

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Internal security and public safety; taxation and finance; natural
4 disaster recovery

5 Statement of purpose of bill as introduced: This bill proposes to create the
6 Community Resilience and Disaster Mitigation Grant Program and the
7 Community Resilience and Disaster Mitigation Fund. This bill also increases
8 the assessment on certain insurance company premiums for the Community
9 Resilience and Disaster Mitigation Fund. This bill proposes to define
10 emergency management personnel and require local emergency management
11 organizations and local emergency planning committees to incorporate
12 information regarding the utilization of emergency management personnel into
13 emergency management plans. This bill proposes to consolidate existing laws
14 governing sewer utilities, amend the authority of sewer utilities to adopt rates
15 based on equivalent residential units, and establish a grant program for certain
16 joint operations of municipal stormwater utilities. The bill proposes to
17 authorize the Department of Public Safety to create the Urban Search and
18 Rescue Team to provide for the rapid response of trained professionals to
19 emergencies and other hazards occurring in the State. This bill proposes to
20 require Vermont 211 to keep confidential any personal information acquired
21 from victims of natural disasters except for coordinating relief work for

1 individuals. This bill proposes to require the Vermont Emergency
2 Management Division to conduct a review of the State’s disaster preparedness,
3 report the findings, and publish best management practices for rebuilding after
4 emergencies. This bill proposes to require a policy making E-911 and VT-
5 Alerts more responsive in large emergencies. This bill proposes to require the
6 Division of Vermont Emergency Management to implement best management
7 practices for the placement and funding of local emergency shelters. This bill
8 proposes to require the Vermont Emergency Management Division to ensure
9 interpretation services are being provided to individuals who are Deaf, Hard of
10 Hearing, and DeafBlind for all State emergency communications. This bill
11 proposes to create a Chief Climate Resilience Officer in the Department of
12 Public Safety. This bill proposes to require the Vermont State University and
13 the President or designee for the University of Vermont report on potentially
14 creating post-secondary disaster management programs.

15 An act relating to natural disaster government response, recovery, and
16 resiliency

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

18 * * * Creation of the Community Resilience and Disaster
19 Mitigation Fund * * *

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

1 § 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION

2 GRANT PROGRAM

3 (a) Program established. There is established the Community Resilience
4 and Disaster Mitigation Grant Program to award grants to covered
5 municipalities to provide support for disaster mitigation activities.

6 (b) Definition. As used in this section, “covered municipality” means a
7 city, town, fire district or incorporated village, and all other governmental
8 incorporated units that have adopted the State’s model flood hazard bylaws.

9 (c) Administration; implementation.

10 (1) Grant awards. The Department of Public Safety, in coordination
11 with the Department of Environmental Conservation, shall administer the
12 Program, which shall award grants for the following:

13 (A) technical assistance on natural disaster mitigation to
14 municipalities; and

15 (B) projects that implement disaster mitigation measures, including
16 watershed restoration and similar activities that directly reduce risks to
17 communities, lives, and property.

18 (2) Grant Program design. The Department of Public Safety, in
19 coordination with the Department of Environmental Conservation, shall design
20 the Program. The Program design shall:

1 (A) establish an equitable system for distributing grants statewide on
2 the basis of need according to a system of priorities, including the following,
3 ranked in priority order:

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

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

9 (iii) projects that are in hazard mitigation plans; and

10 (iv) projects that are geographically located around the State, but
11 with a priority for projects in communities identified as high on the municipal
12 vulnerability index, as determined by the Vermont Climate Council;

13 (B) establish guidelines for disaster mitigation measures and costs
14 that will be eligible for grant funding; and

15 (C) establish eligibility criteria for covered municipalities.

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

17 § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

18 FUND

19 (a) Creation. There is established the Community Resilience and Disaster
20 Mitigation Fund to provide funding to the Community Resilience and Disaster

1 Mitigation Grant Program established in section 48 of this title. The Fund
2 shall be administered by the Department of Public Safety.

