

1 H.466

2 An act relating to technical corrections for the 2023 legislative session

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

4 * * * Technical Corrections * * *

5 * * * Title 3 * * *

6 Sec. 1. 3 V.S.A. § 479a is amended to read:

7 § 479a. STATE EMPLOYEES' POSTEMPLOYMENT BENEFITS TRUST

8 FUND

9 (a) Creation. A "State Employees' Postemployment Benefits Trust Fund"
10 (Benefits Fund) is hereby created for the purpose of accumulating and
11 providing reserves to support retiree postemployment benefits for members,
12 and to make distributions from the Benefits Fund for current and future
13 postemployment benefits for retirees of the Vermont State Employees'
14 Retirement System, excluding pensions and benefits otherwise appropriated by
15 statute and for the payment of reasonable and proper expenses of administering
16 the Benefits Fund and related benefit plans. The Benefits Fund shall not be
17 part of the Retirement System but is intended to comply with and be a tax-
18 exempt governmental trust under Section 115 of the Internal Revenue Code of
19 1986, as amended.

20 (b) Deposits into the Fund. Into the Benefits Fund shall be deposited:

21 * * *

1 (c) Administration. The Benefits Fund shall be administered by the State
2 Treasurer. The Treasurer may invest monies in the Benefits Fund in
3 accordance with the provisions of 32 V.S.A. § 434 or, in the alternative, may
4 enter into an agreement with the Commission to invest such monies in
5 accordance with the standards of care established by the prudent investor rule
6 under 14A V.S.A. § 902, in a manner similar to the Commission's investment
7 of retirement system monies. All balances in the Benefits Fund at the end of
8 the fiscal year shall be carried forward. Interest earned shall remain in the
9 Benefits Fund. The Treasurer's annual financial report to the Governor and the
10 General Assembly shall contain an accounting of receipts, disbursements, and
11 earnings of the Benefits Fund.

12 (d) Held in trust. All funds of the Benefits Fund shall be held in one or
13 more trusts, custodial accounts treated as trusts, or a combination thereof.
14 Contributions to the Benefits Fund shall be irrevocable, and it shall be
15 impossible at any time prior to the satisfaction of all liabilities, with respect to
16 employees and their beneficiaries, for any part of the corpus or income of the
17 Benefits Fund to be used for or diverted to purposes other than the payment of
18 retiree postemployment benefits to members and their beneficiaries and
19 reasonable expenses of administering the Benefits Fund and related benefit
20 plans.

21

* * *

1 Sec. 2. 3 V.S.A. § 902(5)(J) is amended to read:

2 (J) determined after hearing by the Board, upon petition of any
3 individual desiring exclusion, of the employer, or of a collective bargaining
4 unit, to be in a position that is so inconsistent with the spirit and intent of this
5 chapter as to warrant exclusion; or

6 Sec. 3. 3 V.S.A. § 1018(f)(2) is amended to read:

7 (2) work schedules relating to assigned hours and days of the week as
8 they relate to the employee's needs and the general public's requirement for
9 continual service; and

10 Sec. 4. 3 V.S.A. § 1202 is amended to read:

11 § 1202. State Code of Ethics; applicability

12 ~~Applicability.~~

13 ~~(1)(a)~~ Unless excluded under this section, the Code of Ethics applies to
14 all individuals elected or appointed to serve as officers of the State, all
15 individuals elected or appointed to serve as members of the General Assembly,
16 all State employees, all individuals appointed to serve on State boards and
17 commissions, and individuals who in any other way are authorized to act or
18 speak on behalf of the State. This code refers to them all as "public servants."

19 ~~(2)(b)~~ The Code of Ethics established by this section does not prohibit
20 branches of State government, agencies, or departments from adopting
21 additional personnel policies regarding ethical conduct not covered by this

1 Code of Ethics or provisions that exceed the requirements of this Code of
2 Ethics. Nothing herein shall be interpreted to require a lawyer or judicial
3 officer to violate their respective professional codes of conduct.

4 ~~(3)~~(c) The application of this Code of Ethics does not in any way
5 abrogate or alter the sole authority of each house of the General Assembly to
6 judge the elections and qualifications of its own members under Chapter II,
7 Sections 14 and 19 of the Vermont Constitution.

8 ~~(4)~~(d) The application of this Code of Ethics does not in any way
9 abrogate or alter the Vermont Supreme Court's constitutional authority under
10 Chapter II, Section 30 of the Vermont Constitution.

11 Sec. 5. 3 V.S.A. § 1221(b)(1)(E) is amended to read:

12 (E) one member appointed by the Board of Directors of the SHRM
13 (Society ~~of~~ for Human Resource Management) Vermont State Council, who
14 shall be a member of the Council.

15 Sec. 6. 3 V.S.A. § 2873(d) is amended to read:

16 (d) Nothing in this section shall prevent the Commissioner of ~~Labor~~ Public
17 Safety from exercising ~~his or her~~ the Commissioner's authority to regulate
18 public buildings.

19 Sec. 7. 3 V.S.A. § 3097(c)(2)(D) is amended to read:

20 (D) The Council shall annually report its advice and
21 recommendations to the House Committee on Government Operations and

1 Military Affairs and the Senate Committees Committee on Government
2 Operations and to any other standing committees it deems appropriate on the
3 participation of young persons ~~on~~ in Vermont's economy and keeping young
4 Vermonters in the State.

5 Sec. 8. 3 V.S.A. § 5023(b)(1) is amended to read:

6 (1) Members. The Advisory Council shall be composed of the
7 following members:

8 * * *

9 Sec. 9. 3 V.S.A. § 6006(d) is amended to read:

10 (d) Membership.

11 * * *

12 (3) Co-chairs. The Advisory Council and the Interagency Committee
13 may each elect two co-chairs.

14 (4) Terms. After initial appointments, all appointed members of the
15 Advisory Council shall serve six-year terms and serve until a successor is
16 appointed. The initial terms shall be staggered so that one third of the
17 appointed members shall serve a two-year term, another third of the appointed
18 members shall serve a four-year term, and the remaining members shall be
19 appointed to a six-year term.

20 (5) Vacancies. Vacancies of the Advisory Council shall be appointed in
21 the same manner as original appointments.

1 (6) Assistance. The Advisory Council shall have the administrative,
2 technical, and legal assistance of the Agency of Natural Resources.

3 * * * Title 4 * * *

4 Sec. 10. 4 V.S.A. § 36(a) is amended to read:

5 (a) Judges and judicial officers. Unless otherwise specified by law, when
6 in session, a Superior Court shall consist of:

7 * * *

8 Sec. 11. 4 V.S.A. § 802 is amended to read:

9 § 802. APPROVAL OF ACCOUNTS

10 The presiding officer of a State department, commission, board, or other
11 agency shall approve the accounts of the stenographer or reporter in the
12 proceeding referred to in ~~sections 797 and section~~ section 801 of this title and shall
13 forward the same to the Commissioner of Finance and Management for
14 payment.

15 Sec. 12. 4 V.S.A. § 1109 is amended to read:

16 § 1109. REMEDIES FOR FAILURE TO PAY; CONTEMPT

17 * * *

18 (c)(4) Civil contempt proceedings.

19 (1) Commencement. If an amount due remains unpaid for 75 days after
20 the Judicial Bureau provides the defendant with a notice of judgment, the

1 Judicial Bureau may initiate civil contempt proceedings pursuant to this
2 subsection.

3 * * *

4 ~~(4)(A)~~ Hearing.

5 (A) Procedure. The hearing shall be conducted in a summary
6 manner. The hearing officer shall examine the defendant and any other
7 witnesses and may require the defendant to produce documents relevant to the
8 defendant's ability to pay the amount due. The State or municipality shall not
9 be a party except with the permission of the hearing officer. The defendant
10 may be represented by counsel at the defendant's own expense.

11 * * *

12 (e) Venue. For purposes of civil contempt proceedings, venue shall be
13 statewide. No entry or motion fee shall be charged to a defendant who applies
14 for a reduced judgment under subdivision (c)(4)(B) of this section.

15 (f) Collections. Notwithstanding 32 V.S.A. § 502, the Court Administrator
16 is authorized to contract with a third party to collect fines, penalties, and fees
17 by credit card, debit card, charge card, prepaid card, stored value card, and
18 direct bank account withdrawals or transfers, as authorized by 32 V.S.A. § 583,
19 and to add on and collect, or charge against collections, a processing charge in
20 an amount approved by the Court Administrator.

21 * * *

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* * * Title 5 * * *

2

Sec. 13. 5 V.S.A. § 202 is amended to read:

3

§ 202. DEFINITIONS

4

As used in this part of this title, unless the context otherwise requires, ~~the~~

5

~~following definitions shall apply:~~

6

* * *

7

(4) “Carrier by aircraft” means any person who undertakes, whether

8

directly or indirectly or by lease or any other arrangement, to engage in

9

intrastate air transportation which at any time or in any manner is not subject to

10

the rules of the U.S. Department of Transportation or other federal agency

11

having jurisdiction.

12

* * *

13

(8)(A) “Airman” means an individual:

14

* * *

15

(B) “Airman” does not include an individual:

16

* * *

17

(iii) performing inspection or mechanical duties in connection

18

with aircraft owned or operated by ~~him or her~~ the individual.

19

* * *

20

(15) “Air school” means a person engaged in giving, or offering to give,

21

instruction in aeronautics, either in flying or ground subjects, or both, for or

1 without hire or reward, and advertising, representing, or the holding ~~himself or~~
2 ~~herself~~ out as giving or offering to give this instruction. But, it does not
3 include a public school or university of this State or an institution of higher
4 learning duly accredited and approved for carrying on collegiate work.

5 * * *

6 Sec. 14. 5 V.S.A. § 203(4) is amended to read:

7 (4) by establishing such regulations as are essential in order that persons
8 engaged in aeronautics of every character may so engage, consistent with the
9 safety and the rights of others; and

10 Sec. 15. 5 V.S.A. § 205(i) is amended to read:

11 (i)(1) The Agency shall prepare and keep up to date workable plans for the
12 immediate handling of the following emergency type situations arising from
13 aeronautics activities:

14 ~~(1)~~(A) locating aircraft believed lost and down within Vermont;

15 ~~(2)~~(B) locating, whether with respect to such aircraft or to aircraft
16 believed lost and down outside the State, all occupants who are down within
17 Vermont; and

18 ~~(3)~~(C) locating persons believed lost and down in Vermont through
19 being separated from aircraft overflying Vermont.

20 (2) Workable plans shall mean plans of action for search and rescue that
21 will mobilize all State agencies that can contribute in such emergencies, each

1 agency's contribution being what it has agreed upon in advance, the first
2 objective being to save human life and render prompt aid to survivors.

3 (3) The Agency shall have operational control in the execution of
4 workable plans of all air activities, but as to ground activities shall only have
5 operational control over its own ordinary personnel.

6 (4) Notwithstanding ~~the foregoing~~ subdivision (3) of this subsection, the
7 Agency shall have the duty of sifting and coordinating all information
8 pertaining to such emergency type situations arising from aeronautics
9 activities.

10 Sec. 16. 5 V.S.A. § 652 is amended to read:

11 § 652. ~~JUDICIAL REVIEW~~ CONDEMNATION PROCEEDINGS

12 The Secretary of Transportation or the legislative body of a municipality, as
13 defined in 24 V.S.A. § 2001, or the committee representing two or more
14 municipalities, when authorized by vote of their legislative bodies, may
15 ~~proceed in Superior Court~~ institute condemnation proceedings as provided in
16 19 V.S.A. chapter 5, except as otherwise provided in this subchapter.

17 Sec. 17. 5 V.S.A. § 696 is amended to read:

18 § 696. PAYMENT

19 Following inspection and audit of costs allowable under terms of the
20 ~~Federal Airport Act and amendments to that act~~ Airport Improvement Program
21 codified at 49 U.S.C. §§ 47101–47144, as amended, funds shall be payable

1 upon application by the municipality at the times designated by the Secretary,
2 but in no case shall the total amount of State funds granted to a municipality
3 under provisions of this section exceed the amount approved by the Secretary
4 under section 694 of this title.

5 Sec. 18. 5 V.S.A. § 753 is amended to read:

6 § 753. MATCHING LOCAL FUNDS

7 Money from the appropriation shall be used to match, dollar for dollar,
8 money appropriated, raised, or contributed by a local governmental unit, city
9 or town, or by a combination of units for the purchase of lands or rights in land
10 for airport, landing field, air navigation facilities, or landing strip purposes.

11 Variation of the above formula for State participation shall be permitted only
12 in case of a site urgently needed by the U.S. Air Force or the National Guard,
13 and then only with unanimous consent of the Governor and the Emergency
14 Board.

15 Sec. 19. 5 V.S.A. § 1007 is amended to read:

16 § 1007. ADOPTION OR AMENDMENT OF AIRPORT ZONING
17 REGULATIONS

18 Airport zoning regulations shall not be adopted, amended, or changed under
19 this chapter except by action of the legislative body of the political subdivision
20 in question, or the joint board provided for in section 1003 of this title, after a
21 public hearing, at which parties in interest and citizens shall have an

1 opportunity to be heard. At least 15 days' notice of the hearing shall be
2 published in a paper of general circulation in the political subdivision in which
3 ~~is located~~ the airport hazard area to be zoned is located.

4 Sec. 20. 5 V.S.A. § 1017(a)(2) is amended to read:

5 (2) to hear and decide any special exceptions to the terms of the airport
6 zoning regulations upon which the board may be required to pass under the
7 regulations; and

8 Sec. 21. 5 V.S.A. § 1019 is amended to read:

9 § 1019. CONDEMNATION; APPEALS

10 (a) The political subdivision within which the property or nonconforming
11 structure or use is located, or the political subdivision owning the airport or
12 served by it, may acquire such air right, navigation easement, or other estate or
13 interest in the property or nonconforming structure or use in question, as may
14 be necessary, by purchase or grant or condemnation in the manner provided
15 under ~~24 V.S.A. §§ 2805-2812~~ 5 V.S.A. chapter 5 in any case in which:

16 * * *

17 (c) If any corporation, subject to regulation as a public service corporation
18 pursuant to Title 30 or as a common carrier or railroad pursuant to part 3 or 4
19 of this title, is aggrieved by the adoption of airport zoning regulations, or by a
20 direction to lower, remove, reconstruct, or equip a structure, or by taking of its
21 property or rights in property, or by refusal to grant a variance permit it may,

1 within 30 days after the adoption, direction, taking, or refusal, ~~the corporation~~
2 ~~may~~ appeal to the ~~Public Utility Commission or the~~ Transportation Board, ~~as~~
3 ~~appropriate~~, and if after notice and a hearing, the ~~appropriate Commission or~~
4 Board determines that the public safety, necessity, and convenience will be
5 best served by the amendment or annulment of the regulation, direction, or
6 taking, it may order the regulation, direction, or taking to be amended or
7 annulled; or may grant a variance permit as prescribed in sections 1011–1013
8 of this title.

9 Sec. 22. 5 V.S.A. § 1601(a) is amended to read:

10 (a) The Agency of Transportation shall supervise and direct the execution
11 of all laws and Transportation Board orders relating to public transportation
12 corporations and firms and individuals engaged in this business, including the:

13 (1) ~~formation, organization, ownership, and acquisition of facilities of~~
14 ~~corporations under chapter 22 of this title; [Repealed.]~~

15 (2) supervision and evaluation under chapter 24 of this title of the
16 quality of service of public transportation companies; and

17 (3) review of proposed changes in rate schedules and petitions to the
18 Transportation Board, and, at the discretion of the Secretary, representation of
19 the interests of the consuming public in proceedings to change rate schedules
20 of transportation companies under chapter 24 of this title; ;

1 (4) ~~consolidations and mergers of public transportation corporations~~
2 ~~under chapter 26 of this part of this title. [Repealed.]~~

3 Sec. 23. 5 V.S.A. § 2001(f) is amended to read:

4 (f) The regulations promulgated by the Pipeline and Hazardous Materials
5 Safety Administration, U.S. Department of Transportation contained in ~~Parts~~
6 ~~100–199 of Title 49 of the Code of Federal Regulations~~ 49 C.F.R. Parts 105–
7 199, revised as of October 1, 2007, and any amendment or addition to these
8 regulations, and the regulations promulgated by the Federal Motor Carrier
9 Safety Administration, U.S. Department of Transportation contained in 49
10 C.F.R. Parts 390–397 of Title 49 of the Code of Federal Regulations, revised
11 as of October 1, 2008, and any amendment or addition to these regulations and
12 any provisions of any other regulations regarding the transportation of
13 hazardous materials adopted by a federal agency may be adopted by the
14 Secretary of Transportation.

15 Sec. 24. 5 V.S.A. § 2101(a)(1) is amended to read:

16 (1) Is authorized to ~~make~~ adopt rules under 3 V.S.A. chapter 25
17 governing motor carrier safety standards as they apply to the transportation of
18 passengers and goods by commercial motor vehicles. These rules shall
19 identify violations, and possible penalties, by category, depending on the
20 seriousness of the violation. These rules shall be no less protective of public
21 safety than the rules adopted by the federal government regarding motor carrier

1 safety standards, but a rule shall not prohibit a person between the ages of 18
2 and 21 from operating a motor vehicle in intrastate commerce.

3 Sec. 25. 5 V.S.A. § 2101(e) is amended to read:

4 (e) The regulations promulgated by the Federal Motor Carrier Safety
5 Administration, U.S. Department of Transportation contained in ~~parts~~ 49
6 C.F.R. Parts 40, 350, 360, 365, 372, 381–383, 385–388, 390–397, and 399 ~~of~~
7 ~~Title 49 of the Code of Federal Regulations~~, revised as of October 1, 2008, and
8 any amendment or addition to these regulations may be adopted by the
9 Secretary of Transportation.

10 Sec. 26. 5 V.S.A. § 3528 is amended to read:

11 § 3528. PAYMENT OR DEPOSIT OF DAMAGES CONVEYS PROPERTY

12 Upon the payment of the damages ~~by the corporation~~, as determined ~~upon~~
13 by the commissioners, ~~with the~~ and including accrued costs and charges
14 ~~thereupon accruing~~, by the corporation or upon the deposit of the same by the
15 corporation in ~~such~~ the bank or with ~~such~~ the clerk of the Supreme Court, as
16 the commissioners direct, to the credit of the person to whom the damages
17 have been awarded, such bank or clerk giving notice personally or by mail to
18 such persons that such deposit has been made, the corporation shall be deemed
19 to be seized and possessed of the land or other property appraised by the
20 commissioners.

1 Sec. 27. 5 V.S.A. § 3543 is amended to read:

2 § 3543. APPEAL

3 A railroad corporation, a town, the Agency of Transportation, or an
4 individual owning land adjacent to ~~such~~ a road or bridge so entered upon,
5 crossed, or altered, shall have the same right of appeal from the decision of the
6 selectboard or the Transportation Board as is provided in this chapter ~~in case of~~
7 from the appraisal of land damages by commissioners.

8 Sec. 28. 5 V.S.A. chapter 68, subchapter 2 is redesignated to read:

9 Subchapter 2. Crossing Highways ~~and Turnpikes~~

10 Sec. 29. 5 V.S.A. § 3575 is amended to read:

11 § 3575. MAINTENANCE, ~~ROAD-BED;~~ OF ROADBED THROUGH AN
12 UNDERPASS

13 The maintenance of the ~~road-bed~~ roadbed of the highway through an
14 underpass shall be borne by the State, in the case of a State highway, or
15 municipality, in the case of a town highway, or both, unless, upon petition, the
16 Board shall order otherwise.

17 Sec. 30. 5 V.S.A. § 3581(b) is amended to read:

18 (b) The Transportation Board, upon recommendation of the Agency of
19 Transportation and after notice to the railroad and the person having control of
20 the highway and an opportunity to be heard, may designate certain crossings as
21 “exempt” and may impose such conditions as the interests of safety and the

1 public good dictate. However, a flagperson shall be stationed at every crossing
2 whenever a train is crossing a highway where an exempt sign is displayed.

3 Within 90 days ~~of~~ after such an order, the railroad in the case of warning
4 devices, and the person having control of the highway in the case of advance
5 warning signs, shall affix “exempt” signs in accordance with 23 V.S.A. § 1025.

6 The petitioner shall bear the expense of the exempt sign.

7 Sec. 31. 5 V.S.A. § 3582 is amended to read:

8 § 3582. CROSSINGS; USE OF AUDIBLE WARNING DEVICE

9 (a) An audible warning device meeting standards prescribed by the Federal
10 Railroad Administration shall be sounded sufficiently in advance of each
11 public highway grade crossing to give warning of a train’s approach and shall
12 be kept sounding until the train has crossed the highway.

13 ~~(b) Notwithstanding subsection (a) of this section, the Agency, following~~
14 ~~the procedures set forth in 3 V.S.A. chapter 25, may prohibit the sounding of~~
15 ~~audible warning devices at public and private grade crossings equipped with~~
16 ~~the following safety features or other safety features of similar effect:~~

17 ~~(1) Flashing lights in each direction which are automatically activated~~
18 ~~by approaching trains.~~

19 ~~(2) Two gates, one on each side of the crossing, both of which are~~
20 ~~automatically lowered by the approaching train and both extended across~~

1 approximately half the width of the lanes of traffic so that the entire width of
2 the lanes of traffic is blocked when the gates are lowered.

3 (3) ~~A bell that is automatically activated by the approaching train.~~

4 (4) ~~Overhead street lights.~~

5 (5) ~~Signs posted before the crossing in each direction warning motorists
6 and pedestrians of the crossing ahead.~~

7 (6) ~~Posted speed limits for traffic of not more than 40 miles per hour.~~

8 (7) ~~Not more than two lanes of vehicular traffic in each direction at the
9 crossing. [Repealed.]~~

10 (c) ~~No prohibition by the Agency under subsection (b) of this section shall
11 become effective until the Federal Railroad Administration grants a waiver or
12 exemption under 49 U.S.C. § 20153. The Agency shall promptly notify all
13 affected railroads when a waiver or exemption is granted. [Repealed.]~~

14 (d) A railroad operating a train over a crossing at which the Agency has
15 ~~prohibited the sounding of audible warning devices~~ Federal Railroad
16 Administration has approved establishment of a quiet zone under 49 C.F.R.
17 Part 222 shall not, on the basis of its omission to sound an audible warning
18 device, be liable to any person for death, personal injury, or property damage
19 resulting from use of the crossing.

20 (e) Nothing in this section shall prohibit a railroad's use of an audible
21 warning device in emergency circumstances.

1 (f) A municipality in which a crossing is located shall not, on the basis of
2 the railroad's omission to sound an audible warning device because of a
3 ~~prohibition by the Agency under subsection (b) of this section~~ quiet zone
4 established under 49 C.F.R. Part 222, incur liability to any person for death,
5 personal injury, or property damage, resulting from use of the crossing.

6 Sec. 32. 5 V.S.A. § 3613 is redesignated to read:

7 § 3613. FOREIGN CORPORATIONS ~~MAY HOLD~~ HOLDING REAL
8 ESTATE, ~~WHEN~~

9 Sec. 33. 5 V.S.A. § 3640 is redesignated to read:

10 § 3640. ~~BOARD, WHEN PARTIES DISAGREE; PARTY~~
11 DISAGREEMENT

12 * * * Title 6 * * *

13 Sec. 34. 6 V.S.A. § 1(b) is amended to read:

14 (b) The following entities shall exist and operate within the Agency of
15 Agriculture, Food and Markets under the general supervision of the Secretary:

16 (1) ~~The~~ the Vermont Milk Commission;

17 (2) ~~The~~ the State Dairy Council; and

18 (3) ~~The~~ the Vermont Dairy Industry Council.

19 * * *

20 Sec. 35. 6 V.S.A. § 15(b)(5) is amended to read:

21 (5) the deterrent effect of the penalty; or

1 Sec. 36. 6 V.S.A. § 323(11) is amended to read:

2 (11) “Labeling” means all labels and other written, printed, or graphic
3 matter upon a commercial feed, feed supplement, or dosage form animal health
4 product or any of its containers, ~~or~~ the wrapper accompanying the commercial
5 feed, feed supplement, or dosage form animal health product; or
6 advertisements, brochures, posters, electronic media, the Internet, and
7 television and radio announcements used in promoting the sale of the
8 commercial feed, feed supplement, or dosage form animal health product.

9 Sec. 37. 6 V.S.A. § 336 is amended to read:

10 § 336. ADMINISTRATIVE PENALTY

11 Consistent with chapter 1 of this title, the Secretary may assess an
12 administrative penalty upon determining that a person has violated a rule
13 issued under this chapter or has violated this chapter in the following manner:

14 (1) ~~Distributed~~ distributed a feed, feed supplement, or dosage form
15 animal health product without first obtaining the appropriate product
16 registration;

17 (2) ~~Distributed~~ distributed a commercial feed, feed supplement, or
18 dosage form animal health product without appropriate labeling;

19 (3) ~~Violated~~ violated a cease and desist order;

20 (4) ~~Failed~~ failed to meet the product guarantee on the label or for the
21 custom formula feed; or

1 (5) ~~Distributed~~ distributed a commercial feed, feed supplement, or
2 dosage form animal health product that is adulterated as defined in section 327
3 of this chapter.

4 Sec. 38. 6 V.S.A. § 363(1) is amended to read:

5 (1) “Agricultural lime” or “agricultural liming material” or “lime”
6 means one or more of the following:

7 (A) ~~all~~ All products with calcium and magnesium compounds that are
8 capable of neutralizing soil acidity and that are intended, sold, or offered for
9 sale for agricultural or plant propagation purposes;

10 (B) ~~limestone~~ Limestone consisting essentially of calcium carbonate
11 or a combination of calcium carbonate with magnesium carbonate capable of
12 neutralizing soil acidity;

13 (C) ~~industrial~~ Industrial waste or industrial by-products that contain
14 calcium; calcium and magnesium; or calcium, magnesium, and potassium in
15 forms that are capable of neutralizing soil acidity and that are intended, sold, or
16 offered for sale for agricultural purposes. For the purposes of this chapter, the
17 terms “agricultural lime,” “lime,” and “agricultural liming material” shall have
18 the same meaning.

19 Sec. 39. 6 V.S.A. § 491(b) is amended to read:

20 (b) Maple syrup that is produced, packaged, handled, or sold in this State
21 shall not be bleached or lightened in color by artificial means except by simple

1 filtration through cloth or paper, through a filter press, or through food grade
2 diatomaceous earth with a filter press to remove suspended solids. The
3 Secretary may by rule approve other methods of filtration. The Secretary is
4 authorized to approve specific applications of new technologies for ~~time~~
5 ~~limited~~ time-limited experimental usage.

6 Sec. 40. 6 V.S.A. § 494(b) and (c) are amended to read:

7 (b) Sanitary requirements. Containers and equipment used for packaging
8 maple products shall be clean and sanitary at the time of packing.

9 (c) Container size. Maple syrup containers offered for sale within the
10 State of Vermont shall be of a size determined by the Secretary to be correct to
11 hold the liquid volume stated on the container when filled with syrup at 68
12 degrees Fahrenheit. Maple syrup containers shall be clean and free of rust, and
13 shall not include any substance ~~which~~ that may damage the color or flavor of
14 maple syrup.

15 Sec. 41. 6 V.S.A. § 564(b)(1)(C)(i) is amended to read:

16 (i) the location and acreage of all parcels where hemp will be
17 grown; and

18 Sec. 42. 6 V.S.A. § 569(d) is amended to read:

19 (d) The Secretary shall use the following procedure in assessing penalties:

1 regarding sales during the previous calendar year, and fees based on the \$10.00
2 per ton rate shall accompany the report. Reporting periods are January 1–June
3 30 and July 1–December 31.

4 (d) For those seeds sold in containers of ~~ten~~ 10 pounds or less, the fee of
5 \$85.00 per company shall be paid annually prior to distribution in the State.
6 Fees shall be paid annually on January 1.

7 * * *

8 Sec. 45. 6 V.S.A. § 683(2) is amended to read:

9 (2) by attachment of a stamp, tag, or label directly adjacent to the
10 consumer commodity, on the shelf on which the commodity is displayed, or by
11 stamping or affixing the price information on the commodity itself; ~~or~~

12 Sec. 46. 6 V.S.A. § 792(a) is amended to read:

13 (a) There is established the Livestock Care Standards Advisory Council for
14 the purposes of evaluating the laws of the State and of providing policy
15 recommendations regarding the care, handling, and well-being of livestock in
16 the State. The Livestock Care Standards Advisory Council shall be composed
17 of the following members, all of whom shall be residents of Vermont:

18 (1) ~~The~~ the Secretary, who shall serve as the Chair of the Council;:

19 (2) ~~The~~ the State Veterinarian;:

20 (3) ~~The~~ the following six members appointed by the Governor:

1 (A) ~~A~~ a person with knowledge of food safety and food safety
2 regulation in the State;

3 (B) ~~A~~ a person from a statewide organization that represents the beef
4 industry;

5 (C) ~~A~~ a Vermont licensed livestock or poultry veterinarian;

6 (D) ~~A~~ a representative of an agricultural department of a Vermont
7 college or university;

8 (E) ~~A~~ a representative of the Vermont slaughter industry; and

9 (F) ~~A~~ a representative of the Vermont livestock dealer, hauler, or
10 auction industry;

11 (4) ~~The~~ the following three members appointed by the Committee on
12 Committees:

13 (A) ~~A~~ a producer of species other than bovidae;

14 (B) ~~An~~ an operator of a medium farm or large farm permitted by the
15 Agency; and

16 (C) ~~A~~ a professional in the care and management of equines and
17 equine facilities; and

18 (5) ~~The~~ the following three members appointed by the Speaker of the
19 House:

20 (A) ~~An~~ an operator of a small Vermont dairy farm;

1 (B) ~~A~~ a representative of a local humane society from Vermont and
2 organized under State law; and

3 (C) ~~A~~ a person with experience investigating charges of animal
4 cruelty involving livestock, provided that no such person who has received or
5 is receiving compensation from a national humane society or organization may
6 be appointed under this subdivision.

7 Sec. 47. 6 V.S.A. § 857(a)(4) is amended to read:

8 (4) take any action authorized under chapter 1 of this title; or

9 Sec. 48. 6 V.S.A. § 911 is amended to read:

10 § 911. DEFINITIONS

11 As used in this chapter:

12 (1) “Active ingredient” means:

13 * * *

14 (C) in the case of a defoliant, any ingredient ~~which~~ that will cause the
15 foliage to drop from a plant; or

16 * * *

17 (5) “Economic poison” means:

18 (A) any substance produced, distributed, or used for preventing,
19 destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other
20 forms of plant or animal life or viruses, except viruses on or in living humans
21 or other animals, ~~which~~ that the Secretary shall declare to be a pest; or

1 * * *

2 (10) “Ingredient statement” means:

3 (A) A statement of the name and percentage of each active
4 ingredient, together with the total percentage of the inert ingredients, in the
5 economic poison; ~~or.~~

6 (B) A statement of the name of each active ingredient, together with
7 the name of each and total percentage of the inert ingredients, if any there be,
8 in the economic poison. However, if the preparation is highly toxic to humans
9 (determined as provided in section 913 of this title), subdivision (A) of this
10 subdivision (10) shall apply; ~~or.~~

11 (C) A statement of the percentages of total and water soluble arsenic,
12 each calculated as elemental arsenic, to be made in addition to the statement
13 required by subdivision (A) or (B) of this subdivision (10), in case the
14 economic poison contains arsenic.

15 * * *

16 (24) “Nematode” means invertebrate animals of the phylum
17 nemathelminthes and class nematoda, that is, unsegmented round worms with
18 elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil,
19 water, plants, or ~~plant parts; may also be called~~ plants parts. A nematode may
20 also be called nemas or eelworms.

21 * * *

1 Sec. 49. 6 V.S.A. § 929(a) is amended to read:

2 (a) There is hereby created a special pesticide monitoring revolving fund.

3 Monies collected pursuant to subsection 918(b) of this title shall be deposited

4 in the fund. The Secretary may use monies deposited in the fund for the

5 following purposes:

6 (1) ~~For~~ for the purpose of monitoring pesticides, conducting pesticide
7 educational activities, researching alternatives to the use of pesticides for pest
8 control, and implementing pesticide reduction strategies pursuant to the
9 provisions of section 1110 of this title;

10 (2) ~~To~~ to pay salaries of ~~full~~ full- and part-time employees involved in
11 monitoring pesticides;

12 (3) ~~To~~ to purchase necessary pesticide monitoring and analytical
13 equipment;

14 (4) ~~To~~ to defray the cost of necessary operating expenses;

15 (5) ~~To~~ to contract with other public or private entities in order to
16 implement portions of this plan or to conduct any special studies necessary to
17 ascertain the impact of pesticides on the environment;

18 (6) ~~To~~ to defray the costs of a collection program for obsolete and
19 unwanted pesticides; or

20 (7) ~~To~~ to implement and administer the provisions of this title and any
21 other provisions of law relating to pesticides.

1 Sec. 50. 6 V.S.A. § 1104(12) is amended to read:

2 (12) Cooperate fully with the federal government or other agency in the
3 operation of any joint federal-state programs concerning the rule of the
4 application or use of pesticides, such programs, including the program
5 promulgated by ~~Public Law 92-516 of the 92nd Congress~~ under the Federal
6 Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136–136y.

