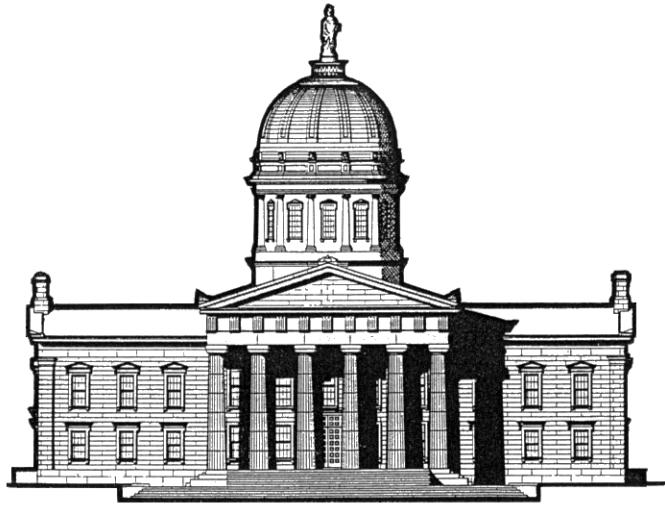


# STATE OF VERMONT



## SUMMARY OF THE ACTS of the 2017 VERMONT GENERAL ASSEMBLY

Prepared by the  
Office of Legislative Council

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These act summaries are provided for the convenience of the public and members of the General Assembly. They are intended to provide a general summary of the acts and may not be exhaustive. They have been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. They are not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

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**Act No. 1 (S.2). Insurance; banking; regulations; information sharing**

**An act relating to information sharing by the Commissioner of Financial Regulation**

This act expands the ability of the Commissioner of Financial Regulation to share information about the financial institutions the Department regulates with certain national and international agencies.

Effective Date: February 23, 2017

**Act No. 2 (S.1). Education Average Daily Membership; Equalized Pupil Count**

**An act relating to the determination of average daily membership for the 2016–2017 school year and equalized pupil count for fiscal year 2018**

This act directs the Secretary of Education, on or before February 15, 2017, to determine the average daily membership of each school district for the 2016–2017 school year and to include in the average daily membership each prekindergarten child who attended a prequalified prekindergarten program as of January 13, 2017 that fulfilled required criminal record checks after the end of the annual census period (October 30, 2016). This act also directs the Secretary of Education, on or before February 16, 2017, to determine the count of equalized pupils for fiscal year 2018.

Effective Date: March 1, 2017

**Act No. 3 (H.125). Appropriations and finance**

**An act relating to fiscal year 2017 budget adjustments**

This act is the fiscal year 2017 budget adjustment act. For more information, see the website of the Joint Fiscal Office at [http://www.leg.state.vt.us/jfo/budget\\_fy2017.aspx](http://www.leg.state.vt.us/jfo/budget_fy2017.aspx)

Effective Date: March 2, 2017

**Act No. 4 (H.53). Conservation and development; municipal planning and development; local bylaws and ordinances; flood hazard areas; planting**

**An act relating to permitting planting projects in flood hazard areas**

This act provides that a planting project in a flood or other hazard area or river corridor protection area shall be considered to have a municipal land use permit by operation of law. However, a planting project will not be considered to have a permit by operation of law if it is part of a larger undertaking that includes construction or other physical disturbance of land, or is a forestry operation or a component of such an operation.

Effective Date: March 6, 2017

**Act No. 5 (S.79). Internal security; public safety; privacy; personal information**

**An act relating to freedom from compulsory collection of personal information**

Sec. 1 contains legislative findings, some of which state that Vermont residents should be free from discrimination; have a reasonable expectation that State and local government officials will not contribute to the creation of a registry based on personal characteristics; and that this act is not intended to interfere with the enforcement of Vermont's laws or efforts to prioritize immigration enforcement concerning individuals who pose a threat to public safety.

Sec. 2 creates a new 20 V.S.A. § 4651 ("prohibited disclosure of personally identifying information"). "Personally identifying information" is defined as information concerning a person's sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, immigration status, age, or disability. A State or local governmental agency, or employee, shall not:

- collect information regarding the religious beliefs, practices, or affiliation of any individual for the purpose of registration based on his or her religious beliefs, practices, or affiliations;
- knowingly disclose personally identifying information to any federal agency or official for the purpose of registration; or
- use public agency money, facilities, property, equipment, or personnel to assist in creating or enforcing any federal government program for registration.

There are "carve outs" in an effort to clarify that this Act does not interfere with two federal laws concerning immigration related information (8 U.S.C. §§ 1373 and 1644), and does not prohibit providing aggregated information.

Sec. 2 also creates a new 20 V.S.A. § 4652 that states that only the Governor, in consultation with the Vermont Attorney General, is authorized to enter into, modify, or extend agreements pursuant to which State and local law enforcement can assist federal authorities in carrying out certain immigration and other functions. However, State and local law enforcement can enter into such agreements when it is necessary to address threats to the public safety or welfare of Vermont residents arising from a declared State or national emergency.

Effective Date: March 28, 2017

**Act No. 6 (S.38). Legislature; Executive; Government Accountability Committee; Chief Performance Officer; State Outcomes Report**

**An act relating to the Government Accountability Committee and the State Outcomes Report**

This act makes several amendments to the duties of the joint legislative Government Accountability Committee. The act also establishes the “State Outcomes Report” as the official name of the annual report the Chief Performance Officer submits to the General Assembly regarding the State’s progress in reaching the State’s population-level outcomes. Finally, the act revises several of those outcomes.

Effective Date: March 29, 2017

**Act No. 7 (S.13). Taxation and fees**

**An act relating to fees and costs allowed at a tax sale**

This act allows towns to recoup the expenses actually and reasonably incurred by the town in securing a property for which property taxes are delinquent against illegal activity and fire hazards.

Effective Date: July 1, 2017

**Act No. 8 (H.14). Health; automated external defibrillators**

**An act relating to automated external defibrillators**

This act clarifies that nonprofit donations of automated external defibrillators are not subject to liability under the immunity provisions of Vermont’s AED statute.

Effective Date: April 25, 2017

**Act No. 9 (H.201). Human services; runaway youth**

**An act relating to length of stay at designated shelters**

This act extends the length of time that runaway youth may stay at a shelter designated by the Commissioner for Children and Families from 7 to 21 days.

Effective Date: July 1, 2017

**Act No. 10 (H.379). Public safety; search and rescue; Search and Rescue Council; repeal; extension**

**An act relating to providing an extension for the repeal of the Search and Rescue Council**

This act provides for the elimination of the Search and Rescue Council to be on July 1, 2021, rather than in the year 2017 as previously provided. As described in its enabling statute—20 V.S.A. § 1847—the Council comprises eight members whose duties include establishing the search and rescue training and equipment standards for the Department of Public Safety’s Search and Rescue Team, as well as reviewing completed search and rescue operations and recommending how those operations may be improved.

Effective Date: April 25, 2017

**Act No. 11 (H.4). Judiciary; Court procedure; calculation of time periods**

**An act relating to calculating time periods in court proceedings**

This act make clear that when the Vermont statutes establish periods of time of fewer than 11 days in court proceedings, the period of time means fewer than 11 business days. A “business day” means every official working day of the week, which generally does not include weekends or holidays. A “calendar day,” on the other hand, means any day of the week, including weekends and holidays.

Effective Date: July 1, 2017

**Act No. 12 (H.85). Insurance; captive insurance companies; agency captives; accounting**

**An act relating to captive insurance companies**

This act pertains to captive insurance companies. Among other things, it gives a captive greater flexibility with respect to the accounting method it chooses when filing reports and financial statements with the Department of Financial Regulation; it allows for the formation of agency captive insurance companies owned by an insurance agency or brokerage; it allows all types of captives doing business in Vermont to enter into dormant status; and it amends the governance standards applicable to risk retention groups.

Effective Date: May 1, 2017

**Act No. 13 (H.152). Probate and Trusts fiduciaries; digital assets**

**An act relating to the Vermont Revised Uniform Fiduciary Access to Digital Assets Act**

This act enacts the Vermont Revised Uniform Fiduciary Access to Digital Assets Act, which extends a fiduciary’s traditional authority to manage a person’s tangible property to include management of the

person's digital assets (such as on-line bank accounts, retirement accounts, email, and social media accounts).

Effective Date: July 1, 2017

**Act No. 14 (S.5). Crimes and criminal procedures; plea agreements**

**An act relating to plea agreements**

This act removes the statutory requirement that for felonies the prosecutor must state the reasons for a plea agreement on the record in open court.

Effective Date: July 1, 2017

**Act No. 15 (S.7). Crimes and criminal procedures; Sex Offender Registry; deferred sentences**

**An act relating to deferred sentences and the sex offender registry**

This act provides that when a sex offender receives a deferred sentence, the offender's name is not placed on the Sex Offender Registry during the period of time when the sentence is being deferred, unless either: (1) the offender violates the terms of the deferred sentence agreement and is sentenced on the conviction, in which case the offender's name is placed on the Registry, and is posted on the Internet portion of the Registry, for the period of time applicable to the underlying crime; or (2) the court finds that the interests of justice warrant placing the offender's name on the Registry during the period when the sentence is deferred, in which case the offender's name is posted (though not on the Internet) only until he or she successfully completes the deferred sentence agreement.

Effective Date: May 1, 2017

**Act No. 16 (S.39). Crimes and criminal procedures; treason; obtaining maps**

**An act relating to the repeal of the crime of obtaining maps and plans while at war**

This act repeals the crime of obtaining maps and plans while the United States is at war or during threat of war.

Effective Date: July 1, 2017

**Act No. 17 (S.60). Labor; Commissioner of Labor; duty when United States at War**

**An act relating to the repeal of 21 V.S.A. § 6**

This act repeals 21 V.S.A. § 6, the law which allowed the Commissioner of Labor to suspend the laws related to the employment of women and children while the United States was at war.

Effective Date: July 1, 2017

**Act No. 18 (S.69). Domestic relations; child support****An act relating to an employer's compliance with an income withholding order from another state**

This act repeals a provision of Vermont law that permits an employer who is required to withhold wages for child support under Title 15B (UIFSA) to designate the Office of Child Support as its payment agent and forward withheld wages to the Office of Child Support instead of to the out-of-state jurisdiction. The section was in with another provision in State law which requires the employer to distribute any withheld funds as directed in the order by complying with the terms of the order specifying the person designated to receive payments and the address to which the payments are to be forwarded.

Effective Date: July 1, 2017

**Act No. 19 (H.3). Health; cemeteries****An act relating to burial depth in cemeteries**

This act requires that interment of a human body in a cemetery be at least three and one-half feet below the natural surface of ground.

Effective Date: July 1, 2017

**Act No. 20 (H.35). Commerce and trade; judiciary****An act relating to adopting the Uniform Voidable Transactions Act**

This act adopts the most recent revisions from the National Conference of Commissioners on Uniform State Laws concerning voidable transactions.

Effective Date: July 1, 2017

**Act No. 21 (H.136). Labor; employment practices; pregnancy accommodation****An act relating to accommodations for pregnant employees**

This act requires an employer to provide a reasonable accommodation for an employee's pregnancy-related condition, unless the accommodation would impose an undue hardship on the employer.

Effective Date: January 1, 2018

**Act No. 22 (H.182). Banking; consumer litigation funding companies; licensed lenders; money servicers; debt adjusters****An act relating to certain businesses regulated by the Department of Financial Regulation**

This act pertains to certain companies that provide financial services and are regulated by the Department of Financial Regulation. Among other things, it requires three-year renewals for consumer litigation

funding companies; it amends the licensing requirements for licensed lenders, money transmitters, check cashers and currency exchangers, and loan servicers; it creates a new type of license applicable to mortgage brokers who engage in “lead generation,” as well as a new license for lenders, generally, who engage in “loan solicitation.”

Multiple effective dates, beginning on May 4, 2017.

**Act No. 23 (H.265). Human services; Department of Disabilities, Aging, and Independent Living; Long-Term Care Ombudsman; vulnerable adults; financial exploitation**

**An act relating to the State Long-Term Care Ombudsman**

This act updates the Long-Term Care Ombudsman statutes to conform to the federal Older Americans Act and related federal regulations. It also creates a new private right of action for a vulnerable adult who has been the victim of financial exploitation.

Multiple effective dates, beginning on May 4, 2017

**Act No. 24 (H.290). Property; real estate; titles; conveyances**

**An act relating to clarifying ambiguities relating to real estate titles and conveyances**

This act clarifies ambiguities relating to real estate titles and conveyances as follows:

Sec. 1 amends 27 V.S.A. § 464a to allow for a mortgage to be paid off by either check or wire transfers.

Sec. 2 amends 29 V.S.A. § 563 to clarify an ambiguity relating to the requirements for considering whether a lease to explore for oil and gas deposits is deemed abandoned.

Sec. 3 amends 27 V.S.A. § 341(c) to eliminate the need for a notice or memorandum of lease to be witnessed.

Sec. 4 amends 27 V.S.A. § 1313 to provide that the failure to record a floor plan under the State’s previous statutory scheme for condominiums does not constitute a defect in marketable title if more than 15 years has passed since the declaration of condominium for the condominium development was recorded.

Sec. 5 adds 14 V.S.A. § 3184 to clarify an ambiguity in existing probate law to allow a guardian appointed by a probate court of a foreign jurisdiction to have the power and authority to convey an interest in Vermont real property by a person 18 years or older if he or she has obtained a valid foreign court order and registers that order with the Probate Division of a Vermont Superior Court.



Sec. 6 amends 14 V.S.A. § 3502(e) to exempt certain powers of attorney from the requirement that an agent accept appointment.

Effective Date: May 4, 2017

**Act No. 25 (H.507). Health; health care reform; Department of Vermont Health Access; Green Mountain Care Board; Medicaid; accountable care organizations**

**An act relating to Next Generation Medicaid ACO pilot project reporting requirements**

This act requires the Department of Vermont Health Access (DVHA) to provide written updates to the General Assembly by June 15, September 15, and December 15, 2017 on implementation of the Next Generation Medicaid ACO pilot project and to testify on the pilot at meetings of the Health Reform Oversight Committee. It requires the Green Mountain Care Board to provide written updates to the General Assembly by the same dates on the Board's progress in meeting benchmarks for implementing the all-payer model and the Board's preparations for regulating accountable care organizations.

