

**No. 52. An act relating to boards and commissions.**

(H.122)

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

\* \* \* National Forest Lands \* \* \*

Sec. 1. [Deleted.]

Sec. 2. 1 V.S.A. § 555 is amended to read:

§ 555. JURISDICTION OF UNITED STATES OVER NATIONAL  
FORESTS

The United States shall have jurisdiction to make and enforce such laws, rules, and regulations as the United States shall deem necessary for the administration, protection, and management of ~~such~~ national forests in the State.

Sec. 3. 1 V.S.A. § 556 is amended to read:

§ 556. JURISDICTION OF STATE OVER NATIONAL FORESTS

In all other respects, the jurisdiction over persons and property within ~~such~~ the territory of national forests in the State shall not be affected nor changed by reason of ~~such~~ the acquisition of title to such lands by the United States.

\* \* \* Amendments to Vermont Commission on Women \* \* \*

Sec. 4. 3 V.S.A. chapter 70 is added to read:

CHAPTER 70. COMMISSION ON WOMEN

Sec. 5. 3 V.S.A. § 22 is redesignated and amended to read:

§ ~~22~~ 5025. THE COMMISSION ON WOMEN

(a)(1) The Commission on Women is created as the successor to the Governor's Commission on Women established by Executive Order No. 20-86. The Commission shall be organized and have the duties and responsibilities as provided in this section.

(2) The Commission shall be an independent agency of the government of Vermont and shall not be subject to the control of any other department or agency.

(3) Members of the Commission shall be drawn from throughout the State and from diverse racial, ethnic, religious, age, sexual orientation, and socioeconomic backgrounds and shall have had experience working toward the improvement of the status of women in society.

(b) The Commission shall consist of 16 members, appointed as follows:

(1) Eight members shall be appointed by the Governor, ~~not more than four of whom shall be from one political party.~~

(2)(A) Eight members shall be appointed by the General Assembly, four by the Senate Committee on Committees, and four by the Speaker of the House.

(B) ~~Not~~ Each chamber may appoint not more than two appointees shall be members of the General Assembly legislators, and each appointing authority shall appoint not more than two members if a chamber appoints two legislators, they shall not be from the same political party.

(c)(1) Not more than four legislators may serve on the Commission at one time.

(2) The terms of members shall be four years. Appointments of members to fill vacancies or expired terms shall be made by the authority that made the initial appointment to the vacated or expired term.

(d)(1) Members of the Commission shall elect biennially by majority vote the Chair of the Commission.

(2) Members of the Commission shall be entitled to receive per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010, which shall be paid by the Commission.

(e) Nine members shall constitute a quorum of the Commission. Once a quorum has been established, the vote of a majority of the members present at the time of the vote shall be an act of the Commission.

(f) The Commission may appoint members to an advisory council to provide information on the concerns of Vermont women and assist the Commission in the fulfillment of its responsibilities. The Commission may establish ad hoc committees or task forces to study and make recommendations to the Commission. The chair of such committees or task forces shall be appointed by the Chair of the Commission. The tenure of such committees or task forces shall be determined by the nature of the study and the project undertaken.

(g) The Commission shall conduct studies of matters concerning women, and in furtherance of that responsibility may:

(1) review Vermont statutes with regard to sex discrimination and other matters affecting the status of women;

(2) educate and inform business, education, State and local governments, and the general public about the nature and scope of sex discrimination and other matters affecting the status of women in Vermont;

(3) serve as a liaison and clearinghouse between government, private interest groups, and the general public concerned with services for women, and, in this regard, may publish a periodic newsletter to provide information to these constituencies; and

(4) promote consideration of qualified women for all levels of government positions.

(h) The powers of the Commission shall include the following:

(1) to conduct research and study of issues affecting the status of women in Vermont;

(2) to advise and consult with the Executive and Legislative branches of State government on policies affecting the status of women in Vermont;

(3) to maintain an office and hire employees as necessary to carry out its duties;

(4) to acquire on a contractual or other basis such necessary legal, technical, or research expertise and support services as it may require for the discharge of its duties;

(5) to publish periodic reports documenting the legal, economic, social, and political status, and other concerns of women in Vermont;

(6) to utilize such voluntary and uncompensated services of private individuals, agencies, and organizations as may, from time to time, be offered and needed; and

(7) to accept and solicit funds, including any gifts, donations, grants, or bequests or any federal funds, for any Commission-related purposes.

