

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 122 entitled “An act relating to boards and commissions” respectfully
4 reports that it has considered the same and recommends that the Senate
5 propose to the House that the bill be amended by striking out Sec. 12, effective
6 date, and its reader assistance heading in their entirety and adding eight
7 sections to be Secs. 11a–18 with reader assistance headings to read as follows:

8 * * * Vermont Climate Council * * *

9 Sec. 11a. VERMONT CLIMATE COUNCIL; TEMPORARY PER DIEM
10 COMPENSATION; SUNSET

11 Until June 30, 2022, and notwithstanding any provision of 10 V.S.A.
12 § 591(g) or 32 V.S.A. § 1010 to the contrary, a Vermont Climate Council
13 member or subcommittee member who is entitled to per diem compensation
14 under 10 V.S.A. § 591(g) shall, upon request, receive per diem compensation
15 in the amount of \$100.00, subject to the availability of funds budgeted for
16 Council per diem compensation.

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

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

19 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT

20 (a) Each town and city of this state is hereby authorized and directed to
21 establish a local organization for emergency management in accordance with

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

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

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

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

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

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

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

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

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

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

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

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

2 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

3 (a) ~~A state emergency response commission~~ The State Emergency
4 Response Commission is created within the ~~department~~ Department of ~~public~~
5 ~~safety~~ Public Safety. The commission shall consist of ~~45~~ 17 members, ~~six~~
6 ~~eight~~ ex officio members, including the ~~commissioner of public safety~~
7 Commissioner of Public Safety, the ~~secretary of natural resources~~ Secretary of
8 Natural Resources, the ~~secretary of transportation~~ Secretary of Transportation,
9 the ~~commissioner of health~~ Commissioner of Health, the ~~secretary of~~
10 ~~agriculture, food~~ Secretary of Agriculture, Food and Markets, ~~and the~~
11 ~~commissioner of labor~~ Commissioner of Labor, the Director of Fire Safety, and
12 the Director of Emergency Management, or ~~their~~ designees; and nine public
13 members, including a representative from each of the following: local
14 government, a the local emergency planning committee, a regional planning
15 commission, the fire service, law enforcement, emergency medical service, a
16 hospital, a transportation entity required under EPCRA to report chemicals to
17 the ~~state emergency response commission~~ State Emergency Response
18 Commission, and another entity required to report extremely hazardous
19 substances under EPCRA. ~~The director of emergency management shall be~~
20 ~~the secretary of the commission without a vote.~~

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

4 (c) Members of the commission, except state employees who are not
5 otherwise compensated as part of their employment and who attend meetings,
6 shall be entitled to a per diem and expenses as provided in 32 V.S.A. § 1010.

7 Sec. 14. 20 V.S.A. § 31 is amended to read:

8 § 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

9 (a) The commission shall have authority to:

10 (1) Carry out all the requirements of a commission under the Emergency
11 Planning and Community Right-To-Know Act, 42 U.S.C. § § 11000-11050
12 (1986) (EPCRA), ~~and all hazards mitigation, response, recovery, and~~
13 ~~preparedness, as hereafter amended and other applicable federal initiatives.~~

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

17 (3) Designate and appoint local emergency planning committees.

18 (4) Review and comment on the development and implementation of
19 local emergency ~~response~~ plans by the local emergency planning ~~committees~~
20 committee and provide assistance to ~~those committees~~ that committee in
21 executing ~~their~~ its duties.

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

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

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

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

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

19 (10) Recommend funding for awards to be made by the ~~commissioner~~
20 Commissioner for planning, training, ~~special studies, citizen corps councils,~~
21 ~~community emergency response teams (CERT), medical reserve corps, and~~

1 ~~hazardous materials response teams~~ exercises, and response capabilities from
2 funds that are available from federal sources or through the hazardous
3 substances fund created in section 38 of this title. The commission may create
4 committees as necessary for other related purposes and delegate funding
5 recommendation powers to those committees.

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

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

9 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;

10 DUTIES

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

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

1 emergency planning committee represents more than one region of the State,
2 the commission shall appoint representatives that are geographically diverse.

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

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

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

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

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

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

18 (D) Outlines emergency notification procedures.

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

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

3 (G) Outlines evacuation plans.

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

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

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

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

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

19 (5) Work to support the various emergency services, mutual aid
20 systems, town governments, regional planning commissions, state agency

1 district offices, and others in their area in conducting coordinated all-hazards
2 emergency management activities.

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

4 § 38. SPECIAL FUNDS

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

16 ~~(2) Expenditures from the fund shall be made by the division of~~
17 ~~emergency management, subject to an annual legislative appropriation. As~~
18 ~~part of the annual appropriations process, the division of emergency~~
19 ~~management shall present a budget for the ensuing fiscal year that anticipates~~
20 ~~the expenditures that will be made from the fund. Each fiscal year, the~~
21 ~~division of emergency management in collaboration with the state and local~~

1 ~~agencies, the management of the nuclear power plant, the selectboards of the~~
2 ~~municipalities in the emergency planning zone, the Windham regional~~
3 ~~planning commission, and any other municipality or emergency planning zone~~
4 ~~entity defined by the state as required to support the radiological emergency~~
5 ~~response plan shall develop the budget for expenditures from the radiological~~
6 ~~emergency response plan fund. State personnel with responsibility for local~~
7 ~~coordination and plan development shall be physically located in the region.~~
8 ~~The annual budget shall include only expenditures necessary to support the~~
9 ~~radiological emergency response plan.~~

10 * * *

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

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

1 ~~(b)~~ There is created a hazardous chemical and substance emergency
2 response fund ~~which~~ that shall include all moneys paid to the ~~state~~ State
3 pursuant to section 39 of this title. The fund shall be managed pursuant to the
4 provisions of subchapter 5 of chapter 7 of Title 32. The fund shall be used to
5 implement and administer this chapter, including planning, training and
6 response activities as well as the purchase of equipment and assisting local
7 organizations referred to in section 6 of this chapter to develop emergency
8 ~~response~~ plans. Each local emergency planning committee shall receive a
9 ~~minimum grant of \$1,500.00, and \$4,000.00 as of July 1, 2007, annually and~~
10 ~~may petition the state emergency response commission for additional funds if~~
11 ~~needed and available~~ an annual grant from the Commissioner of Public Safety.
12 The annual total grant amount to be allocated to local emergency planning
13 committees statewide shall not exceed \$52,000.00, and the Commissioner shall
14 divide the total annual grant amount equally among the local emergency
15 planning committees. After disbursement of the ~~minimum grant amounts~~
16 funding and after consideration of the comments and evaluation received from
17 the ~~appropriate~~ local emergency planning committee and the State Emergency
18 Response Commission, the ~~commissioner~~ Commissioner of Public Safety at
19 the Commissioner's discretion ~~with the approval of the emergency response~~
20 ~~commission~~ may make additional grants from the fund to any local emergency
21 planning committee or regional emergency response commission as well as to

1 any political subdivisions including any city, town, fire district, incorporated
2 village and other incorporated entities in the state in accordance with rules
3 adopted by the ~~state emergency response commission~~ State Emergency
4 Response Commission. Unless waived by the ~~state emergency response~~
5 ~~commission~~ State Emergency Response Commission, grants shall be matched
6 by local governments in the amount of 25 percent of the grant. The matching
7 may be by contribution or by privately furnished funds or by in-kind services,
8 space, or equipment ~~which~~ that would otherwise be purchased by a local
9 emergency planning committee.

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

11 § 3a. EMERGENCY MANAGEMENT DIVISION; DUTIES; BUDGET

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

14 (1) ~~Establish and define emergency planning zones and prepare and~~
15 maintain a comprehensive ~~state~~ State emergency management strategy that
16 includes an emergency ~~operations~~ management plan, establish and define
17 ~~emergency planning zones and prepare and maintain a radiological emergency~~
18 ~~response plan for use in those zones~~ regional emergency management
19 committees, and prepare an all-hazards mitigation plan in cooperation with
20 other state, regional, and local agencies ~~for use in such zones and in~~
21 compliance with adopted federal standards for emergency management. The

1 strategy shall be designed to protect the lives and property, including domestic
2 animals, of persons within this ~~state~~ State who might be threatened as the result
3 of all-hazards and shall align ~~state~~ State coordination structures, capabilities,
4 and resources into a unified and ~~multi-disciplined~~ multidisciplined all-hazards
5 approach to incident management.

6 (2) ~~Design the radiological emergency response plan to protect persons~~
7 ~~and property within this state who or which might be threatened as the result of~~
8 ~~their proximity to any operating nuclear reactor. The plan shall be formulated~~
9 ~~in accordance with procedures approved by the Federal Nuclear Regulatory~~
10 ~~Commission. At a minimum, the plan shall provide for all the following:~~

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

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

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

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

17 (3) ~~Assist the state emergency response commission~~ State Emergency
18 Response Commission, the local emergency planning committees, the regional
19 emergency management committees, and the municipally established local
20 organizations referred to in section 6 of this title in carrying out their

1 designated emergency functions, including developing, implementing, and
2 coordinating emergency ~~response~~ plans.

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

5 * * *

6 * * * Effective Dates * * *

7 Sec. 18. EFFECTIVE DATES

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

11

12 (Committee vote: _____)

13

14

Senator _____

15

FOR THE COMMITTEE