

1 H.366

2 Introduced by Representative Copeland Hanzas of Bradford

3 Referred to Committee on

4 Date:

5 Subject: Legislature; Vermont Statutes Annotated; technical corrections

6 Statement of purpose of bill as introduced: This bill proposes to make
7 nonsubstantive, technical amendments to the Vermont Statutes Annotated.

8 An act relating to 2021 technical corrections

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

10 Sec. 1. 2 V.S.A. § 601(c) is amended to read:

11 (c) The Office of Legislative Counsel and the Office of Legislative
12 Operations shall provide legal, professional, and administrative assistance to
13 the Committee.

14 Sec. 2. 2 V.S.A. § 651(e) is amended to read:

15 (e) The Committee shall have the assistance of the Office of Legislative
16 Counsel and the Office of Legislative Operations.

17 Sec. 3. 2 V.S.A. § 637(a) is amended to read:

18 (a) A member of the General Assembly and a session employee of the
19 General Assembly ~~or the Office of Legislative Counsel~~ shall be eligible to
20 participate in any group dental insurance program negotiated in a collective

1 bargaining agreement with State employees. Premiums shall be paid by the
2 legislator or employee at the full actuarial rate with no contributions from the
3 State and shall be deducted from compensation due for services rendered
4 during the legislative session or assessed and paid directly by the legislator or
5 employee.

6 Sec. 4. 3 V.S.A. § 921(a)(2)(A) is amended to read:

7 (A) At least 90 days prior to the expiration of a term or as soon as a
8 vacancy is announced or created, request from both Vermont labor
9 organizations and Vermont employer organizations, over which the Board has
10 jurisdiction for dispute adjudication, and from organizations that train or
11 employ persons to serve in a neutral role in labor management relations a list
12 of nominees for each position that is to be filled. The Review Panel shall issue
13 public notices of vacancies on the Board. An individual may apply for
14 consideration as a nominee for a vacant Board position.

15 Sec. 5. 3 V.S.A. § 962(4) is amended to read:

16 (4) To refuse to bargain collectively with an employer, provided it is the
17 representative of ~~his or her~~ the employer's employees subject to the provisions
18 of subchapter 3 of this chapter.

1 Sec. 6. 7 V.S.A. § 656 is amended to read:

2 § 656. PERSON 16 YEARS OF AGE OR OLDER AND UNDER 21 YEARS
3 OF AGE MISREPRESENTING AGE, PROCURING, POSSESSING,
4 OR CONSUMING ALCOHOLIC BEVERAGES; CIVIL
5 VIOLATION

6 (a) Prohibited conduct; offense.

7 (1) Prohibited conduct. A person 16 years of age or older and under 21
8 years of age shall not:

9 * * *

10 (f)(4) Diversion Program requirements.

11 (1) Upon being contacted by a person who has been issued a notice of
12 violation, the Diversion Program shall register the person in the Youth
13 Substance Abuse Safety Program. Pursuant to the Youth Substance Abuse
14 Safety Program, the Diversion Program shall impose conditions on the person.
15 The conditions imposed shall include only conditions related to the offense and
16 in every case shall include a condition requiring satisfactory completion of
17 substance abuse screening using an evidence-based tool and, if deemed
18 appropriate following the screening, substance abuse assessment and substance
19 abuse education or substance abuse counseling, or both. If the screener
20 recommends substance abuse counseling, the person shall choose a State-

1 certified or State-licensed substance abuse counselor or substance abuse
2 treatment provider to provide the services.

3 * * *

4 Sec. 7. 8 V.S.A. § 4080(b)(5) is amended to read:

5 (5) Definition of “group insurance policy.” As used in this subsection,
6 “group insurance policy” has the same meaning as “group health plan” and
7 shall be subject to the same excepted benefits, in each case, as set forth in 45
8 C.F.R. § 146.145, as in effect as of December 31, 2017.

9 Sec. 8. 9 V.S.A. § 41b(a)(4) is amended to read:

10 (4) “Consumer” has the same meaning as in subsection 2451a~~(a)~~ of this
11 title.

12 Sec. 9. 9 V.S.A. § 42(a) is amended to read:

13 (a) Except for interest as ~~herein and hereinafter~~ provided in this chapter, a
14 lender shall make no charges against a borrower for the use or forbearance of
15 money other than:

16 * * *

17 Sec. 10. 9 V.S.A. § 2286(c) is amended to read:

18 (c) Assets under this section do not include property that has been
19 transferred, concealed, or removed with the intent to hinder, delay, or defraud
20 creditors or that has been transferred in a manner making the transfer ~~voidable~~
21 voidable under this chapter.

1 Sec. 11. 9 V.S.A. § 2355(f)(2) is amended to read:

2 (2) The ~~above~~ items specified in subdivision (1) of this subsection need
3 not be stated in the sequence or order set forth; additional items may be
4 included but only to explain the calculations involved in determining the
5 balance to be paid by the buyer as set forth ~~above~~ in this subsection. No other
6 charges shall be made by the seller.

7 Sec. 12. 9 V.S.A. § 2401 is amended to read:

8 § 2401. DEFINITIONS

9 ~~For the purposes of this chapter only, unless the context otherwise requires~~

10 As used in this chapter:

11 (1) “Goods” means all tangible personal chattels when purchased
12 primarily for personal, family, or household use and not for commercial,
13 industrial, or agricultural use, but not including money, motor vehicles ~~as~~
14 ~~herein defined~~, things in action, or intangible personal property other than
15 merchandise certificates or coupons as ~~herein~~ described in this subdivision.

16 The term includes chattels that are furnished or used at the time of sale or
17 subsequently in the modernization, rehabilitation, repair, alteration,
18 improvement, or construction of real property as to become a part of the real
19 property whether or not it is severable from it. The term also includes
20 merchandise certificates or coupons, issued by a retailer seller, not redeemable
21 in cash, and to be used in their face amount in lieu of cash.

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(6) “Retail installment transaction” or “transaction” means any transaction in which a retail buyer purchases goods or services ~~as defined herein~~ for a price consisting of the cash price and other amounts as limited by this chapter and agrees under a retail installment contract or retail charge agreement ~~as defined herein~~ to pay a part or all of the price in one or more deferred installments. The term shall include every transaction ~~wherein~~ in which the promise or agreement to pay the deferred balance of the price is made by the retail buyer to the retail seller, notwithstanding the existence or occurrence of any one or more of the following events:

* * *

(8) “Retail charge agreement” means an agreement other than a retail installment contract, ~~which~~ that prescribed the terms of retail installment transactions that may be made thereafter from time to time under it, under which the buyer’s total unpaid balance ~~thereunder~~ under the agreement, whenever incurred, is payable in one or more deferred installments and under the terms of which the retail buyer pays a price that includes a charge as limited by section 2406 of this title, which charge is to be computed in relation to the buyer’s unpaid balance from time to time.

* * *

1 Sec. 14. 9 V.S.A. § 2405(g)(2) is amended to read:

2 (2) The ~~above~~ items specified in subdivision (1) of this subsection need
3 not be stated in the sequence or order set forth; additional items may be
4 included, but only to explain the calculations involved in determining the
5 balance to be paid by the buyer as set forth ~~above~~. No other charges shall be
6 made by the seller.

7 Sec. 15. 9 V.S.A. § 2406 is amended to read:

8 § 2406. RETAIL CHARGE AGREEMENTS

9 (a) Each retail charge agreement shall be in writing and signed by the
10 buyer. A copy of any agreement executed on or after January 1, 1964 shall be
11 delivered or mailed to the buyer by the seller before the date on which the first
12 payment is due ~~thereunder~~ under the agreement. Any acknowledgment by the
13 buyer of delivery of a copy of the agreement contained in the body thereof
14 shall be in a size equal to at least 10-point bold face type and shall appear
15 directly above the buyer's signature. No agreement executed on or after
16 January 1, 1964 shall be signed by the buyer when it contains blank spaces to
17 be filled in after it has been signed. The buyer's acknowledgment, conforming
18 to the requirements of this subsection, of delivery of a copy of an agreement
19 shall be presumptive proof in any action or proceeding of the delivery and that
20 the agreement, when signed, did not contain any blank spaces ~~as herein~~
21 provided. All retail charge agreements executed on or after January 1, 1964

1 shall state the maximum amount or rate of any charge referred to in subsection
2 (c) to be charged and paid ~~thereunder~~ under the agreement. Any such
3 agreement shall contain the following notice printed or typed in a size equal to
4 at least 10-point bold type, which shall appear directly above the space
5 provided for the buyer's signature:

6 **“NOTICE TO THE BUYER—DO NOT SIGN THIS AGREEMENT**
7 **IN BLANK. YOU ARE ENTITLED TO A COPY OF THE**
8 **AGREEMENT AT THE TIME YOU SIGN. KEEP IT TO PROTECT**
9 **YOUR LEGAL RIGHTS.”**

10 (b)(1) The seller shall promptly supply the buyer under the retail charge
11 agreement with a statement as of the end of each monthly period, which need
12 not be a calendar month, or other regular period agreed upon in writing by the
13 seller and buyer, in which there is any unpaid balance ~~thereunder~~ under the
14 agreement, which statement shall recite the following:

15 ~~(1)~~(A) the unpaid balance under the retail charge agreement at the
16 beginning and at the end of the period;

17 ~~(2)~~(B) unless otherwise furnished by the seller to the buyer by sales slip,
18 memorandum, or otherwise, a description of the goods or services purchased
19 during the period, the cash price, and the date of each purchase;

20 ~~(3)~~(C) the payments made by the buyer to the seller and other credits to
21 the buyer during the period;

1 ~~(4)~~(D) the amount, if any, of any charge for the period made under
2 subsection (c) of this section; and

3 ~~(5)~~(E) that the buyer may at any time pay ~~his~~ the total balance or any
4 part ~~thereof~~ of the total balance.

5 (2) The ~~above~~ items specified in subdivision (1) of this subsection need
6 not be stated in the sequence or order set forth ~~above~~ in subdivision (1) of this
7 subsection; additional items may be included, but only to explain the
8 computations made in determining the amount to be paid by the buyer.

9 (c) A retail charge agreement may provide for, and the seller or holder may
10 then, notwithstanding the provisions of any other law, charge, collect, and
11 receive, in addition to the cash price, a charge for the privilege of making
12 deferred payments ~~thereunder~~ under the agreement, which charge shall not
13 exceed the rates authorized by subdivision 41a(b)(9) of this title. If the amount
14 of the finance charge otherwise permitted ~~hereunder~~ shall be less than ~~fifty~~ 50
15 cents for any month or longer regular period, ~~fifty~~ 50 cents may nevertheless
16 be charged, received, and collected. In addition, a retail charge agreement may
17 provide for the payment of ~~any attorney's~~ reasonable ~~fee~~ attorney's fees where
18 it is referred for collection to an attorney who is not a salaried employee of the
19 holder of the retail charge agreement or any indebtedness ~~thereunder~~ under the
20 agreement and of court costs and disbursements and also of actual and
21 reasonable out-of-pocket expenses incurred in connection with the collection.

1 Sec. 16. 9 V.S.A. § 2451a is amended to read:

2 § 2451a. DEFINITIONS

3 As used in this chapter:

4 ~~(a)~~(1) “Consumer” means any person who purchases, leases, contracts
5 for, or otherwise agrees to pay consideration for goods or services not for
6 resale in the ordinary course of ~~his or her~~ the person’s trade or business but for
7 ~~his or her~~ the person’s use or benefit or the use or benefit of a member of ~~his or~~
8 ~~her~~ the person’s household, or in connection with the operation of ~~his or her~~
9 the person’s household or a farm whether or not the farm is conducted as a
10 trade or business, or a person who purchases, leases, contracts for, or otherwise
11 agrees to pay consideration for goods or services not for resale in the ordinary
12 course of ~~his or her~~ the person’s trade or business but for the use or benefit of
13 ~~his or her~~ the person’s business or in connection with the operation of ~~his or~~
14 ~~her~~ the person’s business.

15 ~~(b)~~(2) “Goods” or “services” shall include any objects, wares, goods,
16 commodities, work, labor, intangibles, courses of instruction or training,
17 securities, bonds, debentures, stocks, real estate, or other property or services
18 of any kind. The term also includes bottled liquified petroleum (LP or
19 propane) gas.

20 ~~(c)~~(3) “Seller” means a person regularly and principally engaged in a
21 business of selling goods or services to consumers.

1 ~~(4)~~(4) “Home solicitation sale” means the sale or lease, or the offer for
2 sale or lease, of goods or services with a purchase price of \$5.00 or more,
3 whether under single or multiple contracts, where the sale, lease, or offer
4 thereof is either personally solicited or consummated by a seller at the
5 residence or place of business or employment of the consumer, or at a seller’s
6 transient quarters, or solicited or consummated by a seller wholly or in part by
7 telephone with a consumer at the residence or place of business or employment
8 of the consumer. Transient quarters includes hotel or motel rooms, or any
9 other place utilized as a temporary business location. The term “home
10 solicitation sale” does not include a transaction:

11 ~~(1)~~(A) Made pursuant to prior negotiations in the course of a visit by
12 the consumer to a retail business establishment having a fixed permanent
13 location where the goods are exhibited or the services are offered for sale on a
14 continuing basis.

15 ~~(2)~~(B) In which the consumer has initiated the contact and
16 specifically requested the seller to visit ~~his or her~~ the consumer’s home for the
17 purpose of repairing or performing maintenance upon the consumer’s personal
18 property. If, in the course of such a visit, the seller sells the consumer the right
19 to receive additional services or goods other than replacement parts necessarily
20 used in performing the maintenance or in making the repairs, the sale of those
21 additional goods or services would not fall within this exclusion.

1 ~~(3)~~(C) Conducted and consummated entirely by mail and without any
2 other contact between the consumer and the seller prior to delivery of the
3 goods or performance of the services.

4 ~~(4)~~(D) With a purchase price of under \$25.00 where the consumer is
5 not required to sign any contract, receipt, sales ticket, evidence of
6 indebtedness, or other writing, and the goods, services, or merchandise
7 purchased are capable of delivery or performance at one time.

8 ~~(5)~~(E) Pertaining to the sale or rental of real property, to the sale of
9 insurance, to the sale of securities by a broker dealer registered with the
10 Securities and Exchange Commission, or to the sale of commodities by any
11 person registered with the Commodity Futures Trading Commission.

12 ~~(6)~~(F) Where, in the case of goods, the buyer may at any time:

13 ~~(A)~~(i)(I) cancel the order prior to delivery of the goods and receive
14 a full refund for any monies paid;

15 ~~(ii)~~(II) refuse to accept the goods when delivered, without
16 incurring any obligation to pay for them and receive a full refund for any
17 monies paid; or

18 ~~(iii)~~(III) return the goods to the seller and receive a full refund
19 for any monies paid;

20 ~~(B)~~(ii) the buyer's right to cancel the order or return the goods
21 without obligation or charge at any time and receive a full refund for any

1 monies paid is clearly and unmistakably set forth on the face or reverse side of
2 the sales ticket; and

3 ~~(C)~~(iii) the goods or merchandise purchased under an agreement
4 meeting the requirements specified in subdivisions ~~(A)~~(i) and ~~(B)~~(ii) of this
5 subdivision ~~(6)~~(F) are capable of delivery at one time.

6 ~~(7)~~(G) Solicited or consummated wholly or in part by telephone
7 where the seller offers a full refund and right of cancellation for at least ten
8 days after receipt of the goods or services, and a full refund within 30 days of
9 return of the goods or cancellation of the services or under terms no more
10 restrictive than those set forth in subsections 2454(a), (c), and (d) of this title,
11 and the right of refund and cancellation is conspicuously disclosed with the
12 goods or services.

13 ~~(8)~~(H) Solicited or consummated wholly or in part by a federally
14 insured depository institution or its subsidiary, affiliate, or parent
15 organizations, or by a public utility regulated by the Federal Communications
16 Commission or the Vermont Public Utility Commission.

17 ~~(9)~~(I) In response to an order placed by a farmer for farm-related
18 goods or services, whether in person, by telephone, or otherwise, and the
19 farmer has a preexisting open end credit plan with the seller.

20 ~~(e)~~(5) “Business day” means any calendar day except Saturday, Sunday,
21 or any day classified as a holiday under 1 V.S.A. § 371.

1 ~~(f)~~(6) “Purchase price” means the total price paid or to be paid for the
2 consumer goods or services, including all interest and service charges.

3 ~~(g)~~(7) “Lessor” means a person engaged in a business of leasing goods
4 to consumers.

5 ~~(h)~~(8) “Collusion” means an agreement, contract, combination in the
6 form of trusts or otherwise, or conspiracy to engage in price fixing, bid rigging,
7 or market division or allocation of goods or services between or among
8 persons.

9 Sec. 17. 9 V.S.A. § 2453a(c) is amended to read:

10 (c) It is the intent of the General Assembly that in construing this section
11 and ~~subsection 2451a(h)~~ subdivision 2451a(8) of this title, the courts of this
12 State shall be guided by the construction of federal antitrust law and the
13 Sherman Act, as amended, as interpreted by the courts of the United States.

14 Sec. 18. 9 V.S.A. § 2468(b) is amended to read:

15 (b) The manufacturer, through the assistive device lessor or assistive device
16 dealer, shall provide the consumer with a loaner if the assistive device, listed in
17 subdivisions 2467(1)(A) and (B) of this title, has any condition or defect that
18 would substantially impair the device’s use, value, or safety to the consumer
19 and that ~~can not~~ cannot be remedied within one business day.

1 Sec. 19. 9 V.S.A. § 2470bb(a) is amended to read:

2 (a) A third-party discount membership program is a good or service within
3 the meaning of ~~subsection 2451a(b)~~ subdivision 2451a(2) of this chapter.

4 Sec. 20. 9 V.S.A. § 2470jj(a) is amended to read:

5 (a) An add-on discount membership program is a good or service within
6 the meaning of ~~subsection 2451a(b)~~ subdivision 2451a(2) of this title.

7 Sec. 21. 9 V.S.A. § 2480b(e) is amended to read:

8 (e) The Attorney General may revise this required notice by rule as
9 appropriate from time to time ~~so long as,~~ provided no new substantive rights
10 are created ~~therein~~.

11 Sec. 22. 9 V.S.A. § 2480dd(a)(1) is amended to read:

12 (1) the transfer is in the best ~~interest~~ interests of the payee taking into
13 account the welfare and support of the payee's dependents, considering all
14 relevant factors, including:

15 * * *

16 Sec. 23. 9 V.S.A. § 2501(4) is amended to read:

17 (4) "Advertisements and promotions" include all forms of solicitation
18 directed at prospective callers of pay-per-call services, including mailings and
19 advertisements in newspapers, and magazines, and on radio ~~and/or~~ and
20 television.

1 Sec. 24. 9 V.S.A. § 2517 is amended to read:

2 § 2517. CHARITABLE GIFT ANNUITIES

3 (a) Definitions. As used in this section:

4 * * *

5 (b) Limitation. Charitable gift annuities may be issued and maintained
6 only by a qualified charitable organization.

7 * * *

8 Sec. 25. 9 V.S.A. § 2521 is amended to read:

9 § 2521. TRADEMARK DEFINED

10 The term “trademark” as used ~~herein~~ in this subchapter includes any word,
11 name, symbol, or device, or any combination thereof, adopted and used:

12 * * *

13 Sec. 26. 9 V.S.A. § 2532 is amended to read:

14 § 2532. PRIOR RIGHTS

15 Nothing ~~herein~~ in this subchapter shall adversely affect the rights or the
16 enforcement of rights in marks acquired in good faith at any time at common
17 law.

18 Sec. 27. 9 V.S.A. § 2602(a) is amended to read:

19 (a) Appraisal; disclosure. When a mobile home is sold or offered for sale:

20 * * *

1 Sec. 28. 9 V.S.A. § 2744 is amended to read:

2 § 2744. CAPACITY; PLATFORM SIZE; ONE-DRAFT WEIGHING

3 A licensed public weighmaster shall not use any scale to weigh a load the
4 value of which exceeds the nominal or rated capacity of the scale. When the
5 gross or tare weight of any vehicle or combination of vehicles is to be
6 determined, the weighing shall be performed upon a scale having a platform of
7 sufficient size to accommodate such vehicle or combination of vehicles fully,
8 completely, and as one entire unit. If a combination of vehicles must be
9 broken up into separate units in order to be weighed as prescribed ~~herein~~ in this
10 section, each such separate unit shall be entirely disconnected before weighing
11 and a separate weight certificate shall be issued for each such separate unit.

12 Sec. 29. 9 V.S.A. § 2942 is amended to read:

13 § 2942. TAGGING OF BEDDING AND FURNITURE

14 A person shall not manufacture for purposes of sale, sell, or offer or expose
15 for sale, or have in possession with intent to sell any article of bedding or
16 article of upholstered furniture unless there is plainly marked upon each such
17 article or upon a tag sewed ~~thereon~~ on the article, or otherwise securely
18 attached ~~thereto~~ to the article, a statement in the English language, containing
19 no misleading terms or descriptions of the kind of material used for filling in
20 the manufacture of such article, the name of the manufacturer or vendor, and a
21 statement that such article contains all new material, and unless, if any such

1 article is enclosed in a bale, box, crate, or other receptacle, there shall be
2 plainly marked upon such receptacle, or upon a tag securely attached ~~thereto to~~
3 the receptacle, a statement that the contents of the package are marked as
4 ~~herein~~ required in this section. Possession of any article of bedding or article
5 of upholstered furniture not marked as provided ~~herein~~ in this section, by any
6 person engaged in the business of manufacturing, selling, or offering for sale
7 any such article, shall be prima facie evidence that such article is being
8 manufactured or is offered or exposed for sale in violation of the provisions of
9 this section. The tag required by this section shall be at least three inches by
10 four inches in dimensions and made of cloth or with a cloth back, or, in the
11 case of articles of upholstered furniture, of paper or cloth, and shall be
12 permanently pasted or attached to each such article.

13 Sec. 30. 9 V.S.A. § 3042(1) is amended to read:

14 (1) "Consumer" ~~shall have~~ has the same meaning as in ~~subsection~~
15 ~~2451a(a)~~ subdivision 2451a(1) of this title.

16 Sec. 31. 9 V.S.A. § 3381(a) is amended to read:

17 (a) A receptacle containing gasoline or benzol of capacity not more than
18 five gallons, except a motor vehicle, motor boat, gasoline engine, gasoline
19 stove or lamp, shall be painted red and be labeled "gasoline" or "benzol," as
20 the case may be, in letters of a contrasting color and of a height of not less than
21 one-half inch, or shall bear a red label similarly lettered of sufficient size to be

1 conspicuous. A person shall not keep gasoline or benzol in a receptacle not
2 conforming to the ~~above~~ requirements of this section.

3 Sec. 32. 9 V.S.A. § 3862(a) is amended to read:

4 (a) A person shall not carry on the business of pawnbroker unless he or she
5 has obtained a license so to do as ~~hereinafter~~ provided in this section.

6 Sec. 33. 9 V.S.A. § 3866 is amended to read:

7 § 3866. ISSUANCE OF PAWN TICKET; LOST TICKETS

8 At the time of making a loan, a pawnbroker shall deliver to the person
9 pawning or pledging any goods, articles, or things, a memorandum or note
10 signed by him or her, containing the substance of the entry required to be made
11 in his or her book by section 3865 of this title, and a charge shall not be made
12 or received by the pawnbroker for such entry, memorandum, or note. The
13 holder of such memorandum or note shall be presumed to be the person
14 entitled to redeem the pledge, and the pawnbroker shall deliver such article to
15 the person so presenting such memorandum or note on payment of principal
16 and interest. Should such ticket be lost or mislaid, the pawnor shall at once
17 apply to the pawnbroker describing the article pawned, in which case it shall
18 be the duty of the pawnbroker to permit such person to examine his or her
19 books, and, on finding the entry for such ticket, note, or memorandum so lost,
20 the pawnbroker shall issue a second or stop ticket for the same. In case such
21 pawnor neglects so to apply and examine such books and receive such

1 memorandum or note in the manner ~~herein~~ provided in this section, the
2 pawnbroker shall deliver the pledge to any person producing such original
3 ticket for the redemption thereof. This section shall not be so construed as to
4 limit or affect such pawnbroker's common law liability in cases where goods
5 are stolen or other legal defects of title in the pledgor exist.

6 Sec. 34. 9 V.S.A. § 4005a(f) is amended to read:

7 (f) Nothing ~~herein~~ in this section shall be construed to create a lien on real
8 property. The existence of an express trust under this section shall not prohibit
9 the filing or enforcement of a lien against the affected real property pursuant to
10 chapter 51 of this title by any claimant. A priority lien of a secured lender
11 shall not be subordinate to an express trust.

12 Sec. 35. 9 V.S.A. § 4041(1) is amended to read:

13 (1) ~~As used herein, the term "person" shall include~~ "Person" includes a
14 natural person, a firm, an association, and a corporation, and any officer,
15 employee, or agent thereof.

16 Sec. 36. 9 V.S.A. § 4089 is amended to read:

17 § 4089. TERMINATION; CANCELLATION OR NONRENEWAL

18 (a) Notwithstanding the terms, provisions, or conditions of any franchise or
19 notwithstanding the terms or provisions of any waiver, no manufacturer shall
20 cancel, terminate, or fail to renew any franchise with a licensed new motor
21 vehicle dealer unless ~~the manufacturer has~~:

1 (1) the manufacturer:

2 (A) has satisfied the notice requirement of section 4090 of this title;

3 ~~(2)~~(B) has good cause for cancellation, termination, or nonrenewal; and

4 ~~(3)~~(C) has acted in good faith as defined in this chapter; and

5 ~~(4)~~(2)(A) ~~The~~ the Transportation Board finds after a hearing that the

6 manufacturer has acted in good faith and there is good cause for cancellation,

7 termination, failure to renew, or refusal to continue any franchise relationship-

8 ~~The~~, consistent with the following:

9 (i) the new motor vehicle dealer may file a protest with the Board
10 within 45 days after receiving the 90-day notice.~~—A;~~

11 (ii) a copy of the protest shall be served by the new motor vehicle
12 dealer on the manufacturer.~~—When;~~

13 (iii) when a protest is filed to challenge the cancellation,
14 termination, or nonrenewal of a franchise agreement under this section, such
15 franchise agreement shall remain in full force and effect, and such franchisee
16 shall retain all rights and remedies pursuant to the terms and conditions of such
17 franchise agreement, including the right to sell or transfer such franchisee's
18 ownership interest until a final determination by the Board and any appeal; ~~or~~

19 (B) ~~The~~ the manufacturer, distributor, or branch or division thereof
20 has received the written consent of the new motor vehicle dealer; or

21 (C) ~~The~~ the appropriate period for filing a protest has expired.

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(c) Notwithstanding the terms, provisions, or conditions of any agreement or franchise or the terms or provisions of any waiver, good cause shall exist for the purposes of a termination, cancellation, or nonrenewal when:

(1) there is a failure by the new motor vehicle dealer to comply with a provision of the franchise which provision is both reasonable and of material significance to the franchise relationship, provided that compliance on the part of the new motor vehicle dealer is reasonably possible; or if the failure by the new motor vehicle dealer to comply with a provision of the franchise is pursuant to a notice issued under subdivision ~~4090(a)(3)~~ 4090(a)(2)(A) of this title; and the manufacturer, distributor, or branch or division thereof first acquired actual or constructive knowledge of such failure not more than 180 days prior to the date on which notification is given pursuant to section 4090 of this title;

* * *

Sec. 37. 9 V.S.A. § 4090(a) is amended to read:

(a) Notwithstanding the terms, provisions, or conditions of any franchise prior to the termination, cancellation, or nonrenewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation, or nonrenewal to the new motor vehicle dealer as follows:

(1) in the manner described in subsection (b) of this section; and

1 (2) not less than 90 days prior to the effective date of such termination,
2 cancellation, or nonrenewal; ~~or~~ except as follows:

3 ~~(3)~~(A) not less than 15 days prior to the effective date of such
4 termination, cancellation, or nonrenewal that occurs as a result of:

5 ~~(A)~~(i) insolvency of the new motor vehicle dealer, or filing of any
6 petition by or against the new motor vehicle dealer under any bankruptcy or
7 receivership law;

8 ~~(B)~~(ii) failure of the new motor vehicle dealer to conduct its
9 customary sales and service operations during its customary business hours for
10 seven consecutive business days, except for acts of God or circumstances
11 beyond the direct control of the new motor vehicle dealer;

12 ~~(C)~~(iii) conviction of the new motor vehicle dealer, or any owner or
13 operator thereof, of any crime that is punishable by imprisonment; or

14 ~~(D)~~(iv) revocation of any license that the new motor vehicle dealer is
15 required to have to operate a dealership;

16 ~~(4)~~(B) not less than 180 days prior to the effective date of such
17 termination, cancellation, or nonrenewal that occurs as a result of:

18 ~~(A)~~(i) any change in ownership, operation, or control of all or any
19 part of the business of the manufacturer, whether by sale or transfer of assets,
20 corporate stock, or other equity interest, assignment, merger, consolidation,
21 combination, joint venture, redemption, operation of law, or otherwise;

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* * *

Sec. 39. 9 V.S.A. § 4092(b) is amended to read:

(b) If the termination, cancellation, or nonrenewal is pursuant to subdivision ~~4090(a)(4)~~ 4090(a)(2)(B) of this title, then, with respect to such facilities as were required as a condition of the franchise and used to conduct sales and service operations related to the franchise product, the manufacturer or distributor shall, in addition to the relief described in subsection (a) of this section:

* * *

Sec. 40. 9 V.S.A. § 4108 is amended to read:

§ 4108. VOID AGREEMENT PROVISIONS

Any of the following provisions in an agreement or lease, if one is included, whether oral or written, between a supplier and dealer, shall be void as against public policy, except as otherwise provided herein in this chapter:

* * *

Sec. 41. 9 V.S.A. § 4181(b) is amended to read:

(b) ~~Affirmative defense.~~ A person who demonstrates both of the following shall not be subject to liability or a penalty for a violation of this section:

* * *

1 Sec. 42. 9 V.S.A. § 4467 is amended to read:

2 § 4467. TERMINATION OF TENANCY; NOTICE

3 * * *

4 (f) Termination date. In all cases, the termination date shall be specifically
5 stated in the notice.

6 (g) Conversion to condominium. If the building is being converted to
7 condominiums, notice shall be given in accordance with 27 V.S.A. chapter 15,
8 subchapter 2.

9 (h) Termination of shared occupancy. A rental arrangement whereby a
10 person rents to another individual one or more rooms in his or her personal
11 residence that includes the shared use of any of the common living spaces,
12 such as the living room, kitchen, or bathroom, may be terminated by either
13 party by providing actual notice to the other of the date the rental agreement
14 shall terminate, which shall be at least 15 days after the date of actual notice if
15 the rent is payable monthly and at least seven days after the date of actual
16 notice if the rent is payable weekly.

17 * * *

18 (j) Payment after termination; effect.

19 (1) A landlord's acceptance of full or partial rent payment by or on
20 behalf of a tenant after the termination of the tenancy for reasons other than
21 nonpayment of rent or at any time during the ejectment action shall not result

1 in the dismissal of an ejectment action or constitute a waiver of the landlord's
2 remedies to proceed with an eviction action based on any of the following:

3 * * *

4 (k) Commencement of ejectment action. A notice to terminate a tenancy
5 shall be insufficient to support a judgment of eviction unless the proceeding is
6 commenced ~~no~~ not later than 60 days from the termination date set forth in the
7 notice.

8 Sec. 43. 9 V.S.A. § 4500(a) is amended to read:

9 (a) The provisions of this chapter establishing legal standards, duties, and
10 requirements with respect to persons with disabilities in places of public
11 accommodation as defined ~~herein~~ in this chapter, except those provisions
12 relating to remedies, are intended to implement and to be construed so as to be
13 consistent with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.
14 and ~~rules adopted thereunder~~ regulations promulgated under that act, and are
15 not intended to impose additional or higher standards, duties, or requirements
16 than that act.

17 Sec. 44. 9 V.S.A. § 4506(e) is amended to read:

18 (e) ~~Retaliation prohibited.~~ A person shall not coerce, threaten, interfere, or
19 otherwise discriminate against any individual who:

20 (1) ~~who~~ has opposed any act or practice that is prohibited under section
21 4502 or 4503 of this title;

1 (2) ~~who~~ has lodged a complaint or has testified, assisted, or participated
2 in any manner with the Human Rights Commission in an investigation of acts
3 or practices prohibited by this chapter;

4 (3) ~~who~~ is known by the person to be about to lodge a complaint, testify,
5 assist, or participate in any manner in an investigation of acts or practices
6 prohibited by this chapter;

7 (4) ~~who~~ is exercising or enjoying a right granted or protected by this
8 chapter; or

9 (5) ~~who~~ is believed by the person to have acted as described in
10 subdivisions (1) through (4) of this subsection.

11 Sec. 45. 10 V.S.A. § 280ee(c)(1) is amended to read:

12 (c)(~~1~~) Requirements.

13 (1) The Authority shall make loans for start-up and expansion that
14 enable the Internet service providers to expand broadband availability in
15 unserved and underserved locations.

16 Sec. 46. 10 V.S.A. § 591(a)(9)(C) is amended to read:

17 (C) one member to represent ~~the~~ municipal governments;

18 Sec. 47. 10 V.S.A. § 591(c) is amended to read:

19 (c) ~~Subcommittees.~~ The Council shall create the subcommittees listed in
20 this subsection and may also create other subcommittees to advise the Council,
21 assist in preparing the Plan, and carry out other duties. The Council may

1 appoint members of the Council to serve as members of subcommittees and
2 may also appoint individuals who are not members of the Council to serve as
3 members of subcommittees.

4 * * *

5 Sec. 48. 10 V.S.A. § 1935(c) is amended to read:

6 (c) Violations. Each violation may be a separate and distinct offense and in
7 the case of a continuing violation, each day's continuance ~~thereof~~ of the
8 violation may be deemed a separate and distinct offense.

9 Sec. 49. 10 V.S.A. § 6244(b)(3) is amended to read:

10 (3) nonpayment of utility or other charges that the leaseholder was
11 required to pay directly to the park owner or to a utility; or

12 Sec. 50. 10 V.S.A. § 6603c(c)(2)(C) is amended to read:

13 (C) Any project that does not meet the criterion of subdivision (2)(A)
14 or (B) of this subsection (c) must be included in an approved solid waste
15 implementation plan and is subject to the following priority list in descending
16 order:

17 * * *

18 Sec. 51. 16 V.S.A. § 166 is amended to read:

19 § 166. APPROVED AND RECOGNIZED INDEPENDENT SCHOOLS

20 * * *

1 Sec. 55. 16 V.S.A. § 253(b) is amended to read:

2 (b) The Secretary, a superintendent, or a headmaster may disclose criminal
3 records and criminal record information received under this subchapter to a
4 qualified entity upon request, provided that the qualified entity has signed a
5 user agreement and received authorization from the subject of the record
6 request. As used in this section, “qualified entity” means an individual,
7 organization, or governmental body doing business in Vermont that has one or
8 more individuals performing services for it within the State and that provides
9 care or services to children, persons who are elders, or persons with disabilities
10 as defined in ~~42 U.S.C. § 5119e~~ 34 U.S.C. § 40104.

11 Sec. 56. 16 V.S.A. § 267(b) is amended to read:

12 (b) The supervisory union may provide any authorized or required services
13 by contract with any person, partnership, corporation, or school district within
14 or outside the supervisory union or with other supervisory unions. The
15 supervisory union may also provide such services to any independent school in
16 the supervisory union area on such terms as the supervisory union board deems
17 proper. Contracts shall be approved by the board and signed by the chair or
18 the chair’s designee. A contract may be for a term not to exceed four years
19 renewable for successive four-year periods.

1 Sec. 57. 16 V.S.A. § 563(1) is amended to read:

2 (1) Shall determine the educational policies of the school district. Board
3 policies shall be of general application to the district, and shall be in writing,
4 codified, and made available to the public. Board policies shall be adopted at
5 regular or special school board meetings. A school board shall give public
6 notice of its intent to adopt a board policy, stating the substance of the
7 proposed policy, at least ten days prior to its adoption. A school board may
8 also approve or disapprove rules and regulations proposed by the principal or
9 superintendent for the conduct and management of public schools in the
10 district.

