

1 S.310

2 An act relating to natural disaster government response, recovery, and
3 resiliency

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

5 * * * Creation of the Community Resilience and Disaster
6 Mitigation Grant Program and Fund * * *

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

8 § 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION

9 GRANT PROGRAM

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

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

18 (c) Administration; implementation.

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

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

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

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

9 (D) projects to adopt and meet the State's model flood hazard
10 bylaws.

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

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

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

20 (ii) projects that use funding as a match for other grants, including
21 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, but
3 with a priority for projects in communities identified as high on the municipal
4 vulnerability index, as determined by the Vermont Climate Council;

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

7 (C) establish eligibility criteria for covered municipalities, but allow
8 municipalities to partner with community organizations to apply for grants and
9 implement projects awarded funding by those grants.

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

11 § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

12 FUND

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

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

19 (c) Fund administration.

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

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

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

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

13 Sec. 3. [Deleted.]

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

15 § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

16 (a)(1) Sums for the expenses of the operation of training facilities and
17 curriculum of the Vermont Fire Service Training Council not to exceed
18 ~~\$1,200,000.00~~ \$1,350,000.00 per year shall be paid to the Fire Safety Special
19 Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire,
20 homeowners multiple peril, allied lines, farm owners multiple peril,
21 commercial multiple peril (fire and allied lines), private passenger and

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

5 * * *

6 (4) An amount not less than ~~\$150,000.00~~ \$300,000.00 shall be
7 specifically allocated to the Emergency Medical Services Special Fund
8 established under 18 V.S.A. § 908 for the provision of training programs for
9 certified Vermont EMS first responders and licensed emergency medical
10 responders, emergency medical technicians, advanced emergency medical
11 technicians, and paramedics.

12 * * *

13 * * * Benefits for Survivors of Public Works Personnel * * *

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

15 § 2. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (6) “Emergency management” means the preparation for and
19 implementation of all emergency functions, other than the functions for which
20 the U.S. Armed Forces or other federal agencies are primarily responsible, to
21 prevent, plan for, mitigate, and support response and recovery efforts from all-

1 hazards. Emergency management includes the utilization of first responders
2 and other emergency management personnel and the equipping, exercising,
3 and training designed to ensure that this State and its communities are prepared
4 to deal with all-hazards.

5 (7) “First responder” means State, county, and local governmental and
6 nongovernmental personnel who provide immediate support services necessary
7 to perform emergency management functions, including:

8 (A) emergency management and public safety personnel;

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

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

12 (D) public safety telecommunications and dispatch personnel;

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

15 (F) licensed professionals who provide clinical services, including
16 emergency care, in hospitals;

17 (G) public health personnel;

18 (H) public works personnel, including water, wastewater, and
19 stormwater personnel; and

20 (I) equipment operators and other skilled personnel, who provide
21 services necessary to enable the performance of emergency management

1 functions.

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

4 ~~(8)~~(9) “Hazardous chemical or substance” means:

5 * * *

6 ~~(9)~~(10) “Hazardous chemical or substance incident” means any mishap
7 or occurrence involving hazardous chemicals or substances that may pose a
8 threat to persons or property.

9 ~~(10)~~(11) “Homeland security” means the preparation for and carrying
10 out of all emergency functions, other than the functions for which the U.S.
11 Armed Forces or other federal agencies are primarily responsible, to prevent,
12 minimize, or repair injury and damage resulting from or caused by enemy
13 attack, sabotage, or other hostile action.

14 ~~(11)~~(12) “Radiological incident” means any mishap or occurrence
15 involving radiological activity that may pose a threat to persons or property.

16 Sec. 6. 20 V.S.A. chapter 181 is amended to read:

17 CHAPTER 181. BENEFITS FOR THE SURVIVORS OF EMERGENCY

18 AND PUBLIC WORKS PERSONNEL

19 § 3171. DEFINITIONS

20 As used in this chapter:

21 (1) “Board” means the Emergency and Public Works Personnel

1 Survivors Benefit Review Board.

2 (2) “Child” means a natural or legally adopted child, regardless of age.

3 (3) “Domestic partner” means an individual with whom the employee
4 has an enduring domestic relationship of a spousal nature, provided the
5 employee and the domestic partner:

6 (A) have shared a residence for at least six consecutive months;

7 (B) are at least 18 years of age;

8 (C) are not married to or considered a domestic partner of another
9 individual;

10 (D) are not related by blood closer than would bar marriage under
11 State law; and

12 (E) have agreed between themselves to be responsible for each
13 other’s welfare.

14 (4) “Emergency personnel” means:

15 (A) firefighters as defined in subdivision 3151(3) of this title; and

16 (B) emergency medical personnel and volunteer personnel as defined
17 in 24 V.S.A. § 2651.

