

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 modify authority for
14 utilities to assess stormwater rates and the joint municipal stormwater utility
15 operations grant program. This bill proposes to require the Vermont
16 Emergency Management Division to conduct an assessment of the State's
17 disaster preparedness, report the findings, and provide a disaster preparedness
18 improvement plan if necessary. The bill proposes to authorize the Department
19 of Public Safety to create the Vermont Search and Rescue Team to provide for
20 the rapid response of trained professionals to emergencies and other hazards
21 occurring in the State. This bill proposes to require Vermont 211 to keep

1 confidential any personal information acquired from victims of natural
2 disasters except for coordinating relief work for individuals. This bill proposes
3 to implement best management practices for rebuilding after emergencies.
4 This bill proposes to require a policy making E-911 and VT-Alerts more
5 responsive in large emergencies. This bill proposes to require the Division of
6 Vermont Emergency Management to implement best management practices
7 for the placement and funding of local emergency shelters. This bill proposes
8 to create a Chief Climate Resilience Officer in the Department of Public
9 Safety.

10

11 An act relating to natural disaster government response, recovery, and
12 resiliency

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

14 * * * Creation of the Community Resilience and Disaster Mitigation Fund

15 * * *

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

17 § 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION

18 GRANT PROGRAM

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

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

7 (c) Administration; implementation.

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

11 (A) technical assistance on natural disaster mitigation to
12 municipalities; and

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

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

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

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

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

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

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

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

12 (C) establish eligibility criteria for covered municipalities.

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

14 § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

15 FUND

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

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

21 (1) monies appropriated to the Fund; and

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

3 (c) Fund administration.

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

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

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

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

17 Sec. 3. COMMUNITY RESILIENCE AND DISASTER MITIGATION

18 GRANT PROGRAM; APPROPRIATION

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

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

2 § 8557. ~~VERMONT FIRE SERVICE TRAINING COUNCIL~~ PREMIUM
3 ASSESSMENT; INSURANCE COMPANIES

4 (a) Assessment.

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

12 (2) The Commissioner shall apportion such charges among all such
13 companies based on the amounts set forth in this section and shall assess them
14 for the charges on a fair and reasonable basis as a percentage of their gross
15 direct written premiums on such insurance written during the second prior
16 calendar year on property situated in the State. The assessment shall be
17 imposed within 30 days after notice from the Commissioner of Financial
18 Regulation of such estimated expenses.

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

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

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

15 (2) The Commissioner shall annually, on or before July 1, apportion such
16 charges among all such companies and shall assess them for the charges on a
17 fair and reasonable basis as a percentage of their gross direct written premiums
18 on such insurance written during the second prior calendar year on property
19 situated in the State. The Department of Taxes shall collect all assessments
20 under this section.

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

5 ~~(4)(c)~~ Emergency Medical Services. An amount not less than
6 \$150,000.00 of the assessment described in subsection (a) of this section shall
7 be 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 ~~(5) The Department of Health shall present a plan to the Joint Fiscal~~
13 ~~Committee that shall review the plan prior to the release of any funds.~~

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

17 (d) Allocation. An amount not less than \$3,000,000.00 of the assessment
18 described in subsection (a) of this section shall be specifically allocated to the
19 Community Resilience and Disaster Mitigation Fund established in 20 V.S.A.
20 § 48.

21

1 ~~(11)~~(12) “Radiological incident” means any mishap or occurrence
2 involving radiological activity that may pose a threat to persons or property.

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

4 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT

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

20 (b) Each local organization for emergency management shall perform
21 emergency management functions within the territorial limits of the town or

1 city within which it is organized ~~and, in~~ which may include directing the
2 utilization of emergency management personnel pursuant to the all-hazards
3 emergency management plan adopted pursuant to subsection (c) of this section.

4 In addition, each local organization for emergency management shall conduct
5 such functions outside the territorial limits as may be required pursuant to the
6 provisions of this chapter and in accord with rules adopted by the Governor.

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

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

12 * * *

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

15 (A) Voting members. The local emergency management director or
16 designee and one representative from each town and city in the region shall
17 serve as the voting members of the committee. A representative from a town
18 or city shall be a member of the town's or city's emergency services
19 community and shall be appointed by the town's or city's executive or
20 legislative branch.

