

1 Introduced by Committee on Government Operations and Military Affairs

2 Date:

3 Subject: Legislature; Vermont Statutes Annotated; technical corrections

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

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

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

8 * * * Technical Corrections * * *

9 * * * Title 3 * * *

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

11 § 2. AGENCIES AND BOARDS IN GOVERNOR’S OFFICE

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

14 * * *

15 (D) ~~Lake Champlain Bridge Commission~~ [Repealed.]

16 (E) ~~Tri State Regional Medical Needs Board~~ [Repealed.]

17 * * *

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

19 § 11. METHOD OF DELEGATING; RESPONSIBILITY OF GOVERNOR

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

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

13 § 12. SCOPE

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

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

2 § 13. APPLICATION

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

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

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

10 PROFESSIONS; DISCIPLINE PROCESS

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

14 * * *

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

19 * * *

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

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

9 * * *

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

12 * * *

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

14 § 159. OPINIONS; STATE MATTERS AND ACTIONS

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

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

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

2 CHAPTER 9. ADMINISTRATIVE DEPARTMENTS

3 * * *

4 § 203. AUTHORITY LIMITED

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

8 * * *

9 § 205. DUTIES OF OFFICE

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

14 § 206. ~~REGULATIONS~~ RULES

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

1 § 207. ASSISTANCE AND EXPENDITURE

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

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

14 * * *

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

20 * * *

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

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

11 * * *

12 § 213. DECLARATION OF POLICY

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

20 * * *

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

2 § 263. EMPLOYEES ENTERING ARMED FORCES

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

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

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

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

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

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

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

14 CHAPTER 13. CLASSIFICATION OF STATE PERSONNEL

15 § 309. DUTIES OF COMMISSIONER OF HUMAN RESOURCES

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

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

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* * *

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

* * *

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

* * *

§ 310. CLASSIFICATION PLAN; RULES

* * *

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

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

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

4 * * *

5 § 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

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

9 * * *

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

14 * * *

15 § 312. CLASSIFICATION PLAN; DEFINITION

16 * * *

17 (b) Merit system principles are:

18 * * *

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

21 * * *

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

11 * * *

12 § 315. DUTIES OF STATE OFFICERS AND EMPLOYEES

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

19 § 316. RECORDS OF THE DEPARTMENT OF HUMAN RESOURCES

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

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

4 * * *

5 § 330. VERMONT INTERNSHIP PROGRAM

6 * * *

7 (b) Position authorization.

8 * * *

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

13 * * *

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

19 (c) Eligibility.

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

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

7 * * *

8 § 458. CREDITABLE SERVICE; MILITARY SERVICE

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

15 * * *

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

1 year shall be equivalent to one year's service, but in no case shall less than 40
2 calendar weeks be regarded as full normal working time.

3 * * *

4 § 467. DEATH BENEFIT AFTER RETIREMENT—GROUP C

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

11 § 468. OPTIONAL BENEFITS

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

17 * * *

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

19 * * *

1 § 469. MINIMUM BENEFIT—GROUP C

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

11 § 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT

12 ALLOWANCES

13 * * *

14 (b) Calculation of net percentage increase.

15 * * *

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

21 * * *

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

3 * * *

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

7 * * *

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

21 * * *

1 § 472. INVESTMENTS; INTEREST RATE; DISBURSEMENTS

2 * * *

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

20 § 473. FUNDS

21 * * *

1 (b) Member contributions.

2 * * *

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

12 (4) Additional contributions. Subject to the approval of the Retirement
13 Board, in addition to the contributions deducted from compensation as
14 ~~hereinbefore~~ provided for in this section, any member may redeposit in the
15 Fund by a single payment or by an increased rate of contribution an amount
16 equal to the total amount that the member previously withdrew from this
17 System or one of the predecessor systems; or any member may deposit ~~therein~~
18 in the Fund by a single payment or by an increased rate of contribution an
19 amount computed to be sufficient to purchase an additional annuity that,
20 together with prospective retirement allowance, will provide for the member a
21 total retirement allowance not in excess of one-half of average final

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

9 * * *

10 § 474. PREDECESSOR SYSTEMS

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

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

6 * * *

7 § 483. PETITION BY EMPLOYEES; TRANSFER OF ASSETS

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

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

12 * * *

13 § 490. DEFAULT; PAID UP DEFERRED ANNUITY

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

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

16 * * *

17 § 495. TRANSFER OF MEMBERSHIPS

18 * * *

19 (e) The Board of Trustees of the Vermont State Retirement System, the
20 State Teachers' Retirement System of Vermont and the Municipal Employees'

1 Retirement System are severally authorized to ~~make such~~ adopt rules and
2 ~~regulations~~ as may be necessary to carry out the provisions of this section.

