

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which  
3 was referred Senate Bill No. 310 entitled “An act relating to natural disaster  
4 government response, recovery, and resiliency” respectfully reports that it has  
5 considered the same and recommends that the House propose to the Senate that  
6 the bill be amended by striking out all after the enacting clause and inserting in  
7 lieu thereof the following:

8 \* \* \* Creation of the Community Resilience and Disaster  
9 Mitigation Grant Program and Fund \* \* \*

10 Sec. 1. 20 V.S.A. § 48 is added to read:

11 § 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION

12 GRANT PROGRAM

13 (a) Program established. There is established the Community Resilience  
14 and Disaster Mitigation Grant Program to award grants to covered  
15 municipalities to provide support for disaster mitigation, adaptation, or repair  
16 activities.

17 (b) Definition. As used in this section, “covered municipality” means a  
18 city, town, fire district or incorporated village, and all other governmental  
19 incorporated units that participate in the National Flood Insurance Program in  
20 accordance with 42 U.S.C. Chapter 50.

21 (c) Administration; implementation.

22 (1) Grant awards. The Department of Public Safety, in coordination

1 with the Department of Environmental Conservation, shall administer the  
2 Program, which shall award grants for the following:

3 (A) technical assistance for natural disaster mitigation, adaptation, or  
4 repair to municipalities;

5 (B) technical assistance for the improvement of municipal  
6 stormwater systems and other municipal infrastructure;

7 (C) projects that implement disaster mitigation measures, adaptation,  
8 or repair, including watershed restoration and similar activities that directly  
9 reduce risks to communities, lives, public collections of historic value, and  
10 property; and

11 (D) projects to adopt and meet the State’s model flood hazard  
12 bylaws.

13 (2) Grant Program design. The Department of Public Safety, in  
14 coordination with the Department of Environmental Conservation, shall design  
15 the Program. The Program design shall:

16 (A) establish an equitable system for distributing grants statewide on  
17 the basis of need according to a system of priorities, including the following:

18 (i) projects that meet the standards established by the Department  
19 of Environmental Conservation’s Stream Alteration Rule and Flood Hazard  
20 Area and River Corridor Rule.

21 (ii) projects that use funding as a match for other grants, including  
22 grants from the Federal Emergency Management Agency (FEMA);

- 1                   (iii) projects that are in hazard mitigation plans; and  
2                   (iv) projects that are geographically located around the State;  
3                   (B) establish guidelines for disaster mitigation measures and costs  
4 that will be eligible for grant funding; and  
5                   (C) establish eligibility criteria for covered municipalities, but allow  
6 municipalities to partner with community organizations to apply for grants and  
7 implement projects awarded funding by those grants.

8                   (3) Annually, by November 15, the Department of Public Safety shall  
9 submit a report detailing the current Program design and any grants awarded  
10 pursuant to this section during the preceding year to the House Committee on  
11 Government Operations and Military Affairs and the Senate Committee on  
12 Government Operations.

13                   Sec. 2. 20 V.S.A. § 49 is added to read:

14                   § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

15                   FUND

16                   (a) Creation. There is established the Community Resilience and Disaster  
17 Mitigation Fund to provide funding to the Community Resilience and Disaster  
18 Mitigation Grant Program established in section 48 of this title. The Fund  
19 shall be administered by the Department of Public Safety.

20                   (b) Monies in the Fund. The Fund shall consist of monies appropriated or  
21 transferred to the Fund.

22                   (c) Fund administration.

1           (1) The Commissioner of Finance and Management may anticipate  
2           receipts to this Fund and issue warrants based thereon.

3           (2) The Commissioner of Public Safety shall maintain accurate and  
4           complete records of all receipts by and expenditures from the Fund.

5           (3) All balances remaining at the end of a fiscal year shall be carried  
6           over to the following year.

7           (d) Reports. On or before January 15 each year, the Commissioner of  
8           Public Safety shall submit a report to the House Committees on Environment  
9           and Energy and House Government Operations and Military Affairs and the  
10           Senate Committees on Government Operations and Natural Resources and  
11           Energy with an update on the expenditures from the Fund. For each fiscal  
12           year, the report shall include a summary of each project receiving funding.  
13           The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not  
14           apply to the report to be made under this subsection.

15           Sec. 3. [Deleted.]

16           Sec. 4. 32 V.S.A. § 8557 is amended to read:

17           § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

18           (a)(1) Sums for the expenses of the operation of training facilities and  
19           curriculum of the Vermont Fire Service Training Council not to exceed  
20           ~~\$1,200,000.00~~ \$1,500,000.00 per year shall be paid to the Fire Safety Special  
21           Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire,  
22           homeowners multiple peril, allied lines, farm owners multiple peril,

1 commercial multiple peril (fire and allied lines), private passenger and  
2 commercial auto, and inland marine policies on property and persons situated  
3 within the State of Vermont within 30 days after notice from the  
4 Commissioner of Financial Regulation of such estimated expenses. Captive  
5 companies shall be excluded from the effect of this section.

6 \* \* \*

7 (4) An amount not less than ~~\$150,000.00~~ \$450,000.00 shall be  
8 specifically allocated to the Emergency Medical Services Special Fund  
9 established under 18 V.S.A. § 908 for the provision of training programs for  
10 certified Vermont EMS first responders and licensed emergency medical  
11 responders, emergency medical technicians, advanced emergency medical  
12 technicians, and paramedics.

13 \* \* \*

14 \* \* \* Credit Facilities for Local Investments \* \* \*

15 Sec. 4a. 10 V.S.A. § 10 is amended to read:

16 § 10. VERMONT STATE TREASURER; CREDIT FACILITY FOR LOCAL  
17 INVESTMENTS

18 (a) Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary,  
19 the Vermont State Treasurer shall have the authority to establish a credit  
20 facility of up to 10 percent of the State's average cash balance on terms  
21 acceptable to the Treasurer and consistent with prudent investment principles

1 and guidelines pursuant to 32 V.S.A. § 433(b)–(c) and the Uniform Prudent  
2 Investor Act, 14A V.S.A. chapter 9.

3 (b) The Treasurer may use amounts available under subsection (a) of this  
4 section to provide financing for infrastructure projects in Vermont mobile  
5 home parks and may modify the terms of such financing in ~~his or her~~ the  
6 Treasurer’s discretion as is necessary to promote the availability of mobile  
7 home park housing and to protect the interests of the State.

8 (c) Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary,  
9 and in addition to the provisions of subsection (a) on this section, the Vermont  
10 State Treasurer shall have the authority to establish a credit facility of up to  
11 two and one-half percent of the State’s average cash balance on terms  
12 acceptable to the Treasurer and consistent with prudent investment principles  
13 and guidelines pursuant to 32 V.S.A. § 433(b)–(c) and the Uniform Prudent  
14 Investor Act, 14A V.S.A. chapter 9. The Treasurer may use amounts available  
15 under this subsection only to provide financing for climate infrastructure and  
16 resilience projects and may modify the terms of such financing in the  
17 Treasurer’s discretion as is necessary to protect the interest of the State.

18 (d) Annually, by January 15, the Treasurer shall submit a report detailing  
19 the activities, financing, and accounting of any credit facilities created pursuant  
20 to subsection (c) of this section during the preceding calendar year to the  
21 Governor, the House Committees on Appropriations, Commerce and  
22 Economic Development, and Government Operations and Military Affairs, and

1 the Senate Committees on Economic Development, Housing and General  
2 Affairs, Appropriations, and Government Operations.

3 \* \* \* Defining First Responder \* \* \*

4 Sec. 5. 20 V.S.A. § 2 is amended to read:

5 § 2. DEFINITIONS

6 As used in this chapter:

7 \* \* \*

8 (6) “Emergency management” means the preparation for and  
9 implementation of all emergency functions, other than the functions for which  
10 the U.S. Armed Forces or other federal agencies are primarily responsible, to  
11 prevent, plan for, mitigate, and support response and recovery efforts from all-  
12 hazards. Emergency management includes the utilization of first responders  
13 and other emergency management personnel and the equipping, exercising,  
14 and training designed to ensure that this State and its communities are prepared  
15 to deal with all-hazards.

16 (7) “First responder” means State, county, and local governmental and  
17 nongovernmental personnel who provide immediate support services necessary  
18 to perform emergency management functions during an emergency or all-  
19 hazards event, including:

20 (A) emergency management and public safety personnel;

21 (B) firefighters, as that term is defined in section 3151 of this title;

22 (C) law enforcement officers, as that term is defined in section 2351a

1 of this title;

2 (D) public safety telecommunications and dispatch personnel;

3 (E) emergency medical personnel and volunteer personnel, as those  
4 terms are defined in 24 V.S.A. § 2651;

5 (F) licensed professionals who would provide clinical services and  
6 emergency care in hospitals and medical facilities created to address an all-  
7 hazards event;

8 (G) public health personnel;

9 (H) public works personnel, including water, wastewater, and  
10 stormwater personnel; and

11 (I) equipment operators and other skilled personnel, who provide  
12 services necessary to enable the performance of emergency management  
13 functions.

14 (8) “Hazard mitigation” means any action taken to reduce or eliminate  
15 the threat to persons or property from all-hazards.

16 ~~(8)~~(9) “Hazardous chemical or substance” means:

17 \* \* \*

18 ~~(9)~~(10) “Hazardous chemical or substance incident” means any mishap  
19 or occurrence involving hazardous chemicals or substances that may pose a  
20 threat to persons or property.

21 ~~(10)~~(11) “Homeland security” means the preparation for and carrying  
22 out of all emergency functions, other than the functions for which the U.S.



1 Armed Forces or other federal agencies are primarily responsible, to prevent,  
2 minimize, or repair injury and damage resulting from or caused by enemy  
3 attack, sabotage, or other hostile action.

