

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 proposes to
8 define emergency response personnel and require local emergency
9 management organizations and local emergency planning committees to
10 incorporate information regarding the utilization of emergency response
11 personnel into emergency management plans. This bill proposes to consolidate
12 existing laws governing sewer utilities, amend the authority of sewer utilities
13 to adopt rates based on equivalent residential units, and establish a grant
14 program for certain joint operations of municipal stormwater utilities. The bill
15 proposes to authorize the Department of Public Safety to create the Urban
16 Search and Rescue Team to provide for the rapid response of trained
17 professionals to emergencies and other hazards occurring in the State. This bill
18 proposes to require Vermont 211 to keep confidential any personal information
19 acquired from victims of natural disasters except for coordinating relief work
20 for individuals. This bill proposes to require a policy making E-911 and VT-
21 Alerts more responsive in large emergencies, to have VoIP service providers

1 provide subscriber information to the Enhanced 911 Board, and to require
2 required to telecommunications companies to notify their customers of outages
3 impacting communication with 911 or receiving emergency notifications. This
4 bill proposes to require the Vermont Emergency Management Division to
5 publish best management practices for rebuilding after emergencies and for the
6 placement and funding of local emergency shelters, and to provide
7 interpretation services for emergency communications. This bill proposes to
8 create a Chief Climate Resilience Officer in the Department of Public Safety.
9 This bill proposes to require the Vermont State University and the President or
10 designee for the University of Vermont report on potentially creating post-
11 secondary disaster management programs.

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

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

15 * * * Creation of the Community Resilience and Disaster

16 Mitigation Fund * * *

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

18 § 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION

19 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 monies appropriated to
21 the Fund.

1 (c) Fund administration.

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

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

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

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

15 Sec. 3. COMMUNITY RESILIENCE AND DISASTER MITIGATION

16 GRANT PROGRAM; APPROPRIATION

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

1 * * * Emergency Response Personnel * * *

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

3 § 2. DEFINITIONS

4 As used in this chapter:

5 * * *

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

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

16 (A) emergency management personnel;

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

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

20 (D) public safety telecommunications and dispatch personnel;

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

3 (F) licensed professionals who provide clinical and emergency health
4 care in hospitals;

5 (G) public health personnel;

6 (H) public works personnel;

7 (I) water and wastewater systems personnel; and

8 (J) equipment operators and other skilled personnel, who provide
9 services necessary to enable the performance of emergency management
10 functions.

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

13 ~~(8)~~(9) “Hazardous chemical or substance” means:

14 * * *

15 ~~(9)~~(10) “Hazardous chemical or substance incident” means any mishap
16 or occurrence involving hazardous chemicals or substances that may pose a
17 threat to persons or property.

18 ~~(10)~~(11) “Homeland security” means the preparation for and carrying
19 out of all emergency functions, other than the functions for which the U.S.
20 Armed Forces or other federal agencies are primarily responsible, to prevent,

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

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

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

6 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT

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

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

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

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

14 * * *

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

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

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

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

11 * * *

12 Sec. 6. 20 V.S.A. § 32 is amended to read:

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

15 * * *

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

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

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

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

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

13 * * *

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

16 * * *

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

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* * *

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

* * * Municipal Stormwater Utilities * * *

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

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

§ 3601. DEFINITIONS

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

(1) ~~“Necessity” means a reasonable need that considers the greatest public good and the least inconvenience and expense to the condemning party and to the property owner. Necessity shall not be measured merely by expense or convenience to the condemning party. Due consideration shall be given to the adequacy of other property and locations; to the quantity, kind, and extent of property that may be taken or rendered unfit for use by the proposed taking; to the probable term of unfitness for use of the property; to the effect of~~

1 ~~construction upon scenic and recreational values, upon home and homestead~~
2 ~~rights and the convenience of the owner of the land; to the effect upon town~~
3 ~~grand list and revenues.~~

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

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

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

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

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

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

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

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

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

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

19 § 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

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

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

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

10 § 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

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

16 (b) The commissioners may appoint or remove a superintendent at their
17 pleasure.

18 § ~~3602~~ 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

19 A municipal corporation may:

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

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

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

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

9 § ~~3603~~ 3605. ENTRY ON LANDS

10 ~~Such~~ A municipal corporation, for the purposes enumerated in section ~~3602~~
11 3604 of this ~~title~~ chapter, may:

12 (1) enter upon and use any land and enclosures over or through which it
13 may be necessary for pipes and sewer to pass, ~~and may thereon;~~

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

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

1 § ~~3604~~ 3606. PETITION FOR HEARING TO DETERMINE NECESSITY

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

14 § ~~3605~~ 3607. HEARING TO DETERMINE NECESSITY

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

1 Superior Judge ~~to~~ shall assign another Superior judge to hear ~~such~~ the cause at
2 the time and place assigned in the order.