3 * * *

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

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

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

14 * * *

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

16 CHAPTER 19. SOCIAL SECURITY FOR STATE AND MUNICIPAL
17 EMPLOYEES

18 § 571. DECLARATION OF POLICY

19 In order to extend to employees of the State and its political subdivisions
20 and to the dependents and survivors of ~~such~~ those employees the basic
21 protection accorded to others by the Old Age and Survivors Insurance System

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

10 § 572. DEFINITIONS

11 For the purposes of this chapter:

12 * * *

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

19 * * *

20 § 575. PLANS FOR COVERAGE OF EMPLOYEES OF POLITICAL
21 SUBDIVISIONS

1 with respect to wages (~~as defined in section 572 of this title~~), at such time or
2 times as the State agency may by ~~regulation~~ rule prescribe, contributions in the
3 amounts and at the rates specified in the applicable agreement entered into by
4 the State agency under section 573 of this title.

5 * * *

6 § 577. ~~REGULATIONS~~ RULES

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

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

12 CHAPTER 20. VERMONT BABY BOND TRUST

13 * * *

14 § 603. TREASURER'S TRUST AUTHORITY

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

16 * * *

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

18 * * *

19 § 607. ACCOUNTING FOR DESIGNATED BENEFICIARY; CLAIMS

20 REQUIREMENTS

21 * * *

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.

1 * * *

2 § 2853. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

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

4 * * *

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

7 * * *

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

10 * * *

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

12 * * *

13 § 3902. OFFICE OF ECONOMIC OPPORTUNITY

14 * * *

15 (b) The Director may provide financial assistance to community services
16 agencies for the planning, conduct, administration and evaluation of
17 community service programs to provide a range of services and activities
18 having a measurable and potentially major impact on causes of poverty in the
19 community or in areas of the community where poverty is a particularly acute
20 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 * * *

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

14 * * * Title 9 * * *

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

16 § 4501. DEFINITIONS

17 As used in this chapter:

18 * * *

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

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

* * *

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

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

(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

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

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* * * Title 13 * * *

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

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

(1) The defendant shall be ordered released on personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer unless the judicial officer determines that such a release will not reasonably mitigate the risk of flight from prosecution as required. In determining whether the defendant presents a risk of flight from prosecution, the judicial officer shall consider, in addition to any other factors, the seriousness of the offense charged; the number of offenses with which the person is charged; whether, at the time of the current offense or arrest, the defendant was released on conditions or personal recognizance, on probation, furlough, parole, or other release pending trial, sentencing, appeal, or completion of a sentence for an offense under federal or state law; and whether, in connection with a criminal prosecution, the defendant is compliant with court orders or has failed to appear at a court hearing. If the judicial officer determines that the defendant presents a risk of flight from prosecution, the officer shall, either in lieu of or in addition to the methods of release in this

1 section, impose the least restrictive of the following conditions or the least
2 restrictive combination of the following conditions that will reasonably
3 mitigate the risk of flight of the defendant as required:

4 * * *

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

8 * * *

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

14 * * *

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

18 * * *

19 * * * Title 18 * * *

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

21 (f) Diversion Program requirements.

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(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:

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* * *

(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

* * *

1 § 472. LEAVE

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

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

8 * * *

9 § 472a. SHORT-TERM FAMILY LEAVE

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

15 (1) ~~To~~ to participate in preschool or school activities directly related to
16 the academic educational advancement of the employee’s child, stepchild,
17 foster child, or ward who lives with the employee, such as a parent-teacher
18 conference;

19 (2) ~~To~~ to attend or to accompany the employee’s child, stepchild, foster
20 child, or ward who lives with the employee or the employee’s parent, spouse,
21 or parent-in-law to routine medical or dental appointments;

1 liability to pay the resulting damages in some person other than the employer,
2 the acceptance of compensation benefits or the commencement of proceedings
3 to enforce compensation payments shall not act as an election of remedies, but
4 the injured employee or the employee’s personal representative may also
5 proceed to enforce the liability of the third party for damages in accordance
6 with the provisions of this section.

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

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

16 (A) the Commissioner;

17 (B)(i) the injured employee; or

18 (ii) in the event of death, the employee’s known dependents, or
19 personal representative, or known next of kin;

20 (C) the employee’s employer; and

21 (D) the workers’ compensation insurance carrier.

