

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, adaptation, or repair
15 activities.

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

20 (c) Administration; implementation.

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

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

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

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

12 (D) projects to adopt and meet the State’s model flood hazard
13 bylaws.

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

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

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

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

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

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

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

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

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

16 § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

17 FUND

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

1 (b) Monies in the Fund. The Fund shall consist of monies appropriated to
2 the Fund.

3 (c) Fund administration.

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

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

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

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

18 Sec. 3. COMMUNITY RESILIENCE AND DISASTER MITIGATION

19 GRANT PROGRAM; APPROPRIATION

1 responders, emergency medical technicians, advanced emergency medical
2 technicians, and paramedics.

3 * * *

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

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

6 § 2. DEFINITIONS

7 As used in this chapter:

8 * * *

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

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

20 (A) emergency management and public safety personnel;

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

1 ~~(10)~~(11) “Homeland security” means the preparation for and carrying
2 out of all emergency functions, other than the functions for which the U.S.
3 Armed Forces or other federal agencies are primarily responsible, to prevent,
4 minimize, or repair injury and damage resulting from or caused by enemy
5 attack, sabotage, or other hostile action.

6 ~~(11)~~(12) “Radiological incident” means any mishap or occurrence
7 involving radiological activity that may pose a threat to persons or property.

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

9 CHAPTER 181. BENEFITS FOR THE SURVIVORS OF EMERGENCY

10 AND PUBLIC WORKS PERSONNEL

11 § 3171. DEFINITIONS

12 As used in this chapter:

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

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

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

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

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

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

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

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

7 (4) “Emergency personnel” means:

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

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

11 ~~(4)~~(5) “Line of duty” means:

12 (A) for emergency personnel:

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

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

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

18 (i) in a hazardous location;

19 (ii) as part of an emergency response to an all-hazards event, as

20 that term is defined in section 2 of this title; or

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

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

10 ~~(6)~~(7) “Parent” means a natural or adoptive parent.

11 (8) “Public works personnel” includes water, wastewater, and
12 stormwater personnel.

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

14 ~~(7)~~(10) “Survivor” means a spouse, child, or parent of emergency
15 personnel or public works personnel who have died in the line of duty.

16 § 3172. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS
17 BENEFIT REVIEW BOARD

18 (a) There is created the Emergency and Public Works Personnel Survivors
19 Benefit Review Board, which shall consist of the State Treasurer or designee,
20 the Attorney General or designee, the Chief Fire Service Training Officer of
21 the Vermont Fire Service Training Council or designee, and ~~one member~~ two

1 members of the public, one to represent the interests of emergency personnel
2 and one to represent the interests of public works personnel, who shall be
3 appointed by the Governor for a term of two years. Survivors of emergency
4 personnel or public works personnel, employed by or who volunteer for the
5 State of Vermont, a county or municipality of the State, or a nonprofit entity
6 that provides services in the State, who die in the line of duty or of an
7 occupation-related illness may request the Board award a monetary benefit
8 under section 3173 of this title. The Board shall be responsible for
9 determining whether to award monetary benefits under section 3173. A
10 decision to award monetary benefits shall be made by unanimous vote of the
11 Board and shall be made within 60 days after the receipt of all information
12 necessary to enable the Board to determine eligibility. The Board may request
13 any information necessary for the exercise of its duties under this section.
14 Nothing in this section shall prevent the Board from initiating the investigation
15 or determination of a claim before being requested by a survivor or employer
16 of emergency personnel.

17 * * *

18 (c) If the Board decides to award a monetary benefit, the benefit shall be
19 paid to the surviving spouse or, if the emergency personnel or public works
20 personnel had no spouse at the time of death, to the surviving child, or equally
21 among surviving children. If the deceased emergency personnel or public

1 works personnel is not survived by a spouse or child, the benefit shall be paid
2 to a surviving parent, or equally between surviving parents. If the deceased
3 emergency personnel or public works personnel is not survived by a spouse,
4 children, or parents, the Board shall not award a monetary benefit under this
5 chapter.