3 § ~~3606~~ 3608. SERVICE AND PUBLICATION OF PETITION

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

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

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

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

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

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

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

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

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

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

1 § ~~3608~~ 3610. APPEAL FROM ORDER OF NECESSITY

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

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

14 § ~~3609~~ 3611. COMPENSATION; CONDEMNATION

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

1 the application, the judge may appoint three disinterested persons to examine
2 the property to be taken, or damaged by the municipal corporation.

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

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

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

1 § ~~3610~~ 3612. RECORD

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

6 § ~~3611~~ 3613. CONTRACT FOR SEWAGE DISPOSAL

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

16 * * *

17 § ~~3612~~ 3614. CHARGES; ENFORCEMENT

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

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

6 * * *

7 § ~~3613~~ 3615. TAXES, BONDS

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

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

14 (2) borrow money;

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

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

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

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

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

15 ~~§ 3614. BOARD OF SEWAGE DISPOSAL COMMISSIONERS~~

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

19 ~~§ 3615~~ 3616. RENTS; RATES

20 (a) ~~Such~~ A municipal corporation, through its board of sewage disposal
21 ~~commissioners~~, may establish rates, rents, or charges ~~to be called~~ “sewage

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

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

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

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

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

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

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

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

8 ~~(6)~~(7) any combination of these bases, ~~so long as~~ provided the
9 combination is equitable.

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

17 (c) Where one of the bases of ~~such a~~ a rent, rate, or charge is the appraised
18 value and the premises to be appraised are tax exempt, the ~~commissioners~~
19 board may cause the listers to appraise ~~such~~ the property, including State
20 property, for the purpose of determining the ~~sewage disposal~~ the rates, rents, or
21 charges. The right of appeal from ~~such~~ the appraisal shall be the same as

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

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

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

1 § ~~3616~~ 3617. DUTIES; USE OF PROCEEDS

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

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

16 This fund may be established by an annual set-aside of up to 15 percent of the
17 normal operations, maintenance, and bond payment costs, except that with
18 respect to subsurface leachfield systems, the annual set-aside may equal up to
19 100 percent of these costs. The fund shall not exceed the estimated future
20 major rehabilitation, major maintenance, or upgrade costs for the sewer
21 system. Any dedicated fund shall be insured at least to the level provided by

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

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

10 § ~~3617~~ 3618. ORDINANCES

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

15 § 3619. SEWERS AND PLUMBING; ORDERS

16 The board may require the owners of buildings, subdivisions, or
17 developments abutting on a public street or highway to have all sewers from
18 those buildings, subdivisions, or developments connected to the municipal
19 corporation's sewage system.

1 § ~~3618~~ 3620. MEETINGS; VOTE

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

12 * * *

13 Sec. 8. REPEAL

14 24 V.S.A. chapter 97 (sewage system) is repealed.

15 Sec. 9. GRANTS FOR MUNICIPAL STORMWATER UTILITIES;

16 APPROPRIATION

17 (a) Groups of cooperating municipalities may jointly apply to the Agency
18 of Natural Resources for a grant of up to \$100,000.00 to support the
19 municipalities' stormwater utility operations. The grant may be used for
20 technical assistance from private consultants or a governmental agency to
21 establish the governance and structure of the utilities, including assistance with

1 ratemaking that is based on an equivalent residential unit specific to each
2 member town. The Agency shall provide grants to not more than four groups
3 of cooperating municipalities.

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

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

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

9 § 48. URBAN SEARCH AND RESCUE TEAM

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

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

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

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

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

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

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

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

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

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

19 (c) The State shall reimburse a municipality for the actual costs expended
20 to cover the duties of a municipal employee who is an employee of the USAR

1 Team and who is requested to leave employment at the municipality to respond
2 to an emergency or other hazard or attend USAR Team training.

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

10 * * * Vermont-211 Information Privacy * * *

11 Sec. 11. PUBLIC RECORDS ACT; VERMONT 211; CONFIDENTIALITY

12 Pursuant to Vermont's Public Records Act, personal information and lists of
13 names within records created or acquired by Vermont 211 shall be exempt
14 from public inspection or copying. Vermont 211 shall keep confidential any
15 personal information acquired from victims of a natural disaster or all-hazard,
16 as defined by 20 V.S.A. § 2. This section shall not be construed to prevent the
17 limited disclosure of personal information for the purposes of coordinating
18 relief work for individuals affected by a natural disaster or all-hazard.