18 ~~(4)~~(5) “Line of duty” means:

19 (A) for emergency personnel:

20 (i) answering or returning from a call of the department for a fire
21 or emergency or training drill; or

1 ~~(B)~~(ii) similar service in another town or district to which the
2 department has been called for firefighting or emergency purposes; and

3 (B) for public works personnel, work performed:

4 (i) in a hazardous location;

5 (ii) as part of an emergency response to an all-hazards event, as
6 that term is defined in section 2 of this title; or

7 (iii) in conjunction with emergency personnel in a construction
8 zone, highway traffic area, or other location in which the public works
9 personnel is exposed to risk of injury or fatality from construction hazards,
10 highway traffic volume and speed, nighttime response, environmental factors,
11 weather, or other hazardous conditions.

12 ~~(5)~~(6) “Occupation-related illness” means a disease that directly arises
13 out of, and in the course of, service, including a heart injury or disease
14 symptomatic within 72 hours from the date of last service in the line of duty,
15 which shall be presumed to be incurred in the line of duty.

16 ~~(6)~~(7) “Parent” means a natural or adoptive parent.

17 (8) “Public works personnel” includes water, wastewater, and
18 stormwater personnel.

19 (9) “Spouse” includes a domestic partner or civil union partner.

20 ~~(7)~~(10) “Survivor” means a spouse, child, or parent of emergency
21 personnel or public works personnel who have died in the line of duty.

1 § 3172. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS
2 BENEFIT REVIEW BOARD

3 (a) There is created the Emergency and Public Works Personnel Survivors
4 Benefit Review Board, which shall consist of the State Treasurer or designee,
5 the Attorney General or designee, the Chief Fire Service Training Officer of
6 the Vermont Fire Service Training Council or designee, and ~~one member~~ two
7 members of the public, one to represent the interests of emergency personnel
8 and one to represent the interests of public works personnel, who shall be
9 appointed by the Governor for a term of two years. Survivors of emergency
10 personnel or public works personnel, employed by or who volunteer for the
11 State of Vermont, a county or municipality of the State, or a nonprofit entity
12 that provides services in the State, who die in the line of duty or of an
13 occupation-related illness may request the Board award a monetary benefit
14 under section 3173 of this title. The Board shall be responsible for
15 determining whether to award monetary benefits under section 3173. A
16 decision to award monetary benefits shall be made by unanimous vote of the
17 Board and shall be made within 60 days after the receipt of all information
18 necessary to enable the Board to determine eligibility. The Board may request
19 any information necessary for the exercise of its duties under this section.
20 Nothing in this section shall prevent the Board from initiating the investigation
21 or determination of a claim before being requested by a survivor or employer

1 of emergency personnel.

2 * * *

3 (c) If the Board decides to award a monetary benefit, the benefit shall be
4 paid to the surviving spouse or, if the emergency personnel or public works
5 personnel had no spouse at the time of death, to the surviving child, or equally
6 among surviving children. If the deceased emergency personnel or public
7 works personnel is not survived by a spouse or child, the benefit shall be paid
8 to a surviving parent, or equally between surviving parents. If the deceased
9 emergency personnel or public works personnel is not survived by a spouse,
10 children, or parents, the Board shall not award a monetary benefit under this
11 chapter.

12 * * *

13 (f) ~~The~~ Each member of the public appointed by the Governor shall be
14 entitled to per diem compensation authorized under 32 V.S.A. § 1010 for each
15 day spent in the performance of ~~his or her~~ the member's duties.

16 § 3173. MONETARY BENEFIT

17 (a) The survivors of emergency personnel or public works personnel who
18 ~~dies~~ die while in the line of duty or from an occupation-related illness may
19 apply for a payment of ~~\$50,000.00~~ \$80,000.00 from the State.

20 * * *

1 § 3175. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS
2 BENEFIT SPECIAL FUND

3 (a) The Emergency and Public Works Personnel Survivors Benefit Special
4 Fund is established in the Office of the State Treasurer for the purpose of the
5 payment of claims distributed pursuant to this chapter. The Fund shall
6 comprise appropriations made by the General Assembly, amounts transferred
7 by the Emergency Board when the General Assembly is not in session, and
8 contributions or donations from any other source. All balances in the Fund at
9 the end of the fiscal year shall be carried forward. Interest earned shall remain
10 in the Fund.

11 (b) In the event that the balance of the Fund is insufficient to pay monetary
12 benefits awarded by the Board when the General Assembly is not in session,
13 the Emergency Board may, pursuant to its authority under 32 V.S.A. § 133,
14 transfer into the Fund additional amounts necessary to pay the monetary
15 benefits.