11 Sec. 58. 16 V.S.A. § 825(a)(5) is amended to read:

12 (5) expenditures for special education; and

13 Sec. 59. 16 V.S.A. § 1055(a)(1) is amended to read:

14 (1) written permission from the student's parent or guardian containing
15 a release of the school from all legal responsibility for the student while
16 engaged in the periodic released time program; and

17 Sec. 60. 16 V.S.A. § 1261a(1) is amended to read:

18 (1) "Food programs" means provision of food to persons under
19 programs meeting standards for assistance under the National School Lunch
20 Act, 42 U.S.C. § 1751 et seq., and in the Child Nutrition Act, ~~42 U.S.C. § 1779~~
21 42 U.S.C. § 1771 et seq., each as amended.

1 Sec. 61. 16 V.S.A. § 1577(1) is amended to read:

2 (1) To determine the educational policies of the career technical center.
3 Policies shall be of general application to the center; and shall be in writing,
4 codified, and made available to the public. Board policies shall be adopted at
5 regular or special meetings. A board shall give public notice of its intent to
6 adopt a board policy, stating the substance of the proposed policy, at least ten
7 days prior to its adoption. A board may also approve or disapprove rules and
8 regulations proposed by the director for the conduct and management of the
9 center.

10 Sec. 62. 16 V.S.A. § 1693(a) is amended to read:

11 (a) Board creation. There is hereby established the Vermont Standards
12 Board for Professional Educators comprising 13 members as follows: seven
13 teachers; two administrators, one of whom shall be a school superintendent;
14 one public member; one school board member; one representative of educator
15 preparation programs from a public institution of higher education; and one
16 representative of educator preparation programs from a private institution of
17 higher education.

18 Sec. 63. 16 V.S.A. § 1946b(d)(4) is amended to read:

19 (4) withdrawal of the member's contributions without the consent of the
20 member and the alternate payee; or

1 Sec. 64. 16 V.S.A. § 2868 is amended to read:

2 § 2868. NOTES, BONDS, AND OTHER OBLIGATIONS

3 * * *

4 (e) Pledges. Any pledge made by the Corporation shall be valid and
5 binding from the time when the pledge is made; the revenues, monies, or
6 property so pledged and thereafter received by the Corporation shall
7 immediately be subject to the lien of the pledge without any physical delivery
8 of it or further act. That pledge shall be valid and binding as against all parties
9 having claims of any kind in tort, contract, or otherwise against the
10 Corporation, irrespective of whether those parties have notice of it.

11 * * *

12 (g) ~~Any~~ Fully negotiable instruments. Notwithstanding any provision of
13 law to the contrary notwithstanding, a bond, note, or other obligation issued
14 under this chapter is fully negotiable for all purposes of 9A V.S.A. § 1-101 et
15 seq., and each holder or owner of such, or of any coupon appurtenant to them,
16 by accepting the bond or note or other obligation or coupon shall be
17 conclusively deemed to have agreed that such instrument is fully negotiable for
18 those purposes, and all bonds, notes, or other obligations and interest coupons
19 appertaining to them issued by the Corporation shall have and are hereby
20 declared to have all the qualities and incidents of investment securities under
21 9A V.S.A. § 1-101 et seq., but no provision of those sections respecting the

1 filing of a financing statement to perfect a security interest shall be applicable
2 to any pledge made or security interest created in connection with the issuance
3 of the bonds, notes, other obligations, or coupons.

4 (h) No impairment by the State. The State does hereby pledge to and agree
5 with the holders of the notes, bonds, and other obligations issued under this
6 chapter that the State will not limit or restrict the rights hereby vested in the
7 Corporation to perform its obligations and to fulfill the terms of any agreement
8 made with the holders of its bonds or notes or other obligations. Neither will
9 the State in any way impair the rights and remedies of the holders until the
10 notes and bonds and other obligations, together with interest on them, and
11 interest on any unpaid installments of interest, are fully met, paid, and
12 discharged. The Corporation is authorized to execute this pledge and
13 agreement of the State in any agreement with the holders of the notes or bonds
14 or other obligations.

15 (i) No liability of the State. Notes, bonds, or other obligations issued under
16 the provisions of this chapter shall not be deemed to constitute a debt or
17 liability or obligation of the State of Vermont or of any political subdivision of
18 it, nor shall it be deemed to constitute a pledge of the faith and credit of the
19 State or of any political subdivision, but shall be payable solely from the
20 revenues or assets of the Corporation pledged to support them. Each
21 obligation issued by the Corporation shall contain on its face a statement to the

1 effect that the Corporation shall not be obligated to pay the same nor the
2 interest on it except from the revenues or assets pledged for those purposes and
3 that neither the faith and credit nor the taxing power of the State of Vermont or
4 of any political subdivision of it is pledged to the payment of the principal of
5 or the interest on these obligations.

6 (j) Legal investment. Notwithstanding any ~~other~~ provision of law to the
7 contrary, the State and all public officers, governmental units, and agencies of
8 the State; all banks, trust companies, savings banks and institutions, building
9 and loan associations, savings and loan associations, investment companies,
10 and other persons carrying on a banking business; all insurance companies,
11 insurance associations, and other persons carrying on an insurance business; all
12 credit unions; and all executors, administrators, guardians, trustees, and other
13 fiduciaries may legally invest any sinking funds, monies, or other funds
14 belonging to them or within their control in any bonds or notes or other
15 obligations issued under this chapter, and the bonds or notes or other
16 obligations are authorized security for any and all public deposits.

17 (k) Role of the Corporation. The Corporation is designated as the
18 guarantor, servicer, and secondary loan market for all educational loans in this
19 State.

20 (l) 8 V.S.A. chapter 73 inapplicable. Notwithstanding any general or
21 special law to the contrary, the provisions of 8 V.S.A. chapter 73 (licensed

1 lenders, mortgage brokers, mortgage loan originators, sales finance companies,
2 and loan solicitation companies) shall not apply to the Corporation or to any
3 loan made, purchased, or guaranteed pursuant to this chapter.

4 * * *

5 Sec. 65. 16 V.S.A. § 3448f(f)(1)(D) is amended to read:

6 (D) provides detailed information concerning the amount and
7 schedule of payments to be made under the terms of the performance contract;
8 and

9 Sec. 66. 16 V.S.A. § 3453a is amended to read:

10 § 3453a. EMERGENCY OPERATION CENTERS AND SHELTERS

11 Any school building that may be designated as a local, regional, or State
12 emergency operation center or shelter shall be designed for use as an
13 emergency operations center or shelter. For this purpose, the proposed project
14 shall include the installation of a wiring harness capable of being connected to
15 emergency electric power generation to provide for emergency heating,
16 lighting, and communications. The wiring installation cost to upgrade
17 emergency facilities shall be included in the budgets submitted to the
18 ~~Legislature~~ General Assembly for capital funding pursuant to 32 V.S.A. § 309.
19 The State shall pay 100 percent of such costs, which shall at the Agency level
20 be itemized and accounted for separately from those costs in which the State

1 only shares in the project cost. The State shall not pay for the costs of
2 purchasing the generator.

3 Sec. 67. 16 V.S.A. § 3682 is amended to read:

4 § 3682. CONTENTS OF COMPLAINT; PARTY DEFENDANT; NOTICE

5 ~~Such~~ A complaint brought in accordance with section 3681 of this title shall
6 set forth the situation of such corporation or association within the provisions
7 of that section 3681 ~~of this title~~ and shall describe particularly the fund
8 involved and shall pray for relief under the provisions of this subchapter. The
9 Attorney General shall be cited as party defendant. Public notice shall be
10 given by publication of the substance of the complaint and the time and place
11 to which the complaint is returnable, pursuant to the provisions of 1 V.S.A. §
12 174 and ~~12 V.S.A. § 4319~~ V.R.C.P. 4(g).

13 Sec. 68. 16 V.S.A. § 3852(a) is amended to read:

14 (a) A board of 13 members known as the Vermont Educational and Health
15 Buildings Financing Agency is created. It is a body corporate and politic
16 constituting a public instrumentality of the State. The State Treasurer or his or
17 her designee; and the Secretaries of Education, of Human Services, and of
18 Administration shall be members ex officio. The Governor, with the advice
19 and consent of the Senate, shall appoint seven members for six-year terms.
20 The members appointed by the Governor shall appoint two additional members
21 whose term of office shall be two years.

1 Sec. 69. 16 V.S.A. § 3854(c)(8) is amended to read:

2 (8) providing for disposition of the facility after liabilities of the Agency
3 incurred for the facility have been met and the bonds or notes of the Agency
4 issued therefor or secured by the revenues thereof have been paid or otherwise
5 satisfied; and

6 Sec. 70. 16 V.S.A. § 4014(a) is amended to read:

7 (a) ~~Grants.~~ The Secretary may grant funds for voluntary early education
8 programs. The funds may be used for personnel costs, training of parents and
9 staff, materials and educational equipment, and other costs related to early
10 education programs.

11 Sec. 71. 16 V.S.A. § 4028(d) is amended to read:

12 (d) ~~Notwithstanding 2 V.S.A. § 502(b)(2), the~~ The Joint Fiscal Office shall
13 prepare a fiscal note for any legislation that requires a supervisory union or
14 school district to perform any action with an associated cost, but does not
15 provide money or a funding mechanism for fulfilling that obligation. Any
16 fiscal note prepared under this subsection shall be completed ~~no~~ not later than
17 the date that the legislation is considered for a vote in the first committee to
18 which it is referred.

19 Sec. 72. 18 V.S.A. § 4230(d) is amended to read:

20 (d) Cannabis-infused products. Only the portion of a cannabis-infused
21 product that is attributable to cannabis shall count toward the possession limits

1 of this section. The weight of cannabis that is attributable to cannabis-infused
2 products shall be determined according to methods set forth in rule by the
3 Department of Public Safety in accordance with chapter 86 of this title
4 (therapeutic use of cannabis).

5 Sec. 73. 18 V.S.A. § 4230(a)(2)(A) is amended to read:

6 (2)(A) A person shall not consume cannabis in a public place. ~~“Public~~
7 As used in this section, “public place” has the same meaning as provided by 7
8 V.S.A. § 831.

9 Sec. 74. 18 V.S.A. § 9491(b)(1) is amended to read:

10 (b)(1) ~~In maintaining the strategic plan, the~~ The Director or designee shall
11 consult with an advisory group composed of the following 11 members, at
12 least one of whom shall be a nurse, to develop and maintain the strategic plan:

13 * * *

14 Sec. 75. 19 V.S.A. § 5(c) is amended to read:

15 (c) The Board may delegate the responsibility to hear quasi-judicial
16 matters, and other matters as it may deem appropriate, to a hearing examiner or
17 a single Board member, to hear a case and make findings in accordance with
18 3 V.S.A. chapter 25, except that highway condemnation proceedings shall be
19 conducted pursuant to the provisions of chapter 5 of this title. A hearing
20 examiner or single Board member so appointed shall report ~~his or her~~ the
21 findings of fact in writing to the Board. Any order resulting ~~therefrom~~ from

1 those findings shall be rendered only by a majority of the Board. Final orders
2 of the Board issued pursuant to section 20 of this title may be reviewed on the
3 record by a Superior Court pursuant to Rule 74 of the Vermont Rules of Civil
4 Procedure. All other final orders of the Board may be reviewed on the record
5 by the Supreme Court.

6 Sec. 76. 19 V.S.A. § 7(e)(4) is amended to read:

7 (4) whenever the Agency is developing preliminary plans for a new or
8 replacement maintenance facility or salt shed, first conduct a review of all
9 previously developed building plans and give priority to utilizing a common,
10 uniform, and preexisting design.

11 Sec. 77. 19 V.S.A. § 10 is amended to read:

12 § 10. DUTIES

13 The Agency shall, except where otherwise specifically provided by law:

14 (1) Award contracts on terms as it deems to be in the best ~~interest~~
15 interests of the State; for the construction, repair, or maintenance of
16 transportation related facilities; for the use of any machinery or equipment
17 either with or without operators or drivers; for the operation, repair,
18 maintenance, or storage of any State-owned machinery or equipment; for
19 professional engineering services, inspection of work or materials, diving
20 services, mapping services, photographic services, including aerial
21 photography or surveys, and any other services, with or without equipment, in

1 connection with the planning, construction, and maintenance of transportation
2 facilities. Persons rendering these services shall not be within the classified
3 service, and the services shall not entitle the provider to rights under any State
4 retirement system. Notwithstanding 3 V.S.A. chapter 13, the Agency may
5 contract for services also provided by ~~persons~~ individuals in the classified
6 service, either at present or at some time in the past. The solicitation and
7 award of contracts by the Agency shall follow procurement standards approved
8 by the Secretary of Administration as well as applicable federal laws and
9 regulations.

10 (2) Control and direct the use and expenditures of all ~~moneys~~ monies
11 appropriated by the State for transportation purposes; and prepare and use a
12 budget for these expenditures.

13 (3) Exercise general supervision of all transportation functions, have the
14 right to direct traffic on all State highways ~~which~~ that are under construction
15 and maintenance, and may close all or any part of a State highway ~~which~~ that
16 is under construction or repair. The Agency shall maintain detours comprising
17 State or town highways, or both, around planned closures of State highways in
18 excess of 72 hours. If the Agency maintains a detour on a town highway, it
19 shall be responsible for repairing any damage to the town highway caused by
20 the detoured traffic.

21 * * *

1 (9) Require any contractor or contractors employed in any project of the
2 Agency for construction of a transportation improvement to file an additional
3 surety bond to the Secretary and ~~his or her~~ the Secretary's successor in office,
4 for the benefit of labor, materialmen, and others, executed by a surety company
5 authorized to transact business in this State, in such sum as the Agency shall
6 direct, conditioned for the payment, settlement, liquidation, and discharge of
7 the claims of all creditors for material, merchandise, labor, rent, hire of
8 vehicles, power shovels, rollers, concrete mixers, tools, and other appliances,
9 professional services, premiums, and other services used or employed in
10 carrying out the terms of the contract between the contractor and the State of
11 ~~Vermont~~ and further conditioned for the payment of taxes both State and
12 municipal, and contributions to the Vermont Commissioner of Labor, accruing
13 during the term of performance of the contract. However, in order to obtain
14 the benefit of the security, the claimant shall file with the Secretary a sworn
15 statement of ~~his or her~~ the claimant's claim, within 90 days after the final
16 acceptance of the project by the State of ~~Vermont~~ or within 90 days from the
17 time the taxes or contributions to the Vermont Commissioner of Labor are due
18 and payable, and, within one year after the filing of the claim, shall bring a
19 petition in the Superior Court in the name of the Secretary, with notice and
20 summons to the principal, surety, and the Secretary, to enforce the claim or
21 intervene in a petition already filed. The Secretary ~~at his or her discretion as to~~

1 may, if the Secretary determines that it is in the best interest interests of the
2 State, ~~may~~ accept other good and sufficient surety in lieu of a bond.

3 * * *

4 Sec. 78. 19 V.S.A. § 10a is amended to read:

5 § 10a. PROCUREMENT OF ENGINEERING AND DESIGN SERVICES
6 THROUGH COMPETITIVE NEGOTIATION

7 (a) For purposes of this section, “competitive negotiation” means a method
8 of procurement ~~whereby~~ where proposals are requested from a number of
9 sources; and either a fixed-price or cost-reimbursable type contract is awarded,
10 as appropriate.

11 (b) Contracts for program management, construction management,
12 feasibility studies, preliminary engineering, design engineering, surveying,
13 mapping or architectural related services with respect to projects subject to the
14 provisions of section 111(a) of the Surface Transportation and Uniform
15 Relocation Assistance Act of 1987, Pub. L. No. 100-17, as may be amended,
16 ~~(including amendments thereto)~~ may be awarded by competitive negotiation.

17 * * *

18 Sec. 79. 19 V.S.A. § 10f(a) is amended to read:

19 (a) It shall be the ~~state's~~ State's policy to make maximum use of available
20 federal funds for the support of public transportation. State operating support
21 funds shall be included in ~~agency~~ Agency operating budgets to the extent that

1 funds are available. It shall be the ~~state's~~ State's policy to support the
2 maintenance of existing public transportation services, to ~~assure~~ ensure the
3 rapid replacement of any unplanned decrease in service, and to support the
4 creation of new service that is accessible and affordable to those who use these
5 services.

6 Sec. 80. 19 V.S.A. § 10k is amended to read:

7 § 10k. STATEMENT OF POLICY; ASSET MANAGEMENT; SALE OF
8 STATE PROPERTY

9 (a) The ~~agency~~ Agency shall develop an asset management plan ~~which that~~
10 is a systematic goal- and performance-driven management and decision-
11 making process of operating, maintaining, and upgrading transportation assets
12 cost-effectively. At a minimum, the asset management system shall:

13 (1) identify transportation system indicators by which the different
14 components of the transportation system may be evaluated;

15 (2) list all of the infrastructure assets and their condition, including, ~~but~~
16 ~~not limited to,~~ pavements, structures, and facilities;

17 (3) include deterioration rates for infrastructure assets; and

18 (4) determine, long-term, the annual funds necessary to fund
19 infrastructure maintenance at the recommended performance level.

20 (b) The ~~agency~~ Agency shall not negotiate nor offer for sale any ~~state~~ State
21 property for less than fair market value without the prior approval of the

1 ~~general assembly~~ General Assembly, if in session, and, if not in session, the
2 ~~joint fiscal committee~~ Joint Fiscal Committee. The ~~agency~~ Agency may sell or
3 lease land to municipalities for less than fair market value when and for so
4 long as the land is to be used by the municipality for transportation purposes.

5 Sec. 81. 19 V.S.A. § 11d is amended to read:

6 § 11d. FUNDS FOR REHABILITATION OF HISTORIC BRIDGES

7 (a) Notwithstanding 32 V.S.A. § 706(1) and (2), the ~~agency of~~
8 ~~transportation~~ Agency of Transportation may transfer funds to the ~~division for~~
9 ~~historic preservation~~ Division for Historic Preservation in the ~~agency of~~
10 ~~commerce and community development~~ Agency of Commerce and
11 Community Development to be used for the following purposes:

12 (1) Repairing, rehabilitating, restoring, and maintaining historic bridges.
13 To the maximum extent feasible, bridges shall be made available to the public
14 for transportation and recreational uses, including ~~but not limited to~~ bicycle
15 paths, hiking trails, snowmobile trails, fishing access, picnic areas, or rest
16 stops.

17 (2) Grants to municipalities, nonprofit corporations, ~~state~~ State agencies,
18 or other responsible parties for the repair and maintenance of historic bridges.

19 (3) Funding for planning and engineering studies for the preservation of
20 historic bridges.

21 (4) Moving, storing, or otherwise preserving historic bridges.

1 (b) Funds transferred may include, ~~but are not limited to,~~ appropriations
2 from the ~~transportation fund~~ Transportation Fund, federal funds made available
3 to mitigate the adverse effects of new construction on historic bridges, and
4 ~~moneys~~ monies from other public or private sources.

5 (c) Transfer of funds under this section shall constitute acceptance by the
6 ~~division for historic preservation~~ Division for Historic Preservation that funds
7 transferred will be used solely for the preservation of historic bridges as
8 outlined in subsection (a) of this section. Transfers, however, may be
9 conditioned upon use for one or more specific purposes identified by
10 subsection (a) of this section.

11 Sec. 82. 19 V.S.A. § 12b is amended to read:

12 § 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

13 (a) There is created a Joint Transportation Oversight Committee composed
14 of the Chairs of the House and Senate Committees on Appropriations, the
15 House and Senate Committees on Transportation, the House Committee on
16 Ways and Means, and the Senate Committee on Finance. The Committee shall
17 be chaired alternately by the Chairs of the House and Senate Committees on
18 Transportation, and the two-year term shall run concurrently with the biennial
19 session of the ~~Legislature~~ General Assembly. The Chair of the Senate
20 Committee on Transportation shall chair the Committee during the 2009–2010
21 legislative session.

1 Sec. 83. 19 V.S.A. § 15a is amended to read:

2 § 15a. BORDER CROSSINGS; COOPERATION WITH FEDERAL
3 GOVERNMENT

4 (a) Notwithstanding any other provision of this title but pursuant to the
5 provisions of subsection (b) of this section, the ~~agency~~ Agency (in the case of
6 ~~state~~ State highways) and municipalities (in the case of town highways) are
7 authorized to cooperate with federal projects to modernize border crossings
8 between the United States and Canada by relinquishing to the federal
9 government those portions of ~~state~~ State or town highways approaching the
10 border that may be required by the federal government for its border crossing
11 projects, ~~pursuant to the provisions of subsection (b) of this section.~~

12 (b) In connection with the relinquishments authorized in subsection (a) of
13 this section, the ~~agency~~ Agency and municipalities are authorized to execute
14 agreements with the federal government, including a conveyance of an interest
15 in real property, easements, leases, and other instruments necessary to ~~assure~~
16 ensure that federal requirements are met. The federal government shall be
17 responsible for maintenance of those ~~state~~ State and town highways
18 relinquished under this section.

1 Sec. 84. 19 V.S.A. § 19 is amended to read:

2 § 19. SMALL BUSINESS ENTERPRISES

3 It is declared to be in the best ~~interest~~ interests of the ~~state of Vermont~~ State
4 and the general welfare of ~~the people of the state of Vermont~~ Vermonters to
5 encourage and develop the actual and potential capacity of small business
6 enterprises, and to use this important segment of the ~~state's~~ State's economy to
7 the fullest practicable extent in the construction of ~~state~~ State highways,
8 including federal aid and interstate highway systems. In order to carry out this
9 intent and encourage full and free competition, the ~~Vermont agency of~~
10 ~~transportation should~~ Agency of Transportation shall cooperate with small
11 business enterprises in connection with the ~~state~~ State highway construction
12 program. Nothing contained in this section shall be considered or construed as
13 meaning more than a legislative declaration of intent and policy. The decisions
14 and actions of the ~~agency~~ Agency shall not be subject to judicial challenge.

15 Sec. 85. 19 V.S.A. § 26a(d) is amended to read:

16 (d) Nothing in this section shall be construed to impair any contractual
17 rights existing on ~~the effective date of this section~~ June 9, 2007. The State
18 shall have no authority under this section to waive any sums due to a railroad.
19 The State shall also not offer any grants or waivers of charges for any new
20 broadband installations in segments of rail corridor where an operating railroad
21 has installed or allowed installation of fiber optic facilities prior to ~~the effective~~

1 ~~date of 2007 Acts and Resolves No. 79 June 9, 2007~~ unless the State offers
2 equivalent terms and conditions to the owner or owners of existing fiber optic
3 facilities.

4 Sec. 86. 19 V.S.A. § 30 is amended to read:

5 § 30. ISSUE OF NOTES FOR STATE HIGHWAY CONSTRUCTION

6 The ~~state treasurer~~ State Treasurer, with the approval of the ~~governor~~
7 Governor, may borrow money upon notes of the ~~state~~ State in anticipation of
8 the proceeds of transportation bonds ~~which~~ that have been or subsequently are
9 authorized by the ~~general assembly~~ General Assembly or in anticipation of the
10 proceeds of federal funds made available to Vermont for purposes of
11 construction of transportation facilities, when the construction has been
12 previously authorized by the ~~legislature~~ General Assembly and provision made
13 for the ~~state's~~ State's portion of the cost. The notes shall be issued on terms
14 and at times as ~~they~~ the State Treasurer and Governor may determine. Not
15 more than \$5,000,000.00 principal amount of the notes shall be outstanding at
16 any one time and each note shall mature not later than one year from its date,
17 provided that notes issued for a shorter period may be refunded from time to
18 time by the issue of other notes maturing within the required period. Any
19 purchaser of notes issued under this section may rely on this section as the
20 authorization for the notes and need not examine the availability or amount of

1 the bond authorizations or federal funds being anticipated. This authority is in
2 addition to and not in limitation of any other authority.

3 Sec. 87. 19 V.S.A. § 33(h) is amended to read:

4 (h) ~~Damages~~. A property owner aggrieved by a survey may seek damages
5 for the loss of property or for the loss of an interest in property.

6 Sec. 88. 19 V.S.A. § 306(i) is amended to read:

7 (i) Municipal Mitigation Assistance Program. The Agency shall administer
8 the Municipal Mitigation Assistance Program. Through the Program, the
9 Agency shall provide assistance and grants to municipalities for environmental
10 mitigation projects related to stormwater and highways and for the
11 establishment and operation of stormwater utilities. Municipalities shall match
12 grants with local funds sufficient to cover 20 percent of the project costs,
13 except that the Agency may issue grants for the establishment or operation of
14 stormwater utilities without requiring a local match. From the operating
15 expenses appropriated for the Program, the Agency is authorized to pay costs
16 billed to the Agency by municipal stormwater utilities.

17 Sec. 89. 19 V.S.A. § 306a(b) is amended to read:

18 (b) The provisions of this section shall not affect any legislative body's
19 jurisdiction over class 1 town highways or any municipality's responsibility for
20 general maintenance of class 1 town highways, including, ~~but not limited to,~~

1 spot patching, traffic control devices, curbs, sidewalks, drainage, and snow
2 removal.

3 Sec. 90. 19 V.S.A. § 501 is amended to read:

4 § 501. DEFINITIONS

5 ~~The following words and phrases as used in this chapter shall have the~~
6 ~~following meanings~~ As used in this chapter:

7 * * *

8 Sec. 91. 19 V.S.A. § 502 is amended to read:

9 § 502. AUTHORITY; PRECONDEMNATION HEARING

10 (a) Authority. The Agency, when in its judgment the interests of the State
11 require, may take any property necessary to lay out, relocate, alter, construct,
12 reconstruct, maintain, repair, widen, grade, or improve any State highway,
13 including affected portions of town highways. In furtherance of these
14 purposes, the Agency may enter upon lands to conduct necessary examinations
15 and surveys; however, the Agency shall do this work with minimum damage to
16 the land and disturbance to the owners and shall be subject to liability for
17 actual damages. All property taken permanently shall be taken in fee simple
18 whenever practicable. The Agency's acquisition of property pursuant to this
19 chapter, whether by condemnation or conveyance in lieu of condemnation,
20 shall not require subdivision approval under any law, regulation, or municipal
21 ordinance. For all State highway projects involving property acquisitions, the

1 Agency shall follow the provisions of the Uniform Relocation Assistance and
2 Real Property ~~Acquisitions~~ Acquisition Policies Act (~~Act~~) and its
3 implementing regulations, as may be amended.

4 (b) Limited access highway facilities. The Agency, in the construction and
5 maintenance of limited access highway facilities, may also take any land or
6 rights of the landowner in land under 9 V.S.A. chapter 93, subchapter 2,
7 relating to advertising on limited access highways.

8 * * *

9 (d) Land used for school purposes. The Agency shall not take land or any
10 right in land that is owned by a town or union school district and being used
11 for school purposes until the voters of the district have voted on the issue of
12 taking at a meeting called for that purpose. A special meeting of the town or
13 union school district shall be called promptly upon receiving notice of a public
14 hearing unless the annual meeting is to be held within 30 days after receiving
15 the notice of public hearing. Due consideration shall be given by the court to
16 the result of the vote, in addition to the other factors referred to in section 501
17 of this title, in determining necessity.

18 (e) Future planning. In the interests of orderly and effective future
19 planning, the Agency may acquire land and rights in land to be used for
20 highway purposes within the reasonably foreseeable future, including future
21 construction of four-lane highways on routes presently designed for

1 construction of two lanes, and the construction of interchanges, bridges, and all
2 other improvements to existing highways or highways presently scheduled for
3 construction. In the case of the laying out of highways on a new location,
4 “reasonably foreseeable future” means projects on which construction is to be
5 commenced in a period not exceeding 15 years from the date of acquisition. In
6 the event the Agency determines that the land is no longer necessary for use as
7 a highway, it shall immediately sell the property at public sale to private
8 persons, giving consideration to the adjoining landowners.

9 Sec. 92. 19 V.S.A. § 504(a)(4) is amended to read:

10 (4) A survey of the proposed project, and legal descriptions of the
11 property and of the interests ~~therein~~ in the property proposed to be taken. As
12 used in this subdivision, “survey” means a plan, profile, or cross section of the
13 proposed project. The survey and legal descriptions served upon the property
14 owner only need to include the particular property or properties at issue.

15 Sec. 93. 19 V.S.A. § 511(a)(3) is amended to read:

16 (3) A property owner may file a petition, complaint, or motion under
17 subdivision (1) or (2) of this subsection ~~no~~ not later than 90 days after the date
18 of the notice of taking required under subsection 506(b) of this chapter.

1 Sec. 94. 19 V.S.A. § 516 is amended to read:

2 § 516. RELOCATION

3 A municipal corporation affected by a relocation ~~as above provided~~ under
4 this chapter may appear and be heard at any proceedings in connection with the
5 relocation. If, after the hearing, the court determines that the relocation of a
6 highway is necessary for the convenience of individuals or of the ~~state~~ State,
7 the court shall, by its order, determine under what conditions the ~~agency of~~
8 ~~transportation~~ Agency of Transportation shall relinquish control to the town of
9 that portion of the ~~state~~ State highway system affected by the relocation.

10 When the ~~agency of transportation~~ Agency has complied with the conditions, it
11 shall certify and record this information in the clerk's office of the town in
12 which the highway lies and thereafter the maintenance and control of the
13 portions of the highway relinquished shall be vested in the town where located.

14 Sec. 95. 19 V.S.A. § 519 is amended to read:

15 § 519. CONDOMINIUMS; COMMON AREAS AND FACILITIES

16 (a) ~~For purposes of~~ As used in this section, ~~the terms~~ "apartment owner,"
17 "association of owners," "common areas and facilities," and "declaration" ~~shall~~
18 have the same meanings as in the Condominium Ownership Act, 27 V.S.A.
19 ~~chapter 15~~ § 1302.

20 (b) Notwithstanding any other provision of law, whenever the Agency
21 ~~under this chapter~~ proposes under this chapter to acquire any common areas

1 and facilities of a condominium, the association of owners shall constitute the
2 interested person or persons interested in lands in lieu of the individual
3 apartment owners for purposes of the necessity hearing, the compensation
4 hearing, and any appeals ~~therefrom~~ from the necessity hearing or compensation
5 hearing.

6 * * *

7 Sec. 96. 19 V.S.A. § 701 is amended to read:

8 § 701. DEFINITIONS

9 As used in this chapter:

10 * * *

11 Sec. 97. 19 V.S.A. § 794 is amended to read:

12 § 794. HIGHWAY NEAR BUT NOT ON LINE BETWEEN TOWNS

13 (a) When the public good or the convenience of the inhabitants requires a
14 highway to be laid out, reclassified, or altered so that it shall be near the line
15 between two towns instead of on the town line, on account of the position of
16 the land or nature of the soil over which it is laid, and, when both towns are
17 benefited in a similar manner as though the highway were on the line, the
18 highway may be laid out, reclassified, or altered by the ~~selectmen~~ selectboard
19 or the ~~superior court~~ Superior Court, on the report of commissioners. The
20 damages and expenses of making and repairing the highway may be

1 apporportioned and the same proceedings shall be followed as provided in case of
2 laying out, reclassifying, and altering highways on the line between two towns.

3 (b) When the ~~selectmen~~ selectboard of the towns are petitioned as provided
4 in this chapter and do not lay out, alter, or reclassify or discontinue a highway
5 on or near a line between two towns, ~~persons~~ individuals who are either voters
6 or landowners, and whose number is at least five percent of the voters, of the
7 towns may apply to the ~~superior court~~ Superior Court. The court shall inquire
8 and render judgment using the same proceedings as in the case of a highway
9 extending into or through two or more towns. The court may inquire of and
10 receive recommendations from a commissioner or commissioners, but the
11 court shall issue the order. The court shall direct in its order which part of the
12 highway each town shall make, or repair, or reclassify, and what damages shall
13 be paid by each, if a highway is made or altered.

14 Sec. 98. 19 V.S.A. § 819 is amended to read:

15 § 819. OTHER INVESTIGATION

16 The applicant town should also consult with such other agencies or
17 departments of ~~state~~ State government, including ~~but not limited to the agency~~
18 ~~of commerce and community development~~ Agency of Commerce and
19 Community Development, the ~~health department~~ Department of Health, and
20 the ~~department of forests, parks and recreation~~ Department of Forests, Parks
21 and Recreation as may be necessary to furnish the ~~general assembly~~ General

1 Assembly with complete information as to the effect of the proposed highway
2 and the development of the facilities upon the community and the ~~state~~ State.
3 Whenever a town informs one of those departments or agencies that it has
4 applied for funds under this subchapter, and needs assistance to develop the
5 information needed to support the advisability of constructing the highway,
6 that department or agency promptly shall investigate the proposal and provide
7 a complete report to the town. Upon request, a copy shall be provided to the
8 ~~general assembly~~ General Assembly.

9 Sec. 99. 19 V.S.A. § 901(2) is amended to read:

10 (2) A person, other than the abutting landowner or municipality, shall
11 not cut, trim, remove, or otherwise damage any grasses, shrubs, vines, or trees
12 growing within the limits of a town highway without first ~~having obtained~~
13 obtaining the consent of the legislative body.

14 Sec. 100. 19 V.S.A. § 906 is amended to read:

15 § 906. PENALTIES

16 A person who ~~wilfully~~ willfully drives over or parks or otherwise impedes
17 normal use on a sidewalk or footpath, except where it is necessary to cross the
18 sidewalk for the purpose of entering private grounds, shall be fined not more
19 than \$25.00 nor less than \$5.00.

1 Sec. 101. 19 V.S.A. § 978 is amended to read:

2 § 978. LIABILITY OF AGENT

3 An agent appointed under the provisions of this chapter who ~~wilfully~~
4 willfully or negligently fails to spend the money paid to ~~him or her~~ the agent,
5 or to make return to the commissioners or the court of the amount of money
6 not spent by ~~him or her~~ the agent in making or repairing the highway or bridge,
7 as provided in this chapter, shall be liable to the town in which the highway or
8 bridge is situated in a civil action, for all money paid to ~~him or her~~ the agent
9 and not spent as provided in this chapter.

10 Sec. 102. 19 V.S.A. § 1108(a) is amended to read:

11 (a) A person who wantonly or ~~wilfully~~ willfully injures a highway, or a
12 bridge, or any of their components by destroying or removing planks, posts,
13 timber, stones, or asphalt surface, or by digging pits for gravel, clay, or for any
14 other purpose, shall forfeit to the town or ~~state~~ State, to be expended in
15 repairing highways, not more than \$100.00 plus actual costs of repairing
16 damage to be recovered in a civil action in the name of the town or ~~state~~ State,
17 with costs.

18 Sec. 103. 19 V.S.A. § 1111(c) is amended to read:

19 (c)(~~1~~) Installing pipes and wires in highway.

20 (1) It shall be unlawful to dig up or excavate a trench in a public
21 highway for the purpose of installing pipes or wires without a written permit

1 from the Agency in the case of State highways and the selectboard for town
2 highways. The permit shall include any conditions imposed by the issuing
3 party. All inspection of excavation and backfilling shall be done under the
4 supervision of an agent of either the town or State as the case may be. Failure
5 of any person, corporation, or municipality to perform the work or to restore
6 the highways in a satisfactory and timely manner to the Agency or the town
7 may result in either the Agency or the town completing the work at the
8 expense of the permit holder; provided, however, the Agency or town shall
9 give timely notice to the permit holder of any defects, and the permit holder,
10 upon receipt of notice, shall have a reasonable time in which to repair the
11 defects. The Agency or the selectboard may recover reasonable expenses
12 incurred in this manner in a civil action in the name of the State or town with
13 costs.

14 * * *

15 Sec. 104. 19 V.S.A. § 1111(e) is amended to read:

16 (e) Project inspectors; highway access plan. The Agency may assign an
17 inspector to the project during construction at the applicant's expense. Any
18 application to the Agency for a drive or access permit by reason of any
19 development subject to the provisions of this section shall include a proposed
20 highway access plan for the entire tract of land. The Agency shall impose
21 reasonable conditions to reduce the number of accesses that will be required

1 for the tract of land. These conditions may include one or more of the
2 following: a required setback of any construction or improvements from the
3 highway to permit the construction of frontage road or roads; acceleration and
4 deceleration lanes; ~~and/or~~ or other areas for off-highway control and
5 management of vehicles, and may require reimbursement for any costs to the
6 State for the installation of traffic control devices or road improvements
7 reasonably required because of the development, and may permit or require
8 integration of the access and on-site traffic control facilities and connection of
9 frontage roads between contiguous tracts of land as development is occurring
10 or may occur along the highway.

