

1
2
3
4
5
6
7
8
9

10
11
12
13
14
15
16
17
18
19

H.794

Introduced by Committee on Government Operations

Date:

Subject: Public safety; search and rescue

Statement of purpose: This bill proposes to require the department of public safety to develop and implement an interim protocol regarding search and rescue operations and proposes to create a strategic plan development committee to recommend a permanent organizational structure to manage search and rescue operations.

An act relating to the management of search and rescue operations

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

Sec. 1. SEARCH AND RESCUE OPERATIONS; INTERIM PROTOCOL;

DEPARTMENT OF PUBLIC SAFETY

(a) By the effective date of this act, the department of public safety (the “department”) shall develop and implement an interim protocol establishing responsibility and authority for search and rescue operations. The interim protocol shall be based upon the following standards and organizational structure:

(1) Standards. The interim protocol shall require:

1 (A) all search and rescue operations be made pursuant to the incident
2 command system set forth in subdivision (2) of this subsection;

3 (B) an immediate response to every search and rescue call for help,
4 which shall include an immediate call to the department's search and rescue
5 team without regard to whether the call for help may be classified as a missing
6 person complaint as that term is described in 20 V.S.A. chapter 112; and

7 (C) the earliest possible rescue or recovery of every person needing
8 search and rescue assistance.

9 (2) Incident Command System. Notwithstanding any provision of law
10 to the contrary, the search and rescue team within the department of public
11 safety shall have lead responsibility for search and rescue operations in any
12 municipality in Vermont without an established police department or which is
13 not under contract with a sheriff to provide law enforcement services pursuant
14 to 24 V.S.A. § 291a. In any municipality with an established police
15 department that has at least one officer who has obtained high-level search and
16 rescue training and training on the incident command system or in any
17 municipality under contract with a sheriff who has obtained that training, the
18 chief of police or the sheriff shall determine whether that police department or
19 sheriff will assume lead responsibility for search and rescue operations in that
20 municipality. Only such a municipal police department or sheriff confirming
21 in writing to the department its assumption of lead responsibility shall have

1 that responsibility and, if so responsible, shall be required to collaborate with
2 the department in the implementation of this interim protocol. In all other
3 instances, the search and rescue team shall have lead responsibility. No matter
4 what entity has lead responsibility in any municipality, the department shall be
5 required to perform the following actions in order to form a reliable incident
6 command system conforming to the standards set forth in this subsection.

7 (A) Assessment of resources.

8 (i) The department, on a barracks-by-barracks basis, shall assess
9 all available resources existing within the state that are capable of assisting the
10 department in search and rescue operations. These resources shall include all
11 of those within the department and the departments of fish and wildlife and of
12 health; sheriffs; local police departments; municipal and volunteer fire
13 departments; local search and rescue organizations; and any other state, local,
14 or nongovernmental agency with relevant expertise and experience.

15 (ii) The assessment shall include an evaluation of the strengths of
16 each resource in terms of its capability to contribute to different aspects and
17 types of search and rescue operations. The department shall confirm with a
18 resource that resource's strengths and capabilities.

19 (B) Organization; database.

20 (i) Based on its assessment of resources, the department shall
21 organize the resources into different categories based on geographic areas of

1 the state; availability; and the capability to perform incident-specific search
2 and rescue operations.

3 (ii) The department shall enter the resources into a database
4 organized based on those categories. The database shall be maintained and
5 continually updated by the department.

6 (C) Utilization. For every search and rescue call for help, the
7 department shall utilize the database in order to deploy appropriate search and
8 rescue resources when responding to a call for help.

9 (D) Training. By July 1, 2014, the department's search and rescue
10 team and all Vermont game wardens shall obtain high level search and rescue
11 operations training and training on the incident command system.

12 (b) The interim protocol shall be implemented pursuant to this section until
13 further legislative action by the general assembly.

14 (c) As used in this section, "search and rescue" means the search for and
15 provision of aid to people who are missing, lost, or stranded in the outdoors on
16 Vermont's land or inland waterways.

17 Sec. 2. SEARCH AND RESCUE STRATEGIC PLAN DEVELOPMENT

18 COMMITTEE

19 (a) Creation of committee; purpose. There is created a search and rescue
20 strategic plan development committee to recommend how search and rescue
21 operations should be conducted in Vermont on a permanent basis. As used in

1 this section, “search and rescue” means the search for and provision of aid to
2 people who are missing, lost, or stranded in the outdoors on Vermont’s land or
3 inland waterways.

