

1 H.463

2 Introduced by Committee on Government Operations and Military Affairs

3 Date:

4 Subject: Legislature; Vermont Statutes Annotated; technical corrections

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

7 An act relating to technical corrections for the 2025 legislative session

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

9 * * * Technical Corrections * * *

10 * * * Title 3 * * *

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

12 (3) All agencies which involve or concern interstate relationships
13 including:

14 * * *

15 (D) ~~Lake Champlain Bridge Commission~~ [Repealed.]

16 (E) ~~Tri-State Regional Medical Needs Board~~ [Repealed.]

17 * * *

18 Sec. 2. 3 V.S.A. § 11 is amended to read:

§ 11. METHOD OF DELEGATING; RESPONSIBILITY OF GOVERNOR

The delegating of duties ~~herein~~ authorized in this section shall be in writing and shall specify with particularity the cases in which it is to apply. It shall become effective only when an executed duplicate copy of the delegation is filed in the Office of the Secretary of State. Such delegation may be revoked at any time by the Governor, and such revocation shall be in writing and likewise filed as the original delegation. The delegation of a particular function shall not prevent the Governor from acting in a case ~~thereunder~~, and in any such instance, the delegation shall be of no effect. Nothing contained ~~herein~~ in this section shall relieve the Governor of ~~his or her~~ the Governor's responsibility for the acts of any officer designated by ~~him or her~~ the Governor under the authority of sections 10–13 of this title to perform any function.

Sec. 3. 3 V.S.A. § 12 is amended to read:

§ 12. SCOPE

Sections 10–13 of this title shall be interpreted as applying only in cases in which the Governor's duty is approval of a prior act, appointment, employment, or decision done or made by another officer or by a board, commission, or agency, and shall not be interpreted as applying in cases in which the act, appointment, employment, or decision is required to be done or made initially by the Governor but shall not include approval of rules ~~or~~ regulations.

1 Sec. 4. 3 V.S.A. § 13 is amended to read:

2 § 13. APPLICATION

3 Sections 10–13 of this title shall apply only to the following sections: 202,
4 207 and 631 of this title; 4 V.S.A. § 852; 6 V.S.A. §§ 3, 4, ~~982, 1141~~ and 2922;
5 10 V.S.A. §§ 53, 54 and 4149; 20 V.S.A. §§ 1484, 1874(a), 1875, 2221, 2271,
6 and 2273; 21 V.S.A. § 1104; 22 V.S.A. § 282; 23 V.S.A. § 103; and 29 V.S.A.
7 §§ ~~3 and 1104; and 32 V.S.A. §§ 3104 and 3105.~~

8 Sec. 5. 3 V.S.A. § 129 is amended to read:

9 § 129. POWERS OF BOARDS OR OF DIRECTOR IN ADVISOR

10 PROFESSIONS; DISCIPLINE PROCESS

11 (a) In addition to any other provisions of law, a board or the Director, in
12 the case of professions that have advisor appointees, may exercise the
13 following powers:

14 * * *

15 (11) Treat as incomplete any license application submitted with a check
16 subsequently returned for insufficient funds or without the personal attestation
17 of the applicant or an authorized officer of an applicant corporation as to the
18 representations ~~therein~~ made in the license application.

19 * * *

20 (e)(1) When a board or the Director, in the case of professions that have
21 advisor appointees, intends to deny an application for a license based on the

1 applicant's past or current unprofessional conduct or based on an ongoing
2 investigation of the applicant, in Vermont or elsewhere, for unprofessional
3 conduct, the board or Director shall send the applicant written notice of the
4 decision by certified mail. The notice shall include a statement of the reasons
5 for the action and shall advise the applicant that the applicant may file a
6 petition within 30 days after the date on which the notice is mailed with the
7 board or the Director for review of the board's or Director's preliminary
8 decision.

9 * * *

10 (B) After the hearing, the board or Director shall affirm or reverse
11 the preliminary denial, explaining the reasons ~~therefor~~ in writing.

12 * * *

13 Sec. 6. 3 V.S.A. § 159 is amended to read:

14 § 159. OPINIONS; STATE MATTERS AND ACTIONS

15 (a) The Attorney General shall advise the elective and appointive State
16 officers on questions of law relating to their official duties and shall furnish a
17 written opinion on such matters, when so requested.

18 (b) ~~He or she~~ The Attorney General shall have general supervision of
19 matters and actions in favor of the State and of those instituted by or against
20 State officers ~~wherein~~ where interests of the State are involved and may settle
21 such matters and actions as the interests of the State require.

1 Sec. 7. 3 V.S.A. chapter 9 is amended to read:

2 CHAPTER 9. ADMINISTRATIVE DEPARTMENTS

3 * * *

4 § 203. AUTHORITY LIMITED

5 The commissioner or board at the head of each department ~~herein~~ specified
6 in this chapter shall exercise only the powers and perform the duties imposed
7 by law on such ~~Department~~ department.

8 * * *

9 § 205. DUTIES OF OFFICE

10 Each commissioner of a department and each officer specified in this
11 chapter, except the members of the boards ~~herein~~ specified in this chapter,
12 shall devote ~~his or her~~ the commissioner's or officer's entire time to the duties
13 of ~~his or her~~ the office.

14 § 206. REGULATIONS RULES

The commissioner or board at the head of each department ~~herein~~ specified
in this chapter is empowered to prescribe and to enforce rules ~~and regulations~~,
subject to the approval of the Governor, for the government and administration
of such department, the conduct of its employees and the custody, use, and
preservation of the records, books, documents, and property pertaining to
~~thereto~~ the administration of the department.

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(a) Each department ~~herein~~ specified in this chapter is empowered to employ ~~such~~ assistance, clerical or otherwise, as the Governor deems necessary for its proper and efficient administration and, subject to ~~his or her~~ the Governor's approval, to fix the compensation ~~to be paid therefor~~ for those employed. No department shall expend or authorize an expenditure in excess of the amount appropriated ~~therefor~~ in any fiscal year.

(b) Agency secretaries and department heads are authorized to recruit, train and accept without regard to the civil service classification laws, and rules ~~and~~ regulations, and without statutory compensation, the services of temporary volunteers for, or in aid of, interpretive function, visitor services, or other activities in and related to areas administered by the agency secretary or department head.

* * *

(5) Volunteer services shall not be used to displace existing or vacant State positions but will be used to satisfy unmet public service needs. To ~~insure~~ ensure compliance with the intent hereof and merit system principles, any department or agency employing temporary volunteers shall secure the approval of the Commissioner of Human Resources.

* * *

1 § 209. EFFICIENCY AND COOPERATION; TRANSFER OF
2 PERSONNEL; ~~REGULATIONS~~ RULES OF GOVERNOR

3 The Governor shall provide for and require a practical working system to
4 ensure efficiency and mutual helpfulness among the departments ~~herein~~
5 specified in this chapter. The Governor may transfer, temporarily or
6 permanently, subordinates of any one of such departments to another
7 department as the needs of the State may seem to ~~him or her~~ the Governor to
8 require. ~~He or she~~ The Governor shall adopt and have power to enforce such
9 rules as ~~he or she~~ the Governor may see fit for the conduct of such departments
10 and alter or add to the same in ~~his or her~~ the Governor's discretion.

11 * * *

12 § 213. DECLARATION OF POLICY

13 (a) It is the policy of the State of Vermont that the Executive Branch of the
14 State government created by the constitution shall be organized into the
15 separate offices of the elected constitutional State officers and such
16 administrative agencies and departments as may be created by law. All
17 administrative bodies in the Executive Branch shall be placed within one of the
18 foregoing agencies or departments to ~~assure~~ ensure proper executive
19 supervision by the Governor.

20 * * *

1 Sec. 8. 3 V.S.A. § 263 is amended to read:

2 § 263. EMPLOYEES ENTERING ARMED FORCES

3 (a) A person in the permanent employ of the State of Vermont who is or
4 has been inducted or ordered into the active service of the U.S. Armed Forces
5 or who voluntarily enlists or was enlisted in such service in time of war or
6 national emergency, or who is ordered to active duty as a member of a reserve
7 component of the U.S. Armed Forces and thus for any of these causes leaves a
8 permanent position, shall be restored to ~~such~~ the position or to a position of
9 like seniority, status, and class, or the nearest approximation ~~thereto~~ as ~~he or~~
10 ~~she~~ the person would have had if ~~he or she~~ the person had been continually
11 employed by the State, provided such person;

12 (1) terminates ~~such~~ service or active duty with the U.S. Armed Forces at
13 the conclusion of ~~his or her~~ the person's initial period of service or tour of
14 duty, together with involuntary extensions ~~thereof~~ of service or tour of duty,
15 and furnishes a certificate or other valid evidence of satisfactory completion of
16 ~~such~~ military service;

17 (2) is still qualified to perform the duties of ~~his or her~~ the person's
18 position with the State; and

19 (3) makes application for reemployment within 90 days after being
20 relieved of ~~such~~ military service.

1 (b) If a person returning to a position in State employment under the
2 provisions of subsection (a) of this section is not qualified to perform the
3 duties of ~~such~~ the position by reason of disability sustained during such service
4 but is qualified to perform the duties of some other position in the employ of
5 the State ~~which~~ that is vacant, ~~such~~ the person shall be assigned to ~~such other~~
6 another position so as to provide ~~him or her~~ the person with the same seniority,
7 status and class, or the nearest approximation ~~thereof~~ as ~~he or she~~ the person
8 would have had if ~~he or she~~ the person had been continuously employed by the
9 State.

10 (c) The words permanent employment shall not be construed as including
11 any position ~~which~~ that is elective or appointive ~~wherein~~ where a term of
12 office has expired.

13 Sec. 9. 3 V.S.A. chapter 13 is amended to read:

14 CHAPTER 13. CLASSIFICATION OF STATE PERSONNEL

15 § 309. DUTIES OF COMMISSIONER OF HUMAN RESOURCES

16 (a) The Commissioner, as administrative head of the Department, shall
17 direct and supervise all its administrative and technical activities. In addition
18 to the duties imposed elsewhere in this chapter, it shall be the Commissioner's
19 duty:

20 (1) To apply and carry out this chapter and the rules adopted ~~thereunder~~
21 in accordance with this chapter.

1 * * *

2 (5) To investigate from time to time the operation and effect of this
3 chapter and of the rules ~~made thereunder~~ adopted in accordance with this
4 chapter and to report ~~his or her~~ the Commissioner's findings to the Secretary
5 of Administration and to the Governor.

6 * * *

7 (13) To compile and publish a manual, which shall be kept current,
8 containing the pertinent statutes, and rules, ~~and regulations~~ of the Department
9 of Human Resources and its rules of procedure and forms prescribed for use
10 by rule ~~or regulation~~.

11 * * *

12 § 310. CLASSIFICATION PLAN; RULES

13 * * *

14 (e) Subject to bargaining rights as set forth in chapter 27 of this title, the
15 Commissioner of Human Resources shall ~~make such regulations and~~ adopt
16 ~~such~~ rules and methods of qualifying employees for positions as will make the
17 plan effective, and shall ~~prescribe~~ adopt rules governing appointments,
18 probation, promotions, demotions, transfers, separations, vacations, sick leave,
19 and hours of employment applicable to persons in the classified service.

20 (f) The Classification and Compensation Plan and the rules ~~and regulations~~
21 for personnel administration shall be based on merit system principles and

1 shall provide for compliance with the laws relating to preference granted to
2 qualified persons who have served in the U.S. Armed Forces and received
3 honorable discharge.