4 ~~(11)~~(12) “Radiological incident” means any mishap or occurrence  
5 involving radiological activity that may pose a threat to persons or property.

6 Sec. 6. [Deleted.]

7 \* \* \* Emergency Management \* \* \*

8 Sec. 7. 20 V.S.A. § 6 is amended to read:

9 § 6. LOCAL AND REGIONAL ORGANIZATION FOR EMERGENCY  
10 MANAGEMENT

11 (a) Each town and city of this State ~~is hereby authorized and directed to~~  
12 shall establish a local organization for emergency management in accordance  
13 with the State emergency management plan and program. The executive  
14 officer or legislative branch of the town or city ~~is authorized to~~ shall appoint a  
15 town or city emergency management director who shall have direct  
16 responsibility for the organization, administration, and coordination of the  
17 local organization for emergency management, subject to the direction and  
18 control of the executive officer or legislative branch. If the town or city ~~that~~  
19 has not adopted the town manager form of government in accordance with 24  
20 V.S.A. chapter 37 and the executive officer or legislative branch of the town or  
21 city has not appointed an emergency management director, the executive  
22 officer or legislative branch shall ~~be the~~ appoint a town or city emergency

1 management director. The town or city emergency management director may  
2 appoint an emergency management coordinator and other staff as necessary to  
3 accomplish the purposes of this chapter. In an instance of a vacancy of the  
4 position of a town or city emergency management director, the executive  
5 officer or the chair or president of the legislative branch shall be the emergency  
6 management director.

7 (b) Each local organization for emergency management shall perform  
8 emergency management functions within the territorial limits of the town or  
9 city within which it is organized ~~and, in~~ which may include coordinating the  
10 utilization of first responders and other emergency management personnel  
11 pursuant to the all-hazards emergency management plan adopted pursuant to  
12 subsection (c) of this section. In addition, each local organization for  
13 emergency management shall conduct such functions outside the territorial  
14 limits as may be required pursuant to the provisions of this chapter and in  
15 accord with rules adopted by the Governor.

16 (c)(1) Each local organization shall develop and maintain an all-hazards  
17 emergency management plan in accordance with the State Emergency  
18 Management Plan and guidance set forth by the Division of Emergency  
19 Management.

20 (2) The Division shall amend the local emergency plan template and any  
21 best management practices or guidance the Division issues to municipalities to  
22 address the need for the siting of local and regional emergency shelters in a

1 manner that allows access by those in need during an all-hazards event.

2 (3) The Division shall advise municipalities that when a shelter is sited  
3 under a local emergency plan, the municipality should work with the Agency  
4 of Human Services, the American Red Cross, and community-based  
5 emergency or charitable food providers, to assess the facility and the facility's  
6 potential operations, including the characteristics of the surrounding area  
7 during an all-hazards event, multiple routes of travel and possible hazards that  
8 could prevent access to the shelter, and the need for immediate and sustained  
9 access to food and water for individuals using the shelter.

10 (4) The Division, in coordination with the Agency of Human Services,  
11 shall advise municipalities, upon completion of a local emergency  
12 management plan, on how to conduct training and exercises pertaining to  
13 sheltering.

14 (d) Regional emergency management committees shall be established by  
15 the Division of Emergency Management.

16 \* \* \*

17 (3) A regional emergency management committee shall consist of  
18 voting and nonvoting members.

19 (A) Voting members. The local emergency management director or  
20 designee and one representative from each town and city in the region shall  
21 serve as the voting members of the committee. A representative from a town  
22 or city shall be a member of the town's or city's emergency services

1 community and shall be appointed by the town's or city's executive or  
2 legislative branch.

3 (B) Nonvoting members. Nonvoting members may include  
4 representatives from the following organizations serving within the region:  
5 fire departments, emergency medical services, law enforcement, other entities  
6 providing emergency response personnel, media, transportation, regional  
7 planning commissions, hospitals, the Department of Health's district office, the  
8 Division of Emergency Management, organizations serving vulnerable  
9 populations, local libraries, arts and culture organizations, regional  
10 development corporations, local business organizations, community-based  
11 emergency or charitable food providers, and any other interested public or  
12 private individual or organization.

13 \* \* \*

14 Sec. 8. 20 V.S.A. § 31 is amended to read:

15 § 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

16 (a) The Commission shall have authority to:

17 \* \* \*

18 (7) Ensure that ~~a State plan~~ the State Emergency Management Plan will  
19 go into effect when an accident occurs involving the transportation of  
20 hazardous materials. The ~~plan~~ Plan shall be exercised at least once annually  
21 and shall be coordinated with local and State emergency plans.

22 \* \* \*

1 Sec. 9. 20 V.S.A. § 32 is amended to read:

2 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;  
3 DUTIES

4 (a) One or more local emergency planning committees, created under  
5 EPCRA, shall be appointed by the State Emergency Response Commission.

6 “EPCRA” means the federal Emergency Planning and Community Right-To-  
7 Know Act of 1986, 42 U.S.C. §§ 11001–11050.

8 (b) All local emergency planning committees shall include representatives  
9 from the following: fire departments; local and regional emergency medical  
10 services; local, county, and State law enforcement; other entities providing first  
11 responders or emergency management personnel; media; transportation;  
12 regional planning commissions; hospitals; industry; the Vermont National  
13 Guard; the Department of Health’s district office; and an animal rescue  
14 organization, and may include any other interested public or private individual  
15 or organization. Where the local emergency planning committee represents  
16 more than one region of the State, the Commission shall appoint  
17 representatives that are geographically diverse.

18 (c) A local emergency planning committee shall perform all the following  
19 duties:

20 (1) Carry out all the requirements of a committee pursuant to EPCRA,  
21 including preparing a local emergency planning committee plan. The plan  
22 shall be coordinated with the State emergency management plan and may be

1 expanded to address all-hazards identified in the State emergency management  
2 plan. At a minimum, the local emergency planning committee plan shall  
3 include the following:

4 (A) Identifies facilities and transportation routes of extremely  
5 hazardous substances.

6 (B) Describes the utilization of first responders and other emergency  
7 management personnel and emergency response procedures, including those  
8 identified in facility plans.

9 (C) Designates a local emergency planning committee coordinator  
10 and facility coordinators to implement the plan.

11 (D) Outlines emergency notification procedures.

12 (E) Describes how to determine the probable affected area and  
13 population by releases of hazardous substances.

14 (F) Describes local emergency equipment and facilities and the  
15 persons responsible for them.

16 (G) Outlines evacuation plans.

17 (H) Provides for coordinated local training to ensure integration with  
18 the State emergency management plan.

19 (I) Provides methods and schedules for exercising emergency plans.

20 (2) Upon receipt by the committee or the committee's designated  
21 community emergency coordinator of a notification of a release of a hazardous  
22 chemical or substance, ensure that the local emergency plan has been

1 implemented.

2 (3) Consult and coordinate with the heads of local government  
3 emergency services, the emergency management director or designee, persons  
4 in charge of local first responders and other local emergency management  
5 personnel, regional planning commissions, and the managers of all facilities  
6 within the jurisdiction regarding the facility plan.

7 (4) Review and evaluate requests for funding and other resources and  
8 advise the State Emergency Response Commission concerning disbursement  
9 of funds.

10 (5) Work to support the various emergency services and other entities  
11 providing first responders or emergency management personnel, mutual aid  
12 systems, town governments, regional planning commissions, State agency  
13 district offices, and others in their area in conducting coordinated all-hazards  
14 emergency management activities.

15 Sec. 10. 20 V.S.A. § 41 is added to read.

16 § 41. STATE EMERGENCY MANAGEMENT PLAN.

17 The Department of Public Safety’s Vermont Emergency Management  
18 Division shall create, and republish as needed, but not less than every five  
19 years, a comprehensive State Emergency Management Plan. The Plan shall  
20 detail response systems during all-hazards events, including communications,  
21 coordination among State, local, private, and volunteer entities, and the  
22 deployment of State and federal resources. The Plan shall also detail the

1 State’s emergency preparedness measures and goals, including those for the  
2 prevention of, protection against, mitigation of, and recovery from all-hazards  
3 events. The Plan shall include templates and guidance for regional emergency  
4 management and for local emergency plans that support municipalities in their  
5 respective emergency management planning.

6 Sec. 11. VERMONT EMERGENCY MANAGEMENT DIVISION

7 DISASTER PREPAREDNESS REVIEW

8 (a) Review. On or before June 30, 2025, the Department of Public Safety’s  
9 Division of Vermont Emergency Management (VEM) shall conduct an after-  
10 action review of the State’s disaster preparedness leading up to, during, and  
11 after the 2023 summer flooding events throughout the State, overseen by the  
12 Director of VEM. The review shall examine all aspects of the State’s response  
13 and shall include input from the whole community. In addition to the federal  
14 Homeland Security Exercise and Evaluation Program’s requirements, the  
15 review shall include examining the adequacy of early warning and evacuation  
16 orders, designated evacuation routes and emergency shelters, the ability to  
17 provide food and water where it is needed, the present system of local  
18 emergency management directors in wide-spread emergencies and the State’s  
19 present emergency communications systems.

20 (b) Report. On or before December 15, 2025, the Director of VEM shall  
21 submit a written report to the House Committee on Government Operations  
22 and Military Affairs and the Senate Committee on Government Operations



1 with its findings regarding the disaster preparedness review, and, if the  
2 Director determines there to be inadequacies present in the State’s disaster  
3 preparedness, a plan for improving the State’s disaster preparedness, which  
4 may include any recommendations for legislative action.

