

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 (3) Annually, by November 15, the Department of Public Safety shall
13 submit a report detailing the current Program design and any grants awarded
14 pursuant to this section during the preceding year to the House Committee on
15 Government Operations and Military Affairs and the Senate Committee on
16 Government Operations.

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

18 § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

19 FUND

20 (a) Creation. There is established the Community Resilience and Disaster
21 Mitigation Fund to provide funding to the Community Resilience and Disaster

1 Mitigation Grant Program established in section 48 of this title. The Fund
2 shall be administered by the Department of Public Safety.

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

5 (c) Fund administration.

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

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

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

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

20 Sec. 3. [Deleted.]

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

1 § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

2 (a)(1) Sums for the expenses of the operation of training facilities and
3 curriculum of the Vermont Fire Service Training Council not to exceed
4 ~~\$1,200,000.00~~ \$1,500,000.00 per year shall be paid to the Fire Safety Special
5 Fund created by 20 V.S.A. § 3157 by insurance companies, writing fire,
6 homeowners multiple peril, allied lines, farm owners multiple peril,
7 commercial multiple peril (fire and allied lines), private passenger and
8 commercial auto, and inland marine policies on property and persons situated
9 within the State of Vermont within 30 days after notice from the
10 Commissioner of Financial Regulation of such estimated expenses. Captive
11 companies shall be excluded from the effect of this section.

12 * * *

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

19 * * *

20 * * * Credit Facilities for Local Investments * * *

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

1 § 10. VERMONT STATE TREASURER; CREDIT FACILITY FOR LOCAL
2 INVESTMENTS

3 (a) Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary,
4 the Vermont State Treasurer shall have the authority to establish a credit
5 facility of up to 10 percent of the State’s average cash balance on terms
6 acceptable to the Treasurer and consistent with prudent investment principles
7 and guidelines pursuant to 32 V.S.A. § 433(b)–(c) and the Uniform Prudent
8 Investor Act, 14A V.S.A. chapter 9.

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

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

1 resilience projects and may modify the terms of such financing in the
2 Treasurer’s discretion as is necessary to protect the interest of the State.

3 (d) Annually, by January 15, the Treasurer shall submit a report detailing
4 the activities, financing, and accounting of any credit facilities created pursuant
5 to subsection (c) of this section during the preceding calendar year to the
6 Governor, the House Committees on Appropriations, Commerce and
7 Economic Development, and Government Operations and Military Affairs, and
8 the Senate Committees on Economic Development, Housing and General
9 Affairs, Appropriations, and Government Operations.

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

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

12 § 2. DEFINITIONS

13 As used in this chapter:

14 * * *

15 (6) “Emergency management” means the preparation for and
16 implementation of all emergency functions, other than the functions for which
17 the U.S. Armed Forces or other federal agencies are primarily responsible, to
18 prevent, plan for, mitigate, and support response and recovery efforts from all-
19 hazards. Emergency management includes the utilization of first responders
20 and other emergency management personnel and the equipping, exercising,
21 and training designed to ensure that this State and its communities are prepared

1 to deal with all-hazards.

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

5 (A) emergency management and public safety personnel;

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

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

9 (D) public safety telecommunications and dispatch personnel;

10 (E) emergency medical personnel and volunteer personnel, as those
11 terms are defined in 24 V.S.A. § 2651;

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

14 (G) public health personnel;

15 (H) public works personnel, including water, wastewater, and
16 stormwater personnel; and

17 (I) equipment operators and other skilled personnel, who provide
18 services necessary to enable the performance of emergency management
19 functions.

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

1 ~~(8)~~(9) “Hazardous chemical or substance” means:

2 * * *

3 ~~(9)~~(10) “Hazardous chemical or substance incident” means any mishap
4 or occurrence involving hazardous chemicals or substances that may pose a
5 threat to persons or property.