7 Sec. 51. 6 V.S.A. § 1111(c) is amended to read:

8 (c) The Secretary shall use the following procedure in assessing penalties:

9 (1) ~~he or she~~ The Secretary shall issue a written notice of violation
10 setting forth facts that would establish probable cause that a violation has
11 occurred;

12 (2) ~~the~~ The notice shall be served by personal service or by certified
13 mail, return receipt requested;

14 (3) ~~the~~ The notice shall advise the person of the right to a hearing. If a
15 hearing is requested, it shall be conducted pursuant to 3 V.S.A. chapter 25;

16 (4) ~~the~~ The notice shall also state the proposed penalty and that if no
17 hearing is requested, the decision shall become final and the penalty shall be
18 imposed; ~~and~~.

19 (5) ~~the~~ The recipient of the notice shall have 15 days from the date on
20 which notice is received to request a hearing.

1 Sec. 52. 6 V.S.A. § 1164(c) is amended to read:

2 (c) After notice and opportunity for hearing, the Secretary may suspend or
3 revoke any license issued pursuant to ~~chapters~~ chapter 63 and 65 of this title
4 for any violation of this chapter.

5 Sec. 53. 6 V.S.A. § 2672 is amended to read:

6 § 2672. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (3) “Dairy farm” is any place or ~~premise~~ premises where one or more
10 cows, dairy goats, dairy sheep, or water buffalo are kept and where a part or all
11 of the milk from the animals is sold or offered for sale.

12 (4) “Milk plant” is any place, ~~premise~~ premises, or establishment where
13 milk or dairy products are collected, assembled, handled, processed, stored,
14 pasteurized, packaged, or prepared for distribution.

15 * * *

16 (12) “Approved dairy laboratory” is any place or ~~premise~~ premises that
17 has been inspected and approved by the Secretary, or those premises outside
18 Vermont approved and listed by the National Conference on Interstate Milk
19 Shipments in accordance with the most recent evaluation of milk laboratories
20 as published by the U.S. Department of Health and Human Services, Public
21 Health Service, Food and Drug Administration, where tests are made on milk

1 or dairy products to determine the quality or acceptance of the products. The
2 laboratory shall meet recommendations as set forth in the latest edition of
3 APHA “standard methods for the examination of dairy products.” The
4 Secretary may terminate approval for cause.

5 * * *

6 (18) “School lunch milk” means milk sold, offered for sale, or
7 ~~distribution~~ distributed at school buildings, grounds, or other places used for
8 school purposes.

9 Sec. 54. 6 V.S.A. § 2854 is amended to read:

10 § 2854. CONFORMITY TO STANDARDS

11 Any food that is purported to be, or made in the likeness of, a frozen
12 dessert, or mix thereof, for which a standard has been prescribed under this
13 chapter shall not be sold or offered for sale unless under rules established by
14 the Secretary:

15 (1) it conforms to the definition and standard of identity, quality, and fill
16 of containers for frozen dessert; ~~and~~

17 (2) its label bears the name of the food specified in the definition and
18 standard, and insofar as may be required by such rules, the common names of
19 optional ingredients present in such foods; ~~and~~

20 (3) it was manufactured, distributed, and sold in conformity to all
21 sanitary requirements established; and

1 (4) it conforms to the bacteriological standards established by the
2 Secretary for frozen desserts or for the ingredients from which these are made.
3 Sec. 55. 6 V.S.A. § 2925(b) is amended to read:

4 (b) ~~Guidelines for setting prices.~~ In setting equitable minimum prices, the
5 Commission may investigate and ascertain what are reasonable costs and
6 charges for producing, hauling, handling, processing, and any other services
7 performed in respect to dairy products. The Commission shall take into
8 consideration the balance between production and consumption of dairy
9 products, the costs of production and distribution, the purchasing power of the
10 public, and the price necessary to yield a reasonable return to the producers,
11 handlers, and distributors.

12 Sec. 56. 6 V.S.A. § 2937 is amended to read:

13 § 2937. PERIODIC REPORT

14 The Commission may report as needed on its activities to the ~~House and~~
15 ~~Senate Committees on Agriculture~~ House Committee on Agriculture, Food
16 Resiliency, and Forestry and the Senate Committee on Agriculture.

17 Sec. 57. 6 V.S.A. § 2963(b)(6) is amended to read:

18 (6) develop an advertising program for Vermont agricultural products;
19 and

1 Sec. 58. 6 V.S.A. § 2972(b) is amended to read:

2 (b) Included among the powers of the Council in connection with the
3 enforcement of this chapter are the powers to require reports from any person
4 subject to this chapter; to adopt, rescind, modify, and amend all proper and
5 necessary rules and orders to administer this chapter, which rules and orders
6 shall be adopted by publication in the manner prescribed by the Council and
7 shall have the force and effect of law when not inconsistent with existing laws;
8 to administer oaths, subpoena witnesses, take depositions, and certify to
9 official acts; to require any dealer to keep such true and accurate records and to
10 make such reports covering purchases, sales, and receipts of dairy products and
11 related matters as the Council deems reasonably necessary for effective
12 administration, which records shall be open to inspection by the Secretary of
13 Agriculture, Food and Markets at any reasonable time and as often as may be
14 necessary, but information thus obtained shall not be published or be open to
15 public inspection in any manner revealing any individual dealer's identity,
16 except as required in proceedings to enforce compliance; to keep accurate
17 books, records, and accounts of all of its dealings; and to make annually a full
18 report of its doings to the ~~House and Senate Committees on Agriculture~~ House
19 Committee on Agriculture, Food Resiliency, and Forestry and the Senate
20 Committee on Agriculture and the Governor, which shall show the amount of
21 money received and the expenditures thereof. The report shall be submitted on

1 or before January 15. The Vermont Agency of Agriculture, Food and Markets
2 shall perform the administrative work of the Council as directed by the
3 Council. The Council shall reimburse the Agency of Agriculture, Food and
4 Markets for the cost of services performed by the Agency.

5 Sec. 59. 6 V.S.A. § 3025 is amended to read:

6 § 3025. SECOND INSPECTION OF DISEASED COLONIES;

7 DESTRUCTION

8 The Secretary or ~~his or her~~ the Secretary's inspectors shall inspect all
9 diseased apiaries a second time ~~no~~ not less than 10 days after the first
10 inspection. If the existence of disease within the apiary has been confirmed by
11 a laboratory approved by the Secretary, the inspector may destroy any colonies
12 of bees if ~~he or she~~ the inspector finds them not cured of such disease, or not
13 treated or handled according to ~~his or her~~ the inspector's instructions, together
14 with honey combs, hives, or other equipment, without recompense to the
15 owner thereof. This section shall not preclude an inspector from destroying
16 diseased colonies at any time with the consent of the owner or ~~his or her~~ the
17 owner's agent.

18 Sec. 60. 6 V.S.A. § 3029(c) is amended to read:

19 (c) Upon determination that an owner has violated the terms of this section
20 or any rule adopted pursuant to this section, the Secretary may destroy the hive
21 or hives. Any determination of a violation shall be appealable to the Secretary,

1 who shall provide the owner a hearing within ~~ten~~ 10 days ~~of~~ after the
2 determination of the violation, during which the order to destroy shall be
3 stayed.

4 Sec. 61. 6 V.S.A. § 3034 is amended to read:

5 § 3034. ESTABLISHING AN APIARY LOCATION

6 No person shall locate an apiary within two miles of an existing apiary
7 registered to a different person, with the following exceptions:

8 (1) ~~a~~ A person may locate an apiary anywhere on ~~his or her~~ the person's
9 own property;

10 (2) ~~beekeepers~~ Beekkeepers with a total ownership of ~~ten~~ 10 hives or ~~less~~
11 fewer shall be exempt from this restriction;

12 (3) ~~existing~~ Existing apiaries, ~~so long as provided that~~ they are properly
13 registered with the State, are exempt;

14 (4) ~~a~~ A person may locate an apiary within two miles of another existing
15 apiary, provided the owner of the existing apiary gives written permission or
16 the existing apiary has ~~less~~ fewer than 15 hives; ~~or~~.

17 (5) ~~if~~ If a registered apiary of 15 or more hives should fall below and
18 remain below 15 hives, anyone can petition the State and establish an apiary
19 within two miles of the existing apiary, provided the number of hives in the
20 existing apiary stays below 15 for two years from the time of the petition. An

1 apiary that loses the protection of the two-mile limit in this manner cannot be
2 built back above the number of hives it had at the end of the two-year period.

3 Sec. 62. 6 V.S.A. § 3131(6) is amended to read:

4 (6) “Humane method” means either:

5 (A) ~~A~~ a method by which the animal is rendered insensible to pain by
6 mechanical, electrical, chemical, or other means that is rapid and effective
7 before being shackled, hoisted, thrown, cast, or cut; or

8 (B) ~~A~~ a method in accordance with ritual requirements of the Jewish
9 faith or any other religious faith under which the animal suffers loss of
10 consciousness by anemia of the brain caused by the simultaneous and
11 instantaneous severance of the carotid arteries with a sharp instrument.

12 Sec. 63. 6 V.S.A. § 3302(25)(K) is amended to read:

13 (K) if it contains any artificial flavoring, artificial coloring, or
14 chemical preservative, unless it has a label stating that fact, provided that to the
15 extent that compliance with the requirements of this subdivision (K) is
16 impracticable, exemptions shall be established by rules adopted by the
17 Secretary; and

18 Sec. 64. 6 V.S.A. § 3304(6) is amended to read:

19 (6) adopt rules relating to sanitation for all establishments required to
20 have inspection under subdivision (1) of this section or required to be licensed
21 under section 3306 of this title; and

1 Sec. 65. 6 V.S.A. § 4607(b)(10)(C) is amended to read:

2 (C) return-on-investment analysis; and

3 Sec. 66. 6 V.S.A. § 4621(b) is amended to read:

4 (b) The Secretary shall collect data on the activities and outcomes of the
5 program authorized under this section and submit ~~his or her~~ the Secretary's
6 findings and recommendations in a report on or before January 15 of each year
7 to the House Committees on ~~Agriculture and Forest Products~~ Agriculture,
8 Food Resiliency, and Forestry and on Commerce and Economic Development
9 and to the Senate Committees on Agriculture and on Economic Development,
10 Housing and General Affairs.

11 Sec. 67. 6 V.S.A. § 4832 is amended to read:

12 § 4832. FARM AGRONOMIC PRACTICES PROGRAM

13 The Farm Agronomic Practices ~~Assistance~~ Program is created in the
14 Agency of Agriculture, Food and Markets to provide the farms of Vermont
15 with State financial assistance for the implementation, including through
16 education, training, or instruction, of soil-based practices that improve soil
17 quality and nutrient retention, increase crop production, minimize erosion
18 potential, and reduce agricultural waste discharges. The following practices
19 may be eligible for assistance to farms under the Grant Program:

20 * * *

1 Sec. 68. 6 V.S.A. § 5001 is amended to read:

2 § 5001. DEFINITION

3 ~~As used in~~ As used in this chapter, “farmers’ market” shall mean an event or series
4 of events at which two or more vendors of agricultural products, as defined in
5 11 V.S.A. § 991, gather for purposes of offering for sale to the public their
6 agricultural products.

7 * * * Title 8 * * *

8 Sec. 69. 8 V.S.A. § 8002 is amended to read:

9 § 8002. CERTIFICATE OF AUTHORITY; AUTHORITY OF THE
10 DEPARTMENT

11 * * *

12 (c) The Commissioner shall acknowledge receipt of an application within
13 15 days ~~of~~ after the day it is received. If the application is not complete, the
14 Commissioner shall notify the applicant, in writing, that additional information
15 is required.

16 * * *

17 (h) ~~Review of rates and fees.~~

18 (1) Rate standards.

19 (A) Excessive. Rates are excessive if they are producing or are
20 likely to produce unreasonably high profits for the services provided, the
21 excess of revenue over expenses is not reasonably related to the financial

1 requirements of the provider, or expenses are unreasonable when compared to
2 like or similar services provided.

3 (B) Inadequacy: Rates are inadequate if they are insufficient to
4 sustain projected losses and expenses in the class or classes of business to
5 which they apply or the use of such rates has or, if continued, will have the
6 effect of substantially lessening competition or the tendency to create a
7 monopoly in any market.

8 (C) Unfair discrimination: Unfair discrimination exists if, after
9 allowing for practical limitations, price differentials fail to reflect equitably the
10 differences in expected losses and expenses. A rate is not unfairly
11 discriminatory because different premiums result for a class of residents with
12 like loss exposures but different expenses, or like expenses but different loss
13 exposures, ~~so long as~~ provided the rate equitably reflects the differences with
14 reasonable accuracy. This provision shall not prohibit a provider from
15 establishing a rate structure which subsidizes a portion of the units within a
16 facility.

17 (2) Rating methods or criteria. In reviewing the Commissioner shall
18 utilize the following criteria:

19 * * *

20 (B) Classification. Risks may be classified in any lawful and
21 reasonable way for the collection of statistics and establishment of rates. Rates

1 for new residents may be established prospectively for individual risks in
2 accordance with rating plans or schedules that provide for recognition of
3 probable variations in hazards, or expenses, or both.

4 * * *

5 Sec. 70. 8 V.S.A. § 8003 is amended to read:

6 § 8003. SALE OR TRANSFER OF OWNERSHIP

7 Any provider desiring to sell or transfer ownership of a continuing care
8 facility shall notify the department 30 days in advance of completion of such
9 sale or transfer. The Commissioner may revoke, after notice and hearing, and
10 upon written findings of fact, the certificate of authority of any provider based
11 on a substantial change in control or ownership of such provider, if such
12 change is found not to be in the best interests of the residents of the facility in
13 that:

14 (1) ~~in that~~ the facility is in danger of becoming insolvent;

15 * * *

16 Sec. 71. 8 V.S.A. § 8004(b) is amended to read:

17 (b)(1) If, at any time, the Commissioner determines, after notice and an
18 opportunity for the provider to be heard, that:

19 ~~(1)(A)~~ a portion of a reserve fund escrow required under this chapter has
20 been or is proposed to be released;

1 ~~(2)~~(B) a provider has been or will be unable, in such a manner as may
2 endanger the ability of the provider to fully perform its obligations pursuant to
3 contracts for continuing care, to meet the most recent pro forma income or
4 cash flow projections filed by the provider;

5 ~~(3)~~(C) a provider has failed to maintain the reserves required under this
6 chapter; or

7 ~~(4)~~(D) a provider is insolvent, or in imminent danger of becoming
8 subject to a delinquency proceeding under chapter 145 of this title or insolvent;

9 (2) the Commissioner may apply to the appropriate court for an order
10 directing or authorizing the Commissioner to seize the property of, to
11 rehabilitate, or to liquidate a provider under chapter 145 of this title.

12 Sec. 72. 8 V.S.A. § 8005(d)(9) is amended to read:

13 (9) Transfers. A statement explaining the conditions under which a
14 resident may be transferred from ~~his or her~~ the resident's living unit and the
15 conditions governing reoccupancy of that unit; any financial adjustment to be
16 made in the case of a resident who permanently transfers to another unit in the
17 facility providing a different level of care, or to a hospital and who
18 permanently gives up ~~his or her~~ the resident's living unit; whether the provider
19 has any responsibility to provide services following care in another facility;
20 whether a refund will be due if the resident vacates ~~his or her~~ the resident's
21 living unit and the provider will not permit reoccupancy by the resident.

1 Sec. 73. 8 V.S.A. § 8016(b) is amended to read:

2 (b) The Department shall be reimbursed for any expenses it reasonably
3 incurs itself or by its agents in pursuing the following statutory duties:

4 (1)~~(A)~~ review of rates charged by operators;

5 ~~(2)~~~~(B)~~ review of contract forms;

6 ~~(3)~~~~(C)~~ monitoring compliance with statutory and regulatory
7 requirements;

8 ~~(4)~~~~(D)~~ general enforcement of statutory requirements; and

9 ~~(5)~~~~(E)~~ preparation and publication of a consumers' guide.

10 (2) The Commissioner shall annually, before August 16, apportion the
11 expenses incurred in performing the enumerated duties among providers based
12 on their annual gross revenue for their most recent fiscal year.

13 Sec. 74. 8 V.S.A. § 8082 is amended to read:

14 § 8082. DEFINITIONS

15 As used in this chapter:

16 * * *

17 (4) "Group long-term care insurance" means a long-term care insurance
18 policy that is delivered or issued for delivery in this State and issued to any of
19 the following:

20 (A) One or more employers or labor organizations or to a trust or to
21 the trustees of a fund established by one or more employers or labor

1 organizations, or a combination thereof, for employees or former employees or
2 a combination thereof, or for members or former members or a combination
3 thereof, of the labor organizations;

4 (B) Any professional, trade, or occupational association for its
5 members or former or retired members, or combination thereof, if the
6 association:

7 (i) is composed of individuals all of whom are or were actively
8 engaged in the same profession, trade, or occupation; and

9 (ii) has been maintained in good faith for purposes other than
10 obtaining insurance;

11 (C)(i) An association or a trust or the trustees of a fund established,
12 created, or maintained for the benefit of members of one or more associations.
13 Prior to advertising, marketing, or offering the policy within this State, the
14 association or associations or the insurer of the association or associations shall
15 file evidence with the Commissioner that the association or associations have
16 at the outset a minimum of 100 persons and have been organized and
17 maintained in good faith for purposes other than that of obtaining insurance,
18 have been in active existence for at least one year, and have a constitution and
19 bylaws that provide that:

20 (I) ~~The~~ the association or associations hold regular meetings
21 not less than annually to further purposes of the members;

1 (4) a A statement that the outline of coverage is a summary only, not a
2 contract of insurance, and that the policy or group master policy contains
3 governing contractual provisions;

4 (5) a A description of the terms under which the policy or certificate
5 may be returned and the premium refunded;

6 (6) a A brief description of the relationship of cost of care and benefits;
7 and.

8 (7) a A statement that discloses to the policyholder or certificate holder
9 whether the policy is intended to be a federally tax-qualified long-term care
10 insurance contract under Subsection 7702B(b) of the Internal Revenue Code of
11 1986, as amended.

12 Sec. 76. 8 V.S.A. § 32711 is redesignated to read:

13 § 32711. ~~RULES AND REGULATIONS~~

14 * * * Title 10 * * *

15 Sec. 77. 10 V.S.A. § 122(a)(11) is amended to read:

16 (11) ways to ~~assure~~ ensure that data gathered by governmental entities
17 conforms to the geographic information system; and

18 Sec. 78. 10 V.S.A. § 446(2) is amended to read:

19 (2) 20 percent for providing grants to municipalities and nonprofit
20 agencies; and

1 Sec. 79. 10 V.S.A. § 1264(g)(3)(A)(i) is amended to read:

2 (i) for impervious surface located within the Lake Champlain
3 watershed, the Lake Memphremagog watershed, or the watershed of a
4 stormwater-impaired water on or before October 1, 2023; and

5 Sec. 80. 10 V.S.A. § 1675 is amended to read:

6 § 1675. PERMITS; CONDITIONS; DURATION; SUSPENSION OF
7 REVOCATION

8 * * *

9 (g) Source permits; bottled drinking water. Beginning on July 1, 2010, the
10 Secretary shall not issue a source permit for a bottled drinking water supply
11 unless, in addition to all other requirements for a source permit:

12 * * *

13 (h) Renewal of operating permit; bottled drinking water. A public water
14 system permitted after June 9, 2008 that bottles drinking water for public
15 distribution and sale shall obtain from the Secretary a source water permit
16 under subsection 1672(g) of this title upon renewal of its operating permit
17 under this section and every 10 years thereafter.

18 (i) Operating permit; noncompliance. Notwithstanding the requirements of
19 this subsection, the Secretary may issue an operating permit for an existing
20 public water system that is unable to comply with the standards adopted under
21 this chapter provided that:

1 * * *

2 Sec. 81. 10 V.S.A. § 6602(14)(A) is amended to read:

3 (A) any substance produced, distributed, or used as a plant regulator,
4 defoliant, or desiccant; and

5 Sec. 82. 10 V.S.A. § 6615(d)(2)(E) is amended to read:

6 (E) the person has not caused or contributed to a release, such as
7 through activities that knowingly exacerbated the existing contamination, and
8 has not knowingly affected the release in such a way as to require additional
9 remediation; and

10 Sec. 83. 10 V.S.A. § 7105 is amended to read:

11 § 7105. RESTRICTIONS ON THE SALE AND USE OF CERTAIN

12 MERCURY-ADDED PRODUCTS

13 * * *

14 (e) Instruments, measuring devices, and neon signs.

15 (1) Effective January 1, 2007, none of the following mercury-added
16 products may be offered for final sale, sold at a final sale, or distributed in
17 Vermont as a new manufactured product:

18 * * *

19 (I) a thermometer that contains elemental mercury, other than a
20 mercury fever thermometer; and

21 * * *

1 (i) Exemptions.

2 * * *

3 (7) The prohibition in subsection (g) of this section shall not apply to the
4 following four-foot linear fluorescent lamps:

5 (A) lamps used for image capture and projection, including
6 photocopying, printing directly or in pre-processing, lithography, film and
7 video projection, and holography; and

8 * * * Title 16 * * *

9 Sec. 84. 16 V.S.A. § 909(a) is amended to read:

10 (a) The Secretary, in conjunction with ~~the Alcohol and Drug Abuse~~
11 ~~Council, and, where appropriate, with~~ the Division of Health Promotion, where
12 appropriate, shall develop a sequential alcohol and drug abuse prevention
13 education curriculum for elementary and secondary schools. The curriculum
14 shall include teaching about the effects and legal consequences of the
15 possession and use of tobacco products.

16 * * * Title 17 * * *

17 Sec. 85. 17 V.S.A. § 1893b is amended to read:

18 § 1893b. HOUSE OF REPRESENTATIVES DISTRICTS

19 Notwithstanding the processes outlined in ~~17 V.S.A.~~ chapter 34A of this
20 title regarding the enactment of initial districts and the subdivision of initial
21 districts, for the 2022 reapportionment of the House of Representatives, the

1 State is divided into the following districts for the House of Representatives,
2 each of which shall be entitled to the indicated number of Representatives:

3 District	Towns and Cities	Representatives
------------	------------------	-----------------

4 * * *

5 WINDHAM-7	That portion of the town of Brattleboro encompassed	
6	within a boundary beginning at the point where the	
7	boundary line between the town of Brattleboro and the	
8	town of Dummerston intersects with Wickopee Hill	
9	Road; then southerly along the western side of the	
10	centerline of Wickopee Hill Road and then continuing	
11	southerly along the western side of the centerline of	
12	Pleasant Valley Road to the intersection of	
13	Meadowbrook Road; then northeasterly along the	
14	southern side of the centerline of Meadowbrook Road to	
15	the intersection of Upper Dummerston Road; then	
16	southerly along the western side of the centerline of	
17	Upper Dummerston Road to the intersection of East	
18	Orchard Street; then southerly along the western side of	
19	the centerline of East Orchard Street to the intersection	
20	of Orchard Street; then southerly along the western side	
21	of the centerline of Orchard Street to the intersection of	

1 Western Avenue; then westerly along the northern side
2 of the centerline of Western Avenue to the intersection
3 of Guilford Street; then southerly along the western side
4 of the centerline of Guilford Street to the intersection of
5 Maple Street; then easterly along the southern side of the
6 centerline of Maple Street to where it intersects with tax
7 ~~map~~ parcel 00110367.000; then southerly along the
8 western side of the western boundary of tax ~~map~~ parcels
9 00110367.000 and 00110368.000; then westerly along
10 the northern side of the southern boundary of tax parcel
11 00110369.000 to tax ~~map~~ parcel 00110378.000; then
12 north easterly along the eastern side of the easterly
13 boundary of tax parcel 0110378.000 following the
14 parcel boundary to Guilford Street; then southerly along
15 the western side of the centerline of Guilford Street to
16 the boundary of the town of Guilford; then westerly
17 along the town line of Guilford to the boundary of the
18 town of Marlboro; then northerly along the town line of
19 Marlboro to the boundary of the town of Dummerston;
20 then easterly along the town line of Dummerston to the
21 point of beginning

1 Tax parcel ID numbers in WINDHAM-7 are those
2 numbers recorded in the town clerk's office as of
3 April 1, 2020.

4 * * *

5 Sec. 86. 17 V.S.A. § 2502(a) is amended to read:

6 (a) Location. Each polling place shall be located in a public place within
7 the town.

8 Sec. 87. 17 V.S.A. § 2546 is amended to read:

9 § 2546. RECEIPT OF BALLOTS BY CLERK; VOTER STATUS;
10 OPPORTUNITY TO CURE; PROCESSING ABSENTEE BALLOTS

11 (a) Town clerk; process generally. Beginning 30 days before the opening
12 of the polls on election day, upon receipt of a mailing envelope containing
13 ballots returned by a voter, the town clerk shall, within three business days or
14 on the next day the office is open for business, whichever is later, direct two
15 election officials working together to do all of the following:

16 * * *

17 (b) Notice to voters. Beginning five business days preceding the election,
18 the clerk is not required to mail a notice to those voters whose ballots have
19 been deemed defective. In these cases, the clerk shall make a reasonable effort
20 to provide notice to the voter as soon as possible using any contact information
21 for the voter, other than the mailing address, that is contained in the voter

1 checklist and shall record the ballot as defective in the online election
2 management system not later than 24 hours after the ballot is deemed
3 defective.

4 * * *

5 * * * Title 18 * * *

6 Sec. 88. 18 V.S.A. § 1 is amended to read:

7 § 1. GENERAL POWERS OF DEPARTMENT OF HEALTH

8 ~~As herein or elsewhere specified~~ In accordance with this title, the

9 Department of Health shall have power to supervise and direct the execution of
10 all laws relating to public health and substance abuse.

11 Sec. 89. 18 V.S.A. § 32 is amended to read:

12 § 32. LOAN REPAYMENT FOR HEALTH CARE PROVIDERS AND

13 HEALTH CARE EDUCATIONAL LOAN REPAYMENT FUND

14 * * *

15 (b) The Fund shall be established and held separate and apart from any
16 other funds or monies of the State and shall be used and administered
17 exclusively for the purpose of this section. The money in the Fund shall be
18 invested in the same manner as permitted for investment of funds belonging to
19 the State or held in the Treasury. The Fund shall consist of the following:

1 (1) such sums as may be appropriated or transferred ~~thereto~~ from time to
2 time by the General Assembly, the State Emergency Board, or the Joint Fiscal
3 Committee during such times as the General Assembly is not in session;

4 * * *

5 (h) The Commissioner may adopt ~~regulations~~ rules in order to implement
6 the program established in this section.

7 * * *

8 Sec. 90. 18 V.S.A. § 104 is redesignated to read:

9 § 104. ~~OFFICE OF PROFESSIONAL REGULATION~~ COMMISSIONER
10 OF HEALTH

11 Sec. 91. 18 V.S.A. § 104b(f) is amended to read:

12 (f) The Commissioner may adopt ~~regulations~~ rules pursuant to 3 V.S.A.
13 chapter 25, the Administrative Procedure Act, necessary for the
14 implementation of this program.

15 Sec. 92. 18 V.S.A. § 122 is amended to read:

16 § 122. PRIVATE RIGHT OF ACTION

17 (a) Any person injured or damaged by a violation of this title, of a rule
18 adopted pursuant ~~thereto~~ to this title, or of a permit or order issued thereunder,
19 or by a public health hazard may bring an action for equitable relief or
20 damages arising from such violation or public health hazard.

1 (b) A judicial determination of a violation of this title, of a rule adopted
2 pursuant ~~thereto~~ to this title, or of a permit or order issued thereunder, or of a
3 public health hazard shall be prima facie evidence of the existence of the
4 violation or the hazard, which evidence may be rebutted by the defendant.

5 * * *

6 Sec. 93. 18 V.S.A. § 124(b)(2) is amended to read:

7 (2) encouraging local units of government to handle violation problems
8 within their respective jurisdiction by compact on a cooperative basis, and
9 providing technical and consultative assistance ~~therefor~~ for violation problems;

10 Sec. 94. 18 V.S.A. § 126(a)(3) is amended to read:

11 (3) correct any violation of this title or any rules ~~promulgated thereunder~~
12 adopted pursuant to this title; or

13 Sec. 95. 18 V.S.A. § 127(c) is amended to read:

14 (c) A person to whom an emergency health order is directed shall be given
15 the opportunity for a hearing within five business days ~~of~~ after the issuance of
16 such order. A person who is in full compliance with an emergency health
17 order may request, and shall be granted, an extension of the hearing date. If
18 the emergency order was issued by the Commissioner, such hearing shall be in
19 front of the Commissioner. If the emergency order was issued by a local
20 health officer, such hearing shall be in front of the selectboard. At the hearing,
21 the person to whom the order is directed shall be given the opportunity to rebut

1 allegations upon which the emergency health order is based. After the hearing,
2 the Commissioner or selectboard shall issue a health order pursuant to section
3 126 of this title affirming, modifying, or terminating the emergency health
4 order.

5 Sec. 96. 18 V.S.A. § 130 is amended to read:

6 § 130. CIVIL ENFORCEMENT

7 (a) The Commissioner, or a local board of health, may bring an action in
8 the Superior Court of the county in which a violation or a public health hazard
9 or public health risk has occurred or is occurring, to enforce the provisions of
10 this title, or the rules, permits, or orders issued pursuant ~~hereto~~ to this title,
11 including the terms of an assurance of discontinuance entered into under
12 section 125 of this title.

13 (b) The court may grant temporary and permanent injunctive relief and may
14 exercise all the powers available to it, including:

15 * * *

16 (3) Ordering the design, construction, installation, and operation of
17 facilities designed to mitigate a public health risk or to ~~assure~~ ensure
18 compliance with any permit issued under this chapter.

19 * * *

1 Sec. 97. 18 V.S.A. § 153 is amended to read:

2 § 153. PARTICIPATION IN PROGRAM

3 (a) Any health care facility diagnosing or providing treatment to patients
4 with cancer shall report each case of cancer to the Commissioner or ~~his or her~~
5 the Commissioner's authorized representative in a format prescribed by the
6 Commissioner within 180 days ~~of~~ after admission or diagnosis. If the facility
7 fails to report in a format prescribed by the Commissioner, the Commissioner's
8 authorized representative may enter the facility, obtain the information, and
9 report it in the appropriate format. In these cases, the facility shall reimburse
10 the Commissioner or the authorized representative for the cost of obtaining and
11 reporting the information.

12 (b) Any health care provider diagnosing or providing treatment to patients
13 with cancer shall report each cancer case to the Commissioner or ~~his or her~~ the
14 Commissioner's authorized representative within 180 days ~~of~~ after diagnosis.
15 Those cases diagnosed or treated at a Vermont facility or previously admitted
16 to a Vermont facility for diagnosis or treatment of that instance of cancer are
17 exceptions and do not need to be reported by the health care provider.

18

* * *

1 Sec. 98. 18 V.S.A. § 501 is amended to read:

2 § 501. STATE HEALTH LABORATORY; OTHER LABORATORIES;
3 TESTS

4 The Board shall have supervision and management of the Vermont State
5 health laboratory. The Board may provide for approval and registration of
6 laboratories performing examinations or tests of a public health nature. Any
7 laboratory that examines material for any living agent or evidence of living
8 agent of a reportable disease to any person shall immediately send the results
9 of such tests, if positive, ~~forthwith~~ to the State health laboratory. The
10 laboratory shall make chemical and bacteriological examination of water
11 supplies, milk, and food products and examinations for the detection and
12 control of communicable diseases; and shall carry on such work in relation to
13 the health of the residents of the State as the Board shall direct.

14 Sec. 99. 18 V.S.A. § 503(a) is amended to read:

15 (a) The use of the laboratory, and all investigations mentioned in this
16 chapter ~~therein made~~, except as otherwise provided, shall be available to the
17 people of this State.

18 Sec. 100. 18 V.S.A. § 504 is amended to read:

19 § 504. INVESTIGATION IN CRIMINAL CAUSE; EXPERT WITNESS

20 When the State's Attorney of a county, on the order of a Superior judge or
21 the Attorney General, for use in a criminal cause pending in his or her ~~the~~

1 State's Attorney's office, requests an expert investigation, chemical or
2 pathological, of a substance, such investigation shall immediately be made at
3 the laboratory ~~forthwith~~, without charge to the State; and the expert making or
4 interpreting such investigation shall submit the results of such expert's work to
5 such State's Attorney, and shall attend court as a witness at any place in the
6 State when required to do so by subpoena, and submit in court the results of
7 such expert's investigation; and ~~he or she~~ the expert shall be paid as ~~such a~~
8 witness ~~his or her~~, including the expert's actual expenses of attendance when
9 summoned by the State.

10 Sec. 101. 18 V.S.A. § 505 is amended to read:

11 § 505. AUTOPSIES

12 When a Superior Judge or the Attorney General orders an autopsy on the
13 body of a person, as provided in section 504 of this title, ~~he or she~~ the Superior
14 Judge or the Attorney General shall ~~therein~~ direct that such autopsy shall be
15 made by the Chief Medical Examiner, or under ~~his or her~~ the Chief Medical
16 Examiner's direction, unless, for good cause shown, such judge or the
17 Attorney General otherwise directs.