3 (b) Monies in the Fund. The Fund shall consist of:

4 (1) monies appropriated to the Fund; and

5 (2) any amounts deposited into the Fund from the premium assessment
6 set forth in 32 V.S.A. § 8557.

7 (c) Fund administration.

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

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

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

14 (d) Reports. On or before January 15 each year, the Commissioner of
15 Public Safety shall submit a report to the House Committee on Environment
16 and Energy and the Senate Committee on Natural Resources and Energy with
17 an update on the expenditures from the Fund. For each fiscal year, the report
18 shall include a summary of each project receiving funding. The provisions of
19 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to
20 be made under this subsection.

1 Sec. 3. COMMUNITY RESILIENCE AND DISASTER MITIGATION

2 GRANT PROGRAM; APPROPRIATION

3 In fiscal year 2024, the amount of \$15,000,000.00 in general funds shall be
4 appropriated to the Community Resilience and Disaster Mitigation Fund
5 established in 20 V.S.A. § 49.

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

7 § 8557. ~~VERMONT FIRE SERVICE TRAINING COUNCIL~~ PREMIUM
8 ASSESSMENT; INSURANCE COMPANIES

9 (a) Assessment.

10 (1) Annually, on or before July 1, the Commissioner of Financial
11 Regulation shall impose an assessment totaling not more than \$4,300,000.00
12 on all insurance companies, writing fire, homeowners multiple peril, allied
13 lines, farm owners multiple peril, commercial multiple peril (fire and allied
14 lines), private passenger and commercial auto, and inland marine policies on
15 property and persons situated within the State of Vermont. Captive companies
16 shall be excluded from the effect of this section.

17 (2) The Commissioner shall apportion such charges among all such
18 companies based on the amounts set forth in this section and shall assess them
19 for the charges on a fair and reasonable basis as a percentage of their gross
20 direct written premiums on such insurance written during the second prior
21 calendar year on property situated in the State. The assessment shall be

1 imposed within 30 days after notice from the Commissioner of Financial
2 Regulation of such estimated expenses.

3 (3) The Department of Taxes shall collect all assessments under this
4 section.

5 (4) All administrative provisions of chapter 151 of this title, including
6 those relating to the collection and enforcement of the income tax by the
7 Commissioner, shall apply to this section.

8 (b) Vermont Fire Service Training Council. Sums for the expenses of the
9 operation of training facilities and curriculum of the Vermont Fire Service
10 Training Council. An amount not to exceed \$1,200,000.00 per year of the
11 assessment described in subsection (a) of this section shall be paid to the Fire
12 Safety Special Fund created by 20 V.S.A. § 3157 by insurance companies,
13 writing fire, homeowners multiple peril, allied lines, farm owners multiple
14 peril, commercial multiple peril (fire and allied lines), private passenger and
15 commercial auto, and inland marine policies on property and persons situated
16 within the State of Vermont within 30 days after notice from the
17 Commissioner of Financial Regulation of such estimated expenses. Captive
18 companies shall be excluded from the effect of this section.

19 (2) The Commissioner shall annually, on or before July 1, apportion such
20 charges among all such companies and shall assess them for the charges on a
21 fair and reasonable basis as a percentage of their gross direct written premiums

1 ~~on such insurance written during the second prior calendar year on property~~
2 ~~situated in the State. The Department of Taxes shall collect all assessments~~
3 ~~under this section.~~

4 ~~(3) An~~ Of this sum, an amount not less than \$100,000.00 shall be
5 specifically allocated to the provision of what are now or were formerly
6 referred to as Level I, units I, II, and III (basic) courses for entry-level
7 firefighters.

