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H.788

Introduced by Representative Copeland Hanzas of Bradford

Referred to Committee on

Date:

Subject: Legislature; Vermont Statutes Annotated; technical corrections

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

An act relating to technical corrections for the 2020 legislative session

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

Sec. 1. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

* * *

(9) “Employee” shall mean:

* * *

(B) Any regular officer or employee of the Department of Public

Safety assigned to police and law enforcement duties, including the

Commissioner of Public Safety appointed before July 1, 2001; but, irrespective

of the member’s classification, shall not include any member of the General

Assembly as such, any person who is covered by the Vermont Teachers’

1 Retirement System, any person engaged under retainer or special agreement or
2 Group C beneficiary employed by the Department of Public Safety for not
3 more than 208 hours per year, or any person whose principal source of income
4 is other than State employment. In all cases of doubt, the Retirement Board
5 shall determine whether any person is an employee as defined in this
6 subchapter. Also included under this subdivision are employees of the
7 Department of Liquor and Lottery who exercise law enforcement powers,
8 employees of the Department of Fish and Wildlife assigned to law enforcement
9 duties, motor vehicle inspectors, full-time deputy sheriffs compensated by the
10 State of Vermont whose primary function is transports, full-time members of
11 the Capitol Police force, investigators employed by the Criminal Division of
12 the Office of the Attorney General, Department of State's Attorneys,
13 Department of Health, or Office of the Secretary of State, who have attained
14 Level III law enforcement officer certification from the Vermont Criminal
15 Justice Training Council, who are required to perform law enforcement duties
16 as the primary function of their employment, and who may be subject to
17 mandatory retirement permissible under 29 U.S.C. § 623(j), who are first
18 included in membership of the system on or after July 1, 2000. Also included
19 under this subdivision are full-time firefighters employed by the State of
20 Vermont and the Defender General.

21

* * *

1 Sec. 2. 3 V.S.A. § 3091(h)(3) is amended to read:

2 (3) Notwithstanding subsection (f) of this section, only the claimant may
3 appeal a decision of the Secretary to the Supreme Court. Such appeals shall be
4 pursuant to ~~Rule 13 of the Vermont Rules of Appellate Procedure~~ V.R.A.P. 13.
5 The Supreme Court may stay the Secretary's decision upon the claimant's
6 showing of a fair ground for litigation on the merits. The Supreme Court shall
7 not stay the Secretary's order insofar as it relates to a denial of retroactive
8 benefits.

9 Sec. 3. 3 V.S.A. § 3303(a) is amended to read:

10 (a) Annual report and budget.

11 ~~(1)~~ The Secretary shall submit to the General Assembly, concurrent with
12 the Governor's annual budget request required under 32 V.S.A. § 306, an
13 annual report for information technology and cybersecurity. The report shall
14 reflect the priorities of the Agency, and shall include:

15 ~~(A)~~(1) performance metrics and trends, including baseline and annual
16 measurements, for each division of the Agency;

17 ~~(B)~~(2) a financial report of revenues and expenditures to date for the
18 current fiscal year;

19 ~~(C)~~(3) costs avoided or saved as a result of technology optimization
20 for the previous fiscal year;

1 (d) Notification requirements:

2 * * *

3 (3) For commercial credit only, a statement of reasons meets the
4 requirements of this section only if it contains the specific reasons for the
5 adverse action taken, and cites the specific documentation or business
6 judgment ~~which~~ that supports the adverse decision on the application.

7 Consumer credit shall be governed by the Equal Credit Opportunity Act
8 (15 U.S.C. § 1691 et seq.) and regulations adopted thereunder.

9 * * *

10 (e) Civil enforcement. A financial institution that discriminates against an
11 applicant in violation of this section shall be liable to the applicant for punitive
12 damages, for actual damages sustained by the applicant as a result of the
13 discrimination, and for costs and a reasonable attorney's ~~fee~~ fees as determined
14 by the court.

15 Sec. 5. 10 V.S.A. § 6604c(d) is amended to read:

16 (d) On or before July 1, 2017, the Secretary shall adopt rules that allow for
17 the management of excavated soils requiring disposal that contain PAHs,
18 arsenic, or lead in a manner that ensures protection of human health and the
19 environment and promotes Vermont's traditional settlement patterns in
20 compact village or city centers. At a minimum, the rules shall:

21 * * *

1 result of the actions of the board of one member district, then the tax increase
2 in this subsection (c) shall apply only to the tax rates for that district. Subject
3 to ~~Vermont Rule of Civil Procedure~~ V.R.C.P. 75, the Secretary's determination
4 shall be final.

5 Sec. 7. 16 V.S.A. § 559 is amended to read:

6 § 559. PUBLIC BIDS

7 (a) Cost threshold. When the cost exceeds \$15,000.00, a school board or
8 supervisory union board shall publicly advertise or invite three or more bids
9 from persons deemed capable of providing items or services if costs are in
10 excess of \$15,000.00 for any of the following:

11 * * *

12 (b) High-cost construction contracts. When a school construction contract
13 exceeds \$500,000.00:

14 * * *

15 Sec. 8. 16 V.S.A. § 1073 is amended to read:

16 § 1073. "LEGAL PUPIL" DEFINED; ACCESS TO SCHOOL

17 (a) Definition. "Legal pupil" means an individual who has attained the age
18 of five years on or before January 1 next following the beginning of the school
19 year. However, a school district may require that students admitted to
20 kindergarten have attained the age of five on or before any date between
21 August 31 and January 1.

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(c) Prekindergarten and essential early education. An individual who is not a legal pupil may be enrolled in a public school in a prekindergarten program offered by or through a public school pursuant to rules adopted under section 829 of this title or in a program of essential early education offered pursuant to section 2956 of this title.

Sec. 9. 16 V.S.A. § 1623 is amended to read:

§ 1623. FREEDOM OF EXPRESSION

(a) ~~Findings.~~

(1) The General Assembly finds that freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the U.S. Constitution and to every resident of this State by ~~Vt. Const. Ch. I, Art. 13~~ Chapter I, Article 13 of the Vermont Constitution.

* * *

(b) ~~Definitions.~~ As used in this chapter:

* * *

1 Sec. 10. 16 V.S.A. § 1943a is amended to read:

2 § 1943a. COMPLIANCE WITH FEDERAL LAW

3 * * *

4 (k) Nonvested members; consent. An individual who is not a vested
5 member of the System and who has not yet reached the later of normal
6 retirement age or age 62 must consent to any withdrawal of his or her assets of
7 greater than \$1,000.00. For individuals who are not vested members of the
8 System and who have reached the later of normal retirement age or age 62,
9 amounts greater than \$1,000.00 may be paid out without the individual's
10 consent. In all cases, amounts of \$1,000.00 or less may be paid out without the
11 individual's consent.

12 (l) Rulemaking. The Board may adopt rules to ensure that this chapter
13 complies with federal law requirements.

14 Sec. 11. 16 V.S.A. § 1944(h) is amended to read:

15 (h) Contributions by State or political subdivision. Notwithstanding the
16 provisions of subdivision 1944(b)(2) of this title to the contrary and pursuant to
17 the provisions of Section 414(h) of the Internal Revenue Code, the State or
18 political subdivisions employing such members shall pick up and pay the
19 contributions required to be paid by Group A and Group C members with
20 respect to service rendered on and after July 1, 1992. Contributions picked up
21 by the State or political subdivisions employing such members shall be

1 designated for all purposes as member contribution, except that they shall be
2 treated as State contributions in determining tax treatment of a distribution.
3 Each member's compensation shall be reduced by an amount equal to the
4 amount picked up by the State or political subdivisions employing such
5 members. This reduction, however, shall not be used to determine annual
6 earnable compensation for purposes of determining average final
7 compensation. Contributions picked up under this subsection shall be credited
8 to the Pension Fund.

9 Sec. 12. 18 V.S.A. chapter 204A is amended to read:

10 CHAPTER 204A. DEVELOPMENTAL DISABILITIES ACT

11 ~~Subchapter 1. Services to People with Developmental Disabilities and Their~~

12 ~~Families~~

13 § 8721. PURPOSE

14 * * *

15 Sec. 13. 21 V.S.A. § 1457(b) is amended to read:

16 (b) Eligible employees may participate, as appropriate, in training,
17 including employer-sponsored training or worker training funded under the
18 federal Workforce Investment Act of 1998 Innovation and Opportunity Act, to
19 enhance job skills if the program has been approved by the Department.

1 Sec. 14. 21 V.S.A. § 1471(a) is amended to read:

2 (a) An individual who is otherwise eligible for benefits under this chapter,
3 but who has exhausted his or her maximum benefit amount under section 1340
4 of this chapter and any other available federally funded extension, is entitled to
5 a maximum of an additional 26 weeks of benefits in the same amount as the
6 weekly benefit amount established in the individual's most recent benefit year
7 if the individual is enrolled in and making satisfactory progress in either a
8 State-approved training program or a job training program authorized under
9 the federal Workforce Investment Act of 1998 Innovation and Opportunity
10 Act.

11 Sec. 15. 21 V.S.A. § 1733(a)(2)(B) is amended to read:

12 (B) Notwithstanding any provision of section 1732 of this chapter to
13 the contrary, after the mediator has certified to the Commissioner of Labor that
14 the impasse continues, the legislative body of a municipal employer and the
15 exclusive bargaining agent for municipal public safety employees may agree to
16 proceed directly to final and binding arbitration pursuant to the provisions of
17 this section without first submitting the dispute to fact finding pursuant to
18 section 1732 of this chapter.

