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H.463

An act relating to technical corrections for the 2025 legislative session

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

* * * Technical Corrections * * *

* * * Title 3 * * *

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

§ 2. AGENCIES AND BOARDS IN GOVERNOR'S OFFICE

(3) All agencies which involve or concern interstate relationships

including:

* * *

(D) ~~Lake Champlain Bridge Commission~~ [Repealed.]

(E) ~~Tri-State Regional Medical Needs Board~~ [Repealed.]

* * *

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

§ 11. METHOD OF DELEGATING; RESPONSIBILITY OF GOVERNOR

The delegating of duties ~~herein~~ authorized in this section shall be in writing and shall specify with particularity the cases in which it is to apply. It shall become effective only when an executed duplicate copy of the delegation is filed in the Office of the Secretary of State. Such delegation may be revoked at any time by the Governor, and such revocation shall be in writing and likewise filed as the original delegation. The delegation of a particular

1 function shall not prevent the Governor from acting in a case ~~thereunder~~, and
2 in any such instance, the delegation shall be of no effect. Nothing contained
3 ~~herein in this section~~ shall relieve the Governor of ~~his or her~~ the Governor's
4 responsibility for the acts of any officer designated by ~~him or her~~ the Governor
5 under the authority of sections 10–13 of this title to perform any function.

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

7 § 12. SCOPE

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

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

16 § 13. APPLICATION

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

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

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

3 PROFESSIONS; DISCIPLINE PROCESS

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

7 * * *

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

12 * * *

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

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

3 * * *

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

6 * * *

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

8 § 159. OPINIONS; STATE MATTERS AND ACTIONS

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

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

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

17 CHAPTER 9. ADMINISTRATIVE DEPARTMENTS

18 * * *

1 § 203. AUTHORITY LIMITED

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

5 * * *

6 § 205. DUTIES OF OFFICE

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

11 § 206. ~~REGULATIONS~~ RULES

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

18 § 207. ASSISTANCE AND EXPENDITURE

19 (a) Each department ~~herein~~ specified in this chapter is empowered to
20 employ ~~such~~ assistance, clerical or otherwise, as the Governor deems
21 necessary for its proper and efficient administration and, subject to ~~his or her~~

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

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

10 * * *

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

16 * * *

17 § 209. EFFICIENCY AND COOPERATION; TRANSFER OF

18 PERSONNEL; ~~REGULATIONS~~ RULES OF GOVERNOR

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

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

6 * * *

7 § 213. DECLARATION OF POLICY

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

15 * * *

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

17 § 263. EMPLOYEES ENTERING ARMED FORCES

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

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

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

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

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

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

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

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

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

7 CHAPTER 13. CLASSIFICATION OF STATE PERSONNEL

8 § 309. DUTIES OF COMMISSIONER OF HUMAN RESOURCES

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

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

15 * * *

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

20 * * *

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

5 * * *

6 § 310. CLASSIFICATION PLAN; RULES

7 * * *

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

14 (f) The Classification and Compensation Plan and the rules ~~and regulations~~
15 for personnel administration shall be based on merit system principles and
16 shall provide for compliance with the laws relating to preference granted to
17 qualified persons who have served in the U.S. Armed Forces and received
18 honorable discharge.

19 * * *

1 § 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

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

5 * * *

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

10 * * *

11 § 312. CLASSIFICATION PLAN; DEFINITION

12 * * *

13 (b) Merit system principles are:

14 * * *

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

17 * * *

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

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

7 * * *

8 § 315. DUTIES OF STATE OFFICERS AND EMPLOYEES

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

15 § 316. RECORDS OF THE DEPARTMENT OF HUMAN RESOURCES

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

21 * * *

1 § 330. VERMONT INTERNSHIP PROGRAM

2 * * *

3 (b) Position authorization.

4 * * *

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

9 * * *

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

15 (c) Eligibility.

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

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

1 (d) Selection and retention.