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

15 ~~(5) The Department of Health shall present a plan to the Joint Fiscal~~
16 ~~Committee that shall review the plan prior to the release of any funds.~~

17 ~~(b) All administrative provisions of chapter 151 of this title, including those~~
18 ~~relating to the collection and enforcement of the income tax by the~~
19 ~~Commissioner, shall apply to this section.~~

20 (d) Allocation. An amount not less than \$3,000,000.00 of the assessment
21 described in subsection (a) of this section shall be specifically allocated to the

1 Community Resilience and Disaster Mitigation Fund established in 20 V.S.A.

2 § 48.

3 * * * Emergency Management Personnel * * *

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 emergency
13 management personnel and the equipping, exercising, and training designed to
14 ensure that this State and its communities are prepared to deal with all-hazards.

15 (7) “Emergency management personnel” means State, county, and local
16 governmental and nongovernmental personnel who provide immediate support
17 services necessary to perform emergency management functions, including:

18 (A) emergency management and public safety personnel;

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

20 (C) law enforcement officers, as that term is defined in section 2351a
21 of this title;

1 minimize, or repair injury and damage resulting from or caused by enemy
2 attack, sabotage, or other hostile action.

3 ~~(11)~~(12) “Radiological incident” means any mishap or occurrence
4 involving radiological activity that may pose a threat to persons or property.

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

6 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT

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

1 (b) Each local organization for emergency management shall perform
2 emergency management functions within the territorial limits of the town or
3 city within which it is organized ~~and, in~~ which may include directing the
4 utilization of emergency management personnel pursuant to the all-hazards
5 emergency management plan adopted pursuant to subsection (c) of this section.
6 In addition, each local organization for emergency management shall conduct
7 such functions outside the territorial limits as may be required pursuant to the
8 provisions of this chapter and in accord with rules adopted by the Governor.

9 (c) Each local organization shall develop and maintain an all-hazards
10 emergency management plan in accordance with guidance set forth by the
11 Division of Emergency Management.

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

14 * * *

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

17 (A) Voting members. The local emergency management director or
18 designee and one representative from each town and city in the region shall
19 serve as the voting members of the committee. A representative from a town
20 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: fire
5 departments, emergency medical services, law enforcement, other entities
6 providing emergency management 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, and any other interested public or private individual or
10 organization.

11 * * *

12 Sec. 7. 20 V.S.A. § 32 is amended to read:

13 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;
14 DUTIES

15 * * *

16 (b) All local emergency planning committees shall include representatives
17 from the following: fire departments; local and regional emergency medical
18 services; local, county, and State law enforcement; other entities providing
19 emergency management personnel; media; transportation; regional planning
20 commissions; hospitals; industry; the Vermont National Guard; the
21 Department of Health’s district office; and an animal rescue organization, and

1 may include any other interested public or private individual or organization.

2 Where the local emergency planning committee represents more than one
3 region of the State, the Commission shall appoint representatives that are
4 geographically diverse.

5 (c) A local emergency planning committee shall perform all the following
6 duties:

7 (1) Carry out all the requirements of a committee pursuant to EPCRA,
8 including preparing a local emergency planning committee plan. The plan
9 shall be coordinated with the State emergency management plan and may be
10 expanded to address all-hazards identified in the State emergency management
11 plan. At a minimum, the local emergency planning committee plan shall
12 include the following:

13 * * *

14 (B) Describes the utilization of emergency management personnel
15 and emergency response procedures, including those identified in facility
16 plans.

17 * * *

18 (3) Consult and coordinate with the heads of local government
19 emergency services, the emergency management director or designee, persons
20 in charge of local emergency management personnel, regional planning

1 commissions, and the managers of all facilities within the jurisdiction
2 regarding the facility plan.

3 * * *

4 (5) Work to support the various emergency services and other entities
5 providing emergency management personnel, mutual aid systems, town
6 governments, regional planning commissions, State agency district offices, and
7 others in their area in conducting coordinated all-hazards emergency
8 management activities.