~~(i)(1) No part of any funds appropriated to the Commission by the General Assembly shall, in the absence of express authorization by the General Assembly, be used directly or indirectly for legislative or administrative advocacy. The Commission shall review and amend as necessary all existing contracts and grants to ensure compliance with this subsection.~~

~~(2) As used in this subsection, legislative or administrative advocacy means employment of a lobbyist as defined in 2 V.S.A. chapter 11, or employment, establishment, or maintenance of a lobbyist position whose primary function is to influence legislators or State officials with respect to pending legislation or rules. [Repealed.]~~

Sec. 6. REDESIGNATION AND CODIFICATION OF COMMISSION ON  
WOMEN; CONFORMING REVISIONS

(a) 3 V.S.A. § 5025 (Commission on Women), as redesignated and amended in this act, shall be codified in 3 V.S.A. chapter 70 (Commission on Women), as added by this act.

(b) The Office of Legislative Counsel is directed to revise accordingly in the Vermont Statutes Annotated any cross-references to the Commission on Women as redesignated and codified in this act.

\* \* \* Repeal of Toxics Technical Advisory Board \* \* \*

Sec. 7. 3 V.S.A. § 2873 is amended to read:

§ 2873. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

(a) The Department of Environmental Conservation is created within the Agency of Natural Resources. The Department is the successor to and continuation of the Department of Water Resources and Environmental Engineering; and shall administer the Water Resources Programs contained in Title 10<sup>2</sup>, air pollution control and abatement as provided in 10 V.S.A. chapter 23<sup>2</sup>, and waste disposal as provided in 10 V.S.A. chapter 159.

(b) The Department may perform design and construction supervision services for major maintenance and capital construction projects for the Agency and all of its components.

(c) [Repealed.]

(d) Nothing in this section shall prevent the Commissioner of Labor from exercising his or her authority to regulate public buildings.

~~(e) There is created within the Department of Environmental Conservation a Division of Pollution Prevention, which shall carry out nonregulatory functions of the Department under 10 V.S.A. chapter 159, subchapter 2, in providing technical assistance and coordinating State efforts to bring about a decrease, within the State, in the use of toxics and the generation of hazardous wastes. The Office shall:~~

~~(1) review toxics use reduction and hazardous waste reduction plans submitted by generators of hazardous wastes and by large users of toxic materials, as defined in 10 V.S.A. chapter 159, subchapter 2;~~

~~(2) provide technical assistance to industry in its plan development, plan revisions, and plan improvement under 10 V.S.A. chapter 159, subchapter 2;~~

~~(3) provide, direct, and manage on-site technical assistance under that chapter;~~

~~(4) provide staff support to the Toxics Technical Advisory Board, and implement authorized and recommended programs;~~

~~(5) sponsor, in conjunction with the Toxics Technical Advisory Board, industry specific conferences, workshops, and seminars on toxics use reduction and hazardous waste reduction, in order to enhance information exchange and technology transfer;~~

~~(6) develop and maintain a technical library and information clearinghouse, and promote information dissemination to businesses that generate hazardous wastes or use toxic substances;~~

~~(7) develop and distribute a newsletter and other information materials for business and industry, to assist in planning for toxics use reduction and reduction in the generation of hazardous waste;~~

~~(8) maintain data and information systems on toxics use and hazardous waste reduction as specified in 10 V.S.A. chapter 159, subchapter 2, and use these systems to develop methods to measure the success of programs to reduce toxics use and the generation of hazardous waste;~~

~~(9) coordinate ongoing technical assistance on these matters, within the Agency and throughout State government;~~

~~(10) work with other State agencies to evaluate, develop, and promote pollution prevention strategies;~~

~~(11) work with other State agencies to improve data and reporting systems with respect to toxics releases;~~

~~(12) work with other State agencies to develop pilot programs that encourage toxics use reduction, multimedia source reduction, and reductions in the generation of hazardous waste;~~

~~(13) review and comment on environmental regulatory programs and proposed rules, to assure that these programs provide incentives, rather than disincentives, to pollution prevention. [Repealed.]~~



~~(f) There is created the Toxics Technical Advisory Board, which is attached to the Division of Pollution Prevention.~~

~~(1) The Board shall consist of at least five members appointed by the Governor, representing the various geographic areas of the State and with expertise in professional disciplines such as occupational health and safety, industrial hygiene, engineering, chemistry, manufacturing, business, ecology, and environmental protection. Members shall be selected from business and industry groups that are to be served by technical assistance.~~

~~(2) The Board shall advise the Office of Pollution Prevention on the creation and administration of a Technical Assistance Program designed to provide guidance, advice, and technical assistance to generators of hazardous waste and users of toxics.~~

~~(3) The Board shall serve as liaison with industry, business, trade associations, and educational institutions, and shall assemble volunteer teams to perform on-site technical assistance and other forms of assistance to complement programs of the office of pollution prevention.~~

~~(4) The Board shall establish and administer an award program for excellence in toxics use reduction and the reduction in the generation of hazardous waste. [Repealed.]~~

(g) There is created within the Department of Environmental Conservation the Small Business Technical and Environmental Compliance Assistance Program. This Program shall include each element specified in section 507(a)

of the federal Clean Air Act (42 U.S.C. § 7401 et seq.) and shall also be authorized to assist small businesses in similar fashion with regard to their obligations under all other environmental legislation administered by the Department.

(h) [Repealed.]

\* \* \* Repeal of Champion Land Transaction Citizen Advisory Council \* \* \*

Sec. 8. 10 V.S.A. chapter 156 is amended to read:

CHAPTER 156. ~~CHAMPION LAND TRANSACTION CITIZEN~~  
~~ADVISORY COUNCIL~~ [Repealed.]

§ 6407. ~~COUNCIL CREATED~~

~~A Citizen Advisory Council is created to assist in implementing the provisions of the Champion land transaction in the northeastern region of Vermont authorized by the 1999 session of the General Assembly. [Repealed.]~~

§ 6408. ~~FUNCTIONS~~

~~(a) The Council shall function as a forum to hear and attempt to resolve concerns involving the so-called Champion lands that are brought to the attention of the Council regarding ongoing use and management of State lands, collaboration with the U.S. Fish and Wildlife Service, and public access to the public and privately held lands. With respect to the public lands and the role of the Agency of Natural Resources, these matters may include public access, the recreation access plan, snowmobiling, motorized, mechanical and equestrian access, private roads, temporary restrictions, federal ownership,~~

~~timber harvesting, land conservation, water classification, economic development, and camp leases. The Council has no authority to discuss or comment on interests obtained by a private owner who purchases a portion of the property, including timber harvesting and forest management interests obtained.~~

~~(b) The Council shall also function as a source of information to persons interested in learning about the transaction including its legal conditions, or about the ongoing use and management of the land. [Repealed.]~~

§ 6409. MEMBERS; ORGANIZATION

~~(a) The Council shall consist of 11 voting members appointed by the Governor as follows:~~

~~(1) six persons residing in the northeastern region of the State, made up of one representative each of the logging industry, another private business interest in Essex County, a local hunting and fishing group, the Vermont Association of Snow Travelers, camp leaseholders of former Champion land, and an elected official of municipal government in Essex County, each with a three-year term except that initial terms shall be staggered, to be appointed by the Governor from a list of three nominees for each position submitted jointly by the members of the State legislative delegation of Essex County;~~

~~(2) one person representing the new private ownership of a portion of the former Champion land;~~

~~(3) the Secretary of the Vermont Agency of Natural Resources or his or her designee from within the Agency;~~

~~(4) one person representing the U.S. Fish and Wildlife Service;~~

~~(5) one person representing the Vermont Sportsmen Federation; and~~

~~(6) one person representing a Natural Resources Conservation Group.~~

~~(b) The representative of municipal government from Essex County shall serve as Chair of the Council and shall convene the first meeting of the Council. Subsequent meetings will be held at the call of the Chair or as scheduled by majority vote of the Council.~~

~~(c) The Chair of the Council shall arrange for Council meetings to be held at a municipal office or another location in Essex County. If requested by the Council, the Secretary of Natural Resources shall provide administrative and staff support to the Council. [Repealed.]~~

\* \* \* Repeal of Working Group on Conservation Easements \* \* \*

## Sec. 9. REPEAL OF WORKING GROUP ON CONSERVATION

### EASEMENTS

2012 Acts and Resolves No. 118, Sec. 9 (Working Group on Conservation Easements) is repealed.

\* \* \* Repeal and Transfer of Duties of Prekindergarten-16 Council \* \* \*

Sec. 10. 16 V.S.A. § 2905 is amended to read:

§ 2905. ~~PREKINDERGARTEN 16 COUNCIL~~

~~(a) A Prekindergarten-16 Council (the Council) is created to help coordinate and better align the efforts of the prekindergarten-12 educational system with the higher education community in order to increase:~~

~~(1) postsecondary aspirations;~~

~~(2) the enrollment of Vermont high school graduates in higher education programs;~~

~~(3) the postsecondary degree completion rates of Vermonters; and~~

~~(4) public awareness of the economic, intellectual, and societal benefits of higher education.~~

~~(b) The Council shall be composed of:~~

~~(1) the Secretary of Education or designee;~~

~~(2) the Commissioner of Labor or designee;~~

~~(3) the President of the University of Vermont or designee;~~

~~(4) the Chancellor of the Vermont State Colleges or designee;~~

~~(5) the President of the Vermont Student Assistance Corporation or designee;~~

~~(6) the President of the Association of Vermont Independent Colleges or designee;~~

~~(7) a principal of a secondary school selected by the Vermont Principals' Association;~~

~~(8) a superintendent selected by the Vermont Superintendents Association;~~

- ~~(9) a teacher selected by the Vermont National Education Association;~~
  - ~~(10) a member of the Building Bright Futures Council or designee;~~
  - ~~(11) a career technical education director selected by the Vermont Association of Career and Technical Center Directors;~~
  - ~~(12) a representative from the business and industry community selected by the Vermont Business Roundtable;~~
  - ~~(13) an advocate for low-income children selected by Voices for Vermont's Children;~~
  - ~~(14) a member of the House of Representatives, who shall be selected by the Speaker and shall serve until the beginning of the biennium immediately after the one in which the member is appointed;~~
  - ~~(15) a member of the Senate, who shall be selected by the Committee on Committees and shall serve until the beginning of the biennium immediately after the one in which the member is appointed;~~
  - ~~(16) a member of the faculty of the Vermont State Colleges, the University of Vermont, or a Vermont independent college selected by United Professions AFT Vermont, Inc.; and~~
  - ~~(17) a representative of after-school, summer, and expanded learning programs selected by the Vermont Center for Afterschool Excellence.~~
- ~~(c) The Council shall develop and regularly update a statewide plan to increase aspirations for and the successful completion of postsecondary~~

~~education among students of all ages and otherwise advance the purposes for which the council is created, which shall include strategies to:~~

~~(1) ensure that every high school graduate in Vermont is prepared to succeed in postsecondary education without remedial assistance;~~

~~(2) increase the percentage of Vermonters who earn an associate's or higher level degree or a postsecondary certification;~~

~~(3) identify and address areas of educator preparation that could benefit from improved collaboration between the prekindergarten-12 educational system and the higher education community;~~

~~(4) promote early career awareness and nurture postsecondary aspirations;~~

~~(5) develop programs that guarantee college admission and financial aid for low-income students who successfully complete early commitment requirements;~~

~~(6) enhance student engagement in secondary school, ensuring that learning opportunities are relevant, rigorous, and personalized and that all students aspire to and prepare for success in postsecondary learning opportunities;~~

~~(7) expand access to dual enrollment programs in order to serve students of varying interests and abilities, including those who are likely to attend college, those who are from groups that attend college at disproportionately~~

~~low rates, and those who are prepared for a postsecondary curriculum prior to graduation from secondary school;~~

~~(8) develop proposals for statewide college and career readiness standards and assessments;~~

~~(9) create incentives for adults to begin or continue their postsecondary education; and~~

~~(10) ensure implementation of a prekindergarten-16 longitudinal data system, which it shall use to assess the success of the plan required by this subsection.~~

~~(d) Together with the Secretary of Administration or the Secretary's designee, the following members of the Council shall perform any statutory or other duties required of them, including duties in connection with the Higher Education Endowment Trust Fund: the President of the University of Vermont, the Chancellor of the Vermont State Colleges, the President of the Vermont Student Assistance Corporation, the President of the Association of Vermont Independent Colleges, the representative from the business and industry community, the member of the House of Representatives, and the member of the Senate.~~

~~(e) The legislative and higher education staff shall provide support to the Council as appropriate to accomplish its tasks. Primary administrative support shall be provided by the Office of Legislative Operations.~~

~~(f) The Council shall annually elect one of its members to be chair.~~



~~(g) The Council shall meet at least quarterly.~~

~~(h) The Council shall report on its activities to the House and Senate Committees on Education and to the State Board of Education each year in January. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. [Repealed.]~~

Sec. 11. 16 V.S.A. § 2885 is amended to read:

§ 2885. VERMONT HIGHER EDUCATION ENDOWMENT TRUST FUND

(a) A Vermont Higher Education Endowment Trust Fund is established in the Office of the State Treasurer to comprise the following:

\* \* \*

(b) The State Treasurer may invest the monies in the Fund.

\* \* \*

(d)(1) During the first quarter of each fiscal year, the Secretary of Administration or the Secretary's designee and the ~~individuals identified~~ Council created in subsection ~~2905(d)~~ (h) of this ~~title section~~ may authorize the State Treasurer to make an amount equal to ~~no~~ not more than two percent of the assets available, in equal amounts, to the University of Vermont and the Vermont State Colleges for the purpose of creating or increasing a permanent endowment.

\* \* \*

(e) Annually, ~~by~~ on or before September 30, the Treasurer shall render a financial report on the receipts, disbursements, and earnings of the Fund for the

preceding fiscal year to the Secretary of Administration and the ~~individuals~~  
~~identified~~ Council created in subsection ~~2905(d)~~ (h) of this ~~title~~ section.

(f) All balances in the Fund at the end of any fiscal year shall be carried forward and used only for the purposes set forth in this section. Earnings of the Fund that are not withdrawn pursuant to this section shall remain in the Fund.

(g) The University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation shall review expenditures made from the Fund and evaluate the impact of the expenditures on higher education in Vermont, and report this information to the House and Senate Committees on Education each year in January.

(h) There is created the Vermont Higher Education Endowment Trust Fund Council to perform the duties set forth in subsections (d) and (e) of this section. The Council shall be attached to the Office of Treasurer for administration purposes and shall be composed of the following members:

- (1) the President of the University of Vermont;
- (2) the Chancellor of the Vermont State Colleges;
- (3) the President of the Vermont Student Assistance Corporation;
- (4) the President of the Association of Vermont Independent Colleges;
- (5) a representative from the business and industry community, selected by the Vermont Business Roundtable;

(6) a member of the House of Representatives, appointed by the Speaker of the House; and

(7) a member of the Senate, appointed by the Committee on Committees.

Sec. 11a. [Deleted.]

\* \* \* State Emergency Response Commission; Regional Committees \* \* \*

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

§ 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT

(a) Each town and city of this state is hereby authorized and directed to establish a local organization for emergency management in accordance with the ~~state~~ State emergency management plan and program. ~~Except in a town that has a town manager in accordance with chapter 37 of Title 24, the~~ The executive officer or legislative branch of the town or city is authorized to appoint a town or city emergency management director who shall have direct responsibility for the organization, administration, and coordination of the local organization for emergency management, subject to the direction and control of the executive officer or legislative branch. If the town or city that has not adopted the town manager form of government in accordance with chapter 37 of Title 24 and the executive officer or legislative branch of the town or city has not appointed an emergency management director, the executive officer or legislative branch shall be the town or city emergency management director. The town or city emergency management director may

appoint an emergency management coordinator and other staff as necessary to accomplish the purposes of this chapter.

(b) ~~Except as provided in subsection (d) of this section, each~~ Each local organization for emergency management shall perform emergency management functions within the territorial limits of the town or city within which it is organized, and, in addition, shall conduct such functions outside of the territorial limits as may be required pursuant to the provisions of this chapter and in accord with such regulations as the governor may prescribe.

(c) Each local organization shall ~~participate in the development of~~ develop and maintain an all-hazards emergency management plan with the local emergency planning committee and the public safety district in accordance with guidance set forth by the Division of Emergency Management.

(d) ~~Each local organization shall annually notify the local emergency planning committee on forms provided by the state emergency response commission of its capacity to perform emergency functions in response to an all-hazards incident. Each local organization shall perform the emergency functions indicated on the most recently submitted form in response to an all-hazards incident.~~ Regional emergency management committees shall be established by the Division of Emergency Management.

(1) Regional emergency management committees shall coordinate emergency planning and preparedness activities to improve their regions' ability to prepare for, respond to, and recover from all disasters.

(2) The Division of Emergency Management shall establish geographic boundaries and guidance documents for regional emergency planning committees in coordination with regional planning commissions and mutual aid associations.

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

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

(B) Nonvoting members. Nonvoting members may include representatives from the following organizations serving within the region: fire departments; emergency medical services; law enforcement; media; transportation; regional planning commissions; hospitals; the Department of Health's district office; the Division of Emergency Management; organizations serving vulnerable populations; and any other interested public or private individual or organization.

(4) Voting members shall annually elect a chair and vice chair of the committee from the voting membership. The Chair shall develop a meeting schedule, agenda, and facilitate each meeting. The Vice Chair shall fill in for

the Chair during the Chair's absence.

(5) Committees shall develop and maintain a regional plan, consistent with guidance provided by the Division of Emergency Management in coordination with regional planning commissions, that describes regional coordination and regionally available resources.

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

§ 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

(a) ~~A state emergency response commission~~ The State Emergency Response Commission is created within the ~~department~~ Department of ~~public safety~~ Public Safety. The commission shall consist of ~~15~~ 17 members, ~~six~~ eight ex officio members, including the ~~commissioner of public safety~~ Commissioner of Public Safety, the ~~secretary of natural resources~~ Secretary of Natural Resources, the ~~secretary of transportation~~ Secretary of Transportation, the ~~commissioner of health~~ Commissioner of Health, the ~~secretary of agriculture, food~~ Secretary of Agriculture, Food and Markets, ~~and the commissioner of labor~~ Commissioner of Labor, the Director of Fire Safety, and the Director of Emergency Management, or ~~their~~ designees; and nine public members, including a representative from each of the following: local government, ~~a~~ the local emergency planning committee, a regional planning commission, the fire service, law enforcement, emergency medical service, a hospital, a transportation entity required under EPCRA to report chemicals to the ~~state emergency response commission~~ State Emergency Response

Commission, and another entity required to report extremely hazardous substances under EPCRA. ~~The director of emergency management shall be the secretary of the commission without a vote.~~

(b) The nine public members shall be appointed by the ~~governor~~ Governor for staggered three year terms. The ~~governor~~ Governor shall appoint the chair of the commission.

(c) Members of the commission, except state employees who are not otherwise compensated as part of their employment and who attend meetings, shall be entitled to a per diem and expenses as provided in 32 V.S.A. § 1010. Sec. 14. 20 V.S.A. § 31 is amended to read:

§ 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

(a) The commission shall have authority to:

(1) Carry out all the requirements of a commission under the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § § 11000-11050 (1986) (EPCRA), ~~and all hazards mitigation, response, recovery, and preparedness, as hereafter amended and other applicable federal initiatives.~~

(2) Adopt rules necessary for the implementation of EPCRA and for the reporting of hazardous chemicals or substances, including setting minimum limits on the level of hazardous chemicals to be reported.

(3) Designate and appoint local emergency planning committees.

(4) Review and comment on the development and implementation of local emergency ~~response~~ plans by the local emergency planning ~~committees~~

committee and provide assistance to ~~those committees~~ that committee in executing ~~their~~ its duties.

(5) Review and comment on the comprehensive ~~state~~ State emergency operations management plan and the local emergency planning committee response plans.

(6) Meet with interested parties, which may include representatives of the carrier industry shippers, and state and local agencies, having an interest, responsibility, or expertise concerning hazardous materials.

(7) Ensure that a ~~state~~ State plan will go into effect when an accident occurs involving the transportation of hazardous materials. The plan shall be ~~field tested~~ exercised at least once annually and shall be coordinated with local and State emergency plans.

(8) Jointly adopt rules concerning reportable quantities of economic poison as defined in 6 V.S.A. § 911(5) with the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. The commission may enter into contracts with governmental agencies or private organizations to carry out the duties of this section.