2 (1) ~~Selection and retention.~~ Departments and agencies have final
3 responsibility for selection of Vermont Internship Program candidates using
4 criteria and procedures to be issued by the Department of Human Resources.

5 * * *

6 (e) Development of candidates.

7 (1) ~~Development of candidates.~~ All Vermont Internship Program
8 members shall have individual development plans approved by the
9 Commissioner of Human Resources.

10 * * *

11 (f) Rights of Vermont Internship Program members.

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

19 (2) Vermont Internship Program participants shall agree to work in a
20 State position consistent with the approved plan after completion of the
21 planned Vermont internship for a period of time equal to the length of Vermont

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

6 * * *

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

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

10 CHAPTER 16. VERMONT EMPLOYEES' RETIREMENT SYSTEM

11 § 457. MEMBERS

12 * * *

13 (d) Should any Group A, C, D, F, or G member who has less than five
14 years of creditable service in any period of five consecutive years after last
15 becoming a member be absent from service more than three years or should the
16 member withdraw ~~his or her~~ the member's contributions, or become a
17 beneficiary or die, the member shall ~~thereupon~~ then cease to be a member.
18 However, the membership of any employee entering such classes of military or
19 naval service of the United States as may be approved by resolution of the
20 Retirement Board, shall be continued during such military or naval service if
21 the member does not withdraw his or her contributions, but no such member

1 shall be considered in the service of the State for the purpose of the Retirement
2 System during such military or naval service, except as provided in subsection
3 458(e) of this title.

4 * * *

5 § 458. CREDITABLE SERVICE; MILITARY SERVICE

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

12 * * *

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

21 * * *

1 § 467. DEATH BENEFIT AFTER RETIREMENT—GROUP C

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

8 § 468. OPTIONAL BENEFITS

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

14 * * *

15 (2) ~~{Deleted.}~~

16 * * *

17 § 469. MINIMUM BENEFIT—GROUP C

18 Anything contained in this title to the contrary notwithstanding, the benefit
19 payable to or on account of a group C member ~~hereunder~~, inclusive of any
20 benefit provided by his additional contributions as specified in subsection
21 473(b) of this title together with the Social Security benefit or survivor's

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

6 § 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT
7 ALLOWANCES

8 * * *

9 (b) Calculation of net percentage increase.

10 * * *

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

16 * * *

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

19 * * *

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

4 * * *

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

18 * * *

19 § 472. INVESTMENTS; INTEREST RATE; DISBURSEMENTS

20 * * *

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

18 § 473. FUNDS

19 * * *

20 (b) Member contributions.

21 * * *

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

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

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

7 * * *

8 § 474. PREDECESSOR SYSTEMS

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

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

4 * * *

5 § 483. PETITION BY EMPLOYEES; TRANSFER OF ASSETS

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

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

10 * * *

11 § 490. DEFAULT; PAID UP DEFERRED ANNUITY

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

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

14 * * *

15 § 495. TRANSFER OF MEMBERSHIPS

16 * * *

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

21 * * *

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

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

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

11 * * *

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

13 CHAPTER 19. SOCIAL SECURITY FOR STATE AND MUNICIPAL
14 EMPLOYEES

15 § 571. DECLARATION OF POLICY

16 In order to extend to employees of the State and its political subdivisions
17 and to the dependents and survivors of ~~such~~ those employees the basic
18 protection accorded to others by the Old Age and Survivors Insurance System
19 embodied in the Social Security Act, the State of Vermont authorizes and
20 empowers the Treasurer of the State as a State agency to enter into appropriate
21 agreements with the Secretary of Health and Human Services for the purpose

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

7 § 572. DEFINITIONS

8 For the purposes of this chapter:

9 * * *

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

16 * * *

17 § 575. PLANS FOR COVERAGE OF EMPLOYEES OF POLITICAL
18 SUBDIVISIONS

19 (a) Each political subdivision of the State, acting through its legislative
20 branch in the case of a municipality, or through its governing body in the case
21 of an instrumentality, is ~~hereby~~ authorized, and in the case of any political