18 Sec. 102. 18 V.S.A. § 506 is amended to read:

19 § 506. DUTIES AND COMPENSATION OF THE CHIEF MEDICAL

20 EXAMINER PERFORMING AUTOPSY

1 At such autopsy, the Chief Medical Examiner shall take and preserve under
2 proper seal, such portions of the body and its contents, together with such other
3 articles as ~~he or she~~ the Chief Medical Examiner judges may require
4 subsequent examination in the investigation of the case. For performing such
5 autopsy, ~~he or she~~ the Chief Medical Examiner shall be paid ~~his or her~~ actual
6 expenses, including the expenses of ~~his or her~~ the Chief Medical Examiner's
7 assistants. The Commissioner of Finance and Management, upon presentation
8 of the account for such expenses, duly sworn to by the Chief Medical
9 Examiner and approved by the Attorney General, shall issue ~~his or her~~ the
10 Commissioner's warrant ~~therefor~~ for the expenses.

11 Sec. 103. 18 V.S.A. § 602a(a) is amended to read:

12 (a) A local health officer, within ~~his or her~~ the local health officer's
13 jurisdiction, shall:

14 * * *

15 (2) enforce the provisions of this title, the rules ~~promulgated~~ adopted,
16 and permits issued ~~thereunder~~ pursuant to this title;

17 * * *

18 Sec. 104. 18 V.S.A. § 622 is amended to read:

19 § 622. HEALTH OFFICERS FOR UNORGANIZED TOWNS AND GORES

20 The Commissioner shall have power to designate a local health officer of a
21 town adjoining an unorganized town or gore as the local health officer of such

1 unorganized town or gore. Such health officer shall report to the
2 Commissioner every violation of this title or any rule adopted, permit or order
3 issued ~~thereunder~~ pursuant to this title, and any public health hazard or public
4 health risk of which such officer has knowledge as existing in such
5 unorganized town or gore, and, in such unorganized town or gore, shall
6 perform all acts required of the local health officer of a town. Upon receiving
7 such information from such health officer, the Commissioner shall perform all
8 acts in relation to such cases the same as if such information came from the
9 local health officer of a town.

10 Sec. 105. 18 V.S.A. § 706(b) is amended to read:

11 (b) ~~No later than January 1, 2011, health~~ Health insurers shall participate in
12 the Blueprint for Health as a condition of doing business in this State as
13 provided for in this section and in 8 V.S.A. § 4088h. Under 8 V.S.A. § 4088h,
14 the Commissioner of Financial Regulation may exclude or limit the
15 participation of health insurers offering a stand-alone dental plan or specific
16 disease or other limited benefit coverage in the Blueprint for Health. Health
17 insurers shall be exempt from participation if the insurer only offers benefit
18 plans which are paid directly to the individual insured or the insured's assigned
19 beneficiaries and for which the amount of the benefit is not based upon
20 potential medical costs or actual costs incurred.

1 Sec. 106. 18 V.S.A. § 707(a) is amended to read:

2 (a) ~~No later than July 1, 2011, hospitals~~ Hospitals shall participate in the
3 Blueprint for Health by creating or maintaining connectivity to the State's
4 Health Information Exchange Network as provided in this section and in
5 section 9456 of this title.

6 Sec. 107. 18 V.S.A. part 2 is redesignated to read:

7 **PART 2. PUBLIC HEALTH REGULATIONS**

8 Sec. 108. 18 V.S.A. § 1007 is amended to read:

9 **§ 1007. QUARANTINED PATIENT LEAVING HOSPITAL, REPORT**

10 When a patient who has a communicable disease subject to quarantine
11 leaves a hospital or institution, ~~without the consent of the authorities of such~~
12 hospital or institution, ~~the physician or other person in charge of such a~~
13 hospital or institution shall immediately notify ~~forthwith~~ the Commissioner
14 that such person has left the hospital or institution and is the bearer of such
15 communicable disease.

16 Sec. 109. 18 V.S.A. § 1048 is amended to read:

17 **§ 1048. EXAMINATION; REPORT; TREATMENT**

18 A physician, licensed to practice medicine and surgery in the State, shall
19 immediately after examination of an indigent person wishing treatment for
20 tuberculosis or other chronic respiratory disease make a report of ~~his or her~~ the
21 physician's findings to the Commissioner of Health. Upon receipt of such

1 report, the Commissioner may authorize treatment of the person who has
2 tuberculosis or other chronic respiratory disease. Such person's physician shall
3 ~~thereupon~~ then prescribe the time of treatment and designate the facility at
4 which treatment shall be given; provided, however, that in a case of
5 tuberculosis suspected of being infectious, the Commissioner may apply all the
6 laws and ~~regulations~~ rules of communicable disease control.

7 Sec. 110. 18 V.S.A. § 1057(a) is amended to read:

8 (a) When the Commissioner of Health determines, as a result of an
9 examination as provided by sections 1055 and 1056 of this title, that any
10 person has tuberculosis in an active stage and in communicable form to an
11 extent that the person may expose other persons or the public generally to
12 danger of infection, ~~he or she~~ the Commissioner shall investigate the
13 circumstances thereof and if ~~he or she~~ the Commissioner finds that the person
14 does constitute a health hazard to the public, ~~he or she~~ the Commissioner may
15 request the court to order the person to a hospital or other suitable place and
16 require appropriate medical management of the person ~~therein~~ until ~~he or she~~
17 the Commissioner determines that the management is no longer necessary.
18 Such medical care and treatment as the Commissioner of Health considers
19 necessary and proper may be furnished to the sick person at the expense of the
20 State. Treatment shall not be imposed on any person against ~~his or her~~ the

1 person's will unless the Commissioner determines that the person constitutes a
2 public health hazard without such treatment.

3 Sec. 111. 18 V.S.A. § 1058 is amended to read:

4 § 1058. COMPULSORY MEDICAL MANAGEMENT

5 If any person fails or refuses to comply with an order of the court issued
6 under section 1057 of this title, the Commissioner of Health, in accordance
7 with the order, may request any police officer or sheriff in writing to take the
8 person into custody and immediately deliver ~~him or her forthwith~~ the person to
9 a place or facility for such services as designated by the Secretary of Human
10 Services as provided in sections 1053 and 1055 of this title. The officer shall
11 tender the person named in the order a copy of the order of the court and of the
12 request to ~~him or her~~ the officer to apprehend and deliver the person to the
13 place of tuberculosis management, and shall make return of ~~his or her~~ the
14 officer's doings to the court.

15 Sec. 112. 18 V.S.A. § 1059 is amended to read:

16 § 1059. LEAVING COMPULSORY MEDICAL MANAGEMENT

17 A person who is managed by order of the court shall not leave the place of
18 compulsory medical management without the permission in writing of the
19 court or the Commissioner of Health. That permission may constitute a final
20 discharge or be for a specified period of time. In either case the Commissioner
21 of Health may impose such conditions as ~~he or she~~ the Commissioner

1 considers reasonable, including requirements for periodic examinations. Any
2 person so managed who leaves the place of management without permission,
3 or who fails to return ~~thereto~~ to the place of management within the time
4 prescribed, may be returned to the place of management without further court
5 order and the Commissioner of Health may direct any officer specified in
6 section 1058 of this title, in writing, to apprehend the person and ~~to~~
7 immediately return ~~him or her forthwith~~ the person to the place of
8 management.

9 Sec. 113. 18 V.S.A. § 1099 is amended to read:

10 § 1099. REPORTS AND RECORDS CONFIDENTIAL

11 All information and reports in connection with persons who have venereal
12 diseases shall be regarded as absolutely confidential and for the sole use of the
13 Board in the performance of its duties ~~hereunder~~ under this subchapter, and
14 such records shall not be accessible to the public nor shall such records be
15 deemed public records; and the Board shall not disclose the names or addresses
16 of persons so reported or treated except to a prosecuting officer or in court in
17 connection with a prosecution under section 1105 or 1106 of this title. The
18 foregoing shall not constitute a restriction on the Board in the performance of
19 its duties in controlling these communicable diseases.

1 Sec. 114. 18 V.S.A. § 1121(c)(1) is amended to read:

2 (c)(1) To the extent permitted under 20 U.S.C. § 1232g (family educational
3 and privacy rights), and any regulations adopted ~~thereunder~~ pursuant to 20
4 U.S.C. § 1232g, all schools and child care facilities shall make publicly
5 available the aggregated immunization rates of the student body for each
6 required immunization using a standardized form that shall be created by the
7 Department. Each school and child care facility shall provide the information
8 on the school and child care facility's aggregated immunization rate for each
9 required immunization to students, or in the case of a minor to parents and
10 guardians, at the start of each academic year and to any student, or in the case
11 of a minor to the parent or guardian of any student, who transfers to the school
12 or child care facility after the start of the academic year. A student attending a
13 postsecondary school shall directly receive information on the school's
14 aggregated immunization rate at the start of the academic year or upon transfer
15 to the school, regardless of whether the student is a minor.

16 Sec. 115. 18 V.S.A. § 1124(b) is amended to read:

17 (b) Appropriate health personnel, including school nurses, shall have
18 access to immunization records of anyone enrolled in Vermont schools or child
19 care facilities, when access is required in the performance of official duties
20 related to the immunizations required by this subchapter. Access to student
21 immunization records shall only be provided with the prior written consent of

1 parents and students as required by the Family Educational Rights and Privacy
2 Act, 20 U.S.C. § 1232g, and any regulations adopted ~~thereunder~~ pursuant to 20
3 U.S.C. § 1232g.

4 Sec. 116. 18 V.S.A. § 1416(4) is amended to read:

5 (4) “Employer” means a person, ~~as hereinafter defined~~, who employs
6 one or more persons.

7 Sec. 117. 18 V.S.A. § 1427(c) is amended to read:

8 (c) Within 90 days ~~of~~ after the receipt of a complaint filed under this
9 section, the Commissioner shall notify the complainant of the determination
10 under subsection (b) of this section.

11 Sec. 118. 18 V.S.A. § 1513 is amended to read:

12 § 1513. TANNING FACILITIES; MINORS; PENALTY

13 * * *

14 (c) It shall be unlawful for a tanning facility or operator to allow any person
15 who has not yet reached ~~the age of~~ 18 years of age to use any tanning
16 equipment.

17 * * *

18 (f) A tanning facility owner, lessee, or operator shall post in a conspicuous
19 place in each tanning facility that the individual owns, leases, or operates in
20 this State a notice developed by the Commissioner of Health addressing the
21 following:

1 (1) that it is unlawful for a tanning facility or operator to allow a person
2 under ~~the age of~~ 18 years of age to use any tanning equipment;

3 * * *

4 Sec. 119. 18 V.S.A. § 1561(b)(2)(A) is amended to read:

5 (2)(A) The members of the Team specified in subdivision (1) of this
6 subsection (b) shall serve three-year terms, except that of the members first
7 appointed pursuant to subdivisions (1)(H)–(K) of this subsection (b), two shall
8 serve a term of one year and two shall serve a term of two years.

9 Sec. 120. 18 V.S.A. § 1651(4) is amended to read:

10 (4) “General license” means a license effective under ~~regulations~~
11 ~~promulgated~~ rules adopted by the State radiation control agency without the
12 filing of an application to transfer, acquire, own, possess, or use quantities of,
13 or devices or equipment utilizing by-product, source, or special nuclear
14 materials or other radioactive material occurring naturally or produced
15 artificially.

16 Sec. 121. 18 V.S.A. § 1654 is amended to read:

17 § 1654. INSPECTION

18 The Department or its duly authorized representatives may enter at all
19 reasonable times upon any private or public property for the purpose of
20 determining whether or not there is compliance with or violation of this
21 chapter and rules ~~and regulations~~ issued ~~thereunder~~ pursuant to this chapter,

1 except that entry into areas under the jurisdiction of the federal government
2 shall be made only with the concurrence of the federal government or its duly
3 designated representative.

4 Sec. 122. 18 V.S.A. § 1655(a) is amended to read:

5 (a) In any proceeding under this chapter for the issuance or modification of
6 rules relating to control of by-products, source, and special nuclear materials;
7 or for granting, suspending, revoking, or amending any license; or for
8 determining compliance with or granting exemptions from rules ~~and~~
9 ~~regulations~~ of the Department, the Department shall hold a public hearing upon
10 the request of any person whose interest may be affected by the proceeding,
11 and shall admit any such person as a party to the proceeding, subject to the
12 emergency provisions in subsection (b) of this section.

13 Sec. 123. 18 V.S.A. § 1656 is amended to read:

14 § 1656. INJUNCTION PROCEEDINGS

15 Whenever, in the judgment of the Department, any person has engaged in or
16 is about to engage in any acts or practices ~~which~~ that constitute or will
17 constitute a violation of any provision of this chapter, or any rule ~~issued~~
18 ~~thereunder~~ adopted pursuant to this chapter, the Attorney General shall make
19 application to the appropriate court for an order enjoining such acts or
20 practices, or for an order directing compliance, and upon a showing by the
21 Department that such person has engaged or is about to engage in any such

1 acts or practices, a permanent or temporary injunction, restraining order, or
2 other order may be granted.

3 Sec. 124. 18 V.S.A. § 1657 is amended to read:

4 § 1657. PENALTIES

5 Any person who violates this chapter or rules ~~in effect~~ adopted pursuant
6 ~~thereto~~ to this chapter shall, upon conviction thereof, be imprisoned not more
7 than six months or fined not more than \$500.00 or less than \$100.00, or be
8 both imprisoned and fined.

9 Sec. 125. 18 V.S.A. § 1700(5) is amended to read:

10 (5) One member of the House Committee on Environment and Energy
11 ~~and Technology~~, chosen by the Speaker of the House.

12 Sec. 126. 18 V.S.A. § 1755 is amended to read:

13 § 1755. UNIVERSAL TESTING

14 * * *

15 (c) All health care providers who provide primary medical care shall ensure
16 that parents and guardians of children six years of age or younger are advised
17 of the availability and advisability of screening and testing their children for
18 lead in accordance with the Commissioner's guidelines. No health care
19 provider shall be liable for not performing a screening or confirmation test for
20 blood lead level when a parent or guardian has refused to consent or has failed
21 to follow through in response to a referral for a screening or confirmation test.

1 ~~Ne~~ Not later than 120 days after the Department has notified health care
2 providers that it has implemented lead screening reports within the
3 immunization registry, a health care provider shall report to the Department
4 regarding lead screening of children ages one and two pursuant to the
5 guidelines in subsection (a) of this section in a form and as required by the
6 Department.

7 (d) Any laboratory that analyzes blood samples of Vermont residents for
8 lead levels shall report to the Department all information required by the
9 Department. All health care providers who analyze blood samples for lead
10 levels or who use laboratories outside Vermont to analyze blood samples for
11 lead levels shall report all information required by the Department to the
12 Department immediately by telephone if the result of any analysis is 45
13 micrograms or more of lead per deciliter of blood, or by electronic means
14 within 14 days ~~of~~ after analysis if the result of the analysis is less than 45
15 micrograms of lead per deciliter of blood. All blood lead data reports to the
16 Department shall include the name, date of birth, date of blood test, and
17 address of the individual whose blood is analyzed and, if known, the owner of
18 the residence of the individual.

19 (e) ~~Ne~~ Not later than 120 days after the Department has notified
20 laboratories that it has implemented lead screening reports within the
21 immunization registry, a laboratory shall report to the Department regarding

1 lead screening of children ages one and two pursuant to the guidelines in
2 subsection (a) of this section in a form and as required by the Department.

3 Sec. 127. 18 V.S.A. § 1756 is amended to read:

4 § 1756. ANNUAL REPORT

5 * * *

6 (b) The Commissioner shall also at least annually provide to the General
7 Assembly, the health community, and the general public an analysis and
8 summary of such data and a progress report on the Commissioner's efforts to
9 prevent lead poisoning in young children in a format that is easily
10 understandable to nontechnical readers. The report shall include:

11 (1) The number and percentage of children under ~~the age of six years of~~
12 age who have been screened and tested for lead poisoning, and the number
13 found to have lead poisoning at various levels.

14 * * *

15 (3) An analysis of barriers to universal blood screening of children
16 under ~~the age of six years of~~ age.

17 * * *

18 Sec. 128. 18 V.S.A. § 1803 is amended to read:

19 § 1803. GENERAL POWERS AND DUTIES OF STATE BOARD OF

20 HEALTH

1 In carrying out the purposes of this chapter, the Board is authorized and
2 directed:

3 (1) to require such reports, make such inspections and investigations,
4 and ~~prescribe~~ adopt such ~~regulations~~ rules as it deems necessary;

5 (2) to provide such methods of administration, appoint personnel, and
6 take such other action as may be necessary to comply with the requirements of
7 the federal act and the regulations ~~thereunder~~ promulgated pursuant to the act;

8 * * *

9 Sec. 129. 18 V.S.A. § 1808 is amended to read:

10 § 1808. STATE PLAN

11 The Board shall prepare and submit to the Secretary of Health and Human
12 Services a State plan which shall include the hospital and medical facilities
13 construction program developed under sections 1805–1807 of this title, and
14 which shall provide for the establishment, administration, and operation of
15 hospital and medical facilities construction activities in accordance with the
16 requirements of the federal act and regulations ~~thereunder~~ promulgated
17 pursuant to the act. The Board shall, prior to the submission of such plan to
18 the Secretary of Health and Human Services, give adequate publicity to a
19 general description of all the provisions proposed to be included therein, and
20 hold a public hearing at which all persons or organizations with a legitimate
21 interest in such plan may be given an opportunity to express their views. After

1 approval of the plan by the Secretary of Health and Human Services, the Board
2 shall publish a general description of the provisions thereof in newspapers
3 having general circulation in the State, and shall make the plan or a copy
4 thereof available upon request to all interested persons or organizations. The
5 Board shall, from time to time, review the construction program and submit to
6 the Secretary of Health and Human Services any modifications thereof ~~which~~
7 that it may find necessary and may submit to the Secretary of Health and
8 Human Services such modifications of the State plan, not inconsistent with the
9 requirements of the federal act, as it may deem advisable.

10 Sec. 130. 18 V.S.A. § 1905 is amended to read:

11 § 1905. LICENSE REQUIREMENTS

12 Upon receipt of an application for a license and the license fee, the licensing
13 agency shall issue a license when it determines that the applicant and hospital
14 facilities meet the following minimum standards:

15 * * *

16 (2) There shall be full compliance with safety and sanitary standards as
17 required by State and local building and sanitary codes in order to ~~assure~~
18 ensure maximum safety to patients and the public.

19 * * *

1 Sec. 131. 18 V.S.A. § 1908(a) is amended to read:

2 (a) The licensing agency shall adopt and enforce rules and standards with
3 respect to the different types of hospitals to be licensed ~~hereunder~~ under this
4 chapter as may be designed to further the accomplishment of the purposes
5 ~~herein~~ set forth in this chapter; such rules and standards shall be modified,
6 amended, or rescinded from time to time by the licensing agency as may be in
7 the public interest.

8 Sec. 132. 18 V.S.A. § 1911a(a)(1) is amended to read:

9 (a)(1) Each hospital shall provide oral and written notice to each Medicare
10 beneficiary that the hospital places in observation status as soon as possible but
11 ~~no~~ not later than 24 hours following such placement, unless the individual is
12 discharged or leaves the hospital before the 24-hour period expires. The
13 written notice shall be a uniform form developed by the Department of Health,
14 in consultation with interested stakeholders, for use in all hospitals.

15 Sec. 133. 18 V.S.A. § 1912(8) and (9) are amended to read:

16 (8) “Reportable adverse event” means those adverse events a hospital is
17 required to report to the Department pursuant to ~~regulations~~ rules adopted
18 under this chapter.

19 (9) “Safety system” means the comprehensive patient safety
20 surveillance and improvement system established pursuant to this chapter and
21 the ~~regulations~~ rules adopted ~~hereunder~~ pursuant to this chapter.

1 Sec. 134. 18 V.S.A. § 1913(b)(3) is amended to read:

2 (3) verify that hospitals are in compliance with all the requirements of
3 this chapter and ~~regulations~~ rules adopted ~~hereunder~~ pursuant to this chapter;

4 Sec. 135. 18 V.S.A. § 1917(f)(2) is amended to read:

5 (2) The Department staff responsible for verifying compliance with the
6 patient safety surveillance and improvement system may disclose information
7 to others in the Department, and the Department may disclose information to
8 the Board of Health and others responsible for carrying out the Department's
9 enforcement responsibilities with respect to this chapter if the Department
10 reasonably believes that a hospital deliberately or repeatedly has not complied
11 with the requirements of this chapter and any rules adopted ~~hereunder~~ pursuant
12 to this chapter. The Commissioner, the Board of Health, and others
13 responsible for carrying out the Department's enforcement responsibilities
14 with respect to this chapter are authorized to disclose such information during
15 the course of any legal or regulatory action taken against a hospital for
16 deliberate or repeated noncompliance with the requirements of this chapter and
17 any rules adopted ~~hereunder~~ pursuant to this chapter. Information disclosed
18 under this subdivision shall otherwise maintain all applicable protections under
19 this section and otherwise provided by law.

1 Sec. 136. 18 V.S.A. § 2255 is amended to read:

2 § 2255. EXTENSION OF LIEN

3 In the event that a hospital entitled to a lien ~~hereunder~~ under this chapter
4 shall have served a notice as provided for by 33 V.S.A. § 821, the lien herein
5 provided for shall extend to the town receiving such notice, provided that the
6 town so served shall follow the provisions of sections 2252 and 2253 of this
7 title.

8 Sec. 137. 18 V.S.A. § 4051 is amended to read:

9 § 4051. DEFINITIONS

10 As used in this chapter:

11 * * *

12 (5) The term “drug” means:

13 (A) articles recognized in the official ~~United States~~ U.S.

14 Pharmacopoeia, official homeopathic pharmacopoeia of the United States, or
15 official national formulary, or any supplement to any of them;

16 * * *

17 (13) The term “flammable” shall apply to any substance ~~which~~ that has
18 a flashpoint of 80 degrees Fahrenheit, or below, as determined by the
19 Tagliabue open cup tester, except that the flammability of the contents of self-
20 pressurized containers shall be determined by methods generally applicable to

1 the containers and established by ~~regulations issued~~ rules adopted by the
2 Board.

3 * * *

4 (17) The term “misbranded package” means any retailed package of a
5 hazardous substance, intended for household use, which fails to bear a label:

6 * * *

7 (B) On which any statement required under subdivision (A) of this
8 subdivision (17) is located prominently and is in English in legible type in
9 contrast by typography, layout, or color with other printed matter on the label:
10 provided that the Board shall, by ~~regulations~~ rule, provide for minimum
11 information ~~which~~ that shall appear on the labels for small packages, which
12 labels need not include all of the information required by this subsection;
13 provided further, that the Board may provide for less than the foregoing
14 statement of the hazard or precautionary measures for labels of hazardous
15 substances presenting only minor hazards; and the term “misbranded package”
16 shall not apply to packages of economic poisons subject to the federal
17 Insecticide, Fungicide and Rodenticide Act, to packages of substances subject
18 to the federal Food, Drug and Cosmetic Act or to packages of substances
19 intended for use in agriculture, horticulture, industrial, or related uses. Nothing
20 in this chapter shall be construed to be in conflict or interfere with the
21 administration of 6 V.S.A. chapter 81.

1

* * *

2 Sec. 138. 18 V.S.A. § 4052(10) is amended to read:

3 (10) forging, counterfeiting, simulating, or falsely representing, or
4 without proper authority using any mark, stamp, tag, label, or other
5 identification device authorized or required by ~~regulations promulgated~~ rules
6 adopted under the provisions of this chapter;

7 Sec. 139. 18 V.S.A. § 4055(d) is amended to read:

8 (d) Whenever the Board or any of its authorized agents find in any room,
9 building, vehicle of transportation, or other structure any meat, seafood,
10 poultry, vegetable, fruit, or other perishable articles ~~which~~ that are unsound, or
11 contain any filthy, decomposed, or putrid substance, or that may be poisonous
12 or deleterious to health or otherwise unsafe, those articles and substances being
13 hereby declared to be a nuisance, the Board, or its authorized agent, shall
14 ~~forthwith~~ immediately condemn or destroy them, or in any other manner
15 render them unsalable as human food.

16 Sec. 140. 18 V.S.A. § 4059 is amended to read:

17 § 4059. ADULTERATED FOOD DEFINED

18 A food shall be deemed to be adulterated:

19 (1)(A) If it bears or contains any poisonous or deleterious substance
20 ~~which~~ that may render it injurious to health; but in case the substance is not an
21 added substance, the food shall not be considered adulterated under this clause

1 if the quantity of the substance in the food does not ordinarily render it
2 injurious to health;

3 * * *

4 (D) if it has been produced, prepared, packed, or held under
5 unsanitary conditions ~~whereby~~ in which it may have become contaminated
6 with filth, or ~~whereby~~ in which it may have been rendered diseased,
7 unwholesome, or injurious to health;

8 * * *

9 Sec. 141. 18 V.S.A. § 4061 is redesignated to read:

10 § 4061. ~~REGULATIONS OF~~ RULES REGARDING PERMITS;

11 INVESTIGATION

12 Sec. 142. 18 V.S.A. § 4063 is amended to read:

13 § 4063. ADULTERATED DRUG OR DEVICE DEFINED

14 A drug or device shall be deemed to be adulterated:

15 (1)(A) If it consists in whole or in part of any filthy, putrid, or
16 decomposed substance;

17 (B) if it has been produced, prepared, packed, or held under
18 unsanitary conditions ~~whereby~~ in which it may have been contaminated with
19 filth, or ~~whereby~~ in which it may have been rendered injurious to health;

20 * * *

1 provided that the method of packing may be modified with consent of the
2 Board. Whenever a drug is recognized in both the ~~United States~~ U.S.
3 Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it
4 shall be subject to the requirements of the ~~United States~~ U.S. Pharmacopoeia
5 with respect to packaging and labeling unless it is labeled and offered for sale
6 as a homeopathic drug, in which case it shall be subject to the provisions of the
7 Homeopathic Pharmacopoeia of the United States, and not to those of the
8 ~~United States~~ U.S. Pharmacopoeia.

9 Sec. 144. 18 V.S.A. § 4064a(a)(2)(F) is amended to read:

10 (F) the name and strength of the drug or its generic equivalent, if any,
11 according to the latest official ~~United States~~ U.S. Pharmacopoeia, latest official
12 homeopathic pharmacopoeia of the United States, or latest official national
13 formulary, or any supplement to any of them;

14 Sec. 145. 18 V.S.A. § 4066(3) is amended to read:

15 (3) If it has been produced, prepared, packed, or held under unsanitary
16 conditions ~~whereby~~ in which it may have become contaminated with filth, or
17 ~~whereby~~ in which it may have been rendered injurious to health.

18 Sec. 146. 18 V.S.A. § 4067(2)(B) is amended to read:

19 (B) an accurate statement of the quantity of the contents in terms of
20 weight, measure, or numerical count; provided that under this subdivision (B)

1 reasonable variations shall be permitted and exemptions as to small packages
2 shall be established by ~~regulations~~ rules prescribed by the Board;

3 Sec. 147. 18 V.S.A. § 4068 is amended to read:

4 § 4068. ADVERTISING ~~REGULATIONS~~

5 * * *

6 (b) For the purpose of this chapter, the advertisement of a drug or device
7 representing it to have any effect in albuminuria, appendicitis, arteriosclerosis,
8 blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis,
9 diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases,
10 high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis
11 media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland
12 disorders, pyelitis, scarlet fever, sexual impotence, sinus infection, smallpox,
13 tuberculosis, tumors, typhoid, uremia, or venereal disease shall also be deemed
14 to be false, except that no advertisement, not in violation of subsection (a) of
15 this section, shall be deemed to be false under this subsection if it is
16 disseminated only to members of the medical, dental, or veterinary professions,
17 or appears only in the scientific periodicals of these professions, or is
18 disseminated only for the purpose of public health education by persons not
19 commercially interested, directly or indirectly, in the sale of the drugs or
20 devices; provided that whenever the Board determines that an advance in
21 medical science has made any type of self-medication safe as to any of the

1 diseases named in this subsection, the Board shall by ~~regulation~~ rule authorize
2 the advertisement of drugs having curative or therapeutic effect for the disease,
3 subject to such conditions and restrictions as the Board may deem necessary in
4 the interests of public health; provided that this subsection shall not be
5 construed as indicating that self-medication for diseases other than those
6 named herein is safe or efficacious.

7 Sec. 148. 18 V.S.A. § 4284(b) is amended to read:

8 (b)(1) The Department shall provide only the following persons with access
9 to query the VPMS:

10 * * *

11 (2) The Department shall provide reports of data available to the
12 Department through the VPMS only to the following persons:

13 (A) A patient or that person's health care provider, or both, when
14 VPMS reveals that a patient may be receiving more than a therapeutic amount
15 of one or more ~~regulated~~ controlled substances.

16 * * *

17 Sec. 149. 18 V.S.A. § 4351 is amended to read:

18 § 4351. LICENSE FROM DEPARTMENT OF HEALTH

19 * * *

20 (e) Any licensee or applicant aggrieved by a decision or order of the
21 Commissioner may appeal to the Board of Health within 30 days ~~of~~ after that

1 decision. Hearings by the Board under this section shall be subject to the
2 provisions of 3 V.S.A. chapter 25 relating to contested cases. The Board shall
3 consider the matter de novo and all persons, parties, and interests may appear
4 and be heard. The Board shall issue an order within 30 days following the
5 conclusion of the hearing.

6 (f) If a licensee fails to renew ~~his or her~~ the licensee's license within 60
7 days ~~of~~ after its expiration date, a licensee shall apply for a new license and
8 meet all licensure requirements anew.

9 Sec. 150. 18 V.S.A. § 4392(a) is amended to read:

10 (a) The provisions of section 4391 of this title shall not be construed to
11 prevent or prohibit a person, firm, or corporation from purchasing milk in bulk
12 for uses other than for serving patrons for drinking purposes, nor to prevent the
13 sale or serving of cream, skimmed milk, or buttermilk from bulk, if the same is
14 pure and wholesome and is sold and served as cream, skimmed milk, or
15 buttermilk, nor shall it prevent or prohibit the sale of milk in mixed drinks at
16 soda fountains, or from original bulk containers equipped with a dispensing
17 device, provided the owner of such device has notified the Board and the
18 Agency of Agriculture, Food and Markets of each device installed and its
19 location, and has complied in all other respects with the rules ~~and regulations~~
20 of the Secretary of Agriculture, Food and Markets as provided in this
21 subchapter.

1 Sec. 151. 18 V.S.A. § 4478 is amended to read:

2 § 4478. NEEDLE EXCHANGE PROGRAMS

3 The Department of Health, in collaboration with the statewide harm
4 reduction coalition, shall develop operating guidelines for needle exchange
5 programs. If a program complies with such operating guidelines and with
6 existing laws and ~~regulations~~ rules, it shall be approved by the Commissioner
7 of Health. Such operating guidelines shall be established ~~no~~ not later than
8 September 30, 1999.

9 Sec. 152. 18 V.S.A. § 4802(7)(A) is amended to read:

10 (A) appears to need medical care or supervision by approved
11 substance abuse treatment personnel, as defined in this section, ~~to assure his or~~
12 ~~her~~ ensure the person's safety; or

13 Sec. 153. 18 V.S.A. § 4803(b)(2) is amended to read:

14 (2) The members of the executive committee jointly shall appoint
15 members to the Council with demographic and regional diversity. Members of
16 the Council shall collectively offer expertise and experience in the categories
17 listed ~~below~~ in subdivisions (A)–(E) of this subdivision with the understanding
18 that a single member may offer expertise and experience in multiple
19 categories:

20 * * *

1 Sec. 154. 18 V.S.A. § 4999(9) is amended to read:

2 (9) “Vital event certificate” means a birth, death, marriage, or civil
3 union certificate or a report of divorce, annulment, or dissolution. “Vital event
4 certificate” does not include any confidential portion of a report of birth or of
5 death or of a marriage or civil union license or application ~~therefor~~.

6 Sec. 155. 18 V.S.A. § 5001(c) is amended to read:

7 (c)(1) The State Registrar may audit any municipal or county office that
8 stores or issues vital records to determine its compliance with the requirements
9 of this part and any rules adopted ~~thereunder~~ under this part. The State
10 Registrar may require an office that fails an audit to cease issuing vital records
11 until it passes a new audit.

12 (2) Following a failed audit, upon request, the State Registrar shall
13 conduct a follow-up audit within 30 days ~~of~~ after the request.

14 Sec. 156. 18 V.S.A. § 5014(a)(1) is amended to read:

15 (a)(1) A vital record, or information ~~therein~~ in a vital record, that by law is
16 designated confidential or by a similar term, that by law may only be disclosed
17 to specifically designated persons, or that by law is not a public record, is
18 exempt from inspection and copying under the Public Records Act and shall be
19 kept confidential to the extent provided by law.

1 Sec. 157. 18 V.S.A. § 5016 is amended to read:

2 § 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

3 * * *

4 (b) Certified copies.

5 * * *

6 (4) A certified copy of a birth or death certificate shall be prima facie
7 evidence of the facts stated ~~therein~~ in the certificate.

8 (c) Noncertified copies.

9 * * *

10 (2) Legal effect. A noncertified copy of a birth or death certificate shall
11 not serve as prima facie evidence of the facts stated ~~therein~~ in the certificate,
12 except that it may be recorded in the land records of a municipality to establish
13 the date of birth or death of a person with an ownership interest in property.