1 Sec. 16. 23 V.S.A. § 1205 is amended to read:

2 § 1205. CIVIL SUSPENSION; SUMMARY PROCEDURE

3 * * *

4 (r) Surcharge; Public Defender Special Fund; DUI Enforcement Special
5 Fund. A person suspended under this section for a refusal shall be assessed a
6 surcharge of \$50.00 which shall be collected by the Department of Motor
7 Vehicles prior to reinstatement of the person's driving privileges. The
8 Department shall transfer the surcharge assessed under this subsection to the
9 Public Defender Special Fund created in 13 V.S.A. § 5239 specifying the
10 source of the monies being deposited. All such monies shall be used by the
11 Office of the Defender General to cover the cost of providing statewide 24-
12 hour legal services coverage as required by subsection 1202(g) of this title.
13 After \$40,000.00 has been deposited in the Public Defender Special Fund in a
14 single fiscal year, all additional collected surcharges assessed under this
15 subsection in that fiscal year shall be credited to the Governor's Highway
16 Safety Commission for deposit in a DUI Enforcement Special Fund established
17 and managed pursuant to 32 V.S.A. chapter 7, subchapter 5. All such DUI
18 Enforcement Special Fund receipts shall be used exclusively for statewide DUI
19 enforcement and for no other purpose.

20 (s) [Repealed.]

1 (t) Nonmandatory time limits. For a first offense, the time limits set forth
2 in subsections (g) and (h) of this section are directive only, and shall not be
3 interpreted by the court to be mandatory or jurisdictional.

4 (u) Testimony by telephone. In any proceeding under this section, for
5 cause shown, a party's chemist may be allowed to testify by telephone in lieu
6 of a personal appearance.

7 Sec. 17. 23 V.S.A. § 1210 is amended to read:

8 § 1210. PENALTIES

9 * * *

10 (e)(~~4~~) Fourth or subsequent offense.

11 (1) A person convicted of violating section 1201 of this title who has
12 previously been convicted three or more times of a violation of that section,
13 including at least one violation within the last 20 years, shall be fined not more
14 than \$5,000.00 or imprisoned not more than 10 years, or both. At least 192
15 consecutive hours of the sentence of imprisonment shall be served and may not
16 be suspended or deferred or served as a supervised sentence, except that credit
17 for a sentence of imprisonment may be received for time served in a residential
18 alcohol treatment facility pursuant to sentence if the program is successfully
19 completed. The court shall not impose a sentence that does not include a term
20 of imprisonment unless the court makes written findings on the record that

1 there are compelling reasons why such a sentence will serve the interests of
2 justice and public safety.

3 (2) The Department of Corrections shall provide alcohol and substance
4 abuse treatment, when appropriate, to any person convicted of a violation of
5 this subsection.

6 (f)(4) Death resulting.

7 (1) If the death of any person results from a violation of section 1201 of
8 this title, the person convicted of the violation shall be fined not more than
9 \$10,000.00 or imprisoned not less than one year nor more than 15 years, or
10 both. The provisions of this subsection do not limit or restrict prosecutions for
11 manslaughter.

12 (2) If the death of more than one person results from a violation of
13 section 1201 of this title, the operator may be convicted of a separate violation
14 of this subdivision for each decedent.

15 (3)(A) ~~Death resulting; third or subsequent offense.~~ If the death of any
16 person results from a violation of section 1201 of this title and the person
17 convicted of the violation previously has been convicted two or more times of
18 a violation of that section, a sentence ordered pursuant to this subsection shall,
19 except as provided in subdivision (B) of this subdivision (3), include at least a
20 five-year term of imprisonment. The five-year minimum term of
21 imprisonment required by this subdivision shall be served and may not be

1 suspended, deferred, or served as a supervised sentence. The defendant shall
2 not be eligible for probation, parole, furlough, or any other type of early
3 release until the expiration of the five-year term of imprisonment.

4 (B) Notwithstanding subdivision (A) of this subdivision (3), if the
5 death of any person results from a violation of section 1201 of this title and the
6 person convicted of the violation previously has been convicted two or more
7 times of a violation of that section, the ~~Court~~ court may impose a sentence that
8 does not include a term of imprisonment or ~~which~~ that includes a term of
9 imprisonment of less than five years if the ~~Court~~ court makes written findings
10 on the record that such a sentence will serve the interests of justice and public
11 safety.

12 (g)~~(4)~~ Injury resulting.

13 (1) If serious bodily injury, as defined in 13 V.S.A. § 1021(2), results to
14 any person other than the operator from a violation of section 1201 of this title,
15 the person convicted of the violation shall be fined not more than \$5,000.00; or
16 imprisoned not more than 15 years, or both.

17 (2) If serious bodily injury as defined in 13 V.S.A. § 1021(2) results to
18 more than one person other than the operator from a violation of section 1201
19 of this title, the operator may be convicted of a separate violation of this
20 subdivision for each person injured.

1 (i) Surcharge; Blood and Breath Alcohol Testing Special Fund. A person
2 convicted of violating section 1201 of this title shall be assessed a surcharge of
3 \$60.00, which shall be added to any fine imposed by the ~~Court~~ court. The
4 ~~Court~~ court shall collect and transfer such surcharge to the Department of
5 Public Safety for deposit in the Blood and Breath Alcohol Testing Special
6 Fund established by section 1220b of this title.

7 (j) Surcharge; Public Defender Special Fund. A person convicted of
8 violating section 1201 of this title shall be assessed a surcharge of \$50.00,
9 which shall be added to any fine or surcharge imposed by the ~~Court~~ court. The
10 ~~Court~~ court shall collect and transfer the surcharge assessed under this
11 subsection to the Office of Defender General for deposit in the Public
12 Defender Special Fund specifying the source of the monies being deposited.
13 The collection procedures described in 13 V.S.A. § 5240 shall be utilized in
14 the collection of this surcharge.

15 (k) Surcharge; DUI Enforcement Special Fund. A person convicted of
16 violating section 1201 of this title shall be assessed a surcharge of \$50.00,
17 which shall be added to any fine or surcharge imposed by the ~~Court~~ court. The
18 ~~Court~~ court shall collect and transfer the surcharge assessed under this
19 subsection to be credited to the DUI Enforcement Special Fund. The
20 collection procedures described in 13 V.S.A. § 5240 shall be utilized in the
21 collection of this surcharge.

1 Sec. 18. 23 V.S.A. § 1213c(o) is amended to read:

2 (o) Funding. A law enforcement or prosecution agency conducting
3 forfeitures under this section may accept, receive, and disburse in furtherance
4 of its duties and functions under this section any appropriations, grants, and
5 donations made available by the State of Vermont and its agencies, the federal
6 government and its agencies, any municipality or other unit of local
7 government, or private or civil sources.

8 Sec. 19. 23 V.S.A. § 1255 is amended to read:

9 § 1255. EXCEPTIONS

10 ~~(1)~~(a) The provisions of section 1251 of this title shall not apply to
11 directional signal lamps of a type approved by the Commissioner of Motor
12 Vehicles.

13 ~~(2)~~(b) All persons with motor vehicles equipped as provided in
14 ~~subdivision~~ subdivisions 1252(a)(1) and (2) of this title, shall use the sirens or
15 colored signal lamps, or both, only in the direct performance of their official
16 duties. When any person other than a law enforcement officer is operating a
17 motor vehicle equipped as provided in subdivision 1252(a)(1) of this title, the
18 colored signal lamp shall be either removed, covered, or hooded. When any
19 person, other than an authorized ambulance operator, firefighter, or authorized
20 operator of vehicles used in rescue operation is operating a motor vehicle
21 equipped as provided in subdivision 1252(a)(2) of this title, the colored signal

1 lamps shall be either removed, covered, or hooded unless the operator holds a
2 senior operator license.

3 Sec. 20. 23 V.S.A. § 3317 is amended to read:

4 § 3317. PENALTIES

5 (a) Penalty; \$50.00 maximum. A person who violates any of the following
6 sections of this title shall be subject to a penalty of not more than \$50.00 for
7 each violation:

8 * * *

9 (b) Penalty or fine; \$300.00 or \$1,000.00 maximum. A person who
10 violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement
11 under 10 V.S.A. § 8007 or 8008 or a fine under this chapter, provided that the
12 person shall be assessed a penalty or fine of not more than \$1,000.00 for each
13 violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall
14 be subject to enforcement under 10 V.S.A. chapter 201, provided that the
15 person shall be assessed a penalty of not more than \$300.00 for each violation.
16 A person who violates any of the following sections of this title shall be
17 subject to a penalty of not more than \$300.00 for each violation:

18 * * *

19 (c) Fine; \$300.00 maximum. A person who violates any of the following
20 sections of this title shall be imprisoned not more than three months or fined
21 not more than \$300.00, or both, for each violation:

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(f) Boating while intoxicated; death or serious bodily injury resulting.

* * *

(2)(A) ~~Boating while intoxicated; serious bodily injury resulting.~~ If serious bodily injury, as defined in 13 V.S.A. § 1021(2), results to any person other than the operator from a violation of section 3323 of this title, the person convicted of the violation shall be fined not more than \$5,000.00 or imprisoned not more than 15 years, or both.

