

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred Senate Bill No. 310 entitled “An act relating to natural disaster
4 government response, recovery, and resiliency” respectfully reports that it has
5 considered the same and recommends that the House propose to the Senate that
6 the bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

8 * * * Creation of the Community Resilience and Disaster
9 Mitigation Grant Program and Fund * * *

10 Sec. 1. 20 V.S.A. § 48 is added to read:

11 § 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION

12 GRANT PROGRAM

13 (a) Program established. There is established the Community Resilience
14 and Disaster Mitigation Grant Program to award grants to covered
15 municipalities to provide support for disaster mitigation, adaptation, or repair
16 activities.

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

21 (c) Administration; implementation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

14 FUND

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

19 (b) Monies in the Fund. The Fund shall consist of monies appropriated or
20 transferred to the Fund.

21 (c) Fund administration.

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

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

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

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

15 Sec. 3. [Deleted.]

16 Sec. 4. 32 V.S.A. § 8557 is amended to read:

17 § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

18 (a)(1) Sums for the expenses of the operation of training facilities and
19 curriculum of the Vermont Fire Service Training Council not to exceed
20 ~~\$1,200,000.00~~ **\$1,500,000.00** per year shall be paid to the Fire Safety Special
21 Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire,

1 homeowners multiple peril, allied lines, farm owners multiple peril,
2 commercial multiple peril (fire and allied lines), private passenger and
3 commercial auto, and inland marine policies on property and persons situated
4 within the State of Vermont within 30 days after notice from the
5 Commissioner of Financial Regulation of such estimated expenses. Captive
6 companies shall be excluded from the effect of this section.

7 * * *

8 (4) An amount not less than ~~\$150,000.00~~ \$450,000.00 shall be
9 specifically allocated to the Emergency Medical Services Special Fund
10 established under 18 V.S.A. § 908 for the provision of training programs for
11 certified Vermont EMS first responders and licensed emergency medical
12 responders, emergency medical technicians, advanced emergency medical
13 technicians, and paramedics.

14 * * *

15 * * * Credit Facilities for Local Investments * * *

16 Sec. 4a. 10 V.S.A. § 10 is amended to read:

17 § 10. VERMONT STATE TREASURER; CREDIT FACILITY FOR LOCAL
18 INVESTMENTS

19 (a) Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary,
20 the Vermont State Treasurer shall have the authority to establish a credit
21 facility of up to 10 percent of the State's average cash balance on terms

1 acceptable to the Treasurer and consistent with prudent investment principles
2 and guidelines pursuant to 32 V.S.A. § 433(b)–(c) and the Uniform Prudent
3 Investor Act, 14A V.S.A. chapter 9.

4 (b) The Treasurer may use amounts available under subsection (a) of this
5 section to provide financing for infrastructure projects in Vermont mobile
6 home parks and may modify the terms of such financing in ~~his or her~~ the
7 Treasurer’s discretion as is necessary to promote the availability of mobile
8 home park housing and to protect the interests of the State.

9 (c) Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary,
10 and in addition to the provisions of subsection (a) on this section, the Vermont
11 State Treasurer shall have the authority to establish a credit facility of up to
12 two and one-half percent of the State’s average cash balance on terms
13 acceptable to the Treasurer and consistent with prudent investment principles
14 and guidelines pursuant to 32 V.S.A. § 433(b)–(c) and the Uniform Prudent
15 Investor Act, 14A V.S.A. chapter 9. The Treasurer may use amounts available
16 under this subsection only to provide financing for climate infrastructure and
17 resilience projects and may modify the terms of such financing in the
18 Treasurer’s discretion as is necessary to protect the interest of the State.

19 **Sec. 4b. PROSPECTIVE REPEAL**

20 10 V.S.A. § 10, (c) is repealed on July 1, 2026.

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

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

2 § 2. DEFINITIONS

3 As used in this chapter:

4 * * *

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

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

16 (A) emergency management and public safety personnel;

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

18 (C) law enforcement officers, as that term is defined in section 2351a
19 of this title;

20 (D) public safety telecommunications and dispatch personnel;

21 (E) emergency medical personnel and volunteer personnel, as those

1 terms are defined in 24 V.S.A. § 2651;

2 (F) licensed professionals who provide clinical services, including
3 emergency care, in hospitals;

4 (G) public health personnel;

5 (H) public works personnel, including water, wastewater, and
6 stormwater personnel; and

7 (I) equipment operators and other skilled personnel, who provide
8 services necessary to enable the performance of emergency management
9 functions.

10 (8) “Hazard mitigation” means any action taken to reduce or eliminate
11 the threat to persons or property from all-hazards.

12 ~~(8)~~(9) “Hazardous chemical or substance” means:

13 * * *

14 ~~(9)~~(10) “Hazardous chemical or substance incident” means any mishap
15 or occurrence involving hazardous chemicals or substances that may pose a
16 threat to persons or property.

17 ~~(10)~~(11) “Homeland security” means the preparation for and carrying
18 out of all emergency functions, other than the functions for which the U.S.
19 Armed Forces or other federal agencies are primarily responsible, to prevent,
20 minimize, or repair injury and damage resulting from or caused by enemy
21 attack, sabotage, or other hostile action.

1 (4) “Emergency personnel” means:

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

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

5 ~~(4)~~(5) “Line of duty” means:

6 (A) for emergency personnel:

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

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

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

12 (i) in a hazardous location;

13 (ii) as part of an emergency response to an all-hazards event, as
14 that term is defined in section 2 of this title; or

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

20 ~~(5)~~(6) “Occupation-related illness” means a disease that directly arises
21 out of, and in the course of, service, including a heart injury or disease

1 symptomatic within 72 hours from the date of last service in the line of duty,
2 which shall be presumed to be incurred in the line of duty.

3 ~~(6)~~(7) “Parent” means a natural or adoptive parent.

4 (8) “Public works personnel” includes water, wastewater, and
5 stormwater personnel.

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

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

9 § 3172. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS

10 BENEFIT REVIEW BOARD

11 (a) There is created the Emergency and Public Works Personnel Survivors
12 Benefit Review Board, which shall consist of the State Treasurer or designee,
13 the Attorney General or designee, the Chief Fire Service Training Officer of
14 the Vermont Fire Service Training Council or designee, and ~~one member~~ two
15 members of the public, one to represent the interests of emergency personnel
16 and one to represent the interests of public works personnel, who shall be
17 appointed by the Governor for a term of two years. Survivors of emergency
18 personnel or public works personnel, employed by or who volunteer for the
19 State of Vermont, a county or municipality of the State, or a nonprofit entity
20 that provides services in the State, who die in the line of duty or of an
21 occupation-related illness may request the Board award a monetary benefit

1 under section 3173 of this title. The Board shall be responsible for
2 determining whether to award monetary benefits under section 3173. A
3 decision to award monetary benefits shall be made by unanimous vote of the
4 Board and shall be made within 60 days after the receipt of all information
5 necessary to enable the Board to determine eligibility. The Board may request
6 any information necessary for the exercise of its duties under this section.
7 Nothing in this section shall prevent the Board from initiating the investigation
8 or determination of a claim before being requested by a survivor or employer
9 of emergency personnel.