9 * * * Municipal Stormwater Utilities * * *

10 Sec. 8. 24 V.S.A. chapter 101 is amended to read:

11 **CHAPTER 101. SEWAGE, SEWAGE DISPOSAL SYSTEM, AND**
12 **STORMWATER SYSTEMS**

13 **§ 3601. DEFINITIONS**

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

17 (1) ~~“Necessity” means a reasonable need that considers the greatest~~
18 ~~public good and the least inconvenience and expense to the condemning party~~
19 ~~and to the property owner. Necessity shall not be measured merely by expense~~
20 ~~or convenience to the condemning party. Due consideration shall be given to~~
21 ~~the adequacy of other property and locations; to the quantity, kind, and extent~~

1 ~~of property that may be taken or rendered unfit for use by the proposed taking;~~
2 ~~to the probable term of unfitness for use of the property; to the effect of~~
3 ~~construction upon scenic and recreational values, upon home and homestead~~
4 ~~rights and the convenience of the owner of the land; to the effect upon town~~
5 ~~grand list and revenues.~~

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

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

9 (3) ~~“Industrial wastes” or “trade wastes” means liquid wastes from~~
10 ~~industrial processes, including suspended solids.~~

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

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

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

5 (7) “Sewage” means the used water supply of a community, including
6 such groundwater, surface, and stormwater as may or may not be mixed with
7 these liquid wastes from the community.

8 (8) “Sewage system” means any equipment, pipe line system, and
9 facilities as are needed for and appurtenant to the treatment or disposal of
10 sewage and waters, including a sewage treatment or disposal plant and separate
11 pipe lines and structural or nonstructural facilities as are needed for and
12 appurtenant to the treatment or disposal of storm, surface, and subsurface
13 waters.

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

19 (10) “Stormwater” or “storm sewage” has the same meaning as
20 “stormwater runoff” under 10 V.S.A. § 1264.

1 § 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

2 (a) Except as provided for in subsection (b) of this section, the selectboard
3 of a town, the trustees of a village, the prudential committee of a fire or
4 lighting district, or the mayor and board of aldermen of a city, shall be the
5 board of commissioners for the sewage system of a municipality.

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

13 § 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

14 (a) The board shall have the supervision of the municipal sewage system
15 and shall make and establish all needed rates for rent and rules for control and
16 operation of the system. The board may to require any individual, person, or
17 corporation to connect to the municipal sewage system for the purposes of
18 abating pollution of the waters of the State.

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

1 § ~~3602~~ 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

2 A municipal corporation may:

3 (1) construct, maintain, operate, and repair a sewage disposal plant and
4 system;

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

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

10 (4) may lay pipes and sewers, and connect ~~the same~~ those pipes and
11 sewers as may be necessary to convey sewage for the purpose of disposing and
12 dispose of sewage by such municipal corporation.

13 § ~~3603~~ 3605. ENTRY ON LANDS

14 ~~Such~~ A municipal corporation, for the purposes enumerated in section ~~3602~~
15 3604 of this title chapter, may:

16 (1) enter upon and use any land and enclosures over or through which it
17 may be necessary for pipes and sewer to 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

1 (3) open the ground in any streets, lanes, avenues, highways, and public
2 grounds for the purposes hereof; described in this section, provided that such
3 the streets, lanes, avenues, highways, and public grounds shall not be injured,
4 but shall be left in as good condition as before the laying of such the pipes and
5 sewers.

6 § ~~3604~~ 3606. PETITION FOR HEARING TO DETERMINE NECESSITY

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

19 § ~~3605~~ 3607. HEARING TO DETERMINE NECESSITY

20 The judge to whom such the petition is presented shall fix the time for
21 hearing, which shall not be more than 60 ~~nor~~ or less than 30 days from the date

1 the judge signs ~~such~~ the order. Likewise, the judge shall fix the place for
2 hearing, which shall be the county courthouse or any other convenient place
3 within the county in which the land in question is located. If the Superior
4 judge to whom ~~such~~ the petition is presented cannot hear the petition at the
5 time set ~~therefore~~ for the hearing, ~~the Superior judge shall call upon~~ the Chief
6 Superior Judge ~~to~~ shall assign another Superior judge to hear ~~such~~ the cause at
7 the time and place assigned in the order.