6 * * *

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

10 § 3173. MONETARY BENEFIT

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

14 * * *

15 § 3175. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS

16 BENEFIT SPECIAL FUND

17 (a) The Emergency and Public Works Personnel Survivors Benefit Special
18 Fund is established in the Office of the State Treasurer for the purpose of the
19 payment of claims distributed pursuant to this chapter. The Fund shall
20 comprise appropriations made by the General Assembly and contributions or

1 donations from any other source. All balances in the Fund at the end of the
2 fiscal year shall be carried forward. Interest earned shall remain in the Fund.

3 * * *

4 * * * Emergency Management * * *

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

6 § 6. LOCAL AND REGIONAL ORGANIZATION FOR EMERGENCY
7 MANAGEMENT

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

1 position of a town or city emergency, the executive officer or the chair or
2 president of the executive branch shall be the emergency management director.

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

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

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

20 (3) The Division shall advise municipalities that when a shelter is sited
21 under a local emergency plan, the municipality should work with the Agency

1 of Human Services and the American Red Cross to assess the facility,
2 including the characteristics of the surrounding area during an all-hazards
3 event and multiple routes of travel and possible hazards that could prevent
4 access to the shelter.

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

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

11 * * *

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

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

20 (B) Nonvoting members. Nonvoting members may include
21 representatives from the following organizations serving within the region: fire

1 departments, emergency medical services, law enforcement, other entities
2 providing emergency response personnel, media, transportation, regional
3 planning commissions, hospitals, the Department of Health’s district office, the
4 Division of Emergency Management, organizations serving vulnerable
5 populations, local libraries, arts and culture organizations, and any other
6 interested public or private individual or organization.

7 * * *

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

9 § 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

10 (a) The Commission shall have authority to:

11 * * *

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

16 * * *

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

18 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;
19 DUTIES

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

1 “EPCRA” means the federal Emergency Planning and Community Right-To-
2 Know Act, 42 U.S.C. §§ 11001-11050 (1986), including Hzamat and any other
3 duties.

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

14 (c) A local emergency planning committee shall perform all the following
15 duties:

16 (1) Carry out all the requirements of a committee pursuant to EPCRA,
17 including preparing a local emergency planning committee plan. The plan
18 shall be coordinated with the State emergency management plan and may be
19 expanded to address all-hazards identified in the State emergency management
20 plan. At a minimum, the local emergency planning committee plan shall
21 include the following:

1 (A) Identifies facilities and transportation routes of extremely
2 hazardous substances.

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

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

8 (D) Outlines emergency notification procedures.

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

11 (F) Describes local emergency equipment and facilities and the
12 persons responsible for them.

13 (G) Outlines evacuation plans.

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

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

17 (2) Upon receipt by the committee or the committee’s designated
18 community emergency coordinator of a notification of a release of a hazardous
19 chemical or substance, ensure that the local emergency plan has been
20 implemented.

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

6 (4) Review and evaluate requests for funding and other resources and
7 advise the State Emergency Response Commission concerning disbursement
8 of funds.

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

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

15 § 41. STATE EMERGENCY MANAGEMENT PLAN.

16 (a) The Department of Public Safety’s Vermont Emergency Management
17 Division shall create, and republish as needed, but not less than every five
18 years, a comprehensive State Emergency Management Plan. The Plan shall
19 detail response systems during all-hazards events, including communications,
20 coordination among State, local, private, and volunteer entities, and the
21 deployment of State and federal resources. The Plan shall also detail the

1 State's emergency preparedness measures and goals, including those for the
2 prevention of, protection against, mitigation of, and recovery from all-hazards
3 events.

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

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

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

13 Sec. 11. VERMONT EMERGENCY MANAGEMENT DIVISION

14 DISASTER PREPAREDNESS REVIEW, BEST MANAGEMENT
15 PRACTICES, AND REPORT

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

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

6 (b) Best management practices.