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

2 CHAPTER 12. EMPLOYEE LEASING COMPANIES

3 * * *

4 § 1038. DEPARTMENT OF LABOR

5 * * *

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

9 (1) ~~A~~ a copy of each employee leasing agreement within 10 days after
10 the agreement is executed and notice within 10 days after an agreement is
11 terminated;

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

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

16 § 1039. EMPLOYEE BENEFITS

17 * * *

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

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

* * *

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

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

~~(B)(ii)~~ An individual shall be deemed “partially unemployed” in any week of less than full-time work if the wages earned by the individual with respect to the week are less than the weekly benefit amount the individual would be entitled to receive if totally unemployed and eligible.

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

1 employer's obligations, and who thereafter continues the acquired business
2 shall be considered to be a successor to the predecessor from whom the
3 business was acquired and, if not already an employer before the acquisition,
4 shall become an employer on the date of the acquisition. The Commissioner
5 shall transfer the experience-rating record of the predecessor employer to the
6 successor employer. If the successor was not an employer before the date of
7 acquisition, the successor's rate of contribution for the remainder of the rate
8 year shall be the rate applicable to the predecessor employers with respect to
9 the period immediately preceding the date of acquisition if there was only one
10 predecessor or there were only predecessors with identical rates. If the
11 predecessors' rates were not identical, the Commissioner shall determine a rate
12 based on the combined experience of all the predecessor employers. If the
13 successor was an employer before the date of acquisition, the contribution rate
14 that was assigned to the successor for the rate year in which the acquisition
15 occurred will remain assigned to the successor for the remainder of the rate
16 year, after which the experience-rating record of the predecessor shall be
17 combined with the experience rating of the successor to form the single
18 employer experience-rating record of the successor. At any time prior to the
19 issuance of the certificate required by subsection 1322(b) of this chapter, an
20 employing unit shall, upon request of a potential successor, disclose to the
21 potential successor its current experience-rating record.

1 * * *

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

4 * * *

5 (4) As used in this section:

6 (A) “Attempt to violate” means the intent to evade,
7 misrepresentation, or ~~willful~~ intentional nondisclosure.

8 * * *

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

10 CHAPTER 19. VERMONT STATE LABOR RELATIONS ACT

11 * * *

12 § 1543. APPROPRIATE UNIT; BASIS FOR DETERMINATION

13 (a) The Board shall decide in each case whether, in order to ensure the
14 employees have the fullest freedom in exercising the rights guaranteed by this
15 ~~Act~~ chapter, the unit appropriate for the purpose of collective bargaining is the
16 employer unit, craft unit, plant unit, or a subdivision thereof. However, the
17 Board shall not decide that:

18 * * *

19 § 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,
20 HEARINGS, DETERMINATIONS

21 * * *

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

7 * * *

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

14 (B) Certification of a representative shall only be available pursuant
15 to this subdivision ~~(B)~~(3) when no other individual or labor organization is
16 currently certified or recognized as the bargaining representative.

17 * * *

18 § 1621. UNFAIR LABOR PRACTICES

19 * * *

20 (b) It shall be an unfair labor practice for a labor organization or its agents:

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(4)(i) To engage in, or to induce or encourage any individual employed by any person to engage in, a strike or a refusal in the course of employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services; or (ii) to threaten, coerce, or restrain any person where in either case an object thereof is:

(A) Forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement that is prohibited by subsection (c) of this section.

(B) Forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of employees unless such labor organization has been certified as the representative of such employees under the provisions of section 1581 of this title, but this subdivision shall not be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing.

(C) Forcing or requiring any employer to recognize or bargain with a particular labor organization as the employee’s representative if another labor

1 organization has been certified as the representative of those employees under
2 section 1581 of this title.

3 (D) Forcing or requiring any employer to assign particular work to
4 employees in a particular labor organization or in a particular trade, craft, or
5 class rather than to employees in another labor organization or in another trade,
6 craft, or class, unless such employer is failing to conform to an order or
7 certification of the Board determining the bargaining representative for
8 employees performing such work. This subsection (b) shall not be construed
9 to make unlawful a refusal by any person to enter upon the premises of any
10 employer, other than the person's own employer, if the employees of such
11 employer are engaged in a strike ratified or approved by a representative of
12 such employees whom the employer is required to recognize under this
13 chapter. Nothing in this subdivision shall be construed to prohibit publicity,
14 other than picketing, for the purpose of truthfully advising the public, including
15 consumers and members of a labor organization, that a product or products are
16 produced by an employer with whom the labor organization has a primary
17 dispute and are distributed by another employer, as long as such publicity does
18 not have an effect of inducing any individual employed by any person other
19 than the primary employer in the course of employment to refuse to pick up,
20 deliver, or transport any goods, or not to perform any services, at the
21 establishment of the employer engaged in such distribution.