10 * * *

11 (c) If the Board decides to award a monetary benefit, the benefit shall be
12 paid to the surviving spouse or, if the emergency personnel or public works
13 personnel had no spouse at the time of death, to the surviving child, or equally
14 among surviving children. If the deceased emergency personnel or public
15 works personnel is not survived by a spouse or child, the benefit shall be paid
16 to a surviving parent, or equally between surviving parents. If the deceased
17 emergency personnel or public works personnel is not survived by a spouse,
18 children, or parents, the Board shall not award a monetary benefit under this
19 chapter.

20 * * *

21 (f) ~~The~~ Each member of the public appointed by the Governor shall be

1 entitled to per diem compensation authorized under 32 V.S.A. § 1010 for each
2 day spent in the performance of ~~his or her~~ the member's duties.

3 § 3173. MONETARY BENEFIT

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

7 * * *

8 § 3175. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS
9 BENEFIT SPECIAL FUND

10 (a) The Emergency and Public Works Personnel Survivors Benefit Special
11 Fund is established in the Office of the State Treasurer for the purpose of the
12 payment of claims distributed pursuant to this chapter. The Fund shall
13 comprise appropriations made by the General Assembly, amounts transferred
14 by the Emergency Board when the General Assembly is not in session, and
15 contributions or donations from any other source. All balances in the Fund at
16 the end of the fiscal year shall be carried forward. Interest earned shall remain
17 in the Fund.

18 (b) In the event that the balance of the Fund is insufficient to pay monetary
19 benefits awarded by the Board when the General Assembly is not in session,
20 the Emergency Board may, pursuant to its authority under 32 V.S.A. § 133,
21 transfer into the Fund additional amounts necessary to pay the monetary

1 benefits.

2 * * *

3 * * * Emergency Management * * *

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

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

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

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

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

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

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

21 (3) The Division shall advise municipalities that when a shelter is sited

1 under a local emergency plan, the municipality should work with the Agency
2 of Human Services and the American Red Cross to assess the facility,
3 including the characteristics of the surrounding area during an all-hazards
4 event and multiple routes of travel and possible hazards that could prevent
5 access to the shelter.

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

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

12 * * *

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

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

21 (B) Nonvoting members. Nonvoting members may include

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

9 * * *

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

11 § 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

12 (a) The Commission shall have authority to:

13 * * *

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

18 * * *

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

20 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;

21 DUTIES

1 (a) One or more local emergency planning committees, created under
2 EPCRA, shall be appointed by the State Emergency Response Commission.
3 “EPCRA” means the federal Emergency Planning and Community Right-To-
4 Know Act of 1986, 42 U.S.C. §§ 11001–11050.

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

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

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

1 include the following:

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

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

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

9 (D) Outlines emergency notification procedures.

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

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

14 (G) Outlines evacuation plans.

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

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

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

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

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

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

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

15 § 41. STATE EMERGENCY MANAGEMENT PLAN.

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

1 State’s emergency preparedness measures and goals, including those for the
2 prevention of, protection against, mitigation of, and recovery from all-hazards
3 events. The Plan shall include templates and guidance for local emergency
4 plans that support municipalities in their respective emergency management
5 planning.

6 Sec. 11. VERMONT EMERGENCY MANAGEMENT DIVISION

7 DISASTER PREPAREDNESS REVIEW

8 (a) Review. On or before June 30, 2025, the Department of Public Safety’s
9 Division of Vermont Emergency Management (VEM) shall conduct an after-
10 action review of the State’s disaster preparedness leading up to, during, and
11 after the 2023 summer flooding events throughout the State, overseen by the
12 Director of VEM. The review shall examine all aspects of the State’s response
13 and shall include input from the whole community. In addition to the federal
14 Homeland Security Exercise and Evaluation Program’s requirements, the
15 review shall include examining the adequacy of early warning and evacuation
16 orders, designated evacuation routes and emergency shelters, the present
17 system of local emergency management directors in wide-spread emergencies
18 and the State’s present emergency communications systems.

19 (b) Report. On or before December 15, 2025, the Director of VEM shall
20 submit a written report to the House Committee on Government Operations
21 and Military Affairs and the Senate Committee on Government Operations

1 with its findings regarding the disaster preparedness review, and, if the
2 Director determines there to be inadequacies present in the State’s disaster
3 preparedness, a plan for improving the State’s disaster preparedness, which
4 may include any recommendations for legislative action.

5 Sec. 12. [Deleted.]

6 * * * Municipal Stormwater Utilities * * *

7 Sec. 13. 24 V.S.A. chapter 101 is amended to read:

8 CHAPTER 101. SEWAGE, SEWAGE DISPOSAL SYSTEM, AND
9 STORMWATER SYSTEMS

10 § 3601. DEFINITIONS

11 ~~The definitions established in section 3501 of this title shall establish the~~
12 ~~meanings of those words as used in this chapter, and the following words and~~
13 ~~phrases as used in As used in this chapter shall have the following meanings:~~

14 (1) ~~“Necessity” means a reasonable need that considers the greatest~~
15 ~~public good and the least inconvenience and expense to the condemning party~~
16 ~~and to the property owner. Necessity shall not be measured merely by expense~~
17 ~~or convenience to the condemning party. Due consideration shall be given to~~
18 ~~the adequacy of other property and locations; to the quantity, kind, and extent~~
19 ~~of property that may be taken or rendered unfit for use by the proposed taking;~~
20 ~~to the probable term of unfitness for use of the property; to the effect of~~
21 ~~construction upon scenic and recreational values, upon home and homestead~~

1 ~~rights and the convenience of the owner of the land; to the effect upon town~~
2 ~~grand list and revenues.~~

3 (2) “Board” means the board of sewage ~~disposal system~~ commissioners.

4 (2) “Domestic sewage” or “house sewage” means sanitary sewage
5 derived principally from dwellings, business buildings, and institutions.

6 (3) “Industrial wastes” or “trade wastes” means liquid wastes from
7 industrial processes, including suspended solids.

8 (4) “Necessity” means a reasonable need that considers the greatest
9 public good and the least inconvenience and expense to the condemning party
10 and to the property owner. Necessity shall not be measured merely by expense
11 or convenience to the condemning party. Due consideration shall be given to
12 the adequacy of other property and locations; to the quantity, kind, and extent
13 of property that may be taken or rendered unfit for use by the proposed taking;
14 to the probable term of unfitness for use of the property; to the effect of
15 construction upon scenic and recreational values, upon home and homestead
16 rights and the convenience of the owner of the land; to the effect upon town
17 grand list and revenues.

18 (5) “Sanitary sewage” means used water supply commonly containing
19 human excrement.

20 (6) “Sanitary treatment” means an approved method of treatment of
21 solids and bacteria in sewage before final discharge.

1 (7) “Sewage” means the used water supply of a community, including
2 such used water supply or stormwater as may or may not be mixed with these
3 liquid wastes from the community.

