

1 TO THE HONORABLE SENATE:

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

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

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

10 § 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION

11 GRANT PROGRAM

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

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

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 to  
2           municipalities;

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

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

8           (2) Grant Program design. The Department of Public Safety, in  
9           coordination with the Department of Environmental Conservation, shall design  
10          the Program. The Program design shall:

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

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

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

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

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

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

6                    (C) establish eligibility criteria for covered municipalities.

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

8                    § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

9                    FUND

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

14                   (b) Monies in the Fund. The Fund shall consist of monies appropriated to  
15                   the Fund.

16                   (c) Fund administration.

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

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

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

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

11           Sec. 3. COMMUNITY RESILIENCE AND DISASTER MITIGATION

12                       GRANT PROGRAM; APPROPRIATION

13           In fiscal year 2025, the amount of \$15,000,000.00 in general funds shall be  
14           appropriated to the Community Resilience and Disaster Mitigation Fund  
15           established in 20 V.S.A. § 49.

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

17           § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

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

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

7 \* \* \*

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

14 \* \* \*

15 \* \* \* Benefits for Survivors of Public Works Personnel \* \* \*

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

17 § 2. DEFINITIONS

18 As used in this chapter:

19 \* \* \*

20 (6) “Emergency management” means the preparation for and  
21 implementation of all emergency functions, other than the functions for which

1 the U.S. Armed Forces or other federal agencies are primarily responsible, to  
2 prevent, plan for, mitigate, and support response and recovery efforts from all-  
3 hazards. Emergency management includes the utilization of first responders  
4 and other emergency management personnel and the equipping, exercising,  
5 and training designed to ensure that this State and its communities are prepared  
6 to deal with all-hazards.

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

10 (A) emergency management and public safety personnel;

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

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

14 (D) public safety telecommunications and dispatch personnel;

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

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

19 (G) public health personnel;

20 (H) public works personnel;

1           (I) equipment operators and other skilled personnel, who provide  
2           services necessary to enable the performance of emergency management  
3           functions; and

4           (J) water, wastewater, and stormwater personnel.

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

7           (~~8~~)(9) “Hazardous chemical or substance” means:

8   \* \* \*

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

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

17           (~~11~~)(12) “Radiological incident” means any mishap or occurrence  
18           involving radiological activity that may pose a threat to persons or property.

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

20           CHAPTER 181. BENEFITS FOR THE SURVIVORS OF EMERGENCY

21                           AND PUBLIC WORKS PERSONNEL

1 § 3171. DEFINITIONS

2 As used in this chapter:

3 (1) “Board” means the Emergency and Public Works Personnel  
4 Survivors Benefit Review Board.

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

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

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

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

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

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

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

17 (4) “Emergency personnel” means:

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

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

21 ~~(4)~~(5) “Line of duty” means:



1           (A) for emergency personnel:

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

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

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

7                 (i) in a hazardous location;

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

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

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

19           ~~(6)~~(7) “Parent” means a natural or adoptive parent.

20           (8) “Public works personnel” includes water, wastewater, and  
21 stormwater personnel.

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

2           ~~(7)~~(9) “Survivor” means a spouse, child, or parent of emergency  
3 personnel or public works personnel who have died in the line of duty.

4           § 3172. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS

5                           BENEFIT REVIEW BOARD

6           (a) There is created the Emergency and Public Works Personnel Survivors  
7 Benefit Review Board, which shall consist of the State Treasurer or designee,  
8 the Attorney General or designee, the Chief Fire Service Training Officer of  
9 the Vermont Fire Service Training Council or designee, and ~~one member~~ two  
10 members of the public, one to represent the interests of emergency personnel  
11 and one to represent the interests of public works personnel, who shall be  
12 appointed by the Governor for a term of two years. Survivors of emergency  
13 personnel or public works personnel, employed by or who volunteer for the  
14 State of Vermont, a county or municipality of the State, or a nonprofit entity  
15 that provides services in the State, who die in the line of duty or of an  
16 occupation-related illness may request the Board award a monetary benefit  
17 under section 3173 of this title. The Board shall be responsible for  
18 determining whether to award monetary benefits under section 3173. A  
19 decision to award monetary benefits shall be made by unanimous vote of the  
20 Board and shall be made within 60 days after the receipt of all information  
21 necessary to enable the Board to determine eligibility. The Board may request

1 any information necessary for the exercise of its duties under this section.