1 (B) Nonvoting members. Nonvoting members may include
2 representatives from the following organizations serving within the region: fire
3 departments, emergency medical services, law enforcement, other entities
4 providing emergency management personnel, media, transportation, regional
5 planning commissions, hospitals, the Department of Health’s district office, the
6 Division of Emergency Management, organizations serving vulnerable
7 populations, and any other interested public or private individual or
8 organization.

9 * * *

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

11 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;
12 DUTIES

13 * * *

14 (b) All local emergency planning committees shall include representatives
15 from the following: fire departments; local and regional emergency medical
16 services; local, county, and State law enforcement; other entities providing
17 emergency management personnel; media; transportation; regional planning
18 commissions; hospitals; industry; the Vermont National Guard; the
19 Department of Health’s district office; and an animal rescue organization, and
20 may include any other interested public or private individual or organization.
21 Where the local emergency planning committee represents more than one

1 region of the State, the Commission shall appoint representatives that are
2 geographically diverse.

3 (c) A local emergency planning committee shall perform all the following
4 duties:

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

11 * * *

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

15 * * *

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

21 * * *

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

6

7 * * * Municipal Stormwater Utilities * * *

8 Sec. 8. 24 V.S.A. § 3507 is amended to read:

9 § 3507. DUTIES

10 (a) ~~Such~~ The sewage system commissioners shall have the supervision of
11 ~~such~~ the municipal sewage system and shall make and establish all needed
12 assessments or rates for rent, with rules and regulations for its control and
13 operation. ~~Such~~ The commissioners may appoint or remove a superintendent
14 at their pleasure. The rents and receipts for the use of ~~such~~ the sewage system
15 shall be used and applied to pay the interest and principal of the sewage system
16 bonds of ~~such~~ the municipal corporation, the expense of maintenance and
17 operation of the sewage system, as well as dedicated fund payments provided
18 for in section 3616 of this title. For stormwater systems, the revenue may be
19 used for stormwater management, control, and treatment; flood resiliency;
20 floodplain restoration; and other similar measures.

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

8 (c) The sewage system commissioners may establish a stormwater
9 assessment rate comprising equivalent residential units based on an average area
10 of impervious surface on residential property within the municipality.

11 Sec. 9. 24 V.S.A. § 3615 is amended to read:

12 § 3615. RENTS; RATES

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

20 * * *

21 (b) The basis for establishing sewer disposal charges shall be reviewed
22 annually by sewage disposal commissioners. No premises otherwise exempt

1 from taxation, including premises owned by the State of Vermont, shall, by
2 virtue of any such exemption, be exempt from charges established ~~hereunder~~
3 pursuant to this section. The commissioners may change the rates of ~~such the~~
4 charges from time to time as may be reasonably required. Where one of the
5 bases of ~~such the~~ charge is the appraised value and the premises to be
6 appraised are tax exempt, the commissioners may cause the listers to appraise
7 such property, including State property, for the purpose of determining the
8 sewage disposal charges. The right of appeal from ~~such the~~ appraisal shall be
9 the same as provided in 32 V.S.A. chapter 131. The Commissioner of Finance
10 and Management is authorized to issue ~~his or her~~ the Commissioner's warrants
11 for sewage disposal charges against State property and transmit to the State
12 Treasurer, who shall draw a voucher in payment ~~thereof~~ of the charges. No
13 charge so established and no tax levied under the provisions of section 3613 of
14 this title shall be considered to be a part of any tax authorized to be assessed by
15 the legislative body of any municipality for general purposes, but shall be in
16 addition to any such tax so authorized to be assessed. Sewage disposal charges
17 established in accord with this section may be assessed by the board of sewage
18 disposal commissioners as provided in section 3614 of this title to derive the
19 revenue required to pay pollution charges assessed against a municipal
20 corporation under 10 V.S.A. § 1265.