11 Sec. 105. 19 V.S.A. § 1511 is amended to read:

12 § 1511. TOWN APPROVAL OF PROJECTS ON THE STATE HIGHWAY
13 SYSTEM

14 (a) If a planned highway project is located completely within one town or
15 is located in more than one town and in the event the voters of one of the towns
16 at an annual or special meeting ~~which~~ that has been warned, vote against that
17 project within one year after the corridor ~~and/or~~ or corridor design hearing, or
18 both, the project shall be suspended by the ~~transportation agency~~ Agency of
19 Transportation and the facts related to the project with appropriate
20 recommendations shall be reported to the ~~board~~ Transportation Board for its
21 review. The ~~board~~ Board shall make its report with recommendations to the

1 ~~legislature~~ General Assembly, which shall order either completion or
2 discontinuance of the project.

3 (b) The provisions of subsection (a) of this section do not apply to any
4 project ~~which~~ that:

5 (1) has been the subject of a corridor or corridor/design hearing prior to
6 May 1, 1982; or

7 (2) was specifically designated for one or more of the following:
8 preliminary design; right-of-way acquisition; ~~and/or~~ or construction by the
9 ~~legislature~~ General Assembly prior to May 1, 1982.

10 Sec. 106. 19 V.S.A. § 1602 is amended to read:

11 § 1602. DEFINITIONS

12 ~~The following words and phrases as used in this chapter shall have the~~
13 ~~following meanings~~ As used in this chapter:

14 * * *

15 Sec. 107. 19 V.S.A. § 1604 is amended to read:

16 § 1604. APPLICABILITY

17 (a) Eligibility for reimbursement of utility relocation costs incurred for
18 highway projects that advance to the construction phase after ~~the effective date~~
19 ~~of this act~~ April 25, 1995 shall be determined in accordance with the standards
20 provided in this chapter.

1 (b) The reimbursement provisions of this chapter only apply to “utilities,”
2 as defined in section 1602 of this title.

3 (c) Unless the context clearly indicates otherwise, this chapter shall be
4 applied in conjunction with regulations of the ~~United States~~ U.S. Department
5 of Transportation, Federal Highway Administration, 23 C.F.R. Part 645-
6 Utilities, as ~~from time to time~~ may be amended.

7 Sec. 108. 19 V.S.A. § 2101 is amended to read:

8 § 2101. DEFINITIONS

9 As used in this chapter, ~~the following words and terms shall have the~~
10 ~~following meanings~~ unless the context ~~shall~~ clearly ~~indicate~~ indicates another
11 meaning or different intent:

12 * * *

13 Sec. 109. 19 V.S.A. § 2601 is amended to read:

14 § 2601. DEFINITIONS

15 As used in this chapter, unless the context otherwise indicates, ~~the following~~
16 ~~terms have the following meanings:~~

17 (1) “Best value” means the highest overall value to the ~~state~~ State,
18 considering quality and cost.

19 (2) “Design-build contracting” means a method of project delivery
20 ~~whereby~~ where a single entity is contractually responsible to perform design,
21 construction, and related services.

1 adequate to deal with such disasters or emergencies; to provide for the
2 common defense ~~and~~; to protect the public peace, health, and safety; and to
3 preserve the lives and property of the people of the ~~state~~ State it is ~~hereby~~
4 found and declared to be necessary:

5 (1) ~~To~~ to create a ~~state~~ State emergency management agency, and to
6 authorize the creation of local and regional organizations for emergency
7 management;

8 (2) ~~To~~ to confer upon the ~~governor~~ Governor and upon the executive
9 heads or legislative branches of the towns and cities of the ~~state~~ State the
10 emergency powers provided ~~herein~~ pursuant to this chapter;

11 (3) ~~To~~ to provide for the rendering of mutual aid among the towns and
12 cities of the ~~state~~ State, ~~and~~; with other states and Canada, and with the federal
13 government with respect to the carrying out of emergency management
14 functions; and

15 (4) ~~To~~ to authorize the establishment of ~~such~~ organizations and the
16 taking of ~~such~~ steps as ~~are~~ necessary and appropriate to carry out the
17 provisions of this chapter.

18 (b) It is further declared to be the purpose of this chapter and the policy of
19 the ~~state~~ State that all emergency management functions of this ~~state~~ State be
20 coordinated to the maximum extent with the comparable functions of the
21 federal government including its various departments and agencies, of other

1 states and localities, and of private agencies of every type, to the end that the
2 most effective preparation and use may be made of the nation's resources and
3 facilities for dealing with any emergencies resulting from all-hazards.

4 Sec. 112. 20 V.S.A. § 2 is amended to read:

5 § 2. DEFINITIONS

6 As used in this chapter:

7 * * *

8 (2) "Commissioner" means the ~~commissioner of public safety~~
9 Commissioner of Public Safety.

10 (3) "Director" means the ~~director~~ Director of Vermont ~~division of~~
11 ~~emergency management~~ Division of Emergency Management.

12 (4) "Emergency functions" include services provided by the ~~department~~
13 ~~of public safety~~ Department of Public Safety, firefighting services, police
14 services, sheriff's department services, medical and health services, rescue,
15 engineering, emergency warning services, communications, evacuation of
16 persons, emergency welfare services, protection of critical infrastructure,
17 emergency transportation, temporary restoration of public utility services,
18 other functions related to civilian protection and all other activities necessary
19 or incidental to the preparation for and carrying out of these functions.

20 * * *

1 prevent, minimize, or repair injury and damage resulting from or caused by
2 enemy attack, sabotage, or other hostile action.

3 * * *

4 Sec. 113. 20 V.S.A. § 6 is amended to read:

5 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT

6 (a) Each town and city of this ~~state~~ State is ~~hereby~~ authorized and directed
7 to establish a local organization for emergency management in accordance
8 with the ~~state~~ State emergency management plan and program. Except in a
9 town that has a town manager in accordance with 24 V.S.A. chapter 37 ~~of Title~~
10 24, the executive officer or legislative branch of the town or city is authorized
11 to appoint a town or city emergency management director who shall have
12 direct responsibility for the organization, administration, and coordination of
13 the local organization for emergency management, subject to the direction and
14 control of the executive officer or legislative branch. If the town or city that
15 has not adopted the town manager form of government and the executive
16 officer or legislative branch of the town or city has not appointed an
17 emergency management director, the executive officer or legislative branch
18 shall be the town or city emergency management director. The town or city
19 emergency management director may appoint an emergency management
20 coordinator and other staff as necessary to accomplish the purposes of this
21 chapter.

1 (b) Except as provided in subsection (d) of this section, each local
2 organization for emergency management shall perform emergency
3 management functions within the territorial limits of the town or city within
4 which it is organized; and, in addition, shall conduct such functions outside of
5 the territorial limits as may be required pursuant to the provisions of this
6 chapter and in accord with ~~such regulations as~~ rules adopted by the governor
7 ~~may prescribe~~ Governor.

8 * * *

9 (d) Each local organization shall annually notify the local emergency
10 planning committee on forms provided by the ~~state emergency response~~
11 ~~commission~~ State Emergency Response Commission of its capacity to perform
12 emergency functions in response to an all-hazards incident. Each local
13 organization shall perform the emergency functions indicated on the most
14 recently submitted form in response to an all-hazards incident.

15 Sec. 114. 20 V.S.A. § 7 is amended to read:

16 § 7. MOBILE SUPPORT UNITS

17 (a) Organization. The ~~commissioner~~ Commissioner is authorized to create
18 and establish ~~such number of~~ mobile support units as ~~may be~~ necessary to
19 reinforce emergency management organizations in stricken areas and with due
20 consideration of the plans of the federal government, the government of
21 Canada, and other states. A mobile support unit shall be subject to call to duty

1 and shall perform these functions in this ~~state~~ State, in Canada, or in other
2 states in accord with its charter and ~~regulations prescribed~~ rules adopted by the
3 ~~governor~~ Governor and with the terms of this chapter.

4 (b) Personnel; powers and immunities, compensation.

5 (1) Personnel of mobile support units while engaged in emergency
6 management, whether within or ~~without~~ outside the ~~state~~ State, shall:

7 (A) if they are employees of the ~~state~~ State, have the powers, duties,
8 rights, privileges, and immunities and receive the compensation incidental to
9 their employment;

10 (B) if they are employees of a political subdivision of the ~~state~~ State,
11 have the powers, duties, rights, privileges, and immunities and receive the
12 compensation incidental to their employment; and

13 (C) if they are not employees of the ~~state~~ State, or a political
14 subdivision ~~thereof~~ of the State, be entitled to appropriate compensation as
15 fixed by the ~~commissioner or designee~~ Commissioner with the approval of the
16 ~~governor~~ Governor, and to the same rights and immunities as are provided by
17 law for the employees of this ~~state~~ State.

18 (2) All personnel of mobile support units, while engaged in emergency
19 management, shall be subject to the operational control of the authority in
20 charge of emergency management activities in the area in which they are

1 serving; and shall be reimbursed for all actual and necessary travel and
2 subsistence expenses.

3 (c) Reimbursement of municipalities. The ~~state~~ State shall reimburse a
4 political subdivision of the ~~state~~ State for the compensation paid and actual and
5 necessary travel, subsistence, and maintenance expenses of employees of ~~such~~
6 the political subdivision of the ~~state~~ State while serving as members of a
7 mobile support unit, ~~and~~; for all payments of death, disability, or injury of ~~such~~
8 the employees incurred in the course of such duty; ~~and~~ for all losses of or
9 damage to supplies and equipment of ~~such~~ the political subdivision of the ~~state~~
10 State resulting from the operation of ~~such~~ the mobile support unit.

11 (d) Aid from other states. Whenever a mobile support unit of another state
12 ~~shall render~~ provides aid in this ~~state~~ State pursuant to the orders of the
13 governor of its home state and upon the request of the ~~governor of this state~~
14 Governor, this ~~state~~ State shall reimburse ~~such~~ the other state for the
15 compensation paid and actual and necessary travel, subsistence, and
16 maintenance expenses of the personnel of ~~such~~ the mobile support unit while
17 ~~rendering such~~ providing the aid, and for all payments for death, disability, or
18 injury of ~~such~~ the unit's personnel incurred in the course of ~~rendering such~~
19 providing the aid, and for all losses of or damage to supplies and equipment of
20 ~~such~~ the other state or a political subdivision ~~thereof~~ that state resulting from
21 the ~~rendering~~ provision of ~~such~~ aid: provided, that the laws of ~~such~~ the other

1 state contain provisions substantially similar to this section or that substantially
2 similar provisions ~~to the foregoing effect are embodied~~ contained in a
3 reciprocal mutual-aid agreement or compact or that the federal government has
4 authorized or agreed to make reimbursements for ~~such~~ the mutual aid ~~as above~~
5 ~~provided~~ on a basis that is substantially similar to the requirements of this
6 section.

7 (e) Aid to other states. No personnel of mobile support units of this ~~state~~
8 State shall be ordered by the ~~governor~~ Governor to operate in any other state
9 unless the laws of ~~such~~ the other state contain provisions substantially similar
10 to this section or unless the reciprocal mutual aid agreements or compacts
11 include provisions providing for such reimbursements or unless ~~such~~ the
12 reimbursements will be made by the federal government by law or agreement.

13 Sec. 115. 20 V.S.A. § 8 is amended to read:

14 § 8. GENERAL POWERS OF GOVERNOR

15 (a) The ~~governor~~ Governor shall have general direction and control of the
16 emergency management agency and shall be responsible for ~~the~~ carrying out ~~of~~
17 the provisions of this chapter.

18 (b) In performing the duties under this chapter, the ~~governor~~ Governor is
19 further authorized and empowered:

1 (1) Orders, and rules ~~and regulations~~. To make, amend and rescind the
2 necessary orders, and rules ~~and regulations~~ to carry out the provisions of this
3 chapter with due consideration of the plans of the federal government.

4 (2) Plans.

5 (A) To prepare a comprehensive plan and program for the emergency
6 management of this ~~state, such plan and program~~ State to be integrated into
7 and coordinated with the emergency management plans of the federal
8 government, the Canadian government, and other states to the fullest possible
9 extent; ~~and~~.

10 (B) To coordinate the preparation of plans and programs for
11 emergency management with public safety districts, local emergency planning
12 committees, regional planning commissions, and by the municipalities of this
13 ~~state, such~~ State. ~~The~~ plans ~~to~~ shall be integrated into and coordinated with
14 the emergency management plans and program of this ~~state~~ State to the fullest
15 possible extent.

16 (3) Inventories, training, mobilization. In accordance with ~~such~~ the plan
17 and program for the emergency management of the ~~state~~ State:

18 (A) to ascertain the requirements of the ~~state~~ State or the
19 municipalities for food or clothing or other necessities of life in any all-hazards
20 event and to plan for and procure supplies, medicines, materials, and
21 equipment for the purposes set forth in this chapter;

1 (B) to make surveys of the industries, resources, and facilities within
2 the ~~state~~ State as ~~are~~ necessary to carry out the purposes of this chapter,
3 provided that no inventory or record of privately owned firearms shall be made
4 under ~~authority of this or any other provision~~ the provisions of this chapter;
5 and

6 (C) to institute training programs and public information programs,
7 and to take all other preparatory steps, including the partial or full mobilization
8 of emergency management organizations in advance of actual disaster, to
9 ensure the furnishing of adequately trained and equipped forces of emergency
10 management personnel in time of need.

11 (4) Cooperation with the president and others.

12 (A) To cooperate with the president and the heads of the ~~armed~~
13 ~~forces~~ U.S. Armed Forces, and the ~~homeland security agency of the United~~
14 ~~States~~ U.S. Department of Homeland Security, and with the officers and
15 agencies of other states in matters pertaining to the emergency management of
16 the ~~state~~ State and nation;

17 (B) ~~to~~ To take any measures ~~not inconsistent with the constitution of~~
18 ~~this state, which,~~ consistent with the Vermont Constitution, that the governor
19 ~~may deem~~ Governor deems proper to ~~carry into effect~~ implement any request
20 for the president and the appropriate federal officers and agencies, for any
21 action looking to emergency management, including the direction or control of

1 mobilization of emergency management and homeland security forces, tests
2 and exercises, warnings and signals for drills or emergencies, shutting off
3 water mains, gas mains, electric power connections and the suspension of all
4 other utility services, the conduct of civilians and the movement and cessation
5 of movement of pedestrians and vehicular traffic during, prior, and subsequent
6 to drills or attack, public meetings or gatherings, and the evacuation and
7 reception of the civilian population.

8 (5) Services and facilities. To utilize the services and facilities of
9 existing officers and agencies of the ~~state~~ State and of the counties and
10 municipalities of the ~~state, and all the~~ State. ~~All~~ officers and agencies shall
11 cooperate with and extend services and facilities to the ~~governor~~ Governor as
12 the ~~governor~~ Governor may request.

13 (6) Law enforcement. To take ~~such~~ action and give ~~such~~ directions to
14 ~~state~~ State and local law enforcement officers and agencies as may be
15 reasonable and necessary ~~for the purpose of securing~~ to secure compliance
16 with the provisions of this chapter and with the orders, and rules, ~~and~~
17 ~~regulations~~ made pursuant ~~thereto~~ to this chapter.

18 (7) Delegation of authority. To delegate any authority vested in the
19 ~~governor~~ Governor under this chapter to the ~~commissioner~~ Commissioner or
20 designee.

1 (8) Mutual aid agreements with other states. On behalf of this ~~state~~
2 State, to enter into reciprocal aid agreements under this chapter and pursuant to
3 compacts with other states and the federal government or a province of a
4 foreign country under such terms as the Congress of the United States may
5 prescribe. These mutual aid arrangements shall be limited to the furnishing or
6 exchange of food, clothing, medicine, and other supplies; engineering services;
7 emergency housing; police services; ~~national~~ National Guard or state ~~guards~~
8 guard units while under the control of the ~~state~~ State; health; medical and
9 related services; fire fighting, rescue, transportation, and construction services
10 and equipment; personnel necessary to provide or conduct these services; and
11 ~~such~~ other supplies, equipment, facilities, personnel, and services as ~~may be~~
12 needed; and the reimbursement of costs and expenses for equipment, supplies,
13 personnel, and similar items for mobile support units, fire fighting, and police
14 units and health units; ~~and~~. The mutual aid agreements shall be made on such
15 terms and conditions as ~~are deemed~~ the Governor deems necessary.

16 (9) Mutual aid among municipalities. To sponsor, develop, and approve
17 mutual aid plans and agreements among the towns and cities of the ~~state~~ State,
18 similar to the mutual aid arrangements referred to in this section.

1 Sec. 116. 20 V.S.A. § 9 is amended to read:

2 § 9. EMERGENCY POWERS OF GOVERNOR

3 Subject to the provisions of this chapter, in the event of an all-hazards event
4 in or directed upon the United States or Canada that causes or may cause
5 substantial damage or injury to persons or property within the ~~bounds of the~~
6 State in any manner, the Governor may proclaim a state of emergency within
7 the entire State or any portion or portions of the State. Thereafter, the
8 Governor shall have and may exercise for as long as the Governor determines
9 the emergency to exist the following additional powers within such area or
10 areas:

11 (1) To enforce all laws, and rules, ~~and regulations~~ relating to emergency
12 management and to assume direct operational control of all emergency
13 management personnel and helpers in the affected area or areas.

14 (2) To formulate and execute plans and ~~regulations~~ rules for the control
15 of traffic and to coordinate the activities of the departments or agencies of the
16 State and of the political subdivisions ~~thereof~~ of the State concerned directly or
17 indirectly with public highways and streets, in a manner that will best
18 effectuate ~~such~~ the plans.

19 (3) To prescribe the maximum rates of speed at which motor vehicles
20 may be operated on any road, highway, or street in the State; prescribe the
21 sizes and weights of such motor vehicles; suspend the application of any

1 statute or ~~regulation~~ rule levying or assessing any license, insofar as ~~such~~ the
2 statute or ~~regulation~~ rule relates to the entry into or the privilege of operation in
3 this State of any motor vehicle, including busses or house trailers, registered in
4 any other state and with respect to which a valid and unexpired license has
5 been issued by the other state.

6 * * *

7 (5) To utilize the services and facilities of existing officers; and agencies
8 of the State and of the cities and towns ~~thereof~~ of the State; and all such
9 officers and agencies shall cooperate with and extend their services and
10 facilities to the Governor as he or she may request.

11 * * *

12 (8) Upon the declaration of an emergency as authorized in federal
13 legislation that includes the State of Vermont, to cooperate with the President
14 of the United States, the ~~Army, Navy, and Air Force~~ U.S. Armed Forces, with
15 other federal departments, agencies, and independent establishments, and other
16 states in matters pertaining to emergency management; and in connection
17 therewith to take such action, not inconsistent with the Constitution and laws
18 of the State, that he or she may deem proper to carry into effect any request of
19 the President, the Secretary of Defense, the Secretary of Homeland Security,
20 the Secretary of Health and Human Services, and the Director of the Federal
21 Emergency Management Agency.

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(10) As provided in 30 V.S.A. § 248(1), in consultation with the Chair of the Public Utility Commission and the Commissioner of Public Service or their designees, to waive the prohibitions contained in 30 V.S.A. § 248 upon site preparation for or construction of an electric transmission facility or a generating facility necessary to ~~assure~~ ensure the stability or reliability of the electric system or a natural gas facility. Waivers issued under this subdivision shall be subject to ~~such~~ conditions ~~as are~~ required by the Governor and shall be valid for the duration of the declared emergency plus 180 days, or such lesser overall term as determined by the Governor. Upon the expiration of a waiver under this subdivision, if a certificate of public good has not been issued by the Public Utility Commission under 30 V.S.A. § 248, the Commission shall require the removal, relocation, or alteration of the facilities, subject to the waiver, as the Commission finds will best promote the general good of the State.

(11) In consultation with the Secretary of Natural Resources or designee, to authorize the Agency to issue temporary emergency permits, with appropriate conditions to minimize significant adverse environmental impacts, after limited or no opportunity for public comment, allowing site preparation for, construction of, or operation of an electric transmission facility or a generating facility necessary to ~~assure~~ ensure the stability or reliability of the

1 electric system or a natural gas facility. A permit issued under this subdivision
2 shall be subject to ~~such~~ conditions ~~as are~~ required by the Governor and shall be
3 valid for the duration of the declared emergency plus 180 days, or such lesser
4 overall term as determined by the Governor. Upon the expiration of a
5 temporary emergency permit under this subdivision, if any applicable permits
6 have not been issued by the Secretary or the Commissioner of Environmental
7 Conservation, the Secretary may seek enforcement under applicable law.

8 Sec. 117. 20 V.S.A. § 11 is amended to read:

9 § 11. ADDITIONAL EMERGENCY POWERS

10 In the event of an all-hazards event, the ~~governor~~ Governor may exercise
11 any or all of the following additional powers:

12 (1) To authorize any department or agency of the ~~state~~ State to lease or
13 lend, on such terms and conditions and for such period as he or she ~~may deem~~
14 deems necessary to promote the public welfare and protect the ~~interest~~ interests
15 of the ~~state~~ State, any real or personal property of the ~~state~~ State government,
16 or authorize the temporary transfer or employment of personnel of the ~~state~~
17 State government to or by the ~~army, navy, air force, or any other branch of the~~
18 ~~armed forces of the United States of America~~ U.S. Armed Forces.

19 (2) To enter into a contract on behalf of the ~~state~~ State for the lease or
20 loan, on such terms and conditions and for such period as he or she ~~may deem~~
21 deems necessary to promote the public welfare and protect the interests of the

1 ~~state~~ State, of any real or personal property of the ~~state~~ State government, or
2 the temporary transfer or employment of personnel thereof to any town or city
3 of the ~~state~~ State. The chief executive or legislative branch of ~~such~~ the town or
4 city is ~~hereby~~ authorized for and in the name ~~thereof~~ of the town or city to
5 enter into ~~said~~ the contract with the ~~governor~~ Governor for the leasing or
6 lending of ~~such~~ the property and personnel, and the chief executive or
7 legislative branch of ~~such~~ the town or city may equip, maintain, utilize, and
8 operate such property except newspapers and other publications, radio stations,
9 places of worship and assembly, and other facilities for the exercise of
10 constitutional freedom, and employ necessary personnel ~~therefor~~ in accordance
11 with the purposes for which such contract is executed; and may do all things
12 and perform all acts ~~which may be deemed~~ necessary to effectuate the purpose
13 for which ~~such~~ the contract was entered into.

14 * * *

15 (4) To sell, lend, give or distribute all or any such property among the
16 inhabitants of the ~~state~~ State and to account to the ~~state treasurer~~ State
17 Treasurer for any funds received for such property.

18 (5) To make compensation for the property ~~so~~ seized, taken, or
19 condemned on the following basis:

20 (A) In case property is taken for temporary use, the ~~governor~~
21 Governor, at the time of the taking, shall fix the amount of compensation to be

1 paid ~~therefor~~; for the property, and in case ~~such~~ the property ~~shall be~~ is
2 returned to the owner in a damaged condition or shall not be returned to the
3 owner, the ~~governor~~ Governor shall fix the amount of compensation to be paid
4 for ~~such~~ the damage or failure to return. Whenever the ~~governor shall deem~~
5 Governor deems it advisable for the ~~state~~ State to take title to property taken
6 under this section, ~~he~~ the Governor shall forthwith cause the owner of ~~such~~ the
7 property to be notified ~~thereof~~ of the taking in writing by registered mail,
8 postage prepaid, and forthwith cause to be filed a copy of ~~said~~ the notice with
9 the ~~secretary~~ Secretary of ~~state~~ State.

10 (B) Any owner of property of which possession has been taken under
11 the provisions of this chapter to whom no award has been made or who is
12 dissatisfied with the amount awarded him or her by the ~~governor~~, Governor
13 may file a petition in the ~~superior court~~ Superior Court within the county
14 wherein the property was situated at the time of taking to have the amount to
15 which he or she is entitled by way of damages or compensation determined,
16 and ~~thereafter~~ either the petitioner or the ~~state~~ State shall have the right to have
17 the amount of such damages or compensation fixed after hearing by three
18 disinterested appraisers appointed by ~~said~~ the court, and who shall operate
19 under substantive and administrative procedure to be established by the
20 ~~superior~~ Superior judges. If the petitioner is dissatisfied with the award of the
21 appraisers, he or she may ~~file an appeal therefrom in said court~~ the award to

1 the Superior Court and thereafter have a trial by jury to determine the amount
2 of ~~such~~ the damages or compensation ~~in such manner as the court shall~~
3 ~~provide~~. The court costs of a proceeding brought under this section by the
4 owner of the property shall be paid by the ~~state~~; State, and the fees and
5 expenses of any attorney for ~~such~~ the owner shall also be paid by the ~~state~~
6 State after allowances by the court ~~wherein~~ in which the petition is brought in
7 ~~such~~ an amount as determined by the court ~~in its discretion shall fix~~. The
8 statute of limitations shall not apply to proceedings brought by ~~such~~ owners of
9 property ~~as above provided~~ under this section for and during the time that any
10 court having jurisdiction ~~of such~~ over the proceedings ~~shall be~~ is prevented
11 from holding its usual and stated sessions due to conditions resulting from
12 emergencies ~~as herein referred to~~ described in this chapter.

13 (6) To perform and exercise ~~such~~ other functions, powers, and duties as
14 ~~may be deemed~~ necessary to promote and secure the safety and protection of
15 the civilian population.

16 Sec. 118. 20 V.S.A. § 15 is amended to read:

17 § 15. RETURN OF PROPERTY

18 (a) Whenever the need for the purposes of this chapter of any real or
19 personal property acquired under this chapter shall terminate, the ~~governor~~
20 Governor may dispose of such property on such terms and conditions as he
21 ~~shall deem~~ or she deems appropriate, but to the extent feasible and practicable

1 ~~he~~ the Governor shall give to the former owner of any property so disposed of
2 an opportunity to reacquire it:

3 (1) at its then fair value as determined by the ~~governor~~ Governor; or

4 (2) if it is to be disposed of (~~otherwise, other~~ than at a public sale of
5 ~~which~~ he the Governor shall give reasonable notice), at less than such value, at
6 the highest price any other person is willing to pay ~~therefor:~~ for the property.

7 (b) ~~Provided, that this~~ The Governor need not provide an opportunity to
8 reacquire ~~need not be given~~ property in the case of items ~~which~~ that lose their
9 identity in use or to property having a fair value of less than \$500.00.

10 Sec. 119. 20 V.S.A. § 16 is amended to read:

11 § 16. ORDERS; AND RULES AND REGULATIONS

12 The towns and cities of the ~~state~~ State and other agencies designated or
13 appointed by the ~~governor~~ Governor are authorized and empowered to make,
14 amend, and rescind ~~such~~ orders; and rules; and regulations as ~~may be~~ necessary
15 for emergency management purposes and to supplement the carrying out of the
16 provisions of this chapter, ~~but not.~~ Orders and rules adopted pursuant to this
17 section shall not be inconsistent with any orders; and rules ~~or regulations~~
18 ~~promulgated~~ adopted by the ~~governor~~ Governor or by any ~~state~~ State agency
19 exercising a power delegated to it by him or her.

1 Sec. 120. 20 V.S.A. § 17 is amended to read:

2 § 17. GIFT, GRANT, OR LOAN

3 (a) Federal. Whenever the federal government or any agency or officer
4 ~~thereof shall offer~~ of the federal government offers to the ~~state~~ State, or
5 through the ~~state~~ State to any town or city ~~thereof~~ within Vermont, services,
6 equipment, supplies, materials, or funds by way of gift, grant, or loan; for
7 purposes of emergency management, the ~~state~~ State, acting through the
8 ~~governor~~ Governor in coordination with the ~~department of public safety~~
9 Department of Public Safety, or such town or city acting with the consent of
10 the ~~governor~~ Governor and through its executive officer or legislative branch,
11 may accept ~~such~~ the offer, and upon such acceptance, the ~~governor of the state~~
12 Governor or the executive officer or legislative branch of ~~such~~ the political
13 subdivision may authorize any officer of the ~~state~~ State or of the political
14 subdivision, as the case may be, to receive ~~such~~ the services, equipment,
15 supplies, materials, or funds on behalf of the ~~state~~ State or ~~such~~ the political
16 subdivisions, and subject to the terms of the offer and rules ~~and regulations~~, if
17 any, of the agency making the offer. Whenever ~~such~~ a federal grant is
18 contingent upon a ~~state~~ State or local contribution, or both, the ~~department of~~
19 ~~public safety~~ Department of Public Safety and the political subdivision shall

1 determine whether the grant shall be accepted and, if accepted, the respective
2 shares to be contributed by the ~~state~~ State and town or city concerned.

3 (b) Private. Whenever any person, firm, or corporation ~~shall offer~~ offers to
4 the ~~state~~ State or to any town or city ~~thereof~~, in Vermont services, equipment,
5 supplies, materials, or funds by way of gift, grant, or loan, for purposes of
6 emergency management, the ~~state~~ State, acting through the ~~governor~~ Governor,
7 or ~~such~~ the political subdivision, acting through its executive officer or
8 legislative branch, may accept ~~such~~ the offer, and upon such acceptance, the
9 ~~governor of the state~~ Governor or executive officer or legislative branch of
10 ~~such~~ the political subdivision may authorize any officer of the ~~state~~ State or the
11 political subdivision, as the case may be, to receive ~~such~~ the services,
12 equipment, supplies, materials, or funds on behalf of the ~~state~~ State or ~~such~~ the
13 political subdivision, and subject to the terms of the offer.

14 Sec. 121. 20 V.S.A. § 25 is amended to read:

15 § 25. MATCHING FUNDS

16 To the extent of any appropriation available to carry out the purposes of this
17 chapter, federal ~~moneys~~ monies for emergency management within the ~~state~~
18 State may be matched ~~therefrom~~ from such an appropriation.

1 Sec. 122. 20 V.S.A. § 32 is amended to read:

2 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;
3 DUTIES

4 (a) Local emergency planning committees shall be appointed by the ~~state~~
5 ~~emergency response commission~~ State Emergency Response Commission.

6 (b) Local emergency planning committees should include representatives
7 from the following: fire departments; local and regional emergency medical
8 services; local, county, and ~~state~~ State law enforcement; media; transportation;
9 regional planning commissions; hospitals; industry; the ~~national guard~~
10 National Guard; the ~~department of health~~ Department of Health district office;
11 and an animal rescue organization; and may include any other interested public
12 or private individual or organization.

13 (c) A local emergency planning committee shall perform all the following
14 duties:

15 (1) Carry out all the requirements of a committee pursuant to EPCRA,
16 including preparing a local emergency planning committee response plan. The
17 plan shall be coordinated with the ~~state~~ State emergency operations plan and
18 may be expanded to address all hazards and all phases of emergency
19 management. At a minimum, the local emergency planning committee
20 response plan shall include the following:

21 * * *

1 (H) Provides for coordinated local training to ensure integration with
2 the ~~state~~ State emergency operations plan.

3 * * *

4 (2) Upon receipt by the committee or the committee's designated
5 community emergency coordinator of a notification of a release of a hazardous
6 chemical or substance, ~~insure~~ ensure that the local emergency response plan
7 has been implemented.

8 * * *

9 (4) Review and evaluate requests for funding and other resources and
10 advise the ~~state emergency response commission~~ State Emergency Response
11 Commission and district coordinators concerning disbursement of funds.

12 (5) Work to support the various emergency services, mutual aid
13 systems, town governments, regional planning commissions, ~~state~~ State agency
14 district offices, and others in their area in conducting coordinated all-hazards
15 emergency management activities.

16 Sec. 123. 20 V.S.A. § 34 is amended to read:

17 § 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

18 (a) Whenever the ~~governor~~ Governor has proclaimed a disaster emergency
19 under the laws of this ~~state~~ State, or the president has declared an emergency or
20 a major disaster to exist in this ~~state~~ State, the ~~governor~~ Governor is
21 authorized:

1 Vermont when by proclamation ~~he~~ the Governor deems ~~such~~ the suspension or
2 modification essential to provide temporary housing for disaster victims.

3 (c) Any political subdivision of this ~~state~~ State is expressly authorized to
4 acquire, temporarily or permanently, by purchase, lease, or otherwise, sites
5 required for installation of temporary housing units for disaster victims, and to
6 enter into whatever arrangements (~~including purchase of temporary housing~~
7 ~~units and payment of transportation charges~~) which are necessary to prepare or
8 equip such sites to utilize the housing units, including the purchase of
9 temporary housing units and payment of transportation charges.

10 (d) The ~~governor~~ Governor is authorized to ~~make~~ adopt rules and
11 ~~regulations~~ as necessary to carry out the purposes of this chapter.

12 (e) Nothing ~~contained~~ in this chapter shall be construed to limit the
13 ~~governor's~~ Governor's authority to apply for, administer, and expend any
14 grants, gifts, or payments in aid of disaster prevention, preparedness, response,
15 or recovery.

16 (f) ~~Major~~ As used in this chapter, "major disaster," "emergency," and
17 "temporary housing" as used in this chapter shall have the same meaning as the
18 terms are defined, or used, in the Disaster Relief Act of 1974, (P.L. 93-288, 88
19 Stat. 143).

1 Sec. 124. 20 V.S.A. § 36 is amended to read:

2 § 36. DEBRIS AND WRECKAGE REMOVAL

3 (a) Whenever the ~~governor~~ Governor has declared a disaster emergency to
4 exist under the laws of this ~~state~~ State, or the president, at the request of the
5 ~~governor~~ Governor, has declared a major disaster or emergency to exist in this
6 ~~state~~ State, the ~~governor~~ Governor is authorized:

7 (1) Notwithstanding any other provision of law, through the use of ~~state~~
8 State departments or agencies, or the use of any of the ~~state's~~ State's
9 instrumentalities, to clear or remove from publicly or privately owned land or
10 water, debris and wreckage ~~which~~ that may threaten public health or safety, or
11 public or private property, in any disaster emergency declared by the ~~governor~~
12 Governor or major disaster ~~as~~ declared by the president.

13 (2) To accept funds from the federal government and utilize ~~such~~ the
14 funds to make grants to any local government for the purpose of removing
15 debris or wreckage from publicly or privately owned land or water.

16 (b) Authority under this chapter shall not be exercised unless the affected
17 local government, corporation, organization, or individual shall first present an
18 unconditional authorization for removal of ~~such~~ the debris or wreckage from
19 public and private property and, in the case of removal of debris or wreckage
20 from private property, shall first agree to indemnify the ~~state~~ State government
21 against any claim arising from such removal.

1 (c) Whenever the ~~governor~~ Governor provides for clearance of debris or
2 wreckage pursuant to subsections (a) or (b) of this section, employees of the
3 designated ~~state~~ State agencies or individuals appointed by the ~~state~~ State are
4 authorized to enter upon private land or waters and perform any tasks
5 necessary to the removal or clearance operation.

6 (d) Except in cases of willful misconduct, gross negligence, or bad faith,
7 any ~~state~~ State employee or agent complying with orders of the ~~governor~~
8 Governor and performing duties pursuant ~~thereto~~ to the Governor's orders
9 under this chapter shall not be liable for death of or injury to persons or
10 damage to property.

11 (e) The ~~governor~~ Governor is authorized to ~~make~~ adopt rules and
12 ~~regulations~~ to carry out the purposes of this chapter.

13 Sec. 125. 20 V.S.A. § 37 is amended to read:

14 § 37. STATE FINANCIAL PARTICIPATION IN GRANTS TO DISASTER
15 VICTIMS

16 (a) Whenever the president, at the request of the ~~governor~~ Governor, has
17 declared a major disaster to exist in this ~~state~~ State, the ~~governor~~ Governor is
18 authorized:

19 * * *

20 (2) To enter into an agreement with the federal government, or any
21 officer or agency ~~thereof~~ of the federal government, under which the ~~state~~ State

1 is to participate in the funding of the financial assistance authorized in
2 subdivision (1) of this subsection, in an amount not to exceed 25 percent
3 ~~thereof~~ of the amount of financial assistance and, if ~~state~~ State funds are not
4 otherwise available to the ~~governor~~ Governor, to accept an advance of the ~~state~~
5 State share from the federal government to be repaid when the ~~state~~ State is
6 able to do so.