16 * * *

17 * * * Emergency Management * * *

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

19 § 6. LOCAL AND REGIONAL ORGANIZATION FOR EMERGENCY
20 MANAGEMENT

21 (a) Each town and city of this State is ~~hereby authorized and directed to~~

1 shall establish a local organization for emergency management in accordance
2 with the State emergency management plan and program. The executive
3 officer or legislative branch of the town or city ~~is authorized to~~ shall appoint a
4 town or city emergency management director who shall have direct
5 responsibility for the organization, administration, and coordination of the
6 local organization for emergency management, subject to the direction and
7 control of the executive officer or legislative branch. If the town or city ~~that~~
8 has not adopted the town manager form of government in accordance with 24
9 V.S.A. chapter 37 and the executive officer or legislative branch of the town or
10 city has not appointed an emergency management director, the executive
11 officer or legislative branch shall ~~be the~~ appoint a town or city emergency
12 management director. The town or city emergency management director may
13 appoint an emergency management coordinator and other staff as necessary to
14 accomplish the purposes of this chapter. In an instance of a vacancy of the
15 position of a town or city emergency management director, the executive
16 officer or the chair or president of the legislative branch shall be the emergency
17 management director.

18 (b) Each local organization for emergency management shall perform
19 emergency management functions within the territorial limits of the town or
20 city within which it is organized ~~and, in~~ which may include coordinating the
21 utilization of first responders and other emergency management personnel

1 pursuant to the all-hazards emergency management plan adopted pursuant to
2 subsection (c) of this section. In addition, each local organization for
3 emergency management shall conduct such functions outside the territorial
4 limits as may be required pursuant to the provisions of this chapter and in
5 accord with rules adopted by the Governor.

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

10 (2) The Division shall amend the local emergency plan template and any
11 best management practices or guidance the Division issues to municipalities to
12 address the need for the siting of local and regional emergency shelters in a
13 manner that allows access by those in need during an all-hazards event.

14 (3) The Division shall advise municipalities that when a shelter is sited
15 under a local emergency plan, the municipality should work with the Agency
16 of Human Services and the American Red Cross to assess the facility,
17 including the characteristics of the surrounding area during an all-hazards
18 event and multiple routes of travel and possible hazards that could prevent
19 access to the shelter.

20 (4) The Division, in coordination with the Agency of Human Services,
21 shall advise municipalities, upon completion of a local emergency

1 management plan, on how to conduct training and exercises pertaining to
2 sheltering.

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

5 * * *

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

8 (A) Voting members. The local emergency management director or
9 designee and one representative from each town and city in the region shall
10 serve as the voting members of the committee. A representative from a town
11 or city shall be a member of the town's or city's emergency services
12 community and shall be appointed by the town's or city's executive or
13 legislative branch.

14 (B) Nonvoting members. Nonvoting members may include
15 representatives from the following organizations serving within the region:
16 fire departments, emergency medical services, law enforcement, other entities
17 providing emergency response personnel, media, transportation, regional
18 planning commissions, hospitals, the Department of Health's district office, the
19 Division of Emergency Management, organizations serving vulnerable
20 populations, local libraries, arts and culture organizations, regional
21 development corporations, local business organizations, and any other

1 interested public or private individual or organization.

2 * * *

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

4 § 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

5 (a) The Commission shall have authority to:

6 * * *

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

11 * * *

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

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

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

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

19 (b) All local emergency planning committees shall include representatives
20 from the following: fire departments; local and regional emergency medical
21 services; local, county, and State law enforcement; other entities providing first

1 responders or emergency management personnel; media; transportation;
2 regional planning commissions; hospitals; industry; the Vermont National
3 Guard; the Department of Health's district office; and an animal rescue
4 organization, and may include any other interested public or private individual
5 or organization. Where the local emergency planning committee represents
6 more than one region of the State, the Commission shall appoint
7 representatives that are geographically diverse.

8 (c) A local emergency planning committee shall perform all the following
9 duties:

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

16 (A) Identifies facilities and transportation routes of extremely
17 hazardous substances.

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

21 (C) Designates a local emergency planning committee coordinator

1 and facility coordinators to implement the plan.

2 (D) Outlines emergency notification procedures.

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

5 (F) Describes local emergency equipment and facilities and the
6 persons responsible for them.

7 (G) Outlines evacuation plans.

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

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

11 (2) Upon receipt by the committee or the committee's designated
12 community emergency coordinator of a notification of a release of a hazardous
13 chemical or substance, ensure that the local emergency plan has been
14 implemented.

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

20 (4) Review and evaluate requests for funding and other resources and
21 advise the State Emergency Response Commission concerning disbursement

1 of funds.

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

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

8 **§ 41. STATE EMERGENCY MANAGEMENT PLAN.**

9 The Department of Public Safety's Vermont Emergency Management
10 Division shall create, and republish as needed, but not less than every five
11 years, a comprehensive State Emergency Management Plan. The Plan shall
12 detail response systems during all-hazards events, including communications,
13 coordination among State, local, private, and volunteer entities, and the
14 deployment of State and federal resources. The Plan shall also detail the
15 State's emergency preparedness measures and goals, including those for the
16 prevention of, protection against, mitigation of, and recovery from all-hazards
17 events. The Plan shall include templates and guidance for local emergency
18 plans that support municipalities in their respective emergency management
19 planning.

