 5881~~ 5882–5887, and 5891–5895 of this title, as amended, shall apply in the same manner as to income tax.

* * *

Sec. 79. 32 V.S.A. § 5844 is amended to read:

§ 5844. LIABILITY; PENALTY; TRUST FOR THE STATE

(a) Withholding requirement. Any person who fails to withhold the required tax or to pay it to the Commissioner as required under this subchapter shall be personally and individually liable for the amount of such tax; and if the person is a corporation or other entity, the personal liability shall extend and be applicable to any officer or agent of the corporation or entity who as an

officer or agent of the same is under a duty to withhold the tax and transmit it to the Commissioner as required in this chapter.

(b) Held in trust for State. Any sum or sums withheld in accordance with this subchapter shall be deemed to be held by the person in trust for the State of Vermont. Such sums shall be recorded by such person in a ledger account so as clearly to indicate the amount of tax withheld, and that the same are the property of the State of Vermont.

(c)(1) Failure to file; failure to withhold; failure to remit. Any employer, including any corporate officer or agent, who knowingly fails to file a return, fails to withhold a tax, or fails to remit a tax required under this subchapter shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(2) Failure to file; failure to withhold; failure to remit; over \$500.00. Any employer, including any corporate officer or agent, who with intent to evade a tax liability fails to file a return, fails to withhold a tax, or fails to remit a tax required under this subchapter shall, if the amount of tax withheld or required to be withheld exceeds \$500.00 in a single calendar year, be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(3) False or fraudulent return. Any employer, including any corporate officer or agent, who knowingly makes, signs, verifies, or files with the

Commissioner a false or fraudulent tax return shall be imprisoned not more than one year or fined not more than \$1,000.00, or both. Any employer, including any corporate officer or agent, who with intent to evade a tax liability makes, signs, verifies, or files with the Commissioner a false or fraudulent return, if the amount of tax withheld or required to be withheld exceeds \$500.00, shall be imprisoned not more than three years or fined not more than \$10,000.00, or both.

(4) ~~Lien~~ Lien. In addition, an unpaid tax shall constitute a lien in favor of the State of Vermont as provided in this chapter.

(d) Withholding liability. Any amount required to be deducted and withheld, and to be paid over to the Commissioner, by a person under this subchapter shall be considered to be a tax liability of the person for purposes of this chapter. The person shall be subject, with respect to that tax liability, to the provisions of this chapter including, without limitation, the provisions governing returns, fees for late filing of returns, interest and penalties for nonpayment of tax liabilities, liens, levies, and appeals, except as those provisions conflict with the express provisions of this subchapter. Any report required under subsection 5842(c) of this title or regulations issued under that section shall be considered to be a return for the purposes of this chapter.

Sec. 80. 32 V.S.A. § 5895(c) is amended to read:

(c) The lien provided for by this section may be foreclosed at any time after the tax liability with respect to which the lien arose becomes collectible under section 5886 of this title. In the case of real property, the lien may be foreclosed in the manner prescribed in ~~12 V.S.A. §§ 4523 through 4530~~ 12 V.S.A. §§ 4931 through 4954 and in such rules as the Supreme Court may promulgate for the foreclosure of mortgages on real estate. In the case of personal property, the lien may be satisfied in the manner prescribed in 9A V.S.A. Article 9 for the disposition of collateral under a security interest, or in the manner provided by law for the foreclosure of other security interests in personal property.

Sec. 81. 32 V.S.A. § 6066a(f) is amended to read:

(f) ~~Property tax bills.~~

* * *

Sec. 82. 32 V.S.A. § 7477(b) is amended to read:

(b) Upon the failure of a taxpayer to file any return required under this chapter within 15 days ~~of~~ after the date of a notice to the taxpayer under section 7476 of this title, whether or not a petition has been or will be filed under subsection (a) of this section, the Commissioner may compute the tax liability of the taxpayer with respect to which the return was required to be filed, according to the Commissioner's best information and belief. Upon that

computation, the Commissioner shall notify the taxpayer of his or her deficiency with respect to the payment of that tax liability, and may assess any penalty or interest with respect thereto, under ~~section 7485~~ sections 3202 and 3203 of this title.

Sec. 83. 32 V.S.A. § 10401 is amended to read:

§ 10401. DEFINITIONS

As used in this ~~section~~ chapter:

* * *

Sec. 84. INTERPRETATION

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

Sec. 85. EFFECTIVE DATE

This act shall take effect on passage.