The act extends for two years the deadline for the Administration to apply for a federal waiver of certain Exchange plan requirements as they relate to bronze plans. It also extends through the 2019 plan year the authority for Exchange plan carriers to offer one or more bronze plans with a higher out-of-pocket prescription drug limit than the limit in Vermont law. And it extends the duration of an advisory group on bronze plan options through the 2019 plan year and directs the group to look at whether there is a need for flexibility in bronze plan design after plan year 2019 and, if so, to recommend options for providing flexibility while still offering protection from high out-of-pocket prescription drug costs.

Effective Date: May 4, 2017

**Act No. 26 (H.5). Health; town cemeteries; investment of public trust funds**

**An act relating to investment of town cemetery funds**

This act makes amendments to 18 V.S.A. § 5384 regarding the investment of town cemetery funds by a town treasurer, selectboard, or trustees of public funds.

Sec. 1 of the act adds new language to allow a town treasurer, a selectboard, or trustees of public funds to delegate the management and investment of town cemetery funds in accordance with Vermont's Uniform Prudent Management of Institutional Funds Act. The act also makes technical corrections to terms, adds examples of "investment trusts," and updates requirements to allow town cemetery funds to be invested in investment funds that have been in operation for at least five years and have at least \$100,000,000.00 in assets.

Effective Date: July 1, 2017

**Act No. 27 (H.42). Municipal government; local elections; municipal clerk; municipal treasurer; appointment; town audits; penalties**

**An act relating to appointing municipal clerks and treasurers and to municipal audit penalties**

This act in Secs. 1 through 3 allows a municipality to vote at its annual meeting to authorize its legislative body to appoint the municipal clerk or treasurer, or both. A municipality has this new appointment authority so long as it does not have a charter that specifically provides for the election or appointment of the applicable officer. The act also addresses the procedure for a legislative body to remove such an appointed clerk or treasurer; the ability of a municipality to vote to rescind the appointment authority; and the term of office of an elected clerk or treasurer in office on the date the municipality votes to appoint the officer.

Sec. 4 addresses municipal audit penalties. This section amends current law to provide the procedure that must occur before a town officer will be subject to existing penalties for willfully refusing or neglecting to provide requested town audit materials or related information. The act further adds that a town officer who engages in that willful conduct shall be personally liable to the town for a civil penalty in the amount of \$100.00 per day until the officer provides the requested audit materials or information.

Effective Date: May 10, 2017

**Act No. 28 (H.297). Judiciary court procedure**

**An act relating to miscellaneous court operations procedures**

This act makes a number of minor and technical amendments to court operations procedures in order to make the Vermont statutes consistent with existing practice.

Effective Date: May 10, 2017

**Act No. 29 (H.326). Human services; public assistance**

**An act relating to encouraging savings by participants in Reach Up and the Child Care Financial Assistance Program**

This act increases the asset limit in the Reach Up Program from \$2,000.00 to \$9,000.00 for determinations of initial and continuing eligibility. It also excludes retirement savings accounts and qualified child education savings accounts from asset limit calculations in the Reach Up Program. With regard to the Child Care Financial Assistance Program, the act excludes earnings deposited into a qualified child savings account purpose of determining continuing eligibility.

Effective Date: July 1, 2017

**Act No. 30 (H.497). Agriculture; animal health; animal transport****An act relating to health requirements for animals used in agriculture**

This act amends statutes relating to livestock-related businesses, the Livestock Care Standards Advisory Council, and health-related and other requirements for animals. The act amends multiple statutes relating to livestock-related businesses, including licensing and bonding provisions and duties of livestock dealers, packers, and transporters. Additionally, the act amends statutes relating to the terms of membership of the Livestock Care Standards Advisory Council.

The act amends statutes relating to animal health requirements, including control of contagious livestock diseases. The act defines “reportable disease” as diseases listed on the National List of Reportable Animal Diseases and diseases specified by the Secretary of Agriculture, Food and Markets. The act simplifies the compensation scheme for condemned animals and the calculation of fees for disease testing. The act requires veterinarians to report sudden unexplained deaths or morbidity in herds or flocks. The act also requires operators of diagnostic laboratories to report immediately diagnoses of reportable diseases.

The act amends statutes relating to the interstate and intrastate movement of livestock and poultry. Importers of livestock and poultry are required to comply with the U.S. Department of Agriculture Animal Disease Traceability rule. The Secretary may adopt stricter movement requirements than the federal rule. The act also amends the statutes relating to: documentation for movement of domestic animals other than dogs and cats, intrastate movement of livestock and poultry, exceptions to transportation requirements, and movement of certain animals near the State border.

The act amends the statutes relating to feeding prohibited food waste to swine. The act also updates requirements relating to veterinary medicines and strikes provisions relating to tuberculin. The act amends statutes relating to penalties, and tuberculosis and brucellosis. Throughout the act, tuberculosis- and brucellosis-related provisions are struck, and statutes containing criminal penalties are amended to instead provide for the assessment of administrative penalties for violations of relevant provisions.

Effective Date: July 1, 2017

**Act No. 31 (H.502). Domestic relations; parentage****An act relating to modernizing Vermont’s parentage laws**

This act created the Parentage Study Committee to examine and provide recommendations with regard to modernizing Vermont’s parentage laws in recognition of the changing nature of the family. The Committee will study how Vermont’s parentage laws should be updated to

address various issues that have come before the courts in recent years and issues that have arisen and been addressed in other New England states on these matters, including assisted reproductive technology and de facto parentage, and report on or before October 1, 2017 to the House and Senate Committees on Judiciary, the Senate Committee on Health and Welfare, and the House Committee on Human Services with its findings and recommendations for legislative action. Members include a judge or Justice appointed by the Chief Superior Judge; a member appointed by the Commissioner for Children and Families; an attorney appointed by the Director of the Office of Child Support; two members appointed by the Vermont Bar Association who are attorneys experienced in parentage issues related to reproductive technology and surrogacy; and one member who is a medical professional with expertise in reproductive technology, appointed by the Committee at its first meeting.

Effective Date: May 10, 2017

**Act No. 32 (H.50). Public service; conservation and development**

**An act relating to the telecommunications siting law**

This act extends the sunset of the Public Service Board's (PSB) telecommunications siting authority from July 1, 2017 to July 1, 2020. The act also adds to the content of a notice that, under current law, the applicant must send the municipal legislative body and planning commissions at least 60 days before filing the PSB. The additional content is to notify the municipal bodies of rights and opportunities that they have under existing law, as well as notice of how to obtain an existing guide to the telecommunications siting process before the PSB.

Effective Date: July 1, 2017

**Act No. 33 (H.58). Fish and wildlife; hunting; fishing; licenses; permanent licenses**

**An act relating to permanent licenses for persons 66 years of age or older**

This act amends the age at which a person may obtain a permanent hunting, fishing, or trapping license from 70 years of age to 66 years of age. The act also establishes a fee of \$60.00 for a permanent hunting, fishing, or trapping license.

Effective Date: January 1, 2018

**Act No. 34 (H.184). Health; mental health**

**An act relating to evaluation of suicide profiles**

This act requires the Secretary of Human Services to present to the Senate Committee on Health and Welfare and to the House Committee on Health Care by January 15, 2018, a summary of the Agency's internal Public Health Suicide Stat process results and any report or analyses

completed pursuant to the Agency's participation in the Centers for Disease Control and Prevention's National Violent Death Reporting System grant. It also requires the Secretary to present plans to the Senate Committee on Health and Welfare, the House Committee on Health Care, and the Green Mountain Care Board by January 15, 2019 describing how certain data shall be collected after the expiration of the National Violent Death Reporting System grant. The act requires that by January 15, 2020, the Secretary submit a report to the Senate Committee on Health and Welfare, the House Committee on Health Care, and the Green Mountain Care Board summarizing information from the Agency's final National Violent Death Reporting System analysis and the Agency's recommendations and action plans.

Effective Date: July 1, 2017

**Act No. 35 (H.230). Health; mental health**

**An act relating to consent by minors for mental health treatment**

This act allows a minor to consent to receive outpatient treatment from a mental health professional without the consent of the minor's parent or legal guardian. "Outpatient treatment" in the context of this act refers to psychotherapy and other counseling services that are supportive, but not prescription drugs.

Effective Date: January 1, 2018

**Act No. 36 (H.312). Retirement; pensions; municipal employees**

**An act relating to retirement and pensions**

This act sets the contribution rates for members of the Municipal Employees Retirement System for Fiscal Year 2018.

Effective Date: July 1, 2017

**Act No. 37 (H.462). Labor; employment practices; social media privacy**

**An act relating to social media privacy for employees**

This act adds 21 V.S.A. § 495k relating to social media privacy rights for employees and applicants. It prohibits an employer from requiring, requesting, or coercing an employee to provide a social media account username or password, or to present or divulge social media content to the employer. This act prohibits employers from requiring or coercing an employee to add the employer to his or her list of contacts for a social media account.

This act includes exemptions for certain activities conducted by law enforcement agencies and for social media accounts provided by employers. It also allows an employer to request an employee to disclose specifically identified content necessary for compliance with legal or regulatory requirements, or as part of an investigation of unlawful

harassment, threats of violence, or unauthorized disclosure of confidential information.

Effective Date: January 1, 2018

**Act No. 38 (H.494). Transportation; motor vehicles; property**

**An act relating to the Transportation Program and miscellaneous changes to transportation-related law**

This act:

- Transportation Program Adopted; Definitions. Adopts the Agency of Transportation's ("Agency") fiscal year 2018 (FY18) Transportation Program except as the Program is amended in the bill, and defines terms used throughout the bill.
- Department of Motor Vehicles Spending Authority. Reduces FY18 spending authority for the Department of Motor Vehicles by \$200,000.00.
- State Highway Bridge Program; Project Added. Adds a project to the development and evaluation list of the State Highway Bridge Program for the rehabilitation of the Quechee Gorge Bridge.
- Lamoille Valley Rail Trail (LVRT). Repeals a provision related to FY17 and FY18 matching of funds raised by the Vermont Association of Snow Travelers for the LVRT, and amends projected spending amounts on the LVRT for future fiscal years to reflect an expected \$1,000,000.00 per year in spending on the project in FY19, FY20, and FY21.
- Maintenance Program Spending Authority. Reduces FY18 spending authority for the Maintenance Program by \$1,920,000.00 in federal funds to correct an error in the Agency's proposed budget submission.
- License Plate Savings. Directs the Commissioner of Motor Vehicles to provide the House and Senate Committees on Appropriations and on Transportation an updated analysis of cost savings projected to result from requiring one license plate and, if cost savings exceed \$200,000.00, to propose a FY18 budget adjustment submission that allocates such cost savings.
- Town Highway Bridge Program; Project Added. Adds a project to the Town Highway Bridge Program for a culvert replacement on the access road to the Eagle Point Wildlife Management Area in Derby.
- Town Highway Class 2 Roadway Program Spending Authority. Increases FY18 spending authority for the Town Highway Class 2 Roadway Program by \$600,000.00.

- Town Highway Federal Disasters Program Spending Authority. Reduces FY18 spending authority for the Town Highway Federal Disasters Program by \$20,000.00 in federal funds to correct an error in the Agency's proposed budget submission.
- Transportation Alternatives Grant Program. Updates State law to reflect a reorganization of the federal law governing the Transportation Alternatives Grant Program, and amends the set-aside for grants to municipalities for environmental mitigation projects relating to stormwater and highways.
- Municipal Mitigation Assistance Program. Increases FY18 spending authority in the Municipal Mitigation Assistance Program by \$1,000,000.00; renames the Program; authorizes Program funds to be used by a municipality for the establishment and operation of a stormwater utility without requiring a local match; and authorizes the Agency to use operating expenses appropriated for the Program to pay amounts billed to the Agency by municipal stormwater utilities.
- Future Appropriations of Transportation Funds. Repeals, retroactive to July 1, 2016, a provision related to future appropriations of transportation funds.
- Town Highway Bridge Program. Updates the law governing the Town Highway Bridge Program to reflect that Program projects are managed by the Agency.
- Central Garage Fund. Transfers \$1,296,047.00 from the Transportation Fund to the Central Garage Fund.
- Terminology; Technical Corrections. Updates terminology used to refer to the State's Transportation Program and to the four-year transportation program plan required under federal law.
- Automated Vehicles. Directs the Secretary of Transportation to convene a meeting of public and private stakeholders with expertise related to automated vehicles in order to gather information related to automated vehicles and identify policy areas requiring further research or possible legislation and report back to the House and Senate Committees on Transportation by January 15, 2018 on its activities and any recommendations related to automated vehicles.
- Park and Rides. Adds a definition of "highway" that includes "park and rides" to the chapter of law that authorizes the State to condemn private property for highway projects and governs condemnation proceedings.
- Public Transit Program Funds. Adjusts the timing for the distribution of State grant funds to public transit providers.

- Highways; Utility Facilities. Requires the Agency (in the case of State highways) and municipalities (in the case of town highways) to seek input and consider input received from utilities prior to issuing a utility relocation or adjustment order in connection with highway work, and to allocate to each affected utility a reasonable time to carry out its relocation or adjustment work. This act further provides that if a utility fails to move or adjust its line or other facility within the time specified in the relocation or adjustment order, and the failure was within the utility's control, the utility will be liable to the State or to the municipality for damages that the State or municipality is required to pay a contractor for a delay caused by the failure.