20 Sec. 11. VERMONT EMERGENCY MANAGEMENT DIVISION

21 DISASTER PREPAREDNESS REVIEW

1 (a) Review. On or before June 30, 2025, the Department of Public Safety's
2 Division of Vermont Emergency Management (VEM) shall conduct an after-
3 action review of the State's disaster preparedness leading up to, during, and
4 after the 2023 summer flooding events throughout the State, overseen by the
5 Director of VEM. The review shall examine all aspects of the State's response
6 and shall include input from the whole community. In addition to the federal
7 Homeland Security Exercise and Evaluation Program's requirements, the
8 review shall include examining the adequacy of early warning and evacuation
9 orders, designated evacuation routes and emergency shelters, the present
10 system of local emergency management directors in wide-spread emergencies
11 and the State's present emergency communications systems.

12 (b) Report. On or before December 15, 2025, the Director of VEM shall
13 submit a written report to the House Committee on Government Operations
14 and Military Affairs and the Senate Committee on Government Operations
15 with its findings regarding the disaster preparedness review, and, if the
16 Director determines there to be inadequacies present in the State's disaster
17 preparedness, a plan for improving the State's disaster preparedness, which
18 may include any recommendations for legislative action.

1 Sec. 12. [Deleted.]

2 * * * Municipal Stormwater Utilities * * *

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

4 CHAPTER 101. SEWAGE, SEWAGE DISPOSAL SYSTEM, AND
5 STORMWATER SYSTEMS

6 § 3601. DEFINITIONS

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

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

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

21 (2) “Domestic sewage” or “house sewage” means sanitary sewage

1 derived principally from dwellings, business buildings, and institutions.

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

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

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

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

18 (7) “Sewage” means the used water supply of a community, including
19 such used water supply or stormwater as may or may not be mixed with these
20 liquid wastes from the community.

21 (8) “Sewage system” means any equipment, stormwater control system,

1 pipe line system, and facilities as are needed for and appurtenant to the
2 treatment or disposal of sewage and waters, including a sewage treatment or
3 disposal plant and separate pipe lines and structural or nonstructural facilities
4 as are needed for and appurtenant to the treatment or disposal of storm,
5 surface, and subsurface waters.

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

11 (10) “Stormwater” has the same meaning as “stormwater runoff” under
12 10 V.S.A. § 1264.

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

18 § 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

19 (a) Except as provided for in subsection (b) of this section, the selectboard
20 of a town, the trustees of a village, the prudential committee of a fire or
21 lighting district, or the mayor and board of aldermen of a city, shall be the

1 board of commissioners for the sewage system of a municipality.

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

9 § 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

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

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

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

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

20 § ~~3602~~ 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

21 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 sewage for the
10 purpose of disposing and dispose of sewage by such municipal corporation.

11 § ~~3603~~ 3605. ENTRY ON LANDS

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

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

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

20 (3) open the ground in any streets, lanes, avenues, highways, and public
21 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

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

6 § ~~3606~~ 3608. SERVICE AND PUBLICATION OF PETITION

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

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

15 (c) The petition, together with the court's order fixing the time and place of
16 hearing, shall be served upon each person owning or having an interest in land
17 to be purchased or condemned like a summons, or, on absent defendants, in
18 ~~such~~ the manner as the Supreme Court may by rule provide for service of
19 process in civil actions. If the service on any defendant is impossible, upon
20 affidavit of the sheriff, deputy sheriff, or constable attempting service, ~~therein~~
21 stating that the location of the defendant within or ~~without~~ outside the State is

1 unknown and that ~~he or she~~ the defendant has no known agent or attorney in
2 the State of Vermont upon ~~which~~ whom service may be made, the publication
3 ~~herein provided~~ required by this section shall be deemed sufficient service on
4 the defendant.

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

8 § ~~3607~~ 3609. HEARING AND ORDER OF NECESSITY

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

15 (b) The burden of proof of the necessity of the taking shall be upon the
16 board.

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

20 (d) The court shall make findings of fact and file them. The court shall, by
21 its order, determine whether necessity requires the taking of ~~such~~ land and

1 rights and may modify or alter the proposed taking ~~in such respects as to it~~ the
2 court may ~~seem~~ deem proper.

3 § ~~3608~~ 3610. APPEAL FROM ORDER OF NECESSITY

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

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

16 § ~~3609~~ 3611. COMPENSATION; CONDEMNATION

17 (a) When an owner of land or rights ~~therein~~ in land and the board are
18 unable to agree on the amount of compensation ~~therefor~~ or in case the owner is
19 an infant, a person who lacks capacity to protect his or her the person's
20 interests due to a mental condition or psychiatric disability, absent from the
21 State, unknown, or the owner of a contingent or uncertain interest, a Superior

1 judge may, on the application of either party, cause the notice to be given of
2 the application as ~~he or she~~ the judge may prescribe, and after proof ~~thereof of~~
3 the application, the judge may appoint three disinterested persons to examine
4 the property to be taken, or damaged by the municipal corporation.