7 (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 FOUR NEW REGIONAL EMERGENCY
8 MANAGEMENT PROGRAM COORDINATORS;
9 APPROPRIATION

10 (a) Four new permanent full-time positions are created in the Department
11 of Public Safety’s Emergency Management Division for emergency
12 management coordination.

13 (b) The sum of \$400,000.00 is appropriated from the General Fund to the
14 Department of Public Safety in fiscal year 2025 for the purpose of funding four
15 new 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)(c)~~ The basis for establishing ~~sewer disposal~~ rates, rents, or charges shall
11 be reviewed annually by ~~sewage disposal commissioners~~ the board. No
12 premises otherwise exempt from taxation, including premises owned by the
13 State of Vermont, shall, by virtue of any ~~such~~ the exemption, be exempt from
14 charges established ~~hereunder~~ under this section. The commissioners may
15 change the rates ~~of such, rents, or charges~~ from time to time as may be
16 reasonably required.

17 (d) Where one of the bases of ~~such 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 (e) ~~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)(f) 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 **program manager** shall perform all the following
15 duties:

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

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

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

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

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

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

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

19 (d) An amount not less than \$750,000.00 shall be annually allocated to the
20 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~~ provider originating carrier
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 databases and for all purposes outlined in section 7059 of this
15 title. Each such provider shall be responsible for updating the information at a
16 frequency specified by such rules. All persons receiving confidential
17 information under this section, as defined by ~~the Public Utility Commission~~
18 section 7059 of this title, shall use it solely for the purposes ~~of providing~~
19 ~~emergency 911 services~~ specified in section 7059 of this title and shall not
20 disclose such confidential 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 shall, in accordance with rules
19 adopted by the Enhanced 911 Board, notify its customers of planned or
20 unplanned outages that impact customers' ability to complete a call to, or

1 communicate with, 911 or that prevent subscribers from receiving emergency
2 notifications.

3 (g) As used in this section:

4 (1) “Originating carrier” or “originating service provider” means an
5 entity that provides voice services to a subscriber and includes incumbent local
6 exchange carriers operating in Vermont.

7 (2) “Incumbent local exchange carrier” has the same meaning as in
8 47 U.S.C. § 251(h) and includes rural local exchange carriers.

9 Sec. 20. ENHANCED 911 BOARD TARIFFS; REPORT; APPROPRIATION

10 (a) On or before January 15, 2025, the Enhanced 911 Board shall report to
11 the House Committee on Government Operations and Military Affairs and the
12 Senate Committee on Government Operations on current local exchange
13 telecommunications tariffs, and, in particular, evaluating existing tariffs
14 permitted pursuant to 30 V.S.A. § 7055, determining actual costs for the
15 provision of the service elements, and comparing those tariffs to similar cost
16 recovery mechanisms in other States.

17 (b) The sum of \$25,000.00 is appropriated from the General Fund to the
18 Enhanced 911 Board in fiscal year 2025 for the purpose of conducting the
19 evaluation and producing the report.

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

3 Sec. 22. EMERGENCY COMMUNICATIONS; APPROPRIATIONS

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

9 (b) The sum of \$25,000.00 is appropriated from the General Fund to the
10 Department of Public Safety’s Division of Emergency Management in fiscal
11 year 2025 for the purpose of conducting a multi-media outreach campaign to
12 increase the number of Vermonters registered with VT Alert and educate
13 Vermonters on how to prepare for an emergency.

14 Sec. 23. LANGUAGE ASSISTANCE SERVICES FOR EMERGENCY
15 COMMUNICATIONS WORKING GROUP; REPORT

16 (a) Creation. There is created the Language Assistance Services for
17 Emergency Communications Working Group, consisting of staff at the
18 Vermont Emergency Management (VEM) Division and the Office of Racial
19 Equity, who will collaborate with the Vermont Association of Broadcasters;
20 the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council; and
21 other relevant stakeholders.

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

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

11 (d) Prospective repeal. The Working Group shall cease to exist on June 30,
12 2025.