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

* * *

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

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

* * *

§ 1622. PREVENTION OF UNFAIR LABOR PRACTICES

* * *

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

* * *

(g) Until the record in a case shall have been filed in a court, as ~~hereinafter~~ provided pursuant to section 1623 of this chapter, the Board may at any time,

1 upon reasonable notice and in such manner as it shall deem proper, modify or
2 set aside, in whole or in part, any finding or order made or issued by it.

3 § 1623. JUDICIAL REVIEW

4 * * *

5 (g) The Board shall have the power upon issuance of a complaint as
6 provided for under this ~~aet~~ chapter to petition the Superior Court within any
7 county wherein the unfair labor practice is alleged to have occurred, for
8 appropriate temporary relief or restraining order. Upon the filing of such
9 petition the court shall cause notice thereof to be served upon such person, and
10 thereupon, shall have jurisdiction to grant to the Board such temporary relief as
11 it deems just and proper.

12 * * *

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

14 CHAPTER 20. INDEPENDENT DIRECT SUPPORT PROVIDERS

15 * * *

16 § 1633. RIGHTS OF THE STATE

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

20 * * *

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

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

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

6 * * *

7 § 1638. PREVENTION OF UNFAIR PRACTICES

8 * * *

9 (e) In determining whether a complaint shall issue alleging a violation of
10 subsection 1637(b) or (c) of this title, and in deciding those cases, the same
11 ~~regulations and~~ rules of decision shall apply irrespective of whether or not a
12 labor organization affected is affiliated with a labor organization national or
13 international in scope.

14 * * *

15 § 1641. ~~RULES AND REGULATIONS~~

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

19 * * *

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

21 CHAPTER 22. VERMONT MUNICIPAL LABOR RELATIONS ACT

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§ 1723. DETERMINATION OF THE BARGAINING UNIT

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

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

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

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

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

§ 1724. CERTIFICATION PROCEDURE

* * *

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

* * *

1 § 1727. PREVENTION OF UNFAIR LABOR PRACTICES

2 * * *

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

8 * * *

9 § 1730. RESTRICTIONS ON STRIKES

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

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

13 (2) it occurs after both parties have voluntarily submitted a dispute to
14 final and binding arbitration, or after a decision or award has been issued by
15 the arbitrator; or

16 (3) it will endanger the health, safety, or welfare of the public.

17 (b) A municipal employer may petition for an injunction or other
18 appropriate relief from the Superior Court within the county wherein such
19 strike in violation of this section is occurring or is about to occur.

20 ~~(b)~~(c) A municipality in which a strike is permitted under this section shall
21 not permanently replace employees who participate in a strike.

1 * * *

2 § 1732. FACT-FINDING

3 * * *

4 (d) In reaching his or her conclusions and recommendations, the fact finder
5 shall give weight to the following factors:

6 * * *

7 (5) the average consumer prices for goods and services commonly
8 known as the cost of living; and

9 (6) the overall compensation presently received by the employees
10 including direct wages, fringe benefits, and continuity conditions and stability
11 of employment, and all other benefits received.

12 * * *

13 * * * Title 23 * * *

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

15 § 4. DEFINITIONS

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

20 * * *

21 (11) “Enforcement officers” shall include:

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

* * *

§ 450a. DEALER REGISTRATION; ELIGIBILITY

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

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

* * *

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

2 CHAPTER 9. OPERATOR'S LICENSES

3 * * *

4 § 607. JUNIOR OPERATOR'S LICENSE

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

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

7 (2) have passed the driver examination required in subchapter 2 of this
8 chapter and a driver education and training course approved by the

9 Commissioner of Motor Vehicles and the Secretary of Education; and

10 (3) have:

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

12 (B) submitted on a form provided by the Department of Motor
13 Vehicles that is approved by the Commissioner, and certified by the operator's
14 licensed parent or guardian, licensed or certified driver education instructor, or
15 licensed person at least 25 years of age that there was at least 40 hours of
16 practice behind the wheel, at least 10 of which was nighttime driving and that
17 the operator was accompanied by his or her licensed parent or guardian, a
18 licensed or certified driver education instructor, or another licensed individual
19 at least 25 years of age, riding in the front passenger seat; and

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

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§ 705. QUALIFICATIONS FOR INSTRUCTOR’S LICENSE

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

* * *

- (4) have five years’ experience as a licensed operator and be at least 21 years of age on date of application; and
- (5) pay the application and license fees prescribed in section 702 of this title.