14 * * *

15 Sec. 158. 18 V.S.A. § 5141(a)(1) is amended to read:

16 (1) the information submitted ~~therein~~ in the license application does not
17 facially indicate that the parties are prohibited from marrying by the laws of
18 this State; and

19 Sec. 159. 18 V.S.A. § 5150(c) is amended to read:

20 (c) The Probate Division of the Superior Court to which ~~such~~ the
21 application is made shall set a time for a hearing ~~thereon~~ and, if ~~such~~ the court

1 deems necessary, cause notice of the time and place ~~thereof~~ of the hearing to
2 be given by posting the same in the Probate Division of the Superior Court
3 office and, after hearing, shall make such findings, with respect to the
4 correction of such civil marriage certificate as are supported by the evidence.
5 The court shall ~~thereupon~~ then issue a decree setting forth the facts as found,
6 and transmit a certified copy of such decree to the State Registrar. The State
7 Registrar shall transmit the same to the appropriate town clerk to amend the
8 original or issue a new certificate. The words “Court Amended” shall be
9 typed, written, or stamped at the top of the new or amended certificate with the
10 date of the decree and the name of the issuing court.

11 Sec. 160. 18 V.S.A. § 5131(a)(4) is amended to read:

12 (4)(A) Parties to a civil union certified in Vermont may elect to dissolve
13 their civil union upon marrying one another but are not required to do so to
14 form a civil marriage. The State Registrar shall clearly indicate this option on
15 the civil marriage application form required by subdivision (2) of this
16 subsection (a). If a couple elects this option, each party to the intended
17 marriage shall sign a statement on the confidential portion of the civil marriage
18 license and certificate form stating that ~~he or she~~ the party freely and
19 voluntarily agrees to dissolve the civil union between the parties.

20 (B) Dissolution pursuant to this subdivision (4) shall become
21 effective upon solemnization of the marriage between the parties, and the

1 parties shall not be required to file a petition for an uncontested dissolution
2 with the Family Division of the Superior Court pursuant to 15 V.S.A. §
3 1206(d). A dissolution granted pursuant to this subdivision (4) shall be exempt
4 from fees provided in 32 V.S.A. § 1431(b)(2).

5 Sec. 161. 18 V.S.A. § 5213 is amended to read:

6 § 5213. REMOVAL; FORM AND DISPOSITION OF PERMIT

7 Such permit shall state specifically the location of the body's permanent
8 disposition and the time and manner of its removal. A town clerk issuing such
9 a permit shall make it in duplicate if the body is to be removed from the town,
10 one copy of which shall be delivered to the person having charge of the
11 cemetery or tomb from which the body is to be taken, and the other shall be
12 delivered to the person having charge of the cemetery or tomb ~~wherein~~ where
13 it is desired to place the body.

14 Sec. 162. 18 V.S.A. § 5214 is amended to read:

15 § 5214. DUTIES OF SEXTON; NO BURIAL OR REMOVAL WITHOUT
16 PERMIT

17 A sexton or other person having the care of a cemetery, tomb, or receiving
18 vault shall not receive or permit the burial or entombment of a dead body, or
19 the remains ~~thereof~~ of a dead body, in the cemetery or tomb of which he or she
20 has charge, or the removal of a body ~~therefrom~~ from the cemetery or tomb,

1 until there is delivered to him or her a certificate of permission issued in
2 accordance with the provisions of this chapter.

3 Sec. 163. 18 V.S.A. § 5224(c) is amended to read:

4 (c) When disposition of fetal remains is by means other than those
5 specified in subsection (b) of this section and a funeral director is not involved,
6 the disposition permit copy of the report shall be completed by the appropriate
7 official of the hospital or by the physician or other person in charge of
8 disposition and sent to the Commissioner within 10 days ~~of~~ after such
9 disposition. These permits may be destroyed after five years.

10 Sec. 164. 18 V.S.A. § 5228(2) is amended to read:

11 (2) the individual does not exercise the right of disposition within three
12 days ~~of~~ after notification of the death or within five days ~~of~~ after the decedent's
13 time of death, whichever is earlier;

14 Sec. 165. 18 V.S.A. § 5250t(d) is amended to read:

15 ~~(d) No later than January 15, 2011, the Department of Motor Vehicles shall~~
16 ~~submit a report on its implementation of a data use agreement with a qualified~~
17 ~~organ procurement organization to the House and Senate Committees on~~
18 ~~Government Operations, the House Committee on Human Services, and the~~
19 ~~Senate Committee on Health and Welfare. [Repealed.]~~

1 Sec. 166. 18 V.S.A. § 5303 is amended to read:

2 § 5303. POLICY DECLARED

3 The object, purposes, and activities of a cemetery shall be restricted to those
4 acts only that are necessary to enable it to accomplish the purposes for which it
5 is created. It shall not be conducted for the purpose of private gain either
6 directly or indirectly to any of the members of the agencies engaged in such
7 business. Lawfully organized cemeteries may be conducted and operated by
8 those agencies now engaged in their conduct and operation, by churches, by
9 religious and ecclesiastical societies, by cemetery associations incorporated as
10 ~~hereinafter~~ provided in this chapter, and by no others. However, this chapter is
11 not intended to apply to any agency organized, existing, and operating the
12 business of a cemetery prior to June 1, 1933, under any existing law, nor to
13 affect any vested rights acquired thereunder. Insofar, however, as the
14 provisions of this chapter do not violate any vested rights, so acquired, it shall
15 apply to all such agencies.

16 Sec. 167. 18 V.S.A. § 5305 is amended to read:

17 § 5305. RIGHT TO MAKE RULES AND REGULATIONS

18 The right of an agency engaged in the business of a cemetery, community
19 mausoleum, or columbarium to make rules and regulations for the use, care,
20 management, and protection thereof is hereby affirmed, and such agencies may

1 by rule or regulation determine who may be buried or deposited ~~therein~~ in the
2 cemetery, community mausoleum, or columbarium.

3 Sec. 168. 18 V.S.A. § 5306 is amended to read:

4 § 5306. PERPETUAL CARE FUNDS

5 An agency engaged in the cemetery business shall have the right to acquire
6 by gift, devise, or otherwise, land and property of every name and nature and
7 to set aside surplus funds, to be held in trust as a perpetual care fund, the
8 income thereof to be used according to the directions of the trust, where such
9 directions are given, and where no specific directions are given, or, where
10 given, and the purpose is incapable of performance, or there is a surplus of
11 income after the directions of the trust have been fully complied with and
12 performed, to use the same for the purpose of building, repairing, maintaining,
13 adorning, and beautifying buildings or parts thereof, fences, graves, vaults,
14 mausoleums, monuments, walks, cemetery lots, grounds, drives, or avenues, as
15 the interests of the lot owners and cemetery shall appear. The duty upon all
16 agencies organized to establish a perpetual care fund according to the terms
17 ~~hereinafter~~ set forth in this chapter is hereby imposed.

18 Sec. 169. 18 V.S.A. § 5308 is amended to read:

19 § 5308. CUSTODIAN OF FUNDS; BOND

20 When such funds are not deposited with a bank chartered by the State or a
21 national bank, the custodian or depository thereof, unless otherwise directed by

1 the terms of the trust or other provisions of this chapter, shall be the treasurer
2 of the agency owning, operating, or controlling the cemetery in which lots or
3 burial spaces are sold, or in which mausoleums or columbariums are located,
4 who shall furnish and file with such agency, at its expense, a good and
5 sufficient bond or bonds with surety or sureties approved by the Probate
6 Division of the Superior Court, indemnifying and securing such agency against
7 loss occasioned by the failure of the treasurer to properly protect, preserve, and
8 administer such funds under ~~his or her~~ the treasurer's control. Such funds shall
9 be invested and the income ~~therefrom~~ from the funds expended upon the
10 written orders of the directors or trustees of such agency.

11 Sec. 170. 18 V.S.A. § 5314 is amended to read:

12 § 5314. SALE OF PROPERTY FOR INTERMENT PURPOSES;

13 DISPOSITION OF RECEIPTS

14 After recording the plat as ~~hereinbefore~~ provided in this chapter, and subject
15 to the further provisions of this chapter relating to the sale of lots, crypts, and
16 niches, the sale of lots, crypts, and niches may be made for the sole purpose of
17 interments under such rules and regulations as may be imposed by the agency
18 owning the cemetery, community mausoleum, or columbarium, and no part of
19 the proceeds from such sales or other income shall ever be divided among its
20 members, but shall be used exclusively for the purposes of the cemetery,

1 community mausoleum, or columbarium, or placed in the perpetual care fund
2 thereof, the income thereof to be so used.

3 Sec. 171. 18 V.S.A. § 5315 is amended to read:

4 § 5315. SALE OF PROPERTY FOR OTHER THAN BURIAL PURPOSES;
5 DISPOSITION OF PROCEEDS

6 Either before or after the recording of the plat, as ~~hereinbefore~~ provided in
7 this chapter, whenever it is determined that such lands acquired for cemetery
8 purposes, except those acquired by condemnation proceedings, are unsuitable
9 for the permanent disposition of human remains, such lands may be sold for
10 purposes other than permanent disposition and conveyed in fee simple in such
11 manner and upon such terms as may be provided by the agencies owning the
12 same. The proceeds thereof shall be applied to the purchase of other lands or
13 to general cemetery purposes. When such sales are made, the land so sold
14 shall be returned by the agencies to the tax lists for taxation. In the case of
15 land acquired by condemnation proceedings, it shall be disposed of under the
16 law governing the disposal of land acquired by condemnation proceedings.

17 Sec. 172. 18 V.S.A. § 5319(a)(2) is amended to read:

18 (2) However, this shall not be construed to prevent a private individual
19 from setting aside a portion of ~~his or her~~ the private individual's premises
20 owned in fee by ~~him or her~~ the private individual and using the premises as a
21 burial space for the members of ~~his or her~~ the private individual's immediate

1 family, provided ~~his or her~~ the private individual's use for such purpose is not
2 in violation of the health laws and ~~regulations~~ rules of the State and the town in
3 which the land is situated.

4 Sec. 173. 18 V.S.A. § 5321 is amended to read:

5 § 5321. IMPROVEMENT OF PRIVATE BURIAL GROUNDS; DUTIES OF
6 OFFICERS

7 When the use and care of a private burial ground has been abandoned and
8 such ground becomes unsightly from any cause, or when headstones or
9 monuments have been displaced, the selectboard or board of cemetery
10 commissioners having charge of the public cemeteries in the town where such
11 burial ground is located, on written request of three legally qualified voters of
12 such town, shall ~~forthwith~~ immediately cause a notice to be published once a
13 week on the same day of the week for three successive weeks in some
14 newspaper circulating ~~therein~~ in the town, calling upon any person interested
15 in such burial ground to cause the same to be put in proper condition within
16 three months ~~from~~ after the date of such notice. At the expiration of such time,
17 if such demand is not complied with, the selectboard or board shall proceed
18 then and thereafter as if such ground were a public burial place.

1 Sec. 174. 18 V.S.A. § 5369 is amended to read:

2 § 5369. REMOVAL

3 When it is impracticable to preserve a burial ground in proper condition,
4 and the removal of the remains of the dead ~~therein~~ in the burial ground is
5 required, the selectboard, in their discretion, may cause such remains to be
6 removed and interred in a more suitable public burial ground.

7 Sec. 175. 18 V.S.A. § 5371 is amended to read:

8 § 5371. TOWN OR CITY TO FURNISH HEADSTONE

9 In case of the burial of a person not having known estate, and not having a
10 suitable marker or headstone erected at ~~his or her~~ the person's grave within
11 three years ~~from~~ after the date of such burial, the selectboard of the town or the
12 aldermen of a city, as the case may be, ~~wherein~~ where such person is buried,
13 shall cause to be erected at such person's grave, at the expense of such town or
14 city, a suitable marker or headstone with the inscription thereon of the name of
15 the deceased and dates of ~~his or her~~ the deceased's birth and death, if the same
16 are known.

17 Sec. 176. 18 V.S.A. § 5376 is amended to read:

18 § 5376. SALE OF LOTS; TAX EXEMPTION

19 The board of cemetery commissioners, by one of the commissioners
20 appointed by it for that purpose, in the name of the town, by deed, may grant
21 and convey lots in such burial grounds to be used for the permanent disposition

1 of the dead and on which tombs, cenotaphs, and other monuments are to be
2 erected. Such lots shall be exempt from taxation. The deeds thereof shall be
3 recorded in the office of the town clerk of the town ~~wherein~~ where such lots
4 lie.

5 Sec. 177. 18 V.S.A. § 5377 is amended to read:

6 § 5377. PROCEEDS OF SALE; EXPENDITURE

7 The proceeds of such sale of lots shall be paid into the town treasury and
8 kept separate from other funds of the town and subject to the order of the
9 board. Such proceeds, with the income thereof, shall be devoted to
10 maintaining, improving, and embellishing such burial grounds. If the town so
11 votes, the board may sell lots upon condition that the proceeds ~~therefrom~~ from
12 a sale shall be paid into the town treasury in trust and the income thereof be
13 expended in caring for such lots and the structures thereon. The board shall fix
14 the prices for such lots and make regulations in respect to the sale and care
15 thereof.

16 Sec. 178. 18 V.S.A. § 5384(a) is amended to read:

17 (a) Unless otherwise directed by the donor, all monies received by a town
18 for cemetery purposes shall be paid to the town treasurer, who shall give a
19 receipt ~~therefor~~ for monies received, which shall be recorded in the office of
20 the town clerk in a book kept for that purpose. The book shall also state the

1 amount received from each donor, the time when, and the specific purpose for
2 which it is appropriated.

3 Sec. 179. 18 V.S.A. § 5431 is amended to read:

4 § 5431. CEMETERY ASSOCIATIONS; CORPORATIONS

5 Every cemetery established after June 1, 1933, ~~which~~ that is not owned and
6 operated by a town or by a religious or ecclesiastical society shall be
7 established, owned, and operated by a corporation as ~~hereinafter~~ prescribed in
8 this subchapter.

9 Sec. 180. 18 V.S.A. § 5435(a) is amended to read:

10 (a) The income of a cemetery association, whether derived from the sale of
11 lots, spaces, crypts, or niches for the permanent disposition of human remains,
12 from donations, or otherwise, shall be exclusively applied to paying for the
13 land or other cemetery property; laying out, preserving, protecting, and
14 embellishing the cemetery and avenues leading thereto; the erection of
15 buildings necessary for cemetery purposes; the establishing of a fund to care
16 permanently for the cemetery; the repair and upkeep of mausoleums, vaults,
17 columbariums, crypts, and niches ~~therein~~ in the cemetery; and to paying the
18 necessary expenses of the cemetery association. A debt shall not be contracted
19 in anticipation of future receipts, except for the original purchase of the land,
20 community mausoleum, or columbarium, laying out, enclosing, and
21 embellishing the grounds and avenues therein and to a sum not exceeding

1 \$50,000.00 in the whole, to be paid out of future income. The proceeds from
2 the sale of lots, spaces, crypts, or niches for the permanent disposition of
3 human remains, or other income of such association, shall not be divided
4 among its members. All its income shall be used exclusively for the purposes
5 of the association, as provided in this chapter, or invested in a fund the income
6 of which shall be so used. Such association may adopt such reasonable rules
7 and regulations as it deems expedient for disposing of and conveying lots,
8 spaces, crypts, and niches for the permanent disposition of human remains.
9 Sec. 181. 18 V.S.A. § 5438(b) is amended to read:

10 (b) The treasurer of such corporation shall make, sign, and file at the
11 annual meeting a report countersigned by the president, concerning the affairs
12 of the corporation and the perpetual care funds, which report shall contain,
13 among other things, a statement as to the amount of the treasurer's bond and a
14 true statement of the total amount of the fund or funds received and set apart
15 for the perpetual care of the lots, cemetery, community mausoleum, and
16 columbarium. Such report shall contain a list of the securities in which such
17 fund or funds are invested, the income received ~~therefrom~~ from the fund or
18 funds, all disbursements from such income, and the balance of money or
19 property held and on hand in such fund or funds, and copies thereof shall
20 forthwith be filed with the town clerk of the town and with the Probate

1 Division of the Superior Court for the district ~~wherein~~ in which the cemetery,
2 community mausoleum, or columbarium is situated.

3 Sec. 182. 18 V.S.A. § 5439 is amended to read:

4 § 5439. DISSOLUTION OF CEMETERY ASSOCIATIONS

5 A cemetery association, which is not owned and operated by a church or by
6 a religious or ecclesiastical society, may be dissolved under the provisions of
7 11B V.S.A. chapter 14. Upon dissolution, all lands owned or held by it for
8 cemetery purposes and all perpetual care funds, trust funds, and all other
9 property held or owned by it, less dissolution expenses, may be transferred to
10 the town in which the lands are located, and thereafter these lands may become
11 public burial grounds, and the town shall hold the perpetual care funds and
12 trust funds in trust for the care, improvement, and embellishment of the lots
13 ~~therein~~ in the cemetery, according to the terms upon which they were held by
14 the association.

15 Sec. 183. 18 V.S.A. § 5483 is amended to read:

16 § 5483. ACQUISITION OF LAND BY TOWN

17 When it is necessary to enlarge a public burial ground or to establish a new
18 one, three or more freeholders of the town may apply in writing to the
19 selectboard, setting forth such necessity with a description of the land
20 necessary for the purpose. The selectboard shall ~~thereupon~~ then proceed as in
21 case of an application by three or more freeholders to lay out a highway.

1 Sec. 184. 18 V.S.A. § 5484(a) is amended to read:

2 (a) When public necessity requires that a burial ground be raised or
3 portions thereof filled up with gravel or earth, and the town or association
4 owning or managing the same cannot agree with the owner of such gravel or
5 earth for its purchase, three or more owners of lots in such burial ground may
6 apply in writing to the selectboard, setting forth such necessity. The
7 selectboard shall ~~thereupon~~ then proceed as in case of an application to them
8 by three or more freeholders to lay out a highway. If in their opinion such
9 necessity exists, they shall authorize, in writing, such town or association to
10 take and remove such gravel or earth, use the same for the purposes aforesaid,
11 and appraise the damage to the owner thereof.

12 Sec. 185. 18 V.S.A. § 5485 is amended to read:

13 § 5485. APPEAL TO SUPERIOR COURT

14 When, in accordance with the provisions of this chapter, a person owning or
15 having an interest in lands taken for a burial ground, or gravel or earth for the
16 same, is dissatisfied with such taking or with the damages awarded to ~~him or~~
17 ~~her~~ the person by the selectboard in such proceedings, ~~he or she~~ the person
18 may petition the Superior Court of the county in which such lands lie in the
19 same manner as in case of an appeal as to the laying out of a highway by the
20 selectboard, and thereupon the same proceedings shall be had on such petition.

1 Sec. 186. 18 V.S.A. § 5487 is amended to read:

2 § 5487. ACQUISITION OF LAND BY CEMETERY ASSOCIATIONS

3 GENERALLY

4 A cemetery association may acquire by gift, purchase at its fair cash market
5 value, or devise, such lands as may be necessary for its cemetery purposes. If
6 the consent of the selectboard and local board of health is first had and
7 obtained in writing, such association may devote the same to such cemetery
8 purposes. When it is necessary to acquire lands by condemnation proceedings,
9 such proceedings shall be taken ~~therefor~~ as provided in sections 5488–5494 of
10 this title.

11 Sec. 187. 18 V.S.A. § 5531(a) is amended to read:

12 (a) The owner of a cemetery lot may dispose of same by will to any one of
13 ~~his or her~~ the owner's relatives who may survive ~~him or her~~ the owner, or to
14 any agency owning and conducting the cemetery in which the lot is situated, in
15 trust, for the use and benefit of any person or persons designated in such will.
16 When no express disposition or other mention is made in a will of a cemetery
17 lot owned by the testator at ~~his or her~~ the testator's decease, and ~~wherein he or~~
18 ~~she~~ where the testator or any member of ~~his or her~~ the testator's family is
19 buried, the ownership of the lot shall not pass from ~~his or her~~ the testator's
20 lawful heirs by any residuary or other general clause of the will, but shall

1 descend to ~~his or her~~ the testator's heirs, as if ~~he or she~~ the testator had died
2 intestate.

3 Sec. 188. 18 V.S.A. § 5534 is amended to read:

4 § 5534. PETITION; HEARING

5 The cemetery commissioners or other proper officers may file a petition ~~in~~
6 on behalf of the agency with the Probate Division of the Superior Court of the
7 district where said agency is located for an inquisition in the premises. The
8 Probate Division of the Superior Court shall ~~thereupon~~ then appoint a time and
9 place of hearing and deciding on such petition, and cause a notice thereof to be
10 published in some newspaper circulating in the vicinity where the cemetery is
11 located.

12 Sec. 189. 18 V.S.A. § 5537 is amended to read:

13 § 5537. HEIRS

14 If an heir or other person entitled to such lot appears within 17 years ~~from~~
15 after the date of such decree and files a claim with the Probate Division of the
16 Superior Court ~~which~~ that made such decree, and establishes ~~his or her~~ a claim
17 to such lot, ~~he or she~~ the heir or other person shall have possession of the same,
18 or if sold, the agency shall be accountable for the avails of such sale, without
19 interest, to the persons entitled thereto, after deducting charges and costs
20 incurred by the agency in connection therewith. A claim not made within 17
21 years shall be barred.

1 Sec. 190. 18 V.S.A. § 5571 is amended to read:

2 § 5571. LOCATION

3 A community mausoleum, as ~~hereinbefore~~ defined in section 5302 of this
4 title, other than structures containing crypts erected or controlled by churches
5 and religious societies and used only as a repository for the remains of the
6 clergy or dignitaries of such churches or religious societies and every
7 columbarium or other structure intended to hold or contain the bodies or
8 remains of the dead, the spaces, crypts, or niches of which are available to the
9 public, shall be located only within the confines of an established cemetery,
10 containing not less than five acres, and which shall have been in existence and
11 operation for a period of at least five years immediately preceding the time of
12 the erection thereof.

13 Sec. 191. 18 V.S.A. § 5576 is amended to read:

14 § 5576. SALES BEFORE THE COMPLETION OF BUILDING; BOND

15 A crypt or room in a community mausoleum, or niche in a columbarium,
16 shall not be sold or offered for sale before such structure is entirely completed,
17 unless and until the agency selling such crypts or niches enters into an
18 agreement ~~whereby~~ in which it agrees to refund to each and every purchaser of
19 crypts, rooms, and niches all sums of money paid by each, together with legal
20 interest thereon, in the event it fails to complete such mausoleum or
21 columbarium within a reasonable time thereafter, which agreement shall be

1 entered into with a bank or trust company as trustee for the purchasers of
2 crypts, rooms, and niches. The agency shall also deposit with the trustee a
3 good and sufficient bond or other security which shall guarantee the faithful
4 performance of the agreement. The selection of the bank or trust company, the
5 trust agreement, and the bond or other security herein provided for shall be
6 submitted to and be subject to the approval of the Probate Division of the
7 Superior Court of the district ~~wherein~~ where such community mausoleum or
8 columbarium is located.

9 Sec. 192. 18 V.S.A. § 7103 is amended to read:

10 § 7103. DISCLOSURE OF INFORMATION

11 (a) All certificates, applications, records, and reports, other than an order of
12 a court made for the purposes of this part of this title, and directly or indirectly
13 identifying a patient or former patient or an individual whose hospitalization or
14 care has been sought or provided under this part, together with clinical
15 information relating to such persons shall be kept confidential and shall not be
16 disclosed by any person except insofar:

17 (1) as the individual identified, the individual's ~~health-care~~ agent under
18 ~~section 5264~~ an advance directive executed in accordance with chapter 231 of
19 this title, or the individual's legal guardian, if any, or, if the individual is an
20 unemancipated minor, ~~his or her~~ the individual's parent or legal guardian shall
21 consent in writing;

1

* * *

2 (b) Nothing in this section shall preclude disclosure, upon proper inquiry,
3 of information concerning medical condition to the individual's family, clergy,
4 physician, attorney, the individual's ~~health-care~~ agent under ~~section 5264~~ an
5 advance directive executed in accordance with chapter 231 of this title, a
6 person to whom disclosure is authorized by a validly executed durable power
7 of attorney for health care, or to an interested party.

8

* * *

9 Sec. 193. 18 V.S.A. § 7106 is amended to read:

10 § 7106. NOTICE OF HOSPITALIZATION AND DISCHARGE

11 Whenever a patient has been admitted to a hospital other than upon ~~his or~~
12 ~~her~~ the patient's own application, the head of the hospital shall immediately
13 notify the patient's legal guardian, spouse, parent, or parents, or nearest known
14 relative or interested party, if known. If the involuntary hospitalization or
15 admission was without court order, notice shall also be given to the Superior
16 Court judge for the Family Division of the Superior Court in the unit ~~wherein~~
17 where the hospital is located. If the hospitalization or admission was by order
18 of any court, the head of the hospital admitting or discharging an individual
19 shall ~~forthwith~~ immediately make a report thereof to the Commissioner and to
20 the court ~~which~~ that entered the order for hospitalization or admission.

1 Sec. 194. 18 V.S.A. § 7112 is amended to read:

2 § 7112. APPEALS

3 A patient may appeal any decision of the Board. The appeal shall be to the
4 Family Division of the Superior Court of the county ~~wherein~~ where the
5 hospital is located. The appeal shall be taken in such manner as the Supreme
6 Court may by rule provide, except that there shall not be any stay of execution
7 of the decision appealed from.

8 Sec. 195. 18 V.S.A. § 7113 is amended to read:

9 § 7113. INDEPENDENT EXAMINATION; PAYMENT

10 Whenever a court orders an independent examination by a mental health
11 professional or a qualified developmental disabilities professional pursuant to
12 this title or 13 V.S.A. § 4822, the cost of the examination shall be paid by the
13 Department of Disabilities, Aging, and Independent Living or of Mental
14 Health. The mental health professional or qualified developmental disabilities
15 professional may be selected by the court but the Commissioner of Disabilities,
16 Aging, and Independent Living or of Mental Health may adopt a reasonable
17 fee schedule for examination, reports, and testimony.

18 Sec. 196. 18 V.S.A. § 7257a(b)(1) is amended to read:

19 (b)(1) Each incident involving an interaction between law enforcement and
20 a person acting in a manner that created reason to believe a mental health crisis
21 was occurring that results in a death or serious bodily injury to any party shall

1 be referred to the Office of the Attorney General by the relevant law
2 enforcement agency for review, analysis, and recommendations within 60 days
3 ~~of~~ after the incident. Interactions not resulting in death or serious bodily injury
4 may be referred for optional review to the Commission, including review of
5 interactions with positive outcomes that could serve to provide guidance on
6 effective strategies. A law enforcement officer or mental health crisis
7 responder involved in such an interaction is encouraged to refer it to the
8 Commission.

9 Sec. 197. 18 V.S.A. § 7257b(b) is amended to read:

10 (b) There is created the Emergency Service Provider Wellness Commission
11 within the Agency of Human Services that, in addition to the purposes listed
12 ~~below~~ in this subsection, shall consider the diversity of emergency service
13 providers on the basis of gender, race, age, ethnicity, sexual orientation, gender
14 identity, disability status, and the unique needs that emergency service
15 providers who have experienced trauma may have as a result of their identity
16 status:

17 * * *

18 Sec. 198. 18 V.S.A. § 7304 is amended to read:

19 § 7304. PERSONS NOT HOSPITALIZED

20 The Board shall have general jurisdiction of persons with an intellectual
21 disability or mental illness who have been discharged from a hospital by

1 authority of the Board. It shall also have jurisdiction of persons with a mental
2 illness or intellectual disability of the State not hospitalized, so far as concerns
3 their physical and mental condition and their care, management, and medical
4 treatment, and shall make such orders ~~therein~~ as each case duly brought to its
5 attention requires.

6 Sec. 199. 18 V.S.A. § 7401 is amended to read:

7 § 7401. POWERS AND DUTIES

8 Except insofar as this part of this title specifically confers certain powers,
9 duties, and functions upon others, the Commissioner shall be charged with its
10 administration. The Commissioner may:

11 * * *

12 (2) Adopt, amend, and repeal and enforce rules ~~and regulations~~ not
13 inconsistent with this part as are reasonably necessary for its operation.

14 * * *

15 (15) Contract with community mental health centers to ~~assure~~ ensure
16 that children and adolescents with or at risk for a severe emotional disturbance
17 or individuals with a mental condition or psychiatric disability can receive
18 information, referral, and assistance in obtaining those community services
19 ~~which~~ that they need and to which they are lawfully entitled.

1 Sec. 200. 18 V.S.A. § 7402 is amended to read:

2 § 7402. RECORDS AND REPORTS

3 The Commissioner shall keep records of all commitments and admissions to
4 a hospital and shall secure compliance with the laws relating thereto. The
5 Commissioner shall report biennially to the Governor and the General
6 Assembly on the condition of hospitals, on the physical and medical treatment
7 of patients ~~therein~~ in hospitals, on the need for community services to former
8 patients and persons with a mental condition or psychiatric disability not
9 hospitalized, and on any other matters the Commissioner deems advisable.

10 Sec. 201. 18 V.S.A. § 7510(b) is amended to read:

11 (b) The court shall conduct the hearing within three working days ~~of~~ after
12 the filing of the request. The court shall cause timely notice of the preliminary
13 hearing to be given to the patient or ~~his or her~~ the patient's attorney, the
14 hospital, and the attorney for the applicant.

15 Sec. 202. 18 V.S.A. § 7612(e)(1) is amended to read:

16 (1) a certificate of a licensed physician, which shall be executed under
17 penalty of perjury stating that ~~he or she~~ the physician has examined the
18 proposed patient within five days ~~of~~ after the date the petition is filed and is of
19 the opinion that the proposed patient is a person in need of treatment, including
20 the current and relevant facts and circumstances upon which the physician's
21 opinion is based; or

1 Sec. 203. 18 V.S.A. § 7624(b)(4) is amended to read:

2 (4) Within 72 hours of the filing of an application for involuntary
3 medication pursuant to subdivision (a)(6) of this section, the court shall
4 determine, based solely upon a review of the psychiatrist's certification and
5 any other filings, whether the requirements of that subdivision have been
6 established. If the court determines that the requirements of subdivision (a)(6)
7 of this section have been established, the court shall consolidate the application
8 for involuntary treatment with the application for involuntary medication and
9 hear both applications within ~~ten~~ 10 days ~~of~~ after the date that the application
10 for involuntary medication is filed. The court shall rule on the application for
11 involuntary treatment before ruling on the application for involuntary
12 medication. Subsection 7615(b) of this title shall apply to applications
13 consolidated pursuant to this subdivision.

14 Sec. 204. 18 V.S.A. § 7625(a) is amended to read:

15 (a) Unless consolidated with an application for involuntary treatment
16 pursuant to subdivision 7624(b)(2) or (b)(4) of this title, a hearing on an
17 application for involuntary medication shall be held within seven days ~~of~~ after
18 filing and shall be conducted in accordance with sections 7613, 7614, and 7616
19 and subsections 7615(b)–(e) of this title.

1 Sec. 205. 18 V.S.A. § 7704 is amended to read:

2 § 7704. MECHANICAL RESTRAINTS

3 Mechanical restraints shall not be applied to a patient unless it is determined
4 by the head of the hospital or ~~his or her~~ the head of the hospital's designee to
5 be required by the medical needs of the patient or the hospital. Every use of a
6 mechanical restraint and the reasons ~~therefor~~ for the use of the mechanical
7 restraint shall be made a part of the clinical record of the patient under the
8 signature of the head of the hospital or ~~his or her~~ the head of the hospital's
9 designee.

10 Sec. 206. 18 V.S.A. § 8101(c) is amended to read:

11 (c) The Commissioner shall, at the time of the hospitalization of a patient,
12 investigate the ability to pay of persons liable under subsection (a) of this
13 section, and may require from the liable persons sworn statements of income,
14 resources, expenses, and family size. The Commissioner shall notify, within
15 30 days ~~of~~ after the date of admission, in writing, each liable person of the
16 amount of ~~his or her~~ the person's liability and the fact that liability commences
17 on the date of admission. The notice shall include a statement of the right of
18 the liable person to an appeal under section 8111 of this title.

1 Sec. 207. 18 V.S.A. § 8201 is amended to read:

2 § 8201. COMMISSIONER MAY LICENSE PRIVATE HOSPITAL

3 After due investigation, the Commissioner may license for not less than two
4 nor more than six years; any suitable person to keep a private hospital for the
5 mentally ill, which shall be subject to visitations from the Commissioner. A
6 license granted ~~hereunder~~ under this section shall exempt the licensee from the
7 licensing requirements of section 1901 et seq. of this title.

8 Sec. 208. 18 V.S.A. § 8202 is amended to read:

9 § 8202. REVOCATION OF LICENSE

10 The Commissioner may revoke any license when it appears that the holder
11 ~~thereof~~ of the license does not exercise sufficient skill and is not possessed of
12 adequate means and methods for the proper care and treatment of the patients
13 therein.

14 Sec. 209. 18 V.S.A. § 8709(b)(7) is amended to read:

15 (7) the reasons and supporting facts why sterilization is in the best
16 ~~interest~~ interests of said person.

17 Sec. 210. 18 V.S.A. § 8711(d) is amended to read:

18 (d) The court shall order the Commissioner of Disabilities, Aging, and
19 Independent Living to arrange for the preparation of a comprehensive medical,
20 psychological, and social evaluation of the person through developmental
21 disability agencies affiliated with the Department. The comprehensive

1 evaluation shall be completed within 30 days ~~of~~ after the receipt of the petition.