8 ~~§ 3606~~ 3608. SERVICE AND PUBLICATION OF PETITION

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

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

17 (c) The petition, together with the court's order fixing the time and place of
18 hearing, shall be served upon each person owning or having an interest in land
19 to be purchased or condemned like a summons, or, on absent defendants, in
20 ~~such~~ the manner as the Supreme Court may by rule provide for service of
21 process in civil actions. If the service on any defendant is impossible, upon

1 affidavit of the sheriff, deputy sheriff, or constable attempting service, ~~therein~~
2 stating that the location of the defendant within or ~~without~~ outside the State is
3 unknown and that ~~he or she~~ the defendant has no known agent or attorney in
4 the State of Vermont upon ~~which~~ whom service may be made, the publication
5 ~~herein provided~~ required by this section shall be deemed sufficient service on
6 the defendant.

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

10 § ~~3607~~ 3609. HEARING AND ORDER OF NECESSITY

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

17 (b) The burden of proof of the necessity of the taking shall be upon the
18 board.

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

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

5 § ~~3608~~ 3610. APPEAL FROM ORDER OF NECESSITY

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

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

18 § ~~3609~~ 3611. COMPENSATION; CONDEMNATION

19 (a) When an owner of land or rights ~~therein~~ in land and the board are
20 unable to agree on the amount of compensation ~~therefor~~ or in case the owner is
21 an infant, a person who lacks capacity to protect ~~his or her~~ the person's

1 interests due to a mental condition or psychiatric disability, absent from the
2 State, unknown, or the owner of a contingent or uncertain interest, a Superior
3 judge may, on the application of either party, cause the notice to be given of
4 the application as ~~he or she~~ the judge may prescribe, and after proof ~~thereof~~ of
5 the application, the judge may appoint three disinterested persons to examine
6 the property to be taken, or damaged by the municipal corporation.

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

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

16 (d) The judge may ~~thereupon~~ accept the report, unless just cause is shown
17 to the contrary, and order the municipal corporation to pay the same in the time
18 and manner as the judge may prescribe, in full compensation for the property
19 taken, or the injury done by the municipal corporation, or the judge may reject
20 or recommit the report if the ends of justice so require. On compliance with
21 the order, the municipal corporation may proceed with the construction of its

1 work without liability for further claim for damages. In ~~his or her~~ the judge's
2 discretion, the judge may award costs in the proceeding. Appeals from the
3 order may be taken to the Supreme Court under 12 V.S.A. chapter 102.

4 ~~§ 3610~~ 3612. RECORD

5 Within 60 days after the taking of any property, franchise, easement, or
6 right under the provisions of this chapter, ~~such~~ the municipal corporation shall
7 file a description ~~thereof~~ of the property in the office of the clerk ~~wherein~~
8 where the land records are required by law to be kept.

9 ~~§ 3611~~ 3613. CONTRACT FOR SEWAGE DISPOSAL

10 (a) ~~Such~~ A municipal corporation may contract with the State, the federal
11 government, or any appropriate agency ~~thereof~~ of the State or federal
12 government;; any town, city, or village; any corporation; and any individuals
13 to make disposal of sewage or stormwater for ~~such~~ the other town, city,
14 village, corporation, or individuals. ~~Such~~ The municipal corporation may
15 make sale of sludge or fertilizer byproducts incident to sewage disposal, and
16 the proceeds from the sale ~~thereof~~ shall be turned over to the treasury of ~~such~~
17 the sewage disposal district system and credited ~~therein~~ as is other income
18 derived under the authority of this chapter.

