

1 H.463

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

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

4 \* \* \* Technical Corrections \* \* \*

5 \* \* \* Title 3 \* \* \*

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

7 (3) All agencies which involve or concern interstate relationships  
8 including:

9 \* \* \*

10 (D) ~~Lake Champlain Bridge Commission~~ [Repealed.]

11 (E) ~~Tri-State Regional Medical Needs Board~~ [Repealed.]

12 \* \* \*

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

14 § 11. METHOD OF DELEGATING; RESPONSIBILITY OF GOVERNOR

15 The delegating of duties ~~herein~~ authorized in this section shall be in writing  
16 and shall specify with particularity the cases in which it is to apply. It shall  
17 become effective only when an executed duplicate copy of the delegation is  
18 filed in the Office of the Secretary of State. Such delegation may be revoked  
19 at any time by the Governor, and such revocation shall be in writing and  
20 likewise filed as the original delegation. The delegation of a particular  
21 function shall not prevent the Governor from acting in a case ~~thereunder~~, and  
22 in any such instance, the delegation shall be of no effect. Nothing contained

1 ~~herein~~ in this section shall relieve the Governor of ~~his or her~~ the Governor's  
2 responsibility for the acts of any officer designated by ~~him or her~~ the Governor  
3 under the authority of sections 10–13 of this title to perform any function.

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

5 § 12. SCOPE

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

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

14 § 13. APPLICATION

15 Sections 10–13 of this title shall apply only to the following sections: 202,  
16 207 and 631 of this title; 4 V.S.A. § 852; 6 V.S.A. §§ 3, 4, ~~982, 1141~~ and  
17 2922; 10 V.S.A. §§ 53, 54 and 4149; 20 V.S.A. §§ 1484, 1874(a), 1875, 2221,  
18 2271, and 2273; 21 V.S.A. § 1104; 22 V.S.A. § 282; 23 V.S.A. § 103; and 29  
19 V.S.A. §§ 3 ~~and 1104; and 32 V.S.A. §§ 3104 and 3105.~~

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

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

3 PROFESSIONS; DISCIPLINE PROCESS

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

7 \* \* \*

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

12 \* \* \*

13 (e)(1) When a board or the Director, in the case of professions that have  
14 advisor appointees, intends to deny an application for a license based on the  
15 applicant's past or current unprofessional conduct or based on an ongoing  
16 investigation of the applicant, in Vermont or elsewhere, for unprofessional  
17 conduct, the board or Director shall send the applicant written notice of the  
18 decision by certified mail. The notice shall include a statement of the reasons  
19 for the action and shall advise the applicant that the applicant may file a  
20 petition within 30 days after the date on which the notice is mailed with the

1 board or the Director for review of the board's or Director's preliminary  
2 decision.

3 \* \* \*

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

6 \* \* \*

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

8 § 159. OPINIONS; STATE MATTERS AND ACTIONS

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

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

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

17 CHAPTER 9. ADMINISTRATIVE DEPARTMENTS

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1 the Governor's approval, to fix the compensation ~~to be paid therefor~~ for those  
2 employed. No department shall expend or authorize an expenditure in excess  
3 of the amount appropriated ~~therefor~~ in any fiscal year.

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

10 \* \* \*

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

16 \* \* \*

17 § 209. EFFICIENCY AND COOPERATION; TRANSFER OF

18 PERSONNEL; ~~REGULATIONS~~ RULES OF GOVERNOR

19 The Governor shall provide for and require a practical working system to  
20 ensure efficiency and mutual helpfulness among the departments ~~herein~~  
21 specified in this chapter. The Governor may transfer, temporarily or

1 permanently, subordinates of any one of such departments to another  
2 department as the needs of the State may seem to ~~him or her~~ the Governor to  
3 require. ~~He or she~~ The Governor shall adopt and have power to enforce such  
4 rules as ~~he or she~~ the Governor may see fit for the conduct of such departments  
5 and alter or add to the same in ~~his or her~~ the Governor's discretion.