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

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

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

1 order may be taken to the Supreme Court under 12 V.S.A. chapter 102.

2 § ~~3610~~ 3612. RECORD

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

7 § ~~3611~~ 3613. CONTRACT FOR SEWAGE DISPOSAL

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

17 * * *

18 § ~~3612~~ 3614. CHARGES; ENFORCEMENT

19 (a) ~~The owner of any tenement, house, building, or lot shall be liable for~~
20 ~~the sewage disposal charge as hereinafter defined. Such sewage disposal~~
21 ~~charge~~ A property owner or group of property owners using the sewage system

1 shall be liable for the rent fixed by the board pursuant to this chapter. The
2 charges, rates, or rents for the sewage system shall be a lien upon the real
3 estate furnished with such service in the same manner and to the same effect as
4 taxes are a lien upon real estate under 32 V.S.A. § 5061 and shall be an
5 assessment enforceable under the procedures in ~~subsections~~ subsection (b), (c),
6 or (d) of this section, or a combination of these procedures.

7 * * *

8 § ~~3613~~ 3615. TAXES, BONDS

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

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

15 (2) borrow money;

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

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

1 that bonds so issued:

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

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

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

16 ~~§ 3614. BOARD OF SEWAGE DISPOSAL COMMISSIONERS~~

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

20 ~~§ 3615~~ 3616. RENTS; RATES

21 (a) ~~Such~~ A municipal corporation, through its board of sewage disposal

1 ~~commissioners~~, may establish rates, rents, or charges ~~to be called~~ “sewage
2 ~~disposal charges,”~~ to be paid ~~at such times and in such manner~~ as the
3 ~~commissioners~~ board may prescribe. The ~~commissioners~~ board may establish
4 annual charges separately for bond repayment, fixed operations and
5 maintenance costs (~~not dependent on actual use~~), and variable operations and
6 maintenance costs dependent on flow.

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

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

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

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

20 (4) the appraised value of premises, in the event that the commissioners
21 shall determine the sewage disposal plant to be of general benefit to the

1 municipality regardless of actual connection with the same;

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

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

9 (7) any combination of these bases, ~~so long as~~ provided the combination
10 is equitable.

11 ~~(b)(c)~~ The basis for establishing ~~sewer disposal~~ rates, rents, or charges shall
12 be reviewed annually by ~~sewage disposal commissioners~~ the board. No
13 premises otherwise exempt from taxation, including premises owned by the
14 State of Vermont, shall, by virtue of any ~~such~~ the exemption, be exempt from
15 charges established ~~hereunder~~ under this section. The commissioners may
16 change the rates ~~of such, rents, or charges from time to time~~ as may be
17 reasonably required.

18 (d) Where one of the bases of ~~such~~ a rent, rate, or charge is the appraised
19 value and the premises to be appraised are tax exempt, the ~~commissioners~~
20 board may cause the listers to appraise ~~such~~ the property, including State
21 property, for the purpose of determining the ~~sewage disposal~~ the rates, rents, or

1 charges. The right of appeal from ~~such~~ the appraisal shall be the same as
2 provided in 32 V.S.A. chapter 131. The Commissioner of Finance and
3 Management is authorized to issue ~~his or her~~ warrants for ~~sewage disposal~~
4 rates, rents, or charges against State property and transmit to the State
5 Treasurer who shall draw a voucher in payment ~~thereof~~ of the rates, rents, or
6 charges. No charge so established and no tax levied under the provisions of
7 section ~~3613~~ 3615 of this title shall be considered to be a part of any tax
8 authorized to be assessed by the legislative body of any municipality for
9 general purposes; but shall be in addition to any such tax so authorized to be
10 assessed.

11 (e) ~~Sewage disposal~~ Rates, rents, or charges established in accord with this
12 section may be assessed by the board ~~of sewage disposal commissioners as~~
13 ~~provided in section 3614 of this title~~ to derive the revenue required to pay
14 pollution charges assessed against a municipal corporation under 10 V.S.A.
15 § ~~1265~~ 1263.

16 (e)(f) When a ~~sewage disposal~~ rate, rent, or charge established under this
17 section for the management of stormwater is applied to property owned,
18 controlled, or managed by the Agency of Transportation, the charge shall not
19 exceed the highest rate category applicable to other properties in the
20 municipality, and the Agency of Transportation shall receive a 35 percent
21 credit on the charge. The Agency of Transportation shall receive no other

1 credit on the charge from the municipal corporation.