4 * * *

5 § 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

6 (a) The classified service to which this chapter shall apply shall include all
7 positions and categories of employment by the State, except as otherwise
8 provided by law, and except the following:

9 * * *

10 (8) Persons employed in a professional or scientific capacity to make or
11 conduct a temporary and special inquiry, investigation, or examination on
12 behalf of the ~~Legislature~~ General Assembly or a committee ~~thereof~~ of the
13 General Assembly, or by authority of the Governor.

14 * * *

15 § 312. CLASSIFICATION PLAN; DEFINITION

16 * * *

17 (b) Merit system principles are:

18 * * *

19 (3) training employees, as needed, to ~~assure~~ ensure high-quality
20 performance;

21 * * *

1 (c) Notwithstanding any other provision of law, rules, regulations, or
2 agreements whenever federal requirements are applicable to programs as a
3 condition for receipt of federal funds or assistance, all agency secretaries,
4 department heads, division heads, and other State officers, with the approval of
5 the Governor or of ~~such~~ the person as the Governor may designate, are
6 authorized to take such action as is necessary to ~~assure~~ ensure that all
7 personnel practices in those programs are in accordance with federal laws,
8 regulations, and requirements. This provision shall not be construed to
9 authorize the impairment of the State's obligations under any contract or
10 agreement, or of the vested rights and remedies of any person.

11 * * *

12 § 315. DUTIES OF STATE OFFICERS AND EMPLOYEES

13 All officers and employees of the State shall comply with the provisions of
14 this chapter and lawful rules, ~~regulations~~ and orders of the Commissioner of
15 Human Resources ~~pursuant thereto~~. The Commissioner of Human Resources,
16 with the approval of the Governor, may institute and maintain any action or
17 proceeding to secure compliance with the provisions of this chapter and lawful
18 rules, ~~regulations~~, and orders ~~pursuant thereto~~.

19 § 316. RECORDS OF THE DEPARTMENT OF HUMAN RESOURCES

20 The records of the Department, except such records as the rules may
21 properly require to be held confidential for reasons of public policy, shall be

1 public records and shall be open to public inspection, subject to reasonable
2 ~~regulations~~ rules as to the time and manner of inspection as may be prescribed
3 by the Commissioner.

4 * * *

5 § 330. VERMONT INTERNSHIP PROGRAM

6 * * *

7 (b) Position authorization.

8 * * *

9 (2) The positions may be created in response to real or anticipated
10 recruitment and retention difficulties or in instances ~~wherein~~ where the
11 Commissioner has determined the State's needs for individuals to serve in a
12 certain position will best be met through the Vermont internship program.

13 * * *

14 (5) Requests for positions under the Vermont Internship Program shall
15 be in a form and following procedures prescribed by the Commissioner. All
16 requests shall certify that all reasonable efforts shall be made to ~~insure~~ ensure a
17 vacant position will be available to each Vermont Internship Program
18 participant upon completion of the program.

19 (c) Eligibility.

20 (1) ~~Eligibility~~. Any person shall be eligible to compete for participation
21 in the Vermont Internship Program.

(d) Selection and retention.

* * *

* * *

(1) ~~Rights of Vermont Internship Program members.~~ Vermont Internship Program participants shall be deemed to be classified State employees in their initial probationary period for the entire period of their participation, and continuation of one's training in Vermont Internship Programs shall be in the discretion of the appointing authority. They shall be paid the minimum rate for comparable positions in the classified service, unless otherwise authorized by the Commissioner of Human Resources.

* * *

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* * *

(d) Should any Group A, C, D, F, or G member who has less than five years of creditable service in any period of five consecutive years after last becoming a member be absent from service more than three years or should the member withdraw his or her the member's contributions, or become a

1 beneficiary or die, the member shall ~~thereupon~~ then cease to be a member.

2 However, the membership of any employee entering such classes of military or
3 naval service of the United States as may be approved by resolution of the
4 Retirement Board, shall be continued during such military or naval service if
5 the member does not withdraw his or her contributions, but no such member
6 shall be considered in the service of the State for the purpose of the Retirement
7 System during such military or naval service, except as provided in subsection
8 458(e) of this title.

9 * * *

10 § 458. CREDITABLE SERVICE; MILITARY SERVICE

11 (a) With respect to service rendered prior to the date of membership, each
12 employee who, pursuant to subsection 457(a) of this title, became a member of
13 the retirement system shall have included as prior service ~~hereunder~~ all service
14 credited to ~~him or her~~ the employee as creditable service under the terms of
15 one or both of the predecessor systems, provided ~~his or her~~ the employee's
16 membership continues unbroken until ~~his or her~~ the employee's retirement.

17 * * *

18 (c) The Retirement Board shall fix and determine by appropriate rules and
19 ~~regulations~~ how much service in any year is equivalent to one year of service,
20 but in no case shall it allow credit for a period of absence without pay of more
21 than a month's duration, except as provided under subsection (e) of this

1 section, nor shall more than one year of service be creditable for all service in
2 one calendar year. Service rendered for the full normal working time in any
3 year shall be equivalent to one year's service, but in no case shall less than 40
4 calendar weeks be regarded as full normal working time.

5 * * *

6 § 467. DEATH BENEFIT AFTER RETIREMENT—GROUP C

7 If a group C member in receipt of a retirement allowance dies, ~~his or her~~ the
8 member's dependent spouse shall receive until ~~her or his~~ the dependent's death
9 a retirement allowance which shall be equal to 70 percent of the retirement
10 allowance to which the member was then entitled, without optional
11 modification, irrespective of whether ~~such~~ the member had elected an option
12 hereunder pursuant to this chapter.

13 § 468. OPTIONAL BENEFITS

14 (a) Until the first payment on account of a retirement allowance becomes
15 normally due, any member may elect to convert the retirement allowance
16 otherwise payable to the member after retirement into a retirement allowance
17 that is its actuarial equivalent, in accordance with one of the optional forms
18 described in this section.

19 * * *

20 (2) ~~[Deleted.]~~

21 * * *

1 § 469. MINIMUM BENEFIT—GROUP C

2 Anything contained in this title to the contrary notwithstanding, the benefit
3 payable to or on account of a group C member ~~hereunder~~, inclusive of any
4 benefit provided by his additional contributions as specified in subsection
5 473(b) of this title together with the Social Security benefit or survivor's
6 insurance benefit, as the case may be, shall not be less than the benefit ~~which~~
7 that would have been payable to ~~him or her~~ the member or on ~~his or her~~ the
8 member's account under the provisions of the Vermont State Police and Motor
9 Vehicle Inspectors' Retirement System as in effect on June 30, 1972 had said
10 System continued in effect unamended.

11 § 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT
12 ALLOWANCES

13 * * *

14 (b) Calculation of net percentage increase.

15 * * *

16 (3) Consumer Price Index; increases. In the event of an increase in the
17 Consumer Price Index, and provided there remains an increase following the
18 application of any offset as in subdivision (2) of this subsection, that amount
19 shall be identified as the net percentage increase and used to determine the
20 members' postretirement adjustment as described ~~herein~~ in this chapter.

21 * * *

1 § 471. RETIREMENT BOARD; MEDICAL BOARD; ACTUARY; RATES
2 OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

3 * * *

4 (d) Subject to the limitations of this subchapter, the Retirement Board
5 shall, from time to time, ~~establish~~ adopt rules ~~and regulations~~ for the
6 administration of the Fund of the Retirement System and for the transaction of
7 its business.

8 * * *

9 (l) The Commission shall designate from time to time a depositary for the
10 securities and evidences of indebtedness held in the Fund of the System and
11 may contract for the safekeeping of securities and evidences of indebtedness
12 within and without the State of Vermont in such banks, trust companies, and
13 safe-deposit facilities as it shall from time to time determine. The necessary
14 and incidental expenses of such safekeeping and for service rendered,
15 including advisory services in investment matters, shall be paid from the
16 operation expenses of the System as ~~hereinafter provided~~ set forth in this
17 chapter. Any agreement for the safekeeping of securities or evidences of
18 indebtedness shall provide for the access to such securities and evidences of
19 indebtedness, except securities loaned pursuant to a securities lending
20 agreement as authorized by subsection (m) of this section, at any time by the
21 custodian or any authorized agent of the State for audit or other purposes.

* * *

§ 472. INVESTMENTS; INTEREST RATE; DISBURSEMENTS

* * *

(d) Except as otherwise ~~herein~~ provided for in this section, no trustee and no employee of the Board or member of the Commission shall have any direct interest in the gains or profits of any investment made by the Commission; nor shall any trustee or employee of the Board or the Commission, directly or indirectly, for ~~himself or herself~~ the trustee or employee or as an agent, in any manner use the same except to make such current and necessary payments as are authorized by the Board or Commission; nor shall any trustee or employee of the Board or the Commission become an endorser or surety, or in any manner an obligor, for the monies loaned to or borrowed from the Board. The Treasurer, with the approval of the Board and the Commission, shall adopt by rule standards of conduct for trustees and employees of the Board in order to maintain and promote public confidence in the integrity of the Board. Such rules shall prohibit trustees and employees from receiving or soliciting any gift, including meals, alcoholic beverages, travel fare, room and board, or any other thing of value, tangible or intangible, from any vendor or potential vendor of investment services, management services, brokerage services, and other services to the Board or Commission.

* * *

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* * *

(4) Additional contributions. Subject to the approval of the Retirement Board, in addition to the contributions deducted from compensation as ~~hereinbefore~~ provided for in this section, any member may redeposit in the Fund by a single payment or by an increased rate of contribution an amount equal to the total amount that the member previously withdrew from this System or one of the predecessor systems; or any member may deposit ~~therein~~ in the Fund by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity that,

1 together with prospective retirement allowance, will provide for the member a
2 total retirement allowance not in excess of one-half of average final
3 compensation at normal retirement date, with the exception of Group D
4 members for whom creditable service shall be restored upon redeposits of
5 amounts previously withdrawn from the System, or for whom creditable
6 service shall be granted upon deposit of amounts equal to what would have
7 been paid if payment had been made during any period of service during
8 which such a member did not contribute. Such additional amounts so
9 deposited shall become a part of the member's accumulated contributions as
10 additional contributions.

11 * * *

12 § 474. PREDECESSOR SYSTEMS

13 Any beneficiary of a predecessor system who is in receipt of a benefit on
14 the date of establishment shall become a beneficiary ~~hereunder~~ and shall
15 continue to receive the benefit being paid from the Fund of this System, under
16 the conditions of the predecessor system as in effect at the time of the
17 member's retirement, subject to such adjustment as provided for in section 470
18 of this title. Any former member of a predecessor system who, upon
19 termination of service, was eligible for a deferred benefit under the provisions
20 of that System, the payment of which has not commenced as of the date of
21 establishment, shall continue to be so eligible, and shall receive such benefit

1 from the System subject to the conditions of the predecessor system as in
2 effect at the time the member's service was terminated. The cash and
3 securities to the credit of the predecessor systems on the date of establishment
4 shall be transferred to this Retirement System, the amount of each member's
5 accumulated contributions included in such transfer shall be credited to the
6 member's individual account in the fund to become a part of the member's
7 accumulated contributions, and the balance shall be credited to the Fund.

8 * * *

9 § 483. PETITION BY EMPLOYEES; TRANSFER OF ASSETS

10 (a) Should a majority of the members of any local retirement fund elect to
11 become members of the Vermont State Retirement System, by a petition duly
12 signed by ~~such~~ those members, the participation of ~~such~~ those members in the
13 Vermont State Retirement System may be effected as provided in section 482
14 of this title as though such local retirement fund were not in operation and the
15 provisions of this section shall ~~thereupon~~ then apply, except that the existing
16 pensioners or annuitants of the local retirement fund who were being paid
17 benefits on the date ~~such~~ that participation in the Vermont State Retirement
18 System becomes effective shall be continued and paid at their existing rates by
19 the Vermont State Retirement System and the liability on this account shall be
20 included in the computation of the accrued liability contribution rate as
21 provided by section 487 of this title. Any cash and securities to the credit of

1 the local retirement fund shall be transferred to the Vermont State Retirement
2 System as of the date participation begins. The trustees or other administrative
3 head of the local retirement fund as of the date participation becomes effective
4 shall certify the proportion, if any, of the assets of the local retirement fund
5 that represents the accumulated contributions of the members, and the relative
6 shares of the members as of that date. ~~Such shares~~ Shares shall be credited to
7 the respective account of such members in the Fund of the Vermont State
8 Retirement System as though contributed under the provisions of said System.
9 The balance of the assets transferred to the Vermont State Retirement System
10 shall be offset against the accrued liability before determining the special
11 accrued liability contribution to be paid by the employer as provided by
12 section 487 of this title. The operation of the local retirement fund shall be
13 discontinued as of the date participation becomes effective.

14 * * *

15 § 490. DEFAULT; PAID UP DEFERRED ANNUITY

16 The agreement of any employer to contribute on account of its employees
17 shall be irrevocable, but should any employer for any reason become
18 financially unable to make the contributions on account of its employees as
19 provided in this subchapter, then ~~such~~ that employer shall be deemed to be in
20 default. All members of the Vermont State Retirement System who were
21 employed by ~~such~~ an employer at the time of default shall ~~thereupon~~ then be

1 entitled to discontinue membership in ~~such~~ the Retirement System and to a
2 refund of their previous contributions upon demand made within 90 days
3 thereafter. As of a date 90 days following the date of ~~such~~ the default, the
4 actuary of the Vermont State Retirement System shall determine by actuarial
5 valuation the amount of the reserve held on account of each remaining active
6 member and beneficiary of ~~such~~ the employer and shall credit to each ~~such~~
7 member and beneficiary the amount of the reserve so held. The reserve so
8 credited, together with the amount of the accumulated contributions of each
9 ~~such~~ active member, shall be used to provide for ~~him or her~~ the member a paid
10 up deferred annuity beginning at age 65, and the reserve of each beneficiary
11 shall be used in providing ~~such~~ part of ~~his or her~~ the member's existing
12 pension as the reserve so held will provide, which pension, together with ~~his or~~
13 ~~her~~ the member's annuity, shall thereafter be payable to ~~him or her~~ the
14 member. The rights and privileges of both active members and beneficiaries
15 of ~~such~~ the employer shall ~~thereupon~~ then terminate, except as to payment of
16 the deferred annuities so provided and the annuities and pensions, or parts
17 thereof, provided for the beneficiaries.

18 * * *

19 § 495. TRANSFER OF MEMBERSHIPS

20 * * *

1 (e) The Board of Trustees of the Vermont State Retirement System, the
2 State Teachers' Retirement System of Vermont and the Municipal Employees'
3 Retirement System are severally authorized to ~~make such~~ adopt rules and
4 ~~regulations~~ as may be necessary to carry out the provisions of this section.

5 * * *

6 Sec. 11. 3 V.S.A. § 535(b) is amended to read:

7 (b) Waivers. The Treasurer is authorized to establish a rule waiving the
8 penalty for a covered employer that fails to be in compliance with this chapter
9 for which it is established that the covered employer did not know that the
10 failure existed and exercised reasonable diligence to meet the requirements of
11 this chapter, provided that:

12 (1) no penalty shall be imposed on any failure for which it is established
13 that the covered employer subject to liability for the penalty did not know that
14 the failure existed and exercised reasonable diligence to meet the requirements
15 of this ~~subsection above~~ chapter;

16 * * *

17 Sec. 12. 3 V.S.A. chapter 19 is amended to read:

18 CHAPTER 19. SOCIAL SECURITY FOR STATE AND MUNICIPAL
19 EMPLOYEES

20 § 571. DECLARATION OF POLICY

(8) “Wages” means all remuneration for employment as defined herein in subsection (2) of this section, including the cash value of all remuneration paid in any medium other than cash, except that ~~such term~~ wages shall not include that part of such remuneration which, even if it were for “employment” within the meaning of the federal Insurance Contributions Act, would not constitute “wages” within the meaning of that Act.

* * *

§ 575. PLANS FOR COVERAGE OF EMPLOYEES OF POLITICAL
SUBDIVISIONS

(a) Each political subdivision of the State, acting through its legislative branch in the case of a municipality, or through its governing body in the case of an instrumentality, is hereby authorized, and in the case of any political subdivision employing teachers is required, to submit for approval by the State agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable provisions of ~~such act~~ the Social Security Act, to employees of such political subdivision. Each ~~such~~ plan and any amendment ~~thereof to that plan~~ shall be approved by the State agency if it finds that ~~such~~ the plan, or ~~such~~ the plan as amended, is in conformity with ~~such~~ the requirements as are provided in ~~regulations~~ rules of the State agency, except that no such plan shall be approved unless:

* * *

(6) it authorizes the State agency to terminate the plan in its entirety, in the discretion of the State agency, if it finds that there has been a failure to comply substantially with any provisions contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by ~~regulations~~ rules of the State agency and may be consistent with the provisions of the Social Security Act.

* * *

(c)(1) Each political subdivision as to which a plan has been approved under this section is authorized to and shall pay into the Contribution Fund, with respect to wages (~~as defined in section 572 of this title~~), at such time or times as the State agency may by ~~regulation~~ rule prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the State agency under section 573 of this title.

* * *

§ 577. ~~REGULATIONS~~ RULES

The State agency shall ~~make and publish such~~ adopt rules and ~~regulations~~, ~~not inconsistent~~ consistent with the provisions of this chapter, as it finds necessary or appropriate ~~to~~ for the efficient administration of the functions with which it is charged under this chapter.

* * *

Sec. 13. 3 V.S.A. chapter 20 is amended to read:

CHAPTER 20. VERMONT BABY BOND TRUST

* * *

§ 603. TREASURER'S TRUST AUTHORITY

The Treasurer, on behalf of the Trust and for purposes of the Trust, may:

* * *

(5) adopt rules pursuant to ~~3 V.S.A. chapter 25~~ of this title;

1 * * *

2 § 607. ACCOUNTING FOR DESIGNATED BENEFICIARY; CLAIMS
3 REQUIREMENTS

4 * * *

5 (e) The Treasurer shall adopt rules pursuant to ~~3 V.S.A.~~ chapter 25 of this
6 title to carry out the purposes of this section, including prescribing the process
7 for submitting a valid claim for accounting.

8 * * *

9 Sec. 14. 3 V.S.A. chapter 27 is amended to read:

10 CHAPTER 27. STATE EMPLOYEES LABOR RELATIONS ACT

11 * * *

12 § 907. DESIGNATION OF SUPERVISORY EMPLOYEES

13 Classified employees in the management unit certified by the Board, who
14 are determined to be supervisory employees as defined by section 902 of this
15 title and who are not determined to be managerial or confidential employees as
16 defined by section 902 of this title, shall remain members of that unit, which
17 shall ~~hereinafter~~ be referred to as the “supervisory” unit. Employees who are
18 determined to be supervisory employees under the provisions of section 906 of
19 this title shall become members of the supervisory unit. A representative
20 election shall not be required as a result of this change.

21 * * *

1 § 926. GRIEVANCES

2 (a) The Board shall hear and make a final determination on the grievances
3 of all employees who are eligible to appeal grievances to the Board.
4 Grievance hearings at the Board level shall be conducted in accordance with
5 the rules ~~and regulations~~ adopted by the Board. The right to institute
6 grievance proceedings extends to individual employees, groups of employees,
7 and collective bargaining units.

8 * * *

9 (e) Any collective bargaining agreement that contains a binding arbitration
10 provision pursuant to this section shall include an acknowledgement of
11 arbitration that provides substantially the following:

12 **ACKNOWLEDGEMENT OF ARBITRATION**

13 (The parties) understand that this agreement contains a provision for binding
14 arbitration as a final step of the grievance process. After the effective date of
15 this agreement, no grievance, submitted to binding arbitration, may be brought
16 to the Vermont Labor Relations Board. An employee who has declined
17 representation by the employee organization or whom the employee
18 organization has declined to represent or is unable to represent, shall be
19 entitled, either by representing himself or herself or with the assistance of
20 independent legal counsel, to appeal his or her grievance to the Vermont Labor

1 Relations Board as the final step of the grievance process in accordance with
2 the rules ~~and regulations~~ adopted by the Board.

3 * * *

4 (i) The Board shall hear and make a final determination on the grievances
5 of all retired individual employees of the University of Vermont, groups of
6 such retired individuals, and retired collective bargaining unit members of the
7 University of Vermont. Grievances shall be limited to those relating to
8 compensation and benefits that were accrued during active employment but are
9 received after retirement. As used in this subsection, “grievance” means an
10 allegation of a violation of a collective bargaining agreement, employee
11 handbook provision, early retirement plan, individual separation agreement or
12 other documented agreement, or rule ~~or regulation~~ of the University of
13 Vermont.

14 § 927. APPROPRIATE UNIT

15 (a) The Board shall decide the unit appropriate for the purpose of collective
16 bargaining in each case and those employees to be included ~~therein~~ in that unit,
17 in order to ~~assure~~ ensure the employees the fullest freedom in exercising the
18 rights guaranteed by this chapter.

19 * * *

20 § 965. PREVENTION OF UNFAIR PRACTICES

* * *

(a) The Board shall determine issues of unit determination, certification, and representation in accordance with this chapter and the provisions of section 941 of this title. The Board shall decide the appropriate unit for collective bargaining in each case and the employees to be included in that unit

1 to ~~assure~~ ensure the employees the fullest freedom in exercising the rights
2 guaranteed by this chapter.

3 Sec. 16. 3 V.S.A. § 1228(b) is amended to read:

4 (b) Open meetings. All Commission hearings shall be considered meetings
5 of the Commission as described in subsection 1221(e) of this title, and shall be
6 conducted in accordance with 1 V.S.A. § 310 et seq.

7 Sec. 17. 3 V.S.A. § 2291a is amended to read:

8 § 2291a. STATE AGENCY PLANNING AND COORDINATION

9 State agencies shall engage in a continuing planning process to ~~assure~~
10 ensure that programs and actions are consistent with the goals established in
11 the State Agency Energy Plan required by section 2291 of this title. This
12 planning process shall be coordinated in a manner established by the
13 Commissioner of Buildings and General Services.

14 Sec. 18. 3 V.S.A. chapter 47 is amended to read:

15 CHAPTER 47. COMMERCE AND COMMUNITY DEVELOPMENT

16 * * *

17 § 2453. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

18 The commissioner may, with the approval of the Secretary:

19 * * *

20 (2) Transfer classified positions within or between divisions subject
21 only to State personnel laws and ~~regulations~~ rules.

* * *

(5) ~~Make regulations~~ Adopt rules consistent with law for the internal administration of the department and its programs.

* * *

§ 2477. RENTAL HOUSING ADVISORY BOARD

* * *

(c) The Board shall have the following powers and duties:

(1) to act as an advisory group to the Governor, General Assembly, and appropriate State agencies on issues related to rental housing statutes, policies, and ~~regulations~~ rules;

* * *

(4) to provide guidance to the State on the implementation of programs, policies, and ~~regulations~~ rules better to support decent, safe, and sanitary housing, including recommendations for incentives and programs to assist landlords with building repairs;

(5) to provide information to community partners, municipalities, landlords, and tenants, including educational materials on applicable rental housing statutes, ~~regulations~~ rules, and ordinances; and

* * *

Sec. 19. 3 V.S.A. chapter 51 is amended to read:

CHAPTER 51. NATURAL RESOURCES

* * *

§ 2803. ADVISORY CAPACITY

* * *

(b) Notwithstanding subsection (a) of this section or any other provision of this chapter, the Fish and Wildlife Board and the Land Use Review Board shall retain and exercise all powers and functions given to them by law which are of regulatory or quasi-judicial nature, including the power to adopt, amend, and repeal rules and regulations, to conduct hearings, to adjudicate controversies, and to issue and enforce orders, in the manner and to the extent to which those powers are given to those respective boards by law.

* * *

§ 2828. PROJECT SCOPING PROCESS

* * *

(e) Notice of project scoping meeting. The applicant shall notice the proposed project scoping meeting, at least 30 days prior to the date of the meeting, by sending a copy of the project review sheet by first class mail, postage prepaid, to each of the following: the owner of the land where the project is located if the applicant is not the owner; the municipality in which the project is located; the Municipal and Regional Planning Commissions for any municipality in which the project is located; if the project site is located on a boundary, any Vermont municipality adjacent to that boundary and the

1 Municipal and Regional Planning Commissions for that municipality; any state
2 agency identified on the project scoping sheet as being affected by the project;
3 and all adjoining landowners and residents. In addition, the applicant shall
4 ~~assure~~ ensure that this notice is published in a newspaper of general circulation
5 in the area of the proposed project. The applicant shall furnish by affidavit to
6 the Secretary the names of those furnished notice.

7 * * *

8 § 2853. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

9 The commissioner with the approval of the Secretary, may:

10 * * *

11 (2) Transfer classified positions within or between divisions subject
12 only to State personnel laws and ~~regulations~~ rules.

13 * * *

14 (5) ~~Make regulations~~ Adopt rules consistent with law for the internal
15 administration of the department and its programs.

16 * * *

17 Sec. 20. 3 V.S.A. chapter 59 is amended to read:

18 CHAPTER 59. COMMUNITY SERVICES AGENCIES

19 * * *

20 § 3902. OFFICE OF ECONOMIC OPPORTUNITY

21 * * *

1 (b) The Director may provide financial assistance to community services
2 agencies for the planning, conduct, administration and evaluation of
3 community service programs to provide a range of services and activities
4 having a measurable and potentially major impact on causes of poverty in the
5 community or in areas of the community where poverty is a particularly acute
6 problem. Components of those services and activities may involve, without
7 limitation of other activities and supporting facilities designed to assist low
8 income participants:

9 * * *

10 (10) to coordinate and establish linkages between governmental and
11 other social service programs to ~~assure~~ ensure the effective delivery of such
12 services to low-income persons; and to encourage the use of entities in the
13 private sector of the community in efforts to ameliorate poverty in the
14 community.

15 (c) The Director is authorized to adopt rules pursuant to chapter 25 of this
16 title appropriate to the carrying out of this chapter and ~~the~~ its purposes.

17 * * *

18 § 3905. COMMUNITY SERVICES AGENCIES; ADMINISTRATION

19 * * *

20 (b) Each board of a nonprofit community based organization that is
21 designated a community services agency under section 3903 of this chapter

1 shall have an executive committee of not more than seven members who shall
2 be representative of the composition of the board and the board shall be so
3 constituted that:

4 * * *

5 (2) one-third of the members of the board are persons chosen in
6 accordance with election procedures adequate to assure ensure that they are
7 representative of the poor in the area served; and

8 * * *

9 Sec. 21. 3 V.S.A. § 4020(a) is amended to read:

10 (a) State agencies that have programs or take actions affecting land use, as
11 determined by Executive Order of the Governor, shall engage in a continuing
12 planning process to assure ensure that those programs and actions are
13 consistent with the goals established in 24 V.S.A. § 4302 and compatible with
14 regional and approved municipal plans, as those terms are defined in that
15 section. This planning process shall be coordinated, in a manner established
16 by Executive Order of the Governor, with the planning process of other
17 agencies and of regional and municipal entities of the regions in which the
18 programs and actions are to have effect.

19 * * * Title 5 * * *

20 Sec. 22. 5 V.S.A. § 1019 is amended to read:

21 § 1019. CONDEMNATION; APPEALS

1 (a) The political subdivision within which the property or nonconforming
2 structure or use is located, or the political subdivision owning the airport or
3 served by it, may acquire such air right, navigation easement, or other estate or
4 interest in the property or nonconforming structure or use in question, as may
5 be necessary, by purchase or grant or condemnation in the manner provided
6 under 5 19 V.S.A. chapter 5 in any case in which:

7 * * *

8 * * * Title 7 * * *

9 Sec. 23. 7 V.S.A. § 656(f) is amended to read:

10 (f) Diversion Program requirements.

11 * * *

12 (6) Notwithstanding ~~3 V.S.A. §§ 163(a)(2)(C) and 164(a)(2)(C)~~ any
13 provision of law to the contrary, the adult or juvenile diversion programs shall
14 accept cases from the Youth Substance Awareness Safety Program pursuant to
15 this section. The confidentiality provisions of 3 V.S.A. § 163 or 164 shall
16 become effective when a notice of violation is issued pursuant to subsection
17 (b) of this section and shall remain in effect unless the person fails to register
18 with or complete the Youth Substance Awareness Safety Program.

19 * * * Title 9 * * *

20 Sec. 24. 9 V.S.A. § 4501 is amended to read:

21 § 4501. DEFINITIONS

1 As used in this chapter:

2 * * *

3 (8) “Public accommodation” means an individual, organization, or
4 governmental, or other entity that owns, leases, leases to, or operates a place of
5 public accommodation.

6 * * *

7 (10) “Undue burden” means significant difficulty or expense. In
8 determining whether an action would result in an undue burden, the following
9 factors shall be considered:

10 * * *

11 (B) the overall financial resources of the site or sites involved in the
12 action; the number of persons employed at the site; the effect on expenses and
13 resources; legitimate safety requirements necessary for safe operation,
14 including crime prevention measures, ~~or~~ and any other impact of the action on
15 the operation of the site;

16 (C) the geographic separateness and the administrative or fiscal
17 relationship of the site or sites in question to any parent corporation or entity;

18 (D) if applicable, the overall financial resources of any parent
19 corporation or entity; the overall size of the parent corporation or entity with
20 respect to the number of its employees; and the number, type, and location of
21 its facilities; and

1 (E) if applicable, the type of operation or operations of any parent
2 corporation or entity, including the composition, structure, and functions of the
3 workforce of the parent corporation or entity.

4 * * *

5 * * * Title 13 * * *

6 Sec. 25. 13 V.S.A. § 7554(a) is amended to read:

7 (a) Release; conditions of release. Any person charged with an offense,
8 other than a person held without bail under section 7553 or 7553a of this title,
9 shall at the person's appearance before a judicial officer be ordered released
10 pending trial in accordance with this section.

11 (1) The defendant shall be ordered released on personal recognizance or
12 upon the execution of an unsecured appearance bond in an amount specified
13 by the judicial officer unless the judicial officer determines that such a release
14 will not reasonably mitigate the risk of flight from prosecution as required. In
15 determining whether the defendant presents a risk of flight from prosecution,
16 the judicial officer shall consider, in addition to any other factors, the
17 seriousness of the offense charged; the number of offenses with which the
18 person is charged; whether, at the time of the current offense or arrest, the
19 defendant was released on conditions or personal recognizance, on probation,
20 furlough, parole, or other release pending trial, sentencing, appeal, or
21 completion of a sentence for an offense under federal or state law; and

1 whether, in connection with a criminal prosecution, the defendant is compliant
2 with court orders or has failed to appear at a court hearing. If the judicial
3 officer determines that the defendant presents a risk of flight from prosecution,
4 the officer shall, either in lieu of or in addition to the methods of release in this
5 section, impose the least restrictive of the following conditions or the least
6 restrictive combination of the following conditions that will reasonably
7 mitigate the risk of flight of the defendant as required:

8 * * *

9 (H) Place the defendant in the pretrial supervision program pursuant
10 to section 7555 of this title, provided that the defendant meets the criteria
11 identified in ~~subdivision 7551(e)(1)~~ subdivisions 7555(d)(2)–(3) of this title.

12 * * *

13 (2) If the judicial officer determines that conditions of release imposed
14 to mitigate the risk of flight will not reasonably protect the public, the judicial
15 officer may impose, in addition, the least restrictive of the following
16 conditions or the least restrictive combination of the following conditions that
17 will reasonably ensure protection of the public:

18 * * *

19 (G) Place the defendant in the pretrial supervision program pursuant
20 to section 7555 of this title, provided that the defendant meets the criteria
21 identified in ~~subdivision 7551(e)(1)~~ subdivisions 7555(d)(2)–(3) of this title.

* * * Title 18 * * *

(f) Diversion Program requirements.

(6) Notwithstanding ~~3 V.S.A. §§ 163(a)(2)(C) and 164(a)(2)(C)~~ any law

from the Youth Substance Awareness Safety Program pursuant to this section,

The confidentiality provisions of 3 V.S.A. § 163 or 164 shall become effective

when a notice of violation is issued pursuant to subsection (b) of this section,

subdivision 4230f(e)(1) of this title, or subdivision 4230f(e)(2) of this title and

shall remain in effect unless the person fails to register with or complete the

Youth Substance Awareness Safety Program.

Sec. 27. 18 V.S.A. § 9351(d) is amended to read:

(d) The Health Information Technology Plan shall serve as the framework

within which the Green Mountain Care Board reviews certificate of need

applications for information technology under section 9440b of this title. In

addition, the ~~Commissioner of Information and Innovation~~ Secretary of Digital

Services shall use the Health Information Technology Plan as the basis for

independent review of State information technology procurements.

* * * Title 19 * * *

Sec. 28. 19 V.S.A. § 10 is amended to read:

§ 10. DUTIES

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

* * *

(15) Respond in writing to concerns raised during Transportation Board hearings conducted pursuant to the provisions of subdivision 5(d)(6) and ~~subsection 10g(d)~~ of this title.

* * *

* * * Title 20 * * *

Sec. 29. 20 V.S.A. § 2371(c) is amended to read:

(c) Code contents. The Law Enforcement Officers' Code of Conduct shall prohibit the following categories of conduct:

* * *

(2) untruthfulness, including in the course of criminal investigations, in law enforcement agencies' internal affairs investigations, in Council investigations, in matters before a tribunal, and in the preparation, administration, or taking of any official examination conducted by a law enforcement agency of the Council;

* * *

* * * Title 21 * * *

Sec. 30. 21 V.S.A. chapter 5 is amended to read:

CHAPTER 5. EMPLOYMENT PRACTICES

* * *

§ 472. LEAVE

(a) During any 12-month period, an employee shall be entitled to take unpaid leave for a period not to exceed 12 weeks:

(1) for parental leave, during the employee's pregnancy and following the birth of an employee's child or within a year following the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption; or

* * *

§ 472a. SHORT-TERM FAMILY LEAVE

(a) In addition to the leave provided in section 472 of this title, an employee shall be entitled to take unpaid leave not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12-month period. An employer may require that leave be taken in a minimum of two-hour segments and may be taken for any of the following purposes:

(1) ~~To~~ to participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild,

1 foster child, or ward who lives with the employee, such as a parent-teacher
2 conference;

3 (2) ~~To~~ to attend or to accompany the employee's child, stepchild, foster
4 child, or ward who lives with the employee or the employee's parent, spouse,
5 or parent-in-law to routine medical or dental appointments;

6 (3) ~~To~~ to accompany the employee's parent, spouse, or parent-in-law to
7 other appointments for professional services related to their care and well-
8 being; or

9 (4) ~~To~~ to respond to a medical emergency involving the employee's
10 child, stepchild, foster child, or ward who lives with the employee or the
11 employee's parent, spouse, or parent-in-law.