7 (b) Notwithstanding any other provision of law or regulation, the ~~governor~~
8 Governor is authorized to make financial grants to meet disaster-related
9 necessary expenses or serious needs of individuals or families adversely
10 affected by a major disaster ~~which~~ that cannot otherwise adequately be met
11 from other means of assistance, which shall not exceed \$5,000.00 in the
12 aggregate to an individual or family in any single major disaster declared by
13 the president.

14 (c) The ~~governor~~ Governor shall ~~make such regulations~~ adopt rules as are
15 necessary ~~for carrying~~ to carry out the purposes of this chapter, including, ~~but~~
16 ~~not limited to~~, standards of eligibility for persons applying for benefits;
17 procedures for applying and administration; methods of investigation, filing,
18 and approving applications; and formation of local or statewide boards to pass
19 upon applications and procedures for appeals.

20 * * *

1 Sec. 126. 20 V.S.A. § 38 is amended to read:

2 § 38. SPECIAL FUNDS

3 (a)(1) There is created a ~~radiological emergency response plan fund~~
4 Radiological Emergency Response Plan Fund, into which any entity operating
5 a nuclear reactor or storing nuclear fuel and radioactive waste in this ~~state~~ State
6 (~~referred to hereinafter as “the nuclear power plant”~~) shall deposit the amount
7 appropriated to support the Vermont radiological response plan for that fiscal
8 year, adjusted by any balance in the ~~radiological emergency response plan fund~~
9 Radiological Emergency Response Plan Fund from the prior fiscal year. There
10 shall also be deposited into the ~~fund~~ Fund any monies received from any other
11 source, public or private, that is intended to support the radiological emergency
12 response planning process. The ~~fund~~ Fund shall be managed in accordance
13 with ~~subchapter 5 of chapter 7 of Title 32 V.S.A. chapter 7, subchapter 5.~~
14 Any interest earned on the balance in the ~~fund~~ Fund shall be retained by the
15 ~~fund~~ Fund.

16 (2) Expenditures from the ~~fund~~ Fund shall be made by the ~~division of~~
17 ~~emergency management~~ Division of Emergency Management, subject to an
18 annual legislative appropriation. As part of the annual appropriations process,
19 the ~~division of emergency management~~ Division of Emergency Management
20 shall present a budget for the ensuing fiscal year that anticipates the
21 expenditures that will be made from the ~~fund~~ Fund. Each fiscal year, the

1 ~~division of emergency management~~ Division of Emergency Management in
2 collaboration with the ~~state~~ State and local agencies, the management of the
3 nuclear power plant, the selectboards of the municipalities in the emergency
4 planning zone, the Windham regional planning commission, and any other
5 municipality or emergency planning zone entity defined by the ~~state~~ State as
6 required to support the radiological emergency response plan shall develop the
7 budget for expenditures from the ~~radiological emergency response plan fund~~
8 Radiological Emergency Response Plan Fund. State personnel with
9 responsibility for local coordination and plan development shall be physically
10 located in the region. The annual budget shall include only expenditures
11 necessary to support the radiological emergency response plan.

12 (3) [Repealed.]

13 (4) ~~[Deleted.]~~ [Repealed.]

14 (5) The ~~state~~ State shall bill the nuclear power plant on a monthly basis
15 based on the budget presented and approved by the ~~legislature~~ General
16 Assembly. The nuclear power plant shall have the right to audit the books and
17 records of the ~~fund~~ Fund.

18 (6) Upon the permanent cessation of operation of the nuclear reactor and
19 final removal of all nuclear fuel and radioactive waste, and the removal of
20 emergency response plan ~~regulations~~ rules and ~~state~~ State responsibilities
21 applicable to it by the Federal Nuclear Regulatory Commission and any other

1 federal agency having regulatory jurisdiction, and after all outstanding debts
2 have been paid, all monies remaining in the ~~fund~~ Fund shall be repaid to the
3 nuclear power plant, and the ~~fund~~ Fund terminated.

4 (b) There is created a ~~hazardous chemical and substance emergency~~
5 ~~response fund which~~ Hazardous Chemical and Substance Emergency Response
6 Fund that shall include all ~~moneys~~ monies paid to the ~~state~~ State pursuant to
7 section 39 of this title. The ~~fund~~ Fund shall be managed pursuant to the
8 provisions of ~~subchapter 5 of chapter 7 of Title 32 V.S.A. chapter 7,~~
9 subchapter 5. The ~~fund~~ Fund shall be used to implement and administer this
10 chapter, including planning, training, and response activities as well as the
11 purchase of equipment and assisting local organizations referred to in section 6
12 of this chapter to develop emergency response plans. Each local emergency
13 planning committee shall receive a minimum grant of \$1,500.00, and
14 \$4,000.00 as of July 1, 2007, annually and may petition the ~~state emergency~~
15 ~~response commission~~ State Emergency Response Commission for additional
16 funds if needed and available. After disbursement of the minimum grant
17 amounts and after consideration of the comments and evaluation received from
18 the appropriate local emergency planning committee, the ~~commissioner~~
19 Commissioner with the approval of the ~~emergency response commission~~
20 Emergency Response Commission may make additional grants from the ~~fund~~
21 Fund to any local emergency planning committee or regional emergency

1 response commission as well as to any political subdivisions including any
2 city, town, fire district, incorporated village, and other incorporated entities in
3 the ~~state~~ State in accordance with rules adopted by the ~~state emergency~~
4 ~~response commission~~ State Emergency Response Commission. Unless waived
5 by the ~~state emergency response commission~~ State Emergency Response
6 Commission, grants shall be matched by local governments in the amount of
7 25 percent of the grant. The matching may be by contribution or by privately
8 furnished funds or by in-kind services, space, or equipment ~~which~~ that would
9 otherwise be purchased by a local emergency planning committee.

10 Sec. 127. 20 V.S.A. § 46 is amended to read:

11 § 46. DISASTER RELIEF WORKERS FUND; HEALTH CARE
12 PROVIDERS; REIMBURSEMENT

13 * * *

14 (b) All monies received by or generated to the Fund shall be used to
15 provide wage reimbursement to any public or private Vermont employer for
16 disaster relief services rendered by its employee. The employee shall be a
17 certified disaster relief service volunteer of the American Red Cross.
18 Reimbursement shall be for not more than 14 days for performing disaster
19 relief work pursuant to a request from the American Red Cross when:

20 (1) the work is performed in Vermont;

1 (2) the disaster is a federal or presidentially declared disaster designated
2 as Level III or above, according to the American Red Cross ~~regulations~~ rules
3 and procedures; or

4 (3) the disaster is declared by the governor of a state or territory.

5 * * *

6 Sec. 128. 20 V.S.A. § 151 is amended to read:

7 § 151. AGREEMENTS OR COMPACTS

8 Pursuant to the provisions and authority of Congress, as amended by ~~Public~~
9 ~~Law 564, 84th Congress~~ Pub. L. No. 84-564, 42 U.S.C. §§ 5195a and 5196,
10 the ~~governor~~ Governor is authorized to enter into, amend, supplement, and
11 implement agreements or compacts with the executive authorities of other
12 states, including the ~~emergency management assistance compact~~ Emergency
13 Management Assistance Compact, providing for mutual-military aid, disaster
14 relief, hazard mitigation, and emergency preparedness and related matters
15 ~~incidental thereto~~, in case of hazard or natural disaster, invasion or other
16 hostile action, disaster, insurrection, or the imminent danger thereof of such an
17 event.

18 Sec. 129. 20 V.S.A. § 152 is amended to read:

19 § 152. PROVISIONS

20 ~~Such agreements~~ Agreements or compacts entered into pursuant to this
21 chapter may include ~~but shall not be limited to~~ provisions for joint military

1 action against a common enemy; for the protection of bridges, tunnels, ferries,
2 pipelines, communication facilities, and other vital installations, plants, and
3 facilities; for the military support of civil defense agencies; for the fresh
4 pursuit, by the ~~organized militia~~ National Guard or other state military forces
5 or any part ~~thereof~~ of such forces, of a signatory into the jurisdiction of any
6 other signatory, of persons acting or appearing to act in the interest of an
7 enemy government, or seeking or appearing to seek to overthrow the
8 government of the United States or of any signatory; for the powers, duties,
9 rights, privileges, and immunities of the members of the ~~organized militia~~
10 National Guard or military forces of any signatory while so engaged outside
11 their own jurisdictions; for ~~such~~ other matters ~~as are~~ of a military nature, or
12 incidental ~~thereto, and which~~ to matters of a military nature that the governor
13 ~~may deem~~ Governor deems necessary or proper to promote the health, safety,
14 and welfare of the people of this ~~state~~ State; for the allocation of all costs and
15 expenses arising from the planning and operation of such agreements or
16 compacts.

17 Sec. 130. 20 V.S.A. § 153 is amended to read:

18 § 153. CONSTRUCTION

19 Nothing contained in sections 151 and 152 of this title shall be construed ~~or~~
20 ~~interpreted as expressing a~~ as a direct or indirect limitation, ~~directly or~~
21 ~~indirectly~~, of the power of the ~~governor~~ Governor to enter into, and to amend

1 or supplement such compacts, with legal force and effect and without the
2 legislative authorization expressed ~~herein~~ in this chapter.

3 Sec. 131. 20 V.S.A. § 181 is amended to read:

4 § 181. STATEMENT OF POLICY

5 Because of the existing possibility of a catastrophic incident in the United
6 States of unprecedented size and destructiveness, and in order, in the event of a
7 catastrophic incident, to ~~assure~~ ensure continuity of government through
8 legally constituted leadership, authority, and responsibility in offices of the
9 government of the ~~state~~ State and its political subdivisions; to provide for the
10 effective operation of governments during an emergency; and to facilitate the
11 early resumption of functions temporarily suspended, it is found and declared
12 to be necessary to provide for additional officers who can exercise the powers
13 and discharge the duties of ~~governor~~ Governor; to provide for emergency
14 interim succession to offices of this ~~state~~ State in the event the incumbents
15 ~~thereof~~ of those offices, and their deputies, assistants, or other subordinate
16 officers authorized, pursuant to law, to exercise the powers and discharge the
17 duties of such offices (~~hereinafter referred to as~~ deputies) are unavailable to
18 perform the duties and functions of such offices; and to provide for special
19 emergency district judges who can exercise the powers and discharge the
20 duties of such judges in the event regular judges are unavailable.

1 Sec. 132. 20 V.S.A. § 184 is amended to read:

2 § 184. EMERGENCY INTERIM SUCCESSORS FOR STATE OFFICES

3 All ~~state~~ State officers, subject to such exceptions and ~~regulations~~ rules as
4 the ~~governor~~ (Governor, or other official authorized under the ~~constitution~~
5 Constitution and this chapter or other act to exercise the powers and discharge
6 the duties of the office of, or to act as, ~~governor~~) Governor, may issue, shall,
7 ~~within 60 days after the approval of this chapter, and thereafter~~ immediately
8 after the date that they ~~shall~~ have been appointed and qualified, in addition to
9 any deputy authorized pursuant to law, designate by title emergency interim
10 successors and specify their order of succession. The officer shall, each year,
11 review and ~~shall~~ revise, as necessary, designations made pursuant to this
12 chapter to ~~insure~~ ensure his or her current status. Forthwith after such
13 designations are made and after a revision ~~thereof~~ of the designations, the
14 officer shall file copies in the offices of both the ~~governor~~ Governor and the
15 ~~secretary of state~~ Secretary of State. The officer shall designate a sufficient
16 number of such emergency interim successors so that, including deputies, there
17 will be not less than five emergency interim successors. In the event that any
18 ~~state~~ State officer (~~, or his or her deputy~~), is unavailable, the ~~said~~ powers of the
19 office shall be exercised and ~~said~~ its duties shall be discharged by his or her
20 designated emergency interim successors in the order specified. ~~Such~~ The
21 emergency interim successors shall exercise ~~said~~ the powers and discharge ~~said~~

1 ~~the~~ duties only until such time as the ~~governor~~ (Governor, or other official
2 authorized under the ~~constitution~~ Constitution and this chapter or other act to
3 exercise the powers and discharge the duties of the office of, or to act as,
4 ~~governor~~) Governor, shall, where a vacancy exists, appoint a successor to fill
5 the vacancy or until a successor is otherwise appointed, or elected and
6 qualified as provided by law; or an officer ~~(, or his or her deputy or a preceding~~
7 ~~named emergency interim successor)~~, becomes available to resume the
8 exercise of the powers and discharge the duties of his or her office.

9 Sec. 133. 20 V.S.A. § 185 is amended to read:

10 § 185. EMERGENCY INTERIM SUCCESSORS FOR LOCAL ELECTED
11 OFFICERS

12 The elected officers of political subdivisions shall, ~~within 60 days after the~~
13 ~~approval of this chapter, and thereafter~~ immediately after the date that they
14 shall have been appointed and qualified, designate by title ~~(, if feasible)~~, or by
15 named person, emergency interim successors and specify their order of
16 succession. The officer shall, each year, review and ~~shall~~ revise, as necessary,
17 designations made pursuant to this chapter to ~~insure~~ ensure their current status.
18 The officer shall designate a sufficient number of persons so that, including
19 deputies, there will be not less than three emergency interim successors.
20 ~~Forthwith~~ Promptly after ~~such~~ the designations are made, and after a revision
21 ~~thereof~~ of the designations, copies shall be filed in the office of the county

1 clerk. In the event that any officer of any political subdivision (~~or his or her~~
2 deputy provided for pursuant to law), is unavailable, the powers of the office
3 shall be exercised and duties shall be discharged by his or her designated
4 emergency interim successors in the order specified. The emergency interim
5 successors, in the order specified, shall exercise the powers and discharge the
6 duties of the office to which designated until such time as a vacancy ~~which~~
7 ~~may exist shall be~~ that exists is filled in accordance with the ~~constitution~~
8 Constitution or statutes; or until the officer (~~or his or her deputy or a preceding~~
9 emergency interim successor), again becomes available to exercise the powers
10 and discharge the duties of his or her office.

11 Sec. 134. 20 V.S.A. § 187 is amended to read:

12 § 187. SPECIAL EMERGENCY JUDGES

13 In the event that any ~~district~~ Superior judge is unavailable to exercise the
14 powers and discharge the duties of his or her office, the duties of the office
15 shall be discharged and the powers exercised by one of three special
16 emergency judges residing in the district served by ~~such~~ the judge, and
17 designated by him or her ~~within 60 days after the approval of this chapter, and~~
18 ~~thereafter~~ immediately after the date that he or she shall have been appointed
19 and qualified as such. ~~Such~~ The special emergency judges shall, in the order
20 specified, exercise the powers and discharge the duties of ~~such~~ the office in
21 case of the unavailability of the regular judge or persons immediately

1 preceding them in the designation. The designating authority shall, each year,
2 review and ~~shall~~ revise, as necessary, designations made pursuant to this
3 chapter to ~~insure~~ ensure their current status. ~~Forthwith~~ Promptly after ~~such the~~
4 designations are made and after a revision ~~thereof~~ of the designations copies
5 shall be filed in the offices of the ~~governor~~ Governor and the county clerk.

6 ~~Said~~ The emergency special judges shall discharge the duties and exercise the
7 powers of ~~such the~~ office until such time as a vacancy ~~which may exist shall be~~
8 that exists is filled in accordance with the ~~constitution~~ Constitution and statutes
9 or until the regular judge or one preceding the designee in the order of
10 designation becomes available to exercise the powers and discharge the duties
11 of his or her office. While exercising the powers and discharging the duties of
12 the office of a ~~district~~ Superior judge a special emergency judge shall receive
13 the pro rata salary and perquisites ~~thereof~~ of the office.

14 Sec. 135. 20 V.S.A. § 189 is amended to read:

15 § 189. PERIOD IN WHICH AUTHORITY MAY BE EXERCISED

16 Officials authorized to act as ~~governor~~ Governor pursuant to this chapter,
17 emergency interim successors, and special emergency judges shall be
18 authorized to exercise the powers and discharge the duties of an office as
19 ~~herein~~ authorized by this chapter only in the event that a catastrophic incident
20 in the United States or Canada has occurred. The ~~governor~~ Governor by
21 proclamation, or the ~~general assembly~~ General Assembly by concurrent

1 resolution, may at any time terminate the authority of ~~said~~ the emergency
2 interim successors and special emergency judges to exercise the powers and
3 discharge the duties of office as ~~herein~~ provided by this chapter, subject to the
4 filling of any vacancy or subject to the respective officers and judges becoming
5 available.

6 Sec. 136. 20 V.S.A. § 362 is amended to read:

7 § 362. FEDERAL LAWS AND REGULATIONS

8 Matters relating to the organization, discipline, training, and government of
9 the National Guard not otherwise provided for in this chapter, nor in the
10 general rules, shall be decided by the federal laws and regulations prescribed
11 for the National Guard and the U.S. Army, or Air Force, ~~or Navy~~ as applicable.

12 Sec. 137. 20 V.S.A. § 364 is amended to read:

13 § 364. GOVERNOR'S STAFF OFFICERS

14 The ~~governor~~ Governor may detail not more than five officers of the
15 ~~national guard or organized reserves or retired officers of any of the armed~~
16 ~~forces of the United States~~ National Guard, Reserves, or retired officers of the
17 U.S. Armed Forces who are residents of Vermont for duty upon his or her
18 staff, to serve ~~during~~ at his or her pleasure, which details shall not add to the
19 actual grade of the officers so appointed, and shall not relieve ~~such~~ the officers
20 from their ordinary duties except when actually on duty with the ~~governor~~
21 Governor.

1 Sec. 138. 20 V.S.A. § 426 is amended to read:

2 § 426. WAR RECORDS AND FILES

3 ~~The records~~ Records and files ~~in the office of the adjutant and inspector~~
4 ~~general~~ pertaining to all wars in which the ~~state~~ State has participated and
5 rosters of Vermonters participating in wars shall be kept in ~~such~~ the office of
6 the Adjutant and Inspector General or in the ~~state archives and not taken~~
7 ~~therefrom, except upon the order of the governor or of the adjutant and~~
8 ~~inspector general, for special purposes. Microfilms of the records and files~~
9 ~~shall be taken from time to time. Rosters of Vermonters participating in wars~~
10 ~~shall be similarly maintained~~ State Archives as provided pursuant to 3 V.S.A.
11 § 218.

12 Sec. 139. 20 V.S.A. § 642 is amended to read:

13 § 642. FAILURE TO REPORT

14 Each officer, noncommissioned officer, and ~~private~~ enlisted person ordered
15 out, and every volunteer or drafted ~~man,~~ person who fails to appear at the time
16 and place designated, without rendering a sufficient excuse ~~therefor~~ for the
17 failure, shall be dealt with as provided by the laws of the United States in like
18 cases.

1 Sec. 140. 20 V.S.A. § 885 is amended to read:

2 § 885. BREVET RANK

3 When he or she deems it ~~for~~ to be in the best ~~interest~~ interests of the ~~service~~
4 Vermont National Guard, ~~by and with the advice and consent of the senate,~~ the
5 ~~governor~~ Governor may, with the advice and consent of the Senate, confer
6 brevet rank upon ~~such~~ officers and enlisted members of the ~~military service of~~
7 ~~the state as~~ Vermont National Guard who have performed gallant, faithful, or
8 meritorious service in the line of duty.

9 Sec. 141. 20 V.S.A. § 886 is amended to read:

10 § 886. RETIREMENT OF OFFICERS

11 A member of the ~~national guard~~ National Guard who has served faithfully
12 ~~therein~~ in the National Guard for a period of not less than ten years, at least
13 five years of which shall have been as a commissioned officer, at his or her
14 own request, may be placed on the retired list with the highest rank held by
15 him or her during such service; and if a commissioned officer who has not had
16 the full length of service ~~herein~~ required pursuant to this section, becomes
17 permanently disabled to perform his or her duties, upon his or her own
18 application, in the discretion of the commander in chief, he or she may be
19 placed upon the retired list with the rank last held by him or her.

1 Sec. 142. 20 V.S.A. § 1152 is amended to read:

2 § 1152. AUTHORITY OF GOVERNOR TO ADOPT RULES

3 The Governor is hereby authorized to may adopt rules ~~not inconsistent~~
4 consistent with the provisions of ~~part 3~~ this chapter and chapters 63 and 65 of
5 this title governing the enlistment, organization, administration, equipment,
6 maintenance, training, and discipline of ~~forces; provided, however, that the~~
7 State Guard. The rules, insofar as he or she to the extent the Governor deems
8 practicable and desirable, shall conform to existing law and rules governing
9 ~~and pertaining to the National Guard and the rules adopted thereunder,~~ and
10 ~~such~~ applicable regulations as adopted by the Secretary of the Army ~~may~~
11 ~~prescribe.~~

12 Sec. 143. 20 V.S.A. § 1156 is amended to read:

13 § 1156. ~~ARTICLES OF WAR~~ UNIFORM CODE OF MILITARY JUSTICE
14 IN RELATION TO COURTS-MARTIAL

15 Whenever the ~~forces described in this chapter~~ State Guard, or any part
16 ~~thereof~~ of it, shall be is ordered out for active service, the ~~Articles of War of~~
17 ~~the United States~~ Uniform Code of Military Justice applicable to members of
18 the National Guard ~~of this State~~ in relation to courts-martial, their jurisdiction,
19 and the limits of punishment, and ~~the~~ any rules and regulations ~~prescribed~~
20 ~~under the Articles of War~~ adopted pursuant to the Uniform Code of Military

1 ~~Justice shall be in full force and effect with respect~~ apply to the Vermont State
2 Guard.

3 Sec. 144. 20 V.S.A. § 1274 is amended to read:

4 § 1274. EXEMPTIONS

5 No officer or enlisted member of ~~such forces~~ the State Guard shall be
6 arrested on any warrant, except for treason or felony, while going to, remaining
7 at, or returning from a place where he or she is ordered ~~to attend~~ for military
8 duty. Every officer and enlisted member of ~~such forces~~ the State Guard shall,
9 during service ~~therein~~ in the State Guard, be exempt from service ~~upon~~ in any
10 posse comitatus and from jury duty.

11 Sec. 145. 20 V.S.A. § 1484 is amended to read:

12 § 1484. ASSISTANTS; OFFICE SPACE

13 Subject to the approval of the ~~governor~~ Governor, the ~~adjutant general~~
14 Adjutant and Inspector General may employ ~~such assistants~~, expert and
15 clerical; assistants as ~~may be~~ necessary to administer the functions and duties
16 of the ~~adjutant general~~ as Adjutant and Inspector General with respect to
17 veterans' affairs, and shall fix their compensation within the amounts made
18 available by appropriation ~~therefor~~ for those functions and duties.

1 Sec. 146. 20 V.S.A. § 1543 is amended to read:

2 § 1543. PREFERENCES IN APPOINTMENT TO STATE POSITIONS

3 In certification for appointment, in appointment, in employing, in retention
4 of employment position, whether in classified or unclassified civil service,
5 whether for temporary or for extended time, wherever ~~state~~ State funds furnish
6 the payroll, preference shall be given to:

7 (1) ~~those~~ ex-service personnel who ~~have~~ served on active duty in any
8 branch of the ~~armed forces of the United States~~ U.S. Armed Forces and have
9 been separated ~~therefrom~~ from active duty under honorable conditions and
10 who have established the present existence of a service-connected disability or
11 who are receiving compensation, or disability retirement benefits by reason of
12 public laws administered by the ~~veterans administration~~ U.S. Department of
13 Veterans Affairs, or the ~~department of defense~~ U.S. Department of Defense;

14 (2) ~~the~~ spouses of ~~such service-connected disabled ex-servicemen or~~
15 ~~women as~~ ex-service personnel who have themselves been unable to qualify
16 for any civil service appointment by reason of their disability;

17 (3) ~~the~~ unmarried widows or widowers of deceased ex-service personnel
18 who served on active duty in ~~any branch of the armed forces of the United~~
19 ~~States~~ the U.S. Armed Forces during any war, or in any campaign or
20 expedition (for which a campaign badge has been authorized), or during the

1 period specified in subdivision (5) of this section and who were separated
2 ~~therefrom~~ from active duty under honorable conditions; and

3 (4) ~~those~~ ex-service personnel who ~~have~~ served on active duty in ~~any~~
4 ~~branch of the armed forces of the United States~~ the U.S. Armed Forces, during
5 any war, or in any campaign or expedition (for which a campaign badge has
6 been authorized), and have been separated ~~therefrom~~ from active duty under
7 honorable conditions; and

8 (5) ~~those~~ ex-service personnel who have served on active duty in ~~any~~
9 ~~branch of the armed forces of the United States~~ the U.S. Armed Forces during
10 the period beginning July 1, 1955, and have been separated from the ~~armed~~
11 ~~forces~~ U.S. Armed Forces under honorable conditions.

12 Sec. 147. 20 V.S.A. § 1545 is amended to read

13 § 1545. VERMONT DISTINGUISHED SERVICE MEDALS

14 (a) The ~~governor~~ Governor may present in the name of the ~~state~~ State of
15 Vermont a distinguished service medal, ribbon, lapel button, and certificate to
16 an individual or the individual's spouse, child, parent, sibling, or grandchild if
17 the individual is deceased, provided the individual meets all the following
18 eligibility criteria:

19 (1) Served on federal active duty in the U.S. Armed Forces in a combat
20 theater of operations during a war or emergency ~~as a member of the federal~~
21 ~~active-duty military~~, as evidenced by service during any period of war prior to

1 April 6, 1916; foreign service during World War I or World War II; or receipt
2 of federal decorations showing combat-related service since January 1, 1947.

3 (2) Received an honorable discharge from ~~the federal active duty~~
4 ~~military~~ federal active duty in the U.S. Armed Forces or died before separating
5 from ~~the federal active duty military~~ federal active duty in the U.S. Armed
6 Forces or was declared missing in action by the ~~United States~~ U.S. Department
7 of Defense; or is currently a member in good standing ~~in the federal active-~~
8 ~~duty military~~ on federal active duty in the U.S. Armed Forces with more than
9 four years of service.

10 (3) Is a current resident of Vermont or was a resident of Vermont at the
11 time of entry into military service or was mobilized to federal active duty while
12 a member of the Vermont National Guard or other reserve unit located in
13 Vermont, regardless of the resident's home of record.

14 (b) The distinguished service medal shall conform to MIL-DTL-3943 and
15 the ~~state~~ State specification sheets; the ribbon shall conform to MIL-DTL-
16 11589 as to quality and construction; and the lapel button shall conform to
17 MIL-DTL-11484. The ~~state~~ State specification sheets and original model shall
18 be kept by the ~~secretary of state~~ Secretary of State.

19 (c) Application for a distinguished service medal may be made to the ~~office~~
20 ~~of veterans' affairs~~ Office of Veterans' Affairs. The ~~office of veterans' affairs~~
21 Office of Veterans' Affairs shall also design, cast, and procure the

1 distinguished service medals, and maintain and verify records and documents
2 pertaining to the medals and awards. Approved applicants may choose to
3 receive the medal by mail or in a ceremony with the ~~governor~~ Governor or a
4 representative of the ~~governor~~ Governor.

5 Sec. 148. 20 V.S.A. § 1546 is amended to read:

6 § 1546. VERMONT VETERANS' MEDAL

7 (a) The ~~office of veterans' affairs~~ Office of Veterans' Affairs may present
8 in the name of the ~~state~~ State of Vermont a veterans' medal, ribbon, lapel
9 button, and certificate to an individual or the individual's spouse, child, parent,
10 sibling, or grandchild if the individual is deceased and the individual meets the
11 following eligibility criteria:

12 (1) ~~Completed~~ completed a minimum two-year tour of ~~federal active~~
13 ~~military duty~~ federal active duty in the U.S. Armed Forces, unless discharged
14 for the convenience of the government or retired from a reserve ~~military~~
15 component of the U.S. Armed Forces, and received an honorable discharge,
16 died before separating from the ~~federal active duty military~~ federal active duty
17 in the U.S. Armed Forces, or was declared missing in action by the ~~United~~
18 ~~States~~ U.S. Department of Defense; or the individual is currently on ~~federal~~
19 ~~active military duty~~ federal active duty in the U.S. Armed Forces and in good
20 standing with more than four years of service; and

1 (2) ~~Is~~ is a current resident of Vermont, a resident of Vermont at the time
2 of entry into military service, or was mobilized to federal active duty while a
3 member of the Vermont National Guard or other reserve unit located in
4 Vermont, regardless of the individual's home of record.

5 (b) The veterans' medal shall conform to MIL-DTL-3943 and the ~~state~~
6 State specification sheets, and shall be as follows: the obverse shall be a relief
7 replica of the coat of arms of the ~~state~~ State of Vermont, and shall have the
8 words "Vermont National Defense" in a circular style with "1777" at the
9 bottom and centered. The great seal of Vermont shall be the model for the
10 reverse side. The ribbon shall conform to MIL-DTL-11589 as to quality and
11 construction, and shall consist of the four primary colors of the Vermont coat
12 of arms: green, blue, yellow, and red. The lapel button shall conform to MIL-
13 DTL-11484. The ~~state~~ State specification sheets and original model shall be
14 kept by the ~~secretary of state~~ Secretary of State.

15 (c) Application for a veterans' medal will be made to the ~~office of veterans'~~
16 ~~affairs~~ Office of Veterans' Affairs. The ~~office of veterans' affairs~~ Office of
17 Veterans' Affairs shall also design, cast, and procure the veterans' medals and
18 maintain and verify records and documents pertaining to the medals.
19 Approved applicants may choose to receive the medal by mail or in a
20 ceremony with a representative of the ~~state~~ State of Vermont.

1 Sec. 149. 20 V.S.A. § 1585 is amended to read:

2 § 1585. CEMETERY DESIGN

3 The Vermont ~~veterans' memorial cemetery~~ Veterans' Memorial Cemetery
4 identified by section 1584 of this title shall be of contemporary design
5 prepared by an experienced cemetery landscape architect, may accommodate
6 approximately 1,000 graves per acre, and shall allow for freedom of choice by
7 the family of a veteran, a veteran's spouse, and a veteran's minor child, who
8 will be interred, of an upright or flat memorialization to mark the grave.

9 Preference shall be given to the use of Vermont granite, Vermont slate, and
10 Vermont marble for all memorialization. The ~~commissioner of buildings and~~
11 ~~general services~~ Commissioner of Buildings and General Services shall request
12 and facilitate the availability of memorialization from the ~~United States~~ U.S.
13 Department of Veterans' Affairs.

14 Sec. 150. 20 V.S.A. § 1813 is amended to read:

15 § 1813. LAW ENFORCEMENT DUTIES GENERALLY

16 The ~~department~~ Department shall, in addition to ~~such~~ the other law
17 enforcement duties ~~as are hereinafter~~ set forth in this title, administer and
18 enforce the law pertaining to the following subjects:

- 19 (1) The patrol of highways and the operation of traffic thereon;
- 20 (2) ~~The identification and records division;~~ [Repealed.]
- 21 (3) ~~The office of state fire marshal~~ Office of the State Fire Marshal.

1 Sec. 151. 20 V.S.A. § 1821 is amended to read:

2 § 1821. MISSING PERSON COMPLAINT

3 * * *

4 (b) All law enforcement personnel on active duty shall be promptly notified
5 ~~forthwith~~ that the person is missing.

6 Sec. 152. 20 V.S.A. § 1822 is amended to read:

7 § 1822. MISSING PERSON REPORT

8 Upon receiving a complaint, the law enforcement agency shall ~~forthwith~~
9 promptly prepare a missing person report. The report shall include all
10 information contained in the missing person complaint and any information or
11 evidence gathered by a preliminary investigation, if one was made.

12 Sec. 153. 20 V.S.A. § 1823 is amended to read:

13 § 1823. DISSEMINATION OF MISSING PERSON REPORT

14 (a) Upon completion of the report, a copy shall ~~forthwith~~ promptly be
15 forwarded to the Commissioner of Public Safety, all law enforcement agencies
16 within the jurisdiction where the missing person lives or was last seen, and
17 other law enforcement agencies that can reasonably be expected to be involved
18 in any investigation.

19 * * *

1 Sec. 154. 20 V.S.A. § 1872 is amended to read:

2 § 1872. DUTIES OF COMMISSIONER GENERALLY

3 The ~~commissioner~~ Commissioner shall be the chief enforcement officer of
4 all the statutes; and rules ~~and regulations~~ pertaining to the law of the road and
5 the display of lights on vehicles. In addition, the ~~commissioner~~ Commissioner
6 shall supervise and direct the activities of the ~~state police~~ State Police and of
7 the Vermont ~~criminal information center~~ Crime Information Center and, as ~~fire~~
8 ~~marshal~~ Fire Marshal, be responsible for enforcing the laws pertaining to the
9 investigation of fires, the prevention of fires, the promotion of fire safety, and
10 the delivery of fire service training.

11 Sec. 155. 20 V.S.A. § 1874 is amended to read:

12 § 1874. ORGANIZATION OF DEPARTMENT BY COMMISSIONER

13 (a) The ~~commissioner~~ Commissioner, with the approval of the ~~governor~~
14 Governor, shall so organize and arrange the ~~department~~ Department as will
15 best and most efficiently promote its work and carry out the objectives of this
16 chapter. To that end, the ~~commissioner~~ Commissioner may, with ~~such~~ the
17 Governor's approval, create, rearrange, and abolish divisions, establish grades,
18 ranks, and positions to be held by members, and formulate, put into effect,
19 alter, and repeal rules ~~and regulations~~ for the administration of the ~~department~~
20 Department.

1 (b) The ~~commissioner~~ Commissioner may, ~~from time to time~~, in
2 accordance with the rules adopted by him or her, designate or change the rank
3 or grade to be held by a member. The ~~commissioner~~ Commissioner may
4 assign or transfer members to serve at such stations and, within the limits of
5 this chapter or other existing law, to perform such duties as he or she shall
6 designate. The ~~commissioner~~ Commissioner may determine what members
7 other than ~~state police~~ State Police shall give bonds, and prescribe the
8 conditions and amount of the bonds.

9 Sec. 156. 20 V.S.A. § 1876 is amended to read:

10 § 1876. HEADQUARTERS AND STATIONS; EQUIPMENT

11 The ~~commissioner~~ Commissioner shall, ~~from time to time~~, establish
12 headquarters and stations in such localities as he ~~shall deem~~ or she deems
13 advisable for the enforcement of the laws of the ~~state~~ State, and to that end,
14 within the limits of appropriations, he or she may lease, or otherwise acquire,
15 in the name of the ~~state~~ State the right to use and maintain lands and buildings,
16 and may purchase or otherwise acquire horses, motor equipment, and other
17 supplies including radio and all other equipment and services ~~deemed by him~~
18 the Commissioner deems essential for the needs of the ~~department~~ Department
19 or its members in carrying out their duties. The ~~commissioner~~ Commissioner
20 may discontinue a headquarters or station, where he or she determines such
21 action ~~seems to him~~ to be desirable. The ~~commissioner~~ Commissioner may

1 sell such property as shall have become unnecessary or unfit for further use,
2 and all ~~moneys~~ monies received ~~therefor~~ from the sale shall be paid into the
3 ~~state treasury~~ State Treasury and credited to the appropriation for the
4 ~~department~~ Department.

5 Sec. 157. 20 V.S.A. § 1913 is amended to read:

6 § 1913. UNIFORMS AND EQUIPMENT

7 Within the appropriation for the ~~department~~ Department, the ~~commissioner~~
8 Commissioner shall provide the ~~state police~~ State Police, and such other
9 members as he or she may designate, with uniforms and all members with the
10 equipment necessary in the performance of their respective duties, which shall
11 remain the property of the ~~state~~ State. The ~~commissioner~~ Commissioner may
12 sell such equipment as may become unfit for use, and all monies received
13 ~~therefor~~ from the sale shall be paid into the ~~state treasury~~ State Treasury and
14 credited to the ~~department~~ Department's appropriation. The ~~commissioner~~
15 Commissioner shall keep an inventory and shall charge against each member
16 all property of the ~~department~~ Department issued to him or her, and if the
17 ~~commissioner~~ Commissioner shall determine that a loss or destruction was due
18 to the carelessness or neglect of the member, the value of ~~such~~ the property
19 shall be deducted from his or her pay.