19 * * *

1 § ~~3612~~ 3614. CHARGES; ENFORCEMENT

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

11 * * *

12 § ~~3613~~ 3615. TAXES, BONDS

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

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

19 (2) borrow money;

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

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

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

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

12 (3)(C) may be authorized by a majority of all the voters present and
13 voting on the question at a meeting of such the municipal corporation held for
14 the this purpose pursuant to chapter 53, subchapter 1 of this title
15 notwithstanding any provisions of general or special law which that may
16 require a greater vote, and may be so arranged that beginning with the first
17 year in which principal is payable, the amount of principal and interest in any
18 year shall be as nearly equal as is practicable according to the denomination in
19 which such the bonds or other evidences of indebtedness are issued
20 notwithstanding other permissible payment schedules authorized by section
21 1759 of this title.

1 ~~§ 3614. BOARD OF SEWAGE DISPOSAL COMMISSIONERS~~

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

5 ~~§ 3615~~ 3616. RENTS; RATES

6 (a) ~~Such~~ A municipal corporation, through its board of sewage disposal
7 ~~commissioners, may establish rates, rents, or charges to be called “sewage~~
8 ~~disposal charges,” to be paid at such times and in such manner as the~~
9 ~~commissioners board may prescribe. The commissioners board may establish~~
10 ~~annual charges separately for bond repayment, fixed operations and~~
11 ~~maintenance costs (not dependent on actual use), and variable operations and~~
12 ~~maintenance costs dependent on flow.~~

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

14 (1) the metered consumption of water on premises connected with the
15 sewer system, however, the ~~commissioners board~~ may determine no user will
16 be billed for fixed operations and maintenance costs and bond payment less
17 than the average single family charge;

18 (2) the number of equivalent units connected with or served by the
19 sewage system based upon their estimated flows compared to the estimated
20 flows from a single family dwelling, however, the ~~commissioners board~~ may
21 determine no user will be billed less than the minimum charge determined for

1 the single family dwelling charge for fixed operations and maintenance costs
2 and bond payment;

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

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

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

12 (6) for groundwater, surface, stormwater, or storm sewage, an
13 equivalent residential unit based on an average area of impervious surface on
14 residential property within the municipality; or

15 ~~(6)~~(7) any combination of these bases, ~~so long as provided the~~
16 combination is equitable.

17 (b) The basis for establishing ~~sewer disposal rates, rents, or charges~~ shall be
18 reviewed annually by ~~sewage disposal commissioners~~ the board. No premises
19 otherwise exempt from taxation, including premises owned by the State of
20 Vermont, shall, by virtue of any ~~such~~ the exemption, be exempt from charges
21 established ~~hereunder~~ under this section. The commissioners may change the

1 ~~rates of such, rents, or charges from time to time~~ as may be reasonably
2 required.

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

17 (d) ~~Sewage disposal~~ Rates, rents, or charges established in accord with this
18 section may be assessed by the board ~~of sewage disposal commissioners as~~
19 ~~provided in section 3614 of this title~~ to derive the revenue required to pay
20 pollution charges assessed against a municipal corporation under 10 V.S.A.
21 § 1265.

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

8 § ~~3616~~ 3617. DUTIES; USE OF PROCEEDS

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

20 (b) ~~These~~ The charges and receipts also may be used to develop a dedicated
21 fund that may be created by the ~~commissioners~~ board to finance major

1 rehabilitation, major maintenance, and upgrade costs for the sewer system.

2 This fund may be established by an annual set-aside of up to 15 percent of the
3 normal operations, maintenance, and bond payment costs, except that with
4 respect to subsurface leachfield systems, the annual set-aside may equal up to
5 100 percent of these costs. The fund shall not exceed the estimated future
6 major rehabilitation, major maintenance, or upgrade costs for the sewer
7 system. Any dedicated fund shall be insured at least to the level provided by
8 FDIC and withdrawals shall be made only for the purposes for which the fund
9 was established. Any such dedicated fund may be established and controlled
10 in accord with section 2804 of this title or may be established by act of the
11 legislative body of the municipality. Funds so established shall meet the
12 requirements of subdivision 4756(a)(4) of this title.