2 The medical report shall be prepared by a physician and shall describe the
3 physical condition of the respondent and the availability of effective,
4 alternative contraceptive measures to meet the needs of the person. The
5 psychological report shall include a diagnosis of the person's intellectual
6 ability and social functioning. The social report shall be prepared by a
7 qualified developmental disabilities professional, and shall describe the
8 respondent's developmental and social functioning.

9 Sec. 211. 18 V.S.A. § 8714(a) is amended to read:

10 (a) Any party to the proceeding shall have the right to appeal from a
11 judgment issued pursuant to this chapter within 30 days ~~of~~ after the judgment
12 pursuant to the Vermont rules of appellate procedure.

13 Sec. 212. 18 V.S.A. § 8724 is amended to read:

14 § 8724. PRINCIPLES OF SERVICE

15 Services provided to people with developmental disabilities and their
16 families shall foster and adhere to the following principles:

17 * * *

18 (6) Meaningful choices. People with developmental disabilities and
19 their families cannot make good decisions without meaningful choices about
20 how they live and the kinds of services they receive. Effective services shall
21 be flexible so they can be individualized to support and accommodate

1 personalized choices, values, and needs and ~~assure~~ ensure that each recipient is
2 directly involved in decisions that affect that person's life.

3 * * *

4 (11) Trained staff. In order to ~~assure~~ ensure that the goals of this
5 chapter are attained, all individuals who provide services to people with
6 developmental disabilities and their families must receive training as required
7 by section 8731 of this title.

8 * * *

9 Sec. 213. 18 V.S.A. § 8726 is amended to read:

10 § 8726. APPLICATION FOR SERVICES; RULES

11 (a) ~~No later than January 1, 1997, the department~~ The Department shall
12 adopt rules that include the following:

13 * * *

14 (b) ~~No later than July 1, 1997, the department~~ The Department shall adopt
15 rules that include the following:

16 * * *

17 Sec. 214. 18 V.S.A. § 8727(b)(2)(B) is amended to read:

18 (B) The Secretary shall issue a written decision stating the legal,
19 factual or policy basis for reversing or modifying a decision or order of the
20 Board. The Secretary shall approve, modify or reverse a decision or order of
21 the Board within 15 days of after the date of the decision or order. If the

1 Secretary fails to issue a written decision within 15 days, the decision and
2 order of the Board shall be deemed to be approved by the Secretary. A
3 decision and order of the Board under this subsection shall become the final
4 and binding decision of the Department upon approval by the Secretary.

5 Sec. 215. 18 V.S.A. § 8727(b)(3)(A) is amended to read:

6 (A) shall ~~assure~~ ensure that a person with a developmental disability
7 shall have access to legal representation; and

8 Sec. 216. 18 V.S.A. § 8731(b) is amended to read:

9 (b) The Department shall ~~assure~~ ensure that all staff receive pre-service and
10 in-service training consistent with the system of care plan. Family-directed
11 respite staff shall receive pre-service and in-service training at the request of
12 the family at no cost to the family. People with developmental disabilities and
13 their families may participate in the training, including planning and delivery
14 of that training.

15 Sec. 217. 18 V.S.A. § 8845(c) is amended to read:

16 (c) A person committed under this subchapter shall be entitled to a judicial
17 review annually. If no such review is requested by the person, it shall be
18 initiated by the Commissioner. However, such person may initiate a judicial
19 review under this subsection after 90 days ~~of~~ after initial commitment but
20 before the end of the first year of the commitment.

1 Sec. 218. 18 V.S.A. § 8907(a) is amended to read:

2 (a) Except as otherwise provided in this chapter, the Commissioners of
3 Mental Health and of Disabilities, Aging, and Independent Living shall, within
4 the limits of funds designated by the ~~Legislature~~ General Assembly for this
5 purpose, ensure that community services to persons with a mental condition or
6 psychiatric disability and persons with a developmental disability throughout
7 the State are provided through designated community mental health agencies.
8 The Commissioners shall designate public or private nonprofit agencies to
9 provide or arrange for the provision of these services.

10 Sec. 219. 18 V.S.A. § 9301 is amended to read:

11 § 9301. POLICY

12 It is the policy of the State of Vermont to ~~assure~~ ensure that citizens with
13 developmental disabilities receive such protection and assistance as is
14 necessary to allow them to live safely within the communities of this State. In
15 furtherance of this policy, this chapter is enacted to permit the supervision of
16 those individuals who are unable to provide for their own needs on account of
17 developmental disabilities and to protect such persons from violations of their
18 human and civil rights. It is the purpose of this chapter to limit the State's
19 guardianship of people with developmental disabilities who are living in the
20 community to the extent necessary to ensure their safety and well-being.

1 Sec. 220. 18 V.S.A. § 9306(b) is amended to read:

2 (b) The evaluation shall be prepared by a qualified developmental
3 disabilities professional. The evaluation shall be completed within 40 days of
4 after the court's service of the petition upon the Commissioner unless the time
5 period is extended by the court for cause. The Commissioner shall send the
6 request for evaluation to the evaluator at least 30 days before it is due. The
7 Commissioner shall provide for reimbursement of the costs of the evaluation.

8 Sec. 221. 18 V.S.A. § 9307 is amended to read:

9 § 9307. NOTICE OF PETITION AND HEARING

10 Within five days of after filing the petition, the court shall fix a time and
11 place for hearing and shall mail a copy of the petition and notice of hearing to
12 the respondent, the respondent's counsel, the guardian for the respondent, if
13 any, the interested person who requested the filing of the petition, the
14 Commissioner, the State's Attorney, and such other persons as the court
15 determines. The notice of hearing shall be mailed to the respondent's near
16 relatives. The hearing shall be held not fewer than 20 nor more than 30 days
17 after the filing of the evaluation with the court. The hearing may be continued
18 for good cause shown for not more than 15 additional days.

19 Sec. 222. 18 V.S.A. § 9309(e)(3) is amended to read:

20 (3) ~~[Deleted.]~~ [Repealed.]

1 Sec. 223. 18 V.S.A. § 9352(c) is amended to read:

2 (c)~~(1)~~ Health information exchange operation.

3 (1) VITL shall be designated in the Health Information Technology Plan
4 approved by the Green Mountain Care Board pursuant to section 9351 of this
5 title to operate the exclusive statewide health information exchange network
6 for this State. The Plan shall determine the manner in which Vermont's health
7 information exchange network shall be managed. The Green Mountain Care
8 Board shall have the authority to approve VITL's budget pursuant to chapter
9 220 of this title. Nothing in this chapter shall impede local community
10 providers from the exchange of electronic medical data.

11 * * *

12 Sec. 224. 18 V.S.A. § 9377(f) is amended to read:

13 (f) The first pilot project shall become operational ~~no~~ not later than July 1,
14 2012, and two or more additional pilot projects shall become operational ~~no~~
15 not later than October 1, 2012.

16 Sec. 225. 18 V.S.A. § 9401(b)(2) is amended to read:

17 (2) utilize planning, market, and other mechanisms that contain or
18 reduce increases in the cost of delivering services so that health care costs do
19 not consume a disproportionate share of Vermonters' incomes or the monies
20 available for other services required to ~~insure~~ ensure the health, safety, and
21 welfare of Vermonters;

1 Sec. 226. 18 V.S.A. § 9408 is amended to read:

2 § 9408. COMMON CLAIMS FORMS AND PROCEDURES

3 ~~Not~~ Not later than January 15, 1993, the Commissioner shall adopt by rule
4 uniform health insurance claims forms and uniform standards and procedures
5 for the processing of claims, including electronic claims forms submission.

6 Sec. 227. 18 V.S.A. § 9408a(f) is amended to read:

7 (f) An insurer shall act upon and finish the credentialing process of a
8 completed application submitted by a provider within 60 calendar days ~~of~~ after
9 receipt of the application. An application shall be considered complete once
10 the insurer has received all information and documentation necessary to make
11 its credentialing determination as provided in subsections (b) and (c) of this
12 section.

13 Sec. 228. 18 V.S.A. § 9410(h)(2) is amended to read:

14 (2) The collection, storage, and release of health care data and statistical
15 information that are subject to the federal requirements of the Health Insurance
16 Portability and Accountability Act (HIPAA) shall be governed exclusively by
17 the regulations adopted ~~thereunder~~ under in 45 C.F.R. Parts 160 and 164.

18 Sec. 229. 18 V.S.A. § 9414 is amended to read:

19 * * *

1 (b)(1) A managed care organization shall ~~assure~~ ensure that the health care
2 services provided to members are consistent with prevailing professionally
3 recognized standards of medical practice.

4 * * *

5 (3) Each managed care organization shall have procedures to ~~assure~~
6 ensure availability, accessibility, and continuity of care, and ongoing
7 procedures for the identification, evaluation, resolution, and follow-up of
8 potential and actual problems in its health care administration and delivery.

9 Sec. 230. 18 V.S.A. § 9414a(b)(11)(C) and (D) are amended to read:

10 (C) non-urgent preservice reviews within two business days ~~of~~ after
11 receipt of request; and

12 (D) postservice reviews within 30 days ~~of~~ after receipt of request;

13 Sec. 231. 18 V.S.A. § 9418(b) is amended to read:

14 (b) ~~No~~ Not later than 30 days following receipt of a claim, a health plan,
15 contracting entity, or payer shall do one of the following:

16 * * *

17 Sec. 232. 18 V.S.A. § 9418b is amended to read:

18 § 9418b. PRIOR AUTHORIZATION

19 * * *

20 (g)(1)(A) Notwithstanding any provision of law to the contrary, on and
21 after March 1, 2014, when requiring prior authorization for prescription drugs,

1 medical procedures, and medical tests, a health plan shall accept for each prior
2 authorization request either:

3 * * *

4 (2)(A) ~~Not~~ Not later than September 1, 2013, the Department of
5 Financial Regulation shall develop a clear, uniform, and readily accessible
6 prior authorization form for prior authorization requests for medical procedures
7 and medical tests.

8 (B) ~~Not~~ Not later than September 1, 2013, the Department of
9 Financial Regulation shall develop clear, uniform, and readily accessible forms
10 for prior authorization requests for prescription drugs after determining the
11 appropriate number of forms.

12 * * *

13 (4) A health plan shall respond to a completed prior authorization
14 request from a prescribing health care provider within 48 hours after receipt for
15 urgent requests and within two business days ~~of~~ after receipt for non-urgent
16 requests. The health plan shall notify a health care provider of or make
17 available to a health care provider a receipt of the request for prior
18 authorization and any needed missing information within 24 hours ~~of~~ after
19 receipt. If a health plan does not, within the time limits set forth in this section,
20 respond to a completed prior authorization request, acknowledge receipt of the

1 request for prior authorization, or request missing information, the prior
2 authorization request shall be deemed to have been granted.

3 * * *

4 Sec. 233. 18 V.S.A. § 9418c(b)(5) is amended to read:

5 (5) Upon request, contracting entities shall provide the summary
6 disclosure form to a participating provider or a provider who is actively
7 engaged in the process of determining whether to become a participating
8 provider within 60 days after receipt of the request.

9 Sec. 234. 18 V.S.A. § 9418e is amended to read:

10 § 9418e. MOST FAVORED NATION CLAUSES PROHIBITED

11 ~~No~~ Not later than 180 days after the effective date of this section, no
12 contracting entity shall do any of the following:

13 * * *

14 Sec. 235. 18 V.S.A. § 9418f(d)(2)(E) is amended to read:

15 (E) notify the covered entity who contracts with the contracting entity
16 to gain access to the provider network contract of the termination of the
17 provider network contract ~~no~~ not later than 30 days prior to the effective date
18 of the final termination of the provider network contract; and

1 Sec. 236. 18 V.S.A. § 9418g is amended to read:

2 § 9418g. ENFORCEMENT

3 In addition to any other remedy provided by law, the Commissioner may, in
4 ~~his or her~~ the Commissioner's sole discretion, enforce the provisions of this
5 subchapter as specified in this section. In determining whether to undertake an
6 enforcement action, the Commissioner may consider the relative resources of
7 the complaining party and the alleged noncompliant party, the Commissioner's
8 other enforcement responsibilities, and such other factors as the Commissioner
9 deems appropriate.

10 (1) The Commissioner shall have the power to examine and investigate
11 any health plan, contracting entity, covered entity, or payer to determine if the
12 health plan, contracting entity, covered entity, or payer has violated the
13 provisions of this subchapter, or any rules or order of the Commissioner
14 adopted or issued ~~thereunder~~ pursuant to this subchapter.

15 (2) If the Commissioner finds that a health plan, contracting entity,
16 covered entity, or payer has violated this subchapter, or any rules or order of
17 the Commissioner adopted or issued ~~thereunder~~ pursuant to this subchapter, the
18 Commissioner may order the health plan, contracting entity, covered entity, or
19 payer to cease and desist from further violations and may order the health plan,
20 contracting entity, covered entity, or payer to remediate the violation.

1 obligations of the parties, such liabilities and obligations shall be joint and
2 several.

3 * * *

4 (f) Completion and contents of application.

5 (1) Within 30 days ~~of~~ after receipt of the application, or within 10 days
6 ~~of~~ after receipt of any amendment ~~thereto~~ to the application, whichever is
7 longer, the Attorney General, with the Green Mountain Care Board's
8 agreement, shall determine whether the application is complete. The Attorney
9 General shall promptly notify the parties of the date the application is deemed
10 complete, or of the reasons for a determination that the application is
11 incomplete. A complete application shall include the following:

12 * * *

13 (g) Notice and hearing for public comment on application.

14 (1) The Attorney General and the Green Mountain Care Board shall
15 hold one or more public hearings on the transaction or transactions described
16 in the application. A record shall be made of any hearing. The hearing shall
17 commence within 30 days ~~of~~ after the determination by the Attorney General
18 that the application is complete. If a hearing is continued or multiple hearings
19 are held, any hearing shall be completed within 60 days ~~of~~ after the Attorney
20 General's determination that an application is complete. In determining the
21 number, location, and time of hearings, the Attorney General, in consultation

1 with the Board, shall consider the geographic areas and populations served by
2 the nonprofit hospital and most affected by the conversion and the interest of
3 the public in commenting on the application.

4 * * *

5 (i) Determination by Attorney General. The Attorney General shall make a
6 determination as to whether the conversion described in the application meets
7 the standards provided in subsection (j) of this section.

8 * * *

9 (3) The notice of approval or disapproval by the Attorney General under
10 this subsection shall be provided ~~no~~ not later than either 60 days following the
11 date of the last hearing held under subsection (g) of this section or ~~ten~~ 10 days
12 following approval of the conversion by the Board, whichever is later. The
13 Attorney General, for good cause, may extend this period an additional 60
14 days.

15 * * *

16 (l) Superior Court action. If the Attorney General does not approve the
17 conversion described in the application and any amendments, the parties may
18 commence an action in the Superior Court of Washington County, or with the
19 agreement of the Attorney General, of any other county, within 60 days ~~of~~ after
20 the Attorney General's notice of disapproval provided to the parties under
21 subdivision (i)(2) of this section. The parties shall notify the Green Mountain

1 Care Board of the commencement of an action under this subsection. The
2 Board shall be permitted to request that the court consider the Board's
3 determination under subsection (h) of this section in its decision under this
4 subsection.

5 (m) Court determination and order.

6 (1) Within 45 days ~~of~~ after the commencement of an action under
7 subsection (l) of this section, the court shall hold a hearing to determine
8 whether the conversion described in the application and any amendments
9 submitted prior to the Attorney General's notice of disapproval satisfy the
10 standards under subsection (j) of this section that the Attorney General
11 identified in the notice of disapproval as not having been met by the
12 transaction described in the application. The court shall determine the matter
13 within 45 days ~~of~~ after the conclusion of the hearing. The court, for good
14 cause, may extend each of the time periods provided in this subsection for its
15 hearing and determination for an additional 30 days, or for a longer period if
16 agreed to by the parties and the Attorney General. The Attorney General shall
17 represent the interests of the public at any hearing under this subsection. The
18 parties shall have the burden to establish that the application, with any
19 amendments that were submitted prior to the Attorney General's notice of
20 disapproval, meets each of the standards of subsection (j) of this section

1 identified in the Attorney General's notice of disapproval as not having been
2 met by the application.

3 * * *

4 Sec. 238. 18 V.S.A. § 9440(c)(4) is amended to read:

5 (4) Within 90 days ~~of~~ after receipt of an application, the Board shall
6 notify the applicant that the application contains all necessary information
7 required and is complete, or that the application review period is complete
8 notwithstanding the absence of necessary information. The Board may extend
9 the 90-day application review period for an additional 60 days, or for a period
10 of time in excess of 150 days with the consent of the applicant. The time
11 during which the applicant is responding to the Board's notice that additional
12 information is required shall not be included within the maximum review
13 period permitted under this subsection. The Board may determine that the
14 certificate of need application shall be denied if the applicant has failed to
15 provide all necessary information required to review the application.

16 Sec. 239. 18 V.S.A. § 9443(b) is amended to read:

17 (b) ~~Not~~ Not later than 180 days before the expiration date of a certificate of
18 need, an applicant that has not yet implemented the project approved in the
19 certificate of need may petition the Board for an extension of the
20 implementation period. The Board may grant an extension in its discretion.

1 Sec. 240. 18 V.S.A. § 9456(h)(2)(B)(ii) is amended to read:

2 (ii) Orders issued under this subdivision (2)(B) shall be issued
3 after notice and an opportunity to be heard, except where the Board finds that a
4 hospital's financial or other emergency circumstances pose an immediate
5 threat of harm to the public or to the financial condition of the hospital. Where
6 there is an immediate threat, the Board may issue orders under this subdivision
7 (2)(B) without written or oral notice to the hospital. Where an order is issued
8 without notice, the hospital shall be notified of the right to a hearing at the time
9 the order is issued. The hearing shall be held within 30 days ~~of~~ after receipt of
10 the hospital's request for a hearing, and a decision shall be issued within 30
11 days after conclusion of the hearing. The Board may increase the time to hold
12 the hearing or to render the decision for good cause shown. Hospitals may
13 appeal any decision in this subsection to Superior Court. Appeal shall be on
14 the record as developed by the Board in the administrative proceeding and the
15 standard of review shall be as provided in 8 V.S.A. § 16.

16 Sec. 241. 18 V.S.A. § 9474(b) is amended to read:

17 (b) In connection with any action for violation of the Vermont Consumer
18 Protection Act, the Commissioner's determinations concerning the
19 interpretation and administration of the provisions of this subchapter and any
20 rules adopted ~~hereunder~~ pursuant to this subchapter shall carry a presumption
21 of validity. The Attorney General and the Commissioner shall consult with

1 each other prior to the commencement of any investigation or enforcement
2 action with respect to any pharmacy benefit manager.

3 Sec. 242. 18 V.S.A. § 9501 is amended to read:

4 § 9501. DEFINITIONS

5 As used in this chapter:

6 * * *

7 (6) “Eligible activity” means any activity that will carry out either or
8 both of the dual purposes of freeing Vermonters from addiction to tobacco; and
9 ensuring that the youth of Vermont in this generation and in generations to
10 come are free from tobacco addiction. Eligible activities include the
11 following:

12 * * *

13 (E) supporting tobacco control enforcement activities; and

14 (F) evaluating the effectiveness of tobacco cessation, prevention, and
15 control programs.

16 * * *

17 Sec. 243. 18 V.S.A. § 9505 is amended to read:

18 § 9505. GENERAL POWERS AND DUTIES

19 The Department shall have all the powers necessary and convenient to carry
20 out and effectuate the purposes and provisions of this section, and shall do all
21 of the following:

1 (1) ~~Establish~~ establish the selection criteria for community grants and
2 review and recommend the grants to be funded.;

3 (2) ~~Select~~ select a contractor responsible for countermarketing
4 activities.;

5 (3) ~~Perform~~ perform ongoing evaluations of tobacco cessation efforts
6 and publish the evaluation measures on the Department's website.;

7 (4) ~~Execute~~ execute a memorandum of understanding developed with
8 the Agency of Education for school-based programs funded through the
9 Tobacco Program Fund.;

10 (5) ~~Consult~~ consult with the Department of Liquor and Lottery
11 concerning enforcement activities administered in accordance with the
12 provisions of this chapter; and

13 (6) ~~Propose~~ propose strategies for program coordination and
14 collaboration with other State agencies, health care providers and
15 organizations, community and school groups, nonprofit organizations
16 dedicated to anti-tobacco activities, and other nonprofit organizations.

17 Sec. 244. 18 V.S.A. § 9708(h) is amended to read:

18 (h) A clinician who issues a DNR order shall authorize issuance of a DNR
19 identification to the patient. Uniform minimum requirements for DNR
20 identification shall be determined by the Department of Health by rule ~~no~~ not
21 later than January 1, 2016.

1 Sec. 245. 18 V.S.A. § 9709(e) is amended to read:

2 (e) No health care provider, health care facility, residential care facility,
3 health insurer as defined in section 9402 of this title, insurer issuing disability
4 insurance, or self-insured employee welfare benefit plan shall charge an
5 individual a different rate or require any individual to execute an advance
6 directive or to obtain a DNR/COLST order or DNR identification as a
7 condition of admission to a facility or as a condition of being insured for or
8 receiving health care or residential care. No health care shall be refused except
9 as provided ~~herein~~ in this subchapter because an individual is known to have
10 executed an advance directive.

11 Sec. 246. 18 V.S.A. § 9712(d) is amended to read:

12 (d) Every funeral director, crematory operator, cemetery official, and
13 procurement organization shall develop systems:

14 (1) to ensure that a principal's advance directive is promptly available
15 when services are to be provided, including that the existence of an advance
16 directive is prominently noted on any file jacket or folder, and that a note is
17 entered into any electronic database of the director, operator, official, or
18 organization; and

19 (2) within 120 days ~~of~~ after the Commissioner's announcing the
20 availability of the registry, to ensure that the director, operator, official, or

1 organization checks the registry at the time services are to be provided to
2 determine whether the decedent has an advance directive.

3 Sec. 247. 18 V.S.A. § 9719(a) is amended to read:

4 (a) ~~Not~~ Not later than March 1, 2012, and from time to time thereafter, the
5 Commissioner, in consultation with all appropriate agencies and organizations,
6 shall adopt rules pursuant to 3 V.S.A. chapter 25 to effectuate the intent of this
7 chapter. The rules shall cover at least one optional form of an advance
8 directive with an accompanying form providing an explanation of choices and
9 responsibilities, the Vermont DNR/COLST form as outlined in subsection
10 9708(b) of this title, the use of experimental treatments, a DNR identification,
11 revocation of a DNR identification, and consistent statewide emergency
12 medical standards for DNR/COLST orders and advance directives for patients
13 and principals in all settings. The Commissioner shall also provide, but
14 without the obligation to adopt a rule, optional forms for advance directives for
15 individuals with disabilities, limited English proficiency, and cognitive
16 translation needs.

17 * * * Title 20 * * *

18 Sec. 248. 20 V.S.A. § 2358(b)(2)(B)(i)(XXII) is amended to read:

19 (XXII) 18 V.S.A. § 4230(a) (cannabis possession);

1 (4) For any labor organization, because of race, color, religion, ancestry,
2 national origin, sex, sexual orientation, gender identity, place of birth, crime
3 victim status, or age to discriminate against any individual or against a
4 qualified individual with a disability or to limit, segregate, or qualify its
5 membership;

6 (5) For any employer, employment agency, labor organization, or
7 person seeking employees to discriminate against, indicate a preference or
8 limitation, refuse properly to classify or refer, or to limit or segregate
9 membership on the basis of a person's having a positive test result from an
10 HIV-related blood test;

11 (6) For any employer, employment agency, labor organization, or
12 person seeking employees to request or require an applicant, prospective
13 employee, employee, prospective member, or member to have an HIV-related
14 blood test as a condition of employment or membership, classification,
15 placement, or referral;

16 (7) For any employer, employment agency, labor organization, or
17 person seeking employees to discriminate between employees on the basis of
18 sex by paying wages to employees of one sex at a rate less than the rate paid to
19 employees of the other sex for equal work that requires equal skill, effort, and
20 responsibility and is performed under similar working conditions. An

1 employer who is paying wages in violation of this section shall not reduce the
2 wage rate of any other employee in order to comply with this subsection.

3 Sec. 250. 21 V.S.A. § 561(b)(2)(B) is amended to read:

4 (B) an employer from inquiring about the health coverage status of
5 an employee to enable the employer to determine the number of uncovered
6 employees pursuant to ~~chapter 25 of this title~~ 32 V.S.A. chapter 245, provided
7 that the inquiry conforms to the employer obligations in ~~chapter 25 of this title~~
8 that chapter.

9 Sec. 251. REPEAL

10 21 V.S.A. chapter 16 (displaced homemakers) is repealed.

11 Sec. 252. 21 V.S.A. § 1344 is amended to read:

12 § 1344. DISQUALIFICATIONS

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

14 * * *

15 (5) For any week with respect to which the individual is receiving or has
16 received remuneration in the form of any of the following:

17 (A) ~~wages~~ Wages in lieu of notice; ~~or~~.

18 (B) ~~vacation~~ Vacation pay or holiday pay, provided that:

19 * * *

1 its application of acceptable highway geometry when approving other routes.
2 The Agency may authorize safety precautions on these highways, if warranted,
3 which shall include precautionary signage, intelligent transportation system
4 signage, special speed limits, and use of flashing lights.

5 Sec. 255. 23 V.S.A. § 3206 is redesignated to read:

6 § 3206. SNOWMOBILE OPERATION ON AND ACROSS PUBLIC
7 HIGHWAYS, SIDEWALKS; AGE RESTRICTIONS; PRIVATE
8 LANDS; PROHIBITED AREAS AND PROHIBITED METHODS
9 OF OPERATION; RECKLESS OPERATION; SWI; FINANCIAL
10 RESPONSIBILITY; TRAIL ACCESS LIMITED; HEAD AND
11 FACE PROTECTION

12 Sec. 256. 23 V.S.A. § 3207 is redesignated to read:

13 § 3207. PENALTIES AND REVOCATION OR SUSPENSION OF
14 REGISTRATION; SWI; PRIVILEGE; SUSPENSION; CRIMINAL
15 PENALTY

16 Sec. 257. 23 V.S.A. § 3207a is redesignated to read:

17 § 3207a. ~~OPERATING~~ SNOWMOBILING UNDER THE INFLUENCE OF
18 ALCOHOL OR DRUGS; SWI

19 Sec. 258. 23 V.S.A. § 3323 is redesignated to read:

20 § 3323. ~~OPERATING~~ BOATING UNDER THE INFLUENCE OF
21 ALCOHOL OR DRUGS; B.W.I.

1 Every non-Springfield municipal public utility or private interest that
2 desires to excavate in a public right-of-way shall first obtain from the
3 ~~Selectboard~~ Town Manager or designee a written permit stating the place
4 where and the time when excavation and repair may be done. Upon receipt of
5 a permit, the excavation and repair shall be done under the supervision of the
6 Town Manager or designee.

7 Sec. 261. 24 App. V.S.A. chapter 149, § 23 is amended to read:

8 § 23. LOCAL ELECTED OFFICIALS

9 * * *

10 (c) Elected officers, duties, responsibilities, and conduct.

11 (1) Selectboard.

12 * * *

13 (E) Meetings. All meetings shall be conducted in accordance with
14 Vermont's Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

15 * * *

16 (ix) Vacancies. A vacancy on the Selectboard ~~shall~~ may be filled
17 by a majority vote of the Selectboard, the appointment to run until the next
18 annual Town meeting at which an election shall be warned to fill any
19 unexpired term.

20 * * *

21 (3) Moderator.

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(B) Should a vacancy occur in the office of Moderator, it shall may be filled by a majority vote of the Selectboard, the appointment to run until the next annual Town meeting at which an election shall be warned to fill any unexpired term.

* * *

* * * Village of Alburgh * * *

Sec. 262. 24 App. V.S.A. chapter 203, § 201 is amended to read:

§ 201. ANNUAL AND SPECIAL MEETINGS

The annual meeting of ~~said corporation~~ the Village shall be held on the first Tuesday in May of each year at such hour as the notice ~~hereinafter~~ mentioned in this section shall state, in the Town Hall in said Village or at such other time and place as ~~said corporation~~ the Village shall hereafter appoint, of which a notice shall be posted in three public places in ~~said~~ the Village at least 10 days previous to ~~said~~ the meeting, which notice shall be signed by the Clerk of ~~said~~ the corporation, and in case of ~~his or her~~ the Clerk's failure, by the trustees, and for want of ~~such~~ the trustees by a majority of the justices of the peace residing in the Village; and whenever five legal voters of ~~said corporation~~ the Village shall so request in writing, the Clerk, and upon ~~his or her~~ the Clerk's neglect or refusal, the trustees, may call a special meeting of ~~said corporation~~ the Village, giving notice of the same in like manner, and specifying in ~~said~~ the

1 notice the object of ~~such~~ the meeting. At ~~such~~ the meeting none but
2 inhabitants qualified by law to vote in Town meetings in ~~said~~ the Town, and
3 who have resided for one year within the bounds ~~hereinbefore~~ described in
4 section 101 of this charter and established for ~~such~~ the Village, shall be entitled
5 to vote.

6 Sec. 263. 24 App. V.S.A. chapter 203, § 302 is amended to read:

7 § 302. TERMS OF OFFICERS

8 The term of office of officers elected at the annual meeting shall commence
9 at the time of their election and continue for one year, and until their
10 successors are chosen and qualified, provided the term of office of trustees
11 shall be five years except as provided in ~~the preceding~~ section 301 of this
12 charter.

13 Sec. 264. 24 App. V.S.A. chapter 203, § 401 is amended to read:

14 § 401. AUTHORITY TO ADOPT BYLAWS

15 ~~Said~~ The Village may establish, alter, and repeal bylaws on the following
16 subject matters:

17 First. Relating to its streets, sidewalks, parks, and public grounds; the
18 cleaning, repairing, and improving of the same, and to compel persons to
19 remove from the sidewalks and gutters adjacent to the premises owned by
20 them, snow, ice, dirt, and garbage and other obstructions, and to keep ~~such~~
21 those sidewalks and gutters clean.

1

* * *

2

Third. Relating to slaughterhouses and nuisances generally, and to
3 compel the owner or occupant of an unwholesome, noisome, or offensive
4 house or place to cleanse the same from time to time as may be necessary for
5 the health or comfort of the inhabitants of ~~said~~ the Village.

6

* * *

7

Eighteenth. To

8 prohibit and punish ~~wilful~~ willful injury to trees planted for shade or ornament,
9 convenience, or use, public or private, and to prevent and punish trespassers or
10 ~~wilful~~ willful injuries to or upon public buildings, squares, commons,
11 cemeteries, or other property or properties. And ~~such~~ the Village may
12 establish, alter, or repeal other bylaws which it may deem necessary for the
13 well-being of ~~said~~ the Village, and for the proper regulation of the Village
14 officers ~~thereof~~, and not repugnant to the laws of the State.

15 Sec. 265. 24 App. V.S.A. chapter 203, § 403 is amended to read:

16 § 403. VIOLATIONS

17 In an action for violation of a bylaw, the process may issue against the body
18 of the defendant and if ~~he or she~~ the defendant is found guilty, and it appears to
19 the court before whom the action is tried that the cause of action arose from
20 ~~wilful~~ willful or malicious act or neglect of the defendant it shall so adjudge,
21 and shall further adjudge that the defendant ought to be confined in close jail,

1 and may issue execution against the body of ~~such~~ the defendant with a
2 certificate of ~~such~~ the finding indorsed ~~thereon~~ on the execution; and ~~such~~ the
3 execution with ~~such~~ the certificate ~~thereon~~ shall have the same effect as an
4 execution issued on a judgment founded upon tort with a like certificate
5 ~~indorsed thereon~~.

6 Sec. 266. 24 App. V.S.A. chapter 203, § 502 is amended to read:

7 § 502. ASSESSMENT OF TAX ON GRAND LIST

8 The Village may, at any legal meeting, assess a tax on the grand list of the
9 Village for any of the purposes specified in this ~~act~~ charter.

10 Sec. 267. 24 App. V.S.A. chapter 203, § 801 is amended to read:

11 § 801. AUTHORITY TO CONSTRUCT AND MAINTAIN

12 INFRASTRUCTURE

13 The Village of Alburgh is authorized and empowered to construct, extend,
14 renew, and maintain a common sewer or sewers in ~~said~~ the Village; to build
15 and maintain sidewalks and curbing along the streets and public highways
16 ~~therein~~ in the Village; to oil and sprinkle the streets in ~~said~~ the Village; and to
17 acquire by purchase or construction a lighting system for the use of ~~such~~ the
18 Village or its inhabitants.

1 Sec. 268. 24 App. V.S.A. chapter 203, § 802 is amended to read:

2 § 802. EMINENT DOMAIN AUTHORITY

3 For any of the foregoing purposes said Village may take, use, or occupy the
4 land of individuals and corporations on making compensation ~~therefor~~ for the
5 taking, and the trustees in the taking of ~~such~~ land and in the awarding of
6 damages ~~therefor~~ shall proceed in the manner prescribed by law for ~~selectmen~~
7 selectboards in the taking of land for public highways and in the awarding of
8 damages. The trustees shall cause to be recorded in the office of the Village
9 Clerk a certificate of their doings which shall be signed by a majority.