* * *

Sec. 21. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

* * *

(8) To regulate or prohibit the use or discharge, but not possession, of firearms within the municipality or specified portions thereof, provided that an ordinance adopted under this subdivision shall be consistent with section 2295 of this title and shall not prohibit, reduce, or limit discharge at any existing sport shooting range, as that term is defined in 10 V.S.A. § 5227.

* * *

1 Sec. 22. 24 V.S.A. § 3301 is amended to read:

2 § 3301. WATER SUPPLY; CONSTRUCTION; CONDEMNATION;

3 EXCEPTIONS

4 A municipal corporation is hereby authorized and empowered to construct,
5 maintain, and repair an artesian well, reservoir or reservoirs, pumps, engines,
6 and apparatus;² take, purchase,² and acquire, ~~in the manner hereinafter~~
7 ~~mentioned,~~ any artesian wells, ponds, springs, streams, water courses, real
8 estate, water rights, flowage rights, and easements necessary for its purposes
9 within the limits provided by this section, together with such land surrounding
10 and adjacent to the same as may be reasonably necessary for protecting and
11 preserving the purity of the water in such artesian wells, ponds, springs, and
12 streams;² and may enclose such artesian wells, ponds, springs, and streams by
13 suitable fences for the purpose of such protection; and such corporation, within
14 the limits ~~hereinafter~~ set forth in this section, and subject to the provisions of
15 30 V.S.A. § 108, may take, acquire,² or purchase any or all of the
16 ~~aforementioned~~ rights or properties owned or operated by any person or
17 corporation engaged in the business of a water company, as defined by
18 30 V.S.A. § 203, within the limits of such municipal corporation. Such
19 corporation may enter in and upon any land or water for the purpose of making
20 surveys, may take and construct dams and reservoirs, lay pipes and aqueducts,
21 may connect the same with the main aqueduct as may be necessary to convey

1 the water taken as ~~aforsaid~~ to the reservoirs of such municipal corporation and
2 distribute the same through such municipal corporation for the purpose of
3 supplying the inhabitants thereof with water for fire, domestic, and other
4 purposes. However, such municipal corporation shall not take otherwise than
5 by purchase water or a spring of water that the owner or lessee or other person
6 having a vested right or interest in such water or the use thereof may
7 reasonably require for domestic use or the watering of animals on the premises
8 where such water may be in use.

9 Sec. 23. 24 V.S.A. § 3303 is amended to read:

10 § 3303. COMPENSATION; CONDEMNATION

11 The municipal corporation may agree with the owner or owners of any
12 property, franchise, easement, or right that may be required by the municipal
13 corporation for the purposes of this chapter, as to the compensation to be paid
14 ~~therefor~~. In case of failure to agree as to the compensation, or in case the
15 owner is an infant, a person who lacks capacity to protect his or her interests
16 due to a mental condition or psychiatric disability, absent from the State,
17 unknown, or the owner of a contingent interest, the Superior Court within and
18 for the county where the subject property is situated on the petition of either
19 party, may cause the notice to be given of the petition as the presiding judge of
20 the court may prescribe. After proof thereof, the presiding judge may appoint
21 three disinterested persons as commissioners to examine the property to be

1 taken or damaged by the municipal corporation. The commissioners after
2 being duly sworn, upon due notice to all parties in interest, shall view the
3 premises, hear the parties in respect to the property, and shall assess and award
4 to the owners and persons so interested just damages for any injury sustained
5 ~~as aforesaid~~ and make report in writing to the presiding judge. The presiding
6 judge may ~~thereupon~~ accept the report, unless just cause is shown to the
7 contrary. The presiding judge may order the municipal corporation to pay the
8 same in the time and manner as he or she may prescribe, in full compensation
9 for the property taken, or the injury done by the municipal corporation, or the
10 presiding judge may reject or recommit the report if the ends of justice so
11 require. On compliance with the order, the municipal corporation may proceed
12 with the construction of its work without liability for further claim for
13 damages. The presiding judge may award costs in the proceeding in his or her
14 discretion. The cause may be transferred to the Supreme Court as provided in
15 12 V.S.A. § 4601.

16 Sec. 24. 24 V.S.A. § 3306 is amended to read:

17 § 3306. CHARGES, LIEN

18 The owner or occupant of any tenement, house, or building who takes the
19 water of ~~such a~~ municipal corporation shall be liable for the rent or price of the
20 same, and the officers and agents of ~~such the~~ municipal corporation ~~intrusted~~
21 entrusted with the care and superintendence of the water may at all reasonable

1 times enter all premises so supplied to examine the pipes and fixtures and
2 prevent any unnecessary waste. If any person, without the consent of ~~such~~ the
3 municipal corporation, shall use any water, a civil action on this statute may be
4 maintained against ~~such~~ the person by ~~such~~ the municipal corporation for the
5 recovery of damages ~~therefor~~. The charges, rates, or rents for water shall be a
6 lien upon the real estate furnished with the municipal corporation water in the
7 same manner and to the same effect as taxes are a lien on real estate under
8 32 V.S.A. § 5061.

9 Sec. 25. 24 V.S.A. § 3307 is amended to read:

10 § 3307. INTERFERENCE WITH SUPPLY

11 If any person diverts the water or part ~~thereof~~ of any of the artesian wells,
12 ponds, springs, streams, aqueducts, water courses, or reservoirs, that shall be
13 taken, used, or constructed by such municipal corporation, or shall corrupt the
14 same, or make it impure, or commit any nuisance therein, or shall bathe
15 therein, or within the limits, that may be taken or prescribed by such municipal
16 corporation pursuant to the provisions of this chapter, or injure or destroy any
17 artesian well, dam, embankment, aqueduct, pipe, reservoir, conduit, hydrant,
18 structure, pump, machinery, or other property held, owned, or used by such
19 municipal corporation under the provisions of this chapter, such person shall
20 be liable to such municipal corporation in treble damages ~~therefor~~, to be
21 recovered in a civil action on this statute, and any such person on conviction of

1 a violation under this section shall be fined not exceeding \$100.00 or
2 committed to the Commissioner of Corrections not more than six months, or
3 both.

4 Sec. 26. 24 V.S.A. § 3316 is amended to read:

5 § 3316. MEETINGS, VOTE

6 Any action taken by ~~such~~ a municipal corporation under the provisions of
7 this chapter or relating to the matters ~~therein~~ set forth, in this chapter shall be
8 by vote of the majority of the legal voters of ~~such~~ the municipal corporation, at
9 a meeting duly warned and ~~held~~ held, unless otherwise provided.

10 Sec. 27. 24 V.S.A. § 3342(a) is amended to read:

11 (a) When a majority of the voters of each town of a proposed consolidated
12 water district present and voting in each case by Australian ballot at a town
13 meeting duly warned for that purpose for the same day and during the same
14 hours that shall be at least eight consecutive hours shall vote to join with one or
15 more neighboring towns as specified in the warning for the purpose of forming
16 a consolidated water district ~~as herein provided~~, such vote shall ~~thereupon~~ be
17 certified by the clerk of each town to the Secretary of State; and when all
18 towns proposed as members of the consolidated water district as specified in
19 such vote ~~shall~~ have so affirmatively voted and the results ~~thereon shall~~ have
20 been certified to the Secretary of State, the Secretary of State shall ~~thereupon~~
21 file the same in his or her office and shall send a written notice to the clerk of

1 each town to be included in the consolidated water district that the
2 requirements of this section have been met by each town in the ~~said~~ district.
3 Upon the filing of such records in the Office of the Secretary of State, ~~such~~ the
4 consolidated water district shall become a body politic and corporate with the
5 powers incident to a public corporation and such records shall be notice to all
6 parties of the establishment of ~~such~~ the consolidated water district with all the
7 powers incident to such a district as provided under this section; and ~~such~~ the
8 filing shall be prima facie evidence that the requirements for the creation of a
9 consolidated water district as set forth in this section have been fully complied
10 with. A consolidated water district may sue and be sued and may hold and
11 convey real estate and personal estate for the use of the district and shall have
12 and may exercise the powers and be subject to the duties and obligations of a
13 municipal corporation provided for in chapter 89 of this title so far as the same
14 may be applicable and except as otherwise provided in this chapter.