Multiple effective dates, beginning on May 17, 2017

<b>FY18 Transportation Program</b>				
Line #	All funding sources	FY17 As Passed	FY18 As Passed	FY18 vs FY17
1	<b>Administration-finance-planning</b>			
2	Central Admin & Finance	14,206,799	14,622,670	415,871
3	Policy & Planning	9,987,158	10,596,432	609,274
4	Transportation Board	229,245	233,750	4,505
5	Department of Motor Vehicles	28,910,055	29,301,916	391,861
6	Sub-total	53,333,257	54,754,768	1,421,511
7	<b>Facilities</b>			
8	Rest Areas	550,000	663,000	113,000
9	AOT Buildings	2,000,000	1,900,000	-100,000
10	Subtotal	2,550,000	2,563,000	13,000
11	<b>Alternate modes</b>			
12	Public Transit	31,173,698	32,132,157	958,459
13	Aviation	20,035,048	17,736,095	-2,298,953
14	Pedestrian & Bike Facilities	10,052,116	11,590,489	1,538,373
15	Park & Ride	2,600,734	3,387,267	786,533
16	Multi-Modal Facilities	3,012,373	2,476,909	-535,464
17	Rail infrastructure	25,731,604	28,931,250	3,199,646
18	Amtrak	8,150,000	8,150,000	0
19	Subtotal	100,755,573	104,404,167	3,648,594
20	<b>State Highway Infrastructure</b>			
21	Maintenance	91,556,769	89,325,825	-2,230,944
22	Paving	111,084,559	112,841,555	1,756,996



<b>FY18 Transportation Program</b>				
Line #	All funding sources	FY17 As Passed	FY18 As Passed	FY18 vs FY17
23	Roadway	31,143,236	39,649,087	8,505,851
24	State bridges	32,251,548	31,403,328	-848,220
25	Interstate bridges	52,785,722	36,599,190	-16,186,532
26	Traffic Operations	17,369,262	21,081,752	3,712,490
27	PD Admin & Tech Services	24,624,638	24,559,408	-65,230
28	Program Development generally	-5,972,865	0	5,972,865
29	Subtotal	354,842,869	355,460,145	617,276
30	<b>Town programs</b>			
31	TH Aid	25,982,744	25,982,744	0
32	Town Bridges	20,021,730	16,524,009	-3,497,721
33	TH Class 2	7,648,750	7,848,750	200,000
34	TH Structures	6,333,500	6,333,500	0
35	TH Class 1 supplemental grants	128,750	128,750	0
36	Enhancements	4,575,758	3,893,240	-682,518
37	TH State aid nonfederal disasters	1,150,000	1,150,000	0
38	TH State aid federal disasters	1,280,000	180,000	-1,100,000
39	FEMA grant program	10,940,000	5,640,000	-5,300,000
40	TH VT Local Roads	394,700	400,693	5,993
41	Municipal mitigation grants	2,905,000	9,182,342	6,277,342
42	Subtotal	81,360,932	77,264,028	-4,096,904
43	Cross agency labor savings	0	0	0
44	<b>Total All Programs</b>	<b>592,842,631</b>	<b>594,446,108</b>	<b>1,603,477</b>

**Act No. 39 (S.14). Health; Vermont Practitioner Recovery Network**

**An act relating to expanding the Vermont Practitioner Recovery Network**

This act expands the existing Vermont Practitioner Recovery Network to include evaluations and coordination of services for licensees who have or potentially have an impaired ability to practice medicine with reasonable skill and safety. Affected licensees include podiatrists, physicians, anesthesiologist assistants, physician assistants, and radiologist assistants. The act also waives licensure fees for physicians practicing in

Vermont solely for the purpose of volunteering services through the Vermont Medical Reserve Corps.

Effective Date: July 1, 2017

**Act No. 40 (S.96). Media, journalism, privileges**

**An act relating to a news media privilege**

This act establishes a two-tier privilege for journalists. Under the first tier, a court or other body with subpoena power is prohibited from compelling a journalist from disclosing a confidential source, or news or information obtained in confidence. Under the second tier, a body with subpoena power can only compel the disclosure of nonconfidential news or information if the party seeking disclosure can establish, by clear and convincing evidence, specified factors.

Effective Date: May 17, 2017

**Act No. 41 (H.347). Telecommunications State Telecommunications Plan; Lifeline program**

**An act relating to the State Telecommunications Plan**

This act requires more targeted survey inquiries with respect to the development of the State's Telecommunications Plan. It also amends Vermont law to mirror and track federal developments brought about by the FCC's 2016 Lifeline Modernization Order, including the elimination of State-specific income eligibility criteria.

Multiple effective dates, beginning on May 22, 2017

**Act No. 42 (H.411). Commerce and trade; energy; public service**

**An act relating to miscellaneous energy issues**

This act concerns two topics related to energy.

First, the act adopts federal appliance and lighting efficiency standards in effect on January 19, 2017 so that the same standards will be in place in Vermont should the federal standards be repealed or voided. The act also adopts federal standards for general service lighting that have been adopted by the U.S. Department of Energy and are scheduled to come into effect on January 20, 2020, again so that the same standards will be in place in Vermont. The act does not adopt standards for other products or standards for a product that are different from the federal standards.

Second, the act authorizes the Public Service Board, commencing 10 years from the date on which an existing net metering system was installed, to apply to the system the same rules governing bill credits and the use of those credits on the customer's bill that it applies to net metering systems for which applications were filed on or after January 1, 2017, other than any adjustments related to siting and tradeable renewable energy credits. "Existing net metering system" is defined as a net

metering system for which a complete application was filed before January 1, 2017.

Effective Date: May 22, 2017

**Act No. 43 (H.508). Human services; adverse childhood experiences**

**An act relating to building resilience for individuals experiencing adverse childhood experiences**

This act establishes principles regarding Vermont's response to trauma and toxic stress occurring during childhood. It establishes the interim Adverse Childhood Experiences Working Group that shall meet to analyze existing resources related to building resilience in early childhood and propose appropriate structures for the most evidence-based or evidence-informed and cost-effective approaches to serve children experiencing trauma. The Working Group is composed of six legislative members and may propose recommended legislation by November 1, 2017. The act also requires the Agency of Human Services to present to the House Committees on Health Care and on Human Services and to the Senate Committee on Health and Welfare a plan to address the integration of evidence-informed and family-focused prevention, intervention, treatment, and recovery services for individuals affected by adverse childhood experiences by January 15, 2019, as well as a status report on the development of the plan by February 1, 2018.

Effective Date: July 1, 2017

**Act No. 44 (H.74). Crimes and criminal procedures; domestic relations**

**An act relating to domestic and sexual violence**

This act addresses a number of issues related to domestic and sexual violence, including:

- Creates the misdemeanor crime of prohibited conduct of open and gross lewdness
- Creates a "Bill of Rights for Sexual Assault Survivors"
- Eliminates the statute of limitations for sexual assault and child pornography, which had previously been six years for both
- Eliminates the ability of a defendant to modify a parental rights and responsibilities order in cases involving a child who was conceived as a result of a sexual assault
- Tweaks the language for emergency and final domestic abuse protection orders to allow a court comprehensively to prohibit a defendant from contacting a plaintiff in any way, whether directly or indirectly, and through any method

Multiple effective dates, beginning on May 23, 2017

**Act No. 45 (H.145). Health; mental health****An act relating to establishing the Mental Health Crisis Response Commission**

This act creates the Mental Health Crisis Response Commission within the Office of the Attorney General for the purposes of reviewing and improving law enforcement interactions with persons acting in a manner that created reason to believe a mental health crisis was occurring. Interactions resulting in death or serious bodily injury to any party to the interaction must be referred to the Office of the Attorney General by the relevant law enforcement agency within 60 days of the incident. Other interactions, including those with positive outcomes, may be referred for optional review to the Commission. The Commission shall report its conclusions and recommendations to the Governor, General Assembly, and Chief Justice of the Vermont Supreme Court as the Commission deems necessary, but no less frequently than once per calendar year.

Effective Date: July 1, 2017

**Act No. 46 (H.111). Public records; health; Executive Branch; municipal government; judiciary****An act relating to vital records**

This act:

- Statewide Registration System. Requires the State Registrar of Vital Records (State Registrar) to operate a Statewide Registration System, which as of July 1, 2018 will be the sole official repository of data from birth and death certificates registered on or after January 1, 1909.
- Registration of Birth and Death Certificates. Transfers responsibility for registering birth and death certificates from town clerks to the State Registrar and requires the State Registrar to register such certificates in the Statewide Registration System.
- Authority to Issue Birth and Death Certificates; Issuance from Statewide Registration System. Provides that, with certain exceptions, only town clerks and duly authorized representatives of the State Registrar (collectively, “issuing agents”) and the State Registrar are authorized to issue certified and noncertified copies of birth and death certificates registered on or after July 1, 2018 and certified copies of birth and death certificates registered prior to July 1, 2018, and that such copies shall only be issued from the Statewide Registration System.

- Eligibility for Certified Copies of Birth and Death Certificates. Limits the issuance of certified copies of birth and death certificates so that only specific persons are eligible to receive certified copies.
- Application for Certified Copies of Birth and Death Certificates. Requires that all requests for a certified copy of a birth or death certificate be made upon application accompanied by a reliable type of identification, and that the State Registrar and issuing agents record such applications in a central database maintained by the State Registrar.
- Duties and Authority of State Registrar. Directs the State Registrar to operate a Vital Records Alert System in order to track and prevent fraud or illegal activities in connection with vital records; directs the State Registrar to match birth and death records; and confers rule making and other authority on the State Registrar.
- Amended, Delayed, and New Certificates. Transfers responsibilities from the Probate Division to the State Registrar for initial applications to amend birth and death certificates; to issue new birth certificates; and to issue delayed birth certificates.
- Administrative penalties. Authorizes the Commissioner of Health to impose administrative penalties for violations of the vital records laws.
- Miscellaneous changes. Makes other miscellaneous and conforming changes to laws related to vital records.

Multiple effective dates, beginning on May 22, 2017

**Act No. 47 (H.424). Conservation and land development; Act 250**

**An act relating to the Commission on Act 250: the Next 50 Years**

This act creates the Commission on Act 250: the Next 50 Years, a six-member legislative committee to examine and report by December 15, 2018 on a broad list of issues relating to the State land use law known as Act 250, originally passed in 1970 and codified at 10 V.S.A. chapter 151. The act includes the appointment of advisors to the Commission. The act divides the Commission's activities into three areas:

- a preliminary meeting phase, during which the Commission is to become informed on the history, provisions, and implementation of Act 250, including its current permitting and appeals processes;
- a public discussion phase to engage Vermonters on their priorities for the future of the Vermont landscape, including how to maintain Vermont's environment and sense of place, and to address relevant issues that have emerged since 1970; and

- following completion of the public meeting phase, a deliberation and report preparation phase.

Effective Date: May 23, 2017

**Act No. 48 (H.506). Professions and occupations; Secretary of State; Office of Professional Regulation; miscellaneous**

**An act relating to professions and occupations regulated by the Office of Professional Regulation**

This act makes miscellaneous substantive and technical amendments to laws governing the Secretary of State's Office of Professional Regulation (Office) and the professions and occupations regulated by the Office.

Secs. 1 through 6 amend statutes governing the Office. The amendments include allowing the Director of the Office to take certain action if he or she finds that a board attached to the Office is not meeting specified standards; allowing the Office to inquire into the criminal background histories of applicants for licensure and renewal within the nursing professions; and adding new provisions to 3 V.S.A. § 129a, which sets forth what constitutes unprofessional conduct for all of the Office's regulated professions and occupations.

Issues addressed in regard to individual professions and occupations include the following:

- Pharmacists. Electronic records for Schedule II prescriptions (Sec. 7)
- Accountants. Definitions of "attest service" and "report" (Sec. 8)
- Funeral Directors. Alternative pathway to licensure (Sec. 11)
- Veterinarians. Veterinarian-client-patient relationships, veterinarians of record, and veterinary prescriptions (Sec. 17)
- Real Estate Appraisers. Regulating appraisal management companies (Secs. 22, 23, and 24)
- Tattooists, Body Piercers, and Permanent Cosmetologists. Temporary licensure for special events (Sec. 29)
- Speech-Language Pathologists. Provisional licensure during postgraduate professional training (Sec. 32)
- Advanced Practice Registered Nurses. Scope of practice in nursing homes (Sec. 34)

Multiple effective dates, beginning May 23, 2017

**Act No. 49 (H.513). Education****An act relating to making miscellaneous changes to education law**

Sec. 1 contains legislative findings and purpose, including that the purpose of the act is to make useful changes to the merger timelines and allowable governance structures under Act 46 without weakening or eliminating that Act's fundamental phased merger and incentive structures and requirements, and that nothing in the act should be interpreted to suggest that it is acceptable for a school district to fail to take reasonable and robust action to seek to meet the goals of Act 46.

Secs. 2–23 contain provisions designed to provide flexibility in achieving the goals of Act 46, which include:

- creating new incentivized merger structures (the Three-by-One Side-by-Side Structure and the Two-by-Two-by-One Side-by-Side Structure), and more flexibility in the existing Side-by-Side Structure, by replacing the requirement that one side operate kindergarten through grade 12 with the requirement that each side have a model of operating schools or paying tuition that is different from the model of the other
- extending the deadlines for submitting alternative governance proposals to the Secretary of Education and for the vote of the electorate on a merger proposal
- amending the guidelines for alternative governance structures, which includes reducing the average daily membership guideline from 1,100 to 900
- requiring the Secretary of Education to provide feedback on alternative governance proposals and to provide the opportunity for districts to amend their proposals in response to that feedback
- permitting the State Board of Education to approve an alternative governance proposal at any time on or before November 30, 2018 (prior to the issuance of the statewide plan)

Secs. 24–47 contain other miscellaneous changes to education law, which include:

- exempting superintendents and headmasters from the responsibility of performing criminal background checks on private prekindergarten programs and exempting flexible pathways partners from criminal record check requirements
- requiring the Agency of Education to consider and make recommendations on the criteria used for determining weighted long-term membership of a school district
- creating the Approved Independent Schools Study Committee to consider and make recommendations on the criteria to be used by

the State Board of Education for the approval of an independent school and directing the State Board of Education to suspend further development of amendments to its Rules for Approval of Independent Schools, pending receipt of the report of the Committee, and to develop further these amendments after considering the Committee's report protecting public kindergarten through grade 12 students' and public postsecondary students' freedom of expression in school-sponsored media

Multiple effective dates, beginning on May 23, 2017

**Act No. 50 (H.512). Elections; recounts; campaign finance; miscellaneous**

**An act relating to miscellaneous amendments to election law**

This act combines provisions of four bills: H.512 As Introduced (relating to the procedure for conducting recounts); H.397 As Introduced (relating to allowing a tied candidate to withdraw after a general election); S.44 As Passed by Senate (relating to equally shared candidate campaign expenditures); and H.514 As Introduced (relating to elections corrections).