1 Sec. 158. 20 V.S.A. § 1914 is amended to read:

2 § 1914. POWERS AND IMMUNITIES

3 The ~~commissioner of public safety~~ Commissioner of Public Safety and the
4 ~~state police~~ State Police shall be peace officers and shall have the same powers
5 with respect to criminal matters and the enforcement of the law relating ~~thereto~~
6 to criminal matters as sheriffs, constables, and local police have in their
7 respective jurisdictions, and shall have all the immunities and matters of
8 defense now available or hereafter made available to sheriffs, constables, and
9 local police in a suit brought against them in consequence of acts done in the
10 course of their employment. ~~State police~~ Police shall be informing or
11 complaining officers with the same powers possessed by sheriffs, deputy
12 sheriffs, constables, or police officers of a city or incorporated village as
13 provided in 13 V.S.A. § 5507.

14 Sec. 159. 20 V.S.A. § 2054 is amended to read:

15 § 2054. UNIFORM REPORTS

16 (a) The ~~center~~ Center shall provide ~~state~~ State departments and agencies,
17 municipal police departments, sheriffs, and other law enforcement officers
18 with uniform forms for the reporting of the commission of crimes, arrests,
19 convictions, imprisonment, probation, parole, fingerprints, missing persons,
20 fugitives from justice, stolen property, and such other matters as the
21 ~~commissioner~~ Commissioner deems relevant. The ~~commissioner of public~~

1 ~~safety~~ Commissioner of Public Safety shall adopt ~~regulations~~ rules relating to
2 the use, completion, and filing of the uniform forms and to the operation of the
3 ~~center~~ Center.

4 (b) A department, agency, or law enforcement officer who fails to comply
5 with the ~~regulations~~ rules adopted by the ~~director~~ Commissioner with respect
6 to the use, completion, or filing of the uniform forms, after notice of failure to
7 comply, shall be fined not more than \$100.00. Each such failure shall
8 constitute a separate offense.

9 Sec. 160. 20 V.S.A. § 2056a is amended to read:

10 § 2056a. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO
11 CRIMINAL JUSTICE AGENCIES

12 (a) As used in this section:

13 (1) “Criminal history record” means all information documenting an
14 individual’s contact with the criminal justice system, including data regarding
15 identification, arrest or citation, arraignment, judicial disposition, custody, and
16 supervision.

17 (2) “Criminal justice agencies” means all Vermont courts and other
18 governmental agencies or subunits ~~thereof~~ of governmental agencies that
19 allocate at least 50 percent of the agency’s annual appropriation to criminal
20 justice purposes.

1 (3) “Criminal justice purposes” means the investigation, apprehension,
2 detention, adjudication, or correction of persons suspected, charged, or
3 convicted of criminal offenses. Criminal justice purposes shall also include
4 criminal identification activities; the collection, storage, and dissemination of
5 criminal history records; and screening for criminal justice employment.

6 (4) “~~The center~~ Center” means the Vermont ~~crime information center~~
7 Crime Information Center.

8 (b) A criminal justice agency may request a person’s criminal history
9 record from the center for criminal justice purposes or other purposes
10 authorized by ~~state~~ State or federal law. Upon the request of a criminal justice
11 agency, the ~~center~~ Center shall prepare and release a person’s Vermont
12 criminal history record, provided that the criminal justice agency has filed a
13 user’s agreement with the ~~center~~ Center. The user’s agreement shall require
14 the criminal justice agency to comply with all federal and ~~state~~ State laws,
15 rules, regulations, and policies regulating the release of criminal history
16 records and the protection of individual privacy. The user’s agreement shall be
17 signed and kept current by the agency.

18 (c) A criminal justice agency may obtain criminal history records from
19 other states and the Federal Bureau of Investigation through the ~~center~~ Center,
20 provided that the criminal justice agency has filed a user’s agreement with the
21 ~~center~~ Center. Release of interstate and Federal Bureau of Investigation

1 criminal history records to criminal justice agencies is subject to the rules and
2 regulations of the Federal Bureau of Investigation's National Crime
3 Information Center.

4 (d) A criminal history record obtained from the ~~center~~ Center shall be
5 admissible evidence in the courts of this ~~state~~ State.

6 * * *

7 (f) A person who violates the provisions of this section with respect to
8 unauthorized disclosure of confidential criminal history record information
9 obtained from the ~~center~~ Center under the authority of this section shall be
10 fined not more than \$5,000.00. Each unauthorized disclosure shall constitute a
11 separate civil violation.

12 Sec. 161. 20 V.S.A. § 2056b is amended to read:

13 § 2056b. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO
14 PERSONS CONDUCTING RESEARCH

15 (a) The Vermont Crime Information Center may provide Vermont criminal
16 history records as defined in section 2056a of this title to bona fide persons
17 conducting research related to the administration of criminal justice, subject to
18 conditions approved by the Commissioner of Public Safety to ~~assure~~ ensure the
19 confidentiality of the information and the privacy of individuals to whom the
20 information relates. Bulk criminal history data requested by descriptors other
21 than the name and date of birth of the subject may only be provided in a format

1 that excludes the subject's name and any unique numbers that may reference
2 the identity of the subject, except that court docket numbers and the State
3 identification number may be provided. Researchers shall sign a user
4 agreement that specifies data security requirements and restrictions on use of
5 identifying information.

6 * * *

7 Sec. 162. 20 V.S.A. § 2064 is amended to read:

8 § 2064. SUBSCRIPTION SERVICE

9 (a) As used in this section:

10 (1) "State Identification Number (SID)" means a unique number
11 generated by the ~~center~~ Center to identify a person in the criminal history
12 database.

13 (2) "Subscription service" means a service provided by the ~~center~~
14 ~~whereby~~ Center through which authorized requestors may be notified when an
15 individual's criminal record is updated.

16 (b) The ~~center~~ Center shall provide the ~~department for children and families~~
17 Department for Children and Families and education officials authorized under
18 ~~subchapter 4 of chapter 5 of Title 16 V.S.A. chapter 5, subchapter 4~~ to receive
19 criminal records access to a criminal record subscription service. Authorized
20 persons may subscribe to an individual's SID number, provided the individual

1 has given written authorization on a release form provided by the ~~center~~
2 Center.

3 (c) The release form shall contain the individual's name, signature, date of
4 birth, and place of birth. The release form shall state that the individual has the
5 right to appeal the findings to the ~~center~~ Center, pursuant to rules adopted by
6 the ~~commissioner of public safety~~ Commissioner of Public Safety.

7 (d) The ~~center~~ Center shall provide authorized officials with information
8 regarding the subscription service offered by the ~~center~~ Center prior to being
9 authorized to participate in the subscription service. The materials shall
10 address the following topics:

11 * * *

12 (e) Authorized officials shall certify on their subscription request that they
13 have read and understood materials prior to receiving authorization to request a
14 subscription from the ~~center~~ Center.

15 (f) During the subscription period, the ~~center~~ Center shall notify authorized
16 officials in writing if new criminal conviction information is added to an
17 individual's criminal history record. Notification may be sent electronically.

18 * * *

19 (h) Except insofar as criminal conviction record information must be
20 retained or made public pursuant to ~~chapter 51 of Title 16 V.S.A. chapter 51~~ or
21 the ~~state board of education~~ State Board of Education administrative rules

1 ~~promulgated thereunder~~ adopted pursuant to that chapter, no person shall
2 confirm the existence or nonexistence of criminal conviction record
3 information or disclose the contents of a criminal conviction record without the
4 individual's permission to any person other than the individual and properly
5 designated employees of the authorized education official who have a
6 documented need to know the contents of the record.

7 (i) Except insofar as criminal conviction record information must be
8 retained or made public pursuant to ~~chapter 51 of Title 16 V.S.A.~~ chapter 51 or
9 ~~the state board of education~~ State Board of Education administrative rules
10 ~~promulgated thereunder~~ adopted pursuant to that chapter, authorized education
11 officials shall confidentially retain all criminal conviction information received
12 pursuant to this section for a period of three years. At the end of the retention
13 period, the criminal conviction information must be shredded.

14 (j) A person who violates any subsection of this section shall be assessed a
15 civil penalty of not more than \$5,000.00. Each unauthorized disclosure shall
16 constitute a separate civil violation. ~~The office of the attorney general~~
17 Attorney General shall have authority to enforce this section.

18 Sec. 163. 20 V.S.A. § 2364 is amended to read:

19 § 2364. STATE POLICE, BASIC TRAINING

20 Basic training programs for Vermont ~~state police~~ State Police officers,
21 including curriculum, location, duration, and selection of instructors and other

1 personnel, shall be developed and conducted by the ~~commissioner of public~~
2 ~~safety~~ Commissioner of Public Safety and submitted to the ~~criminal justice~~
3 ~~training council~~ Criminal Justice Council for approval in accordance with the
4 minimum standards ~~promulgated~~ adopted by rule under this chapter.

5 Sec. 164. 20 V.S.A. § 2403 is amended to read:

6 § 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

7 (a)(1) The executive officer of a law enforcement agency or the chair of the
8 agency's civilian review board shall report to the Council within 10 business
9 days if any of the following occur in regard to a law enforcement officer of the
10 agency:

11 (A) Category A.

12 * * *

13 (ii) There is any decision or findings of fact or verdict regarding
14 allegations that the officer committed Category A conduct, including a judicial
15 decision and any appeal ~~therefrom~~ from a decision.

16 (B) Category B.

17 * * *

18 (ii) The agency receives or issues any of the following:

19 * * *

20 (II) any decision or findings, including findings of fact or
21 verdict, regarding allegations that the officer committed Category B conduct,

1 including a hearing officer decision, arbitration, administrative decision, or
2 judicial decision, and any appeal ~~therefrom~~ from such a decision.

3 * * *

4 Sec. 165. 20 V.S.A. § 2488 is amended to read:

5 § 2488. BOARD OF TAX ABATEMENT

6 The board for the abatement of taxes of a fire district shall consist of the
7 prudential committee, the clerk ~~thereof~~ of the committee, the justices of the
8 peace, and listers residing ~~therein~~ in the district. ~~Such~~ The board may abate
9 taxes accruing to such municipality in all cases where a different provision is
10 not made by the charter, acts of incorporation, or amendments ~~thereto~~, to the
11 charter or acts of incorporation of ~~such~~ the municipality.

12 Sec. 166. 20 V.S.A. § 2604 is amended to read:

13 § 2604. PRESERVATION OF PROPERTY

14 In the name of the district, the prudential committee may make contracts
15 and expenditures for the preservation of property in ~~such~~ the district from
16 damage by fire as they deem necessary; and draw orders on the treasury
17 ~~therefor~~ for that purpose. However, ~~such~~ the committee shall not bind the
18 district for a greater sum than has been voted.

1 Sec. 167. 20 V.S.A. § 2606 is amended to read:

2 § 2606. EMINENT DOMAIN

3 When a fire district decides to erect a building for the preservation of its fire
4 apparatus and the location of land for ~~such~~ the building is determined, if the
5 owner ~~thereof~~ of the land refuses to convey the ~~same~~ land to the district at a
6 price ~~which such~~ that the district deems reasonable, ~~such~~ the district may take
7 ~~such~~ the land in the same manner as a town may take land for town purposes as
8 provided in 24 V.S.A. §§ ~~2805 to 2812~~ 2805–2812. The duties imposed by
9 ~~such sections~~ 24 V.S.A. §§ 2805–2812 upon ~~selectmen~~ the selectboard shall be
10 performed by the prudential committee of ~~such~~ the district. All petitions and
11 notices shall be served on the clerk of ~~such~~ the district in lieu of on the town
12 clerk as ~~therein~~ provided pursuant to 24 V.S.A. §§ 2805–2812.

13 Sec. 168. 20 V.S.A. § 2672 is amended to read:

14 § 2672. ENFORCEMENT OF BYLAWS; ALTERATION AND REPAIR OF
15 FIREPLACES, FURNACES, AND STOVES

16 The chief engineer may carry into effect any bylaw or ~~regulation~~ rule of the
17 district; and may direct alterations in the position and repairs of fireplaces,
18 furnaces, stoves, and other things from which damage from fire is
19 apprehended. If ~~such~~ the directions are not complied with ~~forthwith~~ promptly,
20 he or she may cause ~~such~~ the change or repairs to be made; and recover the

1 expense ~~thereof~~ of the change or repairs, with costs, ~~of~~ from the owner or
2 possessor in a civil action in the name of the district.

3 Sec. 169. 20 V.S.A. § 2689 is amended to read:

4 § 2689. FAILURE OF OFFICER TO PERFORM DUTY

5 An officer referred to in section 2831 of this title who ~~wilfully~~ intentionally
6 neglects to comply with any of the requirements of this chapter shall be fined
7 not more than \$100.00 nor less than \$10.00.

8 Sec. 170. 20 V.S.A. § 2732 is amended to read:

9 § 2732. HISTORIC VARIANCE APPEALS BOARD; VARIANCES;

10 EXEMPTIONS

11 (a) ~~An historic variance appeals board~~ The Historic Variance Appeals
12 Board is created. The ~~board~~ Board shall consist of the following three
13 members: the ~~commissioner of public safety~~ Commissioner of Public Safety
14 or designee, who shall be chair; the ~~state historic preservation officer~~ State
15 Historic Preservation Officer or designee; and a representative of the Vermont
16 historic preservation community appointed by the ~~governor~~ Governor. A
17 ~~board~~ Board member who is not a ~~state~~ State employee shall be entitled to
18 compensation and expenses as provided by 32 V.S.A. § 1010.

19 (b) The ~~board~~ Board shall hear and determine all requests for variances or
20 exemptions from the rules adopted by the ~~commissioner~~ Commissioner under
21 this subchapter for historic buildings and structures. A request for a variance

1 or exemption may be granted where an applicant has demonstrated that strict
2 compliance would entail practical difficulty, or unnecessary hardship, or would
3 damage or destroy the historic architectural integrity of the historic building or
4 structure, or is otherwise found unwarranted, provided that:

5 (1) any such variance or exemption secures the public safety and health;

6 (2) any petitioner for such a variance or exemption can demonstrate that
7 the methods, means, or practices proposed to be taken in lieu of compliance
8 with the rule or rules provide, in the opinion of the ~~board~~ Board, equal
9 protection of the public safety and health as provided by rule or rules;

10 (3) the rule or rules from which the variance or exemption is sought
11 have not also been adopted as a rule or standard under ~~subchapters 4 and 5 of~~
12 ~~chapter 3 of Title 21~~ V.S.A. chapter 3, subchapters 4 and 5; and

13 (4) any such variance or exemption does not violate any of the
14 provisions of ~~chapters 3 and 20 of Title 26~~ V.S.A. chapters 3 and 20 or any
15 rules adopted ~~thereunder~~ pursuant to those chapters.

16 (c) The ~~board~~ Board may permit a person seeking a variance or exemption
17 to phase in compliance with the rules adopted under this subchapter in lieu of
18 or in addition to granting the variance or exemption requested. The period of
19 phased in compliance shall be reasonable but shall state a date by which
20 compliance shall be achieved.

1 (d) Any person seeking a variance or exemption for work involving an
2 historic building shall file a written request with the ~~commissioner~~
3 Commissioner. The request shall describe the rule or rules from which the
4 variance or exemption is sought, the reasons why a variance or exemption is
5 sought, and a description as to how any alternative means of protecting the
6 public safety and health is to be provided. The ~~board~~ Board shall meet and
7 consider such requests within 15 working days of the request being filed with
8 the ~~commissioner~~ Commissioner. In deciding whether to grant or deny the
9 request, the ~~board~~ Board shall take testimony or receive information from the
10 applicant or his or her representatives, and from ~~fire safety division~~ Division of
11 Fire Safety staff. A decision of the ~~board~~ Board based on a majority vote of
12 those members present shall be binding. The ~~board~~ Board shall issue a written
13 determination granting or denying, in whole or in part, any variance or
14 exemption request, or permission to phase in compliance, within 60 days of
15 hearing the request. If a grant is conditional, the condition shall be clearly
16 stated in writing. Failure to act on a request within 60 days shall be deemed
17 approval of the request, provided that the public safety and health is not
18 imminently threatened.

19 (e) The ~~board~~ Board may adopt, amend, or repeal procedural rules to carry
20 out the provisions of this section.

1 (f) The ~~board~~ Board is attached to the ~~department of public safety~~
2 Department of Public Safety for administrative purposes.

3 (g) The ~~board~~ Board shall be subject to the requirements of ~~subchapters 2~~
4 ~~and 3 of chapter 5 of Title 1~~ V.S.A. chapter 5, subchapters 2 and 3.

5 Sec. 171. 20 V.S.A. § 2734 is amended to read:

6 § 2734. PENALTIES

7 (a) A person who violates any provision of this subchapter or any order or
8 rule issued pursuant ~~thereto~~ this subchapter shall be fined not more than
9 \$10,000.00. The ~~state's attorney~~ State's Attorney of the county in which ~~such~~
10 the violation occurs shall prosecute the violation and may commence a
11 proceeding in the ~~superior court~~ Superior Court to compel compliance with
12 ~~such the~~ order or rule, and ~~such the~~ court may make orders and decrees ~~therein~~
13 in relation to the proceeding by way of writ of injunction or otherwise.

14 (b) A person who fails to comply with a lawful order issued under authority
15 of this subchapter in case of sudden emergency shall be fined not more than
16 \$20,000.00. A person who fails to comply with an order requiring notice shall
17 be fined \$200.00 for each day's neglect commencing with the effective date of
18 ~~such the~~ order or the date ~~such the~~ order is finally determined if an appeal has
19 been filed.

20 (c) The ~~commissioner~~ Commissioner may, after notice and opportunity for
21 hearing, assess an administrative penalty of not more than \$1,000.00 for each

1 violation of this subchapter or any rule adopted under this subchapter.
2 Penalties assessed pursuant to this subsection shall be based on the severity of
3 the violation. An election by the ~~commissioner~~ Commissioner to proceed
4 under this subsection shall not limit or restrict the ~~commissioner's~~
5 Commissioner's authority under subsection (a) of this section.

6 (d) Violation of any rule adopted under this subchapter shall be prima facie
7 evidence of negligence in any civil action for damage or injury ~~which~~ that is
8 the result of the violation.

9 Sec. 172. 20 V.S.A. § 2756 is amended to read:

10 § 2756. PURPOSE

11 It is the intent of this ~~act~~ subchapter to require that only reduced ignition
12 propensity cigarettes be sold in Vermont. Although these cigarettes are not
13 guaranteed to self-extinguish, they are expected to reduce fires and related
14 personal injury and property damage caused by cigarette smoking.

15 Sec. 173. 20 V.S.A. § 2799 is amended to read:

16 § 2799. DEFINITIONS

17 As used in this subchapter:

18 (1) "Explosive material" includes "explosives," "explosive material,"
19 "blasting agents," and "detonators," as defined in 18 U.S.C. § 841, as amended
20 ~~at any time~~, and regulations promulgated ~~thereunder~~ pursuant to that section.

21 * * *

1 (4) "Petroleum product" includes ~~without limitation~~ liquid petroleum
2 gas, explosive flammable gases, and flammable fluids, compounds, or tablets,
3 derived in whole or in part from petroleum.

4 Sec. 174. 20 V.S.A. § 2832 is amended to read:

5 § 2832. TIME OF INVESTIGATION; SUPERVISION AND DIRECTION

6 ~~Such~~ An investigation pursuant to section 2831 of this subchapter shall be
7 begun within five days after the occurrence of ~~such~~ the fire or as soon
8 thereafter as it appears that there is cause ~~therefor~~ for an investigation. The ~~fire~~
9 ~~marshal~~ Fire Marshal or the ~~deputy fire marshal~~ Deputy Fire Marshal shall
10 have the right to supervise and direct ~~such~~ the investigation whenever he or she
11 deems it necessary or expedient.

12 Sec. 175. 20 V.S.A. § 2833 is amended to read:

13 § 2833. REPORTS TO FIRE MARSHAL

14 (a) The chief of a volunteer or paid fire department or, if there is no fire
15 department, the first ~~selectman~~ selectperson of a town, shall within five days of
16 the occurrence of a fire within his or her jurisdiction ~~which~~ that causes serious
17 injury to any person or loss or damage to property ~~which~~ that exceeds \$200.00,
18 forward a report of the fire to the ~~state fire marshal~~ State Fire Marshal on forms
19 ~~to be furnished by him~~ provided by the Fire Marshal. If the reporting officer
20 has reason to believe that a fire is of suspicious origin, he or she shall report
21 that fact to the ~~state fire marshal~~ State Fire Marshal immediately. No fee shall

1 be paid or allowed any officer for rendering the report required by this
2 subsection.

3 (b) An officer referred to in subsection (a) of this section who ~~wilfully~~
4 intentionally neglects to comply with any of the requirements of this
5 subchapter shall be fined not more than \$100.00.

6 Sec. 176. 20 V.S.A. § 2835 is amended to read:

7 § 2835. ~~DISTRICT SUPERIOR JUDGE~~

8 If a ~~selectman~~ selectperson of a town or a mayor of a city is informed that a
9 building, pile of wood, lumber, or bark, or any other property in the ~~town~~
10 municipality, has been ~~wilfully~~ intentionally and maliciously set on fire or
11 burned, a majority of the ~~selectmen~~ selectboard, or the mayor, may apply to a
12 ~~district Superior~~ judge, who shall inquire into the cause of the fire and the
13 manner in which it was set and the property burned.

14 Sec. 177. 20 V.S.A. § 2861 is amended to read:

15 § 2861. GENERALLY

16 When it may seem to be for the public good, the ~~fire-marshal~~ Fire Marshal
17 shall personally visit and investigate any fire in accordance with the provisions
18 of this chapter and ~~he~~ shall be ~~repaid all~~ repaid for any related expenses ~~incident~~
19 ~~thereto~~ out of the funds ~~provided for in section 2687 of this title~~ appropriated
20 to the Division of Fire Safety.

1 Sec. 178. 20 V.S.A. § 2864 is amended to read:

2 § 2864. ATTENDANCE OF WITNESSES; PRODUCTION OF
3 DOCUMENTS

4 The ~~fire marshal~~ Fire Marshal and the ~~deputy fire marshal~~ Deputy Fire
5 Marshal, or either of them, may summon and compel the attendance of
6 witnesses ~~before them, or either of them,~~ to testify relative to any matter ~~which~~
7 ~~that is by the provisions of this chapter~~ a subject of to an inquiry or
8 investigation pursuant to the provisions of this chapter and may require the
9 production of any book, paper, or document ~~deemed pertinent thereto by them~~
10 that they deem pertinent to the inquiry or investigation. ~~Such witnesses~~
11 Witnesses shall be subpoenaed in the same manner as witnesses in the ~~criminal~~
12 ~~division~~ Criminal Division of the ~~superior court~~ Superior Court and a person
13 shall not be excused from ~~attending~~ appearing before the ~~fire marshal~~ Fire
14 Marshal or ~~deputy fire marshal~~ Deputy Fire Marshal when summoned ~~to~~
15 ~~attend~~ appear. ~~They~~ A witness shall receive the same compensation as is paid
16 in ~~criminal division~~ Criminal Division of the ~~superior court~~ Superior Court,
17 which shall be paid out of the ~~fire marshal fund~~ Fire Prevention and Building
18 Inspection Special Fund upon vouchers signed by the ~~fire marshal~~ Fire Marshal
19 or ~~deputy fire marshal~~ Deputy Fire Marshal before whom ~~any~~ the witnesses
20 ~~have attended~~ appeared. At the close of the investigation ~~wherein such~~ for
21 which the witnesses were subpoenaed ~~such~~ the officer shall certify to their

1 attendance and mileage, ~~which~~ and the certificate shall be filed in the ~~office~~
2 Office of the ~~fire marshal~~ Fire Marshal.

3 Sec. 179. 20 V.S.A. § 2866 is amended to read:

4 § 2866. TESTIMONY UNDER OATH

5 When in his or her opinion further investigation is necessary, the ~~fire~~
6 ~~marshal~~ Fire Marshal shall take or cause to be taken the testimony under oath
7 of all persons supposed to have knowledge of any facts or to have means of
8 knowledge relating to any fire or matter regarding which an examination is
9 ~~herein~~ required to be made pursuant to this chapter, and he or she shall cause
10 the ~~same~~ testimony to be reduced to writing.

11 Sec. 180. 20 V.S.A. § 2868 is amended to read:

12 § 2868. CONTEMPT

13 A witness may be punished as for contempt of court who:

14 (1) Refuses to obey a summons of the ~~fire marshal~~ Fire Marshal or
15 ~~deputy fire marshal~~ Deputy Fire Marshal; or

16 (2) Refuses to be sworn or to testify; or

17 (3) Disobeys a lawful order of the ~~fire marshal~~ Fire Marshal or ~~deputy~~
18 ~~fire marshal~~ Deputy Fire Marshal in relation to an investigation instituted by
19 him or her; or

20 (4) Fails or refuses to produce any book, paper, or document relating to
21 any matter under investigation or examination; or

1 section 2730 of this title. However, for purposes of this chapter, “public
2 building” shall not include existing housing on a working farm provided to
3 farm employees or a farm building that is open for public tours and for which
4 no fee is charged for those tours.

5 * * *

6 Sec. 182. 20 V.S.A. § 2961 is amended to read:

7 § 2961. AUTHORIZATION

8 Any town, city, or private volunteer fire department may, by ordinance or
9 resolution, authorize and permit its firefighting forces and equipment to go to
10 the aid of a person, corporation, or private volunteer fire department in another
11 municipality, subject to ~~such~~ any conditions and restrictions ~~as may be~~
12 ~~prescribed therein~~ set forth in the ordinance or resolution.

13 Sec. 183. 20 V.S.A. § 2987 is amended to read:

14 § 2987. ORGANIZATION

15 Upon receipt of ~~such~~ a petition pursuant to section 2986 of this subchapter,
16 ~~the state fire marshal~~ State Fire Marshal shall call the first or organization
17 meeting of the system by giving written notice to the chief of each fire
18 department in the system and may invite private fire departments within the
19 designated area to join in the meeting by giving similar notice to them. Each
20 fire department shall send one delegate to the organization and subsequent
21 meetings and shall be entitled to one vote in all proceedings. The delegate

1 shall be the chief of each fire department or ~~such alternate as he may designate~~
2 his or her designee. At the organization meeting, the members of the system
3 shall adopt articles of association and bylaws and ~~regulations~~ rules for the
4 future government and operation of the system ~~which that shall be effective~~
5 take effect upon submission to and approval by the ~~attorney general~~ Attorney
6 General, who shall cause them to be recorded by the ~~secretary of state~~
7 Secretary of State. The system shall be deemed to ~~have been~~ be formally
8 established upon that recording. The organization meeting shall also elect a
9 board of directors consisting of such number as ~~they may~~ the delegates
10 determine. Delegates and directors need not be residents. The board of
11 directors shall be the governing body of the system and shall serve for terms of
12 one year and until their successors are elected and qualify. The delegates shall
13 choose from their number the officers of the system, except that a secretary; or
14 a treasurer; or both, may be nondelegates. All officers shall have such duties
15 and powers as the bylaws provide. Within the limits of available funds, the
16 directors may employ and fix the compensation of agents and other necessary
17 personnel; who shall serve at their pleasure and have and exercise such powers
18 and authority as they may delegate to them.

1 Sec. 184. 20 V.S.A. § 2988 is amended to read:

2 § 2988. POWERS AND DUTIES

3 A district fire mutual aid system shall coordinate the services of all fire
4 departments belonging to it so as to provide better and more efficient
5 cooperation in the protection of life and property against fire and in the case of
6 other accidental or natural emergency within the area ~~which~~ that it comprises.
7 It may establish an overall plan or plans for that coordination. Within the
8 limits of available funds, it may acquire and operate property and equipment,
9 including a dispatch center and a communications service, and may extend the
10 advantages of group purchasing and benefits to departments in the system. It
11 may provide and operate training programs for ~~firemen~~ firefighters and others,
12 or enter into agreements with other agencies or institutions to provide and
13 operate those programs. It shall cooperate with other ~~state~~ State agencies and
14 with the civil defense authorities, ~~state~~ State and local. The ~~state fire marshal~~
15 State Fire Marshal may give advice, recommendations, and assistance to the
16 system on request. It may accept any and all donations, gifts, and grants of
17 money, property, equipment, supplies, materials, and services from the federal
18 or any ~~state~~ State or local government, or any agency ~~thereof~~ of federal, State,
19 or local government and from any person, firm, or corporation, for any of its
20 purposes and functions under this subchapter, and may receive and utilize the

1 ~~same~~ donations, gifts, and grants subject to the terms, conditions and
2 ~~regulations~~ rules governing the donations, gifts, and grants.

3 Sec. 185. 20 V.S.A. § 3072 is amended to read:

4 § 3072. ISSUANCE OF LICENSE

5 (a) Any person who ~~has reached the age of majority~~ is at least 18 years of
6 age may apply to the Commissioner of Public Safety for a license to possess,
7 purchase, store, use, transport, give, transfer, or sell explosives, as defined in
8 13 V.S.A. § 1603, in this State for not more than one year from the date of
9 issue.

10 (b) An applicant for a license shall be entitled to the issuance ~~thereof~~ of the
11 license upon the submission of evidence, under oath, that satisfies the
12 Commissioner of Public Safety that the applicant:

13 (1) has a reasonable and lawful purpose for possessing, purchasing,
14 storing, using, transporting, giving, transferring, or selling explosives;

15 (2) has not been convicted of an offense ~~the~~ with a maximum term of
16 imprisonment ~~of which~~ that exceeds one year within the seven years preceding
17 the application;

18 * * *

19 (d) The license shall be issued or denied within 15 days after the
20 application ~~therefor; however, if~~ is submitted. If the application is denied, the

1 reasons for the denial shall be stated in writing with a copy mailed to the
2 applicant.

3 (e) The Commissioner of Public Safety may revoke any license issued
4 under this division if, in his or her opinion, the holder has violated any
5 provision of this division or of 13 V.S.A. §§ 1603-1611, or is ineligible to
6 acquire explosives or to obtain a license under this section. A written notice of
7 a revocation of a license by the Commissioner of Public Safety shall be given
8 to the holder of the license in person or by certified mail prior to or
9 concurrently with the effective date of the revocation, ~~which.~~ The notice shall
10 state specific grounds upon which the revocation is based.

11 Sec. 186. 20 V.S.A. § 3075 is amended to read:

12 § 3075. RULES AND REGULATIONS

13 ~~The commissioner of public safety~~ Commissioner of Public Safety may
14 adopt rules ~~and regulations~~ under ~~chapter 25 of Title 3~~ V.S.A. chapter 25 to
15 implement the provisions of this division and to govern the storage,
16 transportation, and the manner of use of explosives as defined in 13 V.S.A.
17 § 1603.

18 Sec. 187. 20 V.S.A. § 3076 is amended to read:

19 § 3076. PENALTIES

20 Any person convicted of violating the rules ~~or regulations~~ adopted under
21 this division or of making a false statement in applying for a license under this

1 division, shall be fined not more than \$1,000.00 or imprisoned not more than
2 five years, or both.

3 Sec. 188. 20 V.S.A. § 3131 is amended to read:

4 § 3131. DEFINITIONS

5 ~~The~~ As used in this subchapter, the term “fireworks” means any
6 combustible or explosive composition, or any substance or combination of
7 substances, or article prepared for the purpose of producing a visible or an
8 audible effect by combustion, explosion, deflagration, or detonation, including
9 blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which
10 explosives are used, balloons that are propelled by explosives, firecrackers,
11 torpedoes, sky rockets, Roman candles, cherry bombs, or other fireworks of
12 like construction and any fireworks containing any explosive or flammable
13 compound, or any tablets or other device containing any explosive substance,
14 except sparklers. The term “fireworks” does not include toy pistols, toy canes,
15 toy guns, or other devices in which paper caps containing 0.25 grains or less of
16 explosive compound are used, providing they are so constructed that the hand
17 cannot come in contact with the cap when in place for use, and toy pistol paper
18 caps that contain less than 0.2 grains of explosive mixture. The term
19 “fireworks” does not include fixed ammunition for firearms, or primers for
20 firearms. The term “sparkler” means a sparkling item that ~~is in compliance~~

1 complies with the ~~United States~~ U.S. Consumer Product Safety Commission
2 regulations and is one of the following:

3 * * *

4 Sec. 189. 20 V.S.A. § 3132 is amended to read:

5 § 3132. PROHIBITIONS; PERMITS

6 (a) Except as provided in this section, it shall be unlawful for any person,
7 firm, co-partnership, or corporation to do any of the following:

8 * * *

9 (5) Offer for sale or sell sparklers that are not in compliance with the
10 ~~United States~~ U.S. Consumer Product Safety Commission regulations.

11 (b) The ~~state fire marshal shall have power to~~ State Fire Marshal may adopt
12 reasonable rules ~~and regulations~~ for granting permits for supervised public
13 displays of fireworks by municipalities, fair associations, amusement parks,
14 and other organizations or groups of individuals.

15 * * *

16 Sec. 190. 20 V.S.A. § 3157 is amended to read:

17 § 3157. DIVISION OF FIRE SAFETY SPECIAL FUND

18 The ~~division of fire safety special fund~~ Division of Fire Safety Special Fund
19 is established. The ~~fund~~ Fund shall be administered by the ~~commissioner of~~
20 ~~public safety from which payments~~ Commissioner of Public Safety. Payments
21 from the Fund may be made to support training programs and activities

1 authorized by this chapter, maintenance and operation of any permanent
2 training facilities operated by the ~~division of fire safety~~, Division of Fire Safety
3 and the administrative expenses of the ~~division of fire safety~~ Division of Fire
4 Safety. The ~~fund~~ Fund shall consist of all monies received from tuitions,
5 contributions, capital grants, or other funds received by the ~~council~~ Council,
6 transfers from the ~~insurance regulatory and supervision fund under 8 V.S.A.~~
7 ~~§ 80(b)~~ Insurance Regulatory and Supervision Fund pursuant to 8 V.S.A.
8 § 80(c), and assessments of insurance companies under 32 V.S.A. § 8557(a),
9 together with monies appropriated to the ~~fund~~ Fund. Monies remaining in the
10 ~~fund~~ Fund at the end of any fiscal year shall be carried forward and remain in
11 the ~~fund~~ Fund. Disbursement from the ~~fund~~ Fund shall be made by the ~~state~~
12 ~~treasurer~~ State Treasurer on warrants drawn by the ~~commissioner of finance~~
13 ~~and management~~ Commissioner of Finance and Management.

14 Sec. 191. 20 V.S.A. § 3343 is amended to read:

15 § 3343. YARD OF TOWNHOUSE, CHURCH, OR SCHOOLHOUSE

16 A person who turns cattle, horses, sheep, goats, or swine into a yard
17 belonging to a townhouse, church, or schoolhouse, which is properly enclosed,
18 or knowingly permits them to run ~~therein~~ in such a yard, shall be fined not
19 more than \$10.00 nor less than \$3.00.

1 Sec. 192. 20 V.S.A. § 3344 is amended to read:

2 § 3344. BURIAL GROUND

3 A person who knowingly turns cattle, horses, sheep, goats, or swine into a
4 properly enclosed burial ground, or who knowingly permits ~~the same~~ them to
5 run ~~therein~~ within a properly enclosed burial ground, if it is properly enclosed,
6 shall be fined \$25.00.

7 Sec. 193. 20 V.S.A. § 3349 is amended to read:

8 § 3349. STALLIONS

9 (a) An owner or keeper of a stallion, more than one year old, who ~~wilfully~~
10 intentionally or negligently permits ~~such~~ the stallion to run at large out of the
11 enclosure of ~~such~~ the owner or keeper, shall be fined for each instance not
12 more than \$500.00 nor less than \$100.00 and shall also be liable to a party
13 injured for the damage done by ~~such~~ the stallion while running at large.

14 (b) A person who owns or keeps a stallion over one year of age, between
15 April 1 and December 1, in a private enclosure in ~~such~~ a manner ~~as to disturb~~
16 ~~and annoy~~ that disturbs and annoys the owner or occupant of adjoining
17 premises shall be fined \$5.00 for each week he ~~so~~ keeps ~~such~~ the stallion in
18 that enclosure after he or she has received three days' notice from an adjoining
19 owner or occupant to remove ~~such~~ the stallion.

1 Sec. 194. 20 V.S.A. § 3416 is amended to read:

2 § 3416. ASCERTAINMENT OF DAMAGES; DISCHARGE ON PAYMENT

3 The appraisers shall ascertain the damages done by ~~such~~ the animal, and
4 make a certificate of the amount ~~thereof of damages~~, and ~~forthwith~~ promptly
5 transmit the ~~same~~ certificate to the poundkeeper. An impounded animal ~~so~~
6 ~~impounded~~ shall not be discharged until ~~such~~ the damages, charges, and costs
7 are paid, nor shall an animal be detained after ~~such~~ payment is made.

8 Sec. 195. 20 V.S.A. § 3418 is amended to read:

9 § 3418. FORFEITURE FOR FAILURE TO REPLEVY OR REDEEM

10 If the owner or keeper of an animal impounded does not, within 48 hours
11 after notice ~~thereof as aforesaid~~ of the impoundment pursuant to the provisions
12 of this chapter, either replevy or redeem the ~~same~~ animal, he or she shall ~~forfeit~~
13 be liable to the poundkeeper for \$3.00 for each animal so by him or her
14 suffered to remain left in pound, and the same sum for every plus an additional
15 \$3.00 for each additional day thereafter he or she so suffers such the animal to
16 remain is left in pound, and pay the charges to the poundkeeper. Such
17 forfeiture shall be recovered by the The poundkeeper for his or her use may
18 recover the amount in a civil action.

1 Sec. 196. 20 V.S.A. § 3423 is amended to read:

2 § 3423. RECORD OF SALE

3 Immediately after the sale, the impounder shall cause a description of the
4 animal, with an account of the associated damages, charges, and expenses
5 ~~aforsaid pursuant to the provisions of this chapter~~, and the sum for which it
6 was sold, to be recorded in the office of the clerk of the town.

7 Sec. 197. 20 V.S.A. § 3546 is amended to read:

8 § 3546. INVESTIGATION OF VICIOUS DOMESTIC PETS OR WOLF-
9 HYBRIDS; ORDER

10 (a) When a domestic pet or wolf-hybrid has bitten a person while the
11 domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the
12 person bitten requires medical attention for the attack, ~~such~~ the person may file
13 a written complaint with the legislative body of the municipality. The
14 complaint shall contain the time, date, and place where the attack occurred, the
15 name and address of the victim or victims, and any other facts that may assist
16 the legislative body in conducting its investigation required by subsection (b)
17 of this section.

18 (b) The legislative body, within seven days from receipt of the complaint,
19 shall investigate the charges and hold a hearing on the matter. If the owner of
20 the domestic pet or wolf-hybrid ~~which~~ that is the subject of the complaint can
21 be ascertained with due diligence, ~~said~~ the owner shall be provided with a

1 written notice of the time, date, and place of hearing and the facts of the
2 complaint.

3 (c) If the domestic pet or wolf-hybrid is found to have bitten the victim
4 without provocation, the municipal officials shall make such order for the
5 protection of persons as the facts and circumstances of the case may require,
6 including, ~~without limitation,~~ that the domestic pet or wolf-hybrid is disposed
7 of in a humane way, muzzled, chained, or confined. The order shall be sent by
8 certified mail, return receipt requested. A person who, after receiving notice,
9 fails to comply with the terms of the order shall be subject to the penalties
10 provided in section 3550 of this chapter.

11 (d) The procedures provided in this section shall apply if the domestic pet
12 or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a
13 municipal official designated by the legislative body determines that the
14 animal is a rabies suspect, the provisions of subchapter 5 of this chapter and
15 the rules of the ~~department of health~~ Department of Health shall apply.

16 * * *

17 Sec. 198. 20 V.S.A. § 3550 is amended to read:

18 § 3550. PENALTIES; ENFORCEMENT; MUNICIPAL LEGISLATIVE
19 BODY; SECRETARY

20 * * *

1 dog or wolf-hybrid is kept. A person who owns a working farm dog and who
2 intends to use that dog on a farm pursuant to the exemptions in section 3549 of
3 this title shall cause the working farm dog to be registered as a working farm
4 dog and shall, in addition to all other fees required by this section, pay \$5.00
5 for a working farm dog license. The owner of a dog or wolf-hybrid shall cause
6 it to wear a collar, and attach ~~thereto~~ a license tag issued by the municipal clerk
7 to the collar. Dog or wolf-hybrid owners shall pay for the license \$4.00 for
8 each neutered dog or wolf-hybrid, and \$8.00 for each unneutered dog or wolf-
9 hybrid. If the license fee for any dog or wolf-hybrid is not paid on or before
10 April 1, its owner or keeper may thereafter procure a license for that license
11 year by paying a fee of 50 percent in excess of that otherwise required.

12 * * *

13 Sec. 200. 20 V.S.A. § 3583 is amended to read:

14 § 3583. DOMESTIC PETS AND WOLF-HYBRIDS KEPT FOR BREEDING
15 PURPOSES

16 * * *

17 (b) Domestic pets and wolf-hybrids covered by the special license
18 ~~hereunder~~ pursuant to this section shall be exempt from other license fees, and
19 all licenses under this section are exempt from the surcharge enacted under
20 subsection (c) of section 3581 of this title.

21 * * *

1 Sec. 201. 20 V.S.A. § 3588 is amended to read:

2 § 3588. ISSUANCE OF LICENSES; RECORD OF LICENSES

3 Municipal clerks shall issue licenses and receive the money ~~therefor~~ for the
4 license, and pay the ~~same~~ the amount received into the municipal treasury;
5 within 60 days of ~~the receipt thereof~~, retaining to their own use \$2.00 for each
6 license or permit, and shall ~~return therewith~~ include with the amount deposited
7 into the municipal treasury a sworn statement of the amount ~~of moneys thus~~
8 received and paid over by them pursuant to this section.

9 Sec. 202. 20 V.S.A. § 3621 is amended to read:

10 § 3621. ISSUANCE OF WARRANT TO IMPOUND; COMPLAINT

11 (a)(1) The legislative body of a municipality may at any time issue a
12 warrant to one or more police officers, constables, pound keepers, or appointed
13 animal control officers, directing them to ~~proceed forthwith to~~ promptly
14 impound all dogs or wolf-hybrids within the town or city not licensed
15 according to the provisions of this subchapter, except as exempted by section
16 3587 of this title, and to enter a complaint against the owners or keepers
17 ~~thereof~~ of the impounded dogs and wolf-hybrids.

18 * * *

1 Sec. 203. 20 V.S.A. § 3622 is amended to read:

2 § 3622. FORM OF WARRANT

3 Such warrant shall be in the following form:

4 State of Vermont:)

5)

6)

7 _____ County, ss.)

8 To _____, constable or police officer of

9 the town or city of _____:

10 By the authority of the State of Vermont, you are hereby commanded
11 ~~forthwith~~ to impound all dogs and wolf-hybrids not duly licensed according to
12 law without delay, except as exempted by 20 V.S.A. § 3587; and you are
13 further required to make and return complaint against the owner or keeper of
14 any such dog or wolf-hybrid. A dog or wolf-hybrid that is impounded may be
15 transferred to an animal shelter or rescue organization for the purpose of
16 finding an adoptive home for the dog or wolf-hybrid. If the dog or wolf-hybrid
17 cannot be placed in an adoptive home or transferred to a humane society or
18 rescue organization within ten days, or a greater number of days established by
19 the municipality, the dog or wolf-hybrid may be destroyed in a humane way.

20 Hereof fail not, and due return make of this warrant, with your doings
21 thereon, within 90 days from the date hereof, stating the number of dogs or

1 wolf-hybrids destroyed and the names of the owners or keepers thereof, and
2 whether all unlicensed dogs or wolf-hybrids in such town (or city) have been
3 destroyed, and the names of persons against whom complaints have been made
4 under the provisions of 20 V.S.A. chapter 193, subchapters 1, 2, and 4, and
5 whether complaints have been made and returned against all persons who have
6 failed to comply with the provisions of such subchapter. Given under our (my)
7 hands at _____ ~~aforsaid~~, this _____ day of
8 _____, 20 _____.

9

10

Legislative Body

11

Sec. 204. 20 V.S.A. § 3623 is amended to read:

12

§ 3623. CONSTABLE TO MAKE COMPLAINTS

13

A constable to whom ~~such~~ a warrant has been issued pursuant to section

14

3621 of this subchapter shall make complaints ~~therein~~ required ~~to be made by~~

15

the warrant to the designee of the legislative body of the municipality.

16

Sec. 205. 20 V.S.A. § 3625 is amended to read:

17

§ 3625. RETURN BY OFFICERS

18

Each police officer or constable to whom ~~such~~ a warrant is issued pursuant

19

to section 3621 of this subchapter shall make the return ~~therein~~ directed by the

20

warrant to the authority issuing the warrant within 90 days from its date.

1 Sec. 206. 20 V.S.A. § 3681 is amended to read:

2 § 3681. PET DEALER PERMIT

3 A pet dealer shall apply to the municipal clerk of the town or city in which
4 the cats, dogs, or wolf-hybrids are kept for a pet dealer permit to be issued on
5 forms prescribed by the Secretary and pay the clerk a fee of \$25.00 for the
6 ~~same~~ permit. A pet dealer who acquires a pet dealer permit shall allow
7 inspections of the pet dealer's premises pursuant to section 3682 of this title as
8 a condition of receiving and retaining the permit. The provisions of
9 subchapters 1, 2, and 4 of this chapter not inconsistent with this subchapter
10 shall apply to the pet dealer permit, which shall be in addition to other permits
11 required. A pet dealer permit shall expire on March 31 next after issuance and
12 shall be displayed prominently on the premises ~~on~~ in which the cats, dogs, or
13 wolf-hybrids are kept. If the permit fee is not paid by April 1, the owner or
14 keeper may thereafter procure a permit for that license year by paying a fee of
15 50 percent in excess of that otherwise required. Municipal clerks shall
16 maintain a record of the type of animals being kept by the permit holder. Upon
17 issuance of the pet dealer permit, the municipal clerk shall provide the pet
18 dealer with a copy of Part 3 (Standards) of the Animal Welfare ~~Regulations~~
19 Rules adopted by the Agency of Agriculture, Food and Markets relating to
20 cats, dogs, and wolf-hybrids. The municipal clerk shall also provide the pet
21 dealer with contact information for the Animal Health Section within the

1 Division of Food Safety and Consumer Protection of the Agency of
2 Agriculture, Food and Markets and with information from the Department of
3 Taxes on sales tax obligations for the sale of pets.

4 Sec. 207. 20 V.S.A. § 3682 is amended to read:

5 § 3682. INSPECTION OF PREMISES

6 * * *

7 (b) Inspections shall be scheduled in advance with the pet dealer or pet
8 dealer's agent. Inspections shall be conducted to facilitate compliance with the
9 applicable standards in Part 3 (Standards) of the Animal Welfare ~~Regulations~~
10 Rules adopted by the Agency of Agriculture, Food and Markets relating to
11 cats, dogs, and wolf-hybrids. The person or persons authorized to inspect the
12 pet dealer's premises shall be accompanied by the pet dealer or pet dealer's
13 agent. If the pet dealer's premises are also used for human habitation, the
14 inspection may occur only in those areas of the premises used for animal
15 housing, animal care, birthing, and storage of food and bedding. Photographs
16 or videos of the pet dealer's premises or property shall not be taken during an
17 inspection and while on the pet dealer's premises without the written consent
18 of the permit holder. Repeated failure to consent to an inspection may result in
19 a revocation of the pet dealer permit.

20 * * *

1 Sec. 208. 20 V.S.A. § 3684 is amended to read:

2 § 3684. OFFENSES; BILL OF COSTS IN PROSECUTION

3 The person operating a kennel who is found to have neglected to remedy
4 conditions specified in ~~said~~ a quarantine order issued pursuant to section 3683
5 of this subchapter, other than the prevalence of contagious disease, within ten
6 days after receiving notice of ~~such~~ the order, or who sells, gives away, or
7 otherwise removes a domestic pet or wolf-hybrid under quarantine or affected
8 with a contagious disease, shall be subject to the penalty provided in 13 V.S.A.
9 § 353(a)(1). Necessary fees and expenses of a veterinarian designated by ~~such~~
10 the officer or agent shall be included in the bill of costs in a prosecution made
11 ~~hereunder~~ pursuant to this section and shall be taxed to the respondent.

12 Sec. 209. 20 V.S.A. § 3811 is amended to read:

13 § 3811. CARCASS DISPOSAL

14 In order to protect the public health, the legislative body of a municipality
15 or a municipal officer designated by the legislative body may dispose of the
16 carcass of any animal suspected of having been exposed to rabies through
17 incineration. Disposal of animal carcasses in the manner provided by this
18 section shall not be subject to the provisions of ~~chapter 23 of Title 10 V.S.A.~~
19 chapter 23 and the rules ~~promulgated thereunder~~ pursuant to that chapter.

1 Sec. 210. 20 V.S.A. § 3815 is amended to read:

2 § 3815. DOG, CAT, AND WOLF-HYBRID SPAYING AND NEUTERING
3 PROGRAM

4 (a) The ~~agency of human services~~ Agency of Human Services shall
5 administer a dog, cat, and wolf-hybrid spaying and neutering program
6 providing reduced-cost spaying and neutering services and presurgical
7 immunization for dogs, cats, and wolf-hybrids owned or cared for by ~~low~~
8 ~~income~~ individuals with low income. The ~~agency~~ Agency shall implement the
9 program through an agreement with a qualified organization consistent with
10 the applicable administrative rules.

11 (b) The program shall reimburse veterinarians who voluntarily consent to
12 spay or neuter dogs, cats, and wolf-hybrids under the auspices of the program.
13 The reimbursement shall be less any co-payment by the owner of a dog, cat, or
14 wolf-hybrid for the cost of each spaying or neutering procedure.

15 (c) The ~~secretary of human services~~ Secretary of Human Services, in
16 consultation with the chair of the Vermont Board of Veterinary Medicine, may
17 adopt and amend rules pursuant to ~~chapter 25 of Title 3 V.S.A.~~ chapter 25 to
18 enable the ~~agency~~ Agency to carry out the purposes of this ~~act~~ subchapter.

1 Sec. 211. 20 V.S.A. § 4505 is amended to read:

2 § 4505. RECEIPT OF APPLICATION

3 Upon receipt of an application for a permit to hold an assembly, the permit
4 officer shall note the time of filing on the application and shall ~~forthwith~~
5 promptly mail or otherwise deliver a copy of the application to the principal
6 officers of the applicant named in the application, to the ~~attorney general~~
7 Attorney General, the ~~state's attorney~~ State's Attorney having jurisdiction, and
8 the clerk of the political subdivision in which the assembly is to be held.

9 Sec. 212. 20 V.S.A. § 4507 is amended to read:

10 § 4507. CRITERIA FOR IMPOSING CONDITIONS ON PERMIT

11 * * *

12 (b) The permit officer may impose conditions to ensure that:

13 * * *

14 (7) the person holding the public assembly furnishes an adequate bond
15 or arranges other financial security in a reasonable amount to ~~insure~~ ensure
16 reimbursement of a political subdivision, the state of Vermont, or any police
17 agency, for the cost of additional law enforcement officers required to meet
18 any other condition.

1 Sec. 213. 20 V.S.A. § 4508 is amended to read:

2 § 4508. JUDICIAL REVIEW

3 (a) If there is a reasonable likelihood that an assembly will substantially
4 harm the public health or safety and this cannot be avoided by imposition of
5 conditions, or if no permit for such an assembly has been applied for, the
6 permit officer shall ~~forthwith~~ apply without delay to the ~~superior court~~
7 Superior Court for an order enjoining the applicant, other interested persons, or
8 those persons the permit officer believes intend to hold an assembly without a
9 permit, from holding the assembly.

10 (b) An applicant may petition the ~~superior court~~ Superior Court for review
11 of the reasonableness of any conditions imposed in a permit. A person who
12 desires to organize or promote any outdoor public gathering may also petition
13 the court for an order declaring that the gathering is not subject to this chapter.
14 The petition shall contain a copy of the application, a copy of the permit, if
15 any, and state the grounds for the decision requested.

16 Sec. 214. 20 V.S.A. § 4511 is amended to read:

17 § 4511. PENALTIES

18 A person who ~~willfully~~ intentionally:

19 * * *

1 (2) conducts, organizes, or promotes an assembly without applying for a
2 permit, may be fined not more than \$2,000.00, or imprisoned for not more than
3 two years, or both.

4 Sec. 215. 21 V.S.A. § 226(c) is amended to read:

5 (c) If an employer notifies the Commissioner that ~~he or she~~ the employer
6 intends to contest a citation issued under section 225 of this title, or if, within
7 20 days after the issuance of a citation ~~issued~~ under section 225 of this title,
8 any employee or representative of employees files a notice with the
9 Commissioner alleging that the period of time fixed in the citation for the
10 abatement of the violation is unreasonable, the Commissioner shall
11 immediately advise the Review Board of the notification and the Review
12 Board shall afford an opportunity for a hearing. Unless a notice is timely filed,
13 the proposed penalty and, in appropriate cases, the citation shall be deemed a
14 final order of the Review Board not subject to review by any court or agency.

15 Sec. 216. 21 V.S.A. § 346(b)(2) is amended to read:

16 (2) Upon receiving notice that the Attorney General has determined that
17 an ~~employing unit~~ employer has committed a violation of section 342, 343,
18 348, 482, or 483 of this chapter by misclassifying an employee as an
19 independent contractor, the Commissioners of Financial Regulation and of
20 Taxes shall review whether the employer is in compliance with the insurance
21 or tax laws that are under their jurisdiction.

1 Sec. 217. 21 V.S.A. § 387(b)(2) is amended to read:

2 (2) Upon receiving notice that the Attorney General has determined that
3 an ~~employing unit~~ employer has committed a violation of this subchapter by
4 misclassifying an employee as an independent contractor, the Commissioners
5 of Financial Regulation and of Taxes shall review whether the employer is in
6 compliance with the insurance or tax laws that are under their jurisdiction.

7 Sec. 218. 21 V.S.A. § 495i(c)(1)(D) is amended to read:

8 (D) The position of employment is that of a law enforcement officer
9 as defined in ~~20 V.S.A. § 2358~~ 20 V.S.A. § 2351a, emergency medical
10 personnel as defined in 24 V.S.A. § 2651(6), or a firefighter as defined in 20
11 V.S.A. § 3151(3).

12 Sec. 219. 21 V.S.A. § 1311a is amended to read:

13 § 1311a. PROFESSIONAL TRAINING FOR EMPLOYEES

14 The Commissioner ~~of Employment and Training,~~ using grant funds made
15 available ~~to the State of Vermont~~ by ~~grant from~~ the United States, may, to the
16 extent permitted and subject to the approval of the Governor ~~and in compliance~~
17 ~~with the rules and regulations governing the use of such funds,~~ provide
18 professional training for ~~any of his or her~~ the Department's employees by
19 contracting with educational institutions for short courses or other forms of
20 intensive instruction.

1 Sec. 220. 21 V.S.A. § 1314(e)(6)(D) is amended to read:

2 (D) The information requested shall not be released unless HUD or
3 the ~~requested~~ requesting public housing agency agrees to reimburse the
4 Department of Labor for the costs involved in furnishing the requested
5 information.

6 Sec. 221. 21 V.S.A. § 1319 is amended to read:

7 § 1319. AGREEMENTS FOR COLLECTION AND PAYMENT OF
8 CONTRIBUTIONS

9 ~~The~~ Notwithstanding the provisions of subdivision 1301(6)(A) of this title,
10 the Commissioner ~~also~~ is authorized to enter into reciprocal agreements with
11 the appropriate agencies of other states or the federal government adjusting the
12 collecting and payment of contributions by employers ~~with respect to~~ for
13 services of individuals not performed wholly within the jurisdiction of this
14 State ~~whereby such.~~ Under the agreements, services may be agreed ~~upon~~ to be
15 considered for all purposes, ~~if the Commissioner so desires in the~~
16 Commissioner's discretion, as wholly within, or wholly ~~without,~~ outside of the
17 jurisdiction of this State, ~~notwithstanding any provisions of subdivision~~
18 ~~1301(6)(A) of this title.~~

19 Sec. 222. 21 V.S.A. § 1344(c) is amended to read:

20 (c) Notwithstanding any other provision of this chapter, any individual who
21 has been disqualified for regular or extended benefits pursuant to the

1 provisions of ~~subdivisions~~ subdivision(a)(1) or (a)(3) of this section shall not
2 be eligible to receive extended benefits with respect to any week of
3 unemployment in ~~his or her~~ the individual's eligibility period unless ~~he or she~~
4 the individual has been employed after the beginning date of such
5 disqualification and has earned in excess of four times ~~his or her~~ the
6 individual's weekly benefit amount.

7 Sec. 223. 23 V.S.A. § 4(38) is amended to read:

8 (38) "Tandem axle load" is the total load transmitted to the highway by
9 all wheels whose centers may be included between two parallel transverse
10 vertical planes not less than 48 inches apart and not more than eight feet apart,
11 extending across the full width of the vehicle. A trunnion axle, with eight
12 wheels in line, shall be considered to be a tandem axle, except that when
13 operated upon portions of the highways that are designated as the Dwight D.
14 Eisenhower National System of Interstate and Defense Highways it shall be
15 considered a single axle.

16 Sec. 224. 23 V.S.A. § 4(61) is amended to read:

17 (61) "Storage trailer" ~~shall mean~~ means any regularly manufactured box
18 type trailer that has been removed from normal over-the-highway service and
19 is used solely for the storage of commodities at a fixed site for extended
20 periods of time. When a storage trailer is moved over the public highways, it
21 shall not contain cargo weighing more than 2,000 pounds; and shall be

1 properly equipped, in good mechanical condition, and inspectable under the
2 provisions of section 1222 of this title, except that storage trailers need not
3 display an inspection sticker.

4 Sec. 225. 23 V.S.A. § 4(73) is amended to read:

5 (73) “Neighborhood electric vehicle” means a self-propelled,
6 electrically powered motor vehicle that:

7 * * *

8 (E) has a gross vehicle weight rating less than 3,000 pounds; and

9 * * *

10 Sec. 226. 23 V.S.A. § 4(78) is amended to read:

11 (78) “Enhanced license” ~~shall mean~~ means an operator’s license,
12 commercial ~~driver~~ driver’s license, junior operator’s license, or nondriver
13 identification card that denotes identity and citizenship and includes facilitative
14 technology identified by the Department of Homeland Security.

15 Sec. 227. 23 V.S.A. § 115(a) is amended to read:

16 (a) Any Vermont resident may make application to the Commissioner and
17 be issued an identification card that is attested by the Commissioner as to true
18 name, correct age, residential address unless the listing of another address is
19 requested by the applicant or is otherwise authorized by law, and any other
20 identifying data as the Commissioner may require that shall include, in the case
21 of minor applicants, the written consent of the applicant’s parent, guardian, or

1 other person standing in loco parentis. Every application for an identification
2 card shall be signed by the applicant and shall contain such evidence of age
3 and identity as the Commissioner may require, consistent with subsection (1) of
4 this section. New and renewal application forms shall include a space for the
5 applicant to request that a “veteran” designation ~~by~~ be placed on ~~his or her~~ the
6 applicant’s identification card. If a veteran, as defined in 38 U.S.C. § 101(2),
7 requests a veteran designation and provides a Department of Defense Form
8 214 or other proof of veteran status specified by the Commissioner, and the
9 Office of Veterans Affairs confirms ~~his or her~~ the veteran’s status as an
10 honorably discharged veteran or a veteran discharged under honorable
11 conditions, the identification card shall include the term “veteran” on its face.
12 The Commissioner shall require payment of a fee of \$24.00 at the time
13 application for an identification card is made, except that an initial nondriver
14 identification card shall be issued at no charge to an individual who surrenders
15 his or her license in connection with a suspension or revocation under
16 subsection 636(b) of this title due to a physical or mental condition.

1 Sec. 228. 23 V.S.A. chapter 5 is redesignated to read:

2 CHAPTER 5. PROVISIONS COMMON TO REGISTRATION AND
3 ~~OPERATORS'~~ OPERATOR'S LICENSES

4 Sec. 229. 23 V.S.A. § 202(3) and (4) are amended to read:

5 (3) ~~who~~ uses an assumed name or name that is not his or her own in an
6 application for:

7 * * *

8 (4) ~~who~~ knowingly aids an applicant in obtaining by false representation
9 as to the age or identity of such applicant:

10 * * *

11 Sec. 230. 23 V.S.A. § 203(a) is amended to read:

12 (a) A person shall not:

13 (1) counterfeit or cause to be counterfeited or have in his or her
14 possession any counterfeit number plate, validating sticker, marker, inspection
15 sticker, registration certificate, in-transit registration permit, learner's permit,
16 nondriver identification card, insurance identification card, or ~~operator~~
17 operator's license or alter or have in his or her possession any altered number
18 plate or marker;

19 (2) display or cause or permit to be displayed, or have in his or her
20 possession, any fictitious or fraudulently altered ~~operator~~ operator's license,
21 learner's permit, nondriver identification card, inspection sticker, registration

1 certificate, or in-transit registration permit, or display for any fraudulent
2 purpose an expired or counterfeit insurance identification card or similar
3 document;

4 (3) lend his or her ~~operator~~ operator's license to any other person or
5 knowingly permit the use thereof by another;

6 (4) display or represent as his or her own any ~~operator~~ operator's
7 license, permit, or nondriver identification card not issued to him or her;

8 (5) permit any unlawful use of an ~~operator~~ operator's license, permit, or
9 nondriver identification card issued to him or her by the Commissioner;

10 * * *

11 Sec. 231. 23 V.S.A. § 363 is amended to read:

12 § 363. CONVERTED MOTOR VEHICLE

13 When a motor vehicle of the pleasure car type is built over or converted into
14 a motor vehicle designed for carrying merchandise or freight, such motor
15 vehicle shall be registered at the pleasure car rate or at the truck rate as the
16 Commissioner may, in ~~his or her~~ the Commissioner's discretion, determine.

17 Sec. 232. 23 V.S.A. § 367(h) is amended to read:

18 (h) Loader backhoes used primarily for agricultural related purposes are
19 exempt from the ~~provision~~ provisions of this section.

1 Sec. 233. 23 V.S.A. § 372a(a) is amended to read:

2 (a) The annual registration fee for any motor bus used in local transit or
3 public transportation service shall be \$62.00, except for those vehicles owned
4 by a municipality for such service that are subject to the provisions of section
5 376 of this title. In the event a bus registered for local transit or public
6 transportation service is ~~thereafter~~ subsequently registered for general use
7 during the same registration year, such fee shall be applied ~~towards~~ toward the
8 fee for general registration.

9 Sec. 234. 23 V.S.A. chapter 9 is redesignated to read:

10 CHAPTER 9. ~~OPERATORS'~~ OPERATOR'S LICENSES

11 Sec. 235. 23 V.S.A. § 610(c) is amended to read:

12 (c) Each license certificate issued to a first-time applicant and each
13 subsequent renewal by that ~~person~~ individual shall be issued with the
14 photograph or imaged likeness of the licensee included on the certificate. The
15 Commissioner shall determine the locations where photographic licenses may
16 be issued. ~~A person~~ An individual issued a license containing an imaged
17 likeness under this subsection ~~that contains an imaged likeness~~ may renew ~~his~~
18 ~~or her~~ license by mail. ~~Except,~~ except that a renewal by a licensee required to
19 have a photograph or imaged likeness ~~under this subsection~~ must be made in
20 person so that an updated imaged likeness of the ~~person~~ individual is obtained
21 ~~no~~ not less often than once every nine years.

1 Sec. 236. 23 V.S.A. § 610c is amended to read:

2 § 610c. LEGISLATIVE INTENT; EXISTING ~~DRIVER~~ DRIVER'S

3 LICENSES WITHOUT PHOTOGRAPH OR IMAGED LIKENESS

4 It is the intent of the General Assembly that the provisions of subsection
5 610(c) of this title not require ~~persons~~ individuals who, prior to July 1, 2004,
6 were issued a ~~driver~~ driver's license without a photograph or imaged likeness
7 to obtain a photograph or imaged likeness after that date.

8 Sec. 237. 23 V.S.A. § 750(b)(6) is amended to read:

9 (6) Insurance required by this subsection may be placed with an insurer
10 licensed under 8 V.S.A. chapter 101 (insurance companies generally) or 138
11 (surplus lines insurance) ~~of this title~~.

12 Sec. 238. 23 V.S.A. § 1009(c) is amended to read:

13 (c) The Traffic Committee may authorize the stopping of a school bus on a
14 controlled-access highway to pick up or discharge passengers, except the
15 Traffic Committee may only authorize the stopping of a school bus on the
16 Dwight D. Eisenhower National System of Interstate and Defense Highways,
17 if, after a traffic and engineering study, ~~they determine~~ it determines that there
18 is no viable alternative and that adequate safety, both for the passengers,
19 school bus, and other highway users, can be maintained.

1 Sec. 239. 23 V.S.A. § 1042(a) is amended to read:

2 (a) The legislative body of a municipality may, with the approval of the
3 Secretary of Transportation, designate highways and bridges under ~~their~~ its
4 control, except for class 1 town highways, for use by specified types of motor
5 vehicles based on volume and type of traffic and character of the
6 neighborhood. However, when the legislative body of a municipality requests
7 in writing, the Secretary of Transportation may set the weight limit on a class 1
8 town highway at less than the State highway limit under section 1392 of this
9 title, if a reasonable alternative route is available for those vehicles traveling at
10 the State highway limit. When a highway or bridge has been so restricted,
11 signs shall be placed in accordance with the provisions of section 1397 of this
12 title.

13 Sec. 240. 23 V.S.A. § 1073(d) is amended to read:

14 (d) If a ~~flagman~~ flagger is provided by the railroad, movement over the
15 crossing shall be under ~~his or her~~ the flagger's direction.

16 Sec. 241. 23 V.S.A. § 1203a(d) is amended to read:

17 (d) The physician, licensed nurse, medical technician, physician assistant,
18 medical technologist, or laboratory assistant drawing a sample of blood shall
19 use a sample collection kit provided by the Department of Public Safety or
20 another type of collection kit. The sample shall be identified as to donor, date,
21 and time; sealed; and mailed to the Department of Public Safety where it shall

1 be held for a period of at least 45 days from the date the sample was taken. At
2 any time during that period, the person may direct that the sample be sent to an
3 independent laboratory of the person's choosing for an independent analysis.
4 The Department of Public Safety may recover its costs of supplies, handling,
5 and storage.

6 Sec. 242. 23 V.S.A. § 1212(b) is amended to read:

7 (b) A court that requires as a condition of release that a defendant not
8 operate a motor vehicle shall so notify the Commissioner of Motor Vehicles.

9 The Commissioner shall take suitable steps to ~~assure~~ ensure that this
10 information is available to law enforcement officers. The Court shall promptly
11 advise the Commissioner of any modification of this condition of release and
12 of the termination of proceedings.

13 Sec. 243. 23 V.S.A. § 1259 is redesignated to read:

14 § 1259. SAFETY BELTS; PERSONS ~~AGE 18 OR OVER~~ 18 YEARS OF
15 AGE OR OLDER

16 Sec. 244. 23 V.S.A. § 1302(c) is amended to read:

17 (c) Notwithstanding subsection (b) of this section, on the Dwight D.
18 Eisenhower National System of Interstate and Defense Highways and those
19 classes of qualifying Federal-aid Primary System highways as designated by
20 the Secretary of the U.S. Department of Transportation, commercial motor

1 vehicle combinations consisting of a truck tractor and two trailing units may be
2 operated with the approval of the Vermont Secretary of Transportation.

3 Sec. 245. 23 V.S.A. § 1391(c) is amended to read:

4 (c) Unless federal law authorizes the axle load limits, tolerances, or both,
5 provided for in subsection (b) of this section to apply on those highways
6 designated as the Dwight D. Eisenhower National System of Interstate and
7 Defense Highways (~~the “interstate highways”~~), no single axle load on ~~interstate~~
8 those highways shall be in excess of 20,000 pounds with no tolerance allowed,
9 nor shall any tandem axle load be in excess of 34,000 pounds, with no
10 tolerance allowed, except in the case of vehicles owned by persons to whom
11 special permits have been issued in accordance with section 1400 of this title.

12 Sec. 246. 23 V.S.A. § 1392 is amended to read:

13 § 1392. GROSS WEIGHT LIMITS ON HIGHWAYS

14 * * *

15 (11) The weights or tolerances, or both, as set forth in subdivisions (5)
16 and (6) of this section shall not apply to the highways designated as portions of
17 the Dwight D. Eisenhower National System of Interstate and Defense
18 Highways unless authorized by federal law.

19 * * *

20 (13) Despite the axle-load provisions of section 1391 of this title and the
21 maximum gross load of subdivision (4) of this section, a special annual permit,

1 which shall expire ~~coincidentally~~ with the vehicle's registration, except for
2 vehicles not registered in Vermont in which case the permit shall become void
3 on January 1 following date of issue, may be issued to a person or corporation
4 operating on designated routes on the State Highway System for a fee of
5 \$415.00 for each vehicle that must be registered for a weight of 80,000 pounds.
6 This special permit shall be issued only for a combination of vehicle and semi-
7 trailer or trailer equipped with five or more axles, with a distance between
8 axles that meets the minimum requirements of registering the vehicle to 80,000
9 pounds as allowed under subdivision (4) of this section. The maximum gross
10 load under this special permit shall be 90,000 pounds. Unless authorized by
11 federal law, this subdivision shall not apply to operation on the Dwight D.
12 Eisenhower National System of Interstate and Defense Highway System
13 Highways.

14 (14) Despite the axle-load provisions of section 1391 of this title and the
15 axle spacing and ~~the~~ maximum gross load provisions of subdivision (4) of this
16 section, a special annual permit, which shall expire ~~coincidentally~~ with the
17 vehicle's registration, except for vehicles not registered in Vermont in which
18 case the permit shall become void on January 1 following date of issue, may be
19 issued to a person or corporation transporting loads on vehicles on designated
20 routes on the State Highway System for the following fees for each vehicle
21 unit. Unless authorized by federal law, the provisions of this subdivision

1 regarding weight limits, tolerances, or both, shall not apply to operation on the
2 Dwight D. Eisenhower National System of Interstate and Defense Highway
3 System Highways. This special permit shall be issued for the following
4 vehicles and conditions:

5 * * *

6 (15) Despite the axle load provisions of section 1391 of this title and the
7 axle spacing and the maximum gross load of subdivision (4) of this section, a
8 5-axle tractor semi-trailer may operate on State highways with the following
9 conditions:

10 * * *

11 (B) Conditions in subdivisions (14)(D) and (F) of this section shall
12 also apply to this subdivision (B), and unless authorized by federal law, this
13 subdivision shall not apply to operation on the Dwight D. Eisenhower National
14 System of Interstate and Defense Highway System Highways.

15 (16) Notwithstanding the axle load provisions of section 1391 of this
16 title and the maximum gross load of subdivision (4) of this section, a five or
17 more axle truck tractor, semi-trailer combination, or truck trailer combination,
18 when the load consists solely of unprocessed milk products as defined in
19 subdivision 4(55) of this title, may be registered for and operated with a
20 maximum gross weight of 90,000 pounds on State highways without permit,
21 and upon posted State and town highways and on those highways designated

1 as the Dwight D. Eisenhower National System of Interstate and Defense
2 Highways when the vehicle has been issued a permit in compliance with the
3 provisions of section 1400 of this title; however:

4 * * *

5 (B) On those highways designated as the Dwight D. Eisenhower
6 National System of Interstate and Defense Highways, the provisions of
7 subsection 1391(c) of this title shall apply unless other axle load limits,
8 tolerances, or both, are authorized under federal law.

9 * * *

10 (17) Notwithstanding the gross vehicle weight provisions of subdivision
11 (4) of this section, a truck trailer combination or truck tractor, semi-trailer
12 combination with six or more load-bearing axles shall be allowed to bear a
13 maximum of 99,000 pounds by special annual permit, which shall expire
14 ~~coincidentally~~ with the vehicle's registration, except for vehicles not registered
15 in Vermont in which case the permit shall become void on January 1 following
16 the date of issue, for operating on designated routes on State and town
17 highways, subject to the following:

18 * * *

1 Sec. 248. 23 V.S.A. § 1433 is amended to read:

2 § 1433. REASONABLE ACCESS

3 Reasonable access, within the meaning of 19 V.S.A. § 1111, shall be
4 permitted to those vehicles operating pursuant to the provisions of subsections
5 1302(c) and 1432(e) of this title between the Dwight D. Eisenhower National
6 System of Interstate and Defense Highway System Highways and any other
7 qualifying Federal-aid Primary System highways, as designated by the
8 Secretary of the U.S. Department of Transportation and the Vermont Secretary
9 of Transportation, and terminals, facilities for food, fuel, repairs, and rest, and
10 points of loading and unloading for household goods carriers. The Vermont
11 Secretary of Transportation shall by rule pursuant to 3 V.S.A. chapter 25 either
12 designate those portions of the public highways over which such reasonable
13 access shall be permitted or provide for the issuance of permits to allow
14 reasonable access. However, permits shall not be required for tractor-semi-
15 trailer combinations designed for the transportation of automobiles and having
16 provision for transporting motor vehicles on part of the power unit provided
17 the combinations comply with the provisions of subsection 1432(a) of this title.

18 Sec. 249. 23 V.S.A. § 3010 is amended to read:

19 § 3010. TEMPORARY AUTHORIZATION

20 Any vehicle registered in a jurisdiction other than Vermont that is eligible
21 for motor fuel tax licensing under the International Fuel Tax Agreement Plan

1 and that is not licensed in Vermont for fuel tax reporting purposes may obtain
2 a trip permit prior to entering this State. The fee for the permit shall be \$15.00.
3 The permits shall be valid for a period of 72 hours and shall satisfy motor fuel
4 tax reporting and payment obligations that may arise from the trip. Trip
5 permits must be kept with the vehicle while being operated.

6 Sec. 250. 23 V.S.A. § 3205(e)(3) and (4) are amended to read:

7 (3) ~~Replacement exhaust muffler.~~ No person shall sell or offer to sell a
8 replacement exhaust muffler system that will not meet or exceed the exhaust
9 noise reduction capabilities of the snowmobile manufacturer's original
10 equipment specifications for the snowmobile.

11 (4) ~~Consumer information on noise levels.~~ Any person selling or
12 offering to sell a snowmobile or replacement muffler system shall include in
13 the specifications ~~thereof~~ precise information concerning the designed
14 maximum sound levels of the snowmobile or replacement muffler system.

15 Sec. 251. 23 V.S.A. § 3206(b)(14) is amended to read:

16 (14) On limited access highways, rights-of-way, or approaches unless
17 permitted by the Agency of Transportation. In no case shall snowmobiling be
18 permitted on any portion of the Dwight D. Eisenhower National System of
19 Interstate and Defense Highways unless the Agency of Transportation permits
20 operation on such highways.

1 Sec. 252. 23 V.S.A. § 3216(b)(5) is amended to read:

2 (5) to ~~assure~~ ensure that municipal legislative bodies are given advance
3 notice and an opportunity for input before trail or parking lot expansion takes
4 place in the community.

5 Sec. 253. 23 V.S.A. § 3307a(b)(1)

6 (1) submit an application, ~~to the Commissioner~~ on the form ~~that~~
7 approved by the Commissioner requires and be and signed by every owner of
8 the vessel, ~~to the commissioner~~; and

9 Sec. 254. 23 V.S.A. § 3311(c)(1) is amended to read:

10 (1) An individual shall not operate any vessel, except a sailboard or a
11 police or emergency vessel, within 200 feet of the shoreline, ~~a person~~ an
12 individual in the water, a canoe, rowboat, or other vessel, an anchored or
13 moored vessel containing any individual, or anchorages or docks, except at a
14 speed of less than five miles per hour that does not create a wake.

15 Sec. 255. 23 V.S.A. § 3311(c)(3) is amended to read:

16 (3) Nothing in this subsection shall prohibit rendering assistance to
17 another ~~person~~ individual, picking up ~~a person~~ an individual in the water,
18 necessary mooring or landing, or leaving shore, or operating in any other place
19 where obstruction, other than the shoreline, would prevent abiding by this
20 statute.

1 Sec. 256. 23 V.S.A. § 3315(c) is amended to read:

2 (c) An individual shall not operate or manipulate any vessel, tow rope, or
3 other device by which the direction or location of water skis, a surfboard, or
4 similar device may be affected or controlled in such a way as to cause the
5 water skis, surfboard, or similar device, or any ~~person~~ individual thereon to
6 approach within 100 feet of an individual swimming, or a canoe, rowboat, or
7 other light craft conveying any individual. This subsection does not prohibit
8 necessary mooring or landing, or leaving shore.

9 Sec. 257. 23 V.S.A. § 3801(11) is amended to read:

10 (11) "Owner" means a person, other than a lienholder, having property
11 in or title to a vessel, snowmobile, or all-terrain vehicle. The term includes a
12 person entitled to use or possess a vessel, snowmobile, or all-terrain vehicle
13 subject to an interest in another person, which is reserved or created by
14 agreement and ~~securing~~ secures payment ~~of or~~ performance of an obligation,
15 but ~~it~~ does not include a lessee under a lease not intended as security.

16 Sec. 258. 23 V.S.A. § 4105(c) is amended to read:

17 (c) Notification of previous employment.

18 (1) Any individual who applies to be a commercial motor vehicle driver
19 must provide the employer, at the time of the application, with the following
20 information for the 10 years preceding the date of application:

1 ~~(1)~~(A) a list of the names and addresses of the applicant's previous
2 employers for which the applicant was a driver of a commercial motor vehicle;

3 ~~(2)~~(B) the dates between which the applicant drove for each employer;
4 and

5 ~~(3)~~(C) the reason for leaving that employer.

6 (2) The applicant must certify that all information furnished is true and
7 complete. An employer may require an applicant to provide additional
8 information.

9 Sec. 259. 23 V.S.A. § 4116(f) is amended to read:

10 (f) Surrender of license. An individual who is disqualified from driving
11 a commercial motor vehicle shall surrender ~~his or her~~ the individual's Vermont
12 commercial ~~driver~~ driver's license not later than the effective date of the
13 disqualification. Upon receipt of the individual's commercial driver's license,
14 a Class D license shall be issued, provided the individual is otherwise eligible.

15 Sec. 260. 24 V.S.A. § 4765(6) is amended to read:

16 (6) a schedule for project implementation; and

17 Sec. 261. 24 V.S.A. § 5051(15) is amended to read:

18 (15) "Normal retirement date" means:

19 (A) ~~"Normal retirement date"~~ for Group A members, ~~means~~ the first
20 day of the calendar month next following the attainment of age 65 and the

1 completion of five years of creditable service or age 55 and completion of 35
2 years of creditable service-;

3 (B) ~~“Normal retirement date”~~ for Group B members, ~~means~~ the first
4 day of the calendar month next following the attainment of age 62 and the
5 completion of five years of creditable service or age 55 and completion of 30
6 years of creditable service-; and

7 (C) ~~“Normal retirement date”~~ for Group C and D members, ~~means~~
8 the first day of the calendar month next following the attainment of age 55 and
9 the completion of five years of creditable service.

10 Sec. 262. 26 V.S.A. § 2023(a) is amended to read:

11 (a) In accordance with applicable ~~with~~ rules adopted by the Board, a
12 pharmacist may engage in the practice of clinical pharmacy, including
13 prescribing as set forth in subsection (b) of this section, provided that a
14 pharmacist shall not:

15 * * *

16 Sec. 263. 32 V.S.A. § 3205(d) is amended to read:

17 (d) ~~By January 15, 2012, the Joint Fiscal Office and the Office of~~
18 ~~Legislative Council shall jointly present a proposal to the Senate Committee on~~
19 ~~Finance and the House Committee on Ways and Means for the creation of an~~
20 ~~independent Office of the Taxpayer Advocate. The proposal shall consider the~~
21 ~~experiences in other states and include the specific duties and functions of the~~

1 ~~Office, an independent appointment and retention process, a reporting process,~~
2 ~~and potential funding sources. The Joint Fiscal Office and Office of~~
3 ~~Legislative Council shall be assisted by the Department of Taxes, and any~~
4 ~~other executive agency, as necessary in preparing the proposal. [Repealed.]~~

5 Sec. 264. 32 V.S.A. § 3752(9)(B) is amended to read:

6 (B) any land, exclusive of any house site, that is:

7 * * *

8 (ii) ~~is~~ owned by an organization that was certified by the
9 Commissioner of Taxes as a qualified organization as defined in 10 V.S.A. §
10 6301a and for at least five years preceding its certification was determined by
11 the internal revenue service to qualify as a Section 501(c)(3) organization
12 which is not a private foundation as defined in 26 U.S.C. § 509(a); and

13 (iii) ~~is~~ under active conservation management in accord with
14 standards established by the Commissioner of Forests, Parks and Recreation.

15 Sec. 265. 32 V.S.A. § 4041a is amended to read:

16 § 4041a. REAPPRAISAL

17 (a) A municipality shall be paid \$8.50 per grand list parcel per year, from
18 ~~the equalization and reappraisal account within~~ the Education Fund to be used
19 only for reappraisal and costs related to reappraisal of its grand list properties
20 and for maintenance of the grand list.

21 * * *

1 (d) A sum not to exceed \$100,000.00 each year shall be paid from ~~the~~
2 ~~equalization and reappraisal account within~~ the Education Fund to the Division
3 of Property Valuation and Review for the purpose of providing assessment
4 education for municipal assessing officials. The Director is authorized to
5 establish guidelines and requirements for education programs to be provided
6 using the funds described in this section. Education programs provided using
7 funds described in this section shall be provided at no cost or minimal cost to
8 the municipal assessing officials. In addition to providing the annual education
9 programs as described in this section, up to 20 percent of the amount available
10 for education programs may be reserved as a scholarship fund to permit
11 municipal assessing officials to attend national programs providing education
12 opportunities on advanced assessment topics. All applications for scholarships
13 shall be submitted to and approved by the Director.

14 Sec. 266. 32 V.S.A. § 5401(7)(A) is amended to read:

15 (A) “Homestead” means the principal dwelling and parcel of land
16 surrounding the dwelling, owned and occupied by a resident individual as the
17 individual’s domicile or owned and fully leased on April 1, provided the
18 property is not leased for more than 182 days out of the calendar year, or for
19 purposes of the renter ~~property tax~~ credit under subsection 6066(b) of this title,
20 is rented and occupied by a resident individual as the individual’s domicile.

1 Sec. 267. 32 V.S.A. § 5402(d) is amended to read:

2 (d) ~~A municipality which has upon its grand list an operating electric~~
3 ~~generating plant subject to the tax under chapter 213 of this title shall be~~
4 ~~subject to the nonhomestead education property tax at three quarters of the rate~~
5 ~~provided in subdivision (a)(1) of this section, as adjusted under section 5402b~~
6 ~~of this chapter; and shall be subject to the homestead education property tax at~~
7 ~~three quarters of the base rate provided in subdivision (a)(2) of this section, as~~
8 ~~adjusted under section 5402b of this chapter, and multiplied by its spending~~
9 ~~adjustment under subdivision 5401(13) of this title. [Repealed.]~~

10 Sec. 268. 32 V.S.A. § 5405(g) is amended to read:

11 (g) The Commissioner shall provide to municipalities for the front of
12 property tax bills the district homestead property tax rate before equalization,
13 the nonresidential tax rate before equalization, and the calculation process that
14 creates the equalized homestead and ~~nonresidential~~ nonhomestead tax rates.
15 The Commissioner shall further provide to municipalities for the back of
16 property tax bills an explanation of the common level of appraisal, including
17 its origin and purpose.

18 Sec. 269. 32 V.S.A. § 5825a(b) is amended to read:

19 (b) A taxpayer who has received a credit under subsection (a) of this
20 section shall repay to the Commissioner 10 percent of any distribution from a
21 higher education investment plan account, up to a maximum of the total credits

1 received by the taxpayer under subsection (a) of this section minus any amount
2 of repayment of such credits in prior tax years except when the distribution:

3 * * *

4 (2) ~~qualifies as an~~ is used for a qualifying expense associated with a
5 registered apprenticeship program pursuant to 26 U.S.C. § 529(c)(8); or

6 * * *

7 Sec. 270. 32 V.S.A. § 9706(c) is amended to read:

8 (c) The statutory purpose of the exemption for prescription drugs intended
9 for animal use, durable medical equipment and prosthetics for animal use, and
10 veterinary supplies in subdivision ~~9741(3)~~ 9741(53) of this title is to lessen the
11 cost of veterinary services in order to support the health and welfare of
12 Vermont animals.

13 Sec. 271. 33 V.S.A. § 102 is amended to read:

14 § 102. DEFINITIONS AND CONSTRUCTION

15 (a) As used in this chapter:

16 * * *

17 (11) “Social Security Act” means the federal Social Security Act and
18 ~~rules and regulations made thereunder~~ promulgated under the Act, as amended
19 at any time.

20 * * *

1 Sec. 272. 33 V.S.A. § 104(b) is amended to read:

2 (b) In addition to other powers vested in it by law, the Department may do
3 all of the following:

4 * * *

5 (3) Submit plans and reports, ~~make regulations~~ adopt rules, and in other
6 respects comply with the provisions of the Social Security Act ~~which that~~
7 pertain to programs administered by the Department.

8 * * *

9 Sec. 273. 33 V.S.A. § 105(b) is amended to read:

10 (b) In addition to other duties imposed by law, the Commissioner shall:

11 (1) administer the laws assigned to the Department;

12 (2) fix standards and ~~issue regulations~~ adopt rules necessary to
13 administer those laws and for the custody and preservation of records of the
14 Department;

15 (3) appoint all necessary assistants, prescribe their duties, and ~~issue~~
16 ~~regulations~~ adopt rules necessary to ensure that the assistants shall hold merit
17 system status while in the employ of the Department, unless otherwise
18 specifically provided by law.

19 Sec. 274. 33 V.S.A. § 111(b) is amended to read:

20 (b) A person shall not publish, use, disclose, or divulge any of those
21 records for purposes not directly connected with the administration of

1 programs of the Department, or contrary to ~~regulations issued~~ rules adopted by
2 the Commissioner.

3 Sec. 275. 33 V.S.A. § 143(a) is amended to read:

4 (a) A person who knowingly violates a provision of this title for which no
5 penalty is specifically provided shall:

6 (1) ~~If~~ if the assistance or benefits obtained pursuant to a single
7 fraudulent scheme or a course of conduct are in violation of subsection 141(a)
8 or (b) of this title involving \$1,000.00 or less, be fined not more than the
9 amount of assistance or benefits wrongfully obtained; or be imprisoned not
10 more than one year, or both;

11 (2) ~~If~~ if the assistance or benefits obtained pursuant to a single
12 fraudulent scheme or course of conduct are in violation of subsection (a) or (b)
13 of section 141 of this title; and involve more than \$1,000.00, be fined not more
14 than an amount equal to the assistance or benefits wrongfully obtained; or be
15 imprisoned not more than three years, or both; or

16 (3) ~~If~~ if the violation is under subsection (c), (d), or (e) of section 141 of
17 this title, be fined up to \$1,000.00; or up to an amount equal to twice the
18 amount of assistance, benefits, or payments wrongfully obtained or be
19 imprisoned for not more than 10 years, or both.

1 Sec. 276. 33 V.S.A. § 144(a) is amended to read:

2 (a) Section 143 of this title shall not preclude prosecution under 13 V.S.A.
3 § 1801, 1802, or 2002, when the alleged violation involves forging a ~~welfare~~
4 economic assistance check or where duplicate ~~welfare~~ economic assistance
5 checks have been wrongfully negotiated during any one welfare period.

6 Sec. 277. 33 V.S.A. § 151(1) is amended to read:

7 (1) The Commissioner shall adopt rules governing applications for and
8 issuance, revocation, term, and renewal of licenses and registrations. In the
9 ~~regulations~~ rules, ~~he or she~~ the Commissioner may prescribe standards and
10 conditions to be met, records to be kept, and reports to be filed. Licenses and
11 registration shall be for a term of one year from issuance unless otherwise
12 prescribed by ~~regulation~~ rule.

13 Sec. 278. 33 V.S.A. § 402(d)(1) is amended to read:

14 (d)(1) The Advisory Committee shall make policy recommendations on
15 proposals of the Department of Vermont Health Access to the Department, the
16 Green Mountain Care Board, the Health ~~Care~~ Reform Oversight Committee,
17 the Senate Committee on Health and Welfare, and the House Committees on
18 Health Care and on Human Services. When the General Assembly is not in
19 session, the Commissioner shall respond in writing to these recommendations,
20 a copy of which shall be provided to the members of each of the legislative
21 committees of jurisdiction and to the Green Mountain Care Board.

1 Sec. 279. 33 V.S.A. § 502 is amended to read:

2 § 502. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (2) “Americans with Disabilities Act” means the federal Americans with
6 Disabilities Act of 1990 ~~and rules and regulations made thereunder~~
7 promulgated under the Act, as amended at any time.

8 * * *

9 (6) “Older Americans Act” means the federal Older Americans Act of
10 1965 ~~and rules and regulations adopted thereunder~~ promulgated under the Act,
11 as amended at any time.

12 * * *

13 (9) “Rehabilitation Act” means the federal Rehabilitation Act of 1973
14 ~~and rules and regulations adopted thereunder~~ promulgated under the Act, as
15 amended at any time.

16 (10) “Social Security Act” means the federal Social Security Act ~~and~~
17 ~~rules and regulations adopted thereunder~~ promulgated under the Act, as
18 amended at any time.

19 Sec. 280. 33 V.S.A. § 904(a) is amended to read:

20 (a) The Director shall establish by rule procedures for determining payment
21 rates for care of State-assisted persons to nursing homes and to such other

1 providers as the Secretary shall direct. The Secretary shall have the authority to
2 establish rates that the Secretary deems sufficient to ensure that the quality
3 standards prescribed by section 7117 of this title are maintained, subject to the
4 provisions of section 906 of this title. Beginning in State fiscal year 2003, the
5 Medicaid budget for care of State-assisted persons in nursing homes shall
6 employ an annual inflation factor ~~which~~ that is reasonable and ~~which~~ that
7 adequately reflects economic conditions, in accordance with the provisions of
8 Section 5.8 of the ~~regulations promulgated~~ rules adopted by the Division of
9 Rate Setting (Methods, Standards, and Principles for Establishing Medicaid
10 Payment Rates for Long-Term Care Facilities).

11 Sec. 281. 33 V.S.A. § 908(c) is amended to read:

12 (c) The Secretary shall adopt all rules ~~and regulations~~ necessary for the
13 implementation of this chapter.

14 Sec. 282. 33 V.S.A. § 909(a) is amended to read:

15 (a) A nursing home that feels aggrieved by a final order of the Division
16 may do any of the following:

17 (1) ~~have~~ Have the right of direct appeal to the Vermont Supreme Court
18 pursuant to the Vermont Rules of Civil Procedure and the Vermont Rules of
19 Appellate Procedure under the same terms and conditions as if the appeal were
20 taken to the Supreme Court from the Superior Court pursuant to the laws of
21 Vermont;

1 (2) ~~have~~ Have the right to appeal de novo to the Superior Court of the
2 county where the nursing home facility is situated; ~~or.~~

3 (3) ~~request~~ Request a review by the Secretary of Human Services. The
4 Secretary of Human Services shall designate an independent appeals officer
5 who shall be a registered or certified public accountant. The appeals officer
6 shall conduct appeal hearings and make findings of fact and recommendations
7 to the Secretary. The appeals officer shall have the power to subpoena
8 witnesses and documents and administer oaths. A party aggrieved by a
9 determination of the Secretary may obtain judicial review under the provisions
10 of subdivision (1) or (2) of this subsection.

11 Sec. 283. 33 V.S.A. § 910 is amended to read:

12 § 910. AVAILABILITY OF PAYMENT FOR NURSING HOME SERVICES

13 ~~In addition to any other reductions required by this act, the~~ The Secretary
14 may, with 90 days' notice to the nursing home, reduce the number of days of
15 nursing home service or the number of nursing home beds for which payments
16 are available under the State/federal medical assistance program in order to
17 meet State budgetary goals, provided that the standards of care required by
18 section 7117 of this title and by rule are maintained.

1 Sec. 284. 33 V.S.A. § 1001 is amended to read:

2 § 1001. DEFINITIONS

3 As used in this chapter:

4 (1) ~~“Able to work”~~ “Able to work” means to be free of any physical,
5 emotional, or mental condition that would prevent the individual from
6 engaging in any combination of the work activities for at least 35 hours per
7 week.

8 (2) ~~“Able to work part time”~~ “Able to work part time” means having a
9 physical, emotional, or mental condition that would allow the individual to
10 engage in any combination of the work activities for at least 10 hours per week
11 but would prevent the individual from engaging in such activities for 35 or
12 more hours per week.

13 * * *

14 (6) “Caretaker” means an individual ~~age~~ 18 years of age or older who is
15 fulfilling a parental role in caring for a dependent child by providing physical
16 care, guidance, and decision-making related to the child’s health, school,
17 medical care, and discipline.

18 * * *

19 (10) “Dependent child” means a child who is a resident of this State and:

20 (A) is under ~~the age of~~ 18 years of age; or

1 modify the requirements, if necessary, or provide the adult with a second
2 opportunity to comply:

3 * * *

4 (B) The able-to-work adult in a two-parent family (when the other
5 parent is ~~able to work part time~~ able to work part time or ~~unable to work~~
6 unable to work) who has no barriers to obtaining and maintaining a job and a
7 recent and stable work history, including receiving wages for his or her most
8 recent job that, when annualized, equal or exceed 150 percent of the federal
9 poverty level applicable to the family, shall report to the Department of Labor
10 for an immediate job search within two working days of having filed an
11 application.

12 (C) The adult in a two-parent family (when both parents are ~~able to~~
13 ~~work~~ able to work) who is not the primary caretaker of the children shall report
14 to the Department of Labor for an immediate job search within two working
15 days of having filed an application.

16 * * *

17 (c)(1) If an adult does not comply with the following requirements without
18 good cause, the Department shall initiate the conciliation process to determine
19 the reason that the adult has not complied with the requirements and shall
20 modify the requirements, if necessary:

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* * *

(6) “Caretaker” means an individual ~~age~~ 18 years of age or older who is fulfilling a parental role in caring for a dependent child by providing physical care, guidance, and decision-making related to the child’s health, school, medical care, and discipline.

* * *

(10) “Dependent child” means a child who is a resident of this State; and:

(A) is under ~~the age of~~ 18 years of age; or

(B) is 18 years of age or older who is a full-time student in a secondary school, or attending an equivalent level of vocational or technical training, and is reasonably expected to complete the educational program before reaching ~~the age of~~ 19 years of age or is not expected to complete the educational program before reaching ~~age~~ 19 years of age solely due to a documented disability.

* * *

(26) “Temporary Assistance to Needy Families” or “TANF” means the block grant provided to this State and established in accordance with Part A of Title IV of the federal Social Security Act, as amended, and the regulations promulgated ~~pursuant thereto~~ under the Act by the U.S. Secretary of Health and Human Services.

1 (27) ~~“Unable to work”~~ “Unable to work” means not ~~able to work~~ able
2 to work and not ~~able to work part time~~ able to work part time.

3 Sec. 287. 33 V.S.A. § 1201(18) is amended to read:

4 (18) “Temporary Assistance to Needy Families” or “TANF” means the
5 block grant provided to this State and established in accordance with Part A of
6 Title IV of the federal Social Security Act, as amended, and the regulations
7 promulgated ~~pursuant thereto~~ under the Act by the U.S. Secretary of Health
8 and Human Services.

9 Sec. 288. 33 V.S.A. § 1301 is amended to read:

10 § 1301. ELIGIBILITY REQUIREMENTS—GENERAL

11 To be eligible for State aid to the aged, blind, or disabled, in addition to the
12 requirements in ~~the following three~~ sections 1301–1303 of this chapter
13 governing eligibility for a specific program, ~~a person~~ an individual shall:

14 (1) Be a resident of this State when the person applies.

15 (2) Not have made a voluntary assignment or transfer of property or
16 income for the purpose of qualifying; nor shall ~~his or her~~ the individual’s
17 spouse have made a voluntary assignment or transfer of property or income for
18 the purpose of qualifying ~~him or her~~ the individual.

19 (3) Be a recipient of Federal Supplemental Security Income, if eligible
20 ~~therefor~~.

1 (b) An individual is also considered disabled for purposes of this chapter if
2 ~~he or she~~ the individual was disabled as defined under this chapter and the
3 ~~regulations~~ rules in effect under this chapter on December 31, 1973 and
4 received aid under this chapter for December 1973, ~~so long as he or she~~
5 provided the individual has been, since that time, continuously disabled.

6 Sec. 291. 33 V.S.A. § 1304 is amended to read:

7 § 1304. STATE AID TO THE BLIND

8 (a) State aid to the blind shall be granted to ~~a person~~ an individual who
9 meets the eligibility requirements of section 1301 of this title and in addition:

10 * * *

11 (b) An individual is also considered blind for purposes of this chapter if ~~he~~
12 ~~or she~~ the individual was blind as defined under this chapter and the
13 ~~regulations~~ rules in effect under this chapter on December 31, 1973 and
14 received aid under this chapter for December 1973, ~~so long as he or she~~
15 provided the individual has been, since that time, continuously blind.

16 Sec. 292. 33 V.S.A. § 1305 is amended to read:

17 § 1305. DISQUALIFICATIONS

18 State aid to the aged, blind, and disabled shall not be granted to any ~~person~~
19 individual who has real or personal property in excess of that permitted for
20 eligibility for Supplemental Security Income under the Social Security Act as
21 amended.

1 Sec. 293. 33 V.S.A. § 1306 is amended to read:

2 § 1306. APPLICATION AND INVESTIGATION

3 Applications for State aid to the aged, blind, or disabled may be made at
4 any office of the Department for Children and Families. Upon receipt of an
5 application, the Commissioner for Children and Families shall investigate and
6 prescribe the amount of the grant to be given, if any. No ~~person may~~
7 individual shall receive more than one type of grant or aid under this chapter.

8 Sec. 294. 33 V.S.A. § 1307 is amended to read:

9 § 1307. AMOUNT OF STATE AID

10 The amount of State aid to which an eligible ~~person~~ individual is entitled
11 shall be determined with due regard to the income, resources, and maintenance
12 available to ~~him or her~~ the individual and, when an eligible ~~person~~ individual
13 lives with ~~his or her~~ the individual's ineligible spouse or a needy essential
14 person, or both, as defined by the Commissioner, with due regard to the needs
15 of the ineligible spouse and with due regard to the needs, income, and
16 resources of the needy essential person. ~~As far as~~ To the extent funds are
17 available, aid shall provide a reasonable subsistence compatible with decency
18 and health. The Commissioner for Children and Families may by ~~regulation~~
19 rule fix maximum amounts of aid and take measures to ~~insure~~ ensure that the
20 expenditures for the programs shall not exceed the funds provided for them.

1 Sec. 295. 33 V.S.A. § 1308 is amended to read:

2 § 1308. ~~REGULATIONS~~ RULES

3 In fixing standards and ~~issuing regulations~~ adopting rules under this chapter,
4 the Commissioner for Children and Families shall be guided by the statutory
5 standards set forth in this chapter, which standards shall not be deemed
6 necessarily to incorporate by reference decisional or statutory law applicable to
7 the aid to the aged, blind, and disabled program in effect prior to January 1,
8 1974.

9 Sec. 296. 33 V.S.A. § 1309 is amended to read:

10 § 1309. AGREEMENTS

11 * * *

12 (b) In cases ~~where~~ in which the Secretary enters into such agreements with
13 an agency of the federal government, any requirement set forth in this chapter
14 ~~which~~ that is inconsistent with the statutes and regulations of the federal
15 government regarding federal administration of State supplementation of
16 benefits under Title ~~46~~ XVI of the Social Security Act shall be waived.

17 * * *

18 (c) The Secretary shall monitor the performance of the agency of the
19 federal government or other public or private entity administering any or all
20 parts of the State aid to the aged, blind, and disabled program. In the event the
21 Secretary determines, in ~~his or her~~ the Secretary's best judgment, that

1 administration by an agency of the federal government or other public or
2 private entity is not in the best ~~interest~~ interests of the citizens of Vermont, ~~he~~
3 ~~or she~~ the Secretary is hereby authorized to terminate such agreements.

4 * * *

5 Sec. 297. 33 V.S.A. § 1806(a) is amended to read:

6 (a) Prior to contracting with a health insurer to offer a qualified health
7 benefit plan, the Commissioner shall determine that making the plan available
8 through the Vermont Health Benefit Exchange is in the best ~~interest~~ interests
9 of individuals and qualified employers in this State. In determining the best
10 ~~interest~~ interests, the Commissioner shall consider affordability; promotion of
11 high-quality care, prevention, and wellness; promotion of access to health care;
12 participation in the State's health care reform efforts; and such other criteria as
13 the Commissioner, in ~~his or her~~ the Commissioner's discretion, deems
14 appropriate.

15 Sec. 298. 33 V.S.A. § 1901d(d) is amended to read:

16 (d) All monies received by or generated to the Fund shall be used only as
17 allowed by appropriation of the General Assembly for the administration and
18 delivery of health care covered through State health care assistance programs
19 administered by the Agency under the Global Commitment ~~for~~ to Health
20 Medicaid Section 1115 waiver, immunizations under 18 V.S.A. § 1130, and

1 the development and implementation of the Blueprint for Health under 18
2 V.S.A. § 702.

3 Sec. 299. 33 V.S.A. § 1901e is amended to read:

4 § 1901e. GLOBAL COMMITMENT FUND

5 (a) The Global Commitment Fund is created in the Treasury as a special
6 fund. The Fund shall consist of the revenues received by the Treasurer as
7 payment of the actuarially certified premium from the Agency of Human
8 Services to the managed care organization within the Department of Vermont
9 Health Access for the purpose of providing services under the Global
10 Commitment ~~for~~ to Health waiver approved by the Centers for Medicare and
11 Medicaid Services under Section 1115 of the Social Security Act.

12 (b) The monies in the Fund shall be disbursed as allowed by appropriation
13 of the General Assembly, and shall be disbursed by the Treasurer on warrants
14 issued by the Commissioner of Finance and Management, when authorized by
15 the Commissioner of Vermont Health Access and approved by the
16 Commissioner of Finance and Management consistent with the
17 interdepartmental agreements between the managed care organization within
18 the Department of Vermont Health Access and departments delivering eligible
19 services under the waiver. The Department of Vermont Health Access ~~may~~
20 shall not modify an appropriation through an interdepartmental agreement or
21 any other mechanism. A department or agency authorized to spend monies

1 from this Fund under an interdepartmental agreement may spend monies
2 appropriated as a base Medicaid expense for an allowable managed care
3 organization investment under the terms and conditions of the Global
4 Commitment ~~for~~ to Health Medicaid Section 1115 waiver only after receiving
5 approval from the Agency of Human Services.

6 (c) Annually, on or before October 1, the Agency shall provide a detailed
7 report to the Joint Fiscal Committee ~~which~~ that describes the managed care
8 organization's investments under the terms and conditions of the Global
9 Commitment ~~for~~ to Health Medicaid Section 1115 waiver, including the
10 amount of the investment and the agency or departments authorized to make
11 the investment.

12 Sec. 300. 33 V.S.A. § 1908(e)(2) is amended to read:

13 (2) An insurer shall comply with a request under the provisions of this
14 subsection ~~no~~ not later than 60 days following the date of the Agency's request
15 and shall be required to provide the Agency with only the information required
16 by this section.

17 Sec. 301. 33 V.S.A. § 1916 is amended to read:

18 § 1916. DEFINITIONS

19 As used in this subchapter:

20 (1) "Brand family" ~~shall mean~~ means all styles of cigarettes sold under
21 the same trademark and differentiated from one another by means of additional

1 modifiers or descriptors, including “menthol,” “lights,” “kings,” and “100s,”
2 and includes a brand name (alone or in conjunction with any other word),
3 trademark, logo, symbol, motto, selling message, recognizable pattern of
4 colors, or any other indicia of product identification identical or similar to, or
5 identifiable with, a previously known brand of cigarettes.

6 (2) “Cigarette” ~~shall have~~ has the same meaning as in subdivision
7 1913(4) of this title.

8 (3) “Commissioner” ~~shall mean~~ means the Commissioner of Taxes.

9 (4) “ Wholesale dealer” ~~shall have~~ has the same meaning as in 32
10 V.S.A. § 7702(16).

11 (5) “Master Settlement Agreement” ~~shall have~~ has the same meaning as
12 in subdivision 1913(5) of this title.

13 (6) “Nonparticipating manufacturer” ~~shall mean~~ means any tobacco
14 product manufacturer that is not a participating manufacturer.

15 (7) “Participating manufacturer” ~~shall have~~ has the same meaning as in
16 section II(jj) of the “Master Settlement Agreement” and all amendments
17 ~~thereto~~ to the Agreement.

18 (8) “Qualified escrow fund” ~~shall have~~ has the same meaning as in
19 subdivision 1913(6) of this title.

20 (9) “Retail dealer” ~~shall have~~ has the same meaning as in 32 V.S.A. §
21 7702(10).

1 (10) [Repealed.]

2 (11) "Tobacco product manufacturer" ~~shall have~~ has the same meaning
3 as in subdivision 1913(9) of this title.

4 (12) "Units sold" ~~shall have~~ has the same meaning as in subdivision
5 1913(10) of this title.

6 Sec. 302. 33 V.S.A. § 1917 is amended to read:

7 § 1917. CERTIFICATIONS

8 (a) Every tobacco product manufacturer whose cigarettes are sold in this
9 State, whether directly or through a licensed wholesale dealer, retailer, or
10 similar intermediary or intermediaries, shall execute and deliver on a form
11 prescribed by the Attorney General a certification to the Attorney General ~~no~~
12 not later than April 30 each year certifying under penalty of perjury that, as of
13 the date of such certification, such tobacco product manufacturer either is a
14 participating manufacturer or is in full compliance with subchapter 1A of this
15 chapter, including all quarterly installment payments required by section 1922
16 of this title.

17 * * *

18 (c) A nonparticipating manufacturer shall:

19 * * *

20 (2) also certify:

21 * * *

1 section shall be deemed to have appointed the Secretary of State as such agent
2 and may be proceeded against in courts of this State by service of process upon
3 the Secretary of State; provided, however, that the appointment of the
4 Secretary of State as such agent shall not satisfy the condition precedent,
5 required by subsection (a) of this section, for having the individual styles or
6 brands of cigarettes or, if applicable, brand families of the nonparticipating
7 manufacturer included or retained in the directory.

8 Sec. 305. 33 V.S.A. § 1923(a) is amended to read:

9 (a) In addition to or in lieu of any other civil or criminal remedy provided
10 by law, upon a determination that a stamping agent has violated this subchapter
11 or any ~~regulation~~ rule adopted pursuant ~~thereto~~ to this subchapter, the Attorney
12 General may, for each violation of this subchapter, also impose a civil penalty
13 in an amount not to exceed the greater of 500 percent of the retail value of the
14 cigarettes sold, offered for sale, or possessed for sale in violation of this
15 subchapter or \$5,000.00. Each stamp affixed and each sale or offer to sell
16 cigarettes in violation of section 1919 of this subchapter shall constitute a
17 separate violation.

18 Sec. 306. 33 V.S.A. § 1924(b) is amended to read:

19 (b) Both the Attorney General and the Commissioner may adopt
20 ~~regulations~~ rules necessary to effect the purposes of this subchapter.

21 Sec. 307. 33 V.S.A. § 2002(b) is amended to read:

1 (b) The Commissioner shall negotiate supplemental rebates, price
2 discounts, and other mechanisms to reduce net prescription drug costs by
3 means of any negotiation strategy ~~which~~ that the Commissioner determines
4 will result in the maximum economic benefit to the Program and to consumers
5 in this State, while maintaining access to high quality prescription drug
6 therapies. The Commissioner may negotiate through a purchasing pool or
7 directly with manufacturers. The provisions of this subsection do not authorize
8 agreements with pharmaceutical manufacturers ~~whereby~~ in which financial
9 support for medical services covered by the Medicaid program is accepted as
10 consideration for placement of one or more prescription drugs on the preferred
11 drug list.

12 Sec. 308. 33 V.S.A. § 2101 is amended to read:

13 § 2101. DEFINITIONS

14 ~~Unless otherwise expressly provided, the words and phrases in this chapter~~
15 ~~mean~~ As used in this chapter:

16 * * *

17 (4) “General Assistance” means financial aid to provide the necessities
18 of life including food, clothing, shelter, fuel, electricity, medical care, and
19 other items as the Commissioner may prescribe by ~~regulation~~ rule when a need
20 is found to exist and the applicant is otherwise found eligible.

1 Commissioner, pursuant to ~~regulation~~ rule, may take into account payment to
2 or for the benefit of the applicant under any Department program.

3 (c) It is further provided that in determining eligibility apart from the need
4 standard, the Commissioner may ~~promulgate~~ adopt a reasonable standard
5 pertaining to work-related efforts on the part of the applicant.

6 * * *

7 (e) As used in this section, “able-bodied individual” does not include a
8 person subject to such conditions as are determined, by ~~regulation~~ rule of the
9 Commissioner for Children and Families, to constitute barriers to employment.

10 (f) [Repealed.]

11 Sec. 310. 33 V.S.A. § 2104(b) is amended to read:

12 (b) When a person designated by the Commissioner pursuant to subsection
13 (a) of this section receives an application for General Assistance or is informed
14 that a person is in need of General Assistance, ~~he or she~~ the person so
15 designated shall investigate and make a determination as to the applicant’s
16 eligibility for General Assistance, and provide under ~~regulations~~ rules of the
17 Department emergency assistance as may be required.

18 Sec. 311. 33 V.S.A. § 2109(c) is amended to read:

19 (c) The Commissioner may provide by ~~regulation~~ rule for an exemption
20 from the notice and report requirements of subsections (a) and (b) of this
21 section in the case of a hospital ~~which~~ that makes and observes satisfactory

1 arrangements considered adequate by the Commissioner. When so exempted,
2 the provisions of the ~~second sentence of section~~ subsection 2110(b) of this
3 chapter shall not apply.

4 Sec. 312. 33 V.S.A. § 2110 is amended to read:

5 § 2110. REIMBURSEMENT FOR RELIEF EXPENDITURES

6 (a) If the Department fails to provide relief for a person, including a
7 transient, the person or hospital relieving him or her may recover ~~therefor~~ for
8 the relief provided in an action on this statute against the State of Vermont.

9 (b) ~~However, Notwithstanding (a) of this section,~~ no recovery may be had
10 for any period in excess of 72 hours before notice is given to the Department if
11 the plaintiff has failed to timely file the information required under subsection
12 2109(b) of this title.

13 (c) This section shall only be operative to the extent that funds are
14 appropriated for it by the General Assembly.

15 Sec. 313. 33 V.S.A. § 2113 is amended to read:

16 § 2113. ACTION FOR RECOVERY OF EXPENDITURES

17 Whenever a person, who has received General Assistance from the
18 Department, owns or thereafter acquires real or personal property or an interest
19 ~~therein~~ in real or personal property or becomes employed, the Department on
20 behalf of the State of Vermont may recover on this statute against ~~him or her~~
21 the person the amount the Department has expended for General Assistance

1 furnished ~~him or her or his or her~~ to the person or the person's family. If the
2 person is deceased, the amount expended by the Department shall be allowed
3 as a claim against ~~his or her~~ the person's estate as a debt due the State. All
4 statutory exemptions shall apply in the civil action. Statutes of limitations
5 shall not be a defense or bar a debt due the State.

6 Sec. 314. 33 V.S.A. § 2301(d) is amended to read:

7 (d) As used in this chapter:

8 (1) ~~"burial"~~ "Burial" means the final disposition of human remains,
9 including interring or cremating a decedent and the ceremonies directly related
10 to that cremation or interment at the gravesite;

11 (2) "Department" means the Department for Children and Families; ~~and.~~

12 (3) ~~"funeral"~~ "Funeral" means the ceremonies prior to burial by
13 interment, cremation, or other method.

14 Sec. 315. 33 V.S.A. § 2601a(4) is amended to read:

15 (4) The following individuals shall be presumed not to be members of
16 the same household, provided that the applicant or recipient provides to the
17 Office of Home Heating Fuel Assistance reasonable evidence that such
18 individuals meet the following standards ~~specified below~~ for exclusion from
19 the economic unit:

20 * * *

1 Sec. 316. 33 V.S.A. § 2602a(b) is amended to read:

2 (b) The responsibilities of the Office of Home Energy Assistance shall
3 include:

4 * * *

5 (6) preparing a written annual report addressing the ~~above~~ functions set
6 forth in this chapter as well as energy needs, caseload and funding projections,
7 recommendations, if any, for appropriate pilot projects, and, in coordination
8 with the Home Energy Assistance Task Force, recommendations to the
9 General Assembly; and

10 * * *

11 Sec. 317. 33 V.S.A. § 3303 is amended to read:

12 § 3303. COUNCIL; DUTIES

13 (a) The Council shall assist State agencies and the departments in the
14 development, improvement, and coordination of primary prevention programs
15 and activities at the State and local levels. In providing this service, the
16 Council shall:

17 * * *

18 (3) evaluate and prepare recommendations on the prevention policies
19 and programs developed and implemented under section 3305 of this title and
20 submit ~~such~~ the recommendations on or before January 1 to the Governor, ~~and~~
21 ~~the Senate and the~~ House Committees on Human Services and on

1 Appropriations, and the Senate Committees on Health and Welfare and on
2 Appropriations.

3 (b) ~~Administer~~ The Council shall administer the Children's Trust Fund as
4 provided in sections 3306 and 3307 of this title.

5 * * *

6 Sec. 318. 33 V.S.A. § 3306 is amended to read:

7 § 3306. CHILDREN'S TRUST FUND

8 * * *

9 (b) The Fund shall be ~~comprised~~ composed of revenues from the following
10 sources:

11 * * *

12 (c) All interest accrued or generated by revenue in the Fund shall remain in
13 the Fund and be available for the payment of grants awarded ~~therefrom~~ from
14 the Fund.

15 * * *

16 Sec. 319. 33 V.S.A. § 3502 is amended to read:

17 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC

18 SCHOOLS; 21ST CENTURY FUND

19 * * *

20 (d)(1) ~~Regulations~~ Rules pertaining to child care facilities and family child
21 care homes shall be designed to ensure that children in child care facilities and

1 family child care homes are provided with wholesome growth and educational
2 experiences, and are not subjected to neglect, mistreatment, or immoral
3 surroundings.

4 * * *

5 (e) At least each three years, the Department shall review the ~~regulations~~
6 rules for licensure and registration for revision or updating.

7 * * *

8 Sec. 320. 33 V.S.A. § 3503(a) is amended to read:

9 (a) ~~For the purpose of~~ As used in this chapter, “corporal punishment”
10 means the intentional infliction of physical pain upon the body of a child as a
11 disciplinary measure.

12 Sec. 321. 33 V.S.A. § 3531(b) is amended to read:

13 (b) The Program shall be supported from a special fund, to be known as the
14 “Building Bright Spaces for Bright Futures Fund,” ~~hereinafter~~ referred to in
15 this section as “the Bright Futures Fund,” hereby created for this purpose to be
16 administered by the Commissioner for Children and Families. Subject to
17 approvals required by 32 V.S.A § 5, the Fund may accept gifts and donations
18 from any source, and the Commissioner may take appropriate actions to
19 encourage contributions and designations to the account, including publicizing
20 explanations of the purposes of the Fund and the uses to which the Bright
21 Futures Fund has been or will be applied.

1 Sec. 322. 33 V.S.A. § 3605 is amended to read:

2 § 3605. RIGHTS OF THE STATE

3 Nothing in this chapter shall be construed to interfere with the right of the
4 State to:

5 * * *

6 (3) comply with federal and State laws, rules, and regulations regarding
7 child care and child care subsidies;

8 (4) enforce child care ~~regulations~~ rules and regulatory processes,
9 including ~~regulations~~ rules regarding the qualifications of early care and
10 education providers and the prevention of abuse in connection with the
11 provisions of child care services;

12 (5) develop child care ~~regulations~~ rules and regulatory processes subject
13 to the rulemaking authority of the General Assembly and the Human Services
14 Board;

15 * * *

16 Sec. 323. 33 V.S.A. § 3607 is amended to read:

17 § 3607. PETITIONS FOR ELECTION; FILING; INVESTIGATIONS;

18 HEARINGS; DETERMINATIONS

19 (a) A petition may be filed with the Board in accordance with ~~regulations~~
20 rules prescribed by the Board:

21 * * *

1 (c) In determining whether or not a question of representation exists, the
2 Board shall apply the same ~~regulations and~~ rules of decision-making regardless
3 of the identity of the persons filing the petition or the kind of relief sought.

4 (d) Nothing in this chapter prohibits the waiving of hearings by stipulation
5 for a consent election in conformity with ~~regulations and~~ rules of the Board.

6 * * *

7 Sec. 324. 33 V.S.A. § 3610(c) is amended to read:

8 (c) The agreement shall terminate at the expiration of its specified term.
9 Negotiations for a new agreement ~~to take effect upon the expiration of the~~
10 ~~preceding agreement~~ shall be commenced, upon the request of either party, at
11 any time within one year ~~next preceding before~~ the expiration date ~~upon the~~
12 ~~request of either party and may be commenced at any time previous thereto~~
13 ~~with the consent of both parties~~ of the current agreement. The parties may
14 mutually agree to commence negotiations for a new collective bargaining
15 agreement more than one year before the expiration date of the current
16 agreement.

17 Sec. 325. 33 V.S.A. § 3615 is amended to read:

18 § 3615. RULES AND REGULATIONS

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

1 Sec. 326. 33 V.S.A. § 3701 is amended to read:

2 § 3701. PARENT-CHILD CENTER PROGRAM; ELIGIBILITY

3 * * *

4 (b) The Secretary of Human Services shall:

5 (1) upon applications made annually, award grants to eligible parent-
6 child centers; and

7 * * *

8 (d) A parent-child center funded under this chapter shall:

9 * * *

10 (2) provide such financial or programmatic information as may be
11 necessary to enable the Secretary of Human Services to evaluate the services
12 provided through grant funds, the effect of such services on consumers of these
13 services, and an accounting of the expenditure of grant funds; and

14 * * *

15 Sec. 327. 33 V.S.A. § 3902(c) is amended to read:

16 (c) Whenever a support obligation is in effect against a responsible parent
17 for the benefit of a dependent child or a custodial parent, payments required
18 ~~thereunder~~ under the support obligation shall be sent to the Office of Child
19 Support upon notice to the responsible parent, without further order of the
20 ~~Court~~ court. When an assignment is in effect pursuant to subsection (a) of this
21 section, any amounts accrued under the support obligation as of the date of

1 assignment, and any amount accruing while the assignment is in effect, shall
2 be owing to and payable to the Department for Children and Families without
3 further order of the ~~Court~~ court.

4 Sec. 328. 33 V.S.A. § 4106(f)(1) is amended to read:

5 (1) The amount of child support indicated by the guidelines shall be
6 presumed to be in the child's best ~~interest~~ interests, but other relevant
7 information ~~which~~ that is readily available, including information provided by
8 the parents, shall be considered together with the factors set out in 15 V.S.A. §
9 659.

10 Sec. 329. 33 V.S.A. § 4301(2)(H) is amended to read:

11 (H) be developed with the opportunity for participation from parents,
12 a guardian, or a surrogate parent appointed pursuant to ~~P.L.~~ Pub. L. No. 94-
13 142.

14 Sec. 330. 33. V.S.A. § 4602(d) is amended to read:

15 (d) For Council meetings held when the General Assembly is not in
16 session, the legislative members of the Council shall be entitled to per diem
17 compensation and reimbursement of expenses in accordance with 2 V.S.A. §
18 ~~406~~ § 23. Members of the Council who are not State employees or whose
19 participation is not supported through their employment or association may be
20 entitled to compensation and reimbursement for expenses for attending

1 meetings of the Council under 32 V.S.A. § 1010 to the extent funds are
2 available.

3 Sec. 331. 33 V.S.A. § 4603(4) is amended to read:

4 (4) Review and formulate recommendations for amendments or
5 revisions to policies, or rules, or regulations that may impede the ability to
6 address State and local priorities and the ability to ensure system effectiveness.

7 Sec. 332. 33 V.S.A. § 4702(a) is amended to read:

8 (a) ~~Definitions.~~ As used in this chapter:

9 * * *

10 Sec. 333. 33 V.S.A. § 4902 is amended to read:

11 § 4902. DEFINITIONS

12 ~~Unless otherwise specifically provided, as~~ As used in this chapter:

13 (1) “Child” means a person under 18 years of age committed by the
14 Juvenile Family Division of the Superior Court to the Department for Children
15 and Families.

16 * * *

17 Sec. 334. 33 V.S.A. § 4903(4) is amended to read:

18 (4) Providing substitute parental care and custody for a child upon
19 application of his or her parent, guardian, or any person acting in behalf of the
20 child, when after investigation it is found that the care and custody will be in
21 the best ~~interest~~ interests of the child. The acceptance of a child by the

1 Department shall not abrogate parental rights or responsibilities, but the
2 Department may accept from the parents temporary delegation of certain rights
3 and responsibilities necessary to provide care and custody for a period of up to
4 six months under conditions agreed upon by the parents and the Department.
5 Upon a stipulation approved by the ~~Juvenile~~ Juvenile Family Division of the Superior
6 Court, the period may be extended for additional periods of up to six months
7 each, provided that each extension is first determined by the parties to be
8 necessary, and that it is in the best ~~interest~~ interests of the child.

9 Sec. 335. 33 V.S.A. § 4913(g) is amended to read:

10 (g) The name of and any identifying information about either the person
11 making the report or any person mentioned in the report shall be confidential
12 unless:

13 * * *

14 (2) a Human Services Board proceeding or a judicial proceeding results
15 ~~therefrom~~ from the report;

16 * * *

17 Sec. 336. 33 V.S.A. § 4918(b) is amended to read:

18 (b) Multidisciplinary teams may also provide public informational and
19 educational services to the community about identification, treatment, and
20 prevention of child abuse and neglect. ~~It~~ They shall also foster communication
21 and cooperation among professionals and organizations in ~~its~~ their community;

1 and provide such recommendations or changes in service delivery as ~~it deems~~
2 they deem necessary.

3 Sec. 337. 33 V.S.A. § 6305(b) is amended to read:

4 (b) In a form and manner and at intervals prescribed by the Commissioner,
5 the Commissioner shall collect and analyze data regarding access to and the
6 cost and quality of home health services in Vermont. Such data shall include:
7 information on complaints, waiting lists, numbers of individuals ineligible for
8 services, numbers of individuals eligible for but not provided services,
9 numbers of patients served under ~~and over~~ 65 years of age and 65 years of age
10 and over, total number of visits and hours provided to patients by each of the
11 existing home health agencies; the results of patient surveys conducted by the
12 home health agencies; data pertaining to federal and State surveys; scoring by
13 any national accrediting organization; charitable and subsidized programs and
14 services for uninsured or low income persons in their respective communities;
15 copies of audited financial statements and annual cost reports; and any other
16 quality measures or data deemed relevant by the Commissioner to monitor and
17 evaluate access to and the cost and quality of home health services by the
18 designated home health agencies.

19 Sec. 338. 33 V.S.A. § 6306(f) is amended to read:

20 (f) In authorizing the agreements and understandings of the types specified
21 in subsection (a) of this section and the activities conducted ~~thereunder~~ under

1 those agreements and understandings, the General Assembly intends that its
2 action have the effect of permitting and granting State action immunity for any
3 actions that might otherwise be considered to be in violation of State or federal
4 antitrust laws, in order to accomplish the public policy objectives of this
5 subchapter.

6 Sec. 339. 33 V.S.A. § 6501(4) is amended to read:

7 (4) “Physician” ~~shall be defined as that word is defined for purposes of~~
8 Medicare under has the same meaning as in 42 U.S.C. § 1395x(r).

9 Sec. 340. 33 V.S.A. § 6502 is amended to read:

10 § 6502. BALANCE BILLING PROHIBITED

11 A physician who agrees to treat a Medicare or General Assistance
12 beneficiary shall not balance bill the beneficiary except as ~~hereinafter~~ provided
13 in section 6503 of this chapter.

14 Sec. 341. 33 V.S.A. § 6703(b) is amended to read:

15 (b) The Commissioner shall not be required to enter into contracts under
16 this section if both of the following conditions are met:

17 (1) ~~the~~ The amount of the State’s share of recoveries to the Medicaid
18 program from awards obtained under this chapter during the preceding year did
19 not exceed the payments to the contractors during that year; ~~and~~.

20 (2) ~~the~~ The Commissioner determines that the program is not
21 accomplishing its goal of protecting dual eligible individuals from improper

1 denials of Medicare coverage. The Commissioner shall base ~~his or her~~ this
2 determination ~~under this subdivision~~ on information obtained from the
3 contractors, providers of health care, area agencies on aging, and other
4 individuals and organizations affected by the program.

5 Sec. 342. 33 V.S.A. § 6705(b) is amended to read:

6 (b) The Department of Vermont Health Access or its designee shall be
7 entitled to obtain from any medical service provider any records of the
8 treatment of any individual covered by subsection (a) of this section ~~which~~ that
9 are in any way relevant to the treatment paid for through medical assistance
10 without regard to any other privilege or right of confidentiality or privacy
11 ~~which~~ that may exist. The Department shall ensure that any records obtained
12 are not released to any other individual, agency, or other entity except ~~insofar~~
13 as is necessary to pursue the Department's rights of subrogation.

14 Sec. 343. 33 V.S.A. § 6706 is amended to read:

15 § 6706. INDEPENDENT ANALYSIS

16 The Commissioner of Financial Regulation shall adopt rules ~~for the~~
17 ~~purposes of ensuring~~ to ensure an in-depth independent analysis by an expert,
18 or experts, of proposed Medicare ~~Supplement~~ supplement insurance policy rate
19 increases. This analysis shall be performed only when the composite average
20 rate increase requested by insurers with 5,000 or more lives in the Vermont
21 Medicare ~~Supplement~~ supplement insurance policy market exceeds three

1 percent, or when the Commissioner finds that the proposed premium and
2 policy changes will have a comparable adverse impact on availability or cost
3 of coverage, or when it otherwise appears to be in the best ~~interest~~ interests of
4 the insureds. A composite average rate is the enrollment-weighted average
5 rate increase of all plans offered by a carrier. The independent analyst shall be
6 made available to the public during the analysis, and for the purpose of
7 providing assistance with and testimony in connection with Medicare
8 ~~Supplement~~ supplement insurance policy rate increase proposals. The cost for
9 the analysis shall be assessed to the affected policy or certificate holders.

10 Sec. 344. 33 V.S.A. § 6902 is amended to read:

11 § 6902. DEFINITIONS

12 As used in this chapter:

13 (1) "Abuse" means:

14 (A) Any treatment of a vulnerable adult ~~which~~ that places life, health,
15 or welfare in jeopardy or ~~which~~ is likely to result in impairment of health.

16 * * *

17 (E) Intentionally subjecting a vulnerable adult to behavior ~~which~~ that
18 should reasonably be expected to result in intimidation, fear, humiliation,
19 degradation, agitation, disorientation, or other forms of serious emotional
20 distress.

21 * * *

1 Sec. 345. 33 V.S.A. § 6911 is amended to read:

2 § 6911. RECORDS OF ABUSE, NEGLECT, AND EXPLOITATION

3 (a)(1) Information obtained through reports and investigations, including
4 the identity of the reporter, shall remain confidential and shall not be released
5 absent a court order, except as follows:

6 (A)(i) The investigative report shall be disclosed only to:

7 (I) the Commissioner or person designated to receive such
8 records;

9 (II) persons assigned by the Commissioner to investigate
10 reports;

11 (III) the person reported to have abused, neglected, or exploited
12 a vulnerable adult;

13 (IV) the vulnerable adult or his or her representative;

14 (V) the Office of Professional Regulation when deemed
15 appropriate by the Commissioner;

16 (VI) the Secretary of Education when deemed appropriate by
17 the Commissioner;

18 (VII) the Commissioner for Children and Families or designee
19 for purposes of review of expungement petitions filed pursuant to section
20 4916c of this title;

1 Sec. 346. 33 V.S.A. § 6912(c)(3) is amended to read:

2 (3) An agency, facility, or institution ~~which~~ that provides home-based
3 services shall:

4 (A) display the poster required by this subsection in its principal
5 place of business; and

6 (B) provide a written notice ~~which~~ that includes all information
7 contained on the poster to each vulnerable adult for whom services are
8 provided.

9 Sec. 347. 33 V.S.A. § 6931 is amended to read:

10 § 6931. DEFINITIONS

11 In addition to the definitions in section 6902 of this title, ~~for the purposes of~~
12 as used in this subchapter, “interested person” means a representative of the
13 vulnerable adult; the Commissioner of Disabilities, Aging, and Independent
14 Living; or the Commissioner’s designee.

15 Sec. 348. 33 V.S.A. § 6951(4) is amended to read:

16 (4) “Vulnerable adult” ~~shall have~~ has the same meaning as in section
17 6902 of this chapter.

18 Sec. 349. 33 V.S.A. § 6952(b) is amended to read:

19 (b)~~(1)~~ Remedies.

20 (1) If the court finds that financial exploitation of a vulnerable adult has
21 occurred, the court shall grant appropriate relief to the vulnerable adult, which

1 may include money damages, injunctive relief, reasonable costs, attorney's
2 fees, and equitable relief.

3 * * *

4 Sec. 350. 33 V.S.A. § 6961(b) is amended to read:

5 (b)(~~4~~) Membership.

6 (1) The Team shall comprise the following members:

7 * * *

8 Sec. 351. 33 V.S.A. § 7102 is amended to read:

9 § 7102. DEFINITIONS

10 As used in this chapter:

11 (1) "Assisted living residence" means a program ~~which~~ that combines
12 housing, health, and supportive services for the support of resident
13 independence and aging in place. Within a homelike setting, assisted living
14 units offer, at a minimum, a private bedroom, private bath, living space,
15 kitchen capacity, and a lockable door. Assisted living promotes resident self-
16 direction and active participation in decision-making while emphasizing
17 individuality, privacy, and dignity.

18 * * *

19 (7) "Nursing home" means an institution or distinct part of an institution
20 ~~which~~ that is primarily engaged in providing to its residents any of the
21 following:

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* * *

(C) on a 24-hour basis, health-related care and services to individuals who, because of their mental or physical condition, require care, and services ~~which~~ that can be made available to them only through institutional care.

* * *

(10) “Residential care home” means a place, however named, excluding a licensed foster home, ~~which~~ that provides, for profit or otherwise, room, board, and personal care to three or more residents unrelated to the home operator. Residential care homes shall be divided into two groups, depending upon the level of care they provide, as follows:

* * *

(11) “Therapeutic community residence” means a place, however named, excluding hospitals as defined by statute, ~~which~~ that provides, for profit or otherwise, transitional individualized treatment to three or more residents with major life adjustment problems, such as ~~alcoholism, drug abuse~~ a substance use disorder, psychiatric disability, or delinquency.

* * *

Sec. 352. 33 V.S.A. § 7105 is amended to read:

§ 7105. LICENSE REQUIREMENTS

(a) Upon receipt of an application for license, the licensing agency shall issue a full license when it has determined that the applicant and facilities meet

1 the standards established by the licensing agency. Licenses issued ~~hereunder~~
2 under this chapter shall expire one year after date of issuance, or upon such
3 uniform dates annually as the licensing agency may prescribe by ~~regulation~~
4 rule. Licenses shall be issued only for the premises and persons named in the
5 application and shall not be transferable or assignable. Licenses shall be
6 posted in a conspicuous place on the licensed premises.

7 (b) In its discretion, the licensing agency may issue a temporary license
8 permitting operation of a nursing home, assisted living residence, therapeutic
9 community residence, residential care home, or home for persons who are
10 terminally ill for such period or periods and subject to such conditions as the
11 licensing agency deems proper, but in no case shall a nursing home, assisted
12 living residence, therapeutic community residence, residential care home, or
13 home for persons who are terminally ill operate under a temporary license or
14 renewal ~~thereof~~ of a temporary license for a period exceeding 36 months.

15 * * *

16 Sec. 353. 33 V.S.A. § 7107 is amended to read:

17 § 7107. UNLICENSED HOMES

18 * * *

19 (b) No physician, surgeon, osteopath, chiropractor, or physician assistant
20 licensed, certified, or registered under the provisions of Title 26; ~~any~~ resident
21 physician, intern, or any hospital administrator in any hospital in this State; ~~any~~

1 registered nurse, licensed practical nurse, medical examiner, psychologist,
2 mental health professional, social worker, probation officer, police officer,
3 nursing home administrator, or employee; or ~~any~~ owner, operator, or employee
4 of a facility shall knowingly place, refer, or recommend placement of a person
5 to such a facility if that facility is operating without a license.

6 * * *

7 (e)(1) Within 30 days ~~of~~ following the date on which a license to operate
8 any facility pursuant to this section is revoked or voluntarily relinquished, the
9 operator shall obtain a new license or shall cause all of the residents in the
10 facility to be moved promptly.

11 * * *

12 Sec. 354. 33 V.S.A. § 7108(d) is amended to read:

13 (d) The living quarters of the manager of a facility, for purposes of this
14 chapter, may be subject to inspection only ~~where~~ if the inspector has reason to
15 believe the permissible capacity of the facility has been exceeded and only for
16 the purpose of determining if such a violation exists. The inspector shall
17 permit the manager to accompany ~~him or her~~ the inspector on such an
18 inspection.

1 Sec. 355. 33 V.S.A. § 7111 is amended to read:

2 § 7111. ENFORCEMENT; PROTECTION OF RESIDENTS

3 (a) The licensing agency shall enforce the provisions of this chapter to
4 protect residents of facilities.

5 (b) The licensing agency may require a facility to take corrective action to
6 eliminate a violation of a rule or provision of this chapter within a specified
7 period of time. If the licensing agency does require corrective action, the
8 following provisions shall apply:

9 (1) ~~the~~ The licensing agency may, within the limits of resources
10 available to it, provide technical assistance to the facility to enable it to comply
11 with the provisions of this chapter;

12 (2) ~~the~~ The facility shall provide the licensing agency with proof of
13 correction of the violation within the time specified; ~~and~~.

14 (3) ~~if~~ If the facility has not corrected the violation by the time specified,
15 the licensing agency may take such further action as it deems appropriate
16 under this section.

17 * * *

18 (d) The licensing agency may, after notice and an opportunity for a hearing,
19 suspend, revoke, modify, or refuse to renew a license upon any of the
20 following grounds:

21 * * *

1 Sec. 356. 33 V.S.A. § 7115 is amended to read:

2 § 7115. EXCEPTION

3 Nothing in this chapter or the rules ~~and regulations~~ adopted pursuant ~~thereto~~
4 to this chapter shall be construed as authorizing the supervision, regulation, or
5 control of the remedial care or treatment of residents or patients in any home or
6 institution conducted for those who rely upon treatment by prayer or spiritual
7 means in accordance with the creed or tenets of a recognized church or
8 religious denomination, except as to the sanitary and safe condition of the
9 premises, cleanliness of operation, and its physical equipment.

10 Sec. 357. 33 V.S.A. § 7202(a)(3) is amended to read:

11 (3) a facility is in substantial or habitual violation of the standards of
12 health, safety, or resident care established under State rules or federal
13 regulations to the detriment of the welfare of the residents or clients;

14 Sec. 358. 33 V.S.A. § 7206(e) is amended to read:

15 (e) An order appointing a receiver under this chapter has the effect of a
16 license for the duration of the receivership and of suspending the license of the
17 licensee. The receiver shall be responsible to the court for the conduct of the
18 facility during the receivership, and a violation of rules and regulations
19 governing the conduct of the facility, if not promptly corrected, shall be
20 reported by the licensing agency to the court. The order shall not remove the

1 obligation of the receiver to comply with all relevant ~~federal and~~ State rules
2 and federal regulations applicable to the facility.

3 Sec. 359. 33 V.S.A. § 7207(b)(4) is amended to read:

4 (4) remedy violations of ~~federal and~~ State rules and federal regulations
5 governing the operation of the facility;

6 Sec. 360. 33 V.S.A. 7208 is amended to read:

7 § 7208. LIMITATIONS; CORRECTIONS OF CONDITIONS

8 (a)(1) Except as provided ~~for~~ in subsection (b) of this section, if the total
9 cost of correcting conditions that constituted grounds for the receivership and
10 violations of ~~federal and~~ State rules and federal regulations governing the
11 operation of the facility or of other health and safety issues exceeds \$5,000.00,
12 the receiver shall notify the mortgage holder, licensee, and owner of the
13 conditions needing correcting and the estimated amount needed to correct the
14 condition.

15 * * *

16 (b) If the condition constitutes a situation, physical condition, or a practice,
17 method, or operation ~~which~~ that presents imminent danger of death or serious
18 physical or mental harm to residents and the estimate ~~and~~ of the total cost of
19 the correction exceeds \$10,000.00, the receiver shall notify the mortgage
20 holder, owner, and licensee who may object to the ~~Court~~ court as provided ~~for~~

1 in subsection (a) of this section. The receiver may proceed with the
2 corrections pending a hearing and order of the ~~Court~~ court.

3 Sec. 361. 33 V.S.A. § 7211 is amended to read:

4 § 7211. LIMITATIONS; CLOSURE OF THE FACILITY

5 (a) The receiver ~~may~~ shall not close the facility without leave of the ~~Court~~
6 court.

7 (b) The ~~Court~~ court shall consider the protection of residents and shall
8 prevent the closure of facilities that, under proper management, are likely to be
9 financially viable. This section ~~may~~ shall not be construed as a method of
10 financing major repair or capital improvements to facilities that have been
11 allowed to deteriorate because the owner or licensee has been unable or
12 unwilling to secure financing by conventional means.

13 * * *

14 Sec. 362. 33 V.S.A. § 7214(e) is amended to read:

15 (e) Notwithstanding any provision of this section to the contrary, there ~~may~~
16 shall not be a foreclosure or eviction during the receivership by any person if
17 the foreclosure or eviction would, in view of the ~~Court~~ court, serve to defeat
18 the purpose of the receivership.

19 Sec. 363. 33 V.S.A. § 7216(d) is amended to read:

20 (d) A receivership ~~may~~ shall not be terminated in favor of the former or the
21 new licensee; unless that person assumes all obligations incurred by the

1 receiver and provides collateral or other assurances of payment considered
2 sufficient by the ~~Court~~ court.

3 Sec. 364. 33 V.S.A. § 7301 is amended to read:

4 § 7301. NURSING HOME RESIDENTS' BILL OF RIGHTS

5 The General Assembly hereby adopts the Nursing Home Residents' Bill of
6 Rights as follows:

7 * * *

8 (2) The staff of the facility shall ensure that, at ~~least~~ a minimum, each
9 individual admitted to the facility:

10 * * *

11 (B) Is fully informed, prior to or at the time of admission and during
12 the stay, of services available in the facility, and of related charges, including
13 any charges for services not covered under Title XVIII or XIX of the Social
14 Security Act, or not covered by the facility's basic per diem rate, including the
15 facility's policy on providing toiletries, adult briefs, wheelchairs, and all
16 personal care and medical items. The facility shall inform residents in writing
17 about Medicaid and Medicare eligibility and what is covered under those
18 programs, including information on resource limits and allowable uses of the
19 resident's income for items and services not covered by Medicaid and
20 Medicare. The facility shall inform residents or their guardians or agents in

1 writing about eligibility for hospice services and the circumstances under
2 which hospice services may be available.

3 * * *

4 (D) Is transferred or discharged only for medical reasons, or for the
5 resident's welfare or that of other residents, or for nonpayment of the resident's
6 stay (except as prohibited by Title XVIII or XIX of the Social Security Act),
7 and is given reasonable advance notice to ensure orderly transfer or discharge,
8 and such actions are documented in the resident's medical record. Residents
9 shall be notified in writing of the proposed transfer or discharge and reasons
10 for it at least 72 hours before a transfer within the facility and 30 days before a
11 discharge from the facility. In cases ~~where~~ in which the health or safety of
12 individuals would be endangered, or an immediate transfer or discharge is
13 required by the resident's urgent medical needs, notice shall be made as soon
14 as practicable before transfer or discharge. Notice shall explain the resident's
15 right to appeal the proposed action; under the facility's grievance procedure
16 and shall include the address and phone number of the area ombudsman. The
17 resident informed of this right may choose to relocate before the notice period
18 ends. The facility shall make reasonable efforts to accommodate new residents
19 without disrupting room assignments.

20 * * *

1 also summarize the facility's grievance procedure and directions for contacting
2 the Office of the State Long-Term Care Ombudsman ~~program~~. The directions
3 for contacting the Office of the State Long-Term Care Ombudsman ~~program~~
4 shall be written by the Department of Disabilities, Aging, and Independent
5 Living, shall include a description of the Ombudsman program, and shall be
6 underscored.

7 (b) A readable copy of this same notice shall be presented to each resident
8 on admission together with an oral explanation of the rights, grievance
9 procedure, and directions for contacting the Office of the State Long-Term
10 Care Ombudsman ~~program~~.

11 Sec. 367. 33 V.S.A. § 7305 is amended to read:

12 § 7305. READMISSION

13 Notwithstanding any provision of this chapter to the contrary, a facility may
14 petition the Commissioner of Disabilities, Aging, and Independent Living to
15 deny readmission to the facility of any former resident returning from a period
16 of hospitalization. A petition shall be made as soon as possible after the
17 hospitalization of the resident and only shall be granted if in the judgment of
18 the Commissioner, upon consultation with the State Long-Term Care

1 Ombudsman, the resident has exhibited a nonremedial pattern of violent
2 behavior ~~which~~ that poses a danger to others.

3 Sec. 368. 33 V.S.A. § 7503(2) is amended to read:

4 (2) analyze and monitor the development and implementation of federal,
5 State, and local laws and of rules, regulations, and policies relating to long-
6 term care, long-term care facilities, or providers of long-term care and
7 recommend changes it deems appropriate;

8 Sec. 369. 33 V.S.A. § 7602(a)(1) is amended to read:

9 (a)(1) The Department shall calculate savings and investments in Choices
10 for Care and report the amount of savings to the Joint Fiscal Committee, ~~and~~
11 the House Committees on Appropriations and on Human Services, and ~~to~~ the
12 Senate Committees on Appropriations and on Health and Welfare ~~by~~ on or
13 before September 15 of each year. The Department shall not reduce the base
14 funding needed in a subsequent fiscal year prior to calculating savings for the
15 current fiscal year.

16 Sec. 370. 33 V.S.A. § 8002 is amended to read:

17 § 8002. DEFINITIONS

18 ~~As~~ As used in this chapter:

19 * * *

20 (3) “Disability certification” means a certification to the satisfaction of
21 the Secretary by the individual or the parent or guardian of the individual that:

1 (A) certifies that:

2 (i) the individual has a medically determinable physical or mental
3 impairment, ~~which~~ that results in marked and severe functional limitations; and
4 ~~which~~ that can be expected to result in death or ~~which~~ that has lasted or can be
5 expected to last for a continuous period of not less than 12 months, or the
6 individual is blind within the meaning of Section 1614(a)(2) of the Social
7 Security Act; and

8 * * *

9 (5) "Financial organization" means an organization that is authorized to
10 do business in this State and that is:

11 * * *

12 (6) ~~"Member of family" means a brother, sister, stepbrother, or~~
13 ~~stepsister of a designated beneficiary. [Repealed.]~~

14 (7) "Qualified disability expense" means an expense related to the
15 eligible individual's blindness or disability ~~which~~ that is made for the benefit
16 of an eligible individual who is the designated beneficiary, including the
17 following expenses: education, housing, transportation, employment training
18 and support, assistive technology and personal support services, health,
19 prevention and wellness, financial management and administrative services,
20 legal fees, expenses for oversight and monitoring, funeral and burial expenses,

1 and other expenses, ~~which that~~ are approved by the Secretary ~~under regulations~~
2 by regulation and consistent with the purposes of this section.

3 * * *

4 Sec. 371. INTERPRETATION

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

12 Sec. 372. EFFECTIVE DATE

13 This act shall take effect on July 1, 2021.