5 Sec. 12. [Deleted.]

6 \* \* \* Municipal Stormwater Utilities \* \* \*

7 Sec. 13. 24 V.S.A. chapter 101 is amended to read:

8 CHAPTER 101. SEWAGE, SEWAGE DISPOSAL SYSTEM, AND  
9 STORMWATER SYSTEMS

10 § 3601. DEFINITIONS

11 ~~The definitions established in section 3501 of this title shall establish the~~  
12 ~~meanings of those words as used in this chapter, and the following words and~~  
13 ~~phrases as used in~~ As used in this chapter shall have the following meanings:

14 (1) ~~“Necessity” means a reasonable need that considers the greatest~~  
15 ~~public good and the least inconvenience and expense to the condemning party~~  
16 ~~and to the property owner. Necessity shall not be measured merely by expense~~  
17 ~~or convenience to the condemning party. Due consideration shall be given to~~  
18 ~~the adequacy of other property and locations; to the quantity, kind, and extent~~  
19 ~~of property that may be taken or rendered unfit for use by the proposed taking;~~  
20 ~~to the probable term of unfitness for use of the property; to the effect of~~  
21 ~~construction upon scenic and recreational values, upon home and homestead~~  
22 ~~rights and the convenience of the owner of the land; to the effect upon town~~

1 ~~grand list and revenues.~~

2 (2) “Board” means the board of sewage ~~disposal system~~ commissioners.

3 (2) “Domestic sewage” or “house sewage” means sanitary sewage  
4 derived principally from dwellings, business buildings, and institutions.

5 (3) “Industrial wastes” or “trade wastes” means liquid wastes from  
6 industrial processes, including suspended solids.

7 (4) “Necessity” means a reasonable need that considers the greatest  
8 public good and the least inconvenience and expense to the condemning party  
9 and to the property owner. Necessity shall not be measured merely by expense  
10 or convenience to the condemning party. Due consideration shall be given to  
11 the adequacy of other property and locations; to the quantity, kind, and extent  
12 of property that may be taken or rendered unfit for use by the proposed taking;  
13 to the probable term of unfitness for use of the property; to the effect of  
14 construction upon scenic and recreational values, upon home and homestead  
15 rights and the convenience of the owner of the land; to the effect upon town  
16 grand list and revenues.

17 (5) “Sanitary sewage” means used water supply commonly containing  
18 human excrement.

19 (6) “Sanitary treatment” means an approved method of treatment of  
20 solids and bacteria in sewage before final discharge.

21 (7) “Sewage” means the used water supply of a community, including  
22 such used water supply or stormwater as may or may not be mixed with these

1 liquid wastes from the community.

2 (8) “Sewage system” means any equipment, stormwater control system,  
3 pipe line system, and facilities as are needed for and appurtenant to the  
4 treatment or disposal of sewage and waters, including a sewage treatment or  
5 disposal plant and separate pipe lines and structural or nonstructural facilities  
6 as are needed for and appurtenant to the treatment or disposal of storm,  
7 surface, and subsurface waters.

8 (9) The phrase “sewage treatment or disposal plant” shall include  
9 includes, for the purposes of this chapter, any plant, equipment, system, and  
10 facilities, whether structural or nonstructural, as are necessary for and  
11 appurtenant to the treatment or disposal by approved sanitary methods of  
12 domestic sewage, garbage, industrial wastes, stormwater, or surface water.

13 (10) “Stormwater” has the same meaning as “stormwater runoff” under  
14 10 V.S.A. § 1264.

15 (11) “Stormwater management system” means any structure, or  
16 improvement, whether structural or nonstructural, necessary for collecting,  
17 containing, controlling, treating, or conveying stormwater, including sewers,  
18 curbs, drains, conduits, natural and man-made channels, settling ponds, pipes,  
19 and culverts.

20 § 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

21 (a) Except as provided for in subsection (b) of this section, the selectboard  
22 of a town, the trustees of a village, the prudential committee of a fire or

1 lighting district, or the mayor and board of aldermen of a city, shall be the  
2 board of commissioners for the sewage system of a municipality.

3 (b) The legislative body of the municipality may vote to constitute a  
4 separate board of sewage system commissioners. The board shall have not less  
5 than three nor more than seven members, who shall be residents of the  
6 municipality. Members shall be appointed, and any vacancy filled, by the  
7 legislative body of the municipality. The term of each member shall be four  
8 years. Any member may be removed by the legislative body of the  
9 municipality for just cause after due notice and hearing.

10 § 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

11 (a) The board shall have the supervision of the municipal sewage system  
12 and shall make and establish all needed rates for rent and rules for control and  
13 operation of the system. The board may require:

14 (1) the owners of buildings, subdivisions, or developments abutting a  
15 public street or highway to have all sewers from those buildings, subdivisions,  
16 or developments connected to the municipal corporations sewer system; and

17 (2) any individual, person, or corporation to connect to the municipal  
18 sewage system for the purposes of abating pollution of the waters of the State.

19 (b) The commissioners may appoint or remove a superintendent at their  
20 pleasure.

21 § ~~3602~~ 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

22 A municipal corporation may:

1           (1) construct, maintain, operate, and repair a sewage ~~disposal plant and~~  
2 system, ~~to~~;

3           (2) pursuant to the procedures established in this chapter, take, purchase,  
4 and acquire, ~~in the manner hereinafter mentioned~~, real estate and easements  
5 necessary for its purposes;

6           (3) may enter in and upon any land for the purpose of making surveys;  
7 and

8           (4) may lay and connect pipes, stormwater management systems, and  
9 sewers, ~~and connect the same~~ as may be necessary to convey and treat  
10 stormwater runoff or sewage for the purpose of disposing and dispose of  
11 sewage ~~by such municipal corporation~~.

12       § ~~3603~~ 3605. ENTRY ON LANDS

13       ~~Such~~ A municipal corporation, for the purposes enumerated in section ~~3602~~  
14 3604 of this ~~title~~ chapter, may:

15           (1) enter upon and use any land and enclosures over or through which it  
16 may be necessary for pipes, stormwater management systems, and sewer to  
17 pass, ~~and may thereon~~;

18           (2) at any time, place, lay, and construct ~~such~~ any pipes and sewers,  
19 appurtenances, and connections as may be necessary for the complete  
20 construction and repairing of the ~~same from time to time~~, may the system; and

21           (3) open the ground in any streets, lanes, avenues, highways, and public  
22 grounds for the purposes ~~hereof~~; described in this section, provided that ~~such~~

1 the streets, lanes, avenues, highways, and public grounds shall not be injured,  
2 but shall be left in as good condition as before the laying of ~~such~~ the pipes,  
3 stormwater management systems, and sewers.

4 § ~~3604~~ 3606. PETITION FOR HEARING TO DETERMINE NECESSITY

5 The municipal corporation may agree with all the owners of land or interest  
6 in land affected by ~~the~~ a survey made under section ~~3602~~ 3604 of this ~~title~~  
7 chapter for the conveyance of ~~their~~ the owners' interest. Where ~~such~~ the  
8 agreement is not made, the board shall petition a ~~Superior judge~~ the Civil  
9 Division of the Superior Court, setting forth ~~therein~~ in the petition that ~~such~~ the  
10 board proposes to take certain land, or rights ~~therein~~ in the land, and describing  
11 ~~such~~ the lands or rights, ~~and the~~. The survey shall be ~~annexed to said~~ included  
12 in the petition and ~~made a part thereof~~. ~~Such~~ The petition shall set forth the  
13 purposes for which ~~such~~ the land or rights are desired; and shall contain a  
14 request that ~~such~~ judge the court fix a time and place when ~~he or she or some~~  
15 ~~other Superior judge~~ the court will hear all parties concerned and determine  
16 whether ~~such~~ the taking is necessary.

17 § ~~3605~~ 3607. HEARING TO DETERMINE NECESSITY

18 The judge to whom ~~such~~ the petition is presented shall fix the time for  
19 hearing, which shall not be more than 60 ~~nor~~ or less than 30 days from the date  
20 the judge signs ~~such~~ the order. Likewise, the judge shall fix the place for  
21 hearing, which shall be the county courthouse or any other convenient place  
22 within the county in which the land in question is located. If the Superior

1 judge to whom ~~such~~ the petition is presented cannot hear the petition at the  
2 time set ~~therefore~~ for the hearing, ~~the Superior judge shall call upon~~ the Chief  
3 Superior Judge ~~to~~ shall assign another Superior judge to hear ~~such~~ the cause at  
4 the time and place assigned in the order.

5 § ~~3606~~ 3608. SERVICE AND PUBLICATION OF PETITION

6 (a) A copy of the petition together with a copy of the court's order fixing  
7 the time and place of hearing shall be published in a newspaper having general  
8 circulation in the town in which the land included in the survey lies once a  
9 week for three consecutive weeks on the same day of the week, ~~the~~. The last  
10 publication to be not less than five days before the hearing date, ~~and a~~.

11 (b) A copy of the petition, together with a copy of the court's order fixing  
12 the time and place of hearing, and a copy of the survey shall be placed on file  
13 in the clerk's office of the town.

14 (c) The petition, together with the court's order fixing the time and place of  
15 hearing, shall be served upon each person owning or having an interest in land  
16 to be purchased or condemned like a summons, or, on absent defendants, in  
17 ~~such~~ the manner as the Supreme Court may by rule provide for service of  
18 process in civil actions. If the service on any defendant is impossible, upon  
19 affidavit of the sheriff, deputy sheriff, or constable attempting service, ~~therein~~  
20 stating that the location of the defendant within or ~~without~~ outside the State is  
21 unknown and that ~~he or she~~ the defendant has no known agent or attorney in  
22 the State of Vermont upon ~~which~~ whom service may be made, the publication

1 ~~herein provided~~ required by this section shall be deemed sufficient service on  
2 the defendant.

3 (d) Compliance with the provisions ~~hereof~~ of this section shall constitute  
4 sufficient service upon and notice to any person owning or having any interest  
5 in the land proposed to be taken or affected.