Sec. 1 amends statutes governing the procedure for conducting primary and general election recounts. Aside from amendments of a technical nature, this section makes substantive amendments, including:

- requiring each candidate subject to the recount to submit a list of recount committee nominees and providing that a recount will not move forward if the petitioning candidate fails to submit a complete list;
- requiring a vote tabulator test prior to a recount and prohibiting the use of any vote tabulator that does not accurately tabulate the votes on test ballots;
- requiring ballots to be reviewed before they are fed into a vote tabulator and mandating a hand count of ballots that may not be vote tabulator-readable; and
- allowing candidates and their attorneys to present evidence to the Superior Court after a recount regarding the marking of ballots as defective in the original election.

Sec. 46 allows a candidate who is tied after a general or special election to withdraw, instead of automatically requiring a recount.

Sec. 65 is in regard to equally shared candidate campaign expenditures. This section amends the provision of campaign finance law regarding "related expenditures" by providing that equal expenditures by candidates for a shared electioneering communication shall not constitute contributions, so long as specified standards are met.

The remaining sections of the act make miscellaneous elections corrections, many of which are clarifying or technical in nature. However,



included in the act are substantive amendments regarding the following issues:

- Minor parties. Moving the minor party nomination deadline to be the same as independent candidates (Secs. 9 and 16).
- Vote tabulators. Requiring the use of vote tabulators only in the general elections of larger towns (Sec. 22) and that vote tabulator tests be open to the public (Sec. 23).
- Early or absentee voters. Revising the early voter absentee ballot application and how applications may be made (Secs. 26 and 27); specifying the manner in which early voter absentee ballots must be returned (Sec. 31); and revising the procedure for processing these ballots (Secs. 32 and 33).
- Defective ballots. Requiring a notation providing the reason for marking a ballot as defective (Secs. 34 and 43).
- Local election recounts. Revising the procedure required in a local election recount (Sec. 59).

Effective Date: July 1, 2017

### **Act No. 51 (S.3). Judiciary; mental health**

#### **An act relating to mental health professionals' duty to warn**

This act negates the Vermont Supreme Court's decision in *Kuligoski v. Brattleboro Retreat and Northeast Kingdom Human Services*, 2016 VT 54A, and limits a mental health professional's duty to that as established in common law in *Peck v. Counseling Service of Addison County, Inc.* The *Peck* Court held that "a mental health professional who knows or, based upon the standards of the mental health profession, should know that his or her patient poses a serious risk of danger to an identifiable victim has a duty to exercise reasonable care to protect him or her from that danger." The act specifies that the *Peck* duty shall be applied in accordance with State and federal privacy and confidentiality laws. It further specifies that the act does not limit claims under State or federal law related to safe patient care, nor does it affect the requirements for mental health professionals to communicate with individuals involved in a patient's care in a manner that is consistent with legal and professional standards.

Effective Date: May 30, 2017

### **Act No. 52 (S.9). Agriculture; preparation of poultry products; inspection**

#### **An act relating to the preparation of poultry products**

This act authorizes two new exceptions to the required inspection of the slaughter and preparation of poultry products. The first new exception from inspection authorizes a poultry producer to slaughter and sell up to 5,000

birds a year if the birds are slaughtered under sanitary conditions that ensure the product is not adulterated. The second new exception authorizes a poultry producer to slaughter and sell up to 20,000 birds a year if the poultry producer meets U.S. Department of Agriculture sanitary standards. Under both new exceptions, the poultry products are subject to conditions on sale, including: the sale shall occur entirely within the State; the poultry products shall be sold as whole birds only from the farm, at farmers' markets, and to restaurants; the poultry are healthy when slaughtered; and the poultry products are labeled. The act also requires the Secretary of Agriculture, Food and Markets to approve the label used by a poultry producer selling poultry products slaughtered under one of the two new exceptions.

Effective Date: May 30, 2017

**Act No. 53 (S.52). Public service; energy; telecommunications**

**An act relating to the Public Service Board, energy, and telecommunications**

This act makes numerous changes to procedures in cases before the Public Service Board (PSB). The cases primarily relate to energy and telecommunications facility siting. The act also enables the Department of Public Service to issue administrative citations for alleged violations of statutes and approvals related to in-state energy and telecommunications facilities, changes the name of the PSB to the Vermont Public Utility Commission (PUC), requires the Commissioner of Public Service to submit a report relating to fostering energy storage on the Vermont electric system, authorizes the Clean Energy Development Fund to fund energy storage projects that support renewable resources, requires a report on an exemption from the Standard Offer Program, and directs the Secretary of State to submit a report on exemption from the Open Meetings Law afforded to the PSB (now PUC).

Multiple effective dates, beginning May 30, 2017

**Act No. 54 (H.308). Judiciary; Public Safety**

**An act relating to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel**

This act:

- Establishes a Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel within the Office of the Attorney General, comprising 13 members, including five members appointed by the AG to represent the interests of communities of color, the Executive Director of Criminal Justice Training Council, the Attorney General, the Defender General, the Executive Director of the State's Attorneys and Sheriffs, the Chief Superior Judge, the Commissioner of Corrections, the Commissioner of Public Safety, and the Commissioner for Children and Families. Sunsets the Advisory Panel in July of 2020.

- Requires the newly established Panel to consult with the Vermont Police Association, the Vermont Human Rights Commission, the Vermont ACLU, the Sheriff's Association, the Association of Chiefs of Police, and others.
- Sets the responsibilities of the Panel to include:
  - Reviewing and providing recommendations to address systemic racial disparities in statewide systems of criminal and juvenile justice.
  - Continually reviewing the traffic stop data required by 20 V.S.A. § 2366 to monitor progress towards a fair and impartial system of law enforcement.
  - Providing recommendations to the Criminal Justice Training Council and the Vermont Bar Association on trainings for law enforcement, judges, correctional officers, and attorneys to address implicit bias.
  - Providing recommendations to the Council on a model training and policy on the use of force in policing.
  - Educating and engaging with communities, businesses, educational institutions, State and local governments, and the general public about the nature and scope of racial discrimination and on State progress toward racial justice.
  - Monitoring progress on recommendations from 2016 report of the Attorney General's Working Group on Law Enforcement Community Interactions.
  - Reporting to the General Assembly on recommendations to address systemic implicit bias, including:
    - How to institute a public complaint process to address perceived implicit bias across all systems of State government.
    - How and whether to prohibit racial profiling.
    - Whether to expand law enforcement race-based data collection to include data on nontraffic stops by law enforcement.
- Requires that the Criminal Justice Training Council regularly report to the Panel on:
  - The adoption and implementation of the Panel's recommended implicit bias trainings for law enforcement, judges, correctional officers, and attorneys.

- The incorporation of implicit bias training into the requirements of minimum training standards for law enforcement.
- The implementation of the statutorily required trainings for law enforcement.
- Requires the Attorney General and Human Rights Commission, along with interested stakeholders, to develop a strategy to address racial disparities within the State systems of education, labor and employment, access to housing and health care, and economic development, and report on the proposal to the Justice Oversight Committee on or before November 1, 2017.
- Requires the Criminal Justice Training Council and the Attorney General to modify the model fair and impartial policing policy to bring it into compliance with federal immigration law on or before October 1, 2017.
- Requires the Criminal Justice Training Council, in consultation with stakeholders, to update the model policy to provide one cohesive policy for law enforcement to adopt pursuant to 20 V.S.A. § 2366 on or before January 1, 2018.
- Requires law enforcement to adopt a fair and impartial policing policy that includes, at a minimum, each component of the Criminal Justice Training Council's model policy on or before March 1, 2018.
- Requires the Criminal Justice Training Council, in consultation with others, to review and—if necessary—update the model policy every other year, beginning in 2018.
- Requires the Criminal Justice Training Council and the Attorney General to review the law enforcement policies to ensure they comply with the model policy on or before April 15, 2018. The Council must work with law enforcement to correct any noncompliant policies. If a law enforcement agency does not adopt a policy that meets each component of the model policy, it is deemed to have adopted the model policy.

Effective Date: May 31, 2017, except for Sec. 6, which takes effect on March 1, 2018

**Act No. 55 (S.10). Conservation and land development; waste management; water supplies; PFOA contamination; Brownfields**

**An act relating to liability for the contamination of potable water supplies**

This act authorizes the Agency of Natural Resources (ANR) to initiate a proceeding to determine if a person who released PFOA is liable for

extending a public water system to a property with a well that is failed or likely to fail due to PFOA contamination. ANR's authority applies to any PFOA release regardless of the date of release, including releases before the effective date of the act.

The act amends the definition of "hazardous material" under ANR's hazardous waste authority to allow ANR by rule to designate a chemical as hazardous when the chemical poses a risk to human health or living organisms. The act also amends the definition of "disposal" under ANR's solid waste and hazardous waste authority to clarify that emitting waste constitutes disposal.

The act authorizes ANR to establish land use restrictions in a certificate of completion for a Brownfields property, but prohibits ANR from establishing the land use restrictions by acquiring an interest in the Brownfields property. When remediation of a Brownfields property is complete, the owner shall not be liable for natural resource damages on the property, provided that the owner complies with the certificate of completion, including land use restrictions in the certificate.

The act authorizes ANR to allow use of Class IV groundwater as a source of a potable water supply or other use under a reclassification order. The act also deletes an outdated requirement that ANR file groundwater rules with the Natural Resources Board for review.

Effective Date: June 2, 2017

**Act No. 56 (H.22). Public safety; law enforcement officers; Vermont Criminal Justice Training Council; professional regulation**

**An act relating to the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council**

This act sets forth new provisions for the professional regulation of law enforcement officers by the Vermont Criminal Justice Training Council. These new provisions are scheduled to take effect on July 1, 2018. Under current law's 20 V.S.A. § 2355(a), the Council only has the authority to decertify officers, and decertification is only available if an officer has been convicted of a felony subsequent to certification, or if an officer fails to comply with in-service training requirements. Pursuant to the act's 20 V.S.A. § 2406, the Council will have the authority to warn, suspend, or revoke an officer's certification for a range of unprofessional conduct, described in the act's 20 V.S.A. § 2401 as Category A (regarding specified crimes), Category B (regarding gross professional misconduct), and Category C (regarding misconduct pertaining to Council processes or operations).

The act also requires each law enforcement agency to adopt an effective internal affairs program to manage complaints regarding the agency's officers, to investigate unprofessional conduct complaints about

the agency's officers in most cases, and to report to the Council alleged unprofessional conduct in specified circumstances.

In addition, beginning on July 1, 2017, prior to hiring an officer who is no longer employed at his or her last agency, a potential hiring agency is obligated to 1) require the officer to execute a written waiver explicitly authorizing his or her former agency to disclose the reason the officer is no longer employed there; and 2) contact that former agency to determine that reason. An officer who refuses to execute the written waiver would be prohibited from being hired by the potential hiring agency. The act provides a transitional provision in Sec. 2(c) to exempt former agencies from this required disclosure if there is a binding nondisclosure agreement in effect on July 1, 2017 that prohibits this disclosure.

Furthermore, the act requires the Executive Director of the Council to provide the General Assembly with his or her analysis and recommendations regarding the act, and also requires the Council and the Office of Professional Regulation to file a legislative report regarding a proposal for the Office to perform duties related to the professional regulation of officers.

Multiple effective dates, beginning on June 5, 2017

#### **Act No. 57 (H.171). Judiciary; expungement**

##### **An act relating to expungement**

This act:

- Amends the Uniform Collateral Consequences of Conviction Act to require notice of the availability of expungement at the time an offender enters a guilty plea
- Requires notice of the availability of expungement upon release from the custody of the Department of Corrections and notice when the penalty is a fine only
- Adds a violation of 18 V.S.A. § 4223 related to fraud or deceit to the list of felonies eligible for expungement beginning on January 1, 2018
- Reduces the waiting periods that are required before seeking an expungement
- Provides that there is a presumption that expungement is in the interest of justice unless the court finds otherwise for a petition filed to expunge a conviction for which the underlying conduct is no longer prohibited by law or designated as a criminal offense
- Reduces the waiting period required for refiling after a denial of a petition from five to two years, unless a shorter duration is authorized by the court

- Clarifies that when an expungement petition is granted, the effect is to expunge all records related to the offense, including arrest, citation, investigation, charge, adjudication, criminal proceedings, and probation records
- Directs the Secretary of State and Attorney General to evaluate compliance with the expungement chapter and report to the committees on Judiciary to confirm such compliance

Multiple effective dates, beginning on July 1, 2017

**Act No. 58 (H.218). Crimes and criminal procedures; animal cruelty**

**An act relating to the adequate shelter of dogs and cats**

This act makes various changes to the definitions in the Humane and Proper Treatment of Animals chapter of Title 13, including adding definitions for “enclosure” and “livestock guardian dog,” changing the definition of “living space” to clarify that the cage, crate, or other structure must provide protection from the elements, changing the definition of “adequate water” to require that potable water must be accessible to an animal at all times or provided in sufficient intervals, but no less than every 24 hours, and also to stipulate that snow or ice is not adequate water unless in accordance with livestock and poultry husbandry standards. This act also amends the requirements under this chapter for the shelter of animals.

Effective Date: July 1, 2017

**Act No. 59 (S.4). Health; accountable care organizations; transparency**

**An act relating to publicly accessible meetings of an accountable care organization’s governing body**

This act requires all meetings of an accountable care organization’s (ACO) governing body to be open to the public and to provide an opportunity for public comment. It allows an ACO’s governing body to go into executive session under specific circumstances. It requires an ACO to make its governing body’s meeting schedule available to the public, to either record or take minutes of the meetings, and to post the recordings or minutes to the ACO’s website within five business days.

Effective Date: July 1, 2017

**Act No. 60 (S.112). Judiciary; family law; spousal support**

**An act relating to creating the Spousal Support and Maintenance Task Force**

This act creates a Spousal Support and Maintenance Task Force to review and make legislative recommendations concerning spousal support and maintenance to improve clarity, fairness, predictability, and

consistency across the State. This act also provides guidelines for the court to consider in determining spousal support and maintenance.