13 * * * Creation of Chief Climate Resilience Officer * * *

14 Sec. 24. ESTABLISHMENT OF CHIEF CLIMATE RESILIENCE OFFICER
15 POSITION; APPROPRIATION

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

19 (b) The sum of \$150,000.00 is appropriated from the General Fund to the
20 Agency of Administration in fiscal year 2025 for the purpose of establishing
21 the position of Chief Climate Resilience Officer.

1 * * * Post-Secondary Disaster Management Programs * * *

2 Sec. 25. POST-SECONDARY DISASTER MANAGEMENT PROGRAM
3 REPORT

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

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

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

13 § 1. PURPOSE AND POLICY

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

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

1 to plan for and procure supplies, medicines, materials, and equipment for the
2 purposes set forth in this chapter;

3 * * *

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

9 * * *

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

1 similar items for mobile support units, ~~fire-fighting~~ firefighting , and police
2 units and health units. The mutual aid agreements shall be made on such terms
3 and conditions as the Governor deems necessary.

4 * * *

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

6 § 9. EMERGENCY POWERS OF GOVERNOR

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

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

17 * * *

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

19 § 11. ADDITIONAL EMERGENCY POWERS

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

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

7 (2) To enter into a contract on behalf of the State for the lease or loan,
8 on such terms and conditions and for such period as ~~he or she~~ the Governor
9 deems necessary to promote the public welfare and protect the interests of the
10 State, of any real or personal property of the State government, or the
11 temporary transfer or employment of personnel thereof to any town or city of
12 the State. The chief executive or legislative branch of the town or city is
13 authorized for and in the name of the town or city to enter into the contract
14 with the Governor for the leasing or lending of the property and personnel, and
15 the chief executive or legislative branch of the town or city may equip,
16 maintain, utilize, and operate such property except newspapers and other
17 publications, radio stations, places of worship and assembly, and other
18 facilities for the exercise of constitutional freedom, and employ necessary
19 personnel in accordance with the purposes for which such contract is executed;
20 ~~and may do all things and perform all acts necessary to effectuate the purpose~~
21 ~~for which the contract was entered into.~~

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* * *

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

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

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

~~(B)~~(C) Any owner of property of which possession has been either temporarily or permanently taken under the provisions of this chapter to whom no award has been made or who is dissatisfied with the amount awarded ~~him~~ ~~or her~~ by the Governor may file a petition in the Superior Court within the county wherein the property was situated at the time of taking to have the

1 amount to which ~~he or she~~ the owner is entitled by way of damages or
2 compensation determined, and either the petitioner or the State shall have the
3 right to have the amount of such damages or compensation fixed after hearing
4 by three disinterested appraisers appointed by the court, and who shall operate
5 under substantive and administrative procedure to be established by the
6 Superior judges. If the ~~petitioner~~ owner of the property is dissatisfied with the
7 award of the appraisers, ~~he or she~~ the owner may appeal the award to the
8 Superior Court and thereafter have a trial by jury to determine the amount of
9 the damages or compensation. The court costs of a proceeding brought under
10 this section by the owner of the property shall be paid by the State, and the fees
11 and expenses of any attorney for the owner shall also be paid by the State after
12 allowances by the court in which the petition is brought in an amount
13 determined by the court. The statute of limitations shall not apply to
14 proceedings brought by owners of property under this section for and during
15 the time that any court having jurisdiction over the proceedings is prevented
16 from holding its usual and stated sessions due to conditions resulting from
17 emergencies described in this chapter.