* * *

§ 708. REFUSAL TO ISSUE LICENSE

The Commissioner may refuse to issue a license to any applicant for a driver’s training school license or instructor’s license when he or she 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 is satisfied that:

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(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 delivery in this State with respect to any motor vehicle registered or principally garaged in this State unless coverage is provided for the protection of persons insured under the policy or a supplemental policy who are legally entitled to recover damages, from owners or operators of uninsured, underinsured, or hit-and-run motor vehicles, for bodily injury, sickness, or disease, including death, and for property damages resulting from the ownership, maintenance, or use of such uninsured, underinsured, or hit-and-run motor vehicle. The coverage for property damages shall be sufficient to indemnify a claim for damages to

1 which the claimant is legally entitled of no more than \$10,000.00 per claim,
2 subject to a \$150.00 deductible; provided, however, to the extent that other
3 direct damage coverage is valid and collectible:

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

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

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

11 (2) further, any other claim for property damages, not direct damages, to
12 which the claimant is legally entitled, shall be paid by the coverage required by
13 this section, without deductible, to the extent of the limits provided in this
14 section.

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

16 CHAPTER 13. OPERATION OF VEHICLES

17 § 1001. RULES

18 (a) The Commissioner may adopt rules:

19 * * *

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

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

8 * * *

9 § 1007. LOCAL SPEED LIMITS

10 * * *

11 (d) The ~~special regulations~~ ordinances have the full force and effect of law
12 and are in the case of ~~regulations~~ ordinances adopted under subsections (a) and
13 (b) of this section subject to review by the Traffic Committee, whose decision
14 is final.

15 * * *

16 § 1008. ~~REGULATIONS~~ ORDINANCES IN MUNICIPALITIES

17 (a) The legislative body of a municipality may ~~make~~ adopt ~~special~~
18 ~~regulations~~ ordinances as to the operation, use, and parking of motor vehicles,
19 including angle parking; as to the location, design, and structure of traffic
20 lights; as to “stop” signs and “yield right of way” signs at intersections; as to
21 “no-passing” zones; and as to streets designated for one-way traffic in the

1 thickly settled portions of the municipality and may cause any street or
2 highway of adequate width to be divided by appropriate markings into three or
3 more lanes and may, by ordinance ~~or regulation~~, regulate the direction of travel
4 and the turning of vehicles proceeding in those lanes and the passing of
5 vehicles in one lane by overtaking vehicles in another lane, may cause
6 markers, buttons, or signs to be placed within or adjacent to intersections and
7 thereby direct the course traveled by vehicles turning at an intersection, and
8 when markers, buttons, or signs are so placed no driver may turn a vehicle at
9 an intersection other than as directed by the markers, buttons, or signs.
10 However, signs indicating the ~~special regulations~~ ordinances must be
11 conspicuously posted in and near all areas affected. ~~Special regulations~~
12 Ordinances may not be established on any State highway as defined by 19
13 V.S.A. § 1(20). ~~Regulations~~ Ordinances on all State highways may be made
14 only by the Traffic Committee under section 1003 of this title, except that the
15 Traffic Committee may authorize the legislative body of a municipality to
16 regulate parking within a thickly settled area of a municipality, particularly
17 described in the authorization, on State highways. The board of school
18 directors of a union high school district may ~~make~~ adopt ~~special regulations~~
19 ordinances as to the operation, use, and parking of motor vehicles within the
20 boundaries of its school property.

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

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

6 * * *

7 § 1010. SPECIAL OCCASIONS; TOWN HIGHWAY MAINTENANCE

8 (a) When it appears that traffic will be congested by reason of a public
9 occasion or when a town highway is being reconstructed or maintained or
10 where utilities are being installed, relocated, or maintained, the legislative body
11 of a municipality may ~~make~~ adopt ~~special regulations~~ ordinances as to the
12 speed of motor vehicles, may exclude motor vehicles from town highways, and
13 may ~~make~~ adopt ~~such~~ traffic ~~rules and regulations~~ ordinances as the public
14 good requires. However, signs indicating the ~~special regulations~~ ordinances
15 must be conspicuously posted in and near all affected areas, giving as much
16 notice as possible to the public so that alternative routes of travel could be
17 considered.

18 * * *

19 § 1013. AUTHORITY OF ENFORCEMENT OFFICERS

20 Enforcement officers may make arrests for violation of this title; may direct,
21 control, and regulate traffic; and may make reasonable orders in enforcement

1 of this title or to prevent or alleviate traffic congestion, property damage, or
2 personal injury. No person may knowingly fail or refuse to comply with any
3 lawful order or direction of any enforcement officer.

4 * * *

5 § 1015. AUTHORIZED EMERGENCY VEHICLES

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

10 * * *

11 (4) may exceed the maximum speed limits; and

12 (5) may disregard ~~regulations~~ ordinances governing direction of
13 movement or turning in specified directions.