Effective Date: June 5, 2017

**Act No. 61 (S.134). Crimes and criminal procedures; court diversion; pretrial services**

**An act relating to court diversion and pretrial services**

This act makes several changes to the court diversion and pretrial services programs. The act expands diversion also to include adults with substance abuse or mental health treatment needs, regardless of the person's prior criminal history record (currently, adult diversion is available only to persons charged with a first or a second misdemeanor or a first nonviolent felony), and requires that for certain crimes the prosecutor must provide the offender with the opportunity to participate in diversion unless the prosecutor states on the record at arraignment or a subsequent court proceeding why doing so would not serve the ends of justice in that particular case. The act limits the initial offering of risk assessments and needs screenings to those who are arrested, lodged, and unable to post bail within 24 hours of lodging (under existing law, the assessments and screenings are available to persons charged with a wide range of felonies and misdemeanors, regardless of their ability to post bail), clarifies that participation is voluntary, and makes clear that failure to comply with court assessment and screening orders is not a criminal violation, although the court retains its independent authority to impose conditions of release. The act also directs the Office of Legislative Council to study and report on the issue of a public-health approach to low-level possession and use of illicit drugs in Vermont.

Effective Date: July 1, 2017

**Act No. 62 (H.503). Crimes and criminal procedures; health**

**An act relating to criminal justice**

This act makes a number of changes to various criminal justice issues, including:

- *Bail*. Bail cannot be imposed if a defendant was cited for a misdemeanor and showed up at the initial appearance.
- *Pretrial Communications*. Requires the Court Administrator, the Department of State's Attorneys and Sheriffs, the Office of the Defender General, and the Vermont Chapter of the American Civil Liberties Union to work together and with other interested parties to examine options for facilitating pretrial communication between the courts and defendants with a goal of reducing the risk of nonappearance by defendants and jointly provide options and costs of such options to the Joint Legislative Justice Oversight Committee on or before October 15, 2017.



- *Fentanyl*. Creates stand-alone crime of dispensing, selling, or trafficking fentanyl with penalties ranging from 3 to 30 years
- *National Precursor Log Exchange (NPLEx)*. Reestablishes requirements for using NPLEx to track purchases of over-the-counter medications containing ephedrine/pseudoephedrine/phenylpropanolamine.
- *Cannabidiol*. Requires that, upon approval of one or more prescription drugs containing cannabidiol, such drugs shall be legal in Vermont and the Department of Health shall amend its rules to include such prescriptions.
- *Animal Cruelty*. Bans bestiality. Increases penalty from one to two years for intentionally killing or attempting to kill an animal belonging to another or by torturing, administering poison to, or cruelly beating or mutilating an animal. Increases penalty for aggravated animal cruelty from three to five years
- *Electronic Monitoring*. Eases requirements for requesting home detention in lieu of incarceration pending trial and directs the Department of Corrections to establish an active electronic monitoring program with real-time enforcement.

Multiple effective dates, beginning on June 7, 2017

**Act No. 63 (S.33). Agriculture; education; farm-to-school**

**An act relating to the Rozo McLaughlin Farm-to-School Program**

This act amends the Farm-to-School Program at the Agency of Agriculture, Food and Markets. It establishes a purpose and goal for the Farm-to-School Program and defines the term “Farm-to-School Program.” The act clarifies that licensed child care providers may participate in the Farm-to-School Program. The act authorizes the Farm-to-School Program to fund technical assistance or strategies to increase participation in federal child nutrition programs. The act also clarifies the duties of the head of the Farm-to-School Program and retitles the position as the “Food Systems Administrator.” In addition, the act authorizes schools to spend up to \$25,000.00 from a nonprofit school food service account without formally seeking three or more bids.

Effective Date: July 1, 2017

**Act No. 64 (S.50). Health; health insurance; Medicaid; telemedicine**

**An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility**

This act requires commercial health insurance plans and Medicaid to cover health care services delivered through telemedicine, regardless of whether the patient is in a health care facility, at home, at work, or

anywhere else. It maintains a requirement that the telemedicine connection be secure and that it comply with federal health privacy laws. The act requires a health care provider delivering health care services through telemedicine to obtain and document a patient's oral or written informed consent before delivering services to the patient and prohibits health care providers and patients from recording their telemedicine consultations.

Effective Date: October 1, 2017

**Act No. 65 (S.16). Health; Marijuana Registry**

**An act relating to expanding patient access to the Medical Marijuana Registry**

This act makes multiple changes to the Medical Marijuana Registry requirements and regulation of dispensaries, including:

- Adds Crohn's disease and Parkinson's disease as debilitating medical conditions that qualify a person for the Registry. Also adds post-traumatic stress disorder, provided the Registry confirms the applicant is undergoing psychotherapy or counseling with a licensed mental health care provider.
- Expands the number of dispensary licenses available from four to five, with a sixth permitted once the number of registered patients reaches 7,000.
- Allows a dispensary to serve patients at two locations under the same license.
- Eliminates the requirement that a dispensary be a nonprofit organization.
- Allows a patient to cultivate marijuana for one other patient.
- Allows a patient to cultivate marijuana and designate a dispensary.
- Clarifies that the Agency of Agriculture, Food and Markets may possess marijuana and hemp in discharging its duties under State law and directs the Agency to report to the General Assembly on or before October 15, 2017 on issues related to testing and labeling.
- Directs the Department of Public Safety and the Agency of Digital Services to develop an independent web page for the Medical Marijuana Registry.

Multiple effective dates, beginning on June 8, 2017

**Act No. 66 (S.72). Consumer protection****An act relating to requiring telemarketers to provide accurate caller identification information**

This act requires callers making telephone solicitations to provide accurate caller ID information; the act also charges the Attorney General and the Department of Financial Regulation to study and report on the issues of data brokers and on privacy and data security rules applicable to telecommunications service providers.

Effective Date: June 8, 2017

**Act No. 67 (S.75). Conservation and land development; aquatic nuisance control****An act relating to aquatic nuisance species control**

This act amends requirements related to the control of aquatic nuisances in waters of the State. The act adds additional aquatic nuisance species to the ban on the transport of aquatic nuisances. The act requires a vessel operator visually to inspect a vessel, trailer, and motor vehicle for aquatic nuisances when entering or leaving a water. Identified aquatic nuisances shall be removed. The act requires a person leaving a water to drain the vessel, trailer, and other equipment.

The act requires a person transporting a vessel to a water or leaving a water to have the vessel and trailer decontaminated at an approved aquatic nuisance species inspection station if: a station is maintained at the water; the station is open to the public; and an individual operating the station identifies the vessel for decontamination. The Agency of Natural Resources (ANR) shall establish a training program regarding: inspection of vessels, trailers, and motor vehicles; decontamination of vessels; and response to violations. Lake associations and towns shall apply to ANR to operate an aquatic nuisance inspection station for decontamination of vessels.

The act also requires ANR to issue a general permit for nonchemical control of aquatic nuisance species. Prior to adoption of the general permit, the act allows the use of up to 15 bottom barriers on an inland lake without an ANR permit if: the barriers are managed by a lake association; each barrier is no larger than 14 feet by 14 feet; the barriers are not a public health hazard or impediment to navigation; the lake association notifies ANR; and ANR can require removal if the barriers threaten endangered or threatened species.

The act requires posting of signs at State access areas and marinas about the transport ban on aquatic nuisances and about the requirements to inspect or decontaminate vessels. ANR shall provide marinas with the necessary signage. ANR shall conduct outreach and education regarding the requirements for inspection of vessels, trailers, and motor vehicles for

aquatic nuisance species. ANR shall report to the General Assembly regarding aquatic nuisance control in Lake Champlain. In addition, the act amends how aquatic nuisance species violations are enforced by allowing a violation to be brought in the Judicial Bureau by any law enforcement officer.

Multiple effective dates, beginning on June 8, 2017

**Act No. 68 (S.95). Crimes and criminal procedures; health**

**An act relating to sexual assault nurse examiners**

This act makes a number of changes to the procedures for regulating sexual assault nurse examiners (SANE) and the processes for obtaining and retaining forensic evidence collected after a sexual assault, including:

- Revises the duties of the SANE Board to an advisory capacity to the SANE Program and adds the Commissioner of Health as a member of the Board
- Directs the Vermont Association of Hospitals and Health Systems and the SANE Program to enter into an MOU to ensure improved access to sexual assault nurse examiners for victims in underserved regions
- Creates the Sexual Assault Evidence Kit Study Committee for the purpose of conducting a comprehensive examination of issues related to sexual assault evidence kits (chain of custody, online tracking kits, transport, etc.)

Effective Date: July 1, 2017

**Act No. 69 (S.135). Commerce and trade**

**An act relating to promoting economic development**

This act adopts multiple economic development provisions concerning the Vermont Employment Growth Incentive Program; Rural Economic Development Districts; the Green Mountain Secure Retirement Plan; VOSHA and workers' compensation; workforce education and training; financial technology; the minimum wage and benefits cliff; housing; and tax increment financing districts.

Multiple effective dates, beginning on June 8, 2017

**Act No. 70 (S.136). Consumer protection**

**An act relating to miscellaneous consumer protection provisions**

This act adopts miscellaneous consumer protection provisions relating to sunrise review of construction contractors home loan escrow accounts, and fantasy sports contests.

Multiple effective dates, beginning on June 8, 2017

**Act No. 71 (S.127). Motor vehicles; taxation and fees; judiciary;  
transportation**

**An act relating to miscellaneous changes to laws related to vehicles  
and vessels**

This act:

- License Plates and Placards for Persons with Disabilities. Establishes a civil penalty of not less than \$400.00 if a person parks in a space reserved for persons with disabilities and displays a special plate or placard for persons with disabilities that was not issued to him or her, unless the person is authorized by law to do so.
- Allocation of Fees for Special License Plates. Converts from fixed dollar amounts to percentages the allocation of special license plate proceeds into various funds.
- Annual Special Excess Weight Permits. Eliminates a provision that requires the Department of Motor Vehicles (DMV) to prorate fees for annual special excess weight permits to coincide with registration expiration dates.
- Temporary Registrations. Requires payment of a title fee in order to be eligible for a temporary registration, and directs that the title fee be deemed the fee for the vehicle's title, if one is issued, or be applied toward an application to title another vehicle.
- Registration Transfers. Increases from 30 days to 60 days the period within which a motor vehicle may lawfully be operated with registration plates lawfully transferred from another vehicle.
- Registration; Local Transit Buses. Extends from 10 miles to 100 miles the range within which a motor bus used in public transit may operate beyond the boundaries of a city or town and still qualify for a reduced registration fee.
- Exhibition Vehicles. Authorizes the registrant of an exhibition vehicle to use the vehicle for occasional transportation of passengers or property not more than one day per week, in addition to existing authorized uses for exhibitions, club activities, parades, and other public interest functions.
- Licenses and Permits to Operate; Refusals to Issue. Prohibits the Commissioner of DMV from issuing a Vermont license to a person whose privilege to operate a motor vehicle is suspended or revoked in another jurisdiction.
- Learner's Permits. Expands the list of persons whose presence seated beside the holder of a learner's permit would make the holder's operation of a motor vehicle lawful, and imposes a penalty

on such persons who, while under the influence of alcohol or drugs, ride beside the permit holder.

- Prohibition on Handheld Use of a Portable Electronic Device while Driving. Amends provisions related to points assessed against a person's driving record if convicted of violating the law prohibiting handheld use of a portable electronic device while driving.
- DUI; Total Abstinence Program; Ignition Interlock Devices. Removes the use of regulated prescription drugs as a disqualification for restoration of a person's driving privilege under the Total Abstinence Program, as long as the person used the prescription drug in a manner consistent with the prescription label; prescribes minimum average periods between random retests of persons operating a motor vehicle under an ignition interlock restricted driver's license; and eliminates a provision related to ignition interlock devices equipped with a GPS feature.
- Length of Vehicles. Repeals provisions regarding erecting signs related to operation of vehicles more than 68 feet long and requiring the Commissioner of DMV to prepare a list of highways on which vehicles issued overlength permits may be operated.
- Vessels, Snowmobiles, and ATVs; Transfer of Title. Eliminates the \$2.00 fee to transfer the title and registration to a vessel, snowmobile, or ATV to a surviving spouse.
- Snowmobile and Boating Violations; Jurisdiction. Repeals a chapter of law providing for the enforcement of snowmobile and boating violations in Superior Court, makes related conforming changes, and reenacts language from the repealed chapter related to evidence of navigation or snowmobile control signs, signals, and markings.
- Motor Vehicle Purchase and Use Tax. Provides that the three-month limitation on the period in which to reduce the taxable cost of a motor vehicle by the sale of a previously owned vehicle shall not apply to vehicles sold to the manufacturer pursuant to a buyback agreement under a Volkswagen, Audi, or Porsche diesel engine defeat device settlement or judgment, if the vehicle is sold to the manufacturer within specified time periods. This act also updates terminology related to values in the National Automobile Dealers Association (NADA) Official Used Car Guide.
- Vermont Strong License Plates. Removes any end date from the law that authorizes certain motor vehicles registered in Vermont to display Vermont Strong plates that cover a regular front license plate.

- License Plate Savings. Directs the Commissioner of DMV to identify opportunities to save money on the production and acquisition of license plates and to estimate savings that would result from eliminating the requirement to display front license plates for most vehicles registered in Vermont.
- Incident Clearance. Provides that clearance of a crash scene may be delayed until the crash investigation is completed in the case of a crash involving a serious bodily injury or fatality. With regard to provisions of law that authorize the removal of vehicles and cargo from highways under specified circumstances, this act also: specifies that a towing operator may only undertake to remove a vehicle or cargo if summoned by a vehicle owner or operator or an enforcement officer and that, subject to certain exceptions, the vehicle owner or operator has the right to choose the towing operator and designate the location to where the vehicle or cargo is to be removed; provides that a vehicle owner and a motor carrier, if any, are responsible for reasonable costs incurred in the removal and subsequent disposition of a vehicle or cargo; limits the liability of a person for damage incurred during the removal of a motor vehicle or cargo from a highway, if the removal involved a vehicle or cargo that was obstructing traffic or maintenance activities or creating a hazard to traffic; and directs that, with certain exceptions, the operator of a vehicle involved in a crash who stops at the crash scene must move and stop the vehicle at the nearest location where the vehicle will not impede traffic or jeopardize the safety of a person.
- Mail Carrier Vehicles. Provides that a vehicle used as a mail carrier under a contract with the U.S. Postal Service will not fail inspection solely because, in converting the vehicle to right-hand drive, the right front airbag has been removed or disconnected.
- Motorboat Lighting, Safety Equipment. Amends a provision regarding lighting required on motorboats 26 feet or longer between sunset and sunrise. This act also codifies a requirement that motorboats operated on waters subject to federal jurisdiction have lights and other safety equipment required by U.S. Coast Guard rules and regulations and creates a penalty for a violation of this requirement.
- Educational Resource; Injury Prevention. Directs the Secretary of Transportation, in consultation with the Commissioners of Fish and Wildlife and of Forests, Parks and Recreation, to develop an educational resource for property owners related to the prevention of injuries arising from recreational use of property.