2 Nothing in this section shall prevent the Board from initiating the investigation  
3 or determination of a claim before being requested by a survivor or employer  
4 of emergency personnel.

5 \* \* \*

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

15 \* \* \*

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

19 § 3173. MONETARY BENEFIT

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

4 \* \* \*

5 § 3175. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS  
6 BENEFIT SPECIAL FUND

7 (a) The Emergency and Public Works Personnel Survivors Benefit Special  
8 Fund is established in the Office of the State Treasurer for the purpose of the  
9 payment of claims distributed pursuant to this chapter. The Fund shall  
10 comprise appropriations made by the General Assembly and contributions or  
11 donations from any other source. All balances in the Fund at the end of the  
12 fiscal year shall be carried forward. Interest earned shall remain in the Fund.

13 \* \* \*

14 \* \* \* State Emergency Management Plan and Regional Emergency  
15 Management Program Coordinators \* \* \*

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

17 § 6. LOCAL AND REGIONAL ORGANIZATION FOR EMERGENCY  
18 MANAGEMENT

19 (a) Each town and city of this State is hereby authorized and directed to  
20 establish a local organization for emergency management in accordance with  
21 the State emergency management plan and program. The executive officer or

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

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

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

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

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

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

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

21 \* \* \*

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

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

9           (B) Nonvoting members. Nonvoting members may include  
10 representatives from the following organizations serving within the region: fire  
11 departments, emergency medical services, law enforcement, other entities  
12 providing emergency response personnel, media, transportation, regional  
13 planning commissions, hospitals, the Department of Health's district office, the  
14 Division of Emergency Management, organizations serving vulnerable  
15 populations, local libraries, arts and culture organizations, and any other  
16 interested public or private individual or organization.

17   \* \* \*

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

19           **§ 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES**

20           **(a) The Commission shall have authority to:**

21   \* \* \*

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

\* \* \*

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

7           § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;  
 8           DUTIES

9           (a) One or more local emergency planning committees shall be appointed  
 10           by the State Emergency Response Commission.

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



1 (c) A local emergency planning committee shall perform all the following  
2 duties:

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

9 (A) Identifies facilities and transportation routes of extremely  
10 hazardous substances.

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

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

16 (D) Outlines emergency notification procedures.

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

19 (F) Describes local emergency equipment and facilities and the  
20 persons responsible for them.

21 (G) Outlines evacuation plans.

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

3 ~~(1) Designate shelter locations.~~

4 (2) Upon receipt by the committee or the committee's designated  
5 community emergency coordinator of a notification of a release of a hazardous  
6 chemical or substance, ensure that the local emergency plan has been  
7 implemented.

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

13 (4) Review and evaluate requests for funding and other resources and  
14 advise the State Emergency Response Commission concerning disbursement  
15 of funds.

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

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

1 § 41. STATE EMERGENCY MANAGEMENT PLAN.

2 (a) The Department of Public Safety’s Vermont Emergency Management  
3 Division shall create and annually update a comprehensive State Emergency  
4 Management Plan.

5 (b) The State Emergency Management Plan shall include:

6 (1) Mass Care. A designation that the Agency of Human Services to  
7 coordinate with the American Red Cross Mass Care program and services  
8 during a declared state of emergency.

9 (2) Local emergency management plan templates. A designation that  
10 the Department of Public Safety’s Vermont Emergency Management Division  
11 to work with local municipal emergency management directors in the creation  
12 of local emergency management plan templates, which support municipalities  
13 in their respective emergency management planning.