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

9 * * *

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

16 * * *

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

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

3 * * *

4 § 577. ~~REGULATIONS~~ RULES

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

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

10 CHAPTER 20. VERMONT BABY BOND TRUST

11 * * *

12 § 603. TREASURER'S TRUST AUTHORITY

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

14 * * *

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

16 * * *

17 § 607. ACCOUNTING FOR DESIGNATED BENEFICIARY; CLAIMS

18 REQUIREMENTS

19 * * *

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

4 * * *

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

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

15 * * * Title 5 * * *

16 Sec. 22. 5 V.S.A. § 1019(a) is amended to read:

17 § 1019. CONDEMNATION; APPEALS

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

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

3 * * *

4 * * * Title 7 * * *

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

6 (f) Diversion Program requirements.

7 * * *

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

15 * * * Title 9 * * *

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

17 § 4501. DEFINITIONS

18 As used in this chapter:

19 * * *

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

4 * * *

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

8 * * *

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

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

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

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

4 * * *

5 * * * Title 13 * * *

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

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

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

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

8 * * *

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

12 * * *

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

18 * * *

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

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* * * Title 18 * * *

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

(f) Diversion Program requirements.

* * *

(6) Notwithstanding ~~3 V.S.A. §§ 163(a)(2)(C) and 164(a)(2)(C)~~ any law to the contrary, the adult or juvenile diversion programs shall accept cases from the Youth Substance Awareness Safety Program pursuant to this section, subdivision 4230f(e)(1) of this title, or subdivision 4230f(e)(2) of this title. The confidentiality provisions of 3 V.S.A. § 163 or 164 shall become effective when a notice of violation is issued pursuant to subsection (b) of this section, subdivision 4230f(e)(1) of this title, or subdivision 4230f(e)(2) of this title and shall remain in effect unless the person fails to register with or complete the Youth Substance Awareness Safety Program.

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

(d) The Health Information Technology Plan shall serve as the framework within which the Green Mountain Care Board reviews certificate of need applications for information technology under section 9440b of this title. In addition, the ~~Commissioner of Information and Innovation~~ Secretary of Digital Services shall use the Health Information Technology Plan as the basis for independent review of State information technology procurements.

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* * * Title 19 * * *

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

§ 10. DUTIES

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

* * *

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

* * *

* * * Title 20 * * *

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

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

* * *

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

* * *

1 * * * Title 21 * * *

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

3 CHAPTER 5. EMPLOYMENT PRACTICES

4 * * *

5 § 472. LEAVE

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

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

12 * * *

13 § 472a. SHORT-TERM FAMILY LEAVE

14 (a) In addition to the leave provided in section 472 of this title, an
15 employee shall be entitled to take unpaid leave not to exceed four hours in any
16 30-day period and not to exceed 24 hours in any 12-month period. An
17 employer may require that leave be taken in a minimum of two-hour segments
18 and may be taken for any of the following purposes:

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

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

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

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

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

12 * * *

13 § 482. EARNED SICK TIME

14 * * *

15 (c) An employer may:

16 * * *

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

21 * * *

1 § 495d. DEFINITIONS

2 As used in this subchapter:

3 * * *

4 (7) “Physical or mental impairment” means:

5 (A)(1) any physiological disorder or condition, cosmetic
6 disfigurement, or anatomical loss affecting one or more of the following body
7 systems: neurological; musculoskeletal; special sense organs; respiratory,
8 including speech organs; cardiovascular; reproductive; digestive; genito-
9 urinary; hemic and lymphatic; skin; or endocrine;

10 ~~(B)~~(2) any mental or psychological disorder, such as developmental
11 disability, organic brain syndrome, emotional or mental condition or
12 psychiatric disability, and specific learning disabilities;

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

18 * * *

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

20 CHAPTER 9. EMPLOYER’S LIABILITY AND WORKERS’
21 COMPENSATION

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§ 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

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

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

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

(A) the Commissioner;

(B)(i) the injured employee; or

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

3 (C) the employee’s employer; and

4 (D) the workers’ compensation insurance carrier.