(9) ~~Coordinate statewide efforts and draft policies regarding planning, mitigation, preparedness, and response to all hazards events to be approved by the commissioner.~~

(10) Recommend funding for awards to be made by the ~~commissioner~~ Commissioner for planning, training, ~~special studies, citizen corps councils,~~



~~community emergency response teams (CERT), medical reserve corps, and hazardous materials response teams~~ exercises, and response capabilities from funds that are available from federal sources or through the hazardous substances fund created in section 38 of this title. The commission may create committees as necessary for other related purposes and delegate funding recommendation powers to those committees.

(b) The Department of Public Safety shall provide administrative support to the State Emergency Response Commission.

Sec. 15. 20 V.S.A. § 32 is amended to read:

§ 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;  
DUTIES

(a) ~~Local~~ One or more local emergency planning committees shall be appointed by the ~~state emergency response commission~~ State Emergency Response Commission.

(b) ~~Local~~ All local emergency planning committees ~~should~~ shall include representatives from the following: fire departments; local and regional emergency medical services; local, county, and state law enforcement; media; transportation; regional planning commissions; hospitals; industry; the ~~national guard~~ Vermont National Guard; the ~~department~~ Department of health Health's district office; an animal rescue organization; and may include any other interested public or private individual or organization. Where the local emergency planning committee represents more than one region of the State,

the commission shall appoint representatives that are geographically diverse.

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

(1) Carry out all the requirements of a committee pursuant to EPCRA, including preparing a local emergency planning committee ~~response~~ plan. The plan shall be coordinated with the ~~state~~ State emergency ~~operations~~ management plan and may be expanded to address all hazards ~~and all phases of emergency management.~~ identified in the State emergency management plan.

At a minimum, the local emergency planning committee ~~response~~ plan shall include the following:

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

(B) Describes emergency response procedures, including those identified in facility plans.

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

(D) Outlines emergency notification procedures.

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

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

(G) Outlines evacuation plans.

(H) Provides for coordinated local training to ensure integration with the ~~state~~ State emergency ~~operations~~ management plan.

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

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

(3) Consult and coordinate with the heads of local government emergency services, the emergency management director or designee, regional planning commissions, and the managers of all facilities within the ~~district~~ jurisdiction regarding the facility plan.

(4) Review and evaluate requests for funding and other resources and advise the ~~state emergency response commission~~ State Emergency Response Commission and ~~district coordinators~~ concerning disbursement of funds.

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

Sec. 16. 20 V.S.A. § 38 is amended to read:

§ 38. SPECIAL FUNDS

~~(a)(1) There is created a radiological emergency response plan fund, into which any entity operating a nuclear reactor or storing nuclear fuel and radioactive waste in this state (referred to hereinafter as “the nuclear power plant”) shall deposit the amount appropriated to support the Vermont radiological response plan for that fiscal year, adjusted by any balance in the radiological emergency response plan fund from the prior fiscal year. There shall also be deposited into the fund any monies received from any other source, public or private, that is intended to support the radiological emergency response planning process. The fund shall be managed in accordance with subchapter 5 of chapter 7 of Title 32. Any interest earned on the balance in the fund shall be retained by the fund.~~

~~(2) Expenditures from the fund shall be made by the division of emergency management, subject to an annual legislative appropriation. As part of the annual appropriations process, the division of emergency management shall present a budget for the ensuing fiscal year that anticipates the expenditures that will be made from the fund. Each fiscal year, the division of emergency management in collaboration with the state and local agencies, the management of the nuclear power plant, the selectboards of the municipalities in the emergency planning zone, the Windham regional planning commission, and any other municipality or emergency planning zone~~

~~entity defined by the state as required to support the radiological emergency response plan shall develop the budget for expenditures from the radiological emergency response plan fund. State personnel with responsibility for local coordination and plan development shall be physically located in the region. The annual budget shall include only expenditures necessary to support the radiological emergency response plan.~~

\* \* \*

~~(5) The state shall bill the nuclear power plant on a monthly basis based on the budget presented and approved by the legislature. The nuclear power plant shall have the right to audit the books and records of the fund.~~