6 § ~~3607~~ 3609. HEARING AND ORDER OF NECESSITY

7 (a) At the time and place appointed for the hearing, the court shall hear all  
8 persons interested and wishing to be heard. If any person owning or having an  
9 interest in land to be taken or affected appears and objects to the necessity of  
10 taking the land included within the survey or any part ~~thereof~~ of the survey,  
11 then the court shall require the board to proceed with the introduction of  
12 evidence of the necessity of ~~such~~ the taking.

13 (b) The burden of proof of the necessity of the taking shall be upon the  
14 board.

15 (c) The court may cite in additional parties including other property owners  
16 whose interests may be concerned or affected by any taking of land or interest  
17 ~~therein~~ in land based on any ultimate order of the court.

18 (d) The court shall make findings of fact and file them. The court shall, by  
19 its order, determine whether necessity requires the taking of ~~such~~ land and  
20 rights and may modify or alter the proposed taking ~~in such respects as to it~~ the  
21 court may seem deem proper.

22 § ~~3608~~ 3610. APPEAL FROM ORDER OF NECESSITY



1       (a) If the State, municipal corporation, or any owner affected by the order  
2 of the court is aggrieved ~~thereby~~ by the order, an appeal may be taken to the  
3 Supreme Court in ~~such~~ the manner as the Supreme Court may by rule provide  
4 for appeals from the Civil Division of the Superior courts Court.

5       (b) In the event an appeal is taken, all proceedings shall be stayed until  
6 final disposition of the appeal. If no appeals are taken within the time provided  
7 ~~therefor~~ or, if appeal is taken, upon its final disposition, a copy of the order of  
8 the court shall be placed on file within 10 days in the office of the clerk of each  
9 town in which the land affected lies, and ~~thereafter~~ for a period of one year, the  
10 board may institute proceedings for the condemnation of the land included in  
11 the survey as finally approved by the court without further hearing or  
12 consideration of any question of the necessity of the taking.

13       § ~~3609~~ 3611. COMPENSATION; CONDEMNATION

14       (a) When an owner of land or rights ~~therein~~ in land and the board are  
15 unable to agree on the amount of compensation ~~therefor~~ or in case the owner is  
16 an infant, a person who lacks capacity to protect ~~his or her~~ the person's  
17 interests due to a mental condition or psychiatric disability, absent from the  
18 State, unknown, or the owner of a contingent or uncertain interest, a Superior  
19 judge may, on the application of either party, cause the notice to be given of  
20 the application as ~~he or she~~ the judge may prescribe, and after proof ~~thereof~~ of  
21 the application, the judge may appoint three disinterested persons to examine  
22 the property to be taken; or damaged by the municipal corporation.

1       **(b)** After being duly sworn, the commissioners shall, upon due notice to all  
2 parties in interest, view the premises, hear the parties in respect to the property,  
3 and shall assess and award to the owners and persons so interested just  
4 damages for any injury sustained and make report in writing to the judge.

5       **(c)** In determining damages resulting from the taking or use of property  
6 under the provisions of this chapter, the added value, if any, to the remaining  
7 property or right ~~therein~~ in property that inures directly to the owner ~~thereof~~ as  
8 a result of the taking or use as distinguished from the general public benefit,  
9 shall be considered.

10       **(d)** The judge may ~~thereupon~~ accept the report, unless just cause is shown  
11 to the contrary, and order the municipal corporation to pay the same in the time  
12 and manner as the judge may prescribe, in full compensation for the property  
13 taken, or the injury done by the municipal corporation, or the judge may reject  
14 or recommit the report if the ends of justice so require. On compliance with  
15 the order, the municipal corporation may proceed with the construction of its  
16 work without liability for further claim for damages. In ~~his or her~~ the judge's  
17 discretion, the judge may award costs in the proceeding. Appeals from the  
18 order may be taken to the Supreme Court under 12 V.S.A. chapter 102.

19       § ~~3610~~ 3612. RECORD

20       Within 60 days after the taking of any property, franchise, easement, or  
21 right under the provisions of this chapter, ~~such~~ the municipal corporation shall  
22 file a description ~~thereof~~ of the property in the office of the clerk ~~wherein~~

1 where the land records are required by law to be kept.

2 § ~~3614~~ 3613. CONTRACT FOR SEWAGE DISPOSAL

3 (a) ~~Such~~ A municipal corporation may contract with the State, the federal  
4 government, or any appropriate agency ~~thereof~~, of the State or federal  
5 government; any town, city, or village; any corporation; and any individuals to  
6 make disposal of sewage or stormwater for ~~such the~~ other town, city, village,  
7 corporation, or individuals. ~~Such~~ When consistent with State or federal law,  
8 the municipal corporation may make sale of sludge or fertilizer byproducts  
9 incident to sewage disposal, and the proceeds from the sale ~~thereof~~ shall be  
10 turned over to the treasury of ~~such the~~ sewage disposal district system and  
11 credited ~~therein~~ as is other income derived under the authority of this chapter.

12 \* \* \*

13 § ~~3612~~ 3614. CHARGES; ENFORCEMENT

14 (a) ~~The owner of any tenement, house, building, or lot shall be liable for~~  
15 ~~the sewage disposal charge as hereinafter defined. Such sewage disposal~~  
16 ~~charge~~ A property owner or group of property owners using the sewage system  
17 shall be liable for the rent fixed by the board pursuant to this chapter. The  
18 charges, rates, or rents for the sewage system shall be a lien upon the real  
19 estate furnished with such service in the same manner and to the same effect as  
20 taxes are a lien upon real estate under 32 V.S.A. § 5061 and shall be an  
21 assessment enforceable under the procedures in ~~subsections~~ subsection (b), (c),  
22 or (d) of this section, or a combination of these procedures.

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§ ~~3613~~ 3615. TAXES, BONDS

For the purpose of adequately making disposal of sewage within its boundaries; successfully organizing, establishing, and operating its sewage plant, sewage disposal plant, or some form of sewage treatment plant; and making ~~such~~ improvements as may be necessary, a municipal corporation may ~~from time to time~~:

(1) purchase, take, and hold real and personal estate;

(2) borrow money;

(3) levy; and collect taxes upon the ratable estate of the municipal corporation necessary for the payment of municipal corporation sewage and sewage disposal expenses and indebtedness;

(4) issue for the purposes ~~hereof~~ of this section evidences of indebtedness pursuant to chapter 53, subchapter 2 of this title or its negotiable bonds pursuant to chapter 53, subchapter 1 of this title; provided, however, that bonds so issued:

~~(1)(A)~~ shall not be considered as indebtedness of ~~such~~ the municipal corporation limited by the provisions of section 1762 of this title;

~~(2)(B)~~ may be paid in not more than 30 years from the date of issue notwithstanding the limitation of section 1759 of this title;

~~(3)(C)~~ may be authorized by a majority of all the voters present and voting on the question at a meeting of ~~such~~ the municipal corporation held for

1 ~~the~~ this purpose pursuant to chapter 53, subchapter 1 of this title  
2 notwithstanding any provisions of general or special law ~~which~~ that may  
3 require a greater vote, and may be so arranged that beginning with the first  
4 year in which principal is payable, the amount of principal and interest in any  
5 year shall be as nearly equal as is practicable according to the denomination in  
6 which ~~such~~ the bonds or other evidences of indebtedness are issued  
7 notwithstanding other permissible payment schedules authorized by section  
8 1759 of this title.

9 ~~§ 3614. BOARD OF SEWAGE DISPOSAL COMMISSIONERS~~

10 ~~The selectboard of a town, the trustees of a village, the prudential~~  
11 ~~committee of a fire or lighting district, or the mayor and board of aldermen of a~~  
12 ~~city, shall constitute a board of sewage disposal commissioners.~~

13 ~~§ 3615~~ 3616. RENTS; RATES

14 (a) ~~Such~~ A municipal corporation, through its board of sewage disposal  
15 ~~commissioners~~, may establish rates, rents, or charges to be called “sewage  
16 ~~disposal charges,”~~ to be paid ~~at such times and in such manner~~ as the  
17 ~~commissioners~~ board may prescribe. The ~~commissioners~~ board may establish  
18 annual charges separately for bond repayment, fixed operations and  
19 maintenance costs (~~not dependent on actual use~~), and variable operations and  
20 maintenance costs dependent on flow.

21 (b) ~~Such~~ The rates, rents, or charges may be based upon:

22 (1) the metered consumption of water on premises connected with the

1 sewer system, however, the ~~commissioners~~ board may determine no user will  
2 be billed for fixed operations and maintenance costs and bond payment less  
3 than the average ~~single-family~~ single-family charge;

4 (2) the number of equivalent units connected with or served by the  
5 sewage system based upon their estimated flows compared to the estimated  
6 flows from a ~~single-family~~ single-family dwelling, however, the  
7 ~~commissioners~~ board may determine no user will be billed less than the  
8 minimum charge determined for the ~~single-family~~ single-family dwelling  
9 charge for fixed operations and maintenance costs and bond payment;

10 (3) the strength and flow where wastes stronger than household wastes  
11 are involved;

12 (4) the appraised value of premises, in the event that the commissioners  
13 shall determine the sewage disposal plant to be of general benefit to the  
14 municipality regardless of actual connection with the same;

15 (5) the commissioners' determination developed using any other  
16 equitable basis such as the number and kind of plumbing fixtures; the number  
17 of persons residing on or frequenting the premises served by those sewers; and  
18 the topography, size, type of use, or impervious area of any premises;

19 (6) for groundwater, surface, or stormwater an equivalent residential  
20 unit based on an average area of impervious surface on residential property  
21 within the municipality; or

22 (7) any combination of these bases, ~~so long as~~ provided the combination

1 is equitable.