21 * * *

1 throughout the State, overseen by the Director of the Vermont Emergency
2 Management Division. The disaster preparedness assessment shall examine
3 the adequacy of:

4 (1) early warning and evacuation orders;

5 (2) designated evacuation routes and emergency shelters;

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

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

9 (b) Report. On or before January 25, 2025, the Director of the Vermont
10 Emergency Management Division shall submit a written report to the House
11 Committee on Government Operations and Military Affairs and the Senate
12 Committee on Government Operations with its findings regarding the disaster
13 preparedness assessment and, if the Director determines there to be
14 inadequacies present in the State’s disaster preparedness, a plan for improving
15 the State’s disaster preparedness, which may include any recommendations for
16 legislative action.

17 * * * Creation of the Vermont Search and Rescue Team * * *

18 Sec. 12. 20 V.S.A. § 48 is added to read:

19 § 48. VERMONT SEARCH AND RESCUE TEAM

20 (a) The Department of Public Safety is authorized to create the Vermont
21 Search and Rescue (VSAR) Team to provide for the rapid response of trained

1 professionals to emergencies and other hazards occurring in the State. The
2 Commissioner shall appoint a VSAR Team chief to carry out the duties and
3 responsibilities of the VSAR Team.

4 (b) The VSAR Team Chief shall perform all the following duties:

5 (1) organize the State VSAR Team to assist local emergency planning
6 committees, fire chiefs, and other emergency management officials in response
7 to emergencies and other hazards;

8 (2) hire persons for the VSAR Team from fire, police, and emergency
9 organizations and persons with specialty backgrounds in emergency response
10 or search and rescue;

11 (3) negotiate with municipalities that maintain emergency response
12 teams to secure appropriate facilities and personnel to house and maintain the
13 VSAR Team’s vehicles and equipment and to provide drivers for VSAR Team
14 response vehicles;

15 (4) coordinate the acquisition and maintenance of adequate vehicles and
16 equipment for the VSAR Team;

17 (5) ensure that VSAR Team personnel are organized, trained, and
18 exercised in accordance with the appropriate search and rescue standards or
19 certifications;

1 (6) ensure that appropriate regional mutual aid agreements are created
2 so that emergency management or search and rescue teams within the region
3 may participate with the VSAR Team;

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

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

10 (c) The State shall reimburse a municipality for the actual costs expended
11 to cover the duties of a municipal employee who is an employee of the VSAR
12 Team and who is requested to leave employment at the municipality to respond
13 to an emergency or other hazard or attend VSAR Team training.

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

1 * * * Vermont-211 Information Privacy * * *

2 Sec. 13. PUBLIC RECORDS ACT; VERMONT 211; CONFIDENTIALITY

3 Pursuant to Vermont’s Public Records Act, personal information and lists of
4 names within records created or acquired by Vermont 211 shall be exempt
5 from public inspection or copying. Vermont 211 shall keep confidential any
6 personal information acquired from victims of a natural disaster or all-hazard,
7 as defined by 20 V.S.A. § 2. This section shall not be construed to prevent the
8 limited disclosure of personal information for the purposes of coordinating
9 relief work for individuals affected by a natural disaster or all-hazard.

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

11 Sec. 14. BEST MANAGEMENT PRACTICES FOR REBUILDING AFTER
12 EMERGENCY

13 (a) The Division of Vermont Emergency Management (VEM) at the
14 Department of Public Safety shall publish best management practices for
15 rebuilding or repairing structures after damage from a flood or other hazard.

16 The best management practices shall address:

- 17 (1) how to rebuild or repair to provide for flood resiliency;
18 (2) how to avoid reconstruction or repair that increased flood risk or risk
19 to property; and

1 shelters in a manner that allows access by those in need during an emergency
2 or hazard.

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

10 (c) On or before January 15, 2025, VEM shall submit a proposal to the
11 General Assembly on how the State shall fund the operation of municipal
12 emergency shelters during a declared emergency. The proposal shall address
13 funding for staff, supplies, utilities, and other expenses that municipalities
14 currently fund when the State declares an emergency.

15 * * * Creation of Chief Climate Resilience Officer * * *

16 Sec. 17. ESTABLISHMENT OF CHIEF CLIMATE RESILIENCE OFFICER
17 POSITION; APPROPRIATION

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