14 Sec. **11.** VERMONT EMERGENCY MANAGEMENT DIVISION

15 DISASTER PREPAREDNESS REVIEW, BEST MANAGEMENT

16 PRACTICES, AND REPORT

17 (a) Review. On or before June 30, 2024, the Department of Public Safety’s  
18 Division of Vermont Emergency Management (VEM) shall conduct an after-  
19 action review of the State’s disaster preparedness leading up to, during, and  
20 after the 2023 summer flooding events throughout the State, overseen by the  
21 Director of VEM. The review shall examine all aspects of the State’s response

1 and shall include input from the whole community. In addition to the federal  
2 Homeland Security Exercise and Evaluation Program’s requirements, the  
3 review shall include examining the adequacy of early warning and evacuation  
4 orders, designated evacuation routes and emergency shelters, the present  
5 system of local emergency management directors in wide-spread emergencies  
6 and the State’s present emergency communications systems.

7 (b)(1) VEM shall, in coordination with the Agency of Nature Resources  
8 and the Division of Fire Safety, publish best management practices for  
9 rebuilding or repairing structures after damage from a flood or other hazard.

10 The best management practices shall address:

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

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

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

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

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

1 and Military Affairs and the Senate Committee on Government Operations  
2 with its findings regarding the disaster preparedness review, its best  
3 management practices required by this section, and, if the Director determines  
4 there to be inadequacies present in the State’s disaster preparedness, a plan for  
5 improving the State’s disaster preparedness, which may include any  
6 recommendations for legislative action.

7 **Sec. 12. ESTABLISHMENT OF THREE NEW REGIONAL EMERGENCY**  
8 **MANAGEMENT PROGRAM COORDINATORS;**

9 **APPROPRIATION**

10 (a) Three new permanent full-time positions of Regional Emergency  
11 Management Program Coordinators are created in the Department of Public  
12 Safety’s Emergency Management Division.

13 (b) The sum of \$500,000.00 is appropriated from the General Fund to the  
14 Department of Public Safety in fiscal year 2025 for the purpose of funding five  
15 Regional Emergency Management Program Coordinators.

16 \* \* \* Municipal Stormwater Utilities \* \* \*

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

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

20 § 3601. DEFINITIONS

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

4           (1) ~~“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           (2) ~~“Board” means the board of sewage disposal system commissioners.~~

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

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

19           (4) ~~“Necessity” means a reasonable need that considers the greatest~~  
20       ~~public good and the least inconvenience and expense to the condemning party~~  
21       ~~and to the property owner. Necessity shall not be measured merely by expense~~

1 or convenience to the condemning party. Due consideration shall be given to  
2 the adequacy of other property and locations; to the quantity, kind, and extent  
3 of property that may be taken or rendered unfit for use by the proposed taking;  
4 to the probable term of unfitness for use of the property; to the effect of  
5 construction upon scenic and recreational values, upon home and homestead  
6 rights and the convenience of the owner of the land; to the effect upon town  
7 grand list and revenues.

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

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

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

15 (8) “Sewage system” means any equipment, stormwater control system,  
16 pipe line system, and facilities as are needed for and appurtenant to the  
17 treatment or disposal of sewage and waters, including a sewage treatment or  
18 disposal plant and separate pipe lines and structural or nonstructural facilities  
19 as are needed for and appurtenant to the treatment or disposal of storm,  
20 surface, and subsurface waters.

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

6           (10) “Stormwater” has the same meaning as “stormwater runoff” under  
7           10 V.S.A. § 1264.

8           (11) “Stormwater management system” means any structure, or  
9           improvement, whether structural or nonstructural, necessary for collecting,  
10          containing, controlling, or conveying stormwater, including sewers, curbs,  
11          drains, conduits, natural and man-made channels, pipes, and culverts.

12          § 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

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

17          (b) The legislative body of the municipality may vote to constitute a  
18          separate board of sewage system commissioners. The board shall have not less  
19          than three nor more than seven members, who shall be legally qualified voters  
20          of the municipality. Members shall be appointed, and any vacancy filled, by  
21          the legislative body of the municipality. The term of each member shall be



1 four years. Any member may be removed by the legislative body of the  
2 municipality for just cause after due notice and hearing.