2 ~~(b)~~(c) The basis for establishing ~~sewer disposal~~ rates, rents, or charges shall  
3 be reviewed annually by ~~sewage disposal commissioners~~ the board. No  
4 premises otherwise exempt from taxation, including premises owned by the  
5 State of Vermont, shall, by virtue of any ~~such~~ the exemption, be exempt from  
6 charges established ~~hereunder~~ under this section. The commissioners may  
7 change the rates ~~of such, rents, or charges~~ from time to time as may be  
8 reasonably required.

9 (d) Where one of the bases of ~~such a rent, rate, or charge~~ is the appraised  
10 value and the premises to be appraised are tax exempt, the ~~commissioners~~  
11 board may cause the listers to appraise ~~such~~ the property, including State  
12 property, for the purpose of determining the ~~sewage disposal~~ the rates, rents, or  
13 charges. The right of appeal from ~~such~~ the appraisal shall be the same as  
14 provided in 32 V.S.A. chapter 131. The Commissioner of Finance and  
15 Management is authorized to issue ~~his or her~~ warrants for ~~sewage disposal~~  
16 rates, rents, or charges against State property and transmit to the State  
17 Treasurer who shall draw a voucher in payment ~~thereof~~ of the rates, rents, or  
18 charges. No charge so established and no tax levied under the provisions of  
19 section ~~3613~~ 3615 of this title shall be considered to be a part of any tax  
20 authorized to be assessed by the legislative body of any municipality for  
21 general purposes, but shall be in addition to any such tax so authorized to be  
22 assessed.

1        ~~(e) Sewage disposal~~ Rates, rents, or charges established in accord with this  
2 section may be assessed by the board of ~~sewage disposal commissioners as~~  
3 ~~provided in section 3614 of this title~~ to derive the revenue required to pay  
4 pollution charges assessed against a municipal corporation under 10 V.S.A.  
5 § ~~1265~~ 1263.

6        ~~(e)(f)~~ When a ~~sewage disposal~~ rate, rent, or charge established under this  
7 section for the management of stormwater is applied to property owned,  
8 controlled, or managed by the Agency of Transportation, the charge shall not  
9 exceed the highest rate category applicable to other properties in the  
10 municipality, and the Agency of Transportation shall receive a 35 percent  
11 credit on the charge. The Agency of Transportation shall receive no other  
12 credit on the charge from the municipal corporation.

13        § ~~3616~~ 3617. DUTIES; USE OF PROCEEDS

14        ~~(a) Such sewage disposal commissioners shall have the supervision of such~~  
15 ~~municipal sewage disposal department, and shall make and establish all~~  
16 ~~needful rates for charges, rules, and regulations for its control and operation~~  
17 ~~including the right to require any individual, person, or corporation to connect~~  
18 ~~to such the municipal system for the purposes of abating pollution of the~~  
19 ~~waters of the State. Such commissioners may appoint or remove a~~  
20 ~~superintendent at their pleasure. The charges and receipts of such the~~  
21 department shall only be used and applied to pay the interest and principal of  
22 the sewage disposal bonds of ~~such the~~ the municipal corporation as well as, the



1 expense of maintenance and operation of the sewage ~~disposal department~~  
2 system, or other expenses of the sewage system.

3 (b) ~~These~~ The charges and receipts also may be used to develop a dedicated  
4 fund that may be created by the ~~commissioners~~ board to finance major  
5 rehabilitation, major maintenance, and upgrade costs for the sewer system.

6 This fund may be established by an annual set-aside of up to 15 percent of the  
7 normal operations, maintenance, and bond payment costs, except that with  
8 respect to subsurface leachfield systems, the annual set-aside may equal up to  
9 100 percent of these costs. The fund shall not exceed the estimated future  
10 major rehabilitation, major maintenance, or upgrade costs for the sewer  
11 system. Any dedicated fund shall be insured at least to the level provided by  
12 FDIC and withdrawals shall be made only for the purposes for which the fund  
13 was established. Any ~~such~~ dedicated fund may be established and controlled  
14 in accord with section 2804 of this title or may be established by act of the  
15 legislative body of the municipality. Funds so established shall meet the  
16 requirements of subdivision 4756(a)(4) of this title.

17 (c) Where the municipal legislative body establishes ~~such~~ a dedicated fund  
18 pursuant to this section, it shall first adopt a municipal ordinance authorizing  
19 and controlling ~~such~~ the funds. ~~Such~~ The ordinance and any local policies  
20 governing the funds must conform to the requirements of this section.

21 (d) The charges, receipts, and revenue may also be used for stormwater  
22 management, control, and treatment; flood resiliency; floodplain restoration;

1 and other similar measures.

2 § ~~3617~~ 3618. ORDINANCES

3 ~~Such~~ The municipal corporation shall have the power to make, establish,  
4 alter, amend, or repeal ordinances, regulations, and bylaws relating to the  
5 matters contained in this chapter, consistent with law, and to impose penalties  
6 for the breach ~~thereof~~, of an ordinance and enforce ~~the same~~ those penalties.

7 § ~~3618~~ 3619. MEETINGS; VOTE

8 Any action taken by ~~such~~ a municipal corporation under the provisions of  
9 this chapter or relating to the matters ~~therein set forth~~ contained in this chapter,  
10 may be taken by vote of the legislative body of ~~such~~ the municipal corporation,  
11 excepting the issuance of bonds and, in municipalities wherein ~~such~~ the  
12 legislative body is not otherwise given the power to levy taxes, the levying of a  
13 tax under section ~~3613~~ 3615 of this title; provided, however, that no action  
14 shall be taken hereunder unless the construction of a sewage disposal plant  
15 shall have first been authorized by majority vote of the legal voters of ~~such~~ the  
16 municipal corporation attending a meeting ~~duly warned and holden~~ warned for  
17 that purpose.

18 \* \* \*

19 Sec. 14. 24 V.S.A. § 3679 is amended to read:

20 § 3679. FINANCES—SEWER RATES; APPLICATION OF REVENUE

21 (a) The board of sewer commissioners of a consolidated sewer district shall  
22 establish rates for the sewer service and all individuals, firms, and corporations

1 whether private, public, or municipal shall pay to the treasurer of the district  
2 the rates established by the board. The manner of establishment of the rates  
3 shall be in accord with section ~~3615~~ 3616 of this title. The rates shall be so  
4 established as to provide revenue for the following purposes:

5 \* \* \*

6 Sec. 15. REPEAL

7 24 V.S.A. chapter 97 (sewage system) is repealed.

8 \* \* \* Creation of the Urban Search and Rescue Team \* \* \*

9 Sec. 16. 20 V.S.A. § 50 is added to read:

10 § 50. URBAN SEARCH AND RESCUE TEAM

11 (a) The Department of Public Safety is authorized to create the Urban  
12 Search and Rescue (USAR) Team to provide for the rapid response of trained  
13 professionals to emergencies and other hazards occurring in the State. The  
14 Commissioner shall appoint a USAR Team program manager to carry out the  
15 duties and responsibilities of the USAR Team.

16 (b) The USAR Team program manager shall perform all the following  
17 duties:

18 (1) organize the State USAR Team to assist local first responders in  
19 response to emergencies and other hazards;

20 (2) hire persons for the USAR Team from fire, police, and emergency  
21 medical services and persons with specialty backgrounds in emergency  
22 response or search and rescue;

1           (3) coordinate the acquisition and maintenance of adequate vehicles and  
2           equipment for the USAR Team;

3           (4) ensure that USAR Team personnel are organized, trained, and  
4           exercised in accordance with the appropriate search and rescue standards or  
5           certifications;

6           (5) negotiate and enter into agreements with municipalities, municipal  
7           agencies that maintain swiftwater rescue teams, State-recognized swiftwater  
8           rescue teams, or other technical rescue teams to provide expert assistance and  
9           services to the USAR Team when necessary; and

10           (6) coordinate USAR Team participation in search and rescue operations  
11           under chapter 112 of this title.

12           (c) The Department of Public Safety may employ as many USAR Team  
13           responders as the Commissioner deems necessary as temporary State  
14           employees, who shall be compensated as such when authorized to respond to  
15           an emergency or hazard incident or to attend USAR Team training. State  
16           USAR Team responders, whenever acting as State agents in accordance with  
17           this section, shall be afforded all of the protections and immunities of State  
18           employees.

19                           \* \* \* Vermont-211 Information Privacy \* \* \*

20           Sec. 17. PUBLIC RECORDS ACT; VERMONT 211; CONFIDENTIALITY

21           Pursuant to Vermont’s Public Records Act, personal information and lists of  
22           names within records created or acquired by Vermont 211 shall be exempt

1 from public inspection or copying. Vermont 211 shall keep confidential any  
2 personal information acquired from victims of a natural disaster or all-hazard,  
3 as defined by 20 V.S.A. § 2. This section shall not be construed to prevent the  
4 limited disclosure of personal information for the purposes of coordinating  
5 relief work for individuals affected by a natural disaster or all-hazard.

6 \* \* \* Emergency Communications \* \* \*

7 Sec. 18. PUBLIC NOTIFICATION POLICY DURING EMERGENCY

8 The Department of Public Safety’s Division of Vermont Emergency  
9 Management (VEM), in consultation with the Enhanced 911 Board, shall  
10 develop a policy for the use of E-911 databases that maintain callback numbers  
11 of subscribers to provide VT-Alerts more effectively and expeditiously during  
12 emergencies in order to reduce the risk of harm to persons and property. The  
13 Division shall issue its policy on or before July 1, 2025.