Multiple effective dates, beginning on June 8, 2017

**Act No. 72 (S.23). Judiciary; youthful offender; juvenile delinquency****An act relating to juvenile jurisdiction**

This act:

- Prevents placement of a youthful offender on the Sex Offender Registry unless and until his or her youthful offender status is revoked by the Family Division and his or her case is transferred to and he or she is sentenced in the Criminal Division
- Creates a new chapter in Title 28 enumerating the duties of the Department of Corrections to supervise youthful offenders
- Makes technical corrections to the Juvenile Delinquency chapter to conform with the requirements of 2016 Acts and Resolves No. 153
- Moves the youthful offender statutes to a new chapter 52A in Title 33 and makes technical corrections to those statutes and changes to address the dual role of the Department for Children and Families and the Department of Corrections in supervising youthful offenders
- Provides that in the event a youthful offender violates the terms of his or her probation and the court makes the determination to revoke the youth's status as youthful offender, the case is transferred to the Criminal Division with a record of the adjudication in the Family Division
- Provides that in the pre-disposition phase when the Department for Children and Families recommends secure placement for a juvenile, only the court has the authority to make such a placement, and the court order must include findings that no other suitable placement is available and that the youth presents a risk of harm to others or property
- Directs the Vermont Supreme Court to adopt rules to ensure that it is clear to youth adjudicated as a youthful offender that if their youthful offender status is revoked and they are sentenced in the Criminal Division, they will have waived their right to a jury trial

Multiple effective dates, beginning on July 1, 2017

**Act No. 73 (H.516). Taxation and fees****An act relating to miscellaneous tax changes**

This act makes numerous minor, technical, administrative tax changes.

The more substantive changes include:

- Requires the Commissioner to establish a system for background checks for prospective employees and contractors who handle federal tax information. (Sec. 11).



- Creates a new chapter in Title 31 giving regulatory authority over break-open tickets to the Department of Liquor Control. Language requires nonprofit organizations to buy tickets directly from distributors and file quarterly information reports with the Department of Liquor Control. Otherwise, the language is same as existing language in Title 32, except rulemaking authority is discretionary. (Secs. 12–13).
- Extends the sunset on the funding for the health care information technology fund from the health care claims tax one year, until 7/1/18. (Sec. 14).
- Moves regulation of the employer assessment from the Department of Labor to the Department of Taxes. Adds language allowing JFO the same access to employer assessment data, as when it was regulated by Labor. (Secs. 16–17).
- Adopts federal adjusted gross income as the base for Vermont’s personal income tax, with changes that otherwise retain current law. Effective for tax year 2018. (Sec. 18).
- Incorporates a H.386, which makes changes to how the provider tax for home health agencies is calculated. Changes the base and rate of the tax in a revenue-neutral manner. (Secs. 18–18c).
- Amends the current sales tax exemption for aircraft to exclude drones. (Sec. 19).
- Reduces and caps the amount of use tax a taxpayer may elect to pay on his or her income tax return. (Sec. 20).
- Adds a State-level reporting requirement for third-party settlement organizations, requiring them to report transactions of greater than \$600.00. (Sec. 22).
- Adds a reporting requirement for noncollecting vendors under the sales tax. Under the changes, noncollecting vendors will need to send annual sales information to the Department of Taxes, as well as the consumer. (Sec. 23).
- Directs the Department of Taxes to increase tax collection efforts to collect an additional \$3,175,000.00. (Sec. 24).
- Convenes a Clean Water Working Group to make recommendations for clean water funding. (Sec. 26).
- Removes the 1 percent limitation on current property tax appeal adjustments, and replaces it with an annual cap of \$100,000.00 for total reimbursements. Creates a study group to report on municipal litigation assistance. Requires Tax Department to report back in three years on the costs of the new reimbursement system. (Secs. 27–29).

- States that if a new union district has a spending increase of more than 4 percent, its spending will be subject to a rate review to determine whether the increase is warranted, based on several defined factors. If the increase is not warranted, towns within the merging district will have the 5 percent hold harmless rule adjusted, so that their tax rates reflect the spending increase above 4 percent. (Sec. 29).
- Changes the calculation of the captive insurance premium tax credit to allow a lower credit over more years. (Sec. 30).

Multiple effective dates, beginning on January 1, 2016

**Act No. 74 (H.59). Legislature; Vermont Statutes Annotated; technical corrections**

**An act relating to technical corrections**

This act makes technical corrections to several sections of the Vermont Statutes Annotated, including statutes relating to agriculture, education, health care, labor, and municipal government.

Effective Date: July 1, 2017

**Act No. 75 (H.495). Agriculture; forestry; taxation; working lands**

**An act relating to miscellaneous agriculture subjects**

This act amends multiple provisions related to agriculture and forestry. The act amends aspects of the Agency of Agriculture, Food and Markets' (Agency's) enforcement authority, including use of assurance of discontinuances, notice and hearing for violations, and authority to collect unpaid penalties. The act allows the Agency to set multi-year terms for permits with fees of less than \$175.00.

The act clarifies that required riparian buffers are eligible agricultural land under the use value appraisal program. The act provides that acquisition of property funded by the Vermont Housing Conservation Board and gifted to the Agency is deemed accepted by the Governor. The act also requires the Working Lands Enterprise Board to establish guidelines for prioritizing awards of assistance.

The act creates a sales tax exemption for forestry equipment and dyed diesel used in forestry equipment. The act creates a Department of Forests, Parks and Recreation program to provide assistance to timber harvesters to comply with water quality rules. The act requires the Agency to report to the General Assembly regarding collection of information on subsurface tile drains.

The act amends the Agency's late fee for weights and measures licenses. The act allows a poultry producer to submit to the Agency a good commercial practices plan instead of a humane livestock handling plan. The act also adds a definition of "milk" to the requirements for the

sale of raw milk to clarify that milk from cows, goats, sheep, and water buffalo may be sold as raw milk.

Multiple effective dates, beginning on June 12, 2017

**Act No. 76 (H.515). Executive branch; health**

**An act relating to Executive Branch and Judiciary fees and food and lodging establishments**

Secs. 1–3 of this act amends Judiciary fees as follows:

- creates a fee for requests to modify child custody determinations issued by courts in other States;
- creates a fee for motions to reopen existing cases in the Probate Division of the Superior Court, with an exception for small claims actions and estates;
- clarifies that a fee may be charged on annual accounts on decedents' estates following the appointment of the administrator or executor;
- creates a fee for motions to reopen an estate based on the value of a newly discovered asset;
- creates a fee for small estate affidavit procedures;
- creates a fee for requests for findings regarding motor vehicle titles; and
- creates a fee for the Judicial Bureau to issue exemplified certificates

Sec. 4 of this act sets the Workers' Compensation Administration Fund contribution rate for employers at 1.4%.

Sec. 5 of this act makes miscellaneous changes to 18 V.S.A. chapter 85 (food establishments), including the addition of lodging establishments to the establishments covered by the chapter. The act reorganizes the chapter and adds new definitions for: children's camp, food manufacturing establishment, food service establishment, lodging establishment, short-term rental, and shellfish reshipper and repacker. It moves some authority that currently resides in the Board of Health to the Commissioner of Health, including: rulemaking; inspection of establishments; authority to revoke, modify, or suspend a license or enforce a civil penalty; and authority to require the employee of an establishment to undergo testing or an examination to determine whether the person has a contagious disease or ailment that renders employment detrimental to public health.

Sec. 6 of this act creates the Short-Term Rental Working Group within the Department of Health for the purpose of evaluating: the impact of short-term rentals on Vermont's hospitality industry; policies to level the playing field between short-term rentals and other lodging establishments; necessary precautions to protect health and safety; short-term rental

policies implemented in other states and municipalities outside of Vermont; and appropriate registration fees and definition for “short-term rentals.” The Working Group shall submit a report containing its findings and recommendations for legislative action to the House Committee on Health Care and to the Senate Committee on Health and Welfare by October 1, 2017.

Effective Date: July 1, 2017

**Act No. 77 (S.34). Economic development; rural economic development; agriculture; forestry**

**An act relating to rural economic development**

This act enacts multiple provisions related to rural economic development. The act creates a Rural Economic Development Initiative at the Vermont Housing and Conservation Board to facilitate economic development in small towns and rural areas of the State. The act also requires cross-promotion of various State policies in State loan, grant, and other financial assistance programs.

The act requires the Department of Public Service to report to the General Assembly regarding self-administration of the energy efficiency charge by industrial and commercial customers. The report shall recommend a pilot program under which commercial and industrial customers may receive the amount of the efficiency charge in the form of services. The act also requires the Public Service Board when adopting the energy efficiency charge to give due consideration to State energy policy, including the maintenance and enhancement of economic vitality.

The act exempts forestry equipment and repair parts from the sales and use tax. It also caps the air contaminant permit fee for emissions from anaerobic digesters at \$1,000.00. The act clarifies that phosphorus removal technology is eligible for assistance under the Agency of Agriculture, Food and Markets’ capital assistance program.

The act requires the Secretary of Agriculture, Food and Markets to reconvene the Vermont Milk Commission to review recommendations for the 2018 Federal Farm Bill. The act requires the Commissioner of Financial Regulation to study ways to reduce the workers’ compensation rates and costs for occupations that have a high risk of workplace injuries, small policyholder pools, and high premiums.

Multiple effective dates, beginning on June 12, 2017

**Act No. 78 (S.61). Corrections; offenders with mental illness****An act relating to offenders with mental illness, inmate records, and inmate services**

This act:

- Moves the definition of “segregation” so that it applies to the entirety of Title 28, and amends the definition to clarify that it does not mean confinement to an infirmary or a residential treatment setting for purposes of evaluation, treatment, or provision of services
- Requires that the Department of Corrections (DOC) refer within 24 hours every inmate who is screened by a mental health professional as needing inpatient treatment to a setting appropriate for the clinical needs of that inmate
- Requires that by July 1, 2017, the Department of Corrections and the Department of Mental Health execute a memorandum of understanding that establishes how to care for inmates with mental illness until a forensic mental health center is created on July 1, 2019 (also required by this act)
- Requires that by January 18, 2018, the Department of Corrections, in consultation with the Department of Mental Health and the designated agencies, develop a plan to create or establish access to a forensic mental health center and report on the plan to the standing committees
- In July of 2019, requires that a special unit to serve inmates with mental illness be available and that the Department provide treatment, evaluation, or services within 48 hours to every inmate that is screened as requiring them
- Requires a report from the Secretary of Human Services to the Joint Legislative Justice Oversight Committee on October 15 of 2017. The report shall provide recommendations on how best to provide mental health treatment and services to inmates and detainees who are lodged in a correctional facility, including whether services should be provided by designated agencies, an in-house employee, or contract
- Provides that it is the General Assembly’s intent that the DOC house inmates in the least restrictive setting necessary and, use segregation only in instances when it serves a specific disciplinary or administrative purpose, and ensure that inmates with mental illness receive the support and rehabilitative services they need
- Directs the Commissioner of Corrections to withdraw a proposed final rule regarding inmate/offender records and redraft the rule to reflect legislative intent. Also Directs the Commissioner, on or

before October 1, 2017, to develop a plan to implement and use modern records management technology and practices in order to minimize the costs of furnishing offender/inmate records.

- Directs the Justice Oversight Committee to evaluate approaches to substance abuse recovery services in correctional facilities for inmates and to draft any legislative recommendations in the form of a bill for introduction in the 2018 legislative session

Multiple effective dates, beginning on June 13, 2017

**Act No. 79 (S.8). Executive branch; Legislature; governmental ethics; lobbying; elections; campaign finance; government contracts; State Ethics Commission; municipal government**

**An act relating to establishing the State Ethics Commission and standards of governmental ethical conduct**

This act addresses the following issues:

- ***Post-public employment restrictions.*** Sec. 1 prohibits a legislator or an Executive officer from being a lobbyist for one year after leaving office. Sec. 2 prohibits an Executive officer, for one year after leaving office, from being paid to advocate for a private entity before a public body on a matter in which the officer participated or exercised responsibility while in State employ. “Executive officer” is defined throughout the act as a State officer, an agency secretary or deputy, or a department commissioner or deputy. Sec. 8 permits otherwise restricted post-public employment if it was in effect on the July 1, 2017 effective date of Secs. 1 and 2.
- ***Financial disclosures.*** Sec. 3 requires a legislative or State office candidate to file a financial disclosure along with his or her candidate consent form. The disclosure covers 1) the sources (but not amounts) of income over \$5,000.00 of the candidate and of his or her spouse or domestic partner; 2) entities on which the candidate serves; 3) companies of which the candidate and/or his or her spouse or domestic partner owned more than 10 percent; 4) leases or contracts with the State held or entered into by the candidate and/or his or her spouse or domestic partner or by companies of which they own more than 10 percent; and 5) whether the candidate’s spouse or domestic partner is a lobbyist. In addition, the act requires a State office candidate to file a copy of his or her most recent IRS Tax Return Form 1040, which, with specific redactions, will be posted on the official website of the Secretary of State. Sec. 7 requires Executive officers, State Ethics Commission members, and the Executive Director of the State Ethics Commission to also file these financial disclosures (but not the IRS Form 1040). The Executive Director is required to prepare all disclosure forms.