14 * * *

15 § 1076. COMMERCIAL MOTOR VEHICLES; RAILROAD CROSSINGS

16 * * *

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

18 * * *

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

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

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

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

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

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

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

12 * * *

13 § 1105. ADDITIONAL PARKING ~~REGULATIONS~~ ORDINANCES

14 * * *

15 § 1133. ELUDING A POLICE OFFICER

16 * * *

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

20 * * *

1 § 1136. APPLICATION OF SUBCHAPTER; RIGHTS AND

2 OBLIGATIONS OF BICYCLISTS UNDER OTHER LAWS

3 * * *

4 (d)(1) Except as provided in this subsection, motor-assisted bicycles shall
5 be governed as bicycles under Vermont law, and operators of motor-assisted
6 bicycles shall be subject to all of the rights and duties applicable to bicyclists
7 under Vermont law. Motor-assisted bicycles and their operators shall be
8 exempt from motor vehicle registration and inspection and operator's license
9 requirements. A person shall not operate a motor-assisted bicycle on a
10 sidewalk in Vermont.

11 * * *

12 (3) Nothing in this subsection shall interfere with the right of
13 municipalities to regulate the operation and use of motor-assisted bicycles
14 pursuant to 24 V.S.A. § 2291(1) and (4), as long as the ~~regulations~~ ordinances
15 do not conflict with this subsection.

16 * * *

17 § 1213a. IMMOBILIZATION OF VEHICLE

18 * * *

19 (f) Costs. All costs of towing and impoundment shall be paid by the
20 defendant before the vehicle is released to its owner. If the defendant fails to
21 pay the towing and impoundment costs within 30 days after the immobilization

1 order expires, the State is authorized to sell the vehicle by public auction
2 pursuant to the procedures in ~~27 V.S.A. chapter 13~~ section 1213c of this
3 subchapter. The proceeds from the sale of the vehicle shall be used first to
4 offset the costs of towing, impounding, and releasing the vehicle. Any balance
5 remaining, after any liens on the vehicle have been paid in full, shall be paid to
6 the owner of the vehicle.

7 * * *

8 § 1231. ADMINISTRATIVE PENALTIES

9 * * *

10 (d) The alleged violator shall be given notice and opportunity for a hearing.
11 Service of the notice shall be sufficient if sent by first-class mail to the
12 station's address or the most recent address provided by the mechanic. The
13 notice shall include the following:

14 (1) a factual description of the alleged violation;

15 (2) a reference to the particular statute allegedly violated;

16 (3) the amount of the proposed administrative penalty; and

17 (4) a warning that the person will be deemed to have waived ~~his or her~~
18 the person's right to a hearing, that the penalty will be imposed if no hearing is
19 requested within 15 days from date of notice, and that failure to pay a penalty
20 may result in suspension of ~~his or her~~ the person's license.

21 * * *

1 § 1243. LIGHTS

2 * * *

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

8 * * *

9 § 1307. BRAKE EQUIPMENT REQUIRED

10 * * *

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

12 * * *

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

17 (3) manufactured with at least two steerable axles, shall have brakes on
18 at least one steerable axle, except that any such vehicle manufactured after July
19 1, 1992 shall be equipped with brakes on all wheels.

20 * * *

1 § 1391a. PENALTIES FOR OVERWEIGHT OPERATION

2 * * *

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

5 \$15.00 for each 1,000 lbs. or portion thereof overweight for the first
6 5,000 lbs. overweight;

7 \$30.00 for each 1,000 lbs. or portion thereof overweight when the
8 gross overweight is more than 5,000 lbs. and less than 10,001 lbs.;

9 \$45.00 for each 1,000 lbs. or portion thereof overweight when the
10 gross overweight is more than 10,000 lbs. and less than 15,001 lbs.;

11 \$60.00 for each 1,000 lbs. or portion thereof overweight when the
12 gross overweight is more than 15,000 lbs. and less than 20,001 lbs.;

13 \$90.00 for each 1,000 lbs. or portion thereof overweight when the
14 gross overweight is more than 20,000 lbs. and less than 25,001 lbs.; and

15 \$150.00 for each 1,000 lbs. or portion thereof overweight when the
16 gross overweight is more than 25,000 lbs.

17 (2) Civil penalties for subsequent violations of subchapter 15, article 1
18 of this chapter shall be computed in accordance with subdivision (b)(1) of this
19 section with the following percentage increases:

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

1 (B) upon a third conviction of a violation occurring within one year,
2 ten percent; and

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

5 * * *

6 § 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

7 * * *

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

11 * * *

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

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

16 * * *

17 § 1400a. SPECIAL LOCAL HIGHWAY AND BRIDGE LIMITS;

18 REIMBURSEMENT FOR DAMAGES; SPECIAL PERMITS

19 * * *

20 (c)(1) The selectboard, trustees, or the mayor are authorized to accept for
21 the municipality compensation commensurate with the extra wear or