3 § 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

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

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

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

12 (b) The commissioners may appoint or remove a superintendent at their  
13 pleasure.

14 § ~~3602~~ 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

15 A municipal corporation may:

16 (1) construct, maintain, operate, and repair a sewage disposal plant and  
17 system;

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

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

2           and

3           (4) may lay and connect pipes, stormwater management systems, and  
4           sewers, ~~and connect the same~~ as may be necessary to convey sewage for the  
5           purpose of disposing and dispose of sewage by such municipal corporation.

6           § ~~3603~~ 3605. ENTRY ON LANDS

7           ~~Such~~ A municipal corporation, for the purposes enumerated in section ~~3602~~  
8           3604 of this ~~title~~ chapter, may:

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

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

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

20           § ~~3604~~ 3606. PETITION FOR HEARING TO DETERMINE NECESSITY

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

13          § ~~3605~~ 3607. HEARING TO DETERMINE NECESSITY

14          The judge to whom ~~such~~ the petition is presented shall fix the time for  
15          hearing, which shall not be more than 60 ~~nor~~ or less than 30 days from the date  
16          the judge signs ~~such~~ the order. Likewise, the judge shall fix the place for  
17          hearing, which shall be the county courthouse or any other convenient place  
18          within the county in which the land in question is located. If the Superior  
19          judge to whom ~~such~~ the petition is presented cannot hear the petition at the  
20          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 to  
10 make disposal of sewage or stormwater for such the other town, city, village,  
11 corporation, or individuals. Such When consistent with State or federal law,  
12 the municipal corporation may make sale of sludge or fertilizer byproducts  
13 incident to sewage disposal, and the proceeds from the sale thereof shall be  
14 turned over to the treasury of such the sewage disposal district system and  
15 credited therein as is other income 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~~ 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~~ single-family dwelling, however, the  
14 ~~commissioners~~ board may determine no user will be billed less than the  
15 minimum charge determined for the ~~single family~~ single-family dwelling  
16 charge for fixed operations and maintenance costs 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, or stormwater an equivalent residential  
6 unit based on an average area of impervious surface on residential property  
7 within the municipality; or

8           (7) any combination of these bases, ~~so long as~~ provided the combination  
9 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~~ 1263.

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 shall have the supervision of such~~  
3     ~~municipal sewage disposal department, and shall make and establish all~~  
4     ~~needful rates for charges, rules, and regulations for its control and operation~~  
5     ~~including the right to require any individual, person, or corporation to connect~~  
6     ~~to such the municipal system for the purposes of abating pollution of the~~  
7     ~~waters of the State. Such commissioners may appoint or remove a~~  
8     ~~superintendent at their pleasure. The charges and receipts of such the~~  
9     ~~department shall only be used and applied to pay the interest and principal of~~  
10    ~~the sewage disposal bonds of such the 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 (d) The charges, receipts, and revenue may also be used for stormwater  
11 management, control, and treatment; flood resiliency; floodplain restoration;  
12 and other similar measures.

13 § ~~3617~~ 3618. ORDINANCES

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

18 § 3619. SEWERS AND PLUMBING; ORDERS

19 The board may require the owners of buildings, subdivisions, or  
20 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



1 shall be in accord with section ~~3615~~ 3616 of this title. The rates shall be so  
2 established as to provide revenue for the following purposes:

3 \* \* \*

4 Sec. **15**. REPEAL

5 24 V.S.A. chapter 97 (sewage system) is repealed.

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

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

8 § 49. URBAN SEARCH AND RESCUE TEAM

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

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

15 (1) organize the State USAR Team to assist local emergency response  
16 personnel in 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          (d) An amount not less than \$750,000.00 shall be annually allocated to the  
18          Department of Public Safety to facilitate the operations of the USAR Team.