- ***Contractor contribution restrictions.*** Sec. 4 imposes the following restrictions on campaign contributions and sole source (no bid) contracts:
  - *Contributor restrictions on contracting.* If a person makes a contribution to a State officer or a candidate for State office, or if his or her principal or spouse makes such a contribution, the person is prohibited from negotiating or entering into a sole source contract valued at \$50,000.00 or more or multiple sole source contracts valued in the aggregate at \$100,000.00 or more with that State office or the State on behalf of that office within one year following 1) the contribution, if it was made to the incumbent; or 2) the beginning of the term of office, if the contribution was made to a nonincumbent candidate.
  - *Contractor restrictions on contributions.* If a person enters into a sole source contract valued at \$50,000.00 or more or multiple sole source contracts valued in the aggregate at \$100,000.00 or more with the office of a State officer or the State on behalf of that office, the person and his or her principal or spouse is prohibited from making a contribution to the State officer or a candidate for that State office during the term of the contract.
- ***State Ethics Commission.*** Sec. 7 establishes the State Ethics Commission, effective January 1, 2018. The Commission will comprise five persons appointed by the Chief Justice, the League of Women Voters of Vermont, the Vermont Society of Certified Public Accountants, the Vermont Bar Association, and the Vermont Human Resource Association. The act provides qualifications for these appointees.

The Commission is to be staffed by a part-time Executive Director who, on behalf of the Commission, will accept, review, make referrals regarding, and track complaints of alleged violations of governmental conduct regulated by law, of the Department of Human Resources Code of Ethics and of campaign finance law and of alleged misconduct committed by legislators, judicial officers, and attorneys. The Executive Director is to refer these complaints to the entities that currently handle them; the Commission does not have independent investigative or enforcement authority over these complaints.

In addition, the Commission is required to collaborate with the Department of Human Resources in creating a State Code of Ethics that sets forth general principles of governmental ethical conduct and in making available to legislators, State officers, and State employees training on issues related to governmental ethics. The Executive Director is authorized to issue guidance to Executive officers and other State

employees upon request as well as advisory opinions providing general advice on governmental ethics.

The act requires the Commission annually to report to the General Assembly regarding the complaints it has received, the guidance it has issued, and any recommendations for legislative action.

- ***Municipal conflicts of interest and ethics.*** Sec. 14 amends current law to require each town, city, and incorporated village to adopt a conflict-of-interest prohibition for its elected and appointed officials by July 1, 2019. Sec. 15 also permits these municipalities to establish ethical conduct policies for their elected and appointed officials and employees. Sec. 17 requires the Secretary of State to temporarily accept written complaints regarding municipal governmental ethical conduct, forward them to the applicable municipality, and report them to the Ethics Commission, which shall include a summary of them along with its annual report to the General Assembly.

Multiple effective dates, beginning on June 14, 2017

**Act No. 80 (S.56). Insurance; securities; enhanced penalties; workers' compensation; mental health parity**

**An act relating to insurance and securities**

This act pertains to insurance, including workers' compensation, and securities. Among other things, it requires life insurers to notify a designated "secondary addressee" before terminating the policy of an elderly Vermonter; it provides for enhanced penalties for insurance and securities violations that involve vulnerable adults; it removes the monetary cap for multiple violations of securities law; it removes Vermont's exemption from the federal Philanthropy Protection Act of 1995; it provides State liability protection for medical examiners working under the supervision of the Commissioner of Health; it requires the Department of Financial Regulation to conduct various studies related to workers' compensation insurance; and it provides for mental health parity in workers' compensation insurance.

Effective Date: July 1, 2017

**Act No. 81 (S.131). Executive; State Employees' Labor Relations Act; State's Attorneys**

**An act relating to State's Attorneys and sheriffs**

This act clarifies the right of certain employees of State's Attorneys' and sheriffs' offices to continue to receive State retirement and health insurance benefits. It also permits employees of State's Attorneys' offices to collectively bargain on a statewide basis under the State Employees Labor Relations Act, permits victim advocates and secretaries employed in the State's Attorneys' offices to collectively bargain for for-cause



dismissal rights, permits the salary of deputy State's Attorneys to be set by the Executive Director of the Department of State's Attorneys and Sheriffs or through collective bargaining, permits the Executive Director of the Department of State's Attorneys and Sheriffs to request sufficient funding for the negotiation and administration of collective bargaining agreements, and dissolves bargaining units for two State's Attorneys' offices that are organized under the Municipal Employees Labor Relations Act in order to permit those employees to elect to collectively bargain under the State Employees Labor Relations Act.

Effective Date: June 15, 2017

**Act No. 82 (S.133). Health; mental health**

**An act relating to examining mental health care and care coordination**

This act requires the Secretary of Human Services (Secretary), in collaboration with the Commissioner of Mental Health (Commissioner) and the Green Mountain Care Board (Board), providers, and person affected by current services, to produce an analysis and action plan for the General Assembly on or before December 15, 2017. The analysis must be conducted in conjunction with planned updates to the Health Resource Allocation Plan. With regard to children, adolescents, and adults, the analysis and action plan shall:

- specify steps to develop common, long-term vision of how integrated, recovery- and resiliency-oriented services shall become part of a comprehensive and holistic health care system
- identify data not currently gathered that are necessary for future planning, long-term evaluation of the system, and for quality measures
- identify causes underlying increased referrals and self-referrals for emergency services
- identify gaps in services that affect ability of individuals to access emergency psychiatric care
- determine whether appropriate types of care are being made available as services in Vermont, including intensive and other outpatient services and services for transition age youths
- determine availability and regional accessibility of involuntary and voluntary hospital admissions, emergency departments, intensive residential recovery facilities, secure residential recovery facility, crisis beds and other diversion capacity, crisis intervention services, peer respite and support services, and stable housing
- identify barriers to patient care at levels of supports that are least restrictive and most integrated, and opportunities for improvement

- incorporate existing information from research and from established quality metrics regarding emergency department wait times
- incorporate anticipated demographic trends, the impact of the opiate crisis, and data that indicate short- and long-term trends
- identify the resources necessary to attract and retain qualified staff to meet identified outcomes required of designated and specialized service agencies and specify timelines for achieving those levels of support

A status report describing the progress made in completing the analysis and action plan shall be submitted to the General Assembly by the Secretary on or before September 1, 2017.

In addition, this act requires the Secretary to submit a comprehensive evaluation of the overarching structure for the delivery of mental health services within a sustainable, holistic health care system in Vermont on or before January 15, 2019. This long-term vision evaluation shall address:

- whether the current structure is succeeding in serving Vermonters with mental health needs and meeting goals of access, quality, and integration of services
- whether quality and access to mental health services are equitable throughout Vermont
- whether the current structure advances the long-term vision of an integrated, holistic health care system
- how the designated and specialized service structure contributes to the realization of the long-term vision
- how mental health care is being fully-integrated into health care payment reform
- any recommendations for structural changes to the mental health system that would assist in achieving the vision of an integrated, holistic health care system

Sec. 4 of the act requires that the Secretary's analysis, action plan, and long-term vision evaluation address the following additional subjects:

- potential benefits and costs of developing regional navigation and resource centers, including consideration of other coordination models identified during the analysis
- effectiveness of the Department of Mental Health's care coordination team in providing access to and accountability for coordination and collaboration among hospitals and community partners for transition and ongoing care, including an assessment of potential discrimination in hospital admissions and the extent to which individuals are served by their medical homes

- use and potential need to expand crisis diversion throughout the State
- whether the components of 2012 Acts and Resolves No. 79 that were not fully implemented remain necessary and whether components fully implemented remain necessary
- opportunities for and removal of barriers to implementing parity in the manner that individuals presenting at hospitals are received, regardless of whether for a psychiatric or physical condition
- opportunities for and removal of barriers to implementing parity in the manner that individuals presenting at hospitals are received, regardless of whether for a psychiatric or physical condition
- the extent to which additional support services are needed for geriatric patients in order to prevent hospital admissions or to facilitate inpatient discharges
- the extent to which additional services or facilities are need for forensic patients
- to the extent the analysis indicates need for additional units or facilities, whether there are any units or facilities that the State could utilize for a geriatric skilled nursing or forensic psychiatric facility, additional intensive residential recovery facilities, expanded secure residential recovery, or supportive housing
- how designated and specialized service agencies fund emergency services to ensure maximum efficiency and availability to all individuals within a specific catchment area

Sec. 5 requires the Secretary, in collaboration with the Commissioner and Chief Superior Judge to submit a report to the General Assembly on or before December 15, 2017 regarding role of involuntary treatment and medication in emergency department wait times, including concerns arising from judicial timelines and processes and the interplay between staff and patient rights. Vermont Legal Aid, Disability Rights Vermont, and Vermont Psychiatric Survivors may submit a response to this portion of the Secretary's report on or before January 15, 2018. This section of the act also requires the Department of Mental Health to issue a request for information for a longitudinal study comparing outcomes of patients who received court-ordered medications while hospitalized with those patients who did not receive court-ordered medication while hospitalized.

Sec. 6 requires the Board to review the ACO model of care and integration with community providers, including the designated and specialized service agencies, regarding how model of care promotes coordination across the continuum, business or operational relationships, and any proposed investments or expansions to community-based providers. In the Board's January 15, 2018 report, it is required to include

a summary of information relating to integration with the community. Additionally, on or before December 31, 2020, the Agency of Human Services (Agency), in collaboration with the Board, must provide a copy of the report required by Sec. 11 of All-Payer Model ACO Model Agreement to the General Assembly.

Sec. 7 requires the Secretary, in collaboration with the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living, to develop a plan to integrate multiple sources of payments to the designated and specialized service agencies.

Sec. 8 requires the Agency to continue with budget development processes enacted in legislation during the first year of the 2015–2016 biennium that shall unify payment for services, policies, and utilization review of services within an appropriate department.

Sec. 9 creates the Mental Health, Developmental Disabilities, and Substance Use Disorder Workforce Study Committee to examine best practices for training, recruiting, and retaining health care providers, particularly with regard to the fields of mental health, developmental disabilities, and substance use disorders.

Sec. 10 requires the Director of Professional Regulation to engage other states in a discussion of the creation of national standards for coordinating the regulation and licensing of mental health professionals for the purpose of licensure reciprocity and greater interstate mobility of that workforce.

Sec. 11 provides that the Secretary shall have sole responsibility for establishing the Departments of Health's, of Mental Health's, and of Disabilities, Aging, and Independent Living's rates of payments for the designated and specialized service agencies that are reasonable and adequate to meet costs of achieving required outcomes for designated populations. The Secretary is required to adjust rates to account for reasonable cost of any government mandate and the cost adjustment factors to reflect changes in reasonable cost of goods and services of the designated and specialized service agencies. The Secretary may adjust rates to account for geographic differences in wages, benefits, housing, and real estate costs.

Sec. 12 requires the Commissioner of Human Resources to consult with BlueCross BlueShield of Vermont and Vermont Care Partners regarding the operational feasibility of including the designated and specialized service agencies in the State employees' health benefit plan and submit relevant findings on or before September 1, 2017.

Effective Date: June 15, 2017

**Act No. 83 (H.238). Alcoholic beverages; tobacco; State Lottery; games of chance****An act relating to modernizing and reorganizing Title 7**

This act comprehensively amends Title 7 and other titles to correct, update, and reorganize the statutes relating to alcoholic beverages. In addition, the act includes provisions that do the following:

- repeal obsolete or out-of-date statutes related to alcoholic beverages and tobacco products
- permit wine to be sold in kegs
- permit nonprofit organizations to auction fortified wines and spirits at fundraising events
- permit fourth-class license holders to sell kegs of beer or wine
- clarify language relating to fees for the application for or renewal of a license or permit
- permit second-class license holders to allow an employee of a designated manufacturer or rectifier to serve beverages under a tasting permit issued to the second-class licensee
- permit motor vehicles delivering alcoholic beverages to advertise alcoholic beverages on the vehicle
- permit the Department of Liquor Control to hire 16- and 17-year-olds to perform tobacco sales compliance checks
- permit the Department of Liquor Control to raffle off the right to purchase certain rare and unusual spirits and fortified wines
- increase the number of casino events that a location owned by a nonprofit organization can host to two casino events per month
- increase the number of casino events that a nonprofit organization can hold from three per year to one per month
- create the Department of Liquor and Lottery Task Force to develop a plan and draft legislation necessary to create on or before July 1, 2018 the Department of Liquor and Lottery

Effective Date: July 1, 2017

**Act No. 84 (H.519). Appropriations and finance; capital appropriations; bonding****An act relating to capital construction and State bonding**

This act sets out the State's fiscal year 2018 and fiscal year 2019 capital budget and authorizes the State to issue general obligation bonds in the amount of \$132,460,000.00 and to reallocate \$14,822,286.78 from prior capital appropriations. It also provides that there will be a budget

adjustment process in the second year of the biennium and that fiscal year 2019 appropriations are subject to budget adjustment unless otherwise specified. This act also:

#### Appropriations

- Appropriates capital funds in the amount of \$147,282,287.00 over two years for capital construction projects
- Appropriates \$6,000,000.00 in fiscal year 2018 and \$5,707,408.00 in fiscal year 2019 to statewide major maintenance projects
- Appropriates \$4,500,000.00 in fiscal year 2018 and \$3,944,000.00 in fiscal year 2019 to the Agency of Agriculture, Food and Markets and Agency of Natural Resources' collaborative laboratory
- Appropriates \$4,000,000.00 in fiscal year 2018 and \$900,000.00 in fiscal year 2019 to the Waterbury State Office Complex
- Appropriates \$5,000,000.00 in fiscal year 2018 and \$5,000,000.00 in fiscal year 2019 for the parking garage at 108 Cherry Street in Burlington
- Appropriates \$3,050,000.00 in fiscal year 2018 to the Judiciary for a judicial case management IT system
- Appropriates \$2,000,000.00 in fiscal year 2018 and \$2,000,000.00 in fiscal year 2019 for the Building Communities Grants Program
- Appropriates \$2,720,000.00 in fiscal year 2018 for the construction of the Roxbury Hatchery
- Appropriates \$21,936,616.00 in fiscal year 2018 and \$23,470,212.00 in fiscal year 2019 for various clean water initiatives
- Appropriates \$1,923,000.00 in fiscal year 2018 and \$5,573,000.00 in fiscal year 2019 for site acquisition, design, permitting, and construction of the Williston Public Field Safety Field Station
- Appropriates \$300,000.00 in fiscal year 2018 to the Vermont Veterans' Home for kitchen renovations and mold remediation, and \$90,000.00 in fiscal year 2018 and \$50,000.00 in fiscal year 2019 for resident care furnishings
- Appropriates \$1,200,000.00 in fiscal year 2018 and \$1,800,000.00 in fiscal year 2019 to the Vermont Housing and Conservation Board for housing projects