1 maintenance required on the highway traveled over or on any bridge by reason
2 of the overweight allowed by any permit approved by them or any exemption
3 provided under section 1400d of this title, which shall be used for the
4 maintenance of highways and bridges within the town, village, or city. The
5 following factors, at a minimum, shall be taken into consideration when
6 determining the amount of compensation due:

7 * * *

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

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

11 * * *

12 § 1401. CONTENTS OF PERMIT

13 (a) The Commissioner of Motor Vehicles shall incorporate in the permit
14 such descriptive matter as to the highways to be traveled over; ~~his or her~~ the
15 Commissioner's restrictions as to width and character of the wheels of such
16 tractor, trailer, motor truck, or other motor vehicle; and ~~such other regulations~~
17 rules as in ~~his or her~~ the Commissioner's judgment seem most conducive to a
18 proper use of the highways.

19 * * *

20 Sec. 43. 23 V.S.A. § 3101(b) is amended to read:

21 § 3101. DEFINITIONS; SCOPE

1 * * *

2 (b) As used in this subchapter:

3 ~~(1)~~ “Gasoline gasoline or other motor fuel” or “motor fuel” includes
4 aviation gasoline and shall not include the following:

5 ~~(A)~~(1) kerosene;

6 ~~(B)~~(2) clear or undyed diesel “fuel” as defined in section 3002 of this
7 title;

8 ~~(C)~~(3) “railroad fuel” as defined in section 3002 of this title;

9 ~~(D)~~(4) aircraft jet fuel; or

10 ~~(E)~~(5) natural gas in any form.

11 * * *

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

13 CHAPTER 29. SNOWMOBILES, VESSELS, AND WATER SPORTS

14 * * *

15 § 3206. SNOWMOBILE OPERATION

16 * * *

17 (b) A snowmobile shall not be operated:

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

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

1 the time the violation occurred. A person may show an electronic copy of the
2 certificate using a portable electronic device; however, use of a device for this
3 purpose does not in itself constitute consent for an enforcement officer to
4 access other contents of the device.

5 (B) The following persons are exempt from the requirements of this
6 subdivision:

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

9 (ii) any other person exempted by rules of the Department of
10 Public Safety;

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

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

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

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

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

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

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

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

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

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

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

15 (i) passes a departmentally prescribed course of snowmobile
16 safety education; or

17 (ii) passes a snowmobile safety equivalency examination
18 administered by persons authorized to offer a course of snowmobile safety
19 education.

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

4 * * *

5 § 3207a. SNOWMOBILING UNDER THE INFLUENCE OF ALCOHOL OR
6 DRUGS

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

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

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

11 (3) when the person is under the influence of any other drug or under the
12 combined influence of alcohol and any other drug to a degree that renders the
13 person incapable of safely operating a snowmobile.

14 * * *

15 § 3317. PENALTIES

16 * * *

17 (g) Defective, stolen, or fraudulently registered motorboat; registration
18 revocation or suspension. The Commissioner of Motor Vehicles or ~~his or her~~
19 the Commissioner's authorized agent may suspend or revoke the registration of
20 any motorboat registered in this State and repossess the number and certificate
21 to it, when ~~he or she~~ the Commissioner is satisfied that:

1 (a) The application for a commercial driver’s license or commercial
2 learner’s permit shall include the following:

3 * * *

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

5 (A) The four-year fee for a commercial driver’s license shall be
6 \$108.00. The two-year fee shall be \$72.00. In those instances where the
7 applicant surrenders a valid Vermont Class D license, the total fees due shall
8 be reduced by:

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

11 (ii) one-half of the two-year fee paid for each remaining full year
12 of validity.

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

14 * * *

15 § 4111. COMMERCIAL DRIVER’S LICENSE

16 * * *

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

1 (e) Expiration. The commercial driver’s license shall expire in the same
2 manner as set by section 601 of this title.

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

13 * * *

14 § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

15 (a) An applicant for a school bus endorsement shall satisfy the following
16 requirements:

17 * * *

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

19 * * *

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

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* * * Title 24 * * *

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

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

* * *

(2) Provided a community investment agreement that has been executed by authorized representatives of the municipal government, businesses and property owners within the district, and community groups with an articulated purpose of supporting downtown interests, and contains the following:

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

* * *

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

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

8 * * * Title 28 * * *

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

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

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

16 (g) Prescription medication; reentry planning.

17 (1) If an offender takes a prescribed medication while incarcerated and
18 that prescribed medication continues to be both available at the facility and
19 clinically appropriate for the offender at the time of discharge from the
20 correctional facility, the Department or its contractor shall provide the
21 offender, at the time of release, with not less than a 28-day supply of the

1 prescribed medication, if possible, to ensure that the ~~inmate~~ offender may
2 continue taking the medication as prescribed until the offender is able to fill a
3 new prescription for the medication in the community. The Department or its
4 contractor shall also provide the offender exiting the facility with a valid
5 prescription to continue the medication after any supply provided during
6 release from the facility is depleted.