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

2       Sec. 17. 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                                  \* \* \* Emergency Communications \* \* \*

11       Sec. 18. PUBLIC NOTIFICATION POLICY DURING EMERGENCY

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

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

19       § 7055. ~~TELECOMMUNICATIONS COMPANY~~ ORIGINATING

20                                  CARRIER COORDINATION

1           (a) Every ~~telecommunications company under the jurisdiction of the Public~~  
2 ~~Utility Commission~~ originating carrier offering access to the public switched  
3 telephone network shall make available, in accordance with ~~rules adopted by~~  
4 ~~the Public Utility Commission~~ requirements established by the Federal  
5 Communications Commission, the universal emergency telephone number 911  
6 for use by the public in seeking assistance from fire, police, medical, and other  
7 emergency service providers through a public safety answering point and shall  
8 deliver their customers' 911 calls to the point of interconnection defined by the  
9 Board.

10           (b) Every ~~local exchange telecommunications~~ originating carrier provider  
11 shall provide the ANI and any other information required by rules adopted  
12 under section 7053 of this title to the Board, or to any administrator of ~~the~~  
13 ~~Enhanced 911 database~~ databases, for purposes of maintaining the Enhanced  
14 911 database and for all purposes outlined in section 7059 of this title. Each  
15 such provider shall be responsible for updating the information at a frequency  
16 specified by such rules. All persons receiving confidential information under  
17 this section, as defined by ~~the Public Utility Commission~~ section 7059 of this  
18 title, shall use it solely for the purposes of ~~providing emergency 911 services~~  
19 specified in section 7059 of this title and shall not disclose such confidential  
20 information for any other purpose.

1       (c) ~~Each local exchange telecommunications company, cellular company,~~  
2       ~~and mobile or personal communications service company~~ originating carrier  
3       providing services within the State shall designate a person to coordinate with  
4       and provide all relevant information to the Enhanced 911 Board ~~and Public~~  
5       ~~Utility Commission~~ in carrying out the purposes of the chapter.

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

1 ~~for next generation 9-1-1 technology~~ Automatic Number Identification (ANI)  
2 that can be used to query the Enhanced 911 Automatic Location Identification  
3 or third-party databases to provide the Automatic Location Identification that  
4 will include callback number, customer name, location, company or carrier  
5 identification, and class of service of the 911 caller. Originating carriers with  
6 the capability to provide location and caller data with the call shall do so in  
7 accordance with the approved i3 Standards for Next Generation 9-1-1.

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

18 (f) Every telecommunications company under the jurisdiction of the Public  
19 Utility Commission shall, in accordance with rules adopted by the Enhanced  
20 911 Board, notify its customers of planned or unplanned outages that impact

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

3 Sec. 20. ENHANCED 911 BOARD TARIFFS; REPORT

4 On or before December 1, 2024, the Enhanced 911 Board, in consultation  
5 with the Public Utilities Commission, shall report to the House Committee on  
6 Government Operations and Military Affairs and the Senate Committee on  
7 Government Operations on current local exchange telecommunications tariffs,  
8 and, in particular, evaluating existing tariffs permitted pursuant to 30 V.S.A. §  
9 7055, determining actual costs for the provision of the service elements, and  
10 comparing those tariffs to similar cost recovery mechanisms in other States.

11 \* \* \* Language Assistance Services for State Emergency Communications

12 \* \* \*

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

14 § 4. LANGUAGE ASSISTANCE SERVICES FOR STATE EMERGENCY  
15 COMMUNICATIONS

16 (a) If an all-hazards event occurs, the Vermont Emergency Management  
17 Division shall ensure that language assistance services are available for all  
18 State communications regarding the all-hazards event, including relevant press  
19 conferences and emergency alerts. Language assistance services shall be  
20 provided for:

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

1           (2) individuals with limited English proficiency.