6 ~~(10)~~(11) “Homeland security” means the preparation for and carrying
7 out of all emergency functions, other than the functions for which the U.S.
8 Armed Forces or other federal agencies are primarily responsible, to prevent,
9 minimize, or repair injury and damage resulting from or caused by enemy
10 attack, sabotage, or other hostile action.

11 ~~(11)~~(12) “Radiological incident” means any mishap or occurrence
12 involving radiological activity that may pose a threat to persons or property.

13 Sec. 6. 20 V.S.A. chapter 181 is amended to read:

14 CHAPTER 181. BENEFITS FOR THE SURVIVORS OF EMERGENCY
15 AND PUBLIC WORKS PERSONNEL

16 § 3171. DEFINITIONS

17 As used in this chapter:

- 18 (1) “Board” means the Emergency and Public Works Personnel
19 Survivors Benefit Review Board.
- 20 (2) “Child” means a natural or legally adopted child, regardless of age.
- 21 (3) “Domestic partner” means an individual with whom the employee

1 has an enduring domestic relationship of a spousal nature, provided the
2 employee and the domestic partner:

3 (A) have shared a residence for at least six consecutive months;

4 (B) are at least 18 years of age;

5 (C) are not married to or considered a domestic partner of another
6 individual;

7 (D) are not related by blood closer than would bar marriage under
8 State law; and

9 (E) have agreed between themselves to be responsible for each
10 other's welfare.

11 (4) "Emergency personnel" means:

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

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

15 ~~(4)~~(5) "Line of duty" means:

16 (A) for emergency personnel:

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

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

21 (B) for public works personnel, work performed as part of an

1 emergency response to an all-hazards event, as defined in section 2 of this title,
2 which exposes that individual to risk of injury or fatality, including
3 construction hazards, highway traffic volume and speed, nighttime response,
4 environmental factors, and weather.

5 ~~(5)~~(6) “Occupation-related illness” means a disease that directly arises
6 out of, and in the course of, service, including a heart injury or disease
7 symptomatic within 72 hours from the date of last service in the line of duty,
8 which shall be presumed to be incurred in the line of duty.

9 ~~(6)~~(7) “Parent” means a natural or adoptive parent.

10 (8) “Public works personnel” includes water, wastewater, and
11 stormwater personnel.

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

13 ~~(7)~~(10) “Survivor” means a spouse, child, or parent of emergency
14 personnel or public works personnel who have died in the line of duty.

15 § 3172. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS

16 BENEFIT REVIEW BOARD

17 (a) There is created the Emergency and Public Works Personnel Survivors
18 Benefit Review Board, which shall consist of the State Treasurer or designee,
19 the Attorney General or designee, the Chief Fire Service Training Officer of
20 the Vermont Fire Service Training Council or designee, and ~~one member~~ two
21 members of the public, one to represent the interests of emergency personnel

1 and one to represent the interests of public works personnel, who shall be
2 appointed by the Governor for a term of two years. Survivors of emergency
3 personnel or public works personnel, employed by or who volunteer for the
4 State of Vermont, a county or municipality of the State, or a nonprofit entity
5 that provides services in the State, who die in the line of duty or of an
6 occupation-related illness may request the Board award a monetary benefit
7 under section 3173 of this title. The Board shall be responsible for
8 determining whether to award monetary benefits under section 3173. A
9 decision to award monetary benefits shall be made by unanimous vote of the
10 Board and shall be made within 60 days after the receipt of all information
11 necessary to enable the Board to determine eligibility. The Board may request
12 any information necessary for the exercise of its duties under this section.
13 Nothing in this section shall prevent the Board from initiating the investigation
14 or determination of a claim before being requested by a survivor or employer
15 of emergency personnel.

16 * * *

17 (c) If the Board decides to award a monetary benefit, the benefit shall be
18 paid to the surviving spouse or, if the emergency personnel or public works
19 personnel had no spouse at the time of death, to the surviving child, or equally
20 among surviving children. If the deceased emergency personnel or public
21 works personnel is not survived by a spouse or child, the benefit shall be paid

1 to a surviving parent, or equally between surviving parents. If the deceased
2 emergency personnel or