7 * * *

8 * * * Title 32 * * *

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

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

12 * * *

13 (8) Prepare monthly revenue reports for the Governor, Secretary of
14 Administration, and other officials and for release to the general public, and a
15 ~~comprehensive annual financial report~~ Annual Comprehensive Financial
16 Report (ACFR) in accordance with generally accepted accounting principles
17 that shall be distributed to the Chairs of the House Committees on
18 Appropriations, on Corrections and Institutions, and on Ways and Means and
19 to the Senate Committees on Appropriations, on Finance, and on Institutions
20 on or before December 31 of each year. The provisions of 2 V.S.A. § 20(d)

1 (expiration of required reports) shall not apply to the required report to be
2 made under this subdivision.

3 * * *

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

5 (a) The Governor shall submit to the General Assembly, not later than the
6 third Tuesday of every annual session, a budget that shall embody the
7 Governor’s estimates, requests, and recommendations for appropriations or
8 other authorizations for expenditures from the State Treasury. In the first year
9 of the biennium, the budget shall relate to the two succeeding fiscal years. In
10 the second year of the biennium, it shall relate to the succeeding fiscal year.
11 The budget shall be based upon the official State revenue estimates, including
12 the Medicaid estimated caseloads and per-member per-month expenditures,
13 adopted by the Emergency Board pursuant to section 305a of this title.

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

15 * * *

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

20 * * *

1 (v) projected fund liabilities of the funds identified in the “Notes”
2 section of the most recent ~~Comprehensive Annual Financial Report (CAFR)~~
3 Annual Comprehensive Financial Report (ACFR), including the Workers’
4 Compensation Fund, the State Liability Insurance Fund, the Medical Insurance
5 Fund, and the Dental Insurance Fund; and

6 * * *

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

8 * * *

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

10 (1) A sub-account for incurred but not reported Medicaid expenses.

11 Each year beginning with fiscal year 2020, the Department of Finance and
12 Management shall adjust the amount reserved for incurred but not reported
13 Medicaid expenses to equal the amount specified in the ~~Comprehensive~~
14 Annual Financial Report Annual Comprehensive Financial Report (ACFR) for
15 the fiscal year occurring two years prior for the estimated amount of incurred
16 but not reported Medicaid expenses associated with the current Medicaid
17 Global Commitment waiver.

18 * * *

19 Sec. 54. 32 V.S.A. § 605(a) is amended to read:

20 (a) The Governor shall, not later than the third Tuesday of every annual
21 legislative session, submit a consolidated Executive Branch fee report and

1 request to the General Assembly, which shall accompany the Governor’s
2 annual budget report and request submitted to the General Assembly as
3 required by section 306 of this title, ~~except that the first fee report shall be~~
4 ~~submitted by October 1, 1996 to the House Committee on Ways and Means,~~
5 ~~the Senate Committee on Finance, and the House and Senate Committees on~~
6 ~~Government Operations. The first fee request shall be submitted during the~~
7 ~~1997 session as provided under this section.~~ The content of each annual report
8 and request for fees concerning State agency public records maintained
9 pursuant to 1 V.S.A. chapter 5, subchapter 3 shall be prepared by the Secretary
10 of State, who shall base all recommended fee amounts on “actual cost.” The
11 provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply
12 to the report to be made under this section.

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

14 § 711. APPROVAL OF DEBT

15 If a person as defined in 1 V.S.A. § 128, except a municipality as defined in
16 1 V.S.A. § 126, pays a majority of its operating expenses, as determined in
17 accordance with Generally Accepted Accounting Principles, in any fiscal year
18 with amounts appropriated by the State, either directly or indirectly as a pass-
19 through from a State agency or department, and the person intends to incur any
20 debt in that fiscal year in the cumulative principal amount greater than
21 \$1,000,000.00, including debt incurred through the issuance of bonds, notes,

1 bank loans, mortgages, lease-purchase contracts, and capital leases, then the
2 person shall notify and obtain the approval of the State Treasurer and the
3 Governor prior to incurring the debt. For the purposes of this section, amounts
4 appropriated by the State shall not include nondiscretionary federal funds
5 known as special revenue funds as presented in the State’s ~~comprehensive~~
6 ~~annual financial report~~ Annual Comprehensive Financial Report (ACFR).

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

8 Sec. 56. CONFORMING REVISIONS FOR HOUSE COMMITTEE
9 CHANGES

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

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

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