10 Sec. 269. 24 App. V.S.A. chapter 203, § 803 is amended to read:

11 § 803. PROCEDURES FOR EMINENT DOMAIN AUTHORITY

12 In all proceedings under this ~~aet~~ charter for taking land, rights, or property
13 the trustees shall pass upon the convenience and necessity ~~therefor~~ for the
14 taking at hearings held by them after giving notice to each owner or interested
15 person ~~interested therein~~ of the time, place, and purpose of ~~such~~ the hearing.
16 ~~Such~~ The notice shall give a description of the land, property, or rights to be
17 taken and used. At ~~such~~ the hearing the trustees shall determine the question
18 of convenience and necessity and decide the question of damages and shall pay
19 or tender the amount of ~~such~~ the damages to the person or persons entitled to
20 the same, in the same manner as is provided by law for ~~selectmen~~ selectboards
21 in taking lands for highways and in awarding ~~damage therefor~~ damages. A

1 person aggrieved by any act of the trustees in the taking of lands, rights, or
2 property for the foregoing purposes and in the awarding of damages ~~therefor~~
3 may have the same right of appeal, and in the case of ~~such an~~ an appeal,
4 proceedings shall be had in the same manner as is provided for appeals from
5 acts of ~~selectmen~~ selectboards in taking land and awarding damages for
6 highway purposes.

7 Sec. 270. 24 App. V.S.A. chapter 203, § 804 is amended to read:

8 § 804. ASSESSMENTS FOR SIDEWALKS AND CURBS

9 ~~Said~~ The Board of Trustees in making, altering, or repairing sidewalks and
10 curbs shall have power, subject to the ordinances and bylaws of ~~said the~~ the
11 Village, on giving 12 days' notice to the parties interested, of the time and
12 place of hearing, to assess the owners of the benefited lands or buildings
13 ~~benefited thereby~~, so much of the expense of making, altering, or repairing ~~said~~
14 the sidewalks and curbs as they shall judge ~~such the~~ the lands or buildings abutting
15 ~~such the~~ the sidewalks and curbs to be benefited ~~thereby~~ by the sidewalks and
16 curbs; ~~such the~~ the assessment not to exceed 50 percent of the cost of ~~such~~ making,
17 altering, or repairing the sidewalks and curbs. And when they shall make any
18 assessment, they shall make a report thereof, in writing, setting forth their
19 doings in that respect, and cause ~~said the~~ the report to be recorded in the Village
20 Clerk's office; and when so recorded the amount so assessed shall be and
21 remain a lien in the nature of a tax upon the land so assessed until the same

1 shall be paid. From ~~such~~ the assessment there shall be the right of appeal to
2 the county court as is provided in case of laying out, constructing, or repairing
3 sewers and drains in the charter of ~~said~~ the Village, and the final decision of
4 the county court in the matter of ~~such~~ the appeal, where the record ~~thereof~~ of
5 the report is recorded ~~as aforesaid~~ pursuant to this section, shall be a lien upon
6 the lands so assessed, but ~~such~~ the appeal shall not delay the making, altering,
7 or repairing of ~~such~~ the sidewalks and curbs.

8 Sec. 271. 24 App. V.S.A. chapter 203, § 805 is amended to read:

9 § 805. RECORDATION AND COLLECTION OF SIDEWALK AND

10 CURBING ASSESSMENTS

11 (a) ~~Said~~ The Board of Trustees shall, as soon as may be after they have
12 caused ~~said~~ the report and assessments to be recorded in the Village Clerk's
13 office of the Village of Alburgh, place a list of ~~said~~ the assessments in the
14 hands of the Village Treasurer for collection. The Village Treasurer shall
15 ~~thereupon~~ forthwith notify, in writing, the owner or owners of land or
16 buildings so assessed, their agents, or attorneys, stating ~~therein~~ the amount of
17 ~~such~~ the assessment. All such assessments shall be paid to the Village
18 Treasurer within 60 days after the same have been filed for record in the office
19 of the Clerk of the Village of Alburgh, and ~~such~~ the assessments and ~~the~~ any
20 interest ~~thereon~~ shall be and remain a lien upon the lands and buildings
21 assessed until the same are fully paid.

1 (b) If an owner or owners of any land or buildings assessed under the
2 provisions of this charter shall neglect or refuse to pay any such assessment,
3 with interest, as ~~hereinbefore~~ provided in this charter, to the Village Treasurer
4 within the time prescribed for ~~such~~ the payment, the Village Treasurer shall
5 issue ~~his or her~~ the Village Treasurer's warrant to the Village Collector of
6 Taxes for the collection of ~~said~~ the assessment, which warrant shall be in the
7 form now prescribed by law for collection of town or other taxes, and ~~such~~ the
8 Collector shall have authority to sell at public auction so much of ~~said~~ the
9 lands as will satisfy ~~such~~ the assessments, and the legal fees and shall proceed
10 in the same manner and have the same fees as a collector of taxes in a town in
11 selling land for the payment of taxes.

12 * * *

13 Sec. 272. 24 App. V.S.A. chapter 203, § 806 is amended to read:

14 § 806. TAXATION FOR INFRASTRUCTURE IMPROVEMENTS

15 The legal voters of the Village of Alburgh, at any annual or special meeting
16 warned for that purpose, may vote a tax upon the grand list of ~~said~~ the Village
17 for any of the purposes ~~herein~~ mentioned in this charter.

18 Sec. 273. 24 App. V.S.A. chapter 203, § 807 is amended to read:

19 § 807. CONSTRUCTION OF INDIVIDUAL SEWER AND DRAIN

20 CONNECTIONS

1 The owner of property abutting or adjacent to any street or alley in ~~said~~
2 ~~corporation~~ the Village through which a public sewer has been constructed,
3 shall construct under the direction of the trustees a suitable sewer or drain from
4 the owner's property and properly connect the same with said public sewer. If,
5 after 20 days' notice in writing by the trustees to the owner of ~~such~~ the
6 property, of ~~such~~ the requirement ~~such~~ the owner fails or neglects to construct
7 or connect ~~such~~ the sewer the trustees shall enter upon ~~such~~ the property and
8 make ~~such~~ the connection, assessing ~~therefor~~ for the connection the actual cost
9 of so doing against ~~such~~ the property and the owner ~~thereof~~ of the property.
10 ~~Said~~ The trustees shall file in the office of the Village Clerk of the Village of
11 Alburgh an itemized statement of the costs of constructing and connecting ~~said~~
12 the sewer, and the amount so assessed shall be and remain a lien upon ~~said~~ the
13 property and shall be enforced and collected in the same manner as is provided
14 in this ~~act~~ charter for the enforcement and collection of assessments.

15 Sec. 274. 24 App. V.S.A. chapter 203, § 809 is amended to read:

16 § 809. FUNDS FOR SIDEWALK AND CURBING REPAIRS

17 The ~~selectmen~~ selectboard of the Town of Alburgh shall, on or before the
18 first day of November in each and every year, draw ~~their~~ its order on the
19 Treasurer of the Town of Alburgh for a sum of money equal to 10 percent of
20 the Village grand list, which shall be used by the Village of Alburgh in
21 building, repairing, and maintaining sidewalks and curbs within ~~said~~ the

1 Village. After the passage of this ~~act~~ charter the Town of Alburgh shall be
2 relieved from any liability or expense for building, repairing, and maintaining
3 sidewalks and curbs within the Village of Alburgh; and thereafter the Village
4 of Alburgh shall assume all such liabilities. But the Town of Alburgh shall not
5 be relieved from such liability except upon the payment of the 10 percent.

6 * * * Village of Bellows Falls * * *

7 Sec. 275. 24 App. V.S.A. chapter 207, § 2 is amended to read:

8 § 2. AMENDMENT AND REPEAL

9 The present officers of ~~said corporation~~ the Village shall hold their
10 respective offices until the next annual meeting ~~thereof~~ of the Village, as
11 provided in its bylaws. And its bylaws now in force, insofar as they do not
12 conflict with the provisions of this charter, shall continue in force until others
13 are adopted in their stead. And, subject to this provision, all acts and parts of
14 acts heretofore passed relating to said corporation are hereby repealed.

15 Sec. 276. 24 App. V.S.A. chapter 207, § 3 is amended to read:

16 § 3. BOUNDARIES AND GENERAL POWERS

17 The inhabitants within the bounds of the original first school district in the
18 Town of Rockingham in the County of Windham, and their successors forever,
19 are hereby constituted a body politic and corporate, by the name of the
20 “Bellows Falls Village Corporation” and by that name may sue and be sued;
21 may have a common seal and alter the same at pleasure; and shall have power

1 to purchase, hold, and convey real estate for the use of ~~said corporation~~ the
2 Village, and its departments, and shall have the power to purchase, hold, and
3 convey personal estate through its Board of Trustees, and may tax themselves
4 and levy and collect ~~such~~ taxes for the purposes ~~aforsaid~~ described in this
5 charter or to carry into effect any legal vote or bylaw of ~~said corporation~~ the
6 Village, providing that no tax shall be laid or collected without the consent of
7 the majority of the legal voters of said Village present at a meeting duly
8 warned and agreeable to the provisions of this charter.

9 Sec. 277. 24 App. V.S.A. chapter 207, § 4(a)(2) is amended to read:

10 (2) When said corporation fails to hold such meeting, a warning for a
11 subsequent meeting shall be issued ~~forthwith~~ immediately and, at such
12 meeting, all officers required by law may be elected and its business
13 transacted.

14 Sec. 278. 24 App. V.S.A. chapter 207, § 6(b) is amended to read:

15 (b) ~~Said~~ The Board shall direct the expenditure of all ~~moneys~~ monies
16 belonging to ~~said corporation~~ the Village, and no money shall be expended in
17 any department of ~~said corporation~~ the Village except upon the order of said
18 Board of Trustees. ~~Said~~ The Board of Trustees shall enforce the Village
19 bylaws and regulations ~~of said corporation~~ and direct prosecutions for the
20 breach ~~thereof~~ of a bylaw or regulation. The trustees shall have power to

1 regulate the excavating of streets and the laying of pipes ~~therein~~ in the streets
2 and they may issue licenses ~~therefor~~ for these purposes.

3 Sec. 279. 24 App. V.S.A. chapter 207, § 13(a) is amended to read:

4 (a) ~~Said~~ The corporation may enact such bylaws and regulations as are
5 expedient, including ~~such as~~ those that relate to vehicle traffic and parking of
6 motor and other vehicles on the streets of ~~said~~ the Village; to streets,
7 sidewalks, lanes, and commons, and shade and ornamental trees ~~thereon~~ on
8 public ways and places; to nuisances; to lighting the streets of ~~said~~ the Village;
9 and to restraining animals from running at large.

10 Sec. 280. 24 App. V.S.A. chapter 207, § 14 is amended to read:

11 § 14. PENALTIES; CHARTER AND BYLAWS

12 Fines, forfeitures, and penalties, imposed for violations of any of the
13 provisions of this charter, or of the Village bylaws ~~of said corporation~~ may be
14 prosecuted for and recovered in and by an action founded on this section in the
15 Vermont District Court or the Windham Superior Court. The allegation that
16 the acts constituting the offense charged are contrary to the form of this charter
17 or bylaws, in such case made and provided, shall be sufficient reference ~~thereto~~
18 to this charter or bylaws.

1 Sec. 281. 24 App. V.S.A. chapter 207, § 15 is amended to read:

2 § 15. TAXES

3 ~~Said corporation~~ The Village may, at any annual or special meeting called
4 in whole or in part for that purpose, lay a tax on the grand list of the Town of
5 Rockingham; and the Board of Trustees shall make out a rate bill of all taxes
6 voted by the Bellows Falls Village corporation, in making the list of ~~said the~~
7 Town, to designate ~~therein in the grand list~~ such of the rateable estate ~~thereof~~
8 of the Town as shall be within the limits of ~~said corporation~~ the Village.

9 Sec. 282. 24 App. V.S.A. chapter 207, § 16 is amended to read:

10 § 16. TAX ABATEMENT

11 The Board for the Abatement of Taxes shall consist of the Board of
12 Trustees, President, Clerk, and Treasurer ~~thereof~~, and justice of the peace and
13 listers residing ~~therein in the Village~~. The act of a majority of a quorum at a
14 meeting shall be treated as the act of the Board. The above requirement in
15 respect to a quorum need not be met if the President, Clerk, Treasurer, and a
16 majority of the trustees are present at the meeting. ~~Said~~ The Board shall have
17 the power to abate taxes assessed by vote of ~~said corporation~~ the Village, and
18 the power of ~~said the~~ Board to abate taxes shall be subject to the same
19 limitations, and may be exercised for the causes, as stated in 24 V.S.A. § 1535.

1 Sec. 283. 24 App. V.S.A. chapter 207, § 19 is amended to read:

2 § 19. WATER DEPARTMENT

3 ~~Said corporation~~ The Village may maintain a Water Department for the
4 purpose of supplying its inhabitants, and as incident ~~thereto~~ to that service, the
5 inhabitants of adjoining towns and the Town of Rockingham, with water for
6 domestic and other purposes, and may purchase and hold all necessary real and
7 personal estate for that purpose, and may issue its corporate bonds to secure
8 any present or future indebtedness for the establishing, enlarging, and
9 extending of its water works; it may take, hold, and use such land adjacent to
10 and surrounding the pond known as “Minard’s Pond,” now owned by the
11 ~~corporation~~ Village, as may be necessary for the protection of the water of ~~said~~
12 the pond from defilement, and may for that purpose enclose ~~said~~ the pond or
13 land so taken, by suitable fences, and whenever it shall be deemed necessary
14 by ~~said~~ the corporation to increase its supply of water for its Water
15 Department, it may take and hold waters of any additional ponds, springs, or
16 streams of water for that purpose, together with such lands surrounding and
17 adjacent to the same as may be deemed necessary for the use and protection of
18 the water of such ponds, springs, or streams from defilement, and may enclose
19 ~~such~~ the ponds, springs, or streams by suitable fences for the purpose of ~~such~~
20 protection. ~~Said~~ The corporation may, by aqueduct, conduct the waters of the
21 ponds, springs, or streams that may be taken in pursuance of this act into ~~the~~

1 ~~said~~ “Minard’s Pond,” or the waters of ~~said~~ “Minard’s Pond,” and ~~such~~ the
2 ponds, springs, or streams to the Village of Bellows Falls and through the
3 streets of ~~said~~ the Village. And, for that purpose, may enter upon such lands as
4 may be necessary, and may dig, lay, and from time to time repair ~~such~~
5 aqueducts.

6 Sec. 284. 24 App. V.S.A. chapter 207, § 22 is amended to read:

7 § 22. MINARD’S POND

8 It is hereby declared to be unlawful for any person or persons to go upon or
9 into the waters of Minard’s Pond or other ponds, streams, or springs from
10 which ~~said corporation~~ the Village derives its supply of water; or to remove
11 fish from ~~said~~ Minard’s Pond; or to enter upon the land adjacent to and
12 bordering upon ~~said~~ the pond for the purpose of fishing, swimming, camping,
13 hunting, skating, snowmobiling, ATV riding, or cutting wood. Pet owners
14 shall be responsible for properly restraining their pets from entering upon or
15 into the waters of Minard’s Pond. This area shall be closed to unauthorized
16 motor vehicles between the hours of 4:00 p.m. and 7:00 a.m. Any person or
17 persons violating any of the provisions of this section shall, upon conviction
18 ~~thereof~~, be fined not less than \$25.00, nor more than \$500.00, ~~and/or~~ or
19 restitution for damages resulting from ~~such~~ violations, or both. The Board of
20 Trustees ~~of said corporation~~ or any police officer ~~thereof~~ of the Village may

1 make complaint and prosecute ~~such~~ offenders in the name of ~~said corporation~~
2 the Village as is provided for the prosecution of other offenses.

3 Sec. 285. 24 App. V.S.A. chapter 207, § 24 is amended to read:

4 § 24. SEWERAGE DEPARTMENT

5 ~~Said corporation~~ The Village may maintain a Sewerage Department for the
6 purposes of providing its inhabitants, and as incident ~~thereto~~ to that service, the
7 inhabitants of adjoining towns and the Town of Rockingham, with sewerage
8 systems for domestic and other purposes, and may purchase and hold all
9 necessary real and personal estate for that purpose, and may issue its corporate
10 bonds to secure any present or future indebtedness for the establishing,
11 enlarging, and extending of its sewerage.

12 Sec. 286. 24 App. V.S.A. chapter 207, § 28 is amended to read:

13 § 28. REFUSE DISPOSAL

14 ~~Said corporation~~ The Village is hereby authorized and empowered by and
15 with the consent of the majority of the legal voters of ~~said~~ the Village at a
16 meeting legally warned and held for the purpose, to establish, maintain, and
17 operate a dumping ground for the reception and disposal of leaves, trees, and
18 like materials and to take by lease or purchase and hold such property, either
19 real or personal or both, as may be necessary for ~~such~~ those purposes, ~~within or~~
20 ~~without~~ inside or outside the limits of ~~said corporation~~ the Village; and ~~said~~
21 ~~corporation~~ the Village shall have authority, by and with the consent of the

1 majority of the legal voters of the Village at a meeting legally warned and held
2 for the purpose, to borrow and appropriate money, to raise taxes, and to issue
3 its corporate bonds for the purpose of purchasing, establishing, constructing,
4 extending, enlarging, and maintaining ~~said~~ the dump or refuse disposal plant.

5 Sec. 287. 24 App. V.S.A. chapter 207, § 29 is amended to read:

6 § 29. ELECTRIC UTILITY AUTHORIZATION

7 ~~Said corporation~~ The Village is authorized and empowered by and with the
8 consent of a majority of the legal voters of ~~said~~ the Village, at a meeting
9 legally warned and held for that purpose to purchase or establish an electric
10 light plant, and for ~~such~~ that purpose may purchase, have, hold, and convey
11 personal and real estate ~~within or without~~ inside or outside the limits of ~~said~~
12 the Village corporation for the purpose of lighting the highways and streets of
13 ~~said~~ the Village, and furnishing electric lights, electric heat, and electric motive
14 power to persons and parties within the corporate limits of ~~said~~ the Village, on
15 ~~such~~ terms and subject to ~~such~~ rules and regulations as that may be agreed
16 upon between ~~said corporation~~ the Village and ~~said~~ the persons and parties,
17 and for the purposes ~~aforsaid~~ described in this section, may run electric lines
18 along, over, or under highways, streets, or public grounds, ~~within or without~~
19 inside or outside the corporate limits, provided public travel shall not be
20 unnecessarily affected or impeded ~~thereby~~, and subject to all lawful ordinances
21 and regulations; as to the use of highways and streets; and ~~said~~ the Village

1 corporation shall have authority to hire and appropriate money, raise taxes, and
2 issue its corporate bonds for the purchasing, establishing, constructing,
3 extending, enlarging, and maintaining of its electric light plant.

4 Sec. 288. 24 App. V.S.A. chapter 207, § 30 is amended to read:

5 § 30. PUBLIC PARKS AND PLAYGROUNDS

6 ~~Said~~ The Bellows Falls Village corporation is hereby authorized and
7 empowered to acquire by gift or purchase land ~~within or without~~ inside or
8 outside the corporate limits of ~~said the~~ Village corporation to be held by it and
9 used as a public park and public playground. ~~Said corporation~~ The Village, for
10 the purpose of purchasing land for the ~~objects aforesaid~~ park and playground,
11 and to pay for the same and for ~~the~~ improvement and maintenance ~~thereof~~, is
12 hereby authorized to levy and collect, from year to year, such taxes upon the
13 rateable estate of ~~said corporation~~ the Village as may be necessary, to borrow
14 money, to pay ~~such~~ the purchase price, and to issue its bonds or notes for ~~such~~
15 that purpose, provided that all taxes laid and all loans authorized shall be only
16 by virtue of a majority vote of the Village voters ~~of said corporation~~ present
17 and voting at a meeting duly warned and held for that purpose.

18 * * * Village of Cambridge * * *

19 Sec. 289. 24 App. V.S.A. chapter 213, § 2 is amended to read:

20 § 2. POWERS OF CORPORATION

1 The Village by that name may have perpetual succession and may sue and
2 may be sued, may have a common seal and the same alter at pleasure, and shall
3 be capable of purchasing, holding, and conveying real and personal estate for
4 the use of the Village corporation, and at any annual or special meeting of the
5 legal voters of the corporation legally warned and holden for that purpose may
6 lay a tax upon the grand list of the Village of Cambridge for any of the
7 purposes ~~hereinafter~~ mentioned in this charter.

8 Sec. 290. 24 App. V.S.A. chapter 213, § 26(b) is amended to read:

9 (b) The Fire Marshal or in the Fire Marshal's absence the deputy fire
10 marshal next in authority shall have power at fires to suppress tumults and
11 riots, by force if necessary, to direct the labor of all persons present at times of
12 ~~such the~~ fire, to remove all effects endangered by ~~such the~~ fire and protect the
13 same from waste and depredation, to pull down or remove any building when
14 the Fire Marshal deems it necessary to prevent the spreading of ~~such the~~ fire,
15 and to require the assistance of any and all inhabitants of the corporation for
16 the several purposes ~~aforsaid~~ described in this section, and for any such acts,
17 the Fire Marshal and those acting under the Fire Marshal's authority shall not
18 be held personally responsible.

1 Sec. 291. 24 App. V.S.A. chapter 213, § 28 is amended to read:

2 § 28. COLLECTOR TO BE CHIEF OF POLICE

3 The Collector of Taxes shall by virtue of the office be the Chief of Police of
4 the Village of Cambridge and shall be sworn to the faithful discharge of the
5 office's duties and shall cause the oath of office to be recorded by the Clerk.

6 The Chief of Police may by writing recorded by the Clerk appoint police
7 officers not exceeding two in number, who shall be sworn to the faithful
8 performance of their duties and cause their oaths of office to be recorded by
9 the Clerk. The Chief of Police and police officers shall be informing officers
10 and conservators of the peace within the Village of Cambridge, and may serve
11 any criminal process returnable within the Village of Cambridge, and any
12 mittimus issued by any ~~Court sitting therein~~ court, and shall be proper officers
13 of the court in all criminal causes before justices within the corporation and for
14 all ~~such~~ services shall receive the fees provided by law for constables.

15 Sec. 292. 24 App. V.S.A. chapter 213, § 31 is amended to read:

16 § 31. PROSECUTIONS

17 Prosecution for violation of the provisions of this charter or the provisions
18 of any bylaw of the Village of Cambridge made in pursuance of this charter
19 may be commenced before any justice of the peace of the County of Lamoille
20 upon complaint of any grand juror of the Town of Cambridge or the State's
21 Attorney of the County of Lamoille, and all fines and costs imposed for the

1 violations of the provisions of this charter, or the Village bylaws ~~of the~~
2 ~~corporation~~, or the laws of the State within the limits of the corporation shall
3 be paid into the treasury of the corporation, and the costs of prosecution shall
4 be paid out of the same treasury to the persons entitled ~~thereto~~ to the payment
5 on the order of the court before which the trial was had.

6 Sec. 293. 24 App. V.S.A. chapter 213, § 44 is amended to read:

7 § 44. CONNECTION WITH SEWER

8 After ~~such~~ the system of sewers has been constructed as provided in section
9 43 of this charter, each and every owner of a house in the Village of
10 Cambridge situate upon a street, alley, or lane through which a main sewer has
11 been constructed shall cause to be ~~construct~~ constructed under the direction of
12 the Board of Trustees a sewer or drain from the owner's house to ~~such~~ the
13 main sewer, so constructed as to take all slops and filth from any sink, bowl,
14 water closet, or privy in or around the house and discharge the same into the
15 main sewer, and in case any person or corporation owning a house in the
16 Village shall fail or neglect to construct ~~such~~ the branch sewer from the house,
17 it shall be the duty of the Board of Trustees to give ~~such~~ the person notice in
18 writing, recorded by the Clerk, requiring the owner to build ~~such~~ the branch
19 sewer from the premises to the main sewer; and in case the person does not so
20 construct ~~such~~ the branch sewer within 30 days from the time of receiving the
21 notice, it shall be the duty of the Board of Trustees to declare the premises a

1 nuisance, and the Board of Trustees is ~~hereby authorize~~ authorized and
2 empowered to enter upon the premises and properly construct the branch
3 sewer, and the person upon whose premises the branch sewer has been so
4 constructed by the Board of Trustees, shall pay to the Treasurer of the
5 corporation ~~forthwith~~ upon the completion of the work all expense ~~which~~ that
6 the Board of Trustees has incurred in the construction of the branch sewer, and
7 in case ~~such~~ the person neglects to pay the same, the corporation shall have
8 action founded on this statute to recover such expense, and the premises shall
9 be holden for the payment of any judgment received in ~~such~~ the action, and no
10 homestead shall be exempt from attachment and execution in ~~such~~ the action.

11 Sec. 294. 24 App. V.S.A. chapter 213, § 45 is amended to read:

12 § 45. POWERS OF TRUSTEES; STREETS, WALKS, AND LANES

13 The Board of Trustees of the ~~corporation~~ Village shall have the power to lay
14 out, alter, maintain, or discontinue any sidewalk in the Village, and appraise
15 and settle the ~~damage therefor~~ damages, causing ~~their~~ its proceedings to be
16 recorded in the Town Clerk's office in the Town; provided that the trustees, in
17 laying out, altering, and maintaining, or discontinuing, any ~~such~~ sidewalk, shall
18 be subject to the same regulations, and in all respects shall proceed in the same
19 manner, as the selectboard of towns in laying out, altering, and discontinuing
20 highways; and any party aggrieved shall be entitled to the same redress to

1 which they would be entitled if the same had been done by the Selectboard of
2 the Town of Cambridge.

3 Sec. 295. 24 App. V.S.A. chapter 213, § 46 is amended to read:

4 § 46. WATER PIPES

5 The Village is ~~hereby~~ empowered to take in addition to the water rights
6 already owned or acquired by the Village, the water of any fountain, springs,
7 ponds, or streams for the purpose of affording the Village or any of the
8 inhabitants of the Town of Cambridge water for domestic or other purposes,
9 and may acquire the same by purchase or by right of eminent domain and in
10 like manner may take and hold such real estate as may be necessary for
11 preventing the pollution of the water supply of the Village; provided that the
12 Village shall not take water, or a water supply ~~thereof~~, so as to deprive an
13 owner of water of an amount sufficient for domestic or agricultural uses
14 without the owner's consent. The Village, for the purposes ~~aforesaid~~ described
15 in this section, may enter upon and use any land and enclosures over or
16 through which it may be necessary for an aqueduct or pipes to pass and may
17 ~~thereon~~ on that land dig, place, lay, and construct such pipes, aqueducts,
18 reservoirs, appurtenances, and connections and repair the same from time to
19 time, may lay water pipes, within the limits of the Village, and for that purpose
20 may enter upon the lands of any landowner in the Village, and lay and
21 maintain water pipes through such land, and repair the same when necessary,

1 upon payment or tender of payment of such compensation as damages ~~therefor~~
2 as the trustees shall award to the landowner, and to any tenant or occupant of
3 the land to the amount that the interests are affected ~~thereby~~. Any party
4 aggrieved shall be entitled to the same redress as is provided in the case of the
5 taking of land by the selectboard for highway purposes. The Village may
6 borrow ~~such~~ sums of money to defray the expenses of ~~such~~ the water supply as
7 it may by vote determine; and, for that purpose, issue its negotiable notes or
8 bonds on ~~such~~ terms and in ~~such~~ the manner as the ~~corporation~~ Village may
9 prescribe, the notes or bonds shall on their face state for ~~what purpose~~ what
10 purpose they were issued and be signed by the trustees and Treasurer of the
11 Village.

12 Sec. 296. 24 App. V.S.A. chapter 213, § 52 is amended to read:

13 § 52. SPECIAL MEETING

14 If the annual meeting of the Village fails to be held, for want of notice
15 ~~hereinbefore provided for~~ or for any other cause, the corporation shall not
16 ~~thereby~~ be prejudiced; and the several officers may at any later time ~~thereafter~~
17 be elected at a special meeting called for that purpose as ~~hereinbefore~~ provided
18 by this charter for calling annual meetings; but the term of office of any
19 officers so selected at any special meeting shall expire at the same time as if
20 they had been regularly chosen at the annual meeting.

1 Sec. 297. 24 App. V.S.A. chapter 213, § 61 is amended to read:

2 § 61. BYLAWS

3 The corporation shall have power to make, amend, or repeal bylaws not
4 repugnant to the Constitution or laws of this State or of the United States for
5 the following purposes:

6 * * *

7 (12) To license ~~inn-keepers~~ innkeepers, keepers of saloons or victualing
8 houses, peddlars, itinerant venders, and auctioneers under such regulations and
9 for such sums of money as shall be prescribed ~~therefor~~ for the license.

10 (13) To regulate or restrain the use of rockets, squibs, firecrackers, or
11 other fireworks in the streets or commons, and to prevent the practicing ~~therein~~
12 in the streets or commons of any amusements having a tendency to injure or
13 annoy persons passing ~~thereon~~ on the streets or commons or to endanger the
14 security of property.

15 * * *

16 (18) To prohibit and punish ~~wilful~~ willful injury to trees planted for
17 shade, ornament, convenience, or use, public or private, and to prevent and
18 punish trespasses, or ~~wilful~~ willful injuries to or upon public buildings,
19 squares, commons, cemeteries, or other property.

20 * * *

1 Sec. 299. 24 App. V.S.A. chapter 215, § 301 is amended to read:

2 § 301. SEWER SYSTEM; ESTABLISHMENT; FEE ASSESSMENT AND
3 COLLECTION

4 When the public health or convenience shall require the construction of a
5 common sewer or main drain in the Village of Derby Center and through the
6 principal streets ~~thereof~~ of the Village, the ~~trustees~~ Trustees of ~~said~~ the Village,
7 upon application in writing of 20 or more freeholders and legal voters of ~~said~~
8 the Village, are ~~hereby~~ authorized and empowered to lay, make, and maintain
9 ~~such~~ the common sewer or main drain and repair the same when necessary,
10 from time to time, and for ~~such~~ that purpose may take the lands of any
11 individuals or corporations; and ~~said trustees~~ the Trustees shall proceed in the
12 same manner as is prescribed by law for a selectboard in taking lands for
13 highways and in awarding damages ~~therefor~~; and ~~said trustees~~ the Trustees
14 shall make a return of their doings to the office of the Clerk of ~~said~~ the Village,
15 who shall record the same in the records of the Village. Each person or
16 corporation whose particular drain shall enter into ~~such~~ the main drain or
17 sewer, or who in the opinion of the ~~said trustees~~ Trustees shall receive benefit
18 ~~thereby~~ from the system for draining the premises of ~~such~~ the person or
19 corporation, shall be liable to contribute a just share toward the expense of
20 laying and constructing and maintaining of ~~such~~ the sewer or drain, and shall
21 be assessed ~~therefor~~ by ~~said trustees~~ the Trustees such share; and at least ~~ten~~ 10

1 days' notice of the time and place of ~~such~~ the assessment for ~~said~~ the
2 contribution shall be given to ~~such~~ the person or corporation, its agent, tenant,
3 or lessee, and a certificate of ~~such~~ the assessment shall be left with the Clerk of
4 ~~said~~ the Village, and recorded by ~~said~~ the Clerk, and when so recorded the
5 amount so assessed shall be and remain a lien, in the nature of a tax upon the
6 lands and premises so assessed until the same shall be paid, and if the owner of
7 ~~such~~ the lands and premises shall neglect, for the space of six months after the
8 final decision of ~~said~~ trustees the Trustees, or in case of appeal to the county
9 court, to pay the Village Treasurer the amount of ~~such~~ the assessment, ~~said~~
10 trustees the Trustees shall issue their warrant for the collection of the same,
11 directed to the Village Tax Collector, who shall have authority to sell at public
12 auction so much of ~~said~~ the lands and premises as will satisfy ~~said~~ the
13 assessment and all legal fees, and who shall proceed in the same manner as
14 collectors of town taxes are required by law to proceed in selling real estate at
15 auction for the collection of town taxes.

16 Sec. 300. 24 App. V.S.A. chapter 215, § 302 is amended to read:

17 § 302. PETITION FOR APPEAL OF DAMAGE AWARD OR FEE

18 ASSESSMENT

19 (a) When any person or corporation shall be dissatisfied with the decision
20 of ~~said~~ the trustees in the award of damages for land taken for ~~such~~ the sewer
21 or drain, or in any assessment for contribution for the same, ~~such~~ the person or

1 corporation may petition the Orleans County Court for a reassessment of ~~such~~
2 damages or contribution, and any number of persons agreed may join in the
3 petition, but ~~such~~ the petition shall not delay the laying or repairing of ~~such~~ the
4 sewer or drain.

5 (b) ~~Said~~ The petition shall be served on the Clerk of ~~said~~ the Village within
6 60 days after the awarding of ~~such~~ damages or ~~said~~ the assessment for
7 contribution, and shall be filed in the office of ~~said~~ the Village Clerk. ~~Such~~
8 The proceedings shall be had in ~~said~~ the court on ~~such~~ the petition as ~~are~~
9 is provided by law for the reassessment for lands taken for highways, except as
10 ~~herein~~ provided in this charter, and the commissioners ~~therein~~ provided by ~~said~~
11 ~~Court~~ the court shall notify one of the ~~trustees~~ Trustees of ~~said~~ the Village, of
12 the time and place when they will hear ~~said~~ the matter.

13 Sec. 301. 24 App. V.S.A. chapter 215, § 402 is amended to read:

14 § 402. DUTIES, COMPENSATION, AND TERMS OF POLICE OFFICERS

15 ~~Said~~ The trustees may specify their duties as watchmen and patrols, and
16 agree with them for their compensation, which shall be paid by the ~~said~~
17 ~~corporation~~ the Village. Each of ~~said~~ the police shall be sworn; ~~and~~ shall have
18 the same powers; within the limits of ~~said~~ the Village as constables in serving
19 criminal process and in criminal matters; ~~and~~ when on duty, shall wear
20 conspicuously a badge of office; ~~and~~ shall hold their office for one year,
21 unless sooner discharged ~~as aforesaid~~.

1 Sec. 302. 24 App. V.S.A. chapter 215, § 501 is amended to read:

2 § 501. POWER TO ADOPT BYLAWS

3 ~~Said~~ The Village may make, alter, and repeal bylaws of the following
4 subject matters, ~~viz.:~~

5 * * *

6 Third.— Relating to slaughter-houses and nuisances generally,
7 and to compel the owner or occupant of an unwholesome or offensive house or
8 place to remove, or cleanse the same from time to time as may be necessary for
9 the health and comfort of the inhabitants of ~~said~~ the Village.

10 * * *

11 Fifth.— Relating to water supply for the protection of the
12 Village and ~~the~~ its inhabitants ~~thereof~~ against fires and for other purposes, and
13 to regulate the use of the same.

14 Sixth.— To restrain animals from running at large in
15 ~~said~~ the Village.

16 * * *

17 Eleventh.— To regulate the erection of
18 buildings and the materials to be used ~~therefor~~ for the erection of buildings,
19 and the use and occupancy of buildings in crowded localities for special
20 hazardous purposes.

21 * * *

1 Eighteenth.— To
2 regulate the length and width of sidewalks, and the construction ~~thereof of~~
3 sidewalks, and protect the same.

4 Nineteenth.—
5 To prohibit and punish willful injury to trees planted for shade, ornament,
6 convenience, or use, public or private, and to prevent and punish trespass or
7 willful injuries to or upon public buildings, squares, commons, cemeteries, or
8 other property within ~~said~~ the Village. And ~~said corporation~~ the Village may
9 establish, alter, or repeal other bylaws and ordinances ~~which~~ that it may deem
10 necessary for the well-being of ~~said~~ the Village, and for the proper regulation
11 of the officers ~~thereof~~ of the Village, not repugnant to the laws of the State.

12 Sec. 303. 24 App. V.S.A. chapter 215, § 502 is amended to read:

13 § 502. FINES FOR VIOLATIONS OF BYLAWS AND ORDINANCES

14 ~~Said~~ The Village may impose a fine or forfeiture not exceeding \$100.00; for
15 the violation of any bylaw or ordinance. ~~Such~~ The penalty may be recovered
16 in an action on the case upon this statute, in the name of ~~this corporation~~ the
17 Village, in which action it shall be sufficient to declare generally that the
18 defendant is guilty of violation of a certain bylaw, naming it generally, and
19 under ~~such~~ that declaration the special matter may be given in evidence. But
20 nothing ~~herein~~ contained in this section shall be so construed as to prevent ~~said~~
21 ~~corporation~~ the Village from having such other and further relief as it may be

1 entitled by law to compel a compliance with the bylaws and ordinances of ~~said~~
2 the Village.

3 Sec. 304. 24 App. V.S.A. chapter 215, § 701 is amended to read:

4 § 701. VILLAGE GRAND LIST

5 It shall be the duty of the listers of the Town of Derby, in making their
6 assessments of real estate in ~~said the~~ Town, to designate, in the list made by
7 them ~~made~~, the real estate situated within the Village of Derby Center; and in
8 case any piece or parcel of real estate is situated partly within and partly
9 ~~without~~ outside the limits of ~~said the~~ Village, ~~said the~~ listers shall designate in
10 ~~said the~~ list the appraised value of ~~said the~~ real estate ~~which that~~ lies within
11 ~~said the~~ Village limits.

12 Sec. 305. 24 App. V.S.A. chapter 215, § 702 is amended to read:

13 § 702. ASSESSMENT OF TAX

14 ~~Said The~~ Village may, at its annual meeting or at any special meeting
15 warned for that purpose, assess a tax on the list of real and personal estate
16 taxable ~~therein~~ in the Village, for any of the purposes mentioned in this charter
17 and shall have all the powers, and may collect such tax in such manner as is
18 provided by law for the collection of town taxes in towns, and the ~~trustees~~
19 Trustees of ~~said the~~ Village are to have the power and perform the duties
20 ~~herein~~ required in this section, of the selectboard in towns.

1 Sec. 306. 24 App. V.S.A. chapter 215, § 801 is amended to read:

2 § 801. BORROWING AUTHORITY

3 ~~Said~~ The Village at an annual or at any special meeting called for that
4 purpose, is ~~hereby~~ authorized and empowered to vote to borrow money for any
5 of the purposes ~~herein~~ mentioned in this charter, and to issue its notes and
6 bonds ~~therefor~~, and ~~such~~ the notes or bonds shall be signed by the ~~trustees~~
7 Trustees and countersigned by the Treasurer of ~~said~~ the Village, and if interest
8 coupons are attached they shall be signed by the Treasurer; and the bonds or
9 notes shall contain a statement that they were issued for the purposes
10 mentioned and in conformity with the provisions of this charter, and ~~such~~ the
11 statement shall be conclusive evidence of the same, and of the liability of the
12 Village to pay ~~such~~ the notes or bonds in an action by a person who in good
13 faith holds ~~such~~ the notes or bonds. The Village Treasurer shall keep a record
14 of every note or bond issued under the provisions of this charter, ~~therein~~ stating
15 the number and denomination of each note or bond, when and where payable,
16 to whom issued, and the rate of interest ~~thereon~~; and also shall keep a record of
17 payments, interest, and principal, and if any coupons are taken up shall deface
18 the same.

1 Sec. 307. 24 App. V.S.A. chapter 215, § 901 is amended to read:

2 § 901. AUTHORITY TO CONSTRUCT ELECTRIC LIGHT PLANT

3 The ~~said~~ Village shall also have authority to construct an electric light plant
4 for the purpose of lighting the streets, walks, and public grounds of ~~said the~~
5 Village, and lighting any buildings ~~therein~~ in the Village, and, for this purpose,
6 may take or purchase, acquire, and hold any water power, land, and rights of
7 way in ~~said the~~ Town, needed for the construction, maintenance, and operation
8 of ~~said the~~ electric light plant, and may use any public highway over which it
9 may be necessary or desirable to pass with the poles and wires of the same,
10 provided the use of ~~such the~~ public highway for the purpose of public travel is
11 not ~~thereby~~ unnecessarily impaired.

12 Sec. 308. 24 App. V.S.A. chapter 215, § 902 is amended to read:

13 § 902. ASSESSING DAMAGES

14 In the event that the Village and any owner of land over which it may be
15 desirable to pass with the poles and wires of the plants, or of land, water
16 power, or rights-of-way, which it may need for the construction and operation
17 of the plant, cannot agree upon the damages to be paid to the owner for the
18 passage or right-of-way, or for the land or water power, or if the owner be a
19 minor or out of the State, or a person who lacks capacity to protect ~~his or her~~
20 the person's interests due to a mental condition or psychiatric disability, or
21 otherwise incapable to sell and convey the real estate or rights ~~therein~~ in the

1 real estate, the same proceedings shall be had for assessing ~~such~~ damages as
2 are provided in section 302 of this charter, for compensating the owners of
3 land taken for the construction and maintenance of a sewer or main drain, for
4 the Village.

5 Sec. 309. 24 App. V.S.A. chapter 215, § 903 is amended to read:

6 § 903. AUTHORITY TO ISSUE BONDS FOR ELECTRIC LIGHT PLANT

7 ~~Said~~ The Village shall be authorized to issue bonds, not exceeding seven
8 thousand dollars, on such terms as said Village may prescribe, for the purpose
9 of constructing and operating the electric light plant ~~herein~~ provided for in this
10 charter, and in case ~~said~~ the Village shall neglect to make reasonable
11 provisions, for the payment of the principal or interest, of ~~such~~ the bonded
12 indebtedness as the same shall from time to time mature, the Treasurer of ~~said~~
13 the Village shall be clothed with the power to make out and deliver to the
14 Collector of ~~said~~ the Village, a tax bill on the grand list of ~~said~~ the Village, and
15 the Treasurer shall forthwith issue to ~~said~~ the Collector a warrant, substantially
16 in form as now provided to be issued for the collection of town or other taxes
17 by town treasurers, directing the collection and payment of ~~said~~ the tax to ~~said~~
18 the Treasurer, within 60 days from the time of ~~such~~ delivery, in amount to
19 seasonably and promptly pay the interest or principal, or both, then past due
20 and unpaid, with all proper charges for assessing and collecting the same; and
21 ~~such~~ the tax shall be collected and paid into ~~said~~ the treasury promptly

1 according to ~~such~~ the warrant, and the money so collected and paid to ~~such~~ the
2 Treasurer shall be especially held, appropriated, and used for the payment of
3 ~~such~~ the interest or principal, or both, and for no other purpose save the
4 incidental expense of assessing and collecting ~~such~~ the tax. And it is hereby
5 made the duty of the Treasurer of ~~said~~ the Village to provide for and promptly
6 pay the interest on and the principal of ~~said~~ the bonded indebtedness, as the
7 same shall become due and payable from time to time, without any vote
8 ~~thereupon~~ of ~~said~~ the Village, and ~~such~~ the tax bill shall have all the force and
9 authority in every respect of a tax bill for a tax voted at a regular meeting of
10 ~~said~~ the Village.

11 Sec. 310. 24 App. V.S.A. chapter 215, § 904 is amended to read:

12 § 904. MANAGEMENT OF ELECTRIC LIGHT PLANT

13 The management and operation of the electric light plant ~~herein~~ provided
14 for in this charter shall be vested in the Village Board of Trustees ~~of said~~
15 ~~Village~~, under such bylaws and regulations as ~~said~~ the Village at any legal
16 meeting may enact and adopt, and ~~said~~ the Village may make bylaws and
17 regulations concerning the management and use of its electric light plant, and
18 the lights furnished thereby, including the rates and charges for the same, and
19 the collection for the same, as it may deem expedient.

1 When the public health or convenience shall require the construction of a
2 common sewer or main drain in the Village of Derby Line and through the
3 principal streets ~~thereof of the Village~~, the trustees of ~~said the~~ Village, upon
4 application in writing of 20 or more freeholders and legal voters of ~~said the~~
5 Village, are ~~hereby~~ authorized and empowered to lay, make, and maintain ~~such~~
6 any common sewer or main drain and repair the same when necessary, from
7 time to time, and for ~~such that~~ purpose may take the lands of any individuals or
8 corporations; and ~~said trustees~~ the Trustees shall proceed in the same manner
9 as is prescribed by law for ~~selectmen~~ selectboards in taking lands for highways
10 and in awarding damages ~~therefor~~; and ~~said trustees~~ the Trustees shall make a
11 return of their doings to the office of the Clerk of ~~said the~~ Village, who shall
12 record the same in the records of the Village. Each person or corporation
13 whose particular drain shall enter into ~~such a~~ main drain or sewer, or who in
14 the opinion of the ~~said trustees~~ Trustees shall receive a benefit ~~thereby~~ for
15 draining the premises of ~~such the~~ person or corporation shall be liable to
16 contribute a just share toward the expense of laying and constructing and
17 maintaining of ~~such the~~ sewer or drain, and shall be assessed ~~therefor~~ by ~~said~~
18 ~~trustees such the Trustees~~ a share; and at least 10 days' notice of the time and
19 place of ~~such the~~ assessment for ~~said the~~ contribution shall be given to ~~such the~~
20 person or corporation, its agent, tenant, or lessee, and a certificate of ~~such the~~
21 assessment shall be left with the Clerk of ~~said the~~ Village, and recorded by ~~said~~

1 the Clerk, and when so recorded the amount so assessed shall be and remain a
2 lien, in the nature of a tax upon the lands and premises so assessed until the
3 same shall be paid; and if the owner of ~~such~~ the lands and premises shall
4 neglect, for the space of six months after the final decision of ~~said trustees~~ the
5 Trustees, or in case of appeal to the County Court, to pay the Village Treasurer
6 the amount of ~~such~~ the assessment, ~~said~~ the trustees shall issue their warrant
7 for the collection of the same, directed to the Village Tax Collector, who shall
8 have authority to sell at public auction so much of ~~said~~ the lands and premises
9 as will satisfy ~~said~~ the assessment and all legal fees, and who shall proceed in
10 the same manner as collectors of town taxes are required by law to proceed in
11 selling real estate at auction for the collection of town taxes.

12 * * * Title 27 * * *

13 Sec. 313. 27 V.S.A. § 4 is amended to read:

14 § 4. RIGHT OF ENTRY FOR SURVEY

15 In cases ~~wherein~~ where the title to lands, tenements, or hereditaments may
16 come in question, or in order to establish boundaries between abutting parcels,
17 a licensed surveyor with the necessary assistants employed by any of the
18 parties to ~~such~~ the disputed title, may enter upon ~~such~~ the lands or real estate or
19 other lands for the purpose of running doubtful or disputed lines and locating
20 or searching for monuments, establishing temporary monuments and

1 ascertaining and deciding the location of the lines and monuments of a survey,
2 doing as little damage as possible to the owners of ~~such~~ the lands.

3 Sec. 314. 27 V.S.A. § 101 is amended to read:

4 § 101. DEFINITION; EXEMPTION FROM ATTACHMENT AND
5 EXECUTION

6 The homestead of a natural person consisting of a dwelling house,
7 outbuildings, and the land used in connection therewith, not exceeding
8 \$125,000.00 in value, and owned and used or kept by ~~such~~ the person as a
9 homestead together with the rents, issues, profits, and products thereof, shall be
10 exempt from attachment and execution except as ~~hereinafter~~ otherwise
11 provided in this chapter.

12 Sec. 315. 27 V.S.A. § 103 is amended to read:

13 § 103. WHEN REAL ESTATE MORTGAGED

14 At the time of such levy of execution, if ~~such~~ the homestead or real estate is
15 encumbered by mortgage, the value and location of the homestead shall be
16 fixed as provided in section 102 of this title and ~~thereupon~~ the sale shall
17 proceed in the same manner as when a right to redeem mortgaged lands is
18 taken. Only ~~such~~ the portion of the mortgage as is in excess of the value of
19 ~~such~~ the real estate, aside from ~~such~~ the homestead, shall rest on ~~such~~ the
20 homestead.

1 Sec. 316. 27 V.S.A. § 104 is amended to read:

2 § 104. PRODUCTS OF HOMESTEAD

3 When the personal property of ~~such~~ the person is attached or taken on
4 execution against ~~him or her~~ the person and the debtor ~~therein~~ claims that the
5 same or a part thereof is the product of ~~such~~ the homestead, appraisers shall be
6 appointed and sworn as provided in section 102 of this title. They shall make
7 division of ~~such~~ the property, decide upon ~~such~~ the claim and set out the
8 products of ~~such~~ the homestead to the debtor accordingly, and the doings
9 thereon shall be stated by the officer in ~~his or her~~ the officer's return.

10 Sec. 317. 27 V.S.A. § 105 is amended to read:

11 § 105. SURVIVING SPOUSE'S INTEREST IN HOMESTEAD

12 If a person dies leaving a surviving spouse, ~~his or her~~ the person's
13 homestead to the value ~~aforsaid~~ provided in this chapter shall pass to and vest
14 in the surviving spouse without being subject to the payment of debts of the
15 deceased, unless legally charged ~~thereon~~ on the homestead in ~~his or her~~ the
16 person's lifetime; and the surviving spouse shall take the same estate ~~therein~~ in
17 the homestead of which the surviving ~~spouse's~~ spouse's husband or wife dies
18 seised. The ~~probate division of the superior court~~ Probate Division of the
19 Superior Court in which the decedent's estate is pending shall set out ~~such~~ the
20 homestead to the surviving spouse.

1 Sec. 318. 27 V.S.A. § 143(a) is amended to read:

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

18

* * *

1 Sec. 319. 27 V.S.A. § 183 is amended to read:

2 § 183. TRANSFER OR SALE IN LIEU OF SEVERANCE

3 When it appears upon hearing that ~~such~~ the homestead cannot be occupied
4 in severalty without great inconvenience to the parties interested therein or in
5 ~~such~~ the residue, the court may order ~~such~~ the homestead to be transferred to
6 such other parties and the payment of \$125,000.00 to the owner thereof, or, at
7 the option of the owner, the court may order the parties to transfer ~~such~~ the
8 residue to ~~him or her~~ the owner and order ~~him or her thereupon~~ the owner to
9 pay such other parties the value ~~thereof~~ of the homestead to be fixed by the
10 court. If the case requires, the court may order a sale of the whole premises
11 and apportion the proceeds between the parties, and the court may make such
12 orders in the premises as are equitable. If ~~such~~ the homestead is sold, the court
13 may control the investment of the proceeds of the sale in a new homestead or
14 make such disposition ~~thereof~~ of the proceeds as equity requires.

15 Sec. 320. 27 V.S.A. § 185 is amended to read:

16 § 185. CONTROL OF PROCEEDS OF SALE

17 When a homestead is sold by the guardian of the husband or wife and the
18 wife or husband joins in ~~such~~ the conveyance, releasing her or his right of
19 homestead or when it is sold under provisions of section 184 of this title, the
20 ~~probate division of the superior court~~ Probate Division of the Superior Court
21 may control the investment of the proceeds of ~~such~~ the sale in a new

1 homestead or may direct the payment ~~thereof~~ of the proceeds to a trustee
2 appointed by ~~such~~ the court or to the wife or husband, as the case may be,
3 under such regulations and restrictions as in the judgment of the court will be
4 for the best ~~interest~~ interests of all concerned.

5 Sec. 321. 27 V.S.A. § 301 is amended to read:

6 § 301. MANNER OF CONVEYING

7 Conveyance of land or of an estate or interest ~~therein~~ in land may be made
8 by deed executed by a person ~~having authority~~ duly authorized to convey ~~the~~
9 ~~same~~ it, or by ~~his or her~~ the person's attorney, and acknowledged and recorded
10 as provided in this chapter.

11 Sec. 322. 27 V.S.A. § 305(a) is amended to read:

12 (a) A deed or other conveyance of lands or of an estate or interest therein,
13 made by virtue of a power of attorney, shall not be of any effect or admissible
14 in evidence, unless ~~such~~ the power of attorney is signed, witnessed by one or
15 more witnesses, acknowledged, and recorded in the office where ~~such~~ the deed
16 is required to be recorded.

17 Sec. 323. 27 V.S.A. § 341 is amended to read:

18 § 341. REQUIREMENTS GENERALLY; RECORDING

19 (a) Deeds and other conveyances of lands, or of an estate or interest ~~therein~~
20 in land, shall be signed by the party granting the same and acknowledged by
21 the grantor before a notary public and recorded at length in the clerk's office of

1 the town in which ~~such~~ the lands lie. ~~Such~~ The acknowledgment before a
2 notary public shall be valid without an official stamp being affixed to ~~his or her~~
3 the notary's signature.

4 * * *

5 Sec. 324. 27 V.S.A. § 347 is amended to read:

6 § 347. VALIDITY OF DEEDS EXECUTED UNDER PRIOR LAW

7 Deeds of bargain and sale, mortgages or other conveyances of real estate,
8 ~~heretofore~~ previously made and executed according to former laws and usages
9 in this ~~state~~ State, shall be valid and effectual.

10 Sec. 325. 27 V.S.A. § 348(a) is amended to read:

11 (a) When an instrument of writing shall have been on record in the office of
12 the clerk in the proper town for a period of 15 years, and there is a defect in the
13 instrument because it omitted to state any consideration ~~therefor~~ or was not
14 sealed, witnessed, acknowledged, validly acknowledged, or because a license
15 to sell was not issued or is defective, the instrument shall, from and after the
16 expiration of 15 years from the filing thereof for record, be valid. Nothing
17 ~~herein~~ in this section shall be construed to affect any rights acquired by
18 grantees, assignees or encumbrancers under the instruments described in the
19 preceding sentence, nor shall this section apply to conveyances or other
20 instruments of writing, the validity of which is brought in question in any suit
21 now pending in any courts of the ~~state~~ State.

1 Sec. 326. 27 V.S.A. § 371 is amended to read:

2 § 371. PROVING EXECUTION WHEN GRANTOR DIES OR LEAVES

3 STATE

4 When a grantor or lessor dies or leaves the ~~state~~ State without
5 acknowledging ~~his~~ the grantor's or lessor's deed, the execution ~~thereof~~ of the
6 deed may be proved by the testimony of a subscribing witness ~~thereto~~ before a
7 ~~justice of the supreme court, a superior judge or a judge of the superior court~~
8 Justice of the Supreme Court or a Superior Judge. If all the subscribing
9 witnesses to ~~such~~ the deed are dead or out of the ~~state~~ State, the ~~same~~
10 execution of the deed may be proved before the ~~supreme or superior court~~
11 Supreme or Superior Court by proving the handwriting of the grantor or lessor
12 and of a subscribing witness or adducing other evidence to the satisfaction of
13 ~~such~~ the court. Such evidence entered on ~~such~~ the deed or annexed thereto
14 shall be equivalent to the grantor's or lessor's acknowledgment ~~thereof~~ of the
15 deed.

16 Sec. 327. 27 V.S.A. § 372 is amended to read:

17 § 372. PROCEEDINGS WHEN GRANTOR REFUSES TO

18 ACKNOWLEDGE—SUMMONS

19 When a grantor or lessor refuses to acknowledge ~~his or her~~ the grantor's or
20 lessor's deed, the grantee or lessee, or a person claiming under ~~him or her~~ the
21 grantee or lessee, may apply to a ~~district judge~~ Superior Judge who shall

1 ~~thereupon~~ issue a summons to the grantor or lessor to appear at a certain time
2 and place before ~~him or her~~ the judge to hear the testimony of the subscribing
3 witnesses to the deed. ~~Such~~ The summons, with a copy of the deed annexed
4 thereto, shall be served like a writ of summons, at least seven business days at
5 least before the time ~~therein~~ assigned in the summons for proving the deed.

6 Sec. 328. 27 V.S.A. § 373 is amended to read:

7 § 373. NOTICE

8 When ~~such~~ the summons is served by leaving a copy ~~thereof~~ at the usual
9 place of abode of the grantor or lessor, and it does not appear that actual notice
10 was given, the judge shall continue the hearing from time to time, not
11 exceeding 90 days, and direct that actual notice be given if the party resides in
12 ~~the state~~ State. When such notice cannot be given, the judge shall proceed in
13 the examination as provided in section 374 of this title, and ~~his or her~~ the
14 judge's certificate of the execution of the deed shall have the same effect as
15 therein provided in that section.

16 Sec. 329. 27 V.S.A. § 405 is amended to read:

17 § 405. VENDOR TO RECORD ~~HIS OR HER~~ TITLE ON REQUEST

18 When a person sells and conveys lands, or an estate or interest ~~therein~~ in
19 land, ~~the or she~~ the person shall cause ~~his or her~~ the person's title deed to be
20 recorded in the ~~proper~~ land records office within six months after request made

1 in writing by a subsequent purchaser of the same lands or an estate or interest
2 ~~therein~~ in the lands.

3 Sec. 330. 27 V.S.A. § 406 is amended to read:

4 § 406. PROCEEDINGS UPON VENDOR'S REFUSAL

5 When such person, after being so requested and after the expiration of ~~such~~
6 said six months, has not procured ~~his or her~~ the person's deed to be recorded, a
7 judge, on the complaint of the party whose right or title is liable to be affected
8 by such neglect, may issue ~~his or her~~ a warrant to immediately bring ~~such~~ the
9 person ~~forthwith~~ before ~~him or her~~ the judge to be examined in the premises.

10 Sec. 331. 27 V.S.A. § 408 is amended to read:

11 § 408. RECORDING SUBORDINATION OF LIENS

12 An agreement for the subordination of a prior lien or other encumbrance on
13 real property shall be recorded in the land records of the town in which the
14 property is situated, and a reference to the record of the subordination
15 agreement shall be noted on the margin of the record of the instrument affected
16 ~~thereby~~ by the agreement. If not so recorded, the ~~same~~ agreement shall bind
17 only the parties ~~thereto~~ to the agreement.

18 Sec. 332. 27 V.S.A. § 409 is amended to read:

19 § 409. RECORD OF ASSIGNMENT BY LANDLORD

20 An assignment of or any agreement affecting the rights or interest of a
21 landlord or owner of real property occupied by a tenant or sharecropper shall

1 be recorded in the land records of the town in which the property is situated. If
2 not so recorded, the same shall bind only the parties ~~thereto~~ to the assignment.

3 Sec. 333. 27 V.S.A. § 410(a)(4) is amended to read:

4 (4) A future advance is made “pursuant to commitment” if the
5 mortgagee is bound at the time the mortgage is created to make it, whether or
6 not a default or other event not within its control has relieved or may relieve it
7 from its obligation. A future advance made “pursuant to commitment” shall
8 also include advances and readvances made pursuant to an agreement whereby
9 the debtor is entitled to borrow and reborrow sums advanced ~~thereunder~~ under
10 it.

11 Sec. 334. 27 V.S.A. § 464(a) is amended to read:

12 (a) Within five business days after the mortgagee’s receipt of a written
13 request for a statement of the amount of funds or other obligations required to
14 satisfy a note or other obligation secured by a mortgage, the mortgagee shall
15 provide a written payoff statement to the mortgagor. The mortgagee shall not
16 impose a fee or other charge for providing the payoff statement, unless the
17 request specifically asks for expedited service. A request for a payoff
18 statement shall include the name of the mortgagor, the loan number assigned to
19 the loan, and the address of the property securing the loan. If a written payoff
20 statement is not deposited in the U.S. mail, delivered to a courier service, sent
21 by facsimile, or sent by other method of service customarily used for delivery

1 of messages, within five business days after receiving the request, the holder
2 and any servicer shall be jointly and severally liable to any aggrieved party in a
3 civil action for statutory damages equal to \$25.00 per day after the expiration
4 of the five business days, up to an aggregate maximum of \$5,000.00 for all
5 aggrieved parties; provided, however, any servicer not authorized to issue a
6 payoff statement shall not be liable as set forth ~~herein~~ in this subsection.

7 Sec. 335. 27 V.S.A. § 465 is amended to read:

8 § 465. WHEN MORTGAGEE DEAD

9 When it appears from the record of a mortgage on real estate that ~~such the~~ the
10 mortgage is undischarged, and the mortgagee ~~therein named~~, or the person to
11 whom ~~such the~~ the mortgage is assigned, is deceased, the owner of ~~such the~~ the real
12 estate may make written application to the ~~probate division of the superior~~
13 ~~court~~ Probate Division of the Superior Court of the district within which ~~such~~
14 the real estate is situated for the appointment of an administrator of the estate
15 of ~~such the~~ the deceased mortgagee or assignee to discharge ~~such the~~ the mortgage.
16 The ~~probate division of the superior court~~ Probate Division of the Superior
17 Court may appoint an administrator of ~~such the~~ the deceased mortgagee or
18 assignee to discharge ~~such the~~ the mortgage, if upon hearing and upon payment of
19 the costs of ~~such the~~ the hearing, the administrator is satisfied that the conditions
20 of ~~such the~~ the mortgage have been complied with and is further satisfied that

1 there is no person within the ~~state~~ State having authority to discharge ~~such~~ the
2 mortgage.

3 Sec. 336. 27 V.S.A. § 466 is amended to read:

4 § 466. NOTICE TO PARTIES

5 The application provided in section 465 of this title shall state the names
6 and addresses of all parties in interest, so far as they are known to the
7 applicant, and the ~~probate division of the superior court~~ Probate Division of the
8 Superior Court shall order such notice by registered mail, publication, or
9 service of process, as to it shall seem proper to protect the rights of all parties
10 in interest. Failure on the part of a party in interest to receive such notice shall
11 be ground for relief under 12 V.S.A. § 2357, if ~~such~~ the party is possessed of
12 enforceable rights which are prejudiced by the discharge of a mortgage as
13 aforesaid.

14 Sec. 337. 27 V.S.A. § 468 is amended to read:

15 § 468. —MANNER OF DISCHARGE BY TRUSTEE OR

16 ADMINISTRATOR

17 ~~Such~~ The mortgage may be discharged by ~~such~~ the administrator or trustee
18 in the manner provided by law for the discharge of a mortgage by a mortgagee.
19 ~~Such~~ The discharge shall have the same effect as though made by the
20 mortgagee or assignee ~~thereof~~ when living. An administrator or trustee
21 appointed for such purpose shall have no authority relative to the estate of

1 which ~~he or she~~ the administrator or trustee is appointed, other than as ~~herein~~
2 provided in this section. The judge ~~of such court~~, in ~~his or her~~ the judge's
3 discretion, may require ~~such~~ the administrator or trustee to give bonds as in ~~his~~
4 ~~or her~~ the judge's opinion the circumstances of the case require.

5 Sec. 338. 27 V.S.A. § 469 is amended to read:

6 § 469. MORTGAGEE CORPORATION WHOSE CHARTER HAS
7 EXPIRED

8 When it appears from the record of a mortgage on real estate that ~~such~~ the
9 mortgage is undischarged, and the mortgagee ~~named therein~~, or the assignee of
10 ~~such~~ the mortgage, is a private corporation whose charter has expired by its
11 own limitation, or has been dissolved by operation of law, forfeiture, or for any
12 other reason, a complaint may be brought to the presiding judge of the superior
13 court of the county ~~wherein such~~ where the mortgage is recorded and, after
14 such hearing as ~~said~~ the presiding judge may direct, if ~~he or she~~ the judge is
15 satisfied that the conditions of ~~such~~ the mortgage have been complied with,
16 and have no force in law, and is further satisfied that there is no person within
17 the ~~state~~ State having authority to discharge ~~such~~ the mortgage, ~~he or she~~ the
18 judge may direct an order discharging ~~such~~ the mortgage. ~~Such~~ The
19 proceedings shall be without taxation of costs except that the moving party
20 shall bear the costs of ~~such~~ the notice as ~~said~~ the presiding judge may order.

1 Sec. 339. 27 V.S.A. § 541 is amended to read:

2 § 541. DEEDS OF LANDS HELD ADVERSELY

3 Deeds, leases and other conveyances of lands, duly executed, acknowledged
4 and recorded, shall have the effect to convey such title therein as the grantor or
5 lessor may have, notwithstanding any actual possession ~~thereof~~ of the lands by
6 any other person claiming the same.

7 Sec. 340. 27 V.S.A. § 542 is amended to read:

8 § 542. FRAUDULENT DEEDS

9 Fraudulent and deceitful deeds, conveyances, and alienations of lands, or of
10 an estate or interest therein, and charges upon lands or upon the rents and
11 profits thereof, procured, made or suffered with intent to avoid a right, debt or
12 duty of a person, shall be void as against the person, ~~his or her~~ and the person's
13 heirs or assigns, whose right, debt, or duty is so intended to be avoided.

14 Sec. 341. 27 V.S.A. § 604(a)(7) is amended to read:

15 (7) any easement or interest in the nature of an easement, or any rights
16 appurtenant thereto granted, excepted, or reserved by a recorded instrument
17 creating ~~such~~ the easement or interest; or

18 Sec. 342. 27 V.S.A. § 703 is amended to read:

19 § 703. ESTATE OR INTEREST NOT VESTED IN PERSON IN OFFICE OR
20 SUCCESSOR

1 A grant, conveyance, devise, or lease of real or personal estate to, or a trust
2 of such real or personal estate for the benefit of, a person or the person's
3 successors in an ecclesiastical office shall not vest an estate or interest in ~~such~~
4 the person or the person's successor. Such a grant, conveyance, devise or lease
5 to or for ~~such~~ the person, by the designation of ~~such~~ the office, shall not vest an
6 estate or interest in a successor of ~~such~~ the person. This section shall not be
7 deemed to admit the validity of such grant, conveyance, devise, or lease
8 heretofore made.

9 Sec. 343. 27 V.S.A. § 705 is amended to read:

10 § 705. DISPOSITION UPON DEATH OF NONCORPORATE GRANTEE

11 Real estate heretofore granted, devised, or demised, for the purpose
12 mentioned in section 704 of this title, to a person in an ecclesiastical office or
13 orders shall be deemed to be held in trust for the benefit of the congregation or
14 society using the same. Unless previously conveyed to a corporation, as
15 provided in section 704 of this title, ~~such~~ the real estate, upon the death of the
16 person in whom the legal title was vested on November 17, 1856, shall vest in
17 the religious corporation formed by the congregation or religious society
18 occupying and enjoying ~~such~~ the real estate, if such a corporation, organized
19 according to law, is in existence at the time of ~~such~~ the death. If ~~such~~ the
20 congregation or society is not incorporated, the title of ~~such~~ the real estate shall
21 vest in the ~~state~~ State.

1 Sec. 344. 27 V.S.A. § 706 is amended to read:

2 § 706. RECONVEYANCE BY GOVERNOR

3 When title to such real estate vests in the ~~state~~ State, it shall be under the
4 charge of the ~~governor~~ Governor. Upon the ~~governor~~ Governor being satisfied
5 that ~~such~~ the congregation or society has become a corporation according to
6 law, ~~he or she~~ the Governor shall grant and convey ~~such~~ the real estate and the
7 rights, title, and interest of the ~~state~~ State to ~~such~~ the corporation, which shall
8 ~~thereupon~~ be vested with ~~such~~ the rights, title, and interest.

9 Sec. 345. 27 V.S.A. § 782 is amended to read:

10 § 782. WHEN PROPERTY VESTS; HOW HELD

11 A Baptist church of this ~~state~~ State, affiliated with the Vermont Baptist
12 State Convention aforesaid, which has ceased or failed to maintain religious
13 worship or services, or to use the property for religious worship or services, for
14 ~~the space of~~ two consecutive years immediately prior thereto, or whose
15 membership has so diminished in numbers or in financial strength as to render
16 it impossible or impracticable for ~~such~~ the church to maintain religious
17 worship or services, or to protect its property from exposure to waste and
18 dilapidation, or to fulfill the purpose for which it was incorporated, may be
19 declared extinct or dissolved, by an order of the ~~superior court~~ Superior Court.
20 The property of ~~such~~ the church, or property which may be held in trust for
21 ~~such~~ the church, may be transferred to and the title and possession ~~thereof~~

1 vested in ~~such~~ the Vermont Baptist State Convention. The avails of ~~such~~ the
2 property so transferred shall be held in trust and added to the permanent fund
3 of ~~such~~ the convention and the income ~~thereof~~ employed for its usual work
4 until a local Baptist church is again organized in the same neighborhood, when
5 the income shall be used to aid ~~such~~ the local church as needed.

6 Sec. 346. 27 V.S.A. § 783 is amended to read:

7 § 783. PROCEDURE FOR TRANSFERRING PROPERTY

8 An application for such an order and disposition of property may be made
9 by any member of the Vermont Baptist State Convention when duly authorized
10 ~~thereto~~ by the board of trustees or the executive committee of the board of
11 trustees of the Vermont Baptist State Convention, or by any member of such
12 church, upon a verified complaint setting forth the facts authorizing ~~such~~ the
13 order and disposition of property. Upon the presentation of ~~such~~ the complaint
14 to the ~~superior court~~ Superior Court, ~~such~~ the court may proceed in a summary
15 manner, after such notice as the court may prescribe, to inquire into the merits
16 of ~~such~~ the application. If upon examination by the court it ~~shall appear~~
17 appears that the making of the order and disposition of the property applied for
18 is necessary or proper for any of the causes mentioned in section 782 of this
19 title, ~~such~~ the court shall make a final order declaring ~~such~~ the church extinct,
20 or dissolving the same, and transferring any property, and the title and
21 possession ~~thereof~~ which may belong to ~~such~~ the church, or held in trust for

1 ~~such~~ the church, and vest the same in the Vermont Baptist State Convention, it
2 being the intention and purpose of this section and sections 781 and 782 of this
3 title to preserve to the Baptist denomination in this ~~state~~ State, as represented
4 by the Vermont Baptist State Convention, for religious uses all property owned
5 by or held in trust for any such church. ~~Such an~~ The order of transfer shall not
6 be made if objected to by five or more members of ~~such~~ the church. This
7 section and sections 781 and 782 of this title shall not affect reversionary
8 interests of any person or persons in ~~such~~ the property or any valid legal liens
9 of creditors ~~thereon~~.

10 Sec. 347. 27 V.S.A. § 822 is amended to read:

11 § 822. DISSOLUTION OF CHURCH BY SUPERIOR COURT

12 A Congregational church of this ~~state~~ State, affiliated with the Vermont
13 Congregational Conference or the Vermont Domestic Missionary Society,
14 which has ceased or failed to maintain religious worship or services for ~~the~~
15 ~~space of~~ two consecutive years immediately prior thereto or whose
16 membership has so diminished in numbers or in financial strength as to render
17 it impossible or impracticable for ~~such~~ the church to maintain religious
18 worship or services or to protect its property from exposure to waste and
19 dilapidation or to fulfill the purpose for which it was incorporated, by an order
20 of the ~~superior court~~ Superior Court, may be declared extinct or dissolved.

1 Sec. 348. 27 V.S.A. § 824 is amended to read:

2 § 824. APPLICATION FOR DISSOLUTION

3 An application for such an order and disposition of property may be made
4 by a director of the Vermont Domestic Missionary Society when duly
5 authorized ~~thereto~~ by the board of directors or the executive committee of the
6 board of directors of ~~such~~ the society, or by a member of ~~such~~ the church, upon
7 a verified complaint setting forth the facts authorizing ~~such~~ the order and
8 disposition of property.

9 Sec. 349. 27 V.S.A. § 864 is amended to read:

10 § 864. PROPERTY OF EXTINCT CIRCUITS OR STATIONS

11 All property of any kind belonging to or held in trust by any circuit or
12 station of the United Methodist Church within the bounds of the Troy Annual
13 Conference of the United Methodist church in the ~~state~~ State of Vermont
14 which by order of the ~~superior court~~ Superior Court may be declared extinct or
15 dissolved, shall be transferred to and the title and possession ~~thereof~~ vested in
16 the Troy Annual Conference of the United Methodist Church, a corporation,
17 under the following circumstances:

18 * * *

19 (2) When ~~such~~ the circuit or station has ceased or failed to maintain
20 religious worship or services or to use its property for religious worship or
21 services for the space of five years immediately prior thereto; or

1

* * *

2 Sec. 350. 27 V.S.A. § 865 is amended to read:

3 § 865. COMPLAINT TO DISSOLVE CIRCUIT OR STATION

4 The trustees of the Troy Annual Conference of the United Methodist
5 Church or any member of the board of trustees, when duly authorized ~~thereto~~
6 by a vote of the board, may apply by complaint to the ~~superior court~~ Superior
7 Court within the county where ~~such~~ the circuit or station is located for the
8 relief prayed for in section 864 of this title. Upon the filing of ~~such~~ the
9 complaint ~~in such court~~, a hearing shall be had upon such notice as shall be
10 ordered by ~~such~~ the court. If upon hearing it shall be found by ~~such~~ the court
11 that the case is brought within the provisions of section 864 and that the
12 transfer of property prayed for ought, in equity and good conscience, to be
13 made, the court shall make a decree in the premises that the circuit or station in
14 question is dissolved or extinct and transfer the property described in the
15 complaint to the Troy Annual Conference of the United Methodist Church to
16 be held and used according to the discipline of ~~such~~ the church and the
17 provisions of its charter.

18 Sec. 351. 27 V.S.A. § 902 is amended to read:

19 § 902. CONVEYANCE OF PROPERTY

20 Such rector, wardens, and members of the vestry may by majority vote give,
21 sell, and convey real or personal estate belonging to ~~such~~ the parish when

1 empowered ~~to~~ to do so by a majority vote at an annual meeting of the parish or
2 one called for that purpose, and by vote duly recorded may authorize one of
3 their number to execute all proper conveyances. In like manner, they may
4 give, sell, and convey real or personal estate belonging to ~~such~~ the parish to the
5 Trustees of the Diocese of Vermont to receive and hold the same for the
6 purpose specified in ~~the~~ its act of incorporation ~~thereof~~ and amendments
7 thereto. Provided, however, that the rector, wardens, and members of the
8 vestry shall not encumber or alienate any real or personal estate belonging to
9 ~~such~~ the parish or alienate any part thereof, ~~(save for refinancing of an existing~~
10 ~~loan)~~, without the written consent of the bishop and standing committee of the
11 Diocese of Vermont.

12 Sec. 352. 27 V.S.A. § 903 is amended to read:

13 § 903. RIGHTS OF PARISH CONVEYING PROPERTY

14 A parish making such a conveyance to the Trustees of the Diocese of
15 Vermont shall have no right or authority to charge ~~such~~ the real or personal
16 estate with any debts of ~~such~~ the parish incurred subsequent to the making of
17 ~~such~~ the conveyance. Real and personal estate ~~heretofore~~ previously conveyed
18 by a parish to the Trustees of the Diocese of Vermont shall not be liable for the
19 debts of the parish incurred subsequent to November 15, 1898.

1 Sec. 353. 27 V.S.A. § 942 is amended to read:

2 § 942. TRANSFERRED PROPERTY HELD IN TRUST

3 Any Universalist church of this ~~state~~ State affiliated with the Vermont and
4 Quebec Universalist Unitarian Convention ~~aforesaid~~, which has ceased or
5 failed to maintain religious worship or services, or to use the property for
6 religious worship or services, for the space of two consecutive years
7 immediately prior thereto, or whose membership has so diminished in numbers
8 or financial strength as to render it impossible or impractical for ~~such~~ the
9 church to maintain religious worship or services, or to protect its property from
10 exposure to waste and dilapidation, or to fulfill the purpose for which it was
11 incorporated, by an order of the ~~superior court~~ Superior Court, may be declared
12 extinct or dissolved, and the property of ~~such~~ the church or property which
13 may be held in trust for such church, be transferred to and the title and
14 possession ~~thereof~~ vested in the Vermont and Quebec Universalist Unitarian
15 Convention. The avails of ~~such~~ the property so transferred shall be held in
16 trust and added to the permanent fund of the convention, and the income
17 ~~thereof from it~~ from it employed for its usual work until a local Universalist church is
18 again organized in the same neighborhood, when the income shall be used to
19 aid ~~such~~ the local church as needed.

1 Sec. 354. 27 V.S.A. § 943 is amended to read:

2 § 943. MANNER OF EFFECTING TRANSFER

3 Any application for such an order and disposition of property may be made
4 by any member of the Vermont and Quebec Universalist Unitarian Convention
5 when duly authorized ~~thereto~~ by the board of trustees or the executive
6 committee of the board of trustees of the Vermont and Quebec Universalist
7 Unitarian Convention, or by any member of ~~such~~ the church upon a verified
8 complaint setting forth the facts authorizing ~~such~~ the order and disposition of
9 property. Upon the presentation of ~~such~~ the complaint to the ~~superior court~~
10 Superior Court, ~~such~~ the court may proceed in a summary manner, after such
11 notice as the court may prescribe, to inquire into the merits of such application.
12 If upon examination by the court it shall appear that the making of the order
13 and disposition of the property applied for is necessary or proper for any of the
14 causes mentioned in section 942 of this title, ~~such~~ the court shall make a final
15 order declaring ~~such~~ the church extinct or dissolving the same, and transferring
16 any property, and the title and possession ~~thereof~~, which may belong to ~~such~~
17 the church, or held in trust for ~~such~~ the church, and vest the same in the
18 Vermont and Quebec Universalist Unitarian Convention. It is the intent and
19 purpose of this section and sections 941 and 942 of this title to preserve to the
20 Universalist denomination in this ~~state~~ State, as represented by the Vermont
21 and Quebec Universalist Unitarian Convention for religious uses all property

1 owned by or held in trust for any such church. ~~Such an~~ The order of transfer
2 shall not be made if objected to by five or more members of ~~such~~ the church.
3 This shall not affect reversionary interests of any person or persons, in ~~such~~ the
4 property, or any valid legal liens of creditors ~~thereon~~.

5 Sec. 355. 27 V.S.A. § 1002 is amended to read:

6 § 1002. CONTROL OF WHARVES

7 Wharves, storehouses, or breakwaters erected agreeably to the provisions of
8 grants ~~heretofore~~ previously made or of this chapter, may be exclusively used
9 and controlled by the persons erecting them, their heirs, or their assigns.

10 Sec. 356. 27 V.S.A. § 1003 is amended to read:

11 § 1003. TITLE TO RAILROAD PROPERTY CONFIRMED

12 When a railroad company in this state has constructed its railroad beyond
13 low-water mark into Lake Champlain or has built into ~~such lake~~ it a wharf,
14 dock, pier, or other structure in connection with ~~such~~ the railroad for its
15 accommodation or use which does not impede ordinary navigation in ~~such~~ the
16 lake, ~~such~~ the building and structures shall be lawful and the legal title ~~thereto~~
17 to them shall vest in ~~such~~ the railroad company or others lawfully claiming
18 under it.

19 Sec. 357. 27 V.S.A. § 1302(13) is amended to read:

20 (13) "Property" includes the land, the building or site and all
21 improvements and structures thereon all owned in fee simple absolute or any

1 other estate in real property recognized by law and all easements, rights, and
2 appurtenances ~~belonging~~ thereto, and all articles of personal property intended
3 for use in connection therewith, which have been or are intended to be made
4 subject to this chapter.

5 Sec. 358. 27 V.S.A. § 1303 is amended to read:

6 § 1303. APPLICATION OF CHAPTER

7 This chapter shall apply only to property, the sole owner or all of the
8 owners of which make the property subject to this chapter by duly executing
9 and recording a declaration as ~~herein~~ provided in this chapter.

10 Sec. 359. 27 V.S.A. § 1306(e) is amended to read:

11 (e) The necessary work of maintenance, repair and replacement of the
12 common areas and facilities and the making of any additions or improvements
13 thereto shall be carried out only as provided ~~herein~~ in this section and in the
14 bylaws.

15 Sec. 360. 27 V.S.A. § 1309 is amended to read:

16 § 1309. LIENS AGAINST APARTMENTS OR SITES; REMOVAL FROM
17 LIEN; EFFECT OF PART PAYMENT

18 (a) After recording the declaration as provided in this chapter, and while
19 the property remains subject to this chapter, no lien may thereafter arise or be
20 effective against the property. During that period liens or encumbrances shall
21 arise or be created only against each apartment or site and the percentage of

1 undivided interest in the common areas and facilities, appurtenant to that
2 apartment or site, in the same manner and under the same conditions in every
3 respect as liens or encumbrances may arise or be created upon or against any
4 other separate parcel of real property subject to individual ownership. Labor
5 performed or materials furnished with the consent or at the request of an
6 apartment or site owner or ~~his or her~~ the owner's agent or ~~his or her~~ the
7 owner's contractor or subcontractor, shall not be a basis for filing a mechanic's
8 lien against the apartment or site or any other property of any other apartment
9 or site owner not expressly consenting to or requesting the work, except that
10 the express consent shall be deemed to be given to the owner of any apartment
11 or site in the case of emergency repairs ~~thereto~~. Labor performed and
12 materials furnished for the common areas and facilities, if duly authorized by
13 the association of owners, the manager, or board of directors in accordance
14 with this chapter, the declaration or bylaws, shall constitute a basis for filing a
15 mechanic's lien against each of the apartments or sites and shall be subject to
16 the provisions of subsection (b) of this section.

17 (b) If a lien against two or more apartments or sites becomes effective, the
18 owners of the separate apartment or site may remove their apartment or site
19 and the percentage of undivided interest in the common areas and facilities
20 appurtenant to that apartment or site from the lien by payment of the fractional
21 or proportional amounts attributable to each of the apartments or sites affected.

1 The individual payment shall be computed by reference to the percentages
2 appearing on the declaration. After any payment, discharge or other
3 satisfaction the apartment or site and the percentage of undivided interest in the
4 common areas and facilities appurtenant thereto shall ~~thereafter~~ be free and
5 clear of the lien so paid, satisfied or discharged. That partial payment,
6 satisfaction or discharge shall not prevent the ~~lienor~~ lien holder from
7 proceeding to enforce ~~his or her~~ the lien holder's rights against the rest of the
8 undischarged property.

9 Sec. 361. 27 V.S.A. § 1311(8) is amended to read:

10 (8) The name of a person to receive service of process in the cases
11 ~~herein~~ provided in this section, together with ~~his or her~~ the person's residence
12 or place of business which shall be within the city or county where the
13 property is located.

14 Sec. 362. 27 V.S.A. § 1315(b) is amended to read:

15 (b) In addition to the records and indexes required to be maintained by the
16 recording officer, the recording officer shall maintain an index or indexes
17 ~~whereby~~ in which the record of each declaration contains a reference to the
18 record of each conveyance of an apartment or site affected by the declaration,
19 and the record of each conveyance of an apartment or site contains a reference
20 to the declaration of the building of which the apartment is a part and the

1 record of each conveyance of a site contains a reference to the declaration of
2 the property of which the site is a part.

3 Sec. 363. 27 V.S.A. § 1316(a) is amended to read:

4 (a) All of the apartment or site owners may remove a property from the
5 provisions of this chapter by an instrument to that effect, duly recorded, if the
6 holders of all liens affecting any of the apartments or sites consent ~~thereto~~ or
7 agree, in either case by instruments duly recorded, that their liens be
8 transferred to the percentage of the undivided interest of the apartment or site
9 owner in the property as ~~herein~~ provided in this section.

10 Sec. 364. 27 V.S.A. § 1319 is amended to read:

11 § 1319. CONTENTS OF BYLAWS

12 (a) The bylaws may provide for the following:

13 * * *

14 (4) Election of a secretary who shall keep the minute book ~~wherein~~ in
15 which resolutions shall be recorded.

16 * * *

17 (6) Maintenance, repair, and replacement of the common areas and
18 facilities ~~and payments therefor~~, including payments for the maintenance,
19 repair, and replacements and the method of approving payment vouchers.

20 * * *

1 Sec. 365. 27 V.S.A. § 1322 is amended to read:

2 § 1322. SEPARATE TAXATION

3 Each apartment or site and its percentage of undivided interest in the
4 common areas and facilities shall be considered to be a parcel and shall be
5 subject to separate assessment and taxation by each assessing unit and special
6 district for all types of taxes authorized by law including ~~but not limited to~~
7 special ad valorem levies and special assessments, except that parcels held in
8 identical ownership may be combined and treated as one parcel for purposes of
9 assessment and taxation at the discretion of the listers. Neither the building,
10 the property nor any of the common areas and facilities shall be deemed to be a
11 parcel.

12 Sec. 366. 27 V.S.A. § 1324 is amended to read:

13 § 1324. JOINT AND SEVERAL LIABILITY OF GRANTOR AND
14 GRANTEE FOR UNPAID COMMON EXPENSES

15 In a voluntary conveyance the grantee of an apartment or site shall be
16 jointly and severally liable with the grantor for all unpaid assessments against
17 the latter for ~~his or her~~ the grantor's share of the common expenses up to the
18 time of the grant or conveyance, without prejudice to the grantee's right to
19 recover from the grantor the amounts paid by the grantee ~~therefor~~. However,
20 ~~any such~~ the grantee shall be entitled to a statement from the manager or board
21 of directors, as the case may be, setting forth the amount of the unpaid

1 assessments against the grantor and the grantee shall not be liable for, nor shall
2 the apartment or site conveyed be subject to a lien for, any unpaid assessments
3 against the grantor in excess of the amount ~~therein~~ set forth in the statement.

4 Sec. 367. 27 V.S.A. § 1326 is amended to read:

5 § 1326. DISPOSITION OF PROPERTY; DESTRUCTION OR DAMAGE

6 If, within 90 days ~~of~~ after the date of the damage or destruction to all or part
7 of the property, it is not determined by the association of owners to repair,
8 reconstruct, or rebuild, then and in that event:

9 * * *

10 (3) Any liens affecting any of the apartments or sites shall be considered
11 to be transferred in accordance with the existing priorities to the percentage of
12 the undivided interest of the apartment or site owner in the property as
13 provided ~~herein~~ in this section; and

14 * * *

15 Sec. 368. 27 V.S.A. § 1358 is amended to read:

16 § 1358. PROTECTION OF NONPURCHASING LEASEHOLDERS

17 * * *

18 (b) A declarant or site purchaser ~~may~~ shall not accept an offer for a site
19 without providing the leaseholder the opportunity to purchase the site at the
20 price, terms and conditions stated in the offer. If the leaseholder accepts the
21 offer, the declarant or site purchaser ~~must~~ shall sell the unit to the leaseholder;

1 the leaseholder ~~must~~ shall enter into a purchase and sales agreement with the
2 declarant at the same terms stated in the notice of offer within 30 working days
3 ~~of~~ after the declarant's notice to the leaseholder of the offer. The declarant's
4 notice of offer ~~must~~ shall be delivered by certified mail.

5 (c) If a nonpurchasing leaseholder elects to move from the mobile home
6 park and gives notice to the declarant during the conversion period, the
7 declarant shall pay the nonpurchasing leaseholder's relocation costs as follows:

8 * * *

9 (3) Subject to the obligations stated in subdivision (1) of this subsection,
10 in the event the nonpurchasing leaseholder vacates the site but does not move
11 the mobile home from the site, the declarant shall pay to the nonpurchasing
12 leaseholder the actual documented reasonable costs of relocating the household
13 in possession, not to exceed \$1,000.00, provided that:

14 * * *

15 (B) the nonpurchasing leaseholder transfers title to a third party who
16 moves the mobile home within 30 days ~~of~~ after the date upon which the
17 nonpurchasing leaseholder vacates the mobile home;

18 * * *

19 Sec. 369. 27 V.S.A. § 1359(a) is amended to read:

20 (a) Within 30 days ~~of~~ after the notice of conversion, a leaseholder must
21 notify any tenants in possession of the leased site of the intended conversion.

1 The notice shall be delivered by certified mail to the tenant. The notice of
2 conversion shall contain at least a notice of the intended conversion, the nature
3 of the leaseholder's possessory interest in the site, and a description of the
4 tenant's rights under subchapter 2 of this chapter.

5 Sec. 370. 27 V.S.A. § 1472 is amended to read:

6 § 1472. UNCLAIMED LIFE INSURANCE BENEFITS

7 (a) As used in this section:

8 * * *

9 (6) "Record-keeping services" means those circumstances under which
10 the insurer has agreed with a group policy or contract customer to be
11 responsible for obtaining, maintaining, and administering in its own or its
12 agents' systems information about each individual insured under an insured's
13 group insurance contract, or a line of coverage ~~thereunder~~ under the contract,
14 at least the following information:

15 * * *

16 (g) Failure to meet any requirement of this section with such frequency as
17 to constitute a general business practice is a violation of 8 V.S.A. § 4724(9).
18 Nothing ~~herein~~ in this section shall be construed to create or imply a private
19 cause of action for a violation of this section.

1 Sec. 371. 27 V.S.A. § 1541(a) is amended to read:

2 (a) All funds received under this chapter, including the proceeds from the
3 sale of unclaimed property under subchapter 7 of this chapter, shall ~~forthwith~~
4 immediately be received by the Administrator, except that the Administrator
5 shall retain in a separate fund an amount not exceeding \$100,000.00 or 55
6 percent of the funds received during the previous year, whichever is greater,
7 from which ~~he or she~~ the Administrator shall make prompt payment of claims
8 duly allowed by ~~him or her~~ the Administrator as provided in this section.

9 * * * Title 32 * * *

10 Sec. 372. 32 V.S.A. § 1003(a) is amended to read:

11 (a) Each elective officer of the Executive Department is entitled to an
12 annual salary as follows:

	Annual Salary	Annual Salary
	as of	as of
	July 3, 2022	July 2, 2023
16 (1) Governor	\$201,150	\$208,995
17 (2) Lieutenant Governor	\$85,384	\$88,714
18 (3) Secretary of State	\$127,548	\$132,522
19 (4) State Treasurer	\$127,548	\$132,522
20 (5) Auditor of Accounts	\$127,548	\$132,522
21 (6) Attorney General	\$152,725	\$158,681

1 Sec. 373. 32 V.S.A. § 3201(a)(4) is amended to read:

2 (4) For the purpose of ascertaining the correctness of any return or
3 making a determination of the tax liability of any taxpayer, examine or cause
4 to be examined by any agent or representative designated by the Commissioner
5 for that purpose any books, papers, records, or memoranda of the taxpayer
6 bearing upon the matters required to be included in any return. The
7 Commissioner or the Commissioner's designated officers may require the
8 attendance of the taxpayer or of any other person having knowledge in the
9 premises at any place in the county where the taxpayer or person resides or has
10 a place of business; or in Washington County if the taxpayer is a nonresident
11 individual, estate, or trust, or is a corporation or business entity not having a
12 place of business in this State; may take testimony and require proof material;
13 and may administer oaths or take acknowledgment in respect of any return or
14 other information required by this title or the rules and decisions of the
15 Commissioner. If an individual, estate, trust, corporation, or other business
16 entity fails after request to provide books, records, or memoranda at either its
17 place of business within the State or Washington County, the Commissioner
18 may charge the person a reasonable per diem fee and expenses for the auditor
19 making the examination out of state. The charges shall be payable within 30
20 days ~~of~~ after the date billed and may be collected in the manner provided for
21 the collection of taxes in this title.

1 Sec. 374. 32 V.S.A. § 3202(b)(7) is amended to read:

2 (7) Penalty limitation. A failure to pay shall not be subject to more than
3 one of the penalties set forth in subdivisions (3), (4), and (5) of this subsection.

4 Sec. 375. 32 V.S.A. § 5811(21)(D) is amended to read:

5 (D) The dollar amounts of the personal exemption allowed under
6 ~~subdivision (i)~~ of subdivision (C)(i) of this subdivision (21), the standard
7 deduction allowed under ~~subdivision (ii)~~ of subdivision (C)(ii) of this
8 subdivision (21), and the additional deduction allowed under ~~subdivision (iii)~~
9 ~~of~~ subdivision (C)(iii) of this subdivision (21) shall be adjusted annually for
10 inflation by the Commissioner of Taxes beginning with taxable year 2018 by
11 using the Consumer Price Index and the same methodology as used for
12 adjustments under 26 U.S.C. § 1(f)(3); provided, however, that as used in this
13 subdivision (D), “consumer price index” means the last Consumer Price Index
14 for All Urban Consumers published by the U.S. Department of Labor.

15 Sec. 376. 32 V.S.A. § 5830e(b)(1)(B)(iii) is amended to read:

16 (iii) multiplying the value under subdivision (ii) of this subdivision
17 (B) by the first \$10,000.00 of income received from the Civil Service
18 Retirement System.

1 Sec. 377. 32 V.S.A. § 5830e(b)(2)(B)(iii) is amended to read:

2 (iii) multiplying the value under subdivision (ii) of this
3 subdivision (B) by the first \$10,000.00 of income received from the Civil
4 Service Retirement System.

5 Sec. 378. 32 V.S.A. § 5833(a)(5) is amended to read:

6 (5) The Commissioner of Taxes shall adopt ~~regulations~~ rules as
7 necessary to carry out the purposes of this section.

8 Sec. 379. 32 V.S.A. § 5862b(c) is amended to read:

9 (c) The Commissioner of Taxes shall explain to taxpayers the purposes of
10 the account and how to contribute to it. The Commissioner shall make
11 available to taxpayers the annual income and expense report of the Vermont
12 Children's Trust Foundation and shall provide notice in the instructions for the
13 State individual income tax return that the report is available at the ~~Tax~~
14 Department of Taxes.

15 Sec. 380. 32 V.S.A. § 5866a is amended to read:

16 § 5866a. REPORTING ADJUSTMENTS TO FEDERAL TAXABLE
17 INCOME AND FEDERAL PARTNERSHIP AUDITS

18 * * *

19 (c) Reporting federal adjustments; partnership-level audit and
20 administrative adjustment request. Except for negative federal adjustments
21 required under federal law or regulations to be taken into account by the

1 partnership in the partnership return for the adjustment or other year, and the
2 distributive share of adjustments reported as required under subsection (b) of
3 this section, partnerships and partners shall report final federal adjustments
4 arising from a partnership-level audit or an administrative adjustment request
5 and make payments as required under this subsection (c).

6 * * *

7 (3) Election; partnership pays. Subject to the limitations under
8 subdivision (C) of this subdivision (~~3~~), an audited partnership making an
9 election under this subdivision (~~3~~) shall do the following:

10 * * *

11 (i) Commissioner's rule-making authority. The Commissioner may
12 adopt rules or issue other guidance to implement or explain the provisions of
13 this section. The rules adopted or guidance issued with regard to this section
14 may apply the principles set forth in 26 U.S.C. subtitle F, chapter 63,
15 subchapter C; federal regulations; and other related guidance issued by the
16 U.S. Department of the Treasury in order to prevent the omission or
17 duplication of State tax due as the result of a partnership-level audit and to
18 account for differences between federal and State law.

19 Sec. 381. 32 V.S.A. § 5930bb(e) is amended to read:

20 (e) ~~Availability of Neighborhood Development Area tax credits.~~

21 Beginning on July 1, 2025, under this subchapter no new tax credit may be

1 allocated by the State Board to a qualified building located in a neighborhood
2 development area unless specific funds have been appropriated for that
3 purpose.

4 Sec. 382. 32 V.S.A. § 5930u(e) is amended to read:

5 (e) Claim for credit. A taxpayer claiming affordable housing tax credits
6 shall submit with each return on which such credit is claimed the taxpayer's
7 credit certificate and, with respect to credits issued under subdivision (b)(1) of
8 this section, a copy of the allocating agency's credit allocation to the affordable
9 housing project. Any unused affordable housing tax credit may be carried
10 forward to reduce the taxpayer's tax liability for no more than 14 succeeding
11 tax years, following the first year the affordable housing tax credit is allowed.

12 Sec. 383. 32 V.S.A. § 5935(a) is amended to read:

13 (a) With respect to State income tax refunds under chapter 151 of this title
14 and renter credit payments due a claimant under chapter 154 of this title, when
15 the Department transfers funds payable on a joint return to a claimant agency
16 and only one of the spouses filing the return is identified as a debtor of the
17 claimant agency, the nondebtor spouse may, within 30 days ~~of~~ after the date of
18 mailing of the notice to the taxpayer described in subsection 5934(c) of this
19 subchapter, petition the Department in writing for a return of that portion of the
20 refund attributable to the income of the nondebtor spouse. The Commissioner
21 shall thereafter conduct a hearing at which the nondebtor spouse shall bear the

1 burden of establishing what portion of a refund transferred to a claimant
2 agency, if any, is attributable to the nondebtor's income.

3 Sec. 384. 32 V.S.A. § 6069(d) is amended to read:

4 (d) An owner who knowingly fails to furnish a certificate to the
5 Department as required by this section shall be liable to the Commissioner for
6 a penalty of \$200.00 for each failure to act. Penalties under this subsection
7 shall be assessed and collected in the manner provided in chapter 151 of this
8 title for the assessment and collection of the income tax.

9 Sec. 385. 32 V.S.A. § 7492(1)(A) is amended to read:

10 (A) a decision by the Tax Court of the United States or a judgment,
11 decree, or other order by any U.S. court of competent jurisdiction that has
12 become final; or

13 Sec. 386. 32 V.S.A. § 7702(1)(B) is amended to read:

14 (B) any roll of tobacco wrapped in substance containing tobacco that,
15 because of its appearance, the type of tobacco used in the filler, or its
16 packaging and labeling, is likely to be offered to, or purchased by, consumers
17 as a cigarette described in subdivision (A) of this subdivision (1).

18 Sec. 387. 32 V.S.A. § 7771(c)(1)(C) is amended to read:

19 (C) Products purchased outside the State by an individual in
20 quantities of 400 or fewer cigarettes, little cigars, and 0.0325 ounce units of
21 roll-your-own tobacco, and brought into the State for that individual's own use

1 or consumption. Products that are ordered from a source outside the State and
2 delivered into this State are not “purchased outside the State” within the
3 meaning of this subsection (c).

4 Sec. 388. 32 V.S.A. § 8908 is amended to read:

5 § 8908. ~~REGULATIONS~~ RULES

6 Notwithstanding any other provision of law, the Commissioner may from
7 time to time adopt ~~regulations~~ rules to provide that “taxable cost” shall not
8 reflect a diminution for trade-in arising from a purchase of a motor vehicle in a
9 state that does not allow a deduction for trade-in in the computation of the
10 “taxable cost” or similar tax base in the computation of taxes imposed by a
11 motor vehicle sales and use tax in that state.

12 Sec. 389. 32 V.S.A. § 9601(3)(B)(ii) is amended to read:

13 (ii) less than 50 years if, by reason of a grant of right to extend the
14 term by renewal or otherwise, said interest may be extended to a period equal
15 to or exceeding 50 years; and

16 Sec. 390. 32 V.S.A. § 9701(9)(H)(ii) is amended to read:

17 (ii) ownership of, or receipt of services from, computer servers in
18 this State; or

1 * * * Conforming Revisions; House Committee Names * * *

2 Sec. 395. CONFORMING REVISIONS FOR HOUSE COMMITTEE NAME
3 CHANGES

4 When preparing the cumulative supplements and replacement volumes of
5 the Vermont Statutes Annotated for publication, the Office of Legislative
6 Counsel shall make the following revisions to these supplements and volumes
7 as long as the revisions have no other effect on the meaning of the affected
8 statutes:

9 (1) replace “House Committee on Agriculture and Forestry” with
10 “House Committee on Agriculture, Food Resiliency, and Forestry”;

11 (2) replace “House Committee on Energy and Technology” with “House
12 Committee on Environment and Energy” or “House Committee on
13 Government Operations and Military Affairs,” as applicable;

14 (3) replace “House Committee on General, Housing, and Military
15 Affairs” with “House Committee on General and Housing” or “House
16 Committee on Government Operations and Military Affairs,” as applicable;

17 (4) replace “House Committee on Government Operations” with “House
18 Committee on Government Operations and Military Affairs”; and

19 (5) replace “House Committee on Natural Resources, Fish, and
20 Wildlife” with “House Committee on Environment and Energy.”

1 * * * Interpretation; Effective Date * * *

2 Sec. 396. INTERPRETATION

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

10 Sec. 397. EFFECTIVE DATE

11 This act shall take effect on July 1, 2023.