2 § ~~3616~~ 3617. DUTIES; USE OF PROCEEDS

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

14 ~~(b) These~~ The charges and receipts also may be used to develop a dedicated
15 fund that may be created by the ~~commissioners~~ board to finance major
16 rehabilitation, major maintenance, and upgrade costs for the sewer system.
17 This fund may be established by an annual set-aside of up to 15 percent of the
18 normal operations, maintenance, and bond payment costs, except that with
19 respect to subsurface leachfield systems, the annual set-aside may equal up to
20 100 percent of these costs. The fund shall not exceed the estimated future
21 major rehabilitation, major maintenance, or upgrade costs for the sewer

1 system. Any dedicated fund shall be insured at least to the level provided by
2 FDIC and withdrawals shall be made only for the purposes for which the fund
3 was established. Any ~~such~~ dedicated fund may be established and controlled
4 in accord with section 2804 of this title or may be established by act of the
5 legislative body of the municipality. Funds so established shall meet the
6 requirements of subdivision 4756(a)(4) of this title.

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

11 (d) The charges, receipts, and revenue may also be used for stormwater
12 management, control, and treatment; flood resiliency; floodplain restoration;
13 and other similar measures.

14 § ~~3617~~ 3618. ORDINANCES

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

19 § 3619. SEWERS AND PLUMBING; ORDERS

20 The board may require the owners of buildings, subdivisions, or
21 developments abutting on a public street or highway to have all sewers from

1 those buildings, subdivisions, or developments connected to the municipal
2 corporation's sewage system.

3 § ~~3618~~ 3620. MEETINGS; VOTE

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

14 * * *

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

16 § 3679. FINANCES—SEWER RATES; APPLICATION OF REVENUE

17 (a) The board of sewer commissioners of a consolidated sewer district shall
18 establish rates for the sewer service and all individuals, firms, and corporations
19 whether private, public, or municipal shall pay to the treasurer of the district
20 the rates established by the board. The manner of establishment of the rates
21 shall be in accord with section ~~3615~~ 3616 of this title. The rates shall be so

1 established as to provide revenue for the following purposes:

2 * * *

3 Sec. 15. REPEAL

4 24 V.S.A. chapter 97 (sewage system) is repealed.

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

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

7 § 50. URBAN SEARCH AND RESCUE TEAM

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

13 (b) The USAR Team program manager shall perform all the following
14 duties:

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

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

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

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

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

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

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

17 * * * Vermont-211 Information Privacy * * *

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

19 Pursuant to Vermont's Public Records Act, personal information and lists of
20 names within records created or acquired by Vermont 211 shall be exempt
21 from public inspection or copying. Vermont 211 shall keep confidential any

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

5 * * * Emergency Communications * * *

6 Sec. 18. PUBLIC NOTIFICATION POLICY DURING EMERGENCY

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

13 Sec. 19. [Deleted.]

14 Sec. 20. ENHANCED 911 BOARD TARIFFS; REPORT

15 On or before January 15, 2025, the Enhanced 911 Board shall report to the
16 House Committee on Government Operations and Military Affairs and the
17 Senate Committee on Government Operations on current local exchange
18 telecommunications tariffs, and, in particular, evaluating existing tariffs
19 permitted pursuant to 30 V.S.A. § 7055, determining actual costs for the
20 provision of the service elements, and comparing those tariffs to similar cost
21 recovery mechanisms in other states.

1 * * * Language Assistance Services for State Emergency

2 Communications * * *

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

4 § 4. LANGUAGE ASSISTANCE SERVICES FOR STATE EMERGENCY

5 COMMUNICATIONS

6 (a) If an all-hazards event occurs, the Vermont Emergency Management
7 Division shall ensure that language assistance services are available for all
8 State communications regarding the all-hazards event, including relevant press
9 conferences and emergency alerts. ~~timely manner~~ Language assistance
10 services shall be provided for:

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

12 (2) individuals with limited English proficiency.

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

16 (c) Annually, the Vermont Emergency Management Division shall hold a
17 public meeting with members of the Vermont Deaf, Hard of Hearing, and
18 DeafBlind Advisory Council; the Office of Racial Equity; the Vermont
19 Association of Broadcasters; and other relevant stakeholders to review the
20 adequacy and efficacy of the provision and distribution of language assistance
21 services of emergency communications over mass communication platforms to

1 individuals who are Deaf, Hard of Hearing, and DeafBlind as well as
2 individuals with limited English language proficiency.

3 Sec. 22. [Deleted.]

4 Sec. 23. LANGUAGE ASSISTANCE SERVICES FOR EMERGENCY
5 COMMUNICATIONS WORKING GROUP; REPORT

6 (a) Creation. There is created the Language Assistance Services for
7 Emergency Communications Working Group, consisting of staff at the
8 Vermont Emergency Management (VEM) Division and the Office of Racial
9 Equity, who will collaborate with the Vermont Association of Broadcasters;



12 (b) Duties. The Working Group shall develop best practices for the
13 provision of language assistance services in emergency communications
14 during and after all-hazard events, as defined in 2 V.S.A. § 2. The Working
15 Group shall analyze and make recommendations on technologies for providing
16 these services, including tools such as Communication Access Realtime
17 Translation (CART) and Picture in Picture (PIP) techniques and automated
18 language translation services or machine translation.