15 Sec. 28. 24 V.S.A. § 3343 is amended to read:

16 § 3343. ORGANIZATIONAL MEETING

17 (a) Within 60 days after the Secretary of State ~~shall have notified~~ notifies
18 the clerks of the member towns that the requirements of section 3342 of this
19 title have been met, the voters in ~~such~~ the consolidated water district shall meet
20 and organize the district. The meeting shall be warned by the chair of the
21 legislative body of each town of the district or by a member designated by his

1 or her respective board to act in the chair's stead, ~~and~~. The warning shall state
2 the day, hour, and place within the district where the meeting will be held and
3 shall be posted in not less than six public places in the district, including at
4 least two public places within each member town ~~thereof~~, and shall be
5 published three times in a newspaper circulating ~~therein~~ in the district, the last
6 publication to be at least six days previous to the day of the meeting. The
7 meeting shall be called to order by the clerk of the town in which the meeting
8 is held, ~~whereupon~~ at which time a temporary presiding officer and clerk shall
9 be elected from among the qualified voters. At such organizational meeting or
10 an adjournment ~~thereof~~ of the meeting, the district shall elect a moderator and
11 a permanent clerk; shall determine the number of water commissioners
12 constituting the board of water commissioners; and shall elect a board of water
13 commissioners, who shall be the legislative branch, a treasurer, and three
14 auditors. All officers elected at the organizational meeting shall hold office
15 until others are elected and qualified following the first annual meeting. The
16 selectboard of each town may appoint an alternative water commissioner for
17 each commissioner elected from that town, whose duty shall be to serve in
18 place of the elected commissioner if the latter is unable to serve ~~and to serve in~~
19 ~~his or her place if he or she~~, resigns, or is unable to proceed in office. The total
20 number of water commissioners and the member from each member town may
21 be agreed upon by the several member towns in advance of the organizational

1 meeting. In the absence of such agreement, the number shall be set by the
2 organizational meeting at not less than three nor more than ~~eleven~~ 11
3 commissioners, including at least one from each member town. Changes in the
4 total number of commissioners may be made at any annual meeting of the
5 district duly warned for that purpose by vote of two-thirds of those present and
6 voting; except that it shall always include at least one from each member town.
7 Water commissioners elected at the organizational meeting shall be elected
8 from nominations made by the several towns at their most recent annual or
9 special meeting, if such nominations have been made. Water commissioners to
10 serve on the board of water commissioners of the consolidated district
11 following the first annual meeting shall be elected by the member towns at
12 their own annual or special meetings. Such elections shall be by Australian
13 ballot in those member towns that elect their respective legislative branches by
14 Australian ballot. All other consolidated water district officers shall be elected
15 by the consolidated district. When there is only one nominee for any of the
16 ~~aforementioned~~ offices, the voters may, by acclamation, instruct an officer to
17 elect ~~said~~ that nominee by casting one ballot, and upon ~~such~~ the ballot being
18 cast ~~such~~ the nominee shall be declared to be legally elected.

19 (b) At such organizational meeting or at an adjournment ~~thereof~~ of the
20 meeting, the district may further authorize its board of water commissioners to
21 pay any expense incurred by or on behalf of the district in the period between

1 the date on which the member towns voted to join the district and the first
2 annual meeting of the district. The word “expense” as used in this chapter
3 shall include the cost of architects, surveyors, engineers, contractors, lawyers,
4 or other consultants or experts as well as current operating expenses to be
5 incurred by the district from its organizational meeting until its first annual
6 meeting. The district may authorize its board of water commissioners to
7 borrow money pending receipt of payments from the member towns as
8 provided in this chapter by the issuance of its notes or orders payable not later
9 than one year from the date. At ~~such~~ the organizational meeting, the district
10 shall further select a name for the district, determine compensation, if any, to
11 be paid to its officers, determine the date on which its annual meeting shall be
12 held, (which shall not be earlier than October 1 or later than December 31),
13 and adopt a seal. A certified copy of the vote designating the name of the
14 consolidated water district shall be forthwith filed by the clerk of the district
15 with the Secretary of State.

16 (c) All district officers elected at an annual meeting and water
17 commissioners elected by their constituent towns shall enter upon their duties
18 on April 1 following their election, unless a different date is set at an annual
19 meeting. A vacancy occurring in any district office other than commissioner
20 caused by death, resignation, removal from the district, or incapacity of an
21 officer to carry his or her duties, shall be temporarily filled by the board of

1 water commissioners with a person from the municipality from which the
2 vacancy occurs within 10 days after the vacancy occurs and until the date when
3 the newly elected officers take office. The vacancy shall be filled at the next
4 annual meeting of the district. The term of office of the water commissioners
5 and the auditors shall be three years and all other officers one year. At the first
6 annual meeting, the terms of office of the commissioners shall be divided by
7 agreement. If possible by lot, if not, with ~~one-third~~ one-third expiring after one
8 year, and ~~one-third~~ one-third expiring after two years, or as nearly as may be.
9 At said first annual meeting, one auditor shall be elected for one year, and one
10 auditor for two years, and thereafter for three years or until their successors are
11 chosen and qualified.

12 * * *

13 Sec. 29. 24 V.S.A. § 3348 is amended to read:

14 § 3348. FINANCES; WATER RATES; APPLICATION OF REVENUE

15 (a)(1) Notwithstanding the provisions of section 3311 of this title, the board
16 of water commissioners of a consolidated water district shall establish rates for
17 the water and services by meter service and all individuals, firms, and
18 corporations, whether private, public, or municipal, shall pay to the treasurer of
19 ~~said~~ that district the rates and stand-by charges established by ~~said~~ the board of
20 water commissioners.

1 (2) In those districts ~~where~~ in which water is supplied by the
2 consolidated water district to the consumer, rates shall be uniform within the
3 district. A wholesale consolidated water district shall set a rate ~~which~~ that is
4 uniform to all member towns, and it may further establish a separate schedule
5 for nonmember users. The board of water commissioners may also enter into a
6 contract with member and nonmember municipalities for the supply of water
7 over a period of years.

8 (3) All rates shall be ~~so~~ established so as to provide revenue for the
9 following purposes:

10 (1)(A) to pay current expenses for operating and maintaining the water
11 systems;

12 (2)(B) to provide for the payment of interest on the indebtedness created
13 by the district;

14 (3)(C) to provide each year a sum equal to not less than two percent or
15 more than five percent of the entire indebtedness created or assumed by the
16 district to pay for the cost of the water system and improvements ~~thereto~~ to the
17 water system, which sum shall be used to pay indebtedness maturing in ~~said~~
18 that year or turned into a sinking fund and there kept to provide for the
19 extinguishment of indebtedness of the district;

20 (4)(D) to capitalize a sinking fund, the proceeds of which shall be used
21 to match federal funds;

1 ~~(5)~~(4) If any surplus remains at the end of the year, it may be turned into
2 the sinking fund or used to pay the cost of improvements to the water system.

3 (b) The money set aside for the sinking fund and any increment thereon
4 shall be devoted to the retirement of obligations of the district or for the
5 purpose of matching federal funds, or invested in such securities as savings
6 banks or fiduciaries or trustees are now or hereafter allowed to hold. The
7 balance of the revenue, if any, required to meet said expenses shall be
8 apportioned among and collected from member towns as ~~herein~~ provided
9 under this chapter.

10 (c) In the event that a member town in the district, elects to establish a
11 system by vote at an annual or special town meeting for fire protection, a
12 consolidated water district may, at the expense of ~~such~~ that town, purchase and
13 install hydrants in ~~such~~ the town and shall establish an annual fire protection
14 stand-by charge for each hydrant, which charge shall be uniform throughout
15 the district, and which shall be paid to the treasurer of the district by the
16 member town in which ~~such~~ the system is located. Any municipality
17 purchasing water from a consolidated water district may, in turn, sell the water
18 to any adjoining municipality and may set a charge ~~therefor which~~ for the
19 water that takes into account, in addition to the rate paid to the consolidated
20 water district, a sum to cover the expense of transporting the water to the
21 purchasing municipality.

1 Sec. 30. 24 V.S.A. § 3349 is amended to read:

2 § 3349. ANNUAL BUDGET, APPORTIONMENT, ASSESSMENT, TAXES

3 (a) The board of water commissioners of the district shall at each annual
4 meeting present to the district its budget for the ensuing year, which shall
5 include an estimate of the revenue from water rates and other sources, except
6 taxes and the expenses for the ensuing year, and the district shall appropriate
7 such sum as it deems necessary for ~~such of said~~ all of the expenses ~~as that~~ are
8 not disapproved (which disapproval ~~may~~ shall not include interest on or
9 principal of any indebtedness created or assumed by the district), together with
10 the amount required to pay any balance left unpaid from the preceding year as
11 will not be met from such estimated revenues, expressing ~~said~~ the sum in
12 dollars in its vote. At its first annual meeting, the district shall likewise vote a
13 sum sufficient to pay any unpaid balance of expense, as defined in section
14 3343 of this title, ~~which that~~ has been ~~theretofore~~ incurred by or on behalf of
15 the district. Immediately following ~~such~~ the annual meeting, the board of
16 water commissioners shall compute the share of each member town in the
17 sums so voted and give notice of the amount ~~thereof~~ to the legislative branch,
18 as defined in section 1751 of this title, of each member town.

19 (b) The expense of establishing, acquiring, maintaining, extending,
20 improving, and operating a water system for a consolidated water district shall,
21 ~~insofar as such expense shall~~ to the extent that the expense will not be met

1 from the proceeds of indebtedness or from water rates, rents, and other charges
2 received from the use of ~~such~~ the water system, be divided among the member
3 towns in accordance with a formula agreed to by the member towns by vote at
4 an annual or special town meeting or, in the absence of any such agreement, as
5 follows: two-thirds of ~~such~~ the expense shall be divided in the proportion
6 ~~which~~ that the total number of gallons distributed to the inhabitants of each
7 member town of the district bears to the total number of gallons so distributed
8 in all the member towns in the last preceding full calendar year of operation of
9 the district, and the balance of ~~such~~ the expense (or all of ~~such~~ the expense
10 until the water system has been in operation for at least one full calendar year)
11 shall be divided among the member towns in the proportion ~~which~~ that the
12 population of each member town according to the last rental census bears to
13 the total population of the district.