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

5           (c) **Annually**, the Vermont Emergency Management Division shall hold a  
6           public meeting with members of the Vermont Deaf, Hard of Hearing, and  
7           DeafBlind Advisory Council; the Office of Racial Equity; the Vermont  
8           Association of Broadcasters; and other relevant stakeholders to review the  
9           adequacy and efficacy of the provision and distribution of **language assistance**  
10           services of emergency communications over mass communication platforms to  
11           individuals who are Deaf, Hard of Hearing, or DeafBlind as well as individuals  
12           with limited English language proficiency.

13       Sec. 22. **EMERGENCY COMMUNICATIONS;** APPROPRIATIONS

14           (a) The sum of \$15,000.00 is appropriated from the General Fund to the  
15           Department of Public Safety’s Division of Radio Technology Services in fiscal  
16           year 2025 for the purpose of creating new connections from select Vermont  
17           State Police Radio Transmission towers directly to the Primary and Secondary  
18           State Relay radio stations listed in Vermont's Emergency Alert System Plan.

19           (b) The sum of \$25,000.00 is appropriated from the General Fund to the  
20           Department of Public Safety’s Division of Emergency Management in fiscal  
21           year 2025 for the purpose of conducting a multi-media outreach campaign to



1 increase the number of Vermonters registered with VT Alert and educate  
2 Vermonters on how to prepare for an emergency.

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

5 (a) Creation. There is created the Language Assistance Services for  
6 Emergency Communications Working Group, consisting of staff at the  
7 Vermont Emergency Management (VEM) Division and the Office of Racial  
8 Equity, who will collaborate with the Vermont Association of Broadcasters;  
9 the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council; and  
10 other relevant stakeholders.

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

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

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

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

4           Sec. 24. ESTABLISHMENT OF CHIEF CLIMATE RESILIENCE OFFICER  
5                           POSITION; APPROPRIATION

6                   (a) The position of one new, permanent, full-time, exempt Chief Climate  
7                   Resilience Officer is created and shall report to and be under the general  
8                   supervision of the Governor.

9                   (b) The sum of \$150,000.00 is appropriated from the General Fund to the  
10                   Agency of Administration 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. 25. 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       \* \* \* Emergency Powers of the Governor and Emergency Management \* \* \*

2       Sec. 26. 20 V.S.A. § 1 is amended to read:

3       § 1. PURPOSE AND POLICY

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

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

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

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

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

1 \* \* \*

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

3 § 8. GENERAL POWERS OF GOVERNOR

4 \* \* \*

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

7 \* \* \*

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

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

14 \* \* \*

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

20 \* \* \*

1 (8) Mutual aid agreements with other states. On behalf of this State, to  
2 enter into reciprocal aid agreements under this chapter and pursuant to  
3 compacts with other states and the federal government or a province of a  
4 foreign country under such terms as the Congress of the United States may  
5 prescribe. These mutual aid arrangements shall be limited to the furnishing or  
6 exchange of food, clothing, medicine, and other supplies; engineering services;  
7 emergency housing; police services; National Guard ~~or State Guard~~ units while  
8 under the control of the State; health; medical and related services; fire  
9 fighting, rescue, transportation, and construction services and equipment;  
10 personnel necessary to provide or conduct these services; and other supplies,  
11 equipment, facilities, personnel, and services as needed; and the  
12 reimbursement of costs and expenses for equipment, supplies, personnel, and  
13 similar items for mobile support units, ~~fire-fighting~~ firefighting , and police  
14 units and health units. The mutual aid agreements shall be made on such terms  
15 and conditions as the Governor deems necessary.

16 \* \* \*

17 Sec. **28**. 20 V.S.A. § 9 is amended to read:

18 § 9. EMERGENCY POWERS OF GOVERNOR

19 Subject to the provisions of this chapter, in the event of an all-hazards event  
20 in or directed upon the United States or Canada that causes or may cause  
21 substantial damage or injury to persons or property within the State in any

1 manner, the Governor may ~~proclaim~~ declare a state of emergency within the  
2 entire State or any portion or portions of the State. Thereafter, the Governor  
3 shall have and may exercise for as long as the Governor determines the  
4 emergency to exist the following additional powers within such area or areas:

5 (1) To enforce all laws and rules relating to emergency management and  
6 to assume direct operational control of all first responders, other emergency  
7 management personnel, and helpers in the affected area or areas.