4 (8) “Sewage system” means any equipment, stormwater control system,
5 pipe line system, and facilities as are needed for and appurtenant to the
6 treatment or disposal of sewage and waters, including a sewage treatment or
7 disposal plant and separate pipe lines and structural or nonstructural facilities
8 as are needed for and appurtenant to the treatment or disposal of storm,
9 surface, and subsurface waters.

10 (9) The phrase “sewage treatment or disposal plant” shall include
11 includes, for the purposes of this chapter, any plant, equipment, system, and
12 facilities, whether structural or nonstructural, as are necessary for and
13 appurtenant to the treatment or disposal by approved sanitary methods of
14 domestic sewage, garbage, industrial wastes, stormwater, or surface water.

15 (10) “Stormwater” has the same meaning as “stormwater runoff” under
16 10 V.S.A. § 1264.

17 (11) “Stormwater management system” means any structure, or
18 improvement, whether structural or nonstructural, necessary for collecting,
19 containing, controlling, treating, or conveying stormwater, including sewers,
20 curbs, drains, conduits, natural and man-made channels, settling ponds, pipes,
21 and culverts.

1 § 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

2 (a) Except as provided for in subsection (b) of this section, the selectboard
3 of a town, the trustees of a village, the prudential committee of a fire or
4 lighting district, or the mayor and board of aldermen of a city, shall be the
5 board of commissioners for the sewage system of a municipality.

6 (b) The legislative body of the municipality may vote to constitute a
7 separate board of sewage system commissioners. The board shall have not less
8 than three nor more than seven members, who shall be residents of the
9 municipality. Members shall be appointed, and any vacancy filled, by the
10 legislative body of the municipality. The term of each member shall be four
11 years. Any member may be removed by the legislative body of the
12 municipality for just cause after due notice and hearing.

13 § 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

14 (a) The board shall have the supervision of the municipal sewage system
15 and shall make and establish all needed rates for rent and rules for control and
16 operation of the system. The board may require:

17 (1) the owners of buildings, subdivisions, or developments abutting a
18 public street or highway to have all sewers from those buildings, subdivisions,
19 or developments connected to the municipal corporations sewer system; and

20 (2) any individual, person, or corporation to connect to the municipal
21 sewage system for the purposes of abating pollution of the waters of the State.

1 (b) The commissioners may appoint or remove a superintendent at their
2 pleasure.

3 § ~~3602~~ 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

4 A municipal corporation may:

5 (1) construct, maintain, operate, and repair a sewage disposal plant and
6 system;

7 (2) pursuant to the procedures established in this chapter, take, purchase,
8 and acquire, in the manner hereinafter mentioned, real estate and easements
9 necessary for its purposes;

10 (3) may enter in and upon any land for the purpose of making surveys;
11 and

12 (4) may lay and connect pipes, stormwater management systems, and
13 sewers, and connect the same as may be necessary to convey sewage for the
14 purpose of disposing and dispose of sewage by such municipal corporation.

15 § ~~3603~~ 3605. ENTRY ON LANDS

16 ~~Such~~ A municipal corporation, for the purposes enumerated in section ~~3602~~
17 3604 of this ~~title~~ chapter, may:

18 (1) enter upon and use any land and enclosures over or through which it
19 may be necessary for pipes, stormwater management systems, and sewer to
20 pass, and may thereon;

21 (2) at any time, place, lay, and construct such any pipes and sewers,

1 appurtenances, and connections as may be necessary for the complete
2 construction and repairing of the ~~same from time to time, may~~ the system; and

3 (3) open the ground in any streets, lanes, avenues, highways, and public
4 grounds for the purposes hereof; described in this section, provided that ~~such~~
5 the streets, lanes, avenues, highways, and public grounds shall not be injured,
6 but shall be left in as good condition as before the laying of ~~such~~ the pipes,
7 stormwater management systems, and sewers.

8 § ~~3604~~ 3606. PETITION FOR HEARING TO DETERMINE NECESSITY

9 The municipal corporation may agree with all the owners of land or interest
10 in land affected by ~~the~~ a survey made under section ~~3602~~ 3604 of this ~~title~~
11 chapter for the conveyance of ~~their~~ the owners' interest. Where ~~such~~ the
12 agreement is not made, the board shall petition ~~a Superior judge~~ the Civil
13 Division of the Superior Court, setting forth ~~therein in the petition~~ that ~~such~~ the
14 board proposes to take certain land, or rights ~~therein in the land,~~ and describing
15 ~~such~~ the lands or rights, ~~and the.~~ The survey shall be ~~annexed to said~~ included
16 in the petition and made a part thereof. ~~Such~~ The petition shall set forth the
17 purposes for which ~~such~~ the land or rights are desired, and shall contain a
18 request that ~~such~~ judge the court fix a time and place when ~~he or she or some~~
19 ~~other Superior judge~~ the court will hear all parties concerned and determine
20 whether ~~such~~ the taking is necessary.

21 § ~~3605~~ 3607. HEARING TO DETERMINE NECESSITY

1 The judge to whom ~~such~~ the petition is presented shall fix the time for
2 hearing, which shall not be more than 60 ~~not~~ or less than 30 days from the date
3 the judge signs ~~such~~ the order. Likewise, the judge shall fix the place for
4 hearing, which shall be the county courthouse or any other convenient place
5 within the county in which the land in question is located. If the Superior
6 judge to whom ~~such~~ the petition is presented cannot hear the petition at the
7 time set ~~therefore for the hearing, the Superior judge shall call upon~~ the Chief
8 Superior Judge ~~to~~ shall assign another Superior judge to hear ~~such~~ the cause at
9 the time and place assigned in the order.

10 § ~~3606~~ 3608. SERVICE AND PUBLICATION OF PETITION

11 (a) A copy of the petition together with a copy of the court’s order fixing
12 the time and place of hearing shall be published in a newspaper having general
13 circulation in the town in which the land included in the survey lies once a
14 week for three consecutive weeks on the same day of the week, ~~the~~. The last
15 publication to be not less than five days before the hearing date, ~~and a~~.

16 (b) A copy of the petition, together with a copy of the court’s order fixing
17 the time and place of hearing, and a copy of the survey shall be placed on file
18 in the clerk’s office of the town.

19 (c) The petition, together with the court’s order fixing the time and place of
20 hearing, shall be served upon each person owning or having an interest in land
21 to be purchased or condemned like a summons, or, on absent defendants, in

1 ~~such~~ the manner as the Supreme Court may by rule provide for service of
2 process in civil actions. If the service on any defendant is impossible, upon
3 affidavit of the sheriff, deputy sheriff, or constable attempting service, ~~therein~~
4 stating that the location of the defendant within or ~~without~~ outside the State is
5 unknown and that ~~he or she~~ the defendant has no known agent or attorney in
6 the State of Vermont upon ~~which~~ whom service may be made, the publication
7 ~~herein provided~~ required by this section shall be deemed sufficient service on
8 the defendant.

9 (d) Compliance with the provisions ~~hereof~~ of this section shall constitute
10 sufficient service upon and notice to any person owning or having any interest
11 in the land proposed to be taken or affected.

12 § ~~3607~~ 3609. HEARING AND ORDER OF NECESSITY

13 (a) At the time and place appointed for the hearing, the court shall hear all
14 persons interested and wishing to be heard. If any person owning or having an
15 interest in land to be taken or affected appears and objects to the necessity of
16 taking the land included within the survey or any part ~~thereof~~ of the survey,
17 then the court shall require the board to proceed with the introduction of
18 evidence of the necessity of ~~such~~ the taking.

19 (b) The burden of proof of the necessity of the taking shall be upon the
20 board.

21 (c) The court may cite in additional parties including other property owners

1 whose interests may be concerned or affected by any taking of land or interest
2 ~~therein in land~~ based on any ultimate order of the court.

3 (d) The court shall make findings of fact and file them. The court shall, by
4 its order, determine whether necessity requires the taking of ~~such~~ land and
5 rights and may modify or alter the proposed taking ~~in such respects as to it~~ the
6 court may seem deem proper.

7 § ~~3608~~ 3610. APPEAL FROM ORDER OF NECESSITY

8 (a) If the State, municipal corporation, or any owner affected by the order
9 of the court is aggrieved ~~thereby~~ by the order, an appeal may be taken to the
10 Supreme Court in ~~such~~ the manner as the Supreme Court may by rule provide
11 for appeals from the Civil Division of the Superior courts Court.

12 (b) In the event an appeal is taken, all proceedings shall be stayed until
13 final disposition of the appeal. If no appeals are taken within the time provided
14 ~~therefor~~ or, if appeal is taken, upon its final disposition, a copy of the order of
15 the court shall be placed on file within 10 days in the office of the clerk of each
16 town in which the land affected lies, and ~~thereafter~~ for a period of one year, the
17 board may institute proceedings for the condemnation of the land included in
18 the survey as finally approved by the court without further hearing or
19 consideration of any question of the necessity of the taking.

20 § ~~3609~~ 3611. COMPENSATION; CONDEMNATION

21 (a) When an owner of land or rights ~~therein in land~~ and the board are

1 unable to agree on the amount of compensation ~~therefor~~ or in case the owner is
2 an infant, a person who lacks capacity to protect ~~his or her~~ the person's
3 interests due to a mental condition or psychiatric disability, absent from the
4 State, unknown, or the owner of a contingent or uncertain interest, a Superior
5 judge may, on the application of either party, cause the notice to be given of
6 the application as ~~he or she~~ the judge may prescribe, and after proof ~~thereof~~ of
7 the application, the judge may appoint three disinterested persons to examine
8 the property to be taken, or damaged by the municipal corporation.

9 (b) After being duly sworn, the commissioners shall, upon due notice to all
10 parties in interest, view the premises, hear the parties in respect to the property,
11 and shall assess and award to the owners and persons so interested just
12 damages for any injury sustained and make report in writing to the judge.

13 (c) In determining damages resulting from the taking or use of property
14 under the provisions of this chapter, the added value, if any, to the remaining
15 property or right ~~therein~~ in property that inures directly to the owner ~~thereof~~ as
16 a result of the taking or use as distinguished from the general public benefit,
17 shall be considered.

18 (d) The judge may ~~thereupon~~ accept the report, unless just cause is shown
19 to the contrary, and order the municipal corporation to pay the same in the time
20 and manner as the judge may prescribe, in full compensation for the property
21 taken, or the injury done by the municipal corporation, or the judge may reject

1 or recommit the report if the ends of justice so require. On compliance with
2 the order, the municipal corporation may proceed with the construction of its
3 work without liability for further claim for damages. In ~~his or her~~ the judge's
4 discretion, the judge may award costs in the proceeding. Appeals from the
5 order may be taken to the Supreme Court under 12 V.S.A. chapter 102.

6 § ~~3610~~ 3612. RECORD

7 Within 60 days after the taking of any property, franchise, easement, or
8 right under the provisions of this chapter, ~~such~~ the municipal corporation shall
9 file a description ~~thereof~~ of the property in the office of the clerk ~~wherein~~
10 where the land records are required by law to be kept.

11 § ~~3611~~ 3613. CONTRACT FOR SEWAGE DISPOSAL

12 (a) ~~Such~~ A municipal corporation may contract with the State, the federal
13 government, or any appropriate agency ~~thereof~~, of the State or federal
14 government; any town, city, or village; any corporation; and any individuals to
15 make disposal of sewage or stormwater for ~~such~~ the other town, city, village,
16 corporation, or individuals. ~~Such~~ When consistent with State or federal law,
17 the municipal corporation may make sale of sludge or fertilizer byproducts
18 incident to sewage disposal, and the proceeds from the sale ~~thereof~~ shall be
19 turned over to the treasury of ~~such~~ the sewage disposal ~~district~~ system and
20 credited ~~therein~~ as is other income derived under the authority of this chapter.

21 * * *

1 § ~~3612~~ 3614. CHARGES; ENFORCEMENT

2 (a) ~~The owner of any tenement, house, building, or lot shall be liable for~~
3 ~~the sewage disposal charge as hereinafter defined. Such sewage disposal~~
4 ~~charge~~ A property owner or group of property owners using the sewage system
5 shall be liable for the rent fixed by the board pursuant to this chapter. The
6 charges, rates, or rents for the sewage system shall be a lien upon the real
7 estate furnished with such service in the same manner and to the same effect as
8 taxes are a lien upon real estate under 32 V.S.A. § 5061 and shall be an
9 assessment enforceable under the procedures in ~~subsections~~ subsection (b), (c),
10 or (d) of this section, or a combination of these procedures.

11 * * *

12 § ~~3613~~ 3615. TAXES, BONDS

13 For the purpose of adequately making disposal of sewage within its
14 boundaries; successfully organizing, establishing, and operating its sewage
15 plant, sewage disposal plant, or some form of sewage treatment plant; and
16 making ~~such~~ improvements as may be necessary, a municipal corporation may
17 ~~from time to time~~:

- 18 (1) purchase, take, and hold real and personal estate;
- 19 (2) borrow money;
- 20 (3) levy; and collect taxes upon the ratable estate of the municipal
- 21 corporation necessary for the payment of municipal corporation sewage and

1 sewage disposal expenses and indebtedness;

2 ~~(4)~~ issue for the purposes ~~hereof~~ of this section evidences of
3 indebtedness pursuant to chapter 53, subchapter 2 of this title or its negotiable
4 bonds pursuant to chapter 53, subchapter 1 of this title; provided, however,
5 that bonds so issued;

6 ~~(1)(A)~~ shall not be considered as indebtedness of ~~such~~ the municipal
7 corporation limited by the provisions of section 1762 of this title;

8 ~~(2)(B)~~ may be paid in not more than 30 years from the date of issue
9 notwithstanding the limitation of section 1759 of this title;

10 ~~(3)(C)~~ may be authorized by a majority of all the voters present and
11 voting on the question at a meeting of ~~such~~ the municipal corporation held for
12 ~~the~~ this purpose pursuant to chapter 53, subchapter 1 of this title
13 notwithstanding any provisions of general or special law ~~which~~ that may
14 require a greater vote, and may be so arranged that beginning with the first
15 year in which principal is payable, the amount of principal and interest in any
16 year shall be as nearly equal as is practicable according to the denomination in
17 which ~~such~~ the bonds or other evidences of indebtedness are issued
18 notwithstanding other permissible payment schedules authorized by section
19 1759 of this title.

20 ~~§ 3614. BOARD OF SEWAGE DISPOSAL COMMISSIONERS~~

21 ~~The selectboard of a town, the trustees of a village, the prudential~~

1 ~~committee of a fire or lighting district, or the mayor and board of aldermen of a~~
2 ~~city, shall constitute a board of sewage disposal commissioners.~~

3 § ~~3615~~ 3616. RENTS; RATES

4 (a) ~~Such~~ A municipal corporation, through its board ~~of sewage disposal~~
5 ~~commissioners~~, may establish rates, rents, or charges to be called “sewage
6 disposal charges,” to be paid ~~at such times and in such manner~~ as the
7 ~~commissioners board~~ may prescribe. The ~~commissioners board~~ may establish
8 annual charges separately for bond repayment, fixed operations and
9 maintenance costs (~~not dependent on actual use~~), and variable operations and
10 maintenance costs dependent on flow.

11 (b) ~~Such~~ The rates, rents, or charges may be based upon:

12 (1) the metered consumption of water on premises connected with the
13 sewer system, however, the ~~commissioners board~~ may determine no user will
14 be billed for fixed operations and maintenance costs and bond payment less
15 than the average ~~single-family~~ single-family charge;

16 (2) the number of equivalent units connected with or served by the
17 sewage system based upon their estimated flows compared to the estimated
18 flows from a ~~single-family~~ single-family dwelling, however, the
19 ~~commissioners board~~ may determine no user will be billed less than the
20 minimum charge determined for the ~~single-family~~ single-family dwelling
21 charge for fixed operations and maintenance costs and bond payment;

1 (3) the strength and flow where wastes stronger than household wastes
2 are involved;

3 (4) the appraised value of premises, in the event that the commissioners
4 shall determine the sewage disposal plant to be of general benefit to the
5 municipality regardless of actual connection with the same;

6 (5) the commissioners' determination developed using any other
7 equitable basis such as the number and kind of plumbing fixtures; the number
8 of persons residing on or frequenting the premises served by those sewers; and
9 the topography, size, type of use, or impervious area of any premises;

10 (6) for groundwater, surface, or stormwater an equivalent residential
11 unit based on an average area of impervious surface on residential property
12 within the municipality; or

13 (7) any combination of these bases, ~~so long as~~ provided the combination
14 is equitable.

15 ~~(b)~~(c) The basis for establishing ~~sewer disposal~~ rates, rents, or charges shall
16 be reviewed annually by ~~sewage disposal commissioners~~ the board. No
17 premises otherwise exempt from taxation, including premises owned by the
18 State of Vermont, shall, by virtue of any ~~such~~ the exemption, be exempt from
19 charges established ~~hereunder~~ under this section. The commissioners may
20 change the rates ~~of such, rents, or charges from time to time~~ as may be
21 reasonably required.

1 (d) Where one of the bases of ~~such~~ a rent, rate, or charge is the appraised
2 value and the premises to be appraised are tax exempt, the ~~commissioners~~
3 board may cause the listers to appraise ~~such~~ the property, including State
4 property, for the purpose of determining the ~~sewage disposal~~ the rates, rents, or
5 charges. The right of appeal from ~~such~~ the appraisal shall be the same as
6 provided in 32 V.S.A. chapter 131. The Commissioner of Finance and
7 Management is authorized to issue ~~his or her~~ warrants for ~~sewage disposal~~
8 rates, rents, or charges against State property and transmit to the State
9 Treasurer who shall draw a voucher in payment ~~thereof~~ of the rates, rents, or
10 charges. No charge so established and no tax levied under the provisions of
11 section ~~3613~~ 3615 of this title shall be considered to be a part of any tax
12 authorized to be assessed by the legislative body of any municipality for
13 general purposes; but shall be in addition to any such tax so authorized to be
14 assessed.

15 (e) ~~Sewage disposal~~ Rates, rents, or charges established in accord with this
16 section may be assessed by the board ~~of sewage disposal commissioners as~~
17 ~~provided in section 3614 of this title~~ to derive the revenue required to pay
18 pollution charges assessed against a municipal corporation under 10 V.S.A.
19 § ~~1265~~ 1263.

20 (e)(f) When a ~~sewage disposal~~ rate, rent, or charge established under this
21 section for the management of stormwater is applied to property owned,

1 controlled, or managed by the Agency of Transportation, the charge shall not
2 exceed the highest rate category applicable to other properties in the
3 municipality, and the Agency of Transportation shall receive a 35 percent
4 credit on the charge. The Agency of Transportation shall receive no other
5 credit on the charge from the municipal corporation.

6 § ~~3616~~ 3617. DUTIES; USE OF PROCEEDS

7 ~~(a) Such sewage disposal commissioners shall have the supervision of such~~
8 ~~municipal sewage disposal department, and shall make and establish all~~
9 ~~needful rates for charges, rules, and regulations for its control and operation~~
10 ~~including the right to require any individual, person, or corporation to connect~~
11 ~~to such the municipal system for the purposes of abating pollution of the~~
12 ~~waters of the State. Such commissioners may appoint or remove a~~
13 ~~superintendent at their pleasure. The charges and receipts of such the~~
14 ~~department shall only be used and applied to pay the interest and principal of~~
15 ~~the sewage disposal bonds of such the municipal corporation as well as, the~~
16 ~~expense of maintenance and operation of the sewage disposal department~~
17 ~~system, or other expenses of the sewage system.~~

18 ~~(b) These The charges and receipts also may be used to develop a dedicated~~
19 ~~fund that may be created by the ~~commissioners~~ board to finance major~~
20 ~~rehabilitation, major maintenance, and upgrade costs for the sewer system.~~
21 This fund may be established by an annual set-aside of up to 15 percent of the

1 normal operations, maintenance, and bond payment costs, except that with
2 respect to subsurface leachfield systems, the annual set-aside may equal up to
3 100 percent of these costs. The fund shall not exceed the estimated future
4 major rehabilitation, major maintenance, or upgrade costs for the sewer
5 system. Any dedicated fund shall be insured at least to the level provided by
6 FDIC and withdrawals shall be made only for the purposes for which the fund
7 was established. Any ~~such~~ dedicated fund may be established and controlled
8 in accord with section 2804 of this title or may be established by act of the
9 legislative body of the municipality. Funds so established shall meet the
10 requirements of subdivision 4756(a)(4) of this title.

11 (c) Where the municipal legislative body establishes ~~such~~ a dedicated fund
12 pursuant to this section, it shall first adopt a municipal ordinance authorizing
13 and controlling ~~such~~ the funds. ~~Such~~ The ordinance and any local policies
14 governing the funds must conform to the requirements of this section.

15 (d) The charges, receipts, and revenue may also be used for stormwater
16 management, control, and treatment; flood resiliency; floodplain restoration;
17 and other similar measures.

18 § ~~3617~~ 3618. ORDINANCES

19 ~~Such~~ The municipal corporation shall have the power to make, establish,
20 alter, amend, or repeal ordinances, regulations, and bylaws relating to the
21 matters contained in this chapter, consistent with law, and to impose penalties

1 for the breach ~~thereof~~, of an ordinance and enforce ~~the same~~ those penalties.

2 § 3619. SEWERS AND PLUMBING; ORDERS

3 The board may require the owners of buildings, subdivisions, or
4 developments abutting on a public street or highway to have all sewers from
5 those buildings, subdivisions, or developments connected to the municipal
6 corporation's sewage system.

7 ~~§ 3618~~ § 3620. MEETINGS; VOTE

8 Any action taken by ~~such~~ a municipal corporation under the provisions of
9 this chapter or relating to the matters ~~therein set forth~~ contained in this chapter,
10 may be taken by vote of the legislative body of ~~such~~ the municipal corporation,
11 excepting the issuance of bonds and, in municipalities wherein ~~such~~ the
12 legislative body is not otherwise given the power to levy taxes, the levying of a
13 tax under section ~~3613~~ 3615 of this title; provided, however, that no action
14 shall be taken hereunder unless the construction of a sewage disposal plant
15 shall have first been authorized by majority vote of the legal voters of ~~such~~ the
16 municipal corporation attending a meeting ~~duly warned and holden~~ warned for
17 that purpose.

18 * * *

19 Sec. 14. 24 V.S.A. § 3679 is amended to read:

20 § 3679. FINANCES—SEWER RATES; APPLICATION OF REVENUE

21 (a) The board of sewer commissioners of a consolidated sewer district shall

1 establish rates for the sewer service and all individuals, firms, and corporations
2 whether private, public, or municipal shall pay to the treasurer of the district
3 the rates established by the board. The manner of establishment of the rates
4 shall be in accord with section ~~3615~~ 3616 of this title. The rates shall be so
5 established as to provide revenue for the following purposes:

6 * * *

7 Sec. 15. REPEAL

8 24 V.S.A. chapter 97 (sewage system) is repealed.

9 * * * Creation of the Urban Search and Rescue Team * * *

10 Sec. 16. 20 V.S.A. § 50 is added to read:

11 § 50. URBAN SEARCH AND RESCUE TEAM

12 (a) The Department of Public Safety is authorized to create the Urban
13 Search and Rescue (USAR) Team to provide for the rapid response of trained
14 professionals to emergencies and other hazards occurring in the State. The
15 Commissioner shall appoint a USAR Team program manager to carry out the
16 duties and responsibilities of the USAR Team.

17 (b) The USAR Team program manager shall perform all the following
18 duties:

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

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

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

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

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

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

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

1 * * * Vermont-211 Information Privacy * * *

2 Sec. 17. PUBLIC RECORDS ACT; VERMONT 211; CONFIDENTIALITY

3 Pursuant to Vermont’s Public Records Act, personal information and lists of
4 names within records created or acquired by Vermont 211 shall be exempt
5 from public inspection or copying. Vermont 211 shall keep confidential any
6 personal information acquired from victims of a natural disaster or all-hazard,
7 as defined by 20 V.S.A. § 2. This section shall not be construed to prevent the
8 limited disclosure of personal information for the purposes of coordinating
9 relief work for individuals affected by a natural disaster or all-hazard.

10 * * * Emergency Communications * * *

11 Sec. 18. PUBLIC NOTIFICATION POLICY DURING EMERGENCY

12 The Department of Public Safety’s Division of Vermont Emergency
13 Management (VEM), in consultation with the Enhanced 911 Board, shall
14 develop a policy for the use of E-911 databases that maintain callback numbers
15 of subscribers to provide VT-Alerts more effectively and expeditiously during
16 emergencies in order to reduce the risk of harm to persons and property. The
17 Division shall issue its policy on or before July 1, 2025.

1 Sec. 19. 30 V.S.A. § 7055 is amended to read:

2 § 7055. TELECOMMUNICATIONS COMPANY ORIGINATING

3 CARRIER COORDINATION

4 (a) Every telecommunications company under the jurisdiction of the Public
5 Utility Commission originating carrier offering access to the public switched
6 telephone network shall make available, in accordance with rules adopted by
7 the Public Utility Commission requirements established by the Federal
8 Communications Commission, the universal emergency telephone number 911
9 for use by the public in seeking assistance from fire, police, medical, and other
10 emergency service providers through a public safety answering point and shall
11 deliver their customers' 911 calls to the point of interconnection defined by the
12 Board.

13 (b) Every local exchange telecommunications provider originating carrier
14 shall provide the ANI, if applicable, and any other information required by
15 rules adopted under section 7053 of this title to the Board, or to any
16 administrator of the Enhanced 911 database databases, solely for purposes of
17 maintaining the Enhanced 911 database databases and for purposes outlined in
18 subdivisions 7059(a)(1)(B) and (D) of this title, unless such information is
19 provided by submission to the Vermont 911 ALI database, in which case the
20 information may also be used for the purposes outlined in subdivision
21 7059(a)(1)(A) of this title. Each such provider shall be responsible for

1 updating the information at a frequency specified by such rules. All persons
2 receiving confidential information under this ~~section~~ subsection, as defined by
3 the ~~Public Utility Commission section 7059 of this title~~, shall use it solely for
4 the purposes of providing emergency 911 services, specified in subdivision
5 7059(a)(1) of this title and shall not disclose such confidential information for
6 any other purpose.

7 (c) Each ~~local exchange telecommunications company, cellular company,~~
8 ~~and mobile or personal communications service company~~ originating carrier
9 providing services within the State shall designate a person to coordinate with
10 and provide all relevant information to the Enhanced 911 Board and ~~Public~~
11 ~~Utility Commission~~ in carrying out the purposes of the chapter.

12 (d) ~~Wire line and nonwire cellular~~ Originating carriers certificated to
13 provide service in the State shall provide ANI signaling which identifies
14 geographical location as well as cell site address for cellular 911 calls.
15 ~~Personal communications networks and any future mobile or personal~~
16 ~~communications systems shall also be required to identify the location of the~~
17 ~~caller. The telephone company shall provide ANI signaling which identifies~~
18 ~~the name of the carrier and identify the type of service as cellular, mobile, or~~
19 ~~personal communications as part of the ALI along with a screen message that~~
20 ~~advises the call answerer to verify the location of the reported emergency.~~
21 ~~Telecommunication providers of mobile wireless, IP enabled, and other~~

1 ~~communication services which have systems with the capability to send data~~
2 ~~related to the location of the caller with the call or transmission instead of~~
3 ~~relying on location data otherwise contained in the ALI database shall provide~~
4 ~~this data with calls or transmissions for the sole purpose of enabling the~~
5 ~~emergency 911 system to locate an individual seeking emergency services.~~
6 ~~Location data shall be provided in accordance with relevant national standards~~
7 ~~for next generation 9-1-1 technology transmit with each 911 call available ANI~~
8 ~~or pseudo-Automatic Number Identification (p-ANI) that can be used to query~~
9 ~~the Enhanced 911 third-party databases to provide the Automatic Location~~
10 ~~Identification as defined by standards approved by the National Emergency~~
11 ~~Number Association (NENA). Originating carriers with the capability to~~
12 ~~provide location and caller data with the call shall do so in accordance with the~~
13 ~~approved i3 Standards for Next Generation 9-1-1.~~

14 (e) Each local exchange telecommunications provider in the State shall file
15 with the Public Utility Commission tariffs for each service element necessary
16 for the provision of Enhanced 911 services. The Public Utility Commission
17 shall review each company's proposed tariff, and shall ensure that tariffs for
18 each necessary basic service element are effective within six months ~~of~~ after
19 filing. The Department of Public Service, by rule or emergency rule, may
20 establish the basic service elements that each company must provide for in
21 tariffs. Such tariffs must be filed with the Public Utility Commission within 60

1 days after the basic service elements are established by the Department of
2 Public Service.

3 (f) As used in this section:

4 (1) “Incumbent local exchange carrier” has the same meaning as in
5 47 U.S.C. § 251(h) and includes rural local exchange carriers.

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

9 Sec. 20. ENHANCED 911 BOARD TARIFFS; REPORT

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

17 * * * Language Assistance Services for State Emergency

18 Communications * * *

19 Sec. 21. 20 V.S.A. § 4 is added to read:

20 § 4. LANGUAGE ASSISTANCE SERVICES FOR STATE EMERGENCY

21 COMMUNICATIONS

1 (a) If an all-hazards event occurs, the Vermont Emergency Management
2 Division shall ensure that language assistance services are available for all
3 State communications regarding the all-hazards event, including relevant press
4 conferences and emergency alerts, as soon as practicable. Language assistance
5 services shall be provided for:

6 (1) individuals who are Deaf, Hard of Hearing, and DeafBlind; and

7 (2) individuals with limited English proficiency.

8 (b) As used in this section, an “individual with limited English proficiency”
9 means a person who does not speak English as the person’s primary language
10 and who has a limited ability to read, write, speak, or understand English.

11 (c) Annually, the Vermont Emergency Management Division shall hold a
12 public meeting with members of the Vermont Deaf, Hard of Hearing, and
13 DeafBlind Advisory Council; the Office of Racial Equity; the Vermont
14 Association of Broadcasters; and other relevant stakeholders to review the
15 adequacy and efficacy of the provision and distribution of language assistance
16 services of emergency communications over mass communication platforms to
17 individuals who are Deaf, Hard of Hearing, and DeafBlind as well as
18 individuals with limited English language proficiency.

19 Sec. 22. [Deleted.]

20 Sec. 23. LANGUAGE ASSISTANCE SERVICES FOR EMERGENCY

21 COMMUNICATIONS WORKING GROUP; REPORT

1 (a) Creation. There is created the Language Assistance Services for
2 Emergency Communications Working Group, consisting of staff at the
3 Vermont Emergency Management (VEM) Division and the Office of Racial
4 Equity, who will collaborate with the Vermont Association of Broadcasters;
5 the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council;
6 organizations that represent language service providers; and other relevant
7 stakeholders.

8 (b) Duties. The Working Group shall:

9 (1) develop best practices for the provision of language assistance
10 services in emergency communications during and after all-hazards events, as
11 defined in 2 V.S.A. § 2;

12 (2) identify geographical areas within the State with the greatest needs
13 for language assistance services during and after all-hazards events; and

14 (3) analyze and make recommendations on the appropriate uses of
15 technologies for providing these services, including tools such as
16 Communication Access Realtime Translation (CART) and Picture-in-Picture
17 (PIP) techniques and automated language translation services or machine
18 translation.

19 (c) Report. On or before December 15, 2024, the Working Group shall
20 submit a written report to the House Committee on Government Operations
21 and Military Affairs and the Senate Committee on Government Operations

1 with its findings and any recommendations for legislative action.

2 (d) Prospective repeal. The Working Group shall cease to exist on June 30,
3 2025.

4 * * * Post-Secondary Disaster Management Programs * * *

5 Sec. 24. POST-SECONDARY DISASTER MANAGEMENT PROGRAM
6 REPORT

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

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

15 Sec. 25. 20 V.S.A. § 1 is amended to read:

16 § 1. PURPOSE AND POLICY

17 (a) Because of the increasing possibility of the occurrence of disasters or
18 emergencies of unprecedented size and destructiveness resulting from all-
19 hazards and in order to ensure that preparation of this State will be adequate to
20 deal with such disasters or emergencies; to provide for the common defense; to
21 protect the public peace, health, and safety; and to preserve the lives and

1 property of the people of the State, it is found and declared to be necessary:

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

4 (2) to confer upon the Governor and upon the executive heads or
5 legislative branches of the towns and cities of the State the emergency powers
6 provided pursuant to this chapter;

7 (3) to provide for the rendering of mutual aid among the towns and
8 cities of the State; with other states and Canada; and with the federal
9 government with respect to the carrying out of emergency management
10 functions; and

11 (4) to authorize the establishment of organizations and ~~the taking of~~
12 ~~steps as necessary and appropriate~~ to carry out the provisions of this chapter as
13 necessary and appropriate.

14 * * *

15 Sec. 26. 20 V.S.A. § 8 is amended to read:

16 § 8. GENERAL POWERS OF GOVERNOR

17 * * *

18 (b) In performing the duties under this chapter, the Governor is further
19 authorized and empowered:

20 * * *

21 (3) Inventories, training, mobilization. In accordance with the plan and

1 program for the emergency management of the State:

2 (A) to ascertain the requirements of the State or the municipalities for
3 food ~~or~~, water, fuel, clothing, or other necessities of life in any all-hazards
4 event and to plan for and procure supplies, medicines, materials, and
5 equipment for the purposes set forth in this chapter;

6 * * *

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

12 * * *

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

1 and equipment; personnel necessary to provide or conduct these services; and
2 other supplies, equipment, facilities, personnel, and services as needed; and the
3 reimbursement of costs and expenses for equipment, supplies, personnel, and
4 similar items for mobile support units, ~~fire fighting~~ firefighting , and police
5 units and health units. The mutual aid agreements shall be made on such terms
6 and conditions as the Governor deems necessary.

7 * * *

8 Sec. 27. 20 V.S.A. § 9 is amended to read:

9 § 9. EMERGENCY POWERS OF GOVERNOR

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

17 (1) To enforce all laws and rules relating to emergency management and
18 to assume direct operational control of all first responders, other emergency
19 management personnel, and ~~helpers~~ volunteers in the affected area or areas.

20 * * *

1 Sec. 28. 20 V.S.A. § 11 is amended to read:

2 § 11. ADDITIONAL EMERGENCY POWERS

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

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

11 (2) To enter into a contract on behalf of the State for the lease or loan,
12 on such terms and conditions and for such period as ~~he or she~~ the Governor
13 deems necessary to promote the public welfare and protect the interests of the
14 State, of any real or personal property of the State government, or the
15 temporary transfer or employment of personnel thereof to any town or city of
16 the State. The chief executive ~~or, the chair or president of the legislative~~
17 ~~branch, or the emergency management director~~ of the town or city is
18 authorized for and in the name of the town or city to enter into the contract
19 with the Governor for the leasing or lending of the property and personnel, and
20 the chief executive ~~or, the chair or president of the legislative branch, or the~~
21 emergency management director of the town or city may equip, maintain,

1 utilize, and operate such property except ~~newspapers and other publications~~
2 news outlets, radio stations, places of worship and assembly, and other
3 facilities for the exercise of constitutional freedom, and employ necessary
4 personnel in accordance with the purposes for which such contract is executed;
5 ~~and may do all things and perform all acts necessary to effectuate the purpose~~
6 ~~for which the contract was entered into.~~

7 * * *

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

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

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

1 State.

2 ~~(B)~~(C) Any owner of property of which possession has been either
3 temporarily or permanently taken under the provisions of this chapter to whom
4 no award has been made or who is dissatisfied with the amount awarded ~~him~~
5 ~~or her~~ by the Governor may file a petition in the Superior Court within the
6 county wherein the property was situated at the time of taking to have the
7 amount to which ~~he or she~~ the owner is entitled by way of damages or
8 compensation determined, and either the petitioner or the State shall have the
9 right to have the amount of such damages or compensation fixed after hearing
10 by three disinterested appraisers appointed by the court, and who shall operate
11 under substantive and administrative procedure to be established by the
12 Superior judges. If the ~~petitioner~~ owner of the property is dissatisfied with the
13 award of the appraisers, ~~he or she~~ the owner may appeal the award to the
14 Superior Court and thereafter have a trial by jury to determine the amount of
15 the damages or compensation. The court costs of a proceeding brought under
16 this section by the owner of the property shall be paid by the State, and the fees
17 and expenses of any attorney for the owner shall also be paid by the State after
18 allowances by the court in which the petition is brought in an amount
19 determined by the court. The statute of limitations shall not apply to
20 proceedings brought by owners of property under this section for and during
21 the time that any court having jurisdiction over the proceedings is prevented

1 from holding its usual and stated sessions due to conditions resulting from
2 emergencies described in this chapter.

3 (6) To perform and exercise other functions, powers, and duties as
4 necessary to promote and secure the safety and protection of the civilian
5 population.

6 Sec. 29. 20 V.S.A. § 13 is amended to read:

7 § 13. TERMINATION OF EMERGENCIES

8 The Governor:

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

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

15 (3) Upon receiving notice that a majority of the legislative body of a
16 municipality affected by a natural disaster no longer desires that the state of
17 emergency continue within its municipality, ~~shall~~ may declare the state of
18 emergency terminated within that particular municipality. Upon the
19 termination of the state of emergency, the functions as set forth in section 9 of
20 this title shall cease, and the local authorities shall resume control.

1 **Sec. 30. 20 V.S.A. § 17(c) is added to read:**

2 (c) As soon as practicable after the acceptance of any service, equipment,
3 supplies, materials, or funds by way of gift, grant, or loan pursuant to
4 subsection (a) or (b) of this section, the Department of Finance and
5 Management shall provide the Joint Fiscal Committee and Legislative Joint
6 Fiscal Office with a report detailing the acceptance of the gift, grant, or loan,
7 including the information required pursuant to 32 V.S.A. § 5(b)(2).

8 Sec. 31. 20 V.S.A. § 26 is amended to read:

9 § 26. CHANGE OF VENUE BECAUSE OF ~~ENEMY ATTACK~~ AN ALL-
10 HAZARDS EVENT

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

17 Sec. 32. 20 V.S.A. § 30 is amended to read:

18 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

19 (a) The State Emergency Response Commission is created within the
20 Department of Public Safety. The Commission shall consist of ~~47~~18 members:
21 eight ex officio members, including the Commissioner of Public Safety, the

1 Secretary of Natural Resources, the Secretary of Transportation, the
2 Commissioner of Health, the Secretary of Agriculture, Food and Markets, the
3 Commissioner of Labor, the Director of Fire Safety, and the Director of
4 Emergency Management, or designees; and ~~nine~~ ten public members,
5 including a representative from each of the following: local government, the
6 local emergency planning committee, a regional planning commission, the fire
7 service, law enforcement, public works, emergency medical service, a hospital,
8 a transportation entity required under EPCRA to report chemicals to the State
9 Emergency Response Commission, and another entity required to report
10 extremely hazardous substances under EPCRA.

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

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

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

16 (3) Four public members, appointed by the Governor.

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

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

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

5 Sec. 33. 20 V.S.A. § 34 is amended to read:

6 § 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

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

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

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

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

21 (B) “passing through” funds made available by any agency, public or

1 private; or

2 (C) becoming a co-partner with the political subdivision for the
3 execution and performance of any temporary housing for disaster victims
4 project and for such purposes to pledge the credit of the State on such terms as
5 the Governor deems appropriate having due regard for current debt
6 transactions of the State.

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

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

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

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

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

7 Sec. 34. 20 V.S.A. § 39 is amended to read:

8 § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

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

13 (1) \$40.00 for quantities between 100 and 999 pounds.

14 (2) \$60.00 for quantities between 1,000 and 9,999 pounds.

15 (3) \$100.00 for quantities between 10,000 and 99,999 pounds.

16 (4) \$290.00 for quantities between 100,000 and 999,999 pounds.

17 (5) \$880.00 for quantities exceeding 999,999 pounds.

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

20 (b) The fee shall be paid to the Commissioner of Public Safety and shall be
21 deposited into the Hazardous Chemical and Substance Emergency Response

1 Fund.

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

4 (1) municipalities and other political subdivisions;

5 (2) State agencies;

6 (3) persons engaged in farming as defined in 10 V.S.A. § 6001; and

7 (4) nonprofit corporations.

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

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

1 reasonable attorney’s fees that are incurred as a result of exercising the
2 provisions of this subsection.

3 (f)(1) The Department of Public Safety shall have authority to inspect the
4 premises and records of any employer to ensure compliance with the
5 provisions of this chapter and the rules adopted under this chapter.

6 (2) A person who violates any provision of this chapter or any rule
7 adopted under this chapter shall be fined not more than \$1,000.00 for each
8 violation. Each day a violation continues shall be deemed to be a separate
9 violation.

10 (3) The Attorney General may bring an action for injunctive relief in the
11 Superior Court of the county in which a violation occurs to compel compliance
12 with the provisions of this chapter.

13 Sec. 35. REPEAL

14 20 V.S.A. § 40 (enforcement) is repealed.

15 Sec. 36. [Deleted.]

16 Sec. 37. [Deleted.]

17 * * * Effective Dates * * *

18 Sec. 38. EFFECTIVE DATES

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

21

1

2

3

4 (Committee vote: _____)

5

6

Representative _____

7

FOR THE COMMITTEE