19 (c) Report. On or before December 15, 2024, the Working Group shall
20 submit a written report to the House Committee on Government Operations
21 and Military Affairs and the Senate Committee on Government Operations

1 with its findings and any recommendations for legislative action.

2 (d) Prospective repeal. The Working Group shall cease to exist on June 30,
3 2025.

4 * * * Post-Secondary Disaster Management Programs * * *

5 Sec. 24. POST-SECONDARY DISASTER MANAGEMENT PROGRAM

6 REPORT

7 On or before February 15, 2025, the President or designee for the Vermont
8 State University and the President or designee for the University of Vermont
9 shall each submit a written report to the House Committee on Government
10 Operations and Military Affairs and the Senate Committee on Government
11 Operations examining the creation of post-secondary disaster management
12 programs, including the associated costs, projected enrollments, and aspects of
13 curricula.

14 * * * Emergency Powers of the Governor and Emergency Management * * *

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

16 § 1. PURPOSE AND POLICY

17 (a) Because of the increasing possibility of the occurrence of disasters or
18 emergencies of unprecedented size and destructiveness resulting from all-
19 hazards and in order to ensure that preparation of this State will be adequate to
20 deal with such disasters or emergencies; to provide for the common defense; to
21 protect the public peace, health, and safety; and to preserve the lives and

1 property of the people of the State, it is found and declared to be necessary:

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

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

7 (3) to provide for the rendering of mutual aid among the towns and
8 cities of the State; with other states and Canada; and with the federal
9 government with respect to the carrying out of emergency management
10 functions; and

11 (4) to authorize the establishment of organizations and ~~the taking of~~
12 ~~steps as necessary and appropriate~~ to carry out the provisions of this chapter as
13 necessary and appropriate.

14 * * *

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

16 § 8. GENERAL POWERS OF GOVERNOR

17 * * *

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

20 * * *

21 (3) Inventories, training, mobilization. In accordance with the plan and

1 program for the emergency management of the State:

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

6 * * *

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

12 * * *

13 (8) Mutual aid agreements with other states. On behalf of this State, to
14 enter into reciprocal aid agreements under this chapter and pursuant to
15 compacts with other states and the federal government or a province of a
16 foreign country under such terms as the Congress of the United States may
17 prescribe. These mutual aid arrangements shall be limited to the furnishing or
18 exchange of food, water, fuel, clothing, medicine, and other supplies;
19 engineering services; emergency housing; police services; National Guard ~~or~~
20 ~~State Guard~~ units while under the control of the State; health; medical and
21 related services; fire fighting, rescue, transportation, and construction services

1 and equipment; personnel necessary to provide or conduct these services; and
2 other supplies, equipment, facilities, personnel, and services as needed; and the
3 reimbursement of costs and expenses for equipment, supplies, personnel, and
4 similar items for mobile support units, ~~fire-fighting~~ firefighting , and police
5 units and health units. The mutual aid agreements shall be made on such terms
6 and conditions as the Governor deems necessary.

7 * * *

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

9 § 9. EMERGENCY POWERS OF GOVERNOR

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

17 (1) To enforce all laws and rules relating to emergency management and
18 to assume direct operational control of all first responders, other emergency
19 management personnel, and ~~helpers~~ volunteers in the affected area or areas.

20 * * *

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

2 § 11. ADDITIONAL EMERGENCY POWERS

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

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

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

1 utilize, and operate such property except ~~newspapers and other publications~~
2 news outlets, radio stations, places of worship and assembly, and other
3 facilities for the exercise of constitutional freedom, and employ necessary
4 personnel in accordance with the purposes for which such contract is executed;
5 ~~and may do all things and perform all acts necessary to effectuate the purpose~~
6 ~~for which the contract was entered into.~~

7 * * *

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

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

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

1 State.

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

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.

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

2 § 17. GIFT, GRANT, OR LOAN

3 (a) Federal. Whenever the federal government or any agency or officer of
4 the federal government offers to the State, or through the State to any town or
5 city within Vermont, services, equipment, supplies, materials, or funds by way
6 of gift, grant, or loan for purposes of emergency management, the State, acting
7 through the Governor in coordination with the Department of Public Safety, or
8 such town or city acting with the consent of the Governor and through its
9 executive officer or legislative branch, may accept the offer, ~~and upon~~ in
10 accordance with the provisions of 32 V.S.A. § 5. Upon such acceptance, the
11 Governor or the executive officer or legislative branch of the political
12 subdivision may authorize any officer of the State or of the political
13 subdivision, as the case may be, to receive the services, equipment, supplies,
14 materials, or funds on behalf of the State or the political subdivisions, and
15 subject to the terms of the offer and rules, if any, of the agency making the
16 offer. Whenever a federal grant is contingent upon a State or local
17 contribution, or both, the Department of Public Safety and the political
18 subdivision shall determine whether the grant shall be accepted and, if
19 accepted, the respective shares to be contributed by the State and town or city
20 concerned.