~~(6) Upon the permanent cessation of operation of the nuclear reactor and final removal of all nuclear fuel and radioactive waste, and the removal of emergency response plan regulations and state responsibilities applicable to it by the Federal Nuclear Regulatory Commission and any other federal agency having regulatory jurisdiction, and after all outstanding debts have been paid, all monies remaining in the fund shall be repaid to the nuclear power plant, and the fund terminated.~~

~~(b)~~ There is created a hazardous chemical and substance emergency response fund ~~which~~ that shall include all moneys paid to the ~~state~~ State pursuant to section 39 of this title. The fund shall be managed pursuant to the provisions of subchapter 5 of chapter 7 of Title 32. The fund shall be used to implement and administer this chapter, including planning, training and

response activities as well as the purchase of equipment and assisting local organizations referred to in section 6 of this chapter to develop emergency response plans. Each local emergency planning committee shall receive a ~~minimum grant of \$1,500.00, and \$4,000.00 as of July 1, 2007, annually and may petition the state emergency response commission for additional funds if needed and available~~ an annual grant from the Commissioner of Public Safety. The annual total grant amount to be allocated to local emergency planning committees statewide shall not exceed \$52,000.00, and the Commissioner shall divide the total annual grant amount equally among the local emergency planning committees. After disbursement of the ~~minimum grant amounts~~ funding and after consideration of the comments and evaluation received from the ~~appropriate~~ appropriate local emergency planning committee and the State Emergency Response Commission, the ~~commissioner~~ Commissioner of Public Safety at the Commissioner's discretion ~~with the approval of the emergency response commission~~ may make additional grants from the fund to any local emergency planning committee or regional emergency response commission as well as to any political subdivisions including any city, town, fire district, incorporated village and other incorporated entities in the state in accordance with rules adopted by the ~~state emergency response commission~~ State Emergency Response Commission. Unless waived by the ~~state emergency response commission~~ State Emergency Response Commission, grants shall be matched by local governments in the amount of 25 percent of the grant. The matching

may be by contribution or by privately furnished funds or by in-kind services, space, or equipment ~~which~~ that would otherwise be purchased by a local emergency planning committee.

Sec. 17. 20 V.S.A. § 3a is amended to read:

§ 3a. EMERGENCY MANAGEMENT DIVISION; DUTIES; BUDGET

(a) In addition to other duties required by law, the ~~emergency management division~~ Division of Emergency Management shall:

(1) ~~Establish and define emergency planning zones and prepare and maintain a comprehensive state~~ State emergency management strategy that includes an emergency ~~operations~~ management plan, establish and define ~~emergency planning zones and prepare and maintain a radiological emergency response plan for use in those zones~~ regional emergency management committees, and prepare an all-hazards mitigation plan in cooperation with other state, regional, and local agencies ~~for use in such zones and in compliance with adopted federal standards for emergency management. The strategy shall be designed to protect the lives and property, including domestic animals, of persons within this state~~ State who might be threatened as the result of all-hazards and shall align ~~state~~ State coordination structures, capabilities, and resources into a unified and ~~multi-disciplined~~ multidisciplined all-hazards approach to incident management.

(2) ~~Design the radiological emergency response plan to protect persons and property within this state who or which might be threatened as the result of~~

~~their proximity to any operating nuclear reactor. The plan shall be formulated in accordance with procedures approved by the Federal Nuclear Regulatory Commission. At a minimum, the plan shall provide for all the following:~~

~~(A) Monitoring radiological activity within the state.~~

~~(B) Emergency evacuation routes within a ten-mile radius of any operating nuclear reactor.~~

~~(C) Adequate notification and communications systems.~~

~~(D) Contingency procedures as deemed necessary in the event of an incident or accident involving an operating nuclear reactor.~~

~~(3) Assist the state emergency response commission~~ State Emergency Response Commission, the local emergency planning committees, the regional emergency management committees, and the municipally established local organizations referred to in section 6 of this title in carrying out their designated emergency functions, including developing, implementing, and coordinating emergency response plans.

~~(4) Provide administrative support to the state emergency response commission.~~

\* \* \*



\* \* \* Effective Dates \* \* \*

Sec. 18. EFFECTIVE DATES

This section and Secs. 1–11a (misc. boards and commissions) shall take effect on passage, and Secs. 12–17 (emergency management commission/committees) shall take effect on July 1, 2021.

Date Governor signed bill: June 3, 2021