14 Sec. 19. 30 V.S.A. § 7055 is amended to read:

15 § 7055. TELECOMMUNICATIONS COMPANY ORIGINATING  
16 CARRIER COORDINATION

17 (a) Every ~~telecommunications company under the jurisdiction of the Public~~  
18 ~~Utility Commission~~ originating carrier offering access to the public switched  
19 telephone network shall make available, in accordance with ~~rules adopted by~~  
20 ~~the Public Utility Commission~~ requirements established by the Federal  
21 Communications Commission, the universal emergency telephone number 911  
22 for use by the public in seeking assistance from fire, police, medical, and other

1 emergency service providers through a public safety answering point and shall  
2 deliver their customers' 911 calls to the point of interconnection defined by the  
3 Board.

4 (b) Every ~~local exchange telecommunications provider~~ originating carrier  
5 shall provide the ANI, if applicable, and any other information required by  
6 rules adopted under section 7053 of this title to the Board, or to any  
7 administrator of ~~the Enhanced 911 database~~ databases, solely for purposes of  
8 maintaining the ~~Enhanced 911 database~~ databases and for purposes outlined in  
9 subdivisions 7059(a)(1)(B) and (D) of this title, unless such information is  
10 provided by submission to the Vermont 911 ALI database, in which case the  
11 information may also be used for the purposes outlined in subdivision  
12 7059(a)(1)(A) of this title. Each such provider shall be responsible for  
13 updating the information at a frequency specified by such rules. All persons  
14 receiving confidential information under this ~~section~~ subsection, as defined by  
15 ~~the Public Utility Commission~~ section 7059 of this title, shall use it solely for  
16 the purposes of ~~providing emergency 911 services~~, specified in subdivision  
17 7059(a)(1) of this title and shall not disclose such confidential information for  
18 any other purpose.

19 (c) Each ~~local exchange telecommunications company, cellular company,~~  
20 ~~and mobile or personal communications service company~~ originating carrier  
21 providing services within the State shall designate a person to coordinate with

1 and provide all relevant information to the Enhanced 911 Board ~~and Public~~  
2 ~~Utility Commission~~ in carrying out the purposes of the chapter.

3 (d) ~~Wire line and nonwire cellular~~ Originating carriers certificated to  
4 provide service in the State shall ~~provide ANI signaling which identifies~~  
5 ~~geographical location as well as cell site address for cellular 911 calls.~~  
6 ~~Personal communications networks and any future mobile or personal~~  
7 ~~communications systems shall also be required to identify the location of the~~  
8 ~~caller. The telephone company shall provide ANI signaling which identifies~~  
9 ~~the name of the carrier and identify the type of service as cellular, mobile, or~~  
10 ~~personal communications as part of the ALI along with a screen message that~~  
11 ~~advises the call answerer to verify the location of the reported emergency.~~  
12 ~~Telecommunication providers of mobile wireless, IP-enabled, and other~~  
13 ~~communication services which have systems with the capability to send data~~  
14 ~~related to the location of the caller with the call or transmission instead of~~  
15 ~~relying on location data otherwise contained in the ALI database shall provide~~  
16 ~~this data with calls or transmissions for the sole purpose of enabling the~~  
17 ~~emergency 911 system to locate an individual seeking emergency services.~~  
18 ~~Location data shall be provided in accordance with relevant national standards~~  
19 ~~for next generation 9-1-1 technology~~ transmit with each 911 call available ANI  
20 or pseudo-Automatic Number Identification (p-ANI) that can be used to query  
21 the Enhanced 911 or third-party databases to provide the Automatic Location  
22 Identification as defined by standards approved by the National Emergency

1 Number Association (NENA). Originating carriers with the capability to  
2 provide location and caller data with the call shall do so in accordance with the  
3 approved i3 Standards for Next Generation 9-1-1.

4 (e) Each local exchange telecommunications provider in the State shall file  
5 with the Public Utility Commission tariffs for each service element necessary  
6 for the provision of Enhanced 911 services. The Public Utility Commission  
7 shall review each company’s proposed tariff; and shall ensure that tariffs for  
8 each necessary basic service element are effective within six months ~~of~~ after  
9 filing. The Department of Public Service, by rule or emergency rule, may  
10 establish the basic service elements that each company must provide for in  
11 tariffs. Such tariffs must be filed with the Public Utility Commission within 60  
12 days after the basic service elements are established by the Department of  
13 Public Service.

14 (f) As used in this section:

15 (1) “Incumbent local exchange carrier” has the same meaning as in  
16 47 U.S.C. § 251(h) and includes rural local exchange carriers.

17 (2) “Originating carrier” or “originating service provider” means an  
18 entity that provides voice services to a subscriber and includes incumbent local  
19 exchange carriers operating in Vermont.

20 Sec. 20. ENHANCED 911 BOARD TARIFFS; REPORT

21 On or before January 15, 2025, the Enhanced 911 Board shall report to the  
22 House Committee on Government Operations and Military Affairs and the



1 Senate Committee on Government Operations on current local exchange  
2 telecommunications tariffs, and, in particular, evaluating existing tariffs  
3 permitted pursuant to 30 V.S.A. § 7055, determining actual costs for the  
4 provision of the service elements, and comparing those tariffs to similar cost  
5 recovery mechanisms in other states.

6 \* \* \* Language Assistance Services for State Emergency

7 Communications \* \* \*

8 Sec. 21. 20 V.S.A. § 4 is added to read:

9 § 4. LANGUAGE ASSISTANCE SERVICES FOR STATE EMERGENCY

10 COMMUNICATIONS

11 (a) If an all-hazards event occurs, the Vermont Emergency Management  
12 Division shall ensure that language assistance services are available for all  
13 State communications regarding the all-hazards event, including relevant press  
14 conferences and emergency alerts, as soon as practicable. Language assistance  
15 services shall be provided for:

16 (1) individuals who are Deaf, Hard of Hearing, and DeafBlind; and

17 (2) individuals with limited English proficiency.

18 (b) As used in this section, an “individual with limited English proficiency”  
19 means a person who does not speak English as the person’s primary language  
20 and who has a limited ability to read, write, speak, or understand English.

21 (c) Annually, the Vermont Emergency Management Division shall hold a  
22 public meeting with members of the Vermont Deaf, Hard of Hearing, and

1 DeafBlind Advisory Council; the Office of Racial Equity; the Vermont  
2 Association of Broadcasters; and other relevant stakeholders to review the  
3 adequacy and efficacy of the provision and distribution of language assistance  
4 services of emergency communications over mass communication platforms to  
5 individuals who are Deaf, Hard of Hearing, and DeafBlind as well as  
6 individuals with limited English language proficiency.

7 Sec. 22. [Deleted.]

8 Sec. 23. LANGUAGE ASSISTANCE SERVICES FOR EMERGENCY  
9 COMMUNICATIONS WORKING GROUP; REPORT

10 (a) Creation. There is created the Language Assistance Services for  
11 Emergency Communications Working Group, consisting of staff at the  
12 Vermont Emergency Management (VEM) Division and the Office of Racial  
13 Equity, who will collaborate with the Vermont Association of Broadcasters;  
14 the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council;  
15 organizations that represent language service providers; and other relevant  
16 stakeholders.

17 (b) Duties. The Working Group shall:

18 (1) develop best practices for the provision of language assistance  
19 services in emergency communications during and after all-hazards events, as  
20 defined in 2 V.S.A. § 2;

21 (2) identify geographical areas within the State with the greatest needs  
22 for language assistance services during and after all-hazards events; and

1           (3) analyze and make recommendations on the appropriate uses of  
2           technologies for providing these services, including tools such as  
3           Communication Access Realtime Translation (CART) and Picture-in-Picture  
4           (PIP) techniques and automated language translation services or machine  
5           translation.

6           (c) Report. On or before December 15, 2024, the Working Group shall  
7           submit a written report to the House Committee on Government Operations  
8           and Military Affairs and the Senate Committee on Government Operations  
9           with its findings and any recommendations for legislative action.

10           (d) Prospective repeal. The Working Group shall cease to exist on June 30,  
11           2025.

12                   \* \* \* Post-Secondary Disaster Management Programs \* \* \*

13           Sec. 24. POST-SECONDARY DISASTER MANAGEMENT PROGRAM  
14                   REPORT

15           On or before February 15, 2025, the President or designee for the Vermont  
16           State University and the President or designee for the University of Vermont  
17           shall each submit a written report to the House Committee on Government  
18           Operations and Military Affairs and the Senate Committee on Government  
19           Operations examining the creation of post-secondary disaster management  
20           programs, including the associated costs, projected enrollments, and aspects of  
21           curricula.

22                   \* \* \* Emergency Powers of the Governor and Emergency Management \* \* \*

1 Sec. 25. 20 V.S.A. § 1 is amended to read:

2 § 1. PURPOSE AND POLICY

3 (a) Because of the increasing possibility of the occurrence of disasters or  
4 emergencies of unprecedented size and destructiveness resulting from all-  
5 hazards and in order to ensure that preparation of this State will be adequate to  
6 deal with such disasters or emergencies; to provide for the common defense; to  
7 protect the public peace, health, and safety; and to preserve the lives and  
8 property of the people of the State, it is found and declared to be necessary:

9 (1) to create a State emergency management agency; and to authorize  
10 the creation of local and regional organizations for emergency management;

11 (2) to confer upon the Governor and upon the executive heads or  
12 legislative branches of the towns and cities of the State the emergency powers  
13 provided pursuant to this chapter;

14 (3) to provide for the rendering of mutual aid among the towns and  
15 cities of the State; with other states and Canada; and with the federal  
16 government with respect to the carrying out of emergency management  
17 functions; and

18 (4) to authorize the establishment of organizations and ~~the taking of~~  
19 ~~steps as necessary and appropriate~~ to carry out the provisions of this chapter as  
20 necessary and appropriate.