21 (b) Private. Whenever any person, firm, or corporation offers to the State

1 or to any town or city in Vermont services, equipment, supplies, materials, or
2 funds by way of gift, grant, or loan, for purposes of emergency management,
3 the State, acting through the Governor, or the political subdivision, acting
4 through its executive officer or legislative branch, may accept the offer, ~~and~~
5 ~~upon~~ in accordance with the provisions of 32 V.S.A. § 5. Upon such
6 acceptance, the Governor or executive officer or legislative branch of the
7 political subdivision may authorize any officer of the State or the political
8 subdivision, as the case may be, to receive the services, equipment, supplies,
9 materials, or funds on behalf of the State or the political subdivision; and
10 subject to the terms of the offer.

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.

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

2 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

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

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

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

19 (2) Three public members, appointed by the President Pro Tempore of
20 the Senate.

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

1 (4) When the seat of a public member is vacated, the replacement
2 member shall be appointed on a rotating basis starting with the Speaker of the
3 House, with the next appointment to be made by the President Pro Tempore of
4 the Senate, and then the next appointment to be made by the Governor, and
5 then beginning again.

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

7 ~~(e)~~(d) Members of the Commission, except State employees who are not
8 otherwise compensated as part of their employment and who attend meetings,
9 shall be entitled to a per diem and expenses as provided in 32 V.S.A. § 1010.
10 Sec. 33. 20 V.S.A. § 34 is amended to read:

11 § 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

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

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

20 (2) To assist any political subdivision of this State that is the locus of
21 temporary housing for disaster victims to acquire sites necessary for the

1 temporary housing and ~~to do all things required~~ to prepare the site to receive
2 and utilize temporary housing units by:

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

5 (B) “passing through” funds made available by any agency, public or
6 private; or

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

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

19 (c) Any political subdivision of this State is expressly authorized to
20 acquire, temporarily or permanently, by purchase, lease, or otherwise, sites
21 required for installation of temporary housing units for disaster victims, and to

1 enter into whatever arrangements are necessary to prepare or equip such sites
2 to utilize the housing units, including the purchase of temporary housing units
3 and payment of transportation charges.

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

6 (e) Nothing in this chapter shall be construed to limit the Governor's
7 authority to apply for, administer, and expend any grants, gifts, or payments in
8 aid of disaster prevention, preparedness, response, or recovery.

9 (f) ~~As used in this chapter, "major disaster," "emergency," and "temporary~~
10 ~~housing" have the same meaning as in the Disaster Relief Act of 1974, P.L. 93-~~
11 ~~288. [Repealed.]~~

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

13 § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

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

18 (1) \$40.00 for quantities between 100 and 999 pounds.

19 (2) \$60.00 for quantities between 1,000 and 9,999 pounds.

20 (3) \$100.00 for quantities between 10,000 and 99,999 pounds.

21 (4) \$290.00 for quantities between 100,000 and 999,999 pounds.

1 (5) \$880.00 for quantities exceeding 999,999 pounds.

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

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

7 (c) The following are exempted from paying the fees required by this
8 section but shall comply with the reporting requirements of this chapter:

9 (1) municipalities and other political subdivisions;

10 (2) State agencies;

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

12 (4) nonprofit corporations.

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

18 (e) The State or any political subdivision, including any municipality, fire
19 district, emergency medical service, or incorporated village, is authorized to
20 recover any and all reasonable direct expenses incurred as a result of the
21 response to and recovery of a hazardous chemical or substance incident from

1 the person or persons responsible for the incident. All funds collected by the
2 State under this subsection shall be deposited into the Hazardous Chemical and
3 Substance Emergency Response Fund created pursuant to subsection 38(b) of
4 this chapter. The Attorney General shall act on behalf of the State to recover
5 these expenses. The State or political subdivision shall be awarded costs and
6 reasonable attorney's fees that are incurred as a result of exercising the
7 provisions of this subsection.

8 (f)(1) The Department of Public Safety shall have authority to inspect the
9 premises and records of any employer to ensure compliance with the
10 provisions of this chapter and the rules adopted under this chapter.

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

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

18 Sec. 35. REPEAL

19 20 V.S.A. § 40 (enforcement) is repealed.

20 Sec. 36. [Deleted.]

21 Sec. 37. [Deleted.]

1

* * * Effective Dates * * *

2

Sec. 38. EFFECTIVE DATES

3

This act shall take effect on July 1, 2024, except that Sec. 21 (20 V.S.A.

4

§ 4) shall take effect on July 1, 2025.