6 \* \* \*

7 § 213. DECLARATION OF POLICY

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

15 \* \* \*

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

17 § 263. EMPLOYEES ENTERING ARMED FORCES

18 (a) A person in the permanent employ of the State of Vermont who is or  
19 has been inducted or ordered into the active service of the U.S. Armed Forces  
20 or who voluntarily enlists or was enlisted in such service in time of war or  
21 national emergency, or who is ordered to active duty as a member of a reserve

1 component of the U.S. Armed Forces and thus for any of these causes leaves a  
2 permanent position, shall be restored to ~~such~~ the position or to a position of  
3 like seniority, status, and class, or the nearest approximation ~~thereto~~ as ~~he or~~  
4 ~~she~~ the person would have had if ~~he or she~~ the person had been continually  
5 employed by the State, provided such person;

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

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

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

15 (b) If a person returning to a position in State employment under the  
16 provisions of subsection (a) of this section is not qualified to perform the duties  
17 of ~~such~~ the position by reason of disability sustained during such service but is  
18 qualified to perform the duties of some other position in the employ of the  
19 State ~~which~~ that is vacant, ~~such~~ the person shall be assigned to ~~such other~~  
20 another position so as to provide ~~him or her~~ the person with the same seniority,  
21 status and class, or the nearest approximation ~~thereof~~ as ~~he or she~~ the person

1 would have had if ~~he or she~~ the person had been continuously employed by the  
2 State.

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

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

7 CHAPTER 13. CLASSIFICATION OF STATE PERSONNEL

8 § 309. DUTIES OF COMMISSIONER OF HUMAN RESOURCES

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

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

15 \* \* \*

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

20 \* \* \*

\* \* \*

\* \* \*

\* \* \*

§ 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

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

\* \* \*

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

\* \* \*

§ 312. CLASSIFICATION PLAN; DEFINITION

\* \* \*

(b) Merit system principles are:

\* \* \*

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

\* \* \*

(c) Notwithstanding any other provision of law, rules, regulations, or agreements whenever federal requirements are applicable to programs as a condition for receipt of federal funds or assistance, all agency secretaries, department heads, division heads, and other State officers, with the approval of

1 the Governor or of ~~such~~ the person as the Governor may designate, are  
2 authorized to take such action as is necessary to ~~assure~~ ensure that all  
3 personnel practices in those programs are in accordance with federal laws,  
4 regulations, and requirements. This provision shall not be construed to  
5 authorize the impairment of the State's obligations under any contract or  
6 agreement, or of the vested rights and remedies of any person.

7 \* \* \*

8 § 315. DUTIES OF STATE OFFICERS AND EMPLOYEES

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

15 § 316. RECORDS OF THE DEPARTMENT OF HUMAN RESOURCES

16 The records of the Department, except such records as the rules may  
17 properly require to be held confidential for reasons of public policy, shall be  
18 public records and shall be open to public inspection, subject to reasonable  
19 ~~regulations~~ rules as to the time and manner of inspection as may be prescribed  
20 by the Commissioner.

21 \* \* \*

§ 330. VERMONT INTERNSHIP PROGRAM

\* \* \*

(b) Position authorization.

\* \* \*

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

\* \* \*

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

(c) Eligibility.

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

(2) Outreach efforts shall be extended appropriately to ~~assure~~ ensure that all segments of the qualified populace are informed about opportunities to apply and compete for these vacancies on the basis of merit.

(d) Selection and retention.

\* \* \*

\* \* \*

1 who does not satisfy this requirement shall reimburse the State for all tuition,  
2 fees ~~and/or~~ and expenses paid by the State in connection with Vermont  
3 Internship Program participation, including salary paid during periods of paid  
4 educational leave, unless waived by the Commissioner of Human Resources.

5 \* \* \*

6 (8) Nothing provided ~~herein~~ for in this section shall be construed to be  
7 inconsistent with or in violation of section 310 or 312 of this title.

8 \* \* \*

9 Sec. 10. 3 V.S.A. chapter 16 is amended to read:

10 CHAPTER 16. VERMONT EMPLOYEES' RETIREMENT SYSTEM

11 \* \* \*

12 § 457. MEMBERS

13 \* \* \*

14 (d) Should any Group A, C, D, F, or G member who has less than five  
15 years of creditable service in any period of five consecutive years after last  
16 becoming a member be absent from service more than three years or should the  
17 member withdraw ~~his or her~~ the member's contributions, or become a  
18 beneficiary or die, the member shall ~~thereupon~~ then cease to be a member.  
19 However, the membership of any employee entering such classes of military or  
20 naval service of the United States as may be approved by resolution of the  
21 Retirement Board, shall be continued during such military or naval service if

1 the member does not withdraw his or her contributions, but no such member  
2 shall be considered in the service of the State for the purpose of the Retirement  
3 System during such military or naval service, except as provided in subsection  
4 458(e) of this title.