8 \* \* \*

9 Sec. 29. 20 V.S.A. § 11 is amended to read:

10 § 11. ADDITIONAL EMERGENCY POWERS

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

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

19 (2) To enter into a contract on behalf of the State for the lease or loan,  
20 on such terms and conditions and for such period as ~~he or she~~ the Governor  
21 deems necessary to promote the public welfare and protect the interests of the

1 State, of any real or personal property of the State government, or the  
2 temporary transfer or employment of personnel thereof to any town or city of  
3 the State. The chief executive or legislative branch of the town or city is  
4 authorized for and in the name of the town or city to enter into the contract  
5 with the Governor for the leasing or lending of the property and personnel, and  
6 the chief executive or legislative branch of the town or city may equip,  
7 maintain, utilize, and operate such property except newspapers and other  
8 publications, radio stations, places of worship and assembly, and other  
9 facilities for the exercise of constitutional freedom, and employ necessary  
10 personnel in accordance with the purposes for which such contract is executed;  
11 ~~and may do all things and perform all acts necessary to effectuate the purpose~~  
12 ~~for which the contract was entered into.~~

13 \* \* \*

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

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

1 Governor shall fix the amount of compensation to be paid for the damage ~~or~~  
2 ~~failure to return.~~

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

9 ~~(B)~~(C) Any owner of property of which possession has been either  
10 temporarily or permanently taken under the provisions of this chapter to whom  
11 no award has been made or who is dissatisfied with the amount awarded ~~him~~  
12 ~~or her~~ by the Governor may file a petition in the Superior Court within the  
13 county wherein the property was situated at the time of taking to have the  
14 amount to which ~~he or she~~ the owner is entitled by way of damages or  
15 compensation determined, and either the petitioner or the State shall have the  
16 right to have the amount of such damages or compensation fixed after hearing  
17 by three disinterested appraisers appointed by the court, and who shall operate  
18 under substantive and administrative procedure to be established by the  
19 Superior judges. If the ~~petitioner~~ owner of the property is dissatisfied with the  
20 award of the appraisers, ~~he or she~~ the owner may appeal the award to the  
21 Superior Court and thereafter have a trial by jury to determine the amount of



1 the damages or compensation. The court costs of a proceeding brought under  
2 this section by the owner of the property shall be paid by the State, and the fees  
3 and expenses of any attorney for the owner shall also be paid by the State after  
4 allowances by the court in which the petition is brought in an amount  
5 determined by the court. The statute of limitations shall not apply to  
6 proceedings brought by owners of property under this section for and during  
7 the time that any court having jurisdiction over the proceedings is prevented  
8 from holding its usual and stated sessions due to conditions resulting from  
9 emergencies described in this chapter.

10 (6) ~~To perform and exercise other functions, powers, and duties as~~  
11 ~~necessary to promote and secure the safety and protection of the civilian~~  
12 ~~population.~~ [Repealed.]

13 Sec. 30. 20 V.S.A. § 13 is amended to read:

14 § 13. TERMINATION OF EMERGENCIES

15 The Governor:

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

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

1           (3) Upon receiving notice that a majority of the legislative body of a  
2           municipality affected by a natural disaster no longer desires that the state of  
3           emergency continue within its municipality, shall declare the state of  
4           emergency terminated within that particular municipality. Upon the  
5           termination of the state of emergency, the functions as set forth in section 9 of  
6           this title shall cease, and the local authorities shall resume control.

7           Sec. 31. 20 V.S.A. § 17 is amended to read:

8           § 17. GIFT, GRANT, OR LOAN

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

1 offer. Whenever a federal grant is contingent upon a State or local  
2 contribution, or both, the Department of Public Safety and the political  
3 subdivision shall determine whether the grant shall be accepted and, if  
4 accepted, the respective shares to be contributed by the State and town or city  
5 concerned.