5 (4) Any party in interest shall have a right to join in the suit but the
6 direction and control of the suit shall be with the injured employee.

7 * * *

8 § 635. PERIODS OF COMPENSATION

9 The compensation provided for by the provisions of this chapter shall be
10 payable during the following periods:

11 (1) Spouse.

12 (A) ~~Spouse.~~ To a spouse until the earlier of:

13 * * *

14 § 662. AGREEMENTS; REQUIRED PAYMENTS IN ABSENCE OF

15 * * *

16 (b)(1) In the absence of an agreement pursuant to subsection (a) of this
17 section, the employer or insurance carrier shall notify the Commissioner and
18 the employee in writing that the claim is denied and the reasons for the denial.

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

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

3 * * *

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

5 CHAPTER 12. EMPLOYEE LEASING COMPANIES

6 * * *

7 § 1038. DEPARTMENT OF LABOR

8 * * *

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

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

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

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

19 § 1039. EMPLOYEE BENEFITS

20 * * *

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

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

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

10 * * *

11 § 1042. UNPROFESSIONAL CONDUCT

12 Unprofessional conduct includes:

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

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

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

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

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

2 CHAPTER 17. UNEMPLOYMENT COMPENSATION

3 § 1301. DEFINITIONS

4 As used in this chapter:

5 * * *

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

13 * * *

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

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

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

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

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

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

10 * * *

11 § 1321. CONTRIBUTIONS; TAXABLE WAGE BASE CHANGES

12 * * *

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

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

5 * * *

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

18 * * *

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

21 * * *

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

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

6 * * *

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

9 * * *

10 (4) As used in this section:

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

13 * * *

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

15 CHAPTER 19. VERMONT STATE LABOR RELATIONS ACT

16 * * *

17 § 1543. APPROPRIATE UNIT; BASIS FOR DETERMINATION

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

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

3 * * *

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

6 * * *

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

13 * * *

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

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

4 * * *

5 § 1621. UNFAIR LABOR PRACTICES

6 * * *

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

8 * * *

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

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

18 (B) Forcing or requiring any person to cease using, selling, handling,
19 transporting, or otherwise dealing in the products of any other producer,
20 processor, or manufacturer, or to cease doing business with any other person,
21 or forcing or requiring any other employer to recognize or bargain with a labor

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

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

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

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

8 * * *

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

12 * * *

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

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

17 * * *

18 § 1622. PREVENTION OF UNFAIR LABOR PRACTICES

19 * * *

20 (e) In determining whether a complaint shall issue alleging a violation of
21 subdivision 1621(a)(1) or (2) of this title, and in deciding such cases, the same

1 ~~regulations and~~ rules of decision shall apply irrespective of whether or not
2 labor organization affected is affiliated with a labor organization national or
3 international in scope.

4 * * *

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

9 § 1623. JUDICIAL REVIEW

10 * * *

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

18 * * *

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

20 CHAPTER 20. INDEPENDENT DIRECT SUPPORT PROVIDERS

21 * * *

1 § 1633. RIGHTS OF THE STATE

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

5 * * *

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

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

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

12 * * *

13 § 1638. PREVENTION OF UNFAIR PRACTICES

14 * * *

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

20 * * *

1 § 1641. RULES AND REGULATIONS

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

5 * * *

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

7 CHAPTER 22. VERMONT MUNICIPAL LABOR RELATIONS ACT

8 * * *

9 § 1723. DETERMINATION OF THE BARGAINING UNIT

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

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

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

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

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

1 § 1724. CERTIFICATION PROCEDURE

2 * * *

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

6 * * *

7 § 1727. PREVENTION OF UNFAIR LABOR PRACTICES

8 * * *

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

14 * * *

15 § 1730. RESTRICTIONS ON STRIKES

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

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

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

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

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

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

7 * * *

8 § 1732. FACT-FINDING

9 * * *

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

12 * * *

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

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

18 * * *

19 * * * Title 23 * * *

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

2 § 4. DEFINITIONS

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

7 * * *

8 (11) “Enforcement officers” shall include:

9 * * *

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

14 * * *

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

16 CHAPTER 7. REGISTRATION

17 * * *

18 § 420. MOTOR TRUCK DEFINED

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

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

3 * * *

4 § 450a. DEALER REGISTRATION; ELIGIBILITY

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

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

8 * * *

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

10 CHAPTER 9. OPERATOR'S LICENSES

11 * * *

12 § 607. JUNIOR OPERATOR'S LICENSE

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

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

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

18 (3) have:

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

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

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

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

9 * * *

10 § 705. QUALIFICATIONS FOR INSTRUCTOR'S LICENSE

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

12 * * *

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

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

17 * * *

18 § 708. REFUSAL TO ISSUE LICENSE

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

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* * *

- (4) the applicant has been convicted of a felony or any crime involving violence, dishonesty, or deceit; and
- (5) the applicant is not the true owner of the driver training school.

§ 709. SUSPENSION AND REVOCATION

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

* * *

- (4) the licensee has willfully violated the provisions of section 705 of this title; or
- (5) the licensee has failed to comply with the rules of the Commissioner made pursuant to this subchapter.

* * *

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

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

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

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

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

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

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

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

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

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

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

4 CHAPTER 13. OPERATION OF VEHICLES

5 § 1001. RULES

6 (a) The Commissioner may adopt rules:

7 * * *

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

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

15 * * *

16 § 1007. LOCAL SPEED LIMITS

17 * * *

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

1 * * *

2 § 1008. ~~REGULATIONS~~ ORDINANCES IN MUNICIPALITIES

3 (a) The legislative body of a municipality may ~~make~~ adopt ~~special~~
4 ~~regulations~~ ordinances as to the operation, use, and parking of motor vehicles,
5 including angle parking; as to the location, design, and structure of traffic
6 lights; as to “stop” signs and “yield right of way” signs at intersections; as to
7 “no-passing” zones; and as to streets designated for one-way traffic in the
8 thickly settled portions of the municipality and may cause any street or
9 highway of adequate width to be divided by appropriate markings into three or
10 more lanes and may, by ordinance ~~or regulation~~, regulate the direction of travel
11 and the turning of vehicles proceeding in those lanes and the passing of
12 vehicles in one lane by overtaking vehicles in another lane, may cause
13 markers, buttons, or signs to be placed within or adjacent to intersections and
14 thereby direct the course traveled by vehicles turning at an intersection, and
15 when markers, buttons, or signs are so placed no driver may turn a vehicle at
16 an intersection other than as directed by the markers, buttons, or signs.
17 However, signs indicating the ~~special regulations~~ ordinances must be
18 conspicuously posted in and near all areas affected. ~~Special regulations~~
19 Ordinances may not be established on any State highway as defined by 19
20 V.S.A. § 1(20). ~~Regulations~~ Ordinances on all State highways may be made
21 only by the Traffic Committee under section 1003 of this title, except that the

1 Traffic Committee may authorize the legislative body of a municipality to
2 regulate parking within a thickly settled area of a municipality, particularly
3 described in the authorization, on State highways. The board of school
4 directors of a union high school district may ~~make adopt special regulations~~
5 ordinances as to the operation, use, and parking of motor vehicles within the
6 boundaries of its school property.

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

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

12 * * *

13 § 1010. SPECIAL OCCASIONS; TOWN HIGHWAY MAINTENANCE

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

1 notice as possible to the public so that alternative routes of travel could be
2 considered.

3 * * *

4 § 1013. AUTHORITY OF ENFORCEMENT OFFICERS

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

10 * * *

11 § 1015. AUTHORIZED EMERGENCY VEHICLES

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

16 * * *

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

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

20 * * *

1 § 1076. COMMERCIAL MOTOR VEHICLES; RAILROAD CROSSINGS

2 * * *

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

4 * * *

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

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

9 * * *

10 § 1102. REMOVAL OF STOPPED VEHICLES

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

13 * * *

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

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

19 * * *

1 § 1104. STOPPING PROHIBITED

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

5 * * *

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

8 * * *

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

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

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

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

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

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

20 * * *

1 § 1105. ADDITIONAL PARKING ~~REGULATIONS~~ ORDINANCES

2 * * *

3 § 1133. ELUDING A POLICE OFFICER

4 * * *

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

8 * * *

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

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

17 * * *

18 § 1134b. USING TOBACCO OR CANNABIS IN A MOTOR VEHICLE

19 WITH CHILD PRESENT

20 * * *

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

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

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

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

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

9 * * *

10 § 1136. APPLICATION OF SUBCHAPTER; RIGHTS AND

11 OBLIGATIONS OF BICYCLISTS UNDER OTHER LAWS

12 * * *

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

20 * * *

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

5 * * *

6 § 1213a. IMMOBILIZATION OF VEHICLE

7 * * *

8 (f) Costs. All costs of towing and impoundment shall be paid by the
9 defendant before the vehicle is released to its owner. If the defendant fails to
10 pay the towing and impoundment costs within 30 days after the immobilization
11 order expires, the State is authorized to sell the vehicle by public auction
12 pursuant to the procedures in ~~27 V.S.A. chapter 13~~ section 1213c of this
13 subchapter. The proceeds from the sale of the vehicle shall be used first to
14 offset the costs of towing, impounding, and releasing the vehicle. Any balance
15 remaining, after any liens on the vehicle have been paid in full, shall be paid to
16 the owner of the vehicle.

17 * * *

18 § 1231. ADMINISTRATIVE PENALTIES

19 * * *

20 (d) The alleged violator shall be given notice and opportunity for a hearing.
21 Service of the notice shall be sufficient if sent by first-class mail to the

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

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

10 * * *

11 § 1243. LIGHTS

12 * * *

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

18 * * *

19 § 1307. BRAKE EQUIPMENT REQUIRED

20 * * *

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

2 * * *

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

7 (3) manufactured with at least two steerable axles, shall have brakes on
8 at least one steerable axle, except that any such vehicle manufactured after July
9 1, 1992 shall be equipped with brakes on all wheels.

10 * * *

11 § 1391a. PENALTIES FOR OVERWEIGHT OPERATION

12 * * *

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

15 \$15.00 for each 1,000 lbs. or portion thereof overweight for the first
16 5,000 lbs. overweight;

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

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

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

3 \$90.00 for each 1,000 lbs. or portion thereof overweight when the
4 gross overweight is more than 20,000 lbs. and less than 25,001 lbs.; and

5 \$150.00 for each 1,000 lbs. or portion thereof overweight when the
6 gross overweight is more than 25,000 lbs.

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

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

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

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

16 * * *

17 § 1396. SPECIAL WEIGHT LIMITS FOR BRIDGES AND HIGHWAYS

18 * * *

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

1 * * *

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

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

6 * * *

7 § 1400a. SPECIAL LOCAL HIGHWAY AND BRIDGE LIMITS;

8 REIMBURSEMENT FOR DAMAGES; SPECIAL PERMITS

9 * * *

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

18 * * *

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

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

1 * * *

2 § 1401. CONTENTS OF PERMIT

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

9 * * *

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

11 § 3101. DEFINITIONS; SCOPE

12 * * *

13 (b) As used in this subchapter:

14 ~~(1)~~ Gasoline gasoline or other motor fuel" or "motor fuel" includes
15 aviation gasoline and shall not include the following:

16 ~~(A)~~(1) kerosene;

17 ~~(B)~~(2) clear or undyed diesel "fuel" as defined in section 3002 of this
18 title;

19 ~~(C)~~(3) "railroad fuel" as defined in section 3002 of this title;

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

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

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* * *

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

CHAPTER 29. SNOWMOBILES, VESSELS, AND WATER SPORTS

* * *

§ 3206. SNOWMOBILE OPERATION

* * *

(b) A snowmobile shall not be operated:

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 * * *

14 § 3207a. SNOWMOBILING UNDER THE INFLUENCE OF ALCOHOL OR
15 DRUGS

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

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

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

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

4 * * *

5 § 3317. PENALTIES

6 * * *

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

12 (1) a motorboat has been stolen and that the registrant ~~has~~ does not have
13 legal title; ~~or~~

14 (2) a motorboat is in such poor mechanical or structural condition as to
15 make it unseaworthy; ~~or~~

16 (3) a motorboat is operated without proper equipment after the owner
17 has been notified to procure and use such equipment as is required by law or
18 Department rules; or

19 (4) the owner of a motorboat has perpetrated some fraud upon the
20 Department of Motor Vehicles.

21 * * *

1 Sec. 45. 25 V.S.A. § 3514 is amended to read:

2 § 3514. ADMINISTRATION OF CHAPTER; RULES

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

6 * * *

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

8 CHAPTER 39. COMMERCIAL DRIVER'S LICENSE ACT

9 * * *

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

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

14 * * *

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

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

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

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

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

4 * * *

5 § 4111. COMMERCIAL DRIVER'S LICENSE

6 * * *

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

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

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

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

3 * * *

4 § 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

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

7 * * *

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

9 * * *

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

12 * * *

13 * * * Title 24 * * *

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

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

19 * * *

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

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

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

11 * * *

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

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

* * * Title 28 * * *

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

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

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

(g) Prescription medication; reentry planning.

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

* * *

*** Title 32 ***

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

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

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

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

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

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

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

7 * * *

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

12 * * *

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

18 * * *

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

20 * * *

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

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

3 Each year beginning with fiscal year 2020, the Department of Finance and
4 Management shall adjust the amount reserved for incurred but not reported
5 Medicaid expenses to equal the amount specified in the ~~Comprehensive~~
6 ~~Annual Financial Report~~ Annual Comprehensive Financial Report (ACFR) for
7 the fiscal year occurring two years prior for the estimated amount of incurred
8 but not reported Medicaid expenses associated with the current Medicaid
9 Global Commitment waiver.

10 * * *

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

12 (a) The Governor shall, not later than the third Tuesday of every annual
13 legislative session, submit a consolidated Executive Branch fee report and
14 request to the General Assembly, which shall accompany the Governor's
15 annual budget report and request submitted to the General Assembly as
16 required by section 306 of this title, ~~except that the first fee report shall be~~
17 ~~submitted by October 1, 1996 to the House Committee on Ways and Means,~~
18 ~~the Senate Committee on Finance, and the House and Senate Committees on~~
19 ~~Government Operations. The first fee request shall be submitted during the~~
20 ~~1997 session as provided under this section.~~ The content of each annual report
21 and request for fees concerning State agency public records maintained

1 pursuant to 1 V.S.A. chapter 5, subchapter 3 shall be prepared by the Secretary
2 of State, who shall base all recommended fee amounts on “actual cost.” The
3 provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply
4 to the report to be made under this section.

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

6 § 711. APPROVAL OF DEBT

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

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

2 Sec. 56. CONFORMING REVISIONS FOR HOUSE COMMITTEE

3 CHANGES

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

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

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

15 Sec. 57. INTERPRETATION

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

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

3 * * * Effective Date * * *

4 Sec. 58. EFFECTIVE DATE

5 This act shall take effect on passage.