4 (b) Membership. The search and rescue strategic plan development
5 committee shall be composed of ~~12~~ 13 members. The members of the
6 committee shall be as follows:

7 (1) One member of the house appointed by the speaker.

8 (2) One member of the senate appointed by the committee on
9 committees.

10 (3) The commissioner of public safety or designee.

11 (4) The commissioner of fish and wildlife or designee.

12 (5) The president of the Vermont Police Association or designee.

13 (6) The president of the Vermont Sheriffs’ Association, Inc. or designee.

14 (7) The team leader of Stowe Mountain Rescue or designee.

15 (8) The team leader of Colchester Technical Rescue or designee.

16 (9) One licensed first responder appointed by the commissioner of
17 health.

18 (10) Two members of the Vermont Coalition of Fire & Rescue Services,
19 Inc. appointed by the chair of the coalition, one of whom shall be a
20 professional firefighter and one of whom shall be a volunteer firefighter.

1 (11) One public member with experience in search and rescue
2 operations and in the incident command system appointed by the governor.

(12) One member of the National Ski Patrol appointed by the northern
regional director of the National Ski Patrol's eastern division.

3 (c) Consultant. The co-chairs of the committee, in consultation with the
4 commissioner of the department of public safety, may hire a consultant who
5 professionally specializes in search and rescue operations in order to assist the
6 committee in its duties.

7 (d) Structure; decision-making. The committee shall elect two co-chairs
8 from its membership, at least one of whom shall be a legislative member. The
9 provisions of 1 V.S.A. § 172 (joint authority of three or more) shall apply to
10 the meetings and decision-making of the committee.

11 (e) Powers and duties. The committee shall:

12 (1) review the existing method, responsibility, and organizational
13 structure for conducting search and rescue operations in Vermont, including
14 any existing statutory, rule, or policy requirements, if any, and identify the
15 advantages and disadvantages of the current system;

16 (2) consider models used in other states for managing search and rescue
17 operations;

18 (3) determine whether the department of public safety or a different state
19 agency should be responsible for supervising search and rescue operations for

1 people who are missing, lost, or stranded in the outdoors on Vermont's land or
2 inland waterways;

3 (4) consider and evaluate different organizational structures in order to
4 recommend how to most effectively manage Vermont's search and rescue
5 processes and resources;

6 (5) determine whether minimum qualifications, certification, or other
7 credentialing should be required for persons participating in search and rescue
8 operations and whether search and rescue responders who are not state
9 employees should be provided with insurance coverage;

10 (6) develop a database of available statewide resources capable of
11 assisting in search and rescue operations, which may be organized pursuant to
12 different geographic regions of the state;

13 (7) consider the feasibility of establishing an online database of persons
14 who are missing, lost, or stranded in the outdoors on Vermont's land or inland
15 waterways that would provide automatic notice to first responders;

16 (8) develop and recommend a method of reviewing completed search
17 and rescue operations and how those operations could be improved;

18 (9) recommend guidelines that would enable communication among
19 search and rescue resources in responding to a call for help;

20 (10) recommend methods of balancing speed versus safety in
21 responding to calls for help in order to create the greatest level of efficiency;

1 (11) determine whether a new chapter for search and rescue operations
2 should be added within Title 20 of the Vermont Statutes Annotated; and

3 (12) determine whether firefighters and law enforcement officers should
4 be required to obtain training in search and rescue operations and on the
5 incident command system as part of certification or recertification
6 requirements.

7 (f) Report. The committee shall report its findings and recommendations,
8 together with draft legislation in order to implement those recommendations, to
9 the general assembly on or before ~~September 1~~ *December 15*, 2012.

10 (g) Number of meetings; term of committee. The committee may meet no
11 more than five times and shall cease to exist on ~~September 1~~ *December 15*,
12 2012.

13 (h) Reimbursement. Members of the committee who are not employees of
14 the state of Vermont shall be reimbursed at the per diem rate set forth in
15 32 V.S.A. § 1010. Legislative members shall be entitled to the same per diem
16 compensation and reimbursement for necessary expenses for attendance at a
17 meeting when the general assembly is not in session as provided to members of
18 standing committees under 2 V.S.A. § 406.

19 (i) Assistance. The legislative council shall provide administrative, legal,
20 and drafting support to the committee.

- 1 Sec. 3. EFFECTIVE DATE
- 2 This act shall take effect on passage.