6 (b) Private. Whenever any person, firm, or corporation offers to the State  
7 or to any town or city in Vermont services, equipment, supplies, materials, or  
8 funds by way of gift, grant, or loan, for purposes of emergency management,  
9 the State, acting through the Governor, or the political subdivision, acting  
10 through its executive officer or legislative branch, may accept the offer, ~~and~~  
11 ~~upon~~ in accordance with the provisions of 32 V.S.A. § 5. Upon such  
12 acceptance, the Governor or executive officer or legislative branch of the  
13 political subdivision may authorize any officer of the State or the political  
14 subdivision, as the case may be, to receive the services, equipment, supplies,  
15 materials, or funds on behalf of the State or the political subdivision; and  
16 subject to the terms of the offer.

17 Sec. 32. 20 V.S.A. § 26 is amended to read:

18 § 26. CHANGE OF VENUE BECAUSE OF ~~ENEMY ATTACK~~ AN ALL-  
19 HAZARDS EVENT

20 In the event that the place where a civil action or a criminal prosecution is  
21 required by law to be brought has become and remains unsafe because of an

1 attack upon the United States or Canada, a public health emergency, or an all-  
2 hazards event, such action or prosecution may be brought in or, if already  
3 pending, may be transferred to the Superior Court in an unaffected unit and  
4 there tried in the place provided by law for such court.

5 Sec. 33. 20 V.S.A. § 30 is amended to read:

6 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

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

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

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

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

4           (3) Three public members, appointed by the Governor.

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

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

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

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

15          § 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

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

20                 (1) To enter into purchase, lease, or other arrangements with any agency  
21 of the United States for temporary housing units to be occupied by disaster

1 victims and to make such units available to any political subdivision of the  
2 State.

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

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

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

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

16 (b) ~~Under rules adopted by the Governor, to~~ During a declared state of  
17 emergency, the Governor may, by order or rule, temporarily suspend or modify  
18 for not more than 60 days any law or rule pertaining to public health, safety,  
19 zoning, or transportation ~~(within or across the State), or other requirement of~~  
20 ~~law or rules within Vermont when by proclamation~~ if, the Governor deems the

1 suspension or modification essential to provide temporary housing for disaster  
2 victims.

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

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

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

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

17 Sec. **35**. 20 V.S.A. § 39 is amended to read:

18 § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

19 (a) Every person required to report the use or storage of hazardous  
20 chemicals or substances pursuant to EPCRA shall pay the following annual

1 fees for each hazardous chemical or substance, as defined by the State

2 Emergency Response Commission, that is present at the facility:

3 (1) \$40.00 for quantities between 100 and 999 pounds.

4 (2) \$60.00 for quantities between 1,000 and 9,999 pounds.

5 (3) \$100.00 for quantities between 10,000 and 99,999 pounds.

6 (4) \$290.00 for quantities between 100,000 and 999,999 pounds.

7 (5) \$880.00 for quantities exceeding 999,999 pounds.

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

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

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

15 (1) municipalities and other political subdivisions;

16 (2) State agencies;

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

18 (4) nonprofit corporations.

19 (d) No person shall be required to pay a fee for a chemical or substance that  
20 has been determined to be an economic poison as defined in 6 V.S.A. § 911 or  
21 for a fertilizer or agricultural lime as defined in 6 V.S.A. § 363 and for which a



1 registration or tonnage fee has been paid to the Agency of Agriculture, Food  
2 and Markets pursuant to 6 V.S.A. chapter 28 or 81.

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

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

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

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

4           Sec. 36. REPEAL

5           20 V.S.A. § 40 (enforcement) is repealed.

6           Sec. 37. EFFECTIVE DATES

7           This act shall take effect on July 1, 2024, except Sec. 21 (20 V.S.A. § 4),  
8           which will take effect on July 1, 2025.

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11           (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

14

FOR THE COMMITTEE