21 \* \* \*

22 Sec. 26. 20 V.S.A. § 8 is amended to read:

1 § 8. GENERAL POWERS OF GOVERNOR

2 \* \* \*

3 (b) In performing the duties under this chapter, the Governor is further  
4 authorized and empowered:

5 \* \* \*

6 (3) Inventories, training, mobilization. In accordance with the plan and  
7 program for the emergency management of the State:

8 (A) to ascertain the requirements of the State or the municipalities for  
9 food ~~or~~, water, fuel, clothing, or other necessities of life in any all-hazards  
10 event and to plan for and procure supplies, medicines, materials, and  
11 equipment for the purposes set forth in this chapter;

12 \* \* \*

13 (C) to institute training programs and public information programs,  
14 and to take all other preparatory steps, including the partial or full mobilization  
15 of emergency management organizations in advance of actual disaster, to  
16 ensure the furnishing of adequately trained and equipped forces of first  
17 responders and other emergency management personnel in time of need.

18 \* \* \*

19 (8) Mutual aid agreements with other states. On behalf of this State, to  
20 enter into reciprocal aid agreements under this chapter and pursuant to  
21 compacts with other states and the federal government or a province of a  
22 foreign country under such terms as the Congress of the United States may

1 prescribe. These mutual aid arrangements shall be limited to the furnishing or  
2 exchange of food, water, fuel, clothing, medicine, and other supplies;  
3 engineering services; emergency housing; police services; National Guard or  
4 ~~State Guard~~ units while under the control of the State; health; medical and  
5 related services; fire fighting, rescue, transportation, and construction services  
6 and equipment; personnel necessary to provide or conduct these services; and  
7 other supplies, equipment, facilities, personnel, and services as needed; and the  
8 reimbursement of costs and expenses for equipment, supplies, personnel, and  
9 similar items for mobile support units, ~~fire fighting~~ firefighting, and police  
10 units and health units. The mutual aid agreements shall be made on such terms  
11 and conditions as the Governor deems necessary.

12 \* \* \*

13 Sec. 27. 20 V.S.A. § 9 is amended to read:

14 § 9. EMERGENCY POWERS OF GOVERNOR

15 Subject to the provisions of this chapter, in the event of an all-hazards event  
16 in or directed upon the United States or Canada that causes or may cause  
17 substantial damage or injury to persons or property within the State in any  
18 manner, the Governor may ~~proclaim~~ declare a state of emergency within the  
19 entire State or any portion or portions of the State. Thereafter, the Governor  
20 shall have and may exercise for as long as the Governor determines the  
21 emergency to exist the following additional powers within such area or areas:

22 (1) To enforce all laws and rules relating to emergency management and

1 to assume direct operational control of all first responders, other emergency  
2 management personnel, and ~~helpers~~ volunteers in the affected area or areas.

3 \* \* \*

4 Sec. 28. 20 V.S.A. § 11 is amended to read:

5 § 11. ADDITIONAL EMERGENCY POWERS

6 In the event of an all-hazards event, the Governor may exercise any or all of  
7 the following additional powers:

8 (1) To authorize any department or agency of the State to lease or lend,  
9 on such terms and conditions and for ~~such a period as he or she deems~~  
10 necessary related to the declaration of emergency to promote the public  
11 welfare and protect the interests of the State, any real or personal property of  
12 the State government, ~~or authorize the temporary transfer or employment of~~  
13 ~~personnel of the State government to or by the U.S. Armed Forces.~~

14 (2) To enter into a contract on behalf of the State for the lease or loan,  
15 on such terms and conditions and for such period as ~~he or she~~ the Governor  
16 deems necessary to promote the public welfare and protect the interests of the  
17 State, of any real or personal property of the State government, or the  
18 temporary transfer or employment of personnel thereof to any town or city of  
19 the State. The chief executive ~~or~~, the chair or president of the legislative  
20 branch, or the emergency management director of the town or city is  
21 authorized for and in the name of the town or city to enter into the contract  
22 with the Governor for the leasing or lending of the property and personnel, and

1 the chief executive ~~or~~, the chair or president of the legislative branch, or the  
2 emergency management director of the town or city may equip, maintain,  
3 utilize, and operate such property except ~~newspapers and other publications~~  
4 news outlets, radio stations, places of worship and assembly, and other  
5 facilities for the exercise of constitutional freedom, and employ necessary  
6 personnel in accordance with the purposes for which such contract is executed;  
7 ~~and may do all things and perform all acts necessary to effectuate the purpose~~  
8 ~~for which the contract was entered into.~~

9 \* \* \*

10 (5) To make compensation for the property seized, taken, or condemned  
11 on the following basis:

12 (A) ~~In case~~ Whenever the Governor deems it advisable for the State  
13 to take property is taken for temporary use or to take property permanently, the  
14 Governor, at the time of the taking, shall fix the amount of compensation to be  
15 paid for the property, ~~and in~~. In case the property is taken for temporary use  
16 and returned to the owner in a damaged condition or shall not be returned to  
17 ~~the owner~~, the Governor shall fix the amount of compensation to be paid for  
18 the damage ~~or failure to return~~.

19 (B) Whenever the Governor deems it advisable for the State to  
20 temporarily or permanently take title to property taken under this section, the  
21 Governor shall ~~forthwith cause~~ notify the owner of the property ~~to be notified~~  
22 of the taking in writing by registered mail or in person, ~~postage prepaid~~, and



1 ~~forthwith cause to be filed~~ shall file a copy of the notice with the Secretary of  
2 State.

3 ~~(B)~~(C) Any owner of property of which possession has been either  
4 temporarily or permanently taken under the provisions of this chapter to whom  
5 no award has been made or who is dissatisfied with the amount awarded ~~him~~  
6 ~~or her~~ by the Governor may file a petition in the Superior Court within the  
7 county wherein the property was situated at the time of taking to have the  
8 amount to which ~~he or she~~ the owner is entitled by way of damages or  
9 compensation determined, and either the petitioner or the State shall have the  
10 right to have the amount of such damages or compensation fixed after hearing  
11 by three disinterested appraisers appointed by the court, and who shall operate  
12 under substantive and administrative procedure to be established by the  
13 Superior judges. If the ~~petitioner~~ owner of the property is dissatisfied with the  
14 award of the appraisers, ~~he or she~~ the owner may appeal the award to the  
15 Superior Court and thereafter have a trial by jury to determine the amount of  
16 the damages or compensation. The court costs of a proceeding brought under  
17 this section by the owner of the property shall be paid by the State, and the fees  
18 and expenses of any attorney for the owner shall also be paid by the State after  
19 allowances by the court in which the petition is brought in an amount  
20 determined by the court. The statute of limitations shall not apply to  
21 proceedings brought by owners of property under this section for and during  
22 the time that any court having jurisdiction over the proceedings is prevented

1 from holding its usual and stated sessions due to conditions resulting from  
2 emergencies described in this chapter.

3 (6) To perform and exercise other functions, powers, and duties as  
4 necessary to promote and secure the safety and protection of the civilian  
5 population.

6 Sec. 29. 20 V.S.A. § 13 is amended to read:

7 § 13. TERMINATION OF EMERGENCIES

8 The Governor:

9 (1) May terminate by ~~proclamation~~ declaration the emergencies  
10 provided for in sections 9 and 11 of this title; provided, however, that no  
11 emergencies shall be terminated prior to the termination of such emergency as  
12 provided in federal law.

13 (2) May declare the state of emergency terminated in any area affected  
14 by an all-hazards event.

15 (3) Upon receiving notice that a majority of the legislative body of a  
16 municipality affected by a natural disaster no longer desires that the state of  
17 emergency continue within its municipality, ~~shall~~ may declare the state of  
18 emergency terminated within that particular municipality. Upon the  
19 termination of the state of emergency, the functions as set forth in section 9 of  
20 this title shall cease, and the local authorities shall resume control.

21 Sec. 30. 20 V.S.A. § 17 is amended to read:

22 § 17. GIFT, GRANT, OR LOAN

1 (a) Federal. ~~Whenever~~ Subject to the provisions of subsection (c) of this  
2 section, whenever the federal government or any agency or officer of the  
3 federal government offers to the State, or through the State to any town or city  
4 within Vermont, services, equipment, supplies, materials, or funds by way of  
5 gift, grant, or loan for purposes of emergency management, the State, acting  
6 through the Governor in coordination with the Department of Public Safety, or  
7 such town or city acting with the consent of the Governor and through its  
8 executive officer or legislative branch, may accept the offer, and upon such  
9 acceptance, the Governor or the executive officer or legislative branch of the  
10 political subdivision may authorize any officer of the State or of the political  
11 subdivision, as the case may be, to receive the services, equipment, supplies,  
12 materials, or funds on behalf of the State or the political subdivisions, and  
13 subject to the terms of the offer and rules, if any, of the agency making the  
14 offer. Whenever a federal grant is contingent upon a State or local  
15 contribution, or both, the Department of Public Safety and the political  
16 subdivision shall determine whether the grant shall be accepted and, if  
17 accepted, the respective shares to be contributed by the State and town or city  
18 concerned.

19 (b) Private. ~~Whenever~~ Subject to the provisions of subsection (c) of this  
20 section, whenever any person, firm, or corporation offers to the State or to any  
21 town or city in Vermont services, equipment, supplies, materials, or funds by  
22 way of gift, grant, or loan, for purposes of emergency management, the State,

1 acting through the Governor, or the political subdivision, acting through its  
2 executive officer or legislative branch, may accept the offer, and upon such  
3 acceptance, the Governor or executive officer or legislative branch of the  
4 political subdivision may authorize any officer of the State or the political  
5 subdivision, as the case may be, to receive the services, equipment, supplies,  
6 materials, or funds on behalf of the State or the political subdivision; and  
7 subject to the terms of the offer.

8 (c)(1) Any services, equipment, supplies, materials, or funds by way of gift,  
9 grant, or loan for purposes of emergency management, accepted by the  
10 Governor pursuant to subsections (a) and (b) of this section shall be accepted  
11 in accordance with the provisions of 32 V.S.A. § 5.