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

17 § ~~3617~~ 3618. ORDINANCES

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

1 (a) Groups of cooperating municipalities may jointly apply to the Agency
2 of Natural Resources for a grant of up to \$100,000.00 to support the
3 municipalities’ stormwater utility operations. The grant may be used for
4 technical assistance from private consultants or a governmental agency to
5 establish the governance and structure of the utilities, including assistance with
6 ratemaking that is based on an equivalent residential unit specific to each
7 member town. The Agency shall provide grants to not more than four groups
8 of cooperating municipalities.

9 (b) The sum of \$400,000.00 is appropriated to the Agency of Natural
10 Resources in fiscal year 2025 for the purpose of administering the grants
11 established pursuant to this section.

12 * * * Creation of the **Urban Search and Rescue Team** * * *

13 Sec. **11**. 20 V.S.A. § 48 is added to read:

14 § 48. **URBAN SEARCH AND RESCUE TEAM**

15 (a) The Department of Public Safety is authorized to create the **Urban**
16 **Search and Rescue (USAR) Team** to provide for the rapid response of trained
17 professionals to emergencies and other hazards occurring in the State. The
18 Commissioner shall appoint a **USAR** Team chief to carry out the duties and
19 responsibilities of the **USAR** Team.

20 (b) The **USAR** Team Chief shall perform all the following duties:

1 (1) organize the State USAR Team to assist local emergency planning
2 committees, fire chiefs, and other emergency management officials in response
3 to emergencies and other hazards;

4 (2) hire persons for the USAR Team from fire, police, and emergency
5 organizations and persons with specialty backgrounds in emergency response
6 or search and rescue;

7 (3) negotiate with municipalities that maintain emergency response
8 teams to secure appropriate facilities and personnel to house and maintain the
9 USAR Team’s vehicles and equipment and to provide drivers for USAR Team
10 response vehicles;

11 (4) coordinate the acquisition and maintenance of adequate vehicles and
12 equipment for the USAR Team;

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

16 (6) ensure that appropriate regional mutual aid agreements are created
17 so that emergency management or search and rescue teams within the region
18 may participate with the USAR Team;

19 (7) negotiate and enter into agreements with municipalities or municipal
20 agencies that maintain swiftwater rescue teams or other technical rescue teams

1 to provide expert assistance and services to the USAR Team when necessary;

2 and

3 (8) coordinate USAR Team participation in search and rescue operations
4 under chapter 112 of this title.

5 (c) The State shall reimburse a municipality for the actual costs expended
6 to cover the duties of a municipal employee who is an employee of the USAR
7 Team and who is requested to leave employment at the municipality to respond
8 to an emergency or other hazard or attend USAR Team training.

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

16 * * * Vermont-211 Information Privacy * * *

17 Sec. 12. PUBLIC RECORDS ACT; VERMONT 211; CONFIDENTIALITY

18 Pursuant to Vermont’s Public Records Act, personal information and lists of
19 names within records created or acquired by Vermont 211 shall be exempt
20 from public inspection or copying. Vermont 211 shall keep confidential any
21 personal information acquired from victims of a natural disaster or all-hazard,

1 as defined by 20 V.S.A. § 2. This section shall not be construed to prevent the
2 limited disclosure of personal information for the purposes of coordinating
3 relief work for individuals affected by a natural disaster or all-hazard.

4 * * * Best Management Practices for Rebuilding after Emergency * * *

5 **Sec. 13. VERMONT EMERGENCY MANAGEMENT DIVISION**

6 **DISASTER PREPAREDNESS REVIEW, BEST MANAGEMENT**

7 **PRACTICES, AND REPORT**

8 (a) Review. On or before June 30, 2024, the Department of Public Safety’s
9 Division of Vermont Emergency Management (VEM) shall conduct a review
10 of the State’s disaster preparedness leading up to, during, and after the 2023
11 summer flooding events throughout the State, overseen by the Director of
12 VEM. The disaster preparedness review shall examine the adequacy of:

13 (1) early warning and evacuation orders;

14 (2) designated evacuation routes and emergency shelters;

15 (3) the present system of local emergency management directors in
16 wide-spread emergencies; and

17 (4) the State’s present emergency communications systems.