#### Clean Water Initiatives

- Directs the Clean Water Fund Board to submit a report to the House Committees on Corrections and Institutions and on Natural Resources, Fish and Wildlife, and the Senate Committees on

Institutions and on Natural Resources and Energy by November 1, 2017 with a list of all clean water initiatives programs and projects receiving funding in fiscal year 2018 and the amount of the investment

- Directs the Clean Water Fund Board to review and recommend Clean Water Act implementation programs for fiscal year 2019 funding, and submit a list of recommended programs to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and to the Governor for inclusion in the fiscal year 2019 capital budget report by January 15, 2018
- Requires any agency receiving fiscal year 2018 and fiscal year 2019 capital funding for clean water initiatives to consult with the State Treasurer to ensure that the projects are capital eligible

#### Department of Buildings and General Services

- Authorizes the Commissioner of Buildings and General Services to:
  - sell the building and adjacent land located at 26 Terrace Street in Montpelier (the Redstone Building) and direct the proceeds from the sale to fiscal year 2019 major maintenance projects
  - sell the Rutland Multi-Modal Transit Center (parking garage) located at 102 West Street in Rutland
  - sell a portion of State property in the Village of Waterbury that borders Randall Street if the Commissioner determines it is in the best interest of the State
- Amends the requirements for the Commissioner of Buildings and General Services to conduct facilities condition analysis by directing the Commissioner to conduct an analysis each year of 20 percent of the building area and infrastructure under his or her jurisdiction so that all property is assessed within five years

#### State House

- Amends the duties of the Sergeant at Arms to require the provision of security for all furniture, draperies, rugs, desks, and other furnishings kept in the State House
- Amends the meeting times for the Legislative Advisory Committee on the State House, directs the Commissioner of Buildings and General Services to keep minutes of the Committee meetings, and requires the Committee to consider the responsibilities of the State Curator when consulted by the Sergeant at Arms and the Commissioner of Buildings and General Services and issuing recommendations
- Amends the responsibilities of the Commissioner of Buildings and General Services to obtain legislative approval prior to making any

permanent change to the State House, including to any materials used in the interior or exterior of the building

- Creates the position of the State Curator within the Department of Buildings and General Services

#### Human Services

- Authorizes the Commissioner of Buildings and General Services to purchase an option on land or purchase land for a permanent secure residential facility by June 30, 2018
- Requires the Secretary of Human Services to conduct an examination of the facility needs of certain vulnerable populations and develop a plan to support these populations, taking into consideration certain reports and data previously submitted to the General Assembly. The Secretary is required to submit an update on the examination to the Joint Legislative Committee on Justice Oversight and the Health Reform Oversight Committee by September 1, 2017, and the final report to the House Committees on Appropriations, on Corrections and Institutions, on Health Care, and on Human Services, and the Senate Committees on Appropriations, on Health and Welfare, and on Institutions by January 15, 2018.

#### Information Technology

- Directs the Executive Branch to transfer one vacant position for use in the Joint Fiscal Office or for the Joint Fiscal Office to hire a consultant to provide support to the General Assembly to conduct independent reviews of State information technology projects and operations
- Directs the Secretary and CIO of Digital Services and the Secretary of Administration to evaluate and update the organization model, design, and budget of the new Agency of Digital Services and submit a report with any recommended legislative action to the House Committees on Appropriations, on Corrections and Institutions, on Energy and Technology, and on Government Operations, and to the Senate Committees on Appropriations, on Government Operations, and on Institutions by January 15, 2018

#### Agency of Natural Resources

- Requires the Secretary of Natural Resources to submit a plan or process for how and to what extent the Secretary shall contract with regional planning commissions (RPCs) and the Natural Resources Conservation Council to assist in or produce tactical basin plans and assign, develop, implement, and administer water quality projects to municipalities, RPCs, or other organizations



- Authorizes the Commissioner of Forests, Parks and Recreation to amend certain terms and conditions of two conservation easements on the Hancock Forest Legacy Easement Lands in Essex and Orleans Counties, and to sell the Bertha Tract in the Town of Mendon and the Burch Tract in the Town of Killington to the Trust for Public Land
- Authorizes the Commissioner of Buildings and General Services to develop a plan for signage to identify any clean water projects funded by the State during the construction phase of the project

#### Public Safety

- Authorizes the Commissioner of Buildings and General Services to purchase land for a public field station and an equipment storage facility and to sell the current Williston Public Safety Field Station and adjacent land

Effective Date: July 1, 2017

#### **Act No. 85 (H.542). Appropriations and finance**

##### **An act relating to making appropriations for the support of government**

This is the budget bill. For more information, see the website of the Joint Fiscal Office at [http://www.leg.state.vt.us/jfo/budget\\_fy2018.aspx](http://www.leg.state.vt.us/jfo/budget_fy2018.aspx)

Multiple effective dates, beginning on June 28, 2017

#### **Act No. M-1 (H.241). Municipal charters; solid waste; Central Vermont solid waste management district**

##### **An act relating to the charter of the Central Vermont Solid Waste Management District**

This act approves amendments to the charter of the Central Vermont Solid Waste Management District.

Effective Date: July 1, 2017

#### **Act No. M-2 (H.327). Municipal charters; solid waste; Northeast Kingdom Solid Waste Management District**

##### **An act relating to the charter of the Northeast Kingdom Solid Waste Management District**

This act approves amendments to the charter of the Northeast Kingdom Solid Waste Management District.

Effective Date: July 1, 2017

**Act No. M-3 (H.520). Municipal government; municipal charters; Town of Stowe; amendment**

**An act relating to approval of amendment to the charter of the Town of Stowe**

This act amends the charter of the Town of Stowe to allow the Selectboard to hold the annual Town meeting on the first Tuesday of March or on any of the three immediately preceding days.

Effective Date: May 17, 2017

**Act No. M-4 (H.524). Municipal government; municipal charters; Town of Hartford; amendments**

**An act relating to approval of amendments to the charter of the Town of Hartford**

This act makes miscellaneous amendments to the charter of the Town of Hartford. Aside from amendments that are technical or stylistic in nature, this act makes the following substantive amendments:

- Renaming, providing the dates for, and describing the items to be addressed at the budget and candidates' meeting and floor meeting held before the annual Voting Day;
- Providing that a moderator shall preside at all events during the town meeting cycle;
- Eliminating the Town Clerk, listers, and trustees of public funds from list of elected officers; and
- Providing for the appointment and duties of Town Clerk, Assessor, and trustees of public funds.

Effective Date: May 17, 2017

**Act No. M-5 (H.536). Municipal government; municipal charters; Town of Colchester; amendments**

**An act relating to approval of amendments to the charter of the Town of Colchester**

This act makes miscellaneous amendments to the charter of the Town of Colchester. Aside from amendments that are technical or stylistic in nature, this act includes the following substantive amendments:

- Removing the Grand Juror from the list of elected Town officers
- Requiring the Selectboard to post official records of proceedings and policies on the Town's website
- Increasing the Selectboard emergency appropriation expenditure limit from two percent to four percent above the adopted annual

budget and requiring that there be an opportunity for public comment prior to doing so

- Removing the requirement that appropriations of funds in excess of the Selectboard's budget be approved by Australian ballot
- Requiring that the removal of a Town Manager be approved by a majority of the entire Selectboard, requiring that removal be for cause, and updating the procedure for such removal
- Excluding certain appropriations from the required statement of appropriations and five-year capital budget prepared by the Town Manager
- Prohibiting Town department heads from exceeding approved expenditures
- Requiring the Selectboard to adopt a conflict of interest policy
- Requiring that the Town charter be reviewed at a maximum five-year interval

Effective Date: May 17, 2017

**Act No. M-6 (H.130). Municipal government; municipal charters; Town of Hartford; amendment**

**An act relating to approval to amendments to the charter of the Town of Hartford**

This act amends the charter of the Town of Hartford to allow the Town to levy a local option tax of one percent on rooms, meals, and alcoholic beverages. The net proceeds of the tax would be deposited in a capital reserve fund until otherwise directed by vote of the Town.

Effective Date: May 22, 2017

**Act No. M-7 (H.154). Municipal government; municipal charters; City of Burlington; amendments; general charter procedure**

**An act relating to approval of amendments to the charter of the City of Burlington and to charter amendment procedure**

This act makes miscellaneous changes to the charter of the City of Burlington and amends general municipal law's charter proposal procedure set forth in 17 V.S.A. § 2645.

Sec. 2 amends the charter of the City of Burlington. Aside from amendments that are technical or stylistic in nature, Sec. 2 includes the following substantive amendments:

- Allowing the City to remove and impound vehicles in a municipal parking lot or garage parked in violation of any City ordinance;

- Naming the fund that receives parking-related receipts the “Parking Facilities Fund” and describing the purpose of that fund; and
- Revising the specified uses of on-street parking revenues.

Sec. 2A amends 17 V.S.A. § 2645. Revisions to this general municipal law requirement regarding charter proposals include:

- Requiring a town clerk to certify the date he or she receives an official copy of a charter proposal;
- Requiring a town to post the entirety of a charter proposal in each voting booth for inspection by the voters;
- Listing the charter materials that a town clerk must certify to the Secretary of State; and
- Requiring the Secretary of State to confirm that a town clerk has certified all required materials before sending those materials to the General Assembly and Attorney General.

Effective Date: May 22, 2017

**Act No. M-8 (H.356). Municipal government; municipal charters; Town of Berlin; amendments**

**An act relating to approval of amendments to the charter of the Town of Berlin**

This act makes miscellaneous amendments to the charter of the Town of Berlin. Aside from amendments that are technical or stylistic in nature, this act includes the following substantive amendments:

- Adding references to the Town’s Administrative Code in sections related to Town governance and officers
- Establishing the officers that are appointed by the Selectboard and deleting corresponding provisions related to the election and duties of those offices
- Deleting provisions related to conflicts of interest that have been moved to the Town’s Administrative Code
- Authorizing the Town to adopt and enforce ordinances regulating, licensing, and fixing fees for places of public resort, places dispensing food and drink to the public, theaters, displays of fireworks, public dances and musical performances, mobile home parks, itinerant vendors, exclusive occupancy of a public street, and keeping of pets
- Adding language authorizing the Treasurer with Selectboard approval to forgive certain debts if the amount due is less than \$5.00

Effective Date: July 1, 2017

**Act No. M-9 (H.522). Municipal government; municipal charters; City of Burlington; amendments**

**An act relating to approval of amendments to the charter of the City of Burlington**

This act makes miscellaneous amendments to the charter of the City of Burlington. Aside from amendments that are technical or stylistic in nature, this act includes the following substantive amendments:

- Providing that City Council meetings will be held based on a schedule adopted by the City Council;
- Updating the provisions related to the delivery of notice of special meetings to City councilors;
- Increasing the number of members on the Board for Registration of Voters;
- Providing that all three members of the Board of Tax Appeals must be present and voting for a decision, and revising the process for appeals from that Board; and
- Increasing the annual compensation of City councilors.

Effective Date: May 22, 2017

**Act No. M-10 (H.529). Municipal government; municipal charters; City of Barre; amendments**

**An act relating to approval of amendments to the charter of the City of Barre**

This act amends two sections of the charter of the City of Barre. The first amendment provides the format for the warning for annual and special City meetings and the procedure for voters to petition for an article to be placed on the warning. The second amendment eliminates the City's Recreational Board.

Effective Date: May 30, 2017

**Act No. M-11 (H.534). Municipal government; municipal charters; Town of Calais; adoption and codification**

**An act relating to approval of the adoption and codification of the charter of the Town of Calais**

This act approves and codifies a charter for the Town of Calais. The charter requires the Selectboard annually to appoint a Town Treasurer; provides that the Treasurer shall be the collector of current taxes; prohibits the Town Treasurer from being Treasurer of the Town School District; and specifies that the District shall elect its own Town School District Treasurer. The charter also requires the Selectboard annually to appoint a

Town Auditor and to contract with a public accountant to perform a financial audit of the Town at least every three years.

The act also provides transitional provisions regarding the terms of the elected Town Treasurer and Town Auditors currently in office.

Effective Date: May 30, 2017

**Act No. M-12 (H.527). Municipal government; municipal charters; Town of East Montpelier; amendments; East Montpelier Fire District No. 1; merger**

**An act relating to approval of amendments to the charter of the Town of East Montpelier and to the merger of the Town and the East Montpelier Fire District No. 1**

This act makes miscellaneous amendments to the charter of the Town of East Montpelier and merges the Town of East Montpelier and East Montpelier Fire District No. 1. Aside from amendments that are technical or stylistic in nature, this act includes the following substantive amendments:

- Abolishing the offices of Fence Viewer; Weigher of Coal; and Inspector of Lumber, Shingles, and Wood;
- Assigning the duties of Town Grand Juror, Town Agent, and Trustees of Public Funds to the Selectboard;
- Requiring the Selectboard to appoint an interim treasurer if a vacancy occurs in the office of the Town Treasurer;
- Requiring the Selectboard to appoint an Assistant Town Treasurer, Town Clerk, Assistant Town Clerk, Collector of Current Taxes, and Collector of Delinquent Taxes;
- Providing that appointed officers serve one year terms;
- Requiring the Selectboard to appoint a selection committee to recommend candidates for the offices of Town Treasurer and Town Clerk; and
- Establishing a process for the approval and appointment of candidates for the offices of Town Treasurer and Town Clerk.

This act also merges the East Montpelier Fire District No. 1 into the Town of East Montpelier on July 1, 2017. On that date, the East Montpelier Fire District No. 1 shall cease to exist as a political entity or body corporate. The act provides transitional provisions in anticipation of the merger.

Effective Date: June 5, 2017