1 * * * Reverse E-911 Policy * * *

2 Sec. 12. REVERSE E-911 POLICY DURING EMERGENCY

3 The Department of Public Safety’s Division of Vermont Emergency
4 Management (VEM), in consultation with the Enhanced 911 Board, shall
5 develop a policy for the use of the E-911 system to provide VT-Alerts more
6 effectively and expeditiously during emergencies in order to reduce the risk of
7 harm to persons and property. The Board shall issue its policy on or before
8 July 1, 2025.

9 Sec. 13. 30 V.S.A. § 7055 is amended to read:

10 § 7055. TELECOMMUNICATIONS COMPANY COORDINATION

11 (a) Every telecommunications company under the jurisdiction of the Public
12 Utility Commission offering access to the public network shall make available,
13 in accordance with rules adopted by the Public Utility Commission, the
14 universal emergency telephone number 911 and Voice over Internet Protocol
15 (VoIP) subscriber information for use by the public in seeking assistance from
16 fire, police, medical, and other emergency service providers through a public
17 safety answering point.

18 * * *

19 (f) Every telecommunications company under the jurisdiction of the Public
20 Utility Commission shall, in accordance with rules adopted by the Public
21 Utility Commission, notify its customers of planned or unplanned outages that

1 impact customers’ ability to complete a call, or communicate with, 911, or that
2 prevent subscribers from receiving emergency notifications.

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

4 Sec. 14. VERMONT EMERGENCY MANAGEMENT DIVISION

5 DISASTER PREPAREDNESS REVIEW, BEST MANAGEMENT
6 PRACTICES, AND REPORT

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

12 (1) early warning and evacuation orders;

13 (2) designated evacuation routes and emergency shelters;

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

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

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

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

1 (B) how to avoid reconstruction or repair that increased flood risk or
2 risk to property; and

3 (C) where and how to replace or repair utility infrastructure to
4 mitigate risk of harm to the infrastructure or to allow for shutdown or closure
5 of a utility line in order to prevent further hazard from a utility line during an
6 emergency.

7 (2) VEM shall publish the best management practices required by this
8 section on or before July 1, 2025.

9 (c) Report. On or before December 15, 2025, the Director of VEM shall
10 submit a written report to the House Committee on Government Operations
11 and Military Affairs and the Senate Committee on Government Operations
12 with its findings regarding the disaster preparedness review, its best
13 management practices required by this section, and, if the Director determines
14 there to be inadequacies present in the State’s disaster preparedness, a plan for
15 improving the State’s disaster preparedness, which may include any
16 recommendations for legislative action.

17 * * * Shelter Identification; Funding Shelter Operation * * *

18 Sec. 15. VERMONT EMERGENCY MANAGEMENT; SHELTER
19 IDENTIFICATION

20 (a) The Division of Vermont Emergency Management (VEM) at the
21 Department of Public Safety shall amend the Local Emergency Plan Template

1 and any best management practices or guidance the Division issues to
2 municipalities to address the need for the siting of municipal emergency
3 shelters in a manner that allows access by those in need during an emergency
4 or hazard.

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

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

17 * * * Interpretation Services for State Emergency Communications * * *

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

19 § 4. INTERPRETATION SERVICES FOR STATE EMERGENCY

20 COMMUNICATIONS

1 (a) If an all-hazards event occurs, the Vermont Emergency Management
2 Division shall provide interpretation services for all State communications
3 regarding the all-hazards event, including press conferences from the
4 Governor’s office. Interpretation services shall be provided for:

5 (1) individuals who are Deaf, Hard of Hearing, or DeafBlind, including
6 the provision of Communication Access Realtime Translation (CART) and the
7 Picture in Picture (PIP) techniques; and

8 (2) individuals with limited English proficiency.

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

12 (c) The director of the Vermont Emergency Management Division shall
13 designate an individual in the Division to ensure that emergency
14 communications are being effectively delivered to individuals who are Deaf,
15 Hard of Hearing, or DeafBlind. The designated individual shall coordinate
16 with the Executive Director of the Office of Racial Equity on matters of
17 providing interpretation services emergency communications to individuals
18 with limited English proficiency.

19 (d) Within three months following an all-hazards event or on an annual
20 basis, whichever occurs first, the Vermont Emergency Management Division
21 shall hold a public meeting with certain members of Vermont Deaf, Hard of

1 Hearing, and Deafblind Advisory Council to be determined by the Council to
2 review the adequacy and efficacy of Division’s provision of emergency
3 communications to individuals who are Deaf, Hard of Hearing, or DeafBlind.

4 * * * Creation of Chief Climate Resilience Officer * * *

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

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

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

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

13 Sec. 18. POST-SECONDARY DISASTER MANAGEMENT PROGRAM
14 REPORT

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

1

* * * Effective Date * * *

2

Sec. 19. EFFECTIVE DATE

3

This act shall take effect on passage.