12 (2)(A) Notwithstanding the provisions of subdivision (1) of this  
13 subsection, the Governor shall have the sole authority to accept services,  
14 equipment, supplies, materials, or funds by way of gift, grant, or loan for  
15 purposes of emergency management pursuant to subsections (a) or (b) of this  
16 section, or both, if there exists a reasonable expectation that without the  
17 acceptance the all-hazards event will imminently cause bodily harm, loss of  
18 life, or significant property damage within the State.

19 (B) As soon as practicable after an acceptance pursuant to subsection  
20 (A) of this subsection (2), the Department of Finance and Management shall  
21 provide the Joint Fiscal Committee and Legislative Joint Fiscal Office a report  
22 detailing the acceptance and shall include information with respect to the

1 following items:

2 (i) the circumstances leading the Governor to reasonably expect  
3 that without the acceptance the all-hazards event would have imminently  
4 caused bodily harm, loss of life, or significant property damage within the  
5 State;

6 (ii) the source and value;

7 (iii) the legal and referenced title, in the case of a grant;

8 (iv) the costs, direct and indirect, for the present and future years;

9 (v) the receiving department or program, or both; and

10 (vi) a brief statement of purpose.

11 Sec. 31. 20 V.S.A. § 26 is amended to read:

12 § 26. CHANGE OF VENUE BECAUSE OF ~~ENEMY ATTACK~~ AN ALL-  
13 HAZARDS EVENT

14 In the event that the place where a civil action or a criminal prosecution is  
15 required by law to be brought has become and remains unsafe because of an  
16 attack upon the United States or Canada or an all-hazards event, such action or  
17 prosecution may be brought in or, if already pending, may be transferred to the  
18 Superior Court in an unaffected unit and there tried in the place provided by  
19 law for such court.

20 Sec. 32. 20 V.S.A. § 30 is amended to read:

21 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

22 (a) The State Emergency Response Commission is created within the

1 Department of Public Safety. The Commission shall consist of ~~17~~18 members:  
2 eight ex officio members, including the Commissioner of Public Safety, the  
3 Secretary of Natural Resources, the Secretary of Transportation, the  
4 Commissioner of Health, the Secretary of Agriculture, Food and Markets, the  
5 Commissioner of Labor, the Director of Fire Safety, and the Director of  
6 Emergency Management, or designees; and ~~nine~~ ten public members,  
7 including a representative from each of the following: local government, the  
8 local emergency planning committee, a regional planning commission, the fire  
9 service, law enforcement, public works, emergency medical service, a hospital,  
10 a transportation entity required under EPCRA to report chemicals to the State  
11 Emergency Response Commission, and another entity required to report  
12 extremely hazardous substances under EPCRA.

13 (b) The ~~nine~~ ten public members shall be appointed ~~by the Governor~~ for  
14 staggered three-year terms as described in this subsection.

15 (1) Three public members, appointed by the Speaker of the House.

16 (2) Three public members, appointed by the Senate Committee on  
17 Committees.

18 (3) Four public members, appointed by the Governor.

19 (4) When the seat of a public member is vacated, the replacement  
20 member shall be appointed on a rotating basis starting with the Speaker of the  
21 House, with the next appointment to be made by the Senate Committee on  
22 Committees, and then the next appointment to be made by the Governor, and

1 then beginning again.

2 (c) The Governor shall appoint the Chair of the Commission.

3 ~~(e)~~(d) Members of the Commission, except State employees who are not  
4 otherwise compensated as part of their employment and who attend meetings,  
5 shall be entitled to a per diem and expenses as provided in 32 V.S.A. § 1010.

6 Sec. 33. 20 V.S.A. § 34 is amended to read:

7 § 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

8 (a) Whenever the Governor ~~has proclaimed a disaster~~ declares an  
9 emergency under the laws of this State, or the President has declared an  
10 emergency or ~~a major disaster~~ an all-hazards event to exist in this State, the  
11 Governor is authorized:

12 (1) To enter into purchase, lease, or other arrangements with any agency  
13 of the United States for temporary housing units to be occupied by disaster  
14 victims and to make such units available to any political subdivision of the  
15 State.

16 (2) To assist any political subdivision of this State that is the locus of  
17 temporary housing for disaster victims to acquire sites necessary for the  
18 temporary housing and ~~to do all things required~~ to prepare the site to receive  
19 and utilize temporary housing units by:

20 (A) advancing or lending funds available to the Governor from any  
21 appropriation made by the General Assembly or from any other source;

22 (B) “passing through” funds made available by any agency, public or

1 private; or

2 (C) becoming a co-partner with the political subdivision for the  
3 execution and performance of any temporary housing for disaster victims  
4 project and for such purposes to pledge the credit of the State on such terms as  
5 the Governor deems appropriate having due regard for current debt  
6 transactions of the State.

7 (b) ~~Under rules adopted by the Governor, to~~ During a declared state of  
8 emergency, the Governor may, by order or rule, temporarily suspend or modify  
9 for not more than 60 days any law or rule pertaining to public health, safety,  
10 zoning, or transportation ~~(within or across the State), or other requirement of~~  
11 ~~law or rules within Vermont when by proclamation~~ if, the Governor deems the  
12 suspension or modification essential to provide temporary housing for disaster  
13 victims.

14 (c) Any political subdivision of this State is expressly authorized to  
15 acquire, temporarily or permanently, by purchase, lease, or otherwise, sites  
16 required for installation of temporary housing units for disaster victims, and to  
17 enter into whatever arrangements are necessary to prepare or equip such sites  
18 to utilize the housing units, including the purchase of temporary housing units  
19 and payment of transportation charges.

20 (d) ~~The Governor is authorized to adopt rules as necessary to carry out the~~  
21 ~~purposes of this chapter.~~ [Repealed.]

22 (e) Nothing in this chapter shall be construed to limit the Governor's



1 authority to apply for, administer, and expend any grants, gifts, or payments in  
2 aid of disaster prevention, preparedness, response, or recovery.

3 (f) ~~As used in this chapter, “major disaster,” “emergency,” and “temporary~~  
4 ~~housing” have the same meaning as in the Disaster Relief Act of 1974, P.L. 93-~~  
5 ~~288. [Repealed.]~~

6 Sec. 34. 20 V.S.A. § 39 is amended to read:

7 § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

8 (a) Every person required to report the use or storage of hazardous  
9 chemicals or substances pursuant to EPCRA shall pay the following annual  
10 fees for each hazardous chemical or substance, as defined by the State  
11 Emergency Response Commission, that is present at the facility:

12 (1) \$40.00 for quantities between 100 and 999 pounds.

13 (2) \$60.00 for quantities between 1,000 and 9,999 pounds.

14 (3) \$100.00 for quantities between 10,000 and 99,999 pounds.

15 (4) \$290.00 for quantities between 100,000 and 999,999 pounds.

16 (5) \$880.00 for quantities exceeding 999,999 pounds.

17 (6) An additional fee of \$250.00 will be assessed for each extremely  
18 hazardous chemical or substance as defined in 42 U.S.C. § 11002.

19 (b) The fee shall be paid to the Commissioner of Public Safety and shall be  
20 deposited into the Hazardous Chemical and Substance Emergency Response  
21 Fund.

22 (c) The following are exempted from paying the fees required by this

1 section but shall comply with the reporting requirements of this chapter:

2 (1) municipalities and other political subdivisions;

3 (2) State agencies;

4 (3) persons engaged in farming as defined in 10 V.S.A. § 6001; and

5 (4) nonprofit corporations.

6 (d) No person shall be required to pay a fee for a chemical or substance that  
7 has been determined to be an economic poison as defined in 6 V.S.A. § 911 or  
8 for a fertilizer or agricultural lime as defined in 6 V.S.A. § 363 and for which a  
9 registration or tonnage fee has been paid to the Agency of Agriculture, Food  
10 and Markets pursuant to 6 V.S.A. chapter 28 or 81.

11 (e) The State or any political subdivision, including any municipality, fire  
12 district, emergency medical service, or incorporated village, is authorized to  
13 recover any and all reasonable direct expenses incurred as a result of the  
14 response to and recovery of a hazardous chemical or substance incident from  
15 the person or persons responsible for the incident. All funds collected by the  
16 State under this subsection shall be deposited into the Hazardous Chemical and  
17 Substance Emergency Response Fund created pursuant to subsection 38(b) of  
18 this chapter. The Attorney General shall act on behalf of the State to recover  
19 these expenses. The State or political subdivision shall be awarded costs and  
20 reasonable attorney's fees that are incurred as a result of exercising the  
21 provisions of this subsection.

22 (f)(1) The Department of Public Safety shall have authority to inspect the

1 premises and records of any employer to ensure compliance with the  
2 provisions of this chapter and the rules adopted under this chapter.

3 (2) A person who violates any provision of this chapter or any rule  
4 adopted under this chapter shall be fined not more than \$1,000.00 for each  
5 violation. Each day a violation continues shall be deemed to be a separate  
6 violation.

7 (3) The Attorney General may bring an action for injunctive relief in the  
8 Superior Court of the county in which a violation occurs to compel compliance  
9 with the provisions of this chapter.

10 Sec. 35. REPEAL

11 20 V.S.A. § 40 (enforcement) is repealed.

12 Sec. 36. [Deleted.]

13 Sec. 37. [Deleted.]

14 \* \* \* Effective Dates \* \* \*

15 Sec. 38. EFFECTIVE DATES

16 This act shall take effect on July 1, 2024, except that Sec. 21 (20 V.S.A.  
17 § 4) shall take effect on July 1, 2025.

18  
19  
20  
21  
22 (Committee vote: \_\_\_\_\_)

1  
2  
3

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE