

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 seven
7 sections to be Secs. 12–18 with reader assistance headings to read as follows:

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

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

10 § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT

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

1 town or city has not appointed an emergency management director, the
2 executive officer or legislative branch shall be the town or city emergency
3 management director. The town or city emergency management director may
4 appoint an emergency management coordinator and other staff as necessary to
5 accomplish the purposes of this chapter.

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

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

16 (d) ~~Each local organization shall annually notify the local emergency~~
17 ~~planning committee on forms provided by the state emergency response~~
18 ~~commission of its capacity to perform emergency functions in response to an~~
19 ~~all hazards incident. Each local organization shall perform the emergency~~
20 ~~functions indicated on the most recently submitted form in response to an all-~~

1 ~~hazards incident.~~ Regional emergency management committees shall be
2 established by the Division of Emergency Management.

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

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

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

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

18 (B) Nonvoting members. Nonvoting members may include
19 representatives from the following organizations serving within the region:
20 fire departments; emergency medical services; law enforcement; media;
21 transportation; regional planning commissions; hospitals; the Department of

1 Health's district office; the Division of Emergency Management; organizations
2 serving vulnerable populations; and any other interested public or private
3 individual or organization.

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

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

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

13 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

14 (a) ~~A state emergency response commission~~ The State Emergency
15 Response Commission is created within the ~~department~~ Department of ~~public~~
16 ~~safety~~ Public Safety. The commission shall consist of ~~15~~ 17 members, ~~six~~
17 ~~eight~~ eight ex officio members, including the ~~commissioner of public safety~~
18 Commissioner of Public Safety, the ~~secretary of natural resources~~ Secretary of
19 Natural Resources, the ~~secretary of transportation~~ Secretary of Transportation,
20 the ~~commissioner of health~~ Commissioner of Health, the ~~secretary of~~
21 ~~agriculture, food~~ Secretary of Agriculture, Food and Markets, and the

1 ~~commissioner of labor~~ Commissioner of Labor, the Director of Fire Safety, and
2 the Director of Emergency Management, or ~~their~~ designees; and nine public
3 members, including a representative from each of the following: local
4 government, a the local emergency planning committee, a regional planning
5 commission, the fire service, law enforcement, emergency medical service, a
6 hospital, a transportation entity required under EPCRA to report chemicals to
7 ~~the state emergency response commission~~ State Emergency Response
8 Commission, and another entity required to report extremely hazardous
9 substances under EPCRA. ~~The director of emergency management shall be~~
10 ~~the secretary of the commission without a vote.~~

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

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

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

18 § 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

19 (a) The commission shall have authority to:

20 (1) Carry out all the requirements of a commission under the Emergency
21 Planning and Community Right-To-Know Act, 42 U.S.C. § § 11000-11050

1 (1986) (EPCRA), ~~and all hazards mitigation, response, recovery, and~~
2 ~~preparedness, as hereafter amended and other applicable federal initiatives.~~

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

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

7 (4) Review and comment on the development and implementation of
8 local emergency ~~response~~ plans by the local emergency planning ~~committees~~
9 committee and provide assistance to ~~those committees~~ that committee in
10 executing ~~their~~ its duties.

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

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

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

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

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

9 (10) Recommend funding for awards to be made by the ~~commissioner~~
10 Commissioner for planning, training, special studies, citizen corps councils,
11 ~~community emergency response teams (CERT), medical reserve corps, and~~
12 ~~hazardous materials response teams~~ exercises, and response capabilities from
13 funds that are available from federal sources or through the hazardous
14 substances fund created in section 38 of this title. The commission may create
15 committees as necessary for other related purposes and delegate funding
16 recommendation powers to those committees.

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

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

20 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;

21 DUTIES

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

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

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

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

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

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

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

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

7 (D) Outlines emergency notification procedures.

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

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

12 (G) Outlines evacuation plans.

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

15 (I) Provides methods and schedules for exercising emergency
16 ~~response~~ 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, ~~insure~~ ensure that the local emergency ~~response~~ plan
20 has been implemented.

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

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

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

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

13 § 38. SPECIAL FUNDS

14 ~~(a)(1) There is created a radiological emergency response plan fund, into~~
15 ~~which any entity operating a nuclear reactor or storing nuclear fuel and~~
16 ~~radioactive waste in this state (referred to hereinafter as “the nuclear power~~
17 ~~plant”)~~ shall deposit the amount appropriated to support the Vermont
18 radiological response plan for that fiscal year, adjusted by any balance in the
19 radiological emergency response plan fund from the prior fiscal year. There
20 shall also be deposited into the fund any monies received from any other
21 source, public or private, that is intended to support the radiological emergency

1 ~~response planning process. The fund shall be managed in accordance with~~
2 ~~subchapter 5 of chapter 7 of Title 32. Any interest earned on the balance in the~~
3 ~~fund shall be retained by the fund.~~

4 ~~(2) Expenditures from the fund shall be made by the division of~~
5 ~~emergency management, subject to an annual legislative appropriation. As~~
6 ~~part of the annual appropriations process, the division of emergency~~
7 ~~management shall present a budget for the ensuing fiscal year that anticipates~~
8 ~~the expenditures that will be made from the fund. Each fiscal year, the~~
9 ~~division of emergency management in collaboration with the state and local~~
10 ~~agencies, the management of the nuclear power plant, the selectboards of the~~
11 ~~municipalities in the emergency planning zone, the Windham regional~~
12 ~~planning commission, and any other municipality or emergency planning zone~~
13 ~~entity defined by the state as required to support the radiological emergency~~
14 ~~response plan shall develop the budget for expenditures from the radiological~~
15 ~~emergency response plan fund. State personnel with responsibility for local~~
16 ~~coordination and plan development shall be physically located in the region.~~
17 ~~The annual budget shall include only expenditures necessary to support the~~
18 ~~radiological emergency response plan.~~

19 * * *

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

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

11 ~~(b)~~ There is created a hazardous chemical and substance emergency
12 response fund ~~which~~ that shall include all moneys paid to the state State
13 pursuant to section 39 of this title. The fund shall be managed pursuant to the
14 provisions of subchapter 5 of chapter 7 of Title 32. The fund shall be used to
15 implement and administer this chapter, including planning, training and
16 response activities as well as the purchase of equipment and assisting local
17 organizations referred to in section 6 of this chapter to develop emergency
18 response plans. Each local emergency planning committee shall receive a
19 ~~minimum grant of \$1,500.00, and \$4,000.00 as of July 1, 2007, annually and~~
20 ~~may petition the state emergency response commission for additional funds if~~
21 ~~needed and available~~ an annual grant from the Commissioner of Public Safety.

1 The annual total grant amount to be allocated to local emergency planning
2 committees statewide shall not exceed \$52,000.00, and the Commissioner shall
3 divide the total annual grant amount equally among the local emergency
4 planning committees. After disbursement of the ~~minimum grant amounts~~
5 funding and after consideration of the comments and evaluation received from
6 the ~~appropriate~~ local emergency planning committee and the State Emergency
7 Response Commission, the ~~commissioner~~ Commissioner of Public Safety at
8 the Commissioner's discretion ~~with the approval of the emergency response~~
9 ~~commission~~ may make additional grants from the fund to any local emergency
10 planning committee or regional emergency response commission as well as to
11 any political subdivisions including any city, town, fire district, incorporated
12 village and other incorporated entities in the state in accordance with rules
13 adopted by the ~~state emergency response commission~~ State Emergency
14 Response Commission. Unless waived by the ~~state emergency response~~
15 ~~commission~~ State Emergency Response Commission, grants shall be matched
16 by local governments in the amount of 25 percent of the grant. The matching
17 may be by contribution or by privately furnished funds or by in-kind services,
18 space, or equipment ~~which~~ that would otherwise be purchased by a local
19 emergency planning committee.

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

21 § 3a. EMERGENCY MANAGEMENT DIVISION; DUTIES; BUDGET

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

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

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

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

1

2 (Committee vote: _____)

3

4

Senator _____

5

FOR THE COMMITTEE