18 (b)(1) VEM shall publish best management practices for rebuilding or
19 repairing structures after damage from a flood or other hazard. The best
20 management practices shall address:

21 (A) how to rebuild or repair to provide for flood resiliency;

1 effectively and expeditiously during emergencies in order to reduce the risk of
2 harm to persons and property. The Board shall issue its policy on or before
3 July 1, 2025.

4 * * * Shelter Identification; Funding Shelter Operation * * *

5 Sec. 15. VERMONT EMERGENCY MANAGEMENT; SHELTER
6 IDENTIFICATION

7 (a) The Division of Vermont Emergency Management (VEM) at the
8 Department of Public Safety shall amend the Local Emergency Plan Template
9 and any best management practices or guidance the Division issues to
10 municipalities to address the need for the siting of municipal emergency
11 shelters in a manner that allows access by those in need during an emergency
12 or hazard.

13 (b) VEM shall advise municipalities that when a shelter is sited under a
14 local emergency plan, the municipality should assess whether the physical
15 location or characteristics of the surrounding area during an emergency or
16 hazard could prevent access. Guidance to municipalities shall include not
17 siting a shelter in proximity to a river or body of water subject to flooding and
18 siting a shelter in a manner that is accessible by multiple routes so that
19 individual road closures do not prohibit access.

20 (c) On or before January 15, 2025, VEM shall submit a proposal to the
21 General Assembly on how the State shall fund the operation of municipal

1 emergency shelters during a declared emergency. The proposal shall address
2 funding for staff, supplies, utilities, and other expenses that municipalities
3 currently fund when the State declares an emergency.

4 * * * Services for Deaf, Hard of Hearing, and DeafBlind Communities * * *

5 Sec. 16. 20 V.S.A. § 4 is added to read:

6 § 4. INTERPRETATION SERVICES IN STATE EMERGENCY

7 COMMUNICATIONS

8 (a) If an all-hazards event occurs, the Vermont Emergency Management
9 Division shall provide interpretation services to Deaf, Hard of Hearing, or
10 DeafBlind, including Communication Access Realtime Translation (CART) or
11 the Picture in Picture (PIP) technique, for all State communications regarding
12 the all-hazards event, including press conferences from the Governor’s office.

13 (b) The director of the Vermont Emergency Management Division shall
14 designate an individual in the Division to ensure that emergency
15 communications are being effectively delivered to services to individuals who
16 are Deaf, Hard of Hearing, or DeafBlind.

17 (c) Within three months of an all-hazards event or on an annual basis,
18 whichever occurs first, the Vermont Emergency Management Division shall
19 hold a public meeting with certain members of Vermont Deaf, Hard of
20 Hearing, and Deafblind Advisory Council to be determined by the Council to

1 review the adequacy and efficacy of Division’s provision of emergency

2 communications to individuals who are Deaf, Hard of Hearing, or DeafBlind.

3 * * * Creation of Chief Climate Resilience Officer * * *

4 Sec. 17. ESTABLISHMENT OF CHIEF CLIMATE RESILIENCE OFFICER

5 POSITION; APPROPRIATION

6 (a) The position of one new, permanent, full-time, exempt Chief Climate
7 Resilience Officer is created in the Vermont Department of Public Safety.

8 (b) The sum of \$90,000.00 is appropriated from the General Fund to the
9 Department of Public Safety in fiscal year 2025 for the purpose of establishing
10 the position of Chief Climate Resilience Officer.

11 * * * Post-Secondary Disaster Management Programs * * *

12 Sec. 18. POST-SECONDARY DISASTER MANAGEMENT PROGRAM

13 REPORT

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