5 \* \* \*

6 § 458. CREDITABLE SERVICE; MILITARY SERVICE

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

13 \* \* \*

14 (c) The Retirement Board shall fix and determine by appropriate rules ~~and~~  
15 ~~regulations~~ how much service in any year is equivalent to one year of service,  
16 but in no case shall it allow credit for a period of absence without pay of more  
17 than a month's duration, except as provided under subsection (e) of this  
18 section, nor shall more than one year of service be creditable for all service in  
19 one calendar year. Service rendered for the full normal working time in any  
20 year shall be equivalent to one year's service, but in no case shall less than 40  
21 calendar weeks be regarded as full normal working time.

\* \* \*

§ 467. DEATH BENEFIT AFTER RETIREMENT—GROUP C

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

§ 468. OPTIONAL BENEFITS

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

\* \* \*

(2) ~~{Deleted.}~~

\* \* \*

§ 469. MINIMUM BENEFIT—GROUP C

Anything contained in this title to the contrary notwithstanding, the benefit payable to or on account of a group C member ~~hereunder~~, inclusive of any benefit provided by his additional contributions as specified in subsection

1 473(b) of this title together with the Social Security benefit or survivor's  
2 insurance benefit, as the case may be, shall not be less than the benefit ~~which~~  
3 that would have been payable to ~~him or her~~ the member or on ~~his or her~~ the  
4 member's account under the provisions of the Vermont State Police and Motor  
5 Vehicle Inspectors' Retirement System as in effect on June 30, 1972 had said  
6 System continued in effect unamended.

7 § 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT  
8 ALLOWANCES

9 \* \* \*

10 (b) Calculation of net percentage increase.

11 \* \* \*

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

17 \* \* \*

18 § 471. RETIREMENT BOARD; MEDICAL BOARD; ACTUARY; RATES  
19 OF CONTRIBUTION; SAFEKEEPING OF SECURITIES

20 \* \* \*

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

4 \* \* \*

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

18 \* \* \*

19 § 472. INVESTMENTS; INTEREST RATE; DISBURSEMENTS

20 \* \* \*

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

18 \* \* \*

19 § 473. FUNDS

20 \* \* \*

21 (b) Member contributions.

\* \* \*

(3) Deductions. The deductions provided for ~~herein~~ in this section shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided ~~herein~~ for in this section and shall receipt for full compensation, and payment of compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this subchapter.

(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, together with prospective retirement allowance, will provide for the member a total retirement allowance not in excess of one-half of average final compensation at normal retirement date, with the exception of Group D

1 members for whom creditable service shall be restored upon redeposits of  
2 amounts previously withdrawn from the System, or for whom creditable  
3 service shall be granted upon deposit of amounts equal to what would have  
4 been paid if payment had been made during any period of service during which  
5 such a member did not contribute. Such additional amounts so deposited shall  
6 become a part of the member's accumulated contributions as additional  
7 contributions.

8 \* \* \*

9 § 474. PREDECESSOR SYSTEMS

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

1 transferred to this Retirement System, the amount of each member's  
2 accumulated contributions included in such transfer shall be credited to the  
3 member's individual account in the fund to become a part of the member's  
4 accumulated contributions, and the balance shall be credited to the Fund.

5 \* \* \*

6 § 483. PETITION BY EMPLOYEES; TRANSFER OF ASSETS

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

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

11 \* \* \*

12 § 490. DEFAULT; PAID UP DEFERRED ANNUITY

13 The agreement of any employer to contribute on account of its employees  
14 shall be irrevocable, but should any employer for any reason become  
15 financially unable to make the contributions on account of its employees as  
16 provided in this subchapter, then ~~such~~ that employer shall be deemed to be in  
17 default. All members of the Vermont State Retirement System who were  
18 employed by ~~such~~ an employer at the time of default shall ~~thereupon~~ then be  
19 entitled to discontinue membership in ~~such~~ the Retirement System and to a  
20 refund of their previous contributions upon demand made within 90 days  
21 thereafter. As of a date 90 days following the date of ~~such~~ the default, the

\* \* \*

\* \* \*

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\* \* \*

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

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

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

\* \* \*

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

CHAPTER 19. SOCIAL SECURITY FOR STATE AND MUNICIPAL  
EMPLOYEES

§ 571. DECLARATION OF POLICY

In order to extend to employees of the State and its political subdivisions and to the dependents and survivors of ~~such~~ those employees the basic protection accorded to others by the Old Age and Survivors Insurance System embodied in the Social Security Act, the State of Vermont authorizes and empowers the Treasurer of the State as a State agency to enter into appropriate

1 agreements with the Secretary of Health and Human Services for the purpose  
2 of making available under the provisions of this chapter, to employees of the  
3 State and its political subdivisions, the benefits of the Social Security Act. It is  
4 also the policy of the ~~legislature~~ General Assembly that the federal-State  
5 agreement permitted by this chapter be made applicable to the services of all  
6 employees of the State of Vermont to the extent and in the manner permitted  
7 by the federal Social Security Act.

8 § 572. DEFINITIONS

9 For the purposes of this chapter:

10 \* \* \*

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

17 \* \* \*

18 § 575. PLANS FOR COVERAGE OF EMPLOYEES OF POLITICAL

19 SUBDIVISIONS

20 (a) Each political subdivision of the State, acting through its legislative  
21 branch in the case of a municipality, or through its governing body in the case

1 of an instrumentality, is ~~hereby~~ authorized, and in the case of any political  
2 subdivision employing teachers is required, to submit for approval by the State  
3 agency a plan for extending the benefits of Title II of the Social Security Act,  
4 in conformity with applicable provisions of ~~such act~~ the Social Security Act, to  
5 employees of such political subdivision. Each ~~such~~ plan and any amendment  
6 ~~thereof~~ to that plan shall be approved by the State agency if it finds that ~~such~~  
7 the plan, or ~~such the~~ plan as amended, is in conformity with ~~such the~~  
8 requirements as are provided in ~~regulations~~ rules of the State agency, except  
9 that no such plan shall be approved unless:

10 \* \* \*

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

17 \* \* \*

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

1 amounts and at the rates specified in the applicable agreement entered into by  
2 the State agency under section 573 of this title.

3 \* \* \*

4 § 577. ~~REGULATIONS~~ RULES

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

9 \* \* \*

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

11 CHAPTER 20. VERMONT BABY BOND TRUST

12 \* \* \*

13 § 603. TREASURER'S TRUST AUTHORITY

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

15 \* \* \*

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

17 \* \* \*

18 § 607. ACCOUNTING FOR DESIGNATED BENEFICIARY; CLAIMS

19 REQUIREMENTS

20 \* \* \*

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

4 \* \* \*

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

6 CHAPTER 27. STATE EMPLOYEES LABOR RELATIONS ACT

7 \* \* \*

8 § 907. DESIGNATION OF SUPERVISORY EMPLOYEES

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

17 \* \* \*

18 § 926. GRIEVANCES

19 (a) The Board shall hear and make a final determination on the grievances  
20 of all employees who are eligible to appeal grievances to the Board. Grievance  
21 hearings at the Board level shall be conducted in accordance with the rules ~~and~~

1 ~~regulations~~ adopted by the Board. The right to institute grievance proceedings  
2 extends to individual employees, groups of employees, and collective  
3 bargaining units.

4 \* \* \*

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

8 ACKNOWLEDGEMENT OF ARBITRATION

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

19 \* \* \*

20 (i) The Board shall hear and make a final determination on the grievances  
21 of all retired individual employees of the University of Vermont, groups of

1 such retired individuals, and retired collective bargaining unit members of the  
2 University of Vermont. Grievances shall be limited to those relating to  
3 compensation and benefits that were accrued during active employment but are  
4 received after retirement. As used in this subsection, “grievance” means an  
5 allegation of a violation of a collective bargaining agreement, employee  
6 handbook provision, early retirement plan, individual separation agreement or  
7 other documented agreement, or rule ~~or regulation~~ of the University of  
8 Vermont.

9 § 927. APPROPRIATE UNIT

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

14 \* \* \*

15 § 965. PREVENTION OF UNFAIR PRACTICES

16 (a) The Board may prevent any person from engaging in any unfair labor  
17 practice listed in sections 961–962 of this title. Whenever a charge is made  
18 that any person has engaged in or is engaging in any unfair labor practice, the  
19 Board may issue and cause to be served upon that person a complaint stating  
20 the charges in that respect and containing a notice of hearing before the Board  
21 at a place and time ~~therein~~ fixed at least seven days after the complaint is

1 served. The Board may amend the complaint at any time before it issues an  
2 order based thereon. No complaint shall issue based on any unfair labor  
3 practice occurring more than six months prior to the filing of the charge with  
4 the Board and the service of a copy thereof upon the person against whom such  
5 charge is made, unless the person aggrieved thereby was prevented from filing  
6 the charge by reason of service in the U.S. Armed Forces, in which event the  
7 six-month period shall be computed from the day of his or her discharge.

8 \* \* \*

9 Sec. 15. 3 V.S.A. § 1021(a) is amended to read:

10 (a) The Board shall determine issues of unit determination, certification,  
11 and representation in accordance with this chapter and the provisions of section  
12 941 of this title. The Board shall decide the appropriate unit for collective  
13 bargaining in each case and the employees to be included in that unit to ~~assure~~  
14 ensure the employees the fullest freedom in exercising the rights guaranteed by  
15 this chapter.

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

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

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

2 § 2291a. STATE AGENCY PLANNING AND COORDINATION

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

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

9 CHAPTER 47. COMMERCE AND COMMUNITY DEVELOPMENT

10 \* \* \*

11 § 2453. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

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

13 \* \* \*

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

16 \* \* \*

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

19 \* \* \*

20 § 2477. RENTAL HOUSING ADVISORY BOARD

21 \* \* \*

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

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

5 \* \* \*

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

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

13 \* \* \*

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

15 CHAPTER 51. NATURAL RESOURCES

16 \* \* \*

17 § 2803. ADVISORY CAPACITY

18 \* \* \*

19 (b) Notwithstanding subsection (a) of this section or any other provision of  
20 this chapter, the Fish and Wildlife Board and the Land Use Review Board shall  
21 retain and exercise all powers and functions given to them by law which are of

1 regulatory or quasi-judicial nature, including the power to adopt, amend, and  
2 repeal rules ~~and regulations~~, to conduct hearings, to adjudicate controversies,  
3 and to issue and enforce orders, in the manner and to the extent to which those  
4 powers are given to those respective boards by law.

5 \* \* \*

6 § 2828. PROJECT SCOPING PROCESS

7 \* \* \*

8 (e) Notice of project scoping meeting. The applicant shall notice the  
9 proposed project scoping meeting, at least 30 days prior to the date of the  
10 meeting, by sending a copy of the project review sheet by first class mail,  
11 postage prepaid, to each of the following: the owner of the land where the  
12 project is located if the applicant is not the owner; the municipality in which  
13 the project is located; the Municipal and Regional Planning Commissions for  
14 any municipality in which the project is located; if the project site is located on  
15 a boundary, any Vermont municipality adjacent to that boundary and the  
16 Municipal and Regional Planning Commissions for that municipality; any state  
17 agency identified on the project scoping sheet as being affected by the project;  
18 and all adjoining landowners and residents. In addition, the applicant shall  
19 ~~assure~~ ensure that this notice is published in a newspaper of general circulation  
20 in the area of the proposed project. The applicant shall furnish by affidavit to  
21 the Secretary the names of those furnished notice.

\* \* \*

§ 2853. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

The commissioner with the approval of the Secretary, may:

\* \* \*

(2) Transfer classified positions within or between divisions subject 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.

\* \* \*

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

CHAPTER 59. COMMUNITY SERVICES AGENCIES

\* \* \*

§ 3902. OFFICE OF ECONOMIC OPPORTUNITY

\* \* \*

(b) The Director may provide financial assistance to community services agencies for the planning, conduct, administration and evaluation of community service programs to provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or in areas of the community where poverty is a particularly acute problem. Components of those services and activities may involve, without

1 limitation of other activities and supporting facilities designed to assist low  
2 income participants:

3 \* \* \*

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

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

11 \* \* \*

12 § 3905. COMMUNITY SERVICES AGENCIES; ADMINISTRATION

13 \* \* \*

14 (b) Each board of a nonprofit community based organization that is  
15 designated a community services agency under section 3903 of this chapter  
16 shall have an executive committee of not more than seven members who shall  
17 be representative of the composition of the board and the board shall be so  
18 constituted that:

19 \* \* \*

\* \* \*

\* \* \* Title 5 \* \* \*

(a) The political subdivision within which the property or nonconforming structure or use is located, or the political subdivision owning the airport or served by it, may acquire such air right, navigation easement, or other estate or interest in the property or nonconforming structure or use in question, as may

1 be necessary, by purchase or grant or condemnation in the manner provided  
2 under ~~5~~ 19 V.S.A. chapter 5 in any case in which:

3 \* \* \*

4 \* \* \* Title 7 \* \* \*

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

6 (f) Diversion Program requirements.

7 \* \* \*

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

15 \* \* \* Title 9 \* \* \*

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

17 § 4501. DEFINITIONS

18 As used in this chapter:

19 \* \* \*

\* \* \*

\* \* \*

(D) if applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; and the number, type, and location of 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 by  
13 the judicial officer unless the judicial officer determines that such a release will  
14 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 conditions  
16 or the least restrictive combination of the following conditions that will  
17 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 \* \* \*

Sec. 26. 18 V.S.A. § 4230b(f) is amended to read:

(f) Diversion Program requirements.

\* \* \*

(6) Notwithstanding ~~3 V.S.A. §§ 163(a)(2)(C) and 164(a)(2)(C)~~ any law to the contrary, the adult or juvenile diversion programs shall accept cases from the Youth Substance Awareness Safety Program pursuant to this section, subdivision 4230f(e)(1) of this title, or subdivision 4230f(e)(2) of this title.

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



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; ;

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

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 of  
4 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, ~~attributable~~ 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 ~~subdivisions~~  
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 or  
2       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 cause  
8 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 to  
15 be represented for collective bargaining filed pursuant to subdivision (a)(1)(A)  
16 of this section, which identifies a proposed bargaining representative, bears the  
17 signatures of at least 50 percent plus one of the employees in the bargaining  
18 unit, the Board shall certify the individual or labor organization identified as  
19 the bargaining representative.

\* \* \*

\* \* \*

\* \* \*

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 trade,  
14 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, including  
2 consumers and members of a labor organization, that a product or products are  
3 produced by an employer with whom the labor organization has a primary  
4 dispute and are distributed by another employer, as long as such publicity does  
5 not have an effect of inducing any individual employed by any person other  
6 than the primary employer in the course of employment to refuse to pick up,  
7 deliver, or transport any goods, or not to perform any services, at the  
8 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 as  
19 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 of  
18 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 principally  
2 garaged in this State unless coverage is provided for the protection of persons  
3 insured under the policy or a supplemental policy who are legally entitled to  
4 recover damages, from owners or operators of uninsured, underinsured, or hit-  
5 and-run motor vehicles, for bodily injury, sickness, or disease, including death,  
6 and for property damages resulting from the ownership, maintenance, or use of  
7 such uninsured, underinsured, or hit-and-run motor vehicle. The coverage for  
8 property damages shall be sufficient to indemnify a claim for damages to  
9 which the claimant is legally entitled of no more than \$10,000.00 per claim,  
10 subject to a \$150.00 deductible; provided, however, to the extent that other  
11 direct damage coverage is valid and collectible:

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

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

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

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

1 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 body  
19 of a municipality may ~~make~~ adopt ~~special regulations~~ ordinances as to the  
20 speed of motor vehicles, may exclude motor vehicles from town highways, and  
21 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 direct,  
8 control, and regulate traffic; and may make reasonable orders in enforcement  
9 of this title or to prevent or alleviate traffic congestion, property damage, or  
10 personal injury. No person may knowingly fail or refuse to comply with any  
11 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.

1 \* \* \*

2 § 1076. COMMERCIAL MOTOR VEHICLES; RAILROAD CROSSINGS

3 \* \* \*

4 (b) Operators of commercial and noncommercial vehicles shall:

5 \* \* \*

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

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

10 \* \* \*

11 § 1102. REMOVAL OF STOPPED VEHICLES

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

14 \* \* \*

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

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

20 \* \* \*

§ 1104. STOPPING PROHIBITED

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

\* \* \*

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

\* \* \*

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

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

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

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

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

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

\* \* \*

§ 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 \* \* \*

\* \* \*

\* \* \*

\* \* \*

\* \* \*

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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.

## § 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

(b) In making the determination as to whether a reasonable alternative route is available, the Secretary of Transportation shall, at a minimum, consider the following factors:

\* \* \*

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 before  
12                             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 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

(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 provided  
18 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).

19 \* \* \* Conforming revisions; Interpretation; Effective Dates \* \* \*

20 Sec. 56. CONFORMING REVISIONS FOR HOUSE COMMITTEE

21 CHANGES

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

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

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

12       Sec. 57. INTERPRETATION

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

3           This act shall take effect on passage.