14 (c) The legislative branch of each member town shall, upon receipt of the
15 notice of the share in the district expenses to be paid by the member town,
16 assess upon the grand list of ~~such~~ the member town, in addition to any tax
17 previously voted ~~thereon~~ on the grand list, a tax sufficient to raise the member
18 town's share in ~~such~~ the district expenses. The additional tax as so assessed
19 shall be collected as are other taxes of ~~such~~ the member town and be deposited
20 in the member town's account ~~of the member town~~. The legislative branch of
21 ~~such~~ the member town shall order ~~said~~ the additional tax to be paid over to the

1 treasurer of the district as collected by the 20th of the month after ~~such~~ the
2 member town's taxes become payable. If by the end of its fiscal year a
3 member town has failed to collect and pay over to the treasurer of the district a
4 sum sufficient to pay the member's share of the expenses of the district, the
5 legislative branch of ~~such~~ the member town shall assess a special tax of five
6 percent on the grand list of ~~such~~ the member town, or such multiple thereof as
7 is necessary to make up the unpaid balance of ~~said~~ the member town's share,
8 which special tax shall be collected as are other taxes of the member town.

9 Upon the collection of ~~said~~ the special tax, the same shall be paid over to the
10 treasurer of the district. If by the end of its fiscal year a member town fails to
11 pay its share of the expenses of the district, or fails to make up a deficit therein
12 from the preceding year as ~~above~~ provided in this subsection, the board of
13 water commissioners of the district may bring a civil action on this statute in
14 the name of the district to recover of the member town twice the amount of the
15 share of ~~such~~ the member town ~~which~~ as remains unpaid, and upon judgment
16 may levy its execution against any of the real or personal property within the
17 member town.

18 Sec. 31. 24 V.S.A. § 3353 is amended to read:

19 § 3353. INDEBTEDNESS

20 (a) General obligations. A consolidated water district may incur
21 indebtedness as provided by chapter 53, subchapter 1 of this title and by

1 chapter 89 of this title for the purpose of paying the cost of a water system and
2 improvements ~~thereto~~ to the water system or for funding or refunding,
3 including the payment of premium, any bonds or other evidences of
4 indebtedness issued or assumed by the district, provided, however, that the
5 limits on indebtedness in ~~said~~ chapter 53 of this title or otherwise shall not
6 apply to indebtedness incurred or assumed by a consolidated district for the
7 purposes of this chapter.

8 (b) Joint and severable obligations. Obligations incurred under chapter 53,
9 subchapter 1 and chapter 89 of this title or as otherwise authorized in this
10 chapter by a consolidated water district, except obligations incurred under
11 chapter 53, subchapter 2, shall be the joint and several obligations of ~~such~~ the
12 district and the member towns composing it. However, as among ~~such~~ the
13 member towns, their respective shares of ~~such~~ the obligation shall be
14 apportioned and paid in the manner provided in this chapter. Any joint or
15 several liability incurred by a member town under the provisions of this
16 chapter shall not be considered in determining its debt limit for its own
17 separate purposes. Notwithstanding the limitations in sections 1755 and 1759
18 of this title, bonds or other evidences of indebtedness of a consolidated water
19 district may be authorized by a majority of the voters present and voting on the
20 question at a district meeting, may be paid in not more than 40 years from their
21 date of issue, may be made callable at the option of the district with or without

1 premium, and the serial maturities of ~~such~~ the bonds or evidences of
2 indebtedness may be so arranged that beginning with the first year in which
3 principal is payable, the amount of principal and interest payable in any year
4 shall be as nearly equal as is practicable according to the denominations in
5 which ~~such~~ the bonds or other evidences of indebtedness are issued.

6 (c) Obligations payable solely from revenue. In addition to the authority
7 granted in this section, a consolidated water district may issue bonds or other
8 evidences of indebtedness pursuant to chapter 53, subchapter 2 of this title, ~~and~~
9 ~~any amendment thereof or addition thereto;~~ provided, however, that no such
10 bonds payable solely from revenues shall be issued while the district has
11 outstanding any bonds or other evidences of indebtedness for which ~~said~~ the
12 district and the member towns are jointly and severally liable as provided
13 under this chapter, except notes or other evidences of indebtedness issued
14 temporarily in anticipation of revenue.

15 Sec. 32. 24 V.S.A. § 3354 is amended to read:

16 § 3354. CHANGES IN MEMBERSHIP-; INCLUSION OF ADDITIONAL
17 TOWNS

18 (a) When a majority of voters of a town, present and voting at a meeting
19 duly warned for that purpose, ~~shall~~ vote to apply to a consolidated water
20 district for admission as a member of ~~such~~ that district, ~~such~~ the vote shall
21 ~~thereupon~~ be certified by the clerk of the town to the clerk of the consolidated

1 water district and to the Secretary of State. ~~Such~~ The vote and certification, if
2 accepted by the consolidated district within two years after the date of ~~said~~ the
3 vote, shall be binding on ~~said~~ the town without the subsequent vote in the town
4 contemplated in subsections (b) and (c) of this section.

5 (b) When it appears to the board of water commissioners that the
6 boundaries of ~~such~~ a consolidated water district should be changed to include
7 another town, they may insert an article fully describing the proposed change
8 in the warning for a regular or special meeting of the district, which proposed
9 change shall state the number of additional members to be added to the board
10 of water commissioners if ~~such~~ the change is approved.

11 (c) When a majority of the voters voting at such a meeting vote to include
12 an additional town within the boundaries of the consolidated water district as a
13 member ~~thereof~~ of the district, the board of water commissioners shall notify
14 the legislative body of ~~such~~ the additional town of ~~such~~ the vote. ~~Thereupon~~
15 Upon notification, the legislative body of the additional town proposed to be
16 included shall duly warn a meeting ~~thereof~~ of the town, setting forth in ~~such~~
17 the warning the vote of the consolidated water district and the proposed change
18 in its boundaries. If a majority of the voters voting at the meeting of the
19 additional town vote to be included within the district, the result of ~~such~~ that
20 vote and the result of the vote already taken by the consolidated water district
21 shall be certified to the Secretary of State, who shall record the same in his or

1 her office. A certificate of ~~such~~ the record shall immediately be filed by the
2 Secretary of State in the office of the clerk of the consolidated water district
3 and of any additional town to be included ~~therein~~ as a member ~~thereof~~ of the
4 district, which filing shall be notice to all parties of ~~such~~ the addition to the
5 consolidated district.

6 (d) ~~Said~~ A consolidated water district as so enlarged shall ~~thereupon~~ have
7 all the powers and responsibilities given it by this chapter. Any vacancy on the
8 board of water commissioners created as a result of the increase in the number
9 ~~thereof~~ of member towns shall be filled as provided in section 3343 of this
10 title. The additional member town shall share in the expenses of the district in
11 the proportion provided in this chapter for other member towns from the date
12 the certificate of the Secretary of State is filed in the office of the clerk of the
13 district and the office of the clerk of ~~such~~ the additional town.

14 Sec. 33. 24 V.S.A. § 3625(a) is amended to read:

15 (a) When capacity under an original or amended discharge permit under
16 10 V.S.A. § 1263 is or has been granted to any municipality, as defined in
17 1 V.S.A. § 126, except existing town school districts or incorporated school
18 districts, that capacity shall be allocated, in a manner consistent with a
19 municipality's obligation to its bondholders to establish rates and apply the
20 proceeds as set forth in section 3616 of this title, pursuant to one of the
21 following, whether in the form as adopted, or as later amended:

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* * *

(3) Interim bylaws adopted under section ~~4410~~ 4415 of this title.

Sec. 34. 24 V.S.A. § 3684 is amended to read:

§ 3684. INDEBTEDNESS

(a) General obligations. A consolidated sewer district may incur indebtedness as provided by chapter 53, subchapter 1 of this title and by chapter 101 of this title for the purpose of paying the cost of a sewer system and improvements ~~thereto~~ to the sewer system or for funding or refunding, including the payment of premium, any bonds or other evidences of indebtedness issued or assumed by the district. The limits on indebtedness in chapter 53 of this title or otherwise shall not apply to indebtedness incurred or assumed by a consolidated district for the purposes of this chapter.

(b) Joint and several obligations. Obligations incurred under chapter 53, subchapter 1 of this title and chapter 101 of this title by a consolidated sewer district, shall be the joint and several obligations of the district and the member towns composing it. However, as among the member towns, their respective shares of the obligation shall be apportioned and paid in the manner provided in this chapter. Any joint or several liability incurred by a member town under this chapter shall not be considered in determining its debt limit for its separate purposes. Notwithstanding the limitations in sections 1755 and 1759 of this title, bonds or other evidences of indebtedness of a consolidated sewer district

1 may be authorized by a majority of the voters present and voting on the
2 question at a district meeting, may be paid in not more than 30 years from their
3 date of issue, may be made callable at the option of the district with or without
4 premium, and the serial maturities of those bonds or evidences of indebtedness
5 may be so arranged that beginning with the first year in which principal is
6 payable, the amount of principal and interest payable in any year shall be as
7 nearly equal as is practicable according to the denominations in which the
8 bonds or other evidences of indebtedness are issued.

9 (c) Obligations payable solely from revenue. In addition to authority
10 granted in this section, a consolidated sewer district may issue bonds or other
11 evidences of indebtedness under chapter 53, subchapter 2 of this title, ~~and any~~
12 ~~amendment thereof or addition thereto~~. However, no such bonds payable
13 solely from revenues ~~may~~ shall be issued while the district has outstanding any
14 bonds or other evidences of indebtedness for which the district and the member
15 towns are jointly and severally liable as ~~herein~~ provided in this chapter, except
16 notes or other evidences of indebtedness issued temporarily in anticipation of
17 revenue.

18 Sec. 35. 24 V.S.A. § 3903 is amended to read:

19 § 3903. MILITARY RECORDS

20 A town may appoint a person, who need not be a resident of the town, to
21 prepare a military record at the expense of the town, which shall contain the

1 name of every person in the ~~armed forces of the United States~~ U.S. Armed
2 Forces furnished by ~~such~~ the town during any wars or military enterprises in
3 which the United States has been engaged with the following statistics, so far
4 as applicable to each case: age at the time of enlistment or induction;
5 birthplace; date of enlistment; date of muster into the service of the United
6 States; rank; promotions; reenlistment; date and cause of discharge ~~and cause~~
7 ~~thereof~~; date of pension and amount; date and cause of death ~~and cause~~; date,
8 place, and nature of wounds; bounty received from the town and bounty
9 received from individuals; and any other pertinent information.

10 Sec. 36. 24 V.S.A. § 5051 is amended to read:

11 § 5051. DEFINITIONS

12 As used in this chapter:

13 * * *

14 (4) “Average final compensation” (AFC) means:

15 (A) For a Group A member, the average annual earnable
16 compensation of a member during the five consecutive fiscal years beginning
17 July 1 and ending June 30 of creditable service affording the highest average,
18 or during all of the years of creditable service if fewer than five years. If the
19 member’s highest five years of earnable compensation are the five years prior
20 to separation of service and the member separates prior to the end of a fiscal
21 year, the AFC shall be determined by adding all of the following:

1 (i) The actual earnable compensation earned in the fiscal year of
2 separation through the date of separation and the service credit to correspond
3 with the last pay date;

4 (ii) The earnable compensation and service credit earned in the
5 preceding four fiscal years; ~~and~~.

6 (iii) The remaining service credit that is needed to complete the
7 five full years, which shall be factored from the fiscal year preceding the four
8 fiscal years described in subdivision (ii) of this subdivision (A). The earnable
9 compensation associated with this remaining service credit shall be calculated
10 by multiplying the annual earnable compensation reported by the remaining
11 service credit that is needed.

12 (B) For a Group B or C member, the term means the average annual
13 earnable compensation of a member during the three consecutive fiscal years
14 beginning on July 1 and ending on June 30 of creditable service affording the
15 highest average, or during all of the years in his or her creditable service if
16 fewer than three years. If the member's highest three years of earnable
17 compensation are the three years prior to separation of service and the member
18 separates prior to the end of a fiscal year, the AFC shall be determined by
19 adding all of the following:

1 (i) The actual earnable compensation earned in the fiscal year of
2 separation through the date of separation and the service credit to correspond
3 with the last pay date;~~;~~

4 (ii) The earnable compensation and service credit earned in the
5 preceding two fiscal years;~~and~~

6 (iii) The remaining service credit that is needed to complete the
7 three full years, which shall be factored from the fiscal year preceding the two
8 fiscal years described in subdivision (ii) of this subdivision (B). The earnable
9 compensation associated with this remaining service credit shall be calculated
10 by multiplying the annual earnable compensation reported by the remaining
11 service credit that is needed.

12 (C) For a Group D member, the term means the average annual
13 earnable compensation of a member during the two consecutive fiscal years
14 beginning on July 1 and ending on June 30 of creditable service affording the
15 highest such average, or during all of the years in his or her creditable service
16 if fewer than two years. If the member's highest two years of earnable
17 compensation are the two years prior to separation of service and the member
18 separates prior to the end of a fiscal year, the AFC shall be determined by
19 adding all of the following:

1 (i) The actual earnable compensation earned in the fiscal year of
2 separation through the date of separation and the service credit to correspond
3 with the last pay date;

4 (ii) The earnable compensation and service credit earned in the
5 preceding fiscal year; ~~and~~

6 (iii) The remaining service credit that is needed to complete the
7 two full years, which shall be factored from the fiscal year preceding the fiscal
8 year described in subdivision (ii) of this subdivision (C). The earnable
9 compensation associated with this remaining service credit shall be calculated
10 by multiplying the annual earnable compensation reported by the remaining
11 service credit that is needed.

12 (D) For purposes of determining average final compensation for a
13 member who has accrued service in more than one group plan within the
14 System, the highest consecutive years of earnings ~~will~~ shall be based on the
15 formulas outlined in subdivision (A), (B), or (C) of this subdivision (4) using
16 the earnable compensation received while a member of the System.

17 * * *

18 (7) "Continuous service" means those periods of service as an employee
19 with all employers, provided all of the following conditions are met:

20 (A) The period of each employment was uninterrupted;

1 (B) Not more than 30 days elapsed between termination of one
2 period of employment and commencement of the next;

3 (C) Each such termination occurred after the effective date of the
4 System; ~~and.~~

5 (D) Each employer employing the employee after the effective date
6 was a participant in the System during the period it employed the employee.
7 Notwithstanding any other provisions, continuous service prior to the effective
8 date of this plan shall commence on the most recent date of hire as an
9 employee, but in no case shall the continuous service of an employee prior to
10 the effective date of this plan be for a period longer than 20 years. If an
11 employee does not withdraw his or her contributions, continuous service shall
12 not be interrupted by:

13 * * *

14 (15) "Normal retirement date:" means:

15 * * *

16 Sec. 37. 24 App. V.S.A. Ch. 156, § 14(a) is amended to read:

17 (a) Elective offices. Local elective offices to be filled by the voters of the
18 Town of Williston shall be only those articulated by this charter, and shall
19 include:

20 * * *

1 Sec. 38. 26 V.S.A. § 373(a) is amended to read:

2 (a) A person licensed by the Board to practice podiatry shall apply
3 biennially for the renewal of his or her license. At least one month prior to the
4 date on which renewal is required, the Board shall send to each licensee a
5 license renewal application form and notice of the date on which the existing
6 license will expire. On or before the renewal date, the licensee shall file an
7 application for license renewal and pay the required fee; however, any
8 podiatrist while on extended active duty ~~in the uniformed services of the~~
9 ~~United States or as a member of the National Guard, State Guard, or reserve~~
10 ~~component~~ as a member of the U.S. Armed Forces, a reserve component of the
11 U.S. Armed Forces, the National Guard, or the State Guard who is licensed as
12 a podiatrist at the time ~~of an activation or deployment~~ the licensee was ordered
13 to active duty shall receive an extension of licensure up to 90 days following
14 the podiatrist's return from ~~activation or deployment~~ active duty, provided the
15 podiatrist notifies the Board ~~of his or her activation or deployment~~ that the
16 licensee has been ordered to active duty prior to the expiration of the current
17 license and certifies that the circumstances of the ~~activation or deployment~~
18 duty impede good faith efforts to make timely application for renewal of the
19 license. The Board shall register the applicant and issue the renewal license.
20 Within one month following the date by which renewal is required, the Board

1 shall pay the license renewal fees into the Medical Practice Board Special
2 Fund.

3 Sec. 39. 26 V.S.A. § 898(b) is amended to read:

4 (b) Work notices, certificates of completion, and energizing permits shall
5 be issued by municipal inspectors in the same manner and subject to the same
6 conditions that they are issued by the State electrical inspectors under sections
7 893 and 894 of this title ~~shall apply to municipal inspections under this section.~~

8 Sec. 40. 26 V.S.A. § 903(a) is amended to read:

9 (a) To be eligible for licensure as a journeyman electrician an applicant
10 shall:

11 (1) provide verification by the Vermont Apprenticeship Council of
12 completion of an apprenticeship in electrical wiring that included both
13 instruction and practice in work processes; or

14 (2) have had equivalent training and experience, within or ~~without~~
15 outside this State, acceptable to the Board; and

16 (3) pass an examination to the satisfaction of the Board.

17 Sec. 41. 26 V.S.A. § 1400(f) is amended to read:

18 (f) A person who practices medicine and who fails to renew his or her
19 license in accordance with the provisions of this section shall be deemed an
20 illegal practitioner and shall forfeit the right to so practice or to hold himself or
21 herself out as a person licensed to practice medicine in the State until reinstated

1 by the Board, ~~but nevertheless~~ except that a physician while on extended active
2 duty ~~in the uniformed services of the United States or as a member of the~~
3 ~~National Guard, State Guard, or reserve component~~ as a member of the U.S.
4 Armed Forces, a reserve component of the U.S. Armed Forces, the National
5 Guard, or the State Guard who is licensed as a physician at the time ~~of an~~
6 ~~activation or deployment~~ the licensee was ordered to active duty shall receive
7 an extension of licensure up to 90 days following the physician's return from
8 ~~activation or deployment~~ active duty, provided the physician notifies the Board
9 ~~of his or her activation or deployment~~ that the licensee has been ordered to
10 active duty prior to the expiration of the current license and certifies that the
11 circumstances of the ~~activation or deployment~~ duty impede good faith efforts
12 to make timely application for renewal of the license.

13 Sec. 42. 26 V.S.A. § 1443 is amended to read:

14 § 1443. RECORDS IMMUNE FROM DISCOVERY

15 * * *

16 (b) Notwithstanding the provisions of subsection (a) of this section, a peer
17 review committee shall provide ~~a board~~ the Board with all supporting
18 information and evidence pertaining to information required to be reported
19 under section 1317 of this title and shall provide access to such information
20 and evidence to the Department of Health as provided in and for the purpose of
21 determining a hospital's compliance with 18 V.S.A. chapter 43a.

1 (c) Notwithstanding the provisions of section 1318 of this title, relating to
2 accessibility and confidentiality of disciplinary matters, the proceedings,
3 reports, records, reporting information, and evidence of a peer review
4 committee provided by the committee to ~~a board~~ the Board in accordance with
5 the provisions of section 1317 of this title or to the Department of Health in
6 accordance with 18 V.S.A. chapter 43a and subsection (b) of this section may
7 be used by the ~~board~~ Board or by the Commissioner of Health or Board of
8 Health for disciplinary and enforcement purposes but shall not be subject to
9 public disclosure.

10 Sec. 43. 26 V.S.A. § 1734b(a) is amended to read:

11 (a) Licenses shall be renewed every two years on payment of the required
12 fee. At least one month prior to the date on which renewal is required, the
13 Board shall send to each licensee a license renewal application form and notice
14 of the date on which the existing license will expire. On or before the renewal
15 date, the licensee shall file an application for license renewal and pay the
16 required fee. The Board shall register the applicant and issue the renewal
17 license. Within one month following the date renewal is required, the Board
18 shall pay the license renewal fees into the Medical Practice Board Special
19 Fund. Any physician assistant while on extended active duty ~~in the uniformed~~
20 ~~services of the United States or member of the National Guard, State Guard, or~~
21 ~~reserve component~~ as a member of the U.S. Armed Forces, a reserve

1 component of the U.S. Armed Forces, the National Guard, or the State Guard
2 who is licensed as a physician assistant at the time ~~of an activation or~~
3 ~~deployment~~ the licensee was ordered to active duty shall receive an extension
4 of licensure up to 90 days following the physician assistant's return from
5 ~~activation or deployment~~ active duty, provided the physician assistant notifies
6 the Board ~~of his or her activation or deployment~~ that the licensee has been
7 ordered to active duty prior to the expiration of the current license, and
8 certifies that the circumstances of the ~~activation or deployment~~ duty impede
9 good faith efforts to make timely application for renewal of the license.

10 Sec. 44. 26 V.S.A. § 2083 is amended to read:

11 § 2083. EXEMPTIONS FROM LICENSURE

12 The following persons shall be permitted to practice as a physical therapist
13 or physical therapist assistant in this State without obtaining a license under
14 this chapter upon the following conditions:

15 * * *

16 (3) physical therapists and physical therapist assistants employed in the
17 U.S. Armed Services, U.S. Public Health Service, ~~Veterans Administration~~
18 U.S. Department of Veterans Affairs, or ~~other~~ by another federal agency;

19 * * *

1 Sec. 45. 26 V.S.A. § 2193(a) is amended to read:

2 (a) Each applicant for license shall present to the executive office of the
3 Board on blanks furnished by the Board, a written application for examination
4 and license containing such information as the Board may require,
5 accompanied by the fee required. Notwithstanding 32 V.S.A. § 502(a), if the
6 examination is conducted by an outside testing service, the required
7 examination fee may be paid directly to the testing service. Examinations shall
8 be in whole or in part in writing and shall include the theoretical and practical
9 nature of plumbing or specialties, or both, and knowledge of State laws ~~and~~
10 ~~Department, the rules of the Departments~~ of Health and of Environmental
11 Conservation ~~regulations,~~ and such other rules and regulations as the Board
12 may determine necessary to satisfactorily determine the qualifications of the
13 applicant. Examinations shall be relevant to the instructional material taught in
14 classes, codes used, and new developments and procedures within the trade.

15 Sec. 46. 28 V.S.A. § 105(e) is amended to read:

16 (e) If the caseloads established in subsection (d) of this section are
17 exceeded for longer than 120 days, the Commissioner shall be authorized to
18 designate community correctional officers to partially augment staffing
19 caseloads. If such designation does not remedy the excess caseloads:

1 (A) At arraignment, if the court finds that bail or conditions of
2 release will reasonably ensure the probationer's appearance at future
3 proceedings and conditions of release will reasonably protect the public, the
4 court shall release a probationer who is on probation for a nonviolent
5 misdemeanor or nonviolent felony pursuant to 13 V.S.A. § 7554.

6 (B) As used in this section:

7 (i) "Nonviolent felony" means a felony offense that is not a listed
8 crime as defined in 13 V.S.A. § 5301(7) or an offense involving sexual
9 exploitation of children in violation of 13 V.S.A. chapter 64.

10 (ii) "Nonviolent misdemeanor" means a misdemeanor offense that
11 is not a listed crime as defined in 13 V.S.A. § 5301(7) or an offense involving
12 sexual exploitation of children in violation of 13 V.S.A. chapter 64 or
13 13 V.S.A. § 1030.

14 Sec. 49. 28 V.S.A. § 701a is amended to read:

15 § 701a. SEGREGATION OF INMATES WITH A SERIOUS FUNCTIONAL

16 IMPAIRMENT

17 (a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25
18 regarding the classification, treatment, and segregation of an inmate with a
19 serious functional impairment as defined and identified under subchapter 6 of
20 this chapter; provided that the length of stay in segregation for an inmate with
21 a serious functional impairment:

1 (1) ~~Shall~~ shall not exceed 15 days if the inmate is segregated for
2 disciplinary reasons;

3 (2) ~~Shall~~ shall not exceed 30 days if the inmate requested the
4 segregation, except that the inmate may remain segregated for successive 30-
5 day periods following assessment by a qualified mental health professional and
6 approval of a physician for each extension; and

7 (3) ~~Shall~~ shall not exceed 30 days if the inmate is segregated for any
8 reason other than the reasons set forth in subdivision (1) or (2) of this
9 subsection, except that the inmate may remain segregated for successive 30-
10 day periods following a due process hearing for each extension, which shall
11 include assessment by a qualified mental health professional and approval of a
12 physician.

13 (b) As used in this section, “segregation” shall have the same meaning as in
14 subdivision 3(12) of this title.

15 (c) On or before the 15th day of each month, the Department’s Health
16 Services Director shall provide to the Joint Legislative Justice Oversight
17 Committee a report that, while protecting inmate confidentiality, lists each
18 inmate who was in segregation during the preceding month by a unique
19 indicator and identifies the reason the inmate was placed in segregation, the
20 length of the inmate’s stay in segregation, whether the inmate has a serious
21 functional impairment. The report shall also indicate any incident of self harm

1 or attempted suicide by inmates in segregation. The Department shall ensure
2 that a copy of the report is forwarded on a monthly basis to the Vermont
3 Defender General and ~~the Executive Director of Vermont Protection and~~
4 ~~Advocacy, Inc. on a monthly basis~~ to the entity designated as Vermont's
5 protection and advocacy system. At the request of the Committee, the Director
6 shall also provide information about the nature of the functional impairments
7 of inmates placed in segregation or services provided to these inmates. In
8 addition, at least annually, the Department shall provide a report on all inmates
9 placed in segregation who were receiving mental health services.

10 Sec. 50. 29 V.S.A. § 47(b) is amended to read:

11 (b) The advisory committee shall consist of the following or a designee: the
12 Commissioner, the director of the Council, the Chairs of the ~~Senate and House~~
13 Committee on Corrections and Institutions Committees and the Senate
14 Committee on Institutions, and the Chair of the Vermont Board of Architects.
15 Legislative members of the committee shall be entitled to per diem
16 compensation and expense reimbursement for attending committee meetings
17 pursuant to the provisions of 2 V.S.A. § 406.

18 Sec. 51. 29 V.S.A. § 166(b) is amended to read:

19 (b) Upon authorization by the General Assembly, which may be granted by
20 resolution, and with the advice and consent of the Governor, the Commissioner
21 of Buildings and General Services may sell real estate owned by the State.

1 Such property shall be sold to the highest bidder therefor at public auction or
2 upon sealed bids in the discretion of the Commissioner of Buildings and
3 General Services, who may reject any or all bids. Notice of the sale or a
4 request for sealed bids shall be posted in at least three public places in the town
5 where the property is located and also published three times in a newspaper
6 having a known circulation in the town, the last publication to be not less than
7 10 days before the date of sale or opening of the bids. Failing to consummate a
8 sale under the method prescribed in this section, the Commissioner of
9 Buildings and General Services is authorized to list the sale of this property
10 with a real estate agent licensed by the State of Vermont. This subsection shall
11 not apply to exchanges of lands or sales of timber made in accordance with the
12 provisions of ~~10 V.S.A. chapter 55~~ or to the sale of land or interests in land
13 made in accordance with the provisions of 10 V.S.A. chapter 83.

14 Sec. 52. 29 V.S.A. § 503(25) is amended to read:

15 (25) "State land manager," with respect to any State lands, means the
16 secretary of any agency to which a department or division having
17 responsibility for those lands is attached; or if not attached to an agency, the
18 commissioner of a department or the ~~chairman~~ chair of a board having
19 responsibility for those lands; or if no agency has responsibility for the lands,
20 the Secretary of ~~Environmental Conservation~~ Natural Resources.

1 Sec. 53. 29 V.S.A. § 1153a is amended to read:

2 § 1153a. LEGISLATIVE DIRECTORY

3 (a) The Secretary of State shall, at each biennial session of the ~~Legislature~~
4 General Assembly, prepare a legislative directory containing appropriate
5 matter. A sufficient number of copies of the ~~same~~ directory shall be printed by
6 December 1 of each odd-numbered year and shall be delivered to the State
7 Librarian, who shall deliver:

8 (1) one copy to each town and county clerk;

9 (2) one copy to each elective and appointive State officer;

10 (3) one copy to each member of the General Assembly;

11 (4) one copy to the clerk of each State board;

12 (5) one copy each to Castleton University, ~~Johnson, and Lyndon State~~
13 ~~Colleges~~ each campus of Northern Vermont University, the University of
14 Vermont and State Agricultural College, and Vermont Technical College at
15 Randolph;

16 (6) one copy to each high school and academy library in the State;

17 (7) one copy each to the Secretary and Assistant Secretary of the
18 Senate;

19 (8) one copy each to the Clerk and Assistant Clerks of the House of
20 Representatives;

21 (9) 25 copies to the Secretary of State; and

1 (10) the remaining copies to the Department of Libraries.

2 (b) The State Librarian may sell copies of the legislative directory to the
3 general public and charge a reasonable price. Receipts from such sales shall be
4 deposited in the General Fund.

5 Sec. 54. 29 V.S.A. § 1158(a) is amended to read:

6 (a) The State Librarian shall deliver the Acts and Resolves as follows: to
7 the Secretary of State, six copies; to the Clerk of the U.S. Supreme Court for
8 the use of the Court, one copy; to the Governor's Office and to the Governor
9 and Lieutenant Governor, one copy each; to the Library of Congress, four
10 copies; to each county clerk, three copies; one to each of the following officers
11 and institutions: each department of the U.S. government and upon request to
12 federal libraries, elective and appointive State officers, the clerk of each State
13 board or commission, superintendent of each State institution, the library of the
14 University of Vermont and State Agricultural College, the library of Castleton
15 University, the libraries of ~~Johnson and Lyndon State Colleges~~ each campus of
16 Northern Vermont University, Vermont Technical College, Middlebury
17 College, Norwich University, St. Michael's College, senators and
18 representatives of this State in Congress, members of the General Assembly
19 during the session at which such laws were adopted, the Secretary and
20 Assistant Secretary of the Senate, Clerk and Assistant Clerks of the House of
21 Representatives, the judges, attorney, ~~marshall~~ marshal, and clerk of the U.S.

1 District Court in this State, the judge of the Second Circuit U.S. Court of
2 Appeals from Vermont, Justices and ex-Justices of the Supreme Court,
3 Superior judges, the reporter of decisions, judges and registers of probate,
4 sheriffs, State's Attorneys, town clerks; one each, upon request and as the
5 available supply permits, to assistant judges, justices of the peace, the chair of
6 the legislative body of each municipality, and town treasurers; one within the
7 State, to the Vermont Historical Society, to each county or regional bar law
8 library, and one copy to each state or territorial library or Supreme Court
9 library, and foreign library ~~which~~ that makes available to Vermont its
10 comparable publication, provided that if any of these officials hold more than
11 one of the offices named, that official shall be entitled to only one copy.

12 Sec. 55. 29 V.S.A. § 1601(b) is amended to read:

13 (b) The Municipal Equipment Loan Fund shall be administered by the State
14 Treasurer and the State Traffic Committee, pursuant to policies and procedures
15 approved by the Traffic Committee established by ~~23 V.S.A. § 1003~~ 19 V.S.A.
16 § 1(24). The Committee shall establish criteria for distribution of available
17 loan funds among municipalities considering at least financial need,
18 geographic distribution, and ability to repay. The Fund shall be a revolving
19 fund and all principal and interest earned on loans and the Fund balance
20 remaining in the Fund at the end of any fiscal year shall not revert but be
21 carried over in the Fund for use in the succeeding fiscal year.

1 Sec. 59. 32 V.S.A. § 1111 is amended to read:

2 § 1111. EXEMPTION FROM LICENSING RENEWAL FEES; PERSONS
3 ~~OVER 80 YEARS OF AGE AND OVER~~

4 Notwithstanding any provision of law to the contrary, licensees who are
5 80 years of age or older shall be exempt from payment of a renewal fee
6 required under any provision of Title 26 or any of the following statutes:

7 (1) 18 V.S.A. chapter 46 (nursing home administrators); and

8 (2) 31 V.S.A. chapter ~~3~~ of Title ~~31~~ 21 (boxing);

9 (3) ~~chapter 203 of this title (auctioneers)~~. [Repealed.]

10 Sec. 60. 32 V.S.A. § 6068(b) is amended to read:

11 (b) ~~Late filing penalties.~~ If the claimant fails to file a timely claim, the
12 amount of the property tax credit under this chapter shall be reduced by
13 \$15.00, but not below \$0.00, which shall be paid to the municipality for the
14 cost of issuing an adjusted homestead property tax bill. No benefit shall be
15 allowed in the calendar year unless the claim is filed with the Commissioner on
16 or before October 15.

17 Sec. 61. 32 V.S.A. § 9271 is amended to read:

18 § 9271. LICENSES REQUIRED

19 Each operator prior to commencing business shall register with the
20 Commissioner each place of business within the State where he or she operates
21 a hotel or sells taxable meals or alcoholic beverages; provided, however, that

1 an operator who sells taxable meals through a vending machine shall not be
2 required to hold a license for each individual machine, and a booking agent
3 shall not be required to hold a separate license for each property the rental of
4 ~~that~~ which it facilitates. Upon receipt of an application in such form and
5 containing such information as the Commissioner may require for the proper
6 administration of this chapter, the Commissioner shall issue without charge a
7 license for each such place in such form as he or she may determine, attesting
8 that such registration has been made. No person shall engage in serving
9 taxable meals or alcoholic beverages or renting hotel rooms without the license
10 provided in this section. The license shall be nonassignable and
11 nontransferable and shall be surrendered to the Commissioner if the business is
12 sold or transferred or if the registrant ceases to do business at the place named.

13 Sec. 62. 33 V.S.A. § 2604 is amended to read:

14 § 2604. ELIGIBLE BENEFICIARIES; REQUIREMENTS

15 (a) ~~Household income eligibility requirements.~~ The Secretary of Human
16 Services or designee, by rule, shall establish household income eligibility
17 requirements of beneficiaries in the Seasonal Fuel Assistance Program
18 including the income of all residents of the household. The income eligibility
19 requirements shall require that households have a gross household income no
20 greater than 185 percent of the federal poverty level nor in excess of income
21 maximums established by LIHEAP in order to be potentially eligible for

1 benefits. To the extent allowed by federal law, the Secretary of Human
2 Services or designee shall establish by rule a calculation of gross income based
3 on the same rules used in 3SquaresVT, except that the Secretary or designee
4 shall include additional deductions or exclusions from income required by
5 LIHEAP.

6 (b) ~~Fuel cost requirements.~~ The Secretary of Human Services or designee
7 shall by procedure establish a table that contains amounts that will function as
8 a proxy for applicant households' annual heating fuel cost for the previous
9 year. The seasonal fuel expenditure estimates contained within the table shall
10 closely approximate the actual home heating costs experienced by participants
11 in the Home Heating Fuel Assistance Program. The table shall be revised ~~no~~
12 not less frequently than every three years based on data supplied by certified
13 fuel suppliers, the Department of Public Service, and other industry sources to
14 the Office of Home Heating Fuel Assistance. The Secretary or designee shall
15 provide a draft of the table to the Home Energy Assistance Task Force
16 established pursuant to subsection 2602a(c) of this title and solicit input from
17 the Task Force prior to finalizing the table.

18 * * *

19 Sec. 63. 2014 Acts and Resolves No. 131, Sec. 135, as amended by 2015 Acts
20 and Resolves No. 4, Sec. 71, 2017 Acts and Resolves No. 85, Sec. E.338.2,

1 2018 Acts and Resolves No. 87, Sec. 51, and 2019 Acts and Resolves 72, Sec.
2 E.338.4, is further amended to read:

3 Sec. 135. EFFECTIVE ~~DATES~~ DATE

4 ~~{Repealed.}~~ This act shall take effect on passage.

5 Sec. 64. 2017 Acts and Resolves No. 60, Sec. 3, as amended by 2018 Acts and
6 Resolves No. 203, Sec. 1, is further amended to read:

7 Sec. 3. REPEAL

8 On July 1, 2021, 15 V.S.A. ~~§ 752(b)(8)~~ § 752(b)(9) (spousal support and
9 maintenance guidelines) is repealed.

10 Sec. 65. 2019 Acts and Resolves No. 51, Sec. 41(3) is amended to read:

11 (3) Sec. 8 (market-based sourcing) shall take effect on January 1, 2020,
12 and apply to tax years starting on or after that date.

13 Sec. 66. REPEAL

14 2 V.S.A. chapter 26 (National Legislative Association on Prescription Drug
15 Prices) is repealed.

16 Sec. 67. INTERPRETATION

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

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

3 Sec. 68. EFFECTIVE DATES

4 This act shall take effect on passage, except that, notwithstanding 1 V.S.A.
5 § 214, Sec. 63 (amending 2014 Acts and Resolves No. 131, Sec. 135, as
6 amended) shall take effect retroactively on July 1, 2019.