12 * * *

13 § 482. EARNED SICK TIME

14 * * *

15 (c) An employer may:

16 * * *

17 (2) limit to 40 hours the number of hours in each workweek for which
18 full-time employees not subject to the overtime provisions of the Federal Fair
19 Labor Standards Act, pursuant to 29 U.S.C. § 213(a)(1), may accrue earned
20 sick time pursuant to this section.

21 * * *

§ 495d. DEFINITIONS

As used in this subchapter:

* * *

(7) “Physical or mental impairment” means:

(A)(i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; or endocrine;

(B)(ii) any mental or psychological disorder, such as developmental disability, organic brain syndrome, emotional or mental condition or psychiatric disability, and specific learning disabilities;

(C)(B) the term “physical or mental impairment” includes diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, and drug addiction and alcoholism.

* * *

Sec. 31. 21 V.S.A. chapter 9 is amended to read:

CHAPTER 9. EMPLOYER’S LIABILITY AND WORKERS’

COMPENSATION

* * *

§ 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

(a)(1) Where the injury for which compensation is payable under the provisions of this chapter was caused under circumstances creating a legal liability to pay the resulting damages in some person other than the employer, the acceptance of compensation benefits or the commencement of proceedings to enforce compensation payments shall not act as an election of remedies, but the injured employee or the employee's personal representative may also proceed to enforce the liability of the third party for damages in accordance with the provisions of this section.

(2) If the injured employee or the employee's personal representative does not commence the action within one year after the occurrence of the personal injury, then the employer or its insurance carrier may, within the time for the commencement of actions established by statute, enforce the liability of the third party in the name of the injured employee or the employee's personal representative.

(3) Not less than 30 days before the commencement of suit by any party under this section, the party shall notify, by registered mail at their last known address;

(A) the Commissioner;

(B)(i) the injured employee; or

(2) Upon the employee's application for a hearing under section 663 of this chapter, within 60 days after, the Commissioner shall review the evidence upon which the denial is based. If the evidence does not reasonably support

1 the denial, the Commissioner shall order that payments be made until a hearing
2 is held and a decision is rendered.

3 * * *

4 Sec. 32. 21 V.S.A. chapter 12 is amended to read:

5 CHAPTER 12. EMPLOYEE LEASING COMPANIES

6 * * *

7 § 1038. DEPARTMENT OF LABOR

8 * * *

9 (b) An employee leasing company shall register with the Department of
10 Labor on a form required by the Commissioner of Labor and shall file the
11 following with the Commissioner:

12 (1) A a copy of each employee leasing agreement within 10 days after
13 the agreement is executed and notice within 10 days after an agreement is
14 terminated;

15 (2) ~~Payroll~~ payroll records for each client company; and

16 (3) ~~On~~ on or before December 31 of each year, a list of each client
17 company, including the client company's name, address, State employer
18 account number, and federal employer identification number.

19 § 1039. EMPLOYEE BENEFITS

20 * * *

1 (b) An employee leasing company that provides health insurance benefits
2 to its leased employees shall provide those benefits only pursuant to one of the
3 following:

4 (1) an insurance policy issued under 8 V.S.A. chapter 107 by an insurer
5 or entity authorized to do business by the Commissioner of Financial
6 Regulation; or

7 (2) a plan that has been qualified as a single employer plan under the
8 provisions of the Employee Retirement Income Security Act (ERISA), 29
9 U.S.C. § 1001 et seq., as amended.

10 * * *

11 § 1042. UNPROFESSIONAL CONDUCT

12 Unprofessional conduct includes:

13 (1) ~~Failure~~ failure to maintain financial responsibility and management
14 competence; and

15 (2) ~~Occupational~~ occupational advertising that is intended or tends to
16 deceive the public; and

17 (3) ~~Failure~~ failure to comply with substantial provisions of State or
18 federal law governing the conduct of an employee leasing company; and

19 (4) ~~Conviction~~ conviction of a crime related to the conduct of the
20 business of employee leasing by a controlling person of a licensee.

21 * * *

1 Sec. 33. 21 V.S.A. chapter 17 is amended to read:

2 CHAPTER 17. UNEMPLOYMENT COMPENSATION

3 * * *

4 § 1301. DEFINITIONS

5 As used in this chapter:

6 * * *

7 (7) “Employment office” means a free public employment office, or
8 branch thereof, of the Vermont Employment Service Division, or an office
9 maintained by another state as a part of a state-controlled system of free public
10 employment offices, or by a federal agency or any agency of a foreign
11 government charged with the administration of an unemployment
12 compensation program or free public employment office, or such other
13 agencies as the U.S. Secretary of Labor may approve.

14 * * *

15 (9) ~~“Total and partial unemployment.”~~ “Total” and “partial”
16 unemployment shall be determined as follows:

17 (A) An individual shall be deemed “totally unemployed” in any week
18 during which the individual performs no services and with respect to which no
19 wages are earned by the individual.

20 (B) An individual shall be deemed “partially unemployed” in any
21 week of less than full-time work if the wages earned by the individual with

1 respect to the week are less than the weekly benefit amount the individual
2 would be entitled to receive if totally unemployed and eligible.

3 (C) As used in this subdivision (9), “wages” includes only that part
4 of remuneration in any one week rounded to the next higher dollar that is in
5 excess of the amount specified in section 1338a of this subchapter.

6 (D) An individual’s week of unemployment shall be deemed to
7 commence only after the individual’s registration at an employment office,
8 except as the Vermont Employment Security Board may by rule otherwise
9 prescribe.

10 * * *

11 § 1321. CONTRIBUTIONS; TAXABLE WAGE BASE CHANGES

12 * * *

13 (e) Contributions paid by political subdivisions. Any municipality, any
14 State institution of higher education, and any political or governmental
15 subdivisions or instrumentalities of the State shall pay contributions, unless it
16 elects to pay to the Commissioner for the Unemployment Compensation Trust
17 Fund, an amount equal to the amount of benefits paid, including the full
18 amount of extended benefits paid, ~~attrib-utable~~ attributable to service by
19 individuals in the employ of the entity. Subsections (a) and (b) and
20 subdivisions (c)(3)(C) through (3)(F), inclusive, and ~~subdi-visions~~
21 subdivisions (c)(4) through (6), inclusive, of this section as they apply to

1 nonprofit organizations shall also apply to the entities designated in this
2 subsection, except that these entities shall be liable for all benefits paid,
3 including the full amount of extended benefits paid, attributable to service in
4 the employ of these entities.

5 * * *

6 (f) Payments in lieu of contributions considered self-insuring. Any
7 employer who makes payments in lieu of contributions under the provisions of
8 this section is considered to be self-insuring and shall pay to the Commissioner
9 for the Unemployment Compensation Trust Fund any amounts the
10 Commissioner finds to be due under this chapter, including benefits paid but
11 denied on appeal or benefits paid in error that cannot be properly charged
12 either against another employer who makes payments in lieu of contributions
13 or against the experience-rating record of another employer who pays
14 contributions. Benefits improperly paid where ~~repay—meant~~ repayment by the
15 claimant is ordered pursuant to subsection 1347(a) or (b) of this title will be
16 credited to the employer's account when repayment from the claimant is
17 actually received by the Commissioner.

18 * * *

19 § 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;
20 DISCLOSURE TO SUCCESSOR ENTITY

21 * * *

1 (b)(1) ~~Disclosure of contribution rate to successor entity.~~ Any individual
2 or employing unit who in any manner succeeds to or acquires the organization,
3 trade, or business or substantially all of the assets of any employer who has
4 been operating the business within two weeks prior to the acquisition, except
5 any assets retained by the employer incident to the liquidation of the
6 employer's obligations, and who thereafter continues the acquired business
7 shall be considered to be a successor to the predecessor from whom the
8 business was acquired and, if not already an employer before the acquisition,
9 shall become an employer on the date of the acquisition. The Commissioner
10 shall transfer the experience-rating record of the predecessor employer to the
11 successor employer. If the successor was not an employer before the date of
12 acquisition, the successor's rate of contribution for the remainder of the rate
13 year shall be the rate applicable to the predecessor employers with respect to
14 the period immediately preceding the date of acquisition if there was only one
15 predecessor or there were only predecessors with identical rates. If the
16 predecessors' rates were not identical, the Commissioner shall determine a rate
17 based on the combined experience of all the predecessor employers. If the
18 successor was an employer before the date of acquisition, the contribution rate
19 that was assigned to the successor for the rate year in which the acquisition
20 occurred will remain assigned to the successor for the remainder of the rate
21 year, after which the experience-rating record of the predecessor shall be

1 combined with the experience rating of the successor to form the single
2 employer experience-rating record of the successor. At any time prior to the
3 issuance of the certificate required by subsection 1322(b) of this chapter, an
4 employing unit shall, upon request of a potential successor, disclose to the
5 potential successor its current experience-rating record.

6 * * *

7 (d) Notwithstanding any other provision of law, the following shall apply
8 to assignment of rates and transfers of experience:

9 * * *

10 (4) As used in this section:

11 (A) "Attempt to violate" means the intent to evade,
12 misrepresentation, or ~~willful~~ intentional nondisclosure.

13 * * *

14 Sec. 34. 21 V.S.A. chapter 19 is amended to read:

15 CHAPTER 19. VERMONT STATE LABOR RELATIONS ACT

16 * * *

17 § 1543. APPROPRIATE UNIT; BASIS FOR DETERMINATION

18 (a) The Board shall decide in each case whether, in order to ensure the
19 employees have the fullest freedom in exercising the rights guaranteed by this
20 Act chapter, the unit appropriate for the purpose of collective bargaining is the

1 employer unit, craft unit, plant unit, or a subdivision thereof. However, the
2 Board shall not decide that:

3 * * *

4 § 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,
5 HEARINGS, DETERMINATIONS

6 * * *

7 (b)(1) The Board shall investigate the petition and if it has reasonable
8 cause to believe that a question of representation exists shall provide for an
9 appropriate hearing before the Board itself, a Board member, or its agents
10 appointed for that purpose upon due notice. Written notice of the hearing shall
11 be mailed by certified mail to the parties named in the petition not less than
12 seven days before the hearing.

13 * * *

14 (3)(A) If the Board finds upon the record of the hearing that a petition
15 to be represented for collective bargaining filed pursuant to subdivision
16 (a)(1)(A) of this section, which identifies a proposed bargaining representative,
17 bears the signatures of at least 50 percent plus one of the employees in the
18 bargaining unit, the Board shall certify the individual or labor organization
19 identified as the bargaining representative.

* * *

* * *

* * *

(B) Forcing or requiring any person to cease using, selling, handling, distributing, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person,

1 or forcing or requiring any other employer to recognize or bargain with a labor
2 organization as the representative of employees unless such labor organization
3 has been certified as the representative of such employees under the provisions
4 of section 1581 of this title, but this subdivision shall not be construed to make
5 unlawful, where not otherwise unlawful, any primary strike or primary
6 picketing.

7 (C) Forcing or requiring any employer to recognize or bargain with a
8 particular labor organization as the employee's representative if another labor
9 organization has been certified as the representative of those employees under
10 section 1581 of this title.

11 (D) Forcing or requiring any employer to assign particular work to
12 employees in a particular labor organization or in a particular trade, craft, or
13 class rather than to employees in another labor organization or in another
14 trade, craft, or class, unless such employer is failing to conform to an order or
15 certification of the Board determining the bargaining representative for
16 employees performing such work. This subsection (b) shall not be construed
17 to make unlawful a refusal by any person to enter upon the premises of any
18 employer, other than the person's own employer, if the employees of such
19 employer are engaged in a strike ratified or approved by a representative of
20 such employees whom the employer is required to recognize under this
21 chapter. Nothing in this subdivision shall be construed to prohibit publicity,

1 other than picketing, for the purpose of truthfully advising the public,
2 including consumers and members of a labor organization, that a product or
3 products are produced by an employer with whom the labor organization has a
4 primary dispute and are distributed by another employer, as long as such
5 publicity does not have an effect of inducing any individual employed by any
6 person other than the primary employer in the course of employment to refuse
7 to pick up, deliver, or transport any goods, or not to perform any services, at
8 the establishment of the employer engaged in such distribution.

9 * * *

10 (8) Compulsory membership; employees' rights. A labor organization
11 entering into an agreement requiring a person's membership in the labor
12 organization as a condition of employment by the employer shall not:

13 * * *

14 (B) penalize a member for exercising a right guaranteed by the
15 Constitution or laws of the United States or the State of Vermont; or

16 (C) cause the discharge from employment of employees who refuse
17 membership in the labor organization because of religious beliefs.

18 * * *

19 § 1622. PREVENTION OF UNFAIR LABOR PRACTICES

20 * * *

1 (e) In determining whether a complaint shall issue alleging a violation of
2 subdivision 1621(a)(1) or (2) of this title, and in deciding such cases, the same
3 ~~regulations and~~ rules of decision shall apply irrespective of whether or not
4 labor organization affected is affiliated with a labor organization national or
5 international in scope.

6 * * *

7 (g) Until the record in a case shall have been filed in a court, as ~~hereinafter~~
8 provided pursuant to section 1623 of this chapter, the Board may at any time,
9 upon reasonable notice and in such manner as it shall deem proper, modify or
10 set aside, in whole or in part, any finding or order made or issued by it.

11 § 1623. JUDICIAL REVIEW

12 * * *

13 (g) The Board shall have the power upon issuance of a complaint as
14 provided for under this act chapter to petition the Superior Court within any
15 county wherein the unfair labor practice is alleged to have occurred, for
16 appropriate temporary relief or restraining order. Upon the filing of such
17 petition the court shall cause notice thereof to be served upon such person, and
18 thereupon, shall have jurisdiction to grant to the Board such temporary relief
19 as it deems just and proper.

20 * * *

1 Sec. 35. 21 V.S.A. chapter 20 is amended to read:

2 CHAPTER 20. INDEPENDENT DIRECT SUPPORT PROVIDERS

3 * * *

4 § 1633. RIGHTS OF THE STATE

5 Subject to the rights guaranteed by this chapter and subject to all other
6 applicable laws, and rules, ~~and regulations~~, nothing in this chapter shall be
7 construed to interfere with the right of the State to:

8 * * *

9 (3) comply with federal and State laws and ~~regulations~~ rules;

10 (4) enforce ~~regulations~~ rules and regulatory processes;

11 (5) develop ~~regulations~~ rules and regulatory processes that do not impair
12 existing contracts, subject to the duty to bargain over mandatory subjects of
13 bargaining and to the rulemaking authority of the General Assembly and the
14 Human Services Board; and

15 * * *

16 § 1638. PREVENTION OF UNFAIR PRACTICES

17 * * *

18 (e) In determining whether a complaint shall issue alleging a violation of
19 subsection 1637(b) or (c) of this title, and in deciding those cases, the same
20 ~~regulations and~~ rules of decision shall apply irrespective of whether or not a

1 labor organization affected is affiliated with a labor organization national or
2 international in scope.

3 * * *

4 § 1641. RULES ~~AND REGULATIONS~~

5 The Board shall ~~make~~ adopt rules and may amend ~~and or~~ rescind ~~and adopt~~
6 ~~such rules and regulations~~ consistent with this chapter as may be necessary to
7 carry out the provisions of this chapter.

8 * * *

9 Sec. 36. 21 V.S.A. chapter 22 is amended to read:

10 CHAPTER 22. VERMONT MUNICIPAL LABOR RELATIONS ACT

11 * * *

12 § 1723. DETERMINATION OF THE BARGAINING UNIT

13 Nothing in this chapter shall prevent a municipal employer from voluntarily
14 recognizing an employee organization as the exclusive bargaining agent.

15 Voluntary recognition may be granted at the request of an employee
16 organization if:

17 (1) The employee organization demonstrates the support of a majority
18 of the employees and the bargaining unit it seeks to represent; ~~and~~.

19 (2) No rival employee organization seeks to represent the same
20 individual employee or the same jobs or positions for which recognition is
21 being sought; ~~and~~.

1 (3) The bargaining unit is appropriate under the standards set forth in
2 subsection 1724(c) of this title. This section shall not require voluntary
3 recognition of an employee organization by a municipal employer.

4 § 1724. CERTIFICATION PROCEDURE

5 * * *

6 (d) Nothing in this chapter prohibits the waiving of hearings by stipulation
7 for a consent election in conformity with ~~regulations and~~ rules of decision of
8 the Board.

9 * * *

10 § 1727. PREVENTION OF UNFAIR LABOR PRACTICES

11 * * *

12 (e) In determining whether a complaint shall issue alleging that an unfair
13 labor practice has been committed, and in deciding those cases, the same
14 ~~regulations and~~ rules of decision shall apply irrespective of whether the
15 employee organization affected is affiliated with an employee organization
16 national or international in scope.

17 * * *

18 § 1730. RESTRICTIONS ON STRIKES

19 (a) A strike shall not be prohibited unless:

20 (1) it occurs sooner than 30 days after the delivery of a factfinder's
21 report to the parties pursuant to subsection 1732(e) of this title;

* * *

* * * Title 23 * * *

Sec. 37. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may otherwise be provided by law, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(11) “Enforcement officers” shall include:

* * *

(B) For enforcement of offenses relating to parking of motor vehicles, meter checkers and other duly authorized employees of a municipality employed to assist in the enforcement of parking ~~regulations~~ rules.

* * *

Sec. 38. 23 V.S.A. chapter 7 is amended to read:

CHAPTER 7. REGISTRATION

* * *

§ 420. MOTOR TRUCK DEFINED

As used in this section and sections 415, ~~416, 420,~~ and 421 of this title, the words “motor truck” shall include any motor vehicle having a gross weight of

1 18,000 pounds or over, designed and used for the transportation of
2 merchandise or freight.

3 * * *

4 § 450a. DEALER REGISTRATION; ELIGIBILITY

5 (a) A person shall not be eligible to register as a dealer unless the person:

6 (1) Has no previous record of willful violations of dealer laws or
7 ~~regulations~~ rules in this or any other jurisdiction.

8 * * *

9 Sec. 39. 23 V.S.A. chapter 9 is amended to read:

10 CHAPTER 9. OPERATOR'S LICENSES

11 * * *

12 § 607. JUNIOR OPERATOR'S LICENSE

13 (a) A junior operator's license may be issued initially only to persons who:

14 (1) are 16 and 17 years of age;

15 (2) have passed the driver examination required in subchapter 2 of this
16 chapter and a driver education and training course approved by the
17 Commissioner of Motor Vehicles and the Secretary of Education; and

18 (3) have:

19 (A) possessed a learner's permit for not less than one year;

20 (B) submitted on a form provided by the Department of Motor
21 Vehicles that is approved by the Commissioner, and certified by the operator's

1 licensed parent or guardian, licensed or certified driver education instructor, or
2 licensed person at least 25 years of age that there was at least 40 hours of
3 practice behind the wheel, at least 10 of which was nighttime driving and that
4 the operator was accompanied by his or her licensed parent or guardian, a
5 licensed or certified driver education instructor, or another licensed individual
6 at least 25 years of age, riding in the front passenger seat; and

7 (C) maintained a driving record without a learner's permit
8 suspension, revocation, or recall for six consecutive months prior to licensure.

9 * * *

10 § 705. QUALIFICATIONS FOR INSTRUCTOR'S LICENSE

11 In order to qualify for an instructor's license, each applicant shall:

12 * * *

13 (4) have five years' experience as a licensed operator and be at least 21
14 years of age on date of application; and

15 (5) pay the application and license fees prescribed in section 702 of this
16 title.

17 * * *

18 § 708. REFUSAL TO ISSUE LICENSE

19 The Commissioner may refuse to issue a license to any applicant for a
20 driver's training school license or instructor's license when ~~he or she~~ the

21 Commissioner is satisfied that:

* * *

(4) the applicant has been convicted of a felony or any crime involving violence, dishonesty, or deceit; and

(5) the applicant is not the true owner of the driver training school.

§ 709. SUSPENSION AND REVOCATION

(a) The Commissioner may at any time cancel, suspend, revoke, or refuse to renew any driver's training school or instructor's license when ~~he or she~~ the Commissioner is satisfied that:

* * *

(4) the licensee has willfully violated the provisions of section 705 of this title; or

(5) the licensee has failed to comply with the rules of the Commissioner made pursuant to this subchapter.

* * *

Sec. 40. 23 V.S.A. § 751(e) is amended to read:

(e) A company shall require that a personal vehicle used to provide prearranged rides comply with all applicable laws and ~~regulations~~ rules concerning vehicle equipment.

Sec. 41. 23 V.S.A. § 941(a) is amended to read:

(a) No policy insuring against liability arising out of the ownership, maintenance, or use of any motor vehicle may be delivered or issued for

1 delivery in this State with respect to any motor vehicle registered or
2 principally garaged in this State unless coverage is provided for the protection
3 of persons insured under the policy or a supplemental policy who are legally
4 entitled to recover damages, from owners or operators of uninsured,
5 underinsured, or hit-and-run motor vehicles, for bodily injury, sickness, or
6 disease, including death, and for property damages resulting from the
7 ownership, maintenance, or use of such uninsured, underinsured, or hit-and-
8 run motor vehicle. The coverage for property damages shall be sufficient to
9 indemnify a claim for damages to which the claimant is legally entitled of no
10 more than \$10,000.00 per claim, subject to a \$150.00 deductible; provided,
11 however, to the extent that other direct damage coverage is valid and
12 collectible:

13 (1) this deductible shall not apply to a claimant who is otherwise insured
14 for direct damages to his or her motor vehicle, in which case:

15 (A) the coverage for property damages provided in this section shall
16 be applied, without deductible, to pay the deductible of the other direct
17 damage coverage; and

18 (B) the balance of the direct damage claim, if any, shall be covered
19 by such other direct damages coverage to the extent of its limits; and

20 (2) further, any other claim for property damages, not direct damages, to
21 which the claimant is legally entitled, shall be paid by the coverage required

1 by this section, without deductible, to the extent of the limits provided in this
2 section.

3 Sec. 42. 23 V.S.A. chapter 13 is amended to read:

4 CHAPTER 13. OPERATION OF VEHICLES

5 * * *

6 § 1001. RULES

7 (a) The Commissioner may adopt rules:

8 * * *

9 (3) relating to any other matter or thing that, in ~~his or her~~ the
10 Commissioner's judgment, may hinder or impede the operator in the safe and
11 careful operation of a motor vehicle; and

12 (4) in explanation of and in addition to, but not inconsistent with, the
13 provisions of this title concerning any matter or thing that, in ~~his or her~~ the
14 Commissioner's judgment, may render the operation of motor vehicles safer
15 and lessen motor vehicle crashes and resulting injuries or fatalities.

16 * * *

17 § 1007. LOCAL SPEED LIMITS

18 * * *

19 (d) The ~~special regulations~~ ordinances have the full force and effect of law
20 and are in the case of ~~regulations~~ ordinances adopted under subsections (a) and

(b) of this section subject to review by the Traffic Committee, whose decision is final.

* * *

§ 1008. ~~REGULATIONS~~ ORDINANCES IN MUNICIPALITIES

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

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

9 (b) The legislative body of a municipality may ~~make~~ adopt ~~special~~
10 ~~regulations~~ ordinances as to the use of lights at night on motor vehicles at rest
11 or in motion on well lighted streets.

12 (c) Municipal motor vehicle ~~regulations~~ ordinances shall not duplicate or
13 contradict any provision of this title.

14 * * *

15 § 1010. SPECIAL OCCASIONS; TOWN HIGHWAY MAINTENANCE

16 (a) When it appears that traffic will be congested by reason of a public
17 occasion or when a town highway is being reconstructed or maintained or
18 where utilities are being installed, relocated, or maintained, the legislative
19 body of a municipality may ~~make~~ adopt ~~special regulations~~ ordinances as to
20 the speed of motor vehicles, may exclude motor vehicles from town highways,
21 and may ~~make~~ adopt ~~such traffic rules and regulations~~ ordinances as the public

1 good requires. However, signs indicating the ~~special regulations~~ ordinances
2 must be conspicuously posted in and near all affected areas, giving as much
3 notice as possible to the public so that alternative routes of travel could be
4 considered.

5 * * *

6 § 1013. AUTHORITY OF ENFORCEMENT OFFICERS

7 Enforcement officers may make arrests for violation of this title; may
8 direct, control, and regulate traffic; and may make reasonable orders in
9 enforcement of this title or to prevent or alleviate traffic congestion, property
10 damage, or personal injury. No person may knowingly fail or refuse to
11 comply with any lawful order or direction of any enforcement officer.

12 * * *

13 § 1015. AUTHORIZED EMERGENCY VEHICLES

14 (a) The driver of an authorized emergency vehicle, when responding to an
15 emergency call or when responding to, but not returning from, a fire alarm and
16 a law enforcement officer operating an authorized emergency vehicle in fresh
17 pursuit of a suspected violator of the law:

18 * * *

19 (4) may exceed the maximum speed limits; and
20 (5) may disregard ~~regulations~~ ordinances governing direction of
21 movement or turning in specified directions.

* * *

§ 1076. COMMERCIAL MOTOR VEHICLES; RAILROAD CROSSINGS

* * *

(b) Operators of commercial and noncommercial vehicles shall:

* * *

(2) obey a traffic control device or the directions of an enforcement official at the crossing; and

(3) not attempt to cross tracks if there is insufficient undercarriage clearance.

* * *

§ 1102. REMOVAL OF STOPPED VEHICLES

(a) Subject to subsection (c) of this section, any enforcement officer is authorized to:

* * *

(2) cause the removal of an unattended vehicle or cargo that is an obstruction to traffic or to maintenance of the highway to a garage or other place of safety; and

(3) cause the removal of any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or other place of safety when:

* * *

1 § 1104. STOPPING PROHIBITED

2 (a) Except when necessary to avoid conflict with other traffic, or in
3 compliance with law or the directions of an enforcement officer or official
4 traffic-control device, no person may:

5 * * *

6 (2) Stand or park a vehicle, whether occupied or not, except
7 momentarily to pick up or discharge a passenger:

8 * * *

9 (E) within 20 feet of the driveway entrance to any fire station and on
10 the side of a street opposite and within 75 feet of the entrance to any fire
11 station, when properly signposted; or

12 (F) at any place where official signs prohibit standing.

13 (3) Park a vehicle, whether occupied or not, except temporarily for the
14 purpose of and while actually engaged in loading or unloading merchandise or
15 a passenger:

16 (A) within 50 feet of the nearest rail of a railroad crossing;

17 (B) at any place where official signs prohibit parking; or

18 (C) at any place where official signs restrict parking at an electric
19 vehicle charging station and the vehicle violates the restrictions.

20 * * *

§ 1105. ADDITIONAL PARKING REGULATIONS ORDINANCES

* * *

§ 1133. ELUDING A POLICE OFFICER

* * *

(b)(1) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.

* * *

(4)(A) In the event that death to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for not less than one year nor more than 15 years or fined not more than \$10,000.00, or both.

(B) If death to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision (4) for each decedent.

* * *

§ 1134b. USING TOBACCO OR CANNABIS IN A MOTOR VEHICLE
WITH CHILD PRESENT

* * *

1 (c)(1) A person who violates subsection (a) of this section shall be subject
2 to a civil penalty of not more than \$100.00 and no points shall be assessed.

3 (2) A person who violates subsection (b) of this section commits a
4 misdemeanor crime and shall be subject to the following penalties:

5 (A) a fine of not more than \$500.00 for a first offense;

6 (B) a fine of not more than \$750.00 for a second offense; and

7 (C) a fine of not more than \$1,000.00 for a third or subsequent
8 offense.

9 * * *

10 § 1136. APPLICATION OF SUBCHAPTER; RIGHTS AND

11 OBLIGATIONS OF BICYCLISTS UNDER OTHER LAWS

12 * * *

13 (d)(1) Except as provided in this subsection, motor-assisted bicycles shall
14 be governed as bicycles under Vermont law, and operators of motor-assisted
15 bicycles shall be subject to all of the rights and duties applicable to bicyclists
16 under Vermont law. Motor-assisted bicycles and their operators shall be
17 exempt from motor vehicle registration and inspection and operator's license
18 requirements. A person shall not operate a motor-assisted bicycle on a
19 sidewalk in Vermont.

20 * * *

* * *

* * *

* * *

* * *

(d) The alleged violator shall be given notice and opportunity for a hearing.

Service of the notice shall be sufficient if sent by first-class mail to the

1 station's address or the most recent address provided by the mechanic. The
2 notice shall include the following:

- 3 (1) a factual description of the alleged violation;
- 4 (2) a reference to the particular statute allegedly violated;
- 5 (3) the amount of the proposed administrative penalty; and
- 6 (4) a warning that the person will be deemed to have waived ~~his or her~~
7 the person's right to a hearing, that the penalty will be imposed if no hearing is
8 requested within 15 days from date of notice, and that failure to pay a penalty
9 may result in suspension of ~~his or her~~ the person's license.

10 * * *

11 § 1243. LIGHTS

12 * * *

13 (c) Local ~~regulations ordinances made and promulgated~~ adopted by the
14 legislative bodies of municipalities govern within their respective
15 municipalities with relation to the use of lights at night on motor vehicles at
16 rest or in motion on well-lighted streets. Stop lights, turn signals, and other
17 signaling devices shall be lighted as prescribed for their use.

18 * * *

19 § 1307. BRAKE EQUIPMENT REQUIRED

20 * * *

21 (d) Trucks and truck-tractors having three or more axles:

1 * * *

2 (2) manufactured between July 24, 1980 and October 27, 1986, if any
3 brake components have been removed, must be retrofitted to replace any brake
4 components so that the vehicle meets the requirements of subsection (a) of this
5 section, within one year of May 16, 1990; and

6 (3) manufactured with at least two steerable axles, shall have brakes on
7 at least one steerable axle, except that any such vehicle manufactured after July
8 1, 1992 shall be equipped with brakes on all wheels.

9 * * *

10 § 1391a. PENALTIES FOR OVERWEIGHT OPERATION

11 * * *

12 (b)(1) For violation of each of the statutory sections listed in subsection (a)
13 of this section, civil penalties shall be imposed as follows:

14 \$15.00 for each 1,000 lbs. or portion thereof overweight for the first
15 5,000 lbs. overweight;

16 \$30.00 for each 1,000 lbs. or portion thereof overweight when the
17 gross overweight is more than 5,000 lbs. and less than 10,001 lbs.;

18 \$45.00 for each 1,000 lbs. or portion thereof overweight when the
19 gross overweight is more than 10,000 lbs. and less than 15,001 lbs.;

20 \$60.00 for each 1,000 lbs. or portion thereof overweight when the
21 gross overweight is more than 15,000 lbs. and less than 20,001 lbs.;

\$150.00 for each 1,000 lbs. or portion thereof overweight when the gross overweight is more than 25,000 lbs.

(A) upon a second conviction of a violation occurring within one year, five percent;

(C) upon a fourth or subsequent conviction occurring within one year, 15 percent.

* * *

* * *

* * *

1 (3) the length of the alternative route and any increase in time made
2 necessary by use of the alternative route; and

3 (4) whether an adverse effect has been created relative to the quiet
4 enjoyment and property values of persons living along the alternative route.

5 * * *

6 § 1400a. SPECIAL LOCAL HIGHWAY AND BRIDGE LIMITS;

7 REIMBURSEMENT FOR DAMAGES; SPECIAL PERMITS

8 * * *

9 (c)(1) The selectboard, trustees, or the mayor are authorized to accept for
10 the municipality compensation commensurate with the extra wear or
11 maintenance required on the highway traveled over or on any bridge by reason
12 of the overweight allowed by any permit approved by them or any exemption
13 provided under section 1400d of this title, which shall be used for the
14 maintenance of highways and bridges within the town, village, or city. The
15 following factors, at a minimum, shall be taken into consideration when
16 determining the amount of compensation due:

17 * * *

18 (C) the number and length of trips the vehicle will be making; and

19 (D) the condition of the highway before and after use by the vehicle
20 and costs associated with any needed repair.

21 * * *

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1 Sec. 44. 23 V.S.A. chapter 29 is amended to read:

2 CHAPTER 29. SNOWMOBILES, VESSELS, AND WATER SPORTS

3 * * *

4 § 3206. SNOWMOBILE OPERATION

5 * * *

6 (b) A snowmobile shall not be operated:

7 (1) Across or on a plowed public highway unless:

8 (A) ~~the~~ The crossing is made at an angle of approximately 90 degrees
9 to the direction of the highway and at a place where no obstruction prevents a
10 quick and safe crossing;

11 (B) ~~the~~ The operator brings the snowmobile to a complete stop
12 before entering the traveled portion of the highway;

13 (C) ~~the~~ The operator yields the right of way to motor vehicles and
14 pedestrians using the highway; ~~and~~.

15 (D) ~~the~~ The operator is 16 years of age or older. If the operator is
16 under 16 years of age but at least 12 years of age, that operator must be under
17 the direct supervision of a person 18 years of age or older.

18 * * *

19 (8) By a person born after July 1, 1983, on private or public land and
20 water without first obtaining a certificate of snowmobile education, unless he

1 ~~or she~~ the person is operating on land owned, leased, or farmed by ~~his or her~~
2 the person's parents, family, or guardian or the operator is the land owner.

3 (A) A person who is required to have a certificate of snowmobile
4 education shall do all of the following:

5 (i) ~~possess~~ Possess the certificate or a copy of the certificate when
6 operating a snowmobile on public or private lands and waters of the State; ~~and,~~

7 (ii) ~~show~~ Show the certificate or a copy of the certificate on
8 demand of an enforcement officer wearing an insignia identifying him or her
9 as a law enforcement officer. No person charged with violating this
10 subdivision shall be convicted if the person produces in court, to the officer, or
11 to a State's Attorney, a certificate or a copy of the certificate that was valid at
12 the time the violation occurred. A person may show an electronic copy of the
13 certificate using a portable electronic device; however, use of a device for this
14 purpose does not in itself constitute consent for an enforcement officer to
15 access other contents of the device.

16 (B) The following persons are exempt from the requirements of this
17 subdivision:

18 (i) a person is operating on land owned by his or her parents,
19 family, or guardian or the operator is the landowner;

20 (ii) any other person exempted by rules of the Department of
21 Public Safety;

1 (iii) any person who is under the direct supervision of a certified
2 snowmobile safety instructor; and

3 (iv) a child not yet 12 years of age, but not younger than eight
4 when under the direct supervision of a parent or legal guardian who shall be
5 liable for the actions of the child.

6 (C) The Department of Public Safety shall adopt rules that:

7 (i) ~~That establish~~ Establish criteria for a course of instruction in
8 snowmobile safety education.

9 (ii) ~~Relating~~ Relate to transient snowmobilers.

10 (iii) ~~To administer~~ Administer a verbal test when appropriate.

11 (iv) ~~To coordinate~~ Coordinate a statewide program of snowmobile
12 safety instruction and certification and ensure that a course of safety education
13 is available within each county.

14 (v) ~~That~~ Ensures a course of snowmobile safety education is
15 available at the age of eight. Any child eight years of age but not yet 12 who
16 passes the course may operate a snowmobile only when under the direct
17 supervision of a parent or legal guardian who shall be liable for the actions of
18 the child.

19 (D) Any course of snowmobile safety education that is offered shall
20 provide a minimum of six hours of instruction.

1 (E) Any State-certified instructor may offer a course of instruction in
2 snowmobile safety education approved by the Department of Public Safety.

3 (F) The Department of Public Safety or its designee shall issue a
4 certificate of snowmobile safety education to a person who:

5 (i) passes a departmentally prescribed course of snowmobile
6 safety education; or

7 (ii) passes a snowmobile safety equivalency examination
8 administered by persons authorized to offer a course of snowmobile safety
9 education.

10 (G) Upon request, the Department of Public Safety shall provide,
11 without charge, snowmobile safety education materials to persons who plan to
12 take the snowmobile safety equivalency examination.

13 * * *

14 § 3207a. SNOWMOBILING UNDER THE INFLUENCE OF ALCOHOL

15 OR

16 DRUGS

17 (a) A person shall not operate, attempt to operate, or be in actual physical
18 control of a snowmobile on any lands, waters, or public highways of this State:

19 (1) when the person's alcohol concentration is 0.08 or more; ~~or~~

20 (2) when the person is under the influence of alcohol; or

* * *

* * *

* * *

1 Sec. 45. 23 V.S.A. § 3514 is amended to read:

2 § 3514. ADMINISTRATION OF CHAPTER; RULES

3 The Commissioner shall administer this chapter and shall adopt rules, and
4 prescribe forms and procedures for application and registration, consistent with
5 this chapter as necessary to carry its provisions into effect.

6 * * *

7 Sec. 46. 23 V.S.A. chapter 39 is amended to read:

8 CHAPTER 39. COMMERCIAL DRIVER'S LICENSE ACT

9 * * *

10 § 4110. APPLICATION FOR COMMERCIAL DRIVER'S LICENSE OR
11 COMMERCIAL LEARNER'S PERMIT

12 (a) The application for a commercial driver's license or commercial
13 learner's permit shall include the following:

14 * * *

15 (8) ~~The proper fee.~~

16 (A) The four-year fee for a commercial driver's license shall be
17 \$108.00. The two-year fee shall be \$72.00. In those instances where the
18 applicant surrenders a valid Vermont Class D license, the total fees due shall
19 be reduced by:

20 (i) one-quarter of the four-year fee established by section 601 of
21 this title for each remaining full year of validity; or

(B) The fee for a commercial learner's permit is \$18.00.

§ 4111. COMMERCIAL DRIVER'S LICENSE

(d) Notification. Within 10 days after issuing a commercial driver's license, the Commissioner shall notify the Commercial Driver's License Information System of that fact, providing all information required to ensure identification of the individual.

(f) Renewal. When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by section 4110 of this title, providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 C.F.R. Part 1572. Within 15 days after an adverse initial or final determination of threat assessment being served by the U.S.

1 Transportation Security Administration, the applicant's hazardous materials
2 endorsement shall be revoked or denied.

3 * * *

4 § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

5 (a) An applicant for a school bus endorsement shall satisfy the following
6 requirements:

7 * * *

8 (2) Have knowledge covering the following topics, at minimum:

9 * * *

10 (C) State and federal laws, rules, and regulations related to traversing
11 safely highway rail grade crossings.

12 * * *

13 * * * Title 24 * * *

14 Sec. 47. 24 V.S.A. § 2793b(b) is amended to read:

15 (b) At the first meeting of the State Board held after 45 days of receipt of a
16 completed application, the State Board shall designate a new town center
17 development district if the State Board finds, with respect to that district, the
18 municipality has:

19 * * *

20 (2) Provided a community investment agreement that has been executed
21 by authorized representatives of the municipal government, businesses and

1 property owners within the district, and community groups with an articulated
2 purpose of supporting downtown interests, and contains the following:

3 (A) A map of the designated new town center. The total area of land
4 encompassed within a designated new town center shall not exceed 125 acres.

5 In a municipality with a population greater than 15,000, the total area of land
6 encompassed within a designated new town center may include land in excess
7 of 125 acres provided that the additional area is needed to facilitate the
8 redevelopment of ~~predominately~~ predominantly developed land in accordance
9 with the smart growth principles defined under subdivision 2791(13) of this
10 title and shall not exceed 175 acres.

11 * * *

12 Sec. 48. 24 V.S.A. § 5084(c) is amended to read:

13 (c) The Advisory Council shall meet ~~no less~~ not fewer than four times
14 during each State fiscal year, excluding subcommittee meetings. The
15 legislative members of the Council shall be entitled to compensation and
16 expenses as provided in 2 V.S.A. § 406 23. Members who are not State
17 employees shall receive reimbursement of expenses and a per diem as
18 provided in 32 V.S.A. § 1010.

* * * Title 28 * * *

Sec. 49. 28 V.S.A. § 760(e) is amended to read:

(e) Any compensation which is fixed in accordance with the rules and regulations promulgated adopted by the ~~Commissioner~~ Commissioner may be paid either in periodic installments or in lump sum. The compensation may be drawn from the revolving fund established by section 752 of this title, from any general fund maintained by the Department, or from any approved source.

Sec. 50. 28 V.S.A. § 801(g) is amended to read:

(g) Prescription medication; reentry planning.

(1) If an offender takes a prescribed medication while incarcerated and that prescribed medication continues to be both available at the facility and clinically appropriate for the offender at the time of discharge from the correctional facility, the Department or its contractor shall provide the offender, at the time of release, with not less than a 28-day supply of the prescribed medication, if possible, to ensure that the ~~inmate~~ offender may continue taking the medication as prescribed until the offender is able to fill a new prescription for the medication in the community. The Department or its contractor shall also provide the offender exiting the facility with a valid prescription to continue the medication after any supply provided during release from the facility is depleted.

* * *

* * * Title 32 * * *

Sec. 51. 32 V.S.A. § 182(a) is amended to read:

(a) In addition to the duties expressly set forth elsewhere by law, the
Commissioner of Finance and Management shall:

* * *

(8) Prepare monthly revenue reports for the Governor, Secretary of
Administration, and other officials and for release to the general public, and a
~~comprehensive annual financial report~~ Annual Comprehensive Financial
Report (ACFR) in accordance with generally accepted accounting principles
that shall be distributed to the Chairs of the House Committees on
Appropriations, on Corrections and Institutions, and on Ways and Means and
to the Senate Committees on Appropriations, on Finance, and on Institutions
on or before December 31 of each year. The provisions of 2 V.S.A. § 20(d)
(expiration of required reports) shall not apply to the required report to be
made under this subdivision.

* * *

Sec. 52. 32 V.S.A. § 306(a) is amended to read:

(a) The Governor shall submit to the General Assembly, not later than the
third Tuesday of every annual session, a budget that shall embody the
Governor's estimates, requests, and recommendations for appropriations or
other authorizations for expenditures from the State Treasury. In the first year

1 of the biennium, the budget shall relate to the two succeeding fiscal years. In
2 the second year of the biennium, it shall relate to the succeeding fiscal year.
3 The budget shall be based upon the official State revenue estimates, including
4 the Medicaid estimated caseloads and per-member per-month expenditures,
5 adopted by the Emergency Board pursuant to section 305a of this title.

6 (1) As part of the budget report, the Governor shall:

7 * * *

8 (C) itemize current services liabilities, including the total obligations
9 and the amount estimated for full funding in the current year in which an
10 amortization schedule exists. These shall include the following liabilities
11 projected for the start of the budget fiscal year:

12 * * *

13 (v) projected fund liabilities of the funds identified in the “Notes”
14 section of the most recent ~~Comprehensive Annual Financial Report (CAFR)~~
15 Annual Comprehensive Financial Report (ACFR), including the Workers’
16 Compensation Fund, the State Liability Insurance Fund, the Medical Insurance
17 Fund, and the Dental Insurance Fund; and

18 * * *

19 Sec. 53. 32 V.S.A. § 308b(c) is amended to read:

20 (c) The Human Services Caseload Reserve shall contain two sub-accounts:

* * *

(a) The Governor shall, not later than the third Tuesday of every annual legislative session, submit a consolidated Executive Branch fee report and request to the General Assembly, which shall accompany the Governor's annual budget report and request submitted to the General Assembly as required by section 306 of this title, ~~except that the first fee report shall be submitted by October 1, 1996 to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations. The first fee request shall be submitted during the 1997 session as provided under this section.~~ The content of each annual report and request for fees concerning State agency public records maintained pursuant to 1 V.S.A. chapter 5, subchapter 3 shall be prepared by the Secretary

1 of State, who shall base all recommended fee amounts on “actual cost.” The
2 provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply
3 to the report to be made under this section.

4 Sec. 55. 32 V.S.A. § 711 is amended to read:

5 § 711. APPROVAL OF DEBT

6 If a person as defined in 1 V.S.A. § 128, except a municipality as defined in
7 1 V.S.A. § 126, pays a majority of its operating expenses, as determined in
8 accordance with Generally Accepted Accounting Principles, in any fiscal year
9 with amounts appropriated by the State, either directly or indirectly as a pass-
10 through from a State agency or department, and the person intends to incur any
11 debt in that fiscal year in the cumulative principal amount greater than
12 \$1,000,000.00, including debt incurred through the issuance of bonds, notes,
13 bank loans, mortgages, lease-purchase contracts, and capital leases, then the
14 person shall notify and obtain the approval of the State Treasurer and the
15 Governor prior to incurring the debt. For the purposes of this section, amounts
16 appropriated by the State shall not include nondiscretionary federal funds
17 known as special revenue funds as presented in the State’s ~~comprehensive~~
18 ~~annual financial report~~ Annual Comprehensive Financial Report (ACFR).

* * * Conforming revisions; Interpretation; Effective Dates * * *

Sec. 56. CONFORMING REVISIONS FOR HOUSE COMMITTEE
CHANGES

When preparing the cumulative supplements and replacement volumes of the Vermont Statutes Annotated for publication, the Office of Legislative Counsel shall make the following revisions to these supplements and volumes for consistency with House Rule 25, as long as the revisions have no other effect on the meaning of the affected statutes:

(1) replace “House Committee on Environment and Energy” with “House Committee on Environment” or “House Committee on Energy and Digital Infrastructure,” as applicable; and

(2) replace “House Committee on Government Operations and Military Affairs,” with “House Committee on Energy and Digital Infrastructure” for matters involving information technology and cybersecurity.

Sec. 57. INTERPRETATION

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

1 conflict, the substantive changes in other acts shall take precedence over the
2 technical changes in this act.

3 * * * Effective Date * * *

4 Sec. 58. EFFECTIVE DATE

5 This act shall take effect on passage.