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

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

1 § 13. TERMINATION OF EMERGENCIES

2 The Governor:

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

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

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

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

16 § 17. GIFT, GRANT, OR LOAN

17 (a) Federal. Whenever the federal government or any agency or officer of
18 the federal government offers to the State, or through the State to any town or
19 city within Vermont, services, equipment, supplies, materials, or funds by way
20 of gift, grant, or loan for purposes of emergency management, the State, acting
21 through the Governor in coordination with the Department of Public Safety, or

1 such town or city acting with the consent of the Governor and through its
2 executive officer or legislative branch, may accept the offer, ~~and upon~~ in
3 accordance with the provisions of 32 V.S.A. § 5. Upon such acceptance, the
4 Governor or the executive officer or legislative branch of the political
5 subdivision may authorize any officer of the State or of the political
6 subdivision, as the case may be, to receive the services, equipment, supplies,
7 materials, or funds on behalf of the State or the political subdivisions, and
8 subject to the terms of the offer and rules, if any, of the agency making the
9 offer. Whenever a federal grant is contingent upon a State or local
10 contribution, or both, the Department of Public Safety and the political
11 subdivision shall determine whether the grant shall be accepted and, if
12 accepted, the respective shares to be contributed by the State and town or city
13 concerned.

14 (b) Private. Whenever any person, firm, or corporation offers to the State
15 or to any town or city in Vermont services, equipment, supplies, materials, or
16 funds by way of gift, grant, or loan, for purposes of emergency management,
17 the State, acting through the Governor, or the political subdivision, acting
18 through its executive officer or legislative branch, may accept the offer, ~~and~~
19 ~~upon~~ in accordance with the provisions of 32 V.S.A. § 5. Upon such
20 acceptance, the Governor or executive officer or legislative branch of the
21 political subdivision may authorize any officer of the State or the political

1 subdivision, as the case may be, to receive the services, equipment, supplies,
2 materials, or funds on behalf of the State or the political subdivision; and
3 subject to the terms of the offer.

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

5 § 26. CHANGE OF VENUE BECAUSE OF ~~ENEMY ATTACK~~ AN ALL-
6 HAZARDS EVENT

7 In the event that the place where a civil action or a criminal prosecution is
8 required by law to be brought has become and remains unsafe because of an
9 attack upon the United States or Canada, a public health emergency, or an all-
10 hazards event, such action or prosecution may be brought in or, if already
11 pending, may be transferred to the Superior Court in an unaffected unit and
12 there tried in the place provided by law for such court.

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

14 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

15 (a) The State Emergency Response Commission is created within the
16 Department of Public Safety. The Commission shall consist of 17 members:
17 eight ex officio members, including the Commissioner of Public Safety, the
18 Secretary of Natural Resources, the Secretary of Transportation, the
19 Commissioner of Health, the Secretary of Agriculture, Food and Markets, the
20 Commissioner of Labor, the Director of Fire Safety, and the Director of
21 Emergency Management, or designees; and nine public members, including a

1 representative from each of the following: local government, the local
2 emergency planning committee, a regional planning commission, the fire
3 service, law enforcement, emergency medical service, a hospital, a
4 transportation entity required under EPCRA to report chemicals to the State
5 Emergency Response Commission, and another entity required to report
6 extremely hazardous substances under EPCRA.

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

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

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

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

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

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

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

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

2 § 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

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

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

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

15 (A) advancing or lending funds available to the Governor from any
16 appropriation made by the General Assembly or from any other source;₂

17 (B) “passing through” funds made available by any agency, public or
18 private;₂ or

19 (C) becoming a co-partner with the political subdivision for the
20 execution and performance of any temporary housing for disaster victims
21 project and for such purposes to pledge the credit of the State on such terms as

1 the Governor deems appropriate having due regard for current debt
2 transactions of the State.

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

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

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

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

1 (f) ~~As used in this chapter, “major disaster,” “emergency,” and “temporary~~
2 ~~housing” have the same meaning as in the Disaster Relief Act of 1974, P.L. 93-~~
3 ~~288. [Repealed.]~~

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

5 § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

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

10 (1) \$40.00 for quantities between 100 and 999 pounds.

11 (2) \$60.00 for quantities between 1,000 and 9,999 pounds.

12 (3) \$100.00 for quantities between 10,000 and 99,999 pounds.

13 (4) \$290.00 for quantities between 100,000 and 999,999 pounds.

14 (5) \$880.00 for quantities exceeding 999,999 pounds.

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

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

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

- 1 (1) municipalities and other political subdivisions;
- 2 (2) State agencies;
- 3 (3) persons engaged in farming as defined in 10 V.S.A. § 6001; and
- 4 (4) nonprofit corporations.

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

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

1 Emergency Management Agency (FEMA) Public Assistance funds under
2 federal disaster declarations. It is the intent of the General Assembly that the
3 Continuing Local Economic Damage Grants be distributed to municipalities
4 throughout the State to address the secondary economic impacts of the August
5 and December 2023 flooding events.

6 (b) Appropriation. In fiscal year 2025, the amount of \$200,000.00 in
7 general funds shall be appropriated to the Agency of Administration for the
8 continuing Local Economic Damage Grant Program.

9 (c) Administration; grant awards. The Agency of Administration shall
10 administer the Program, which shall award grants in the following manner:

11 (1) \$75,000.00 to each municipality that as of March 1, 2024 has at least
12 \$5,000,000.00 in estimated reported damages to public infrastructure relating
13 to the August and December 2023 flooding events.

14 (2) \$50,000.00 to each municipality that as of March 1, 2024 has less
15 than \$5,000,000.00 and at least \$2,000,000.00 in estimated reported damages
16 to public infrastructure relating to the August and December 2023 flooding
17 events.

18 (3) \$30,000.00 to each municipality that as of March 1, 2024 has less
19 than \$2,000,000.00 and at least \$1,000,000.00 in estimated reported damages
20 to public infrastructure relating to the August and December 2023 flooding
21 events.

1 (4) \$20,000.00 to each municipality that as of March 1, 2024 has less
2 than \$1,000,000.00 and at least \$250,000.00 in estimated reported damages to
3 public infrastructure relating to the August and December 2023 flooding
4 events.

5 (5) \$10,000.00 to each municipality that as of March 1, 2024 has less
6 than \$250,000.00 and at least \$100,000.00 in estimated reported damages to
7 public infrastructure relating to the August and December 2023 flooding
8 events.

9 (d) Restrictions on recipients' use of grant funds. Monies from these grants
10 shall not be expended by the recipient on FEMA-related projects.

11 (e) To the extent that the funds appropriated in subsection (b) of this
12 section have not been granted by June 30, 2025, the funds shall revert to the
13 General Fund and be transferred to the Emergency Relief and Assistance Fund.

14 Sec. 38. EMERGENCY RELIEF AND ASSISTANCE FUND

15 FOR RECOVERY FROM THE AUGUST AND DECEMBER 2023

16 FLOODS; TRANSFER

17 (a) Notwithstanding any other provisions of law to the contrary,
18 \$830,000.00 shall be transferred from the General Fund to the Emergency
19 Relief and Assistance Fund (21555).

20 (b) Notwithstanding Sec. 1.4.3 of the Rules for State Matching Funds
21 Under the Federal Public Assistance Program, in fiscal year 2025, the

1 Secretary of Administration may provide funding from the Emergency Relief
2 and Assistance Fund that was transferred pursuant to subsection (a) of
3 this section to subgrantees prior to the completion of a project. In fiscal year
4 2025, up to 70 percent of the State funding match on the nonfederal share of
5 an approved project for municipalities that were impacted by the August and
6 December 2023 flooding events in counties that are eligible for Federal
7 Emergency Management Agency Public Assistance funds under federal
8 disaster declarations may be advanced at the request of a municipality.

9 (c) Notwithstanding Sec. 1.4.1 of the Rules for State Matching Funds
10 Under the Federal Public Assistance Program, the Secretary of Administration
11 shall increase the standard State funding match on the nonfederal share of an
12 approved project to the highest percentage possible given available funding for
13 municipalities in counties that were impacted by the August and December
14 2023 flooding events and are eligible for Federal Emergency Management
15 Agency Public Assistance funds under federal disaster declarations.

16 * * * Effective Dates * * *

17 Sec. 39. EFFECTIVE DATES

18 This act shall take effect on July 1, 2024, except that Sec. 21 (20 V.S.A.
19 § 4) shall take effect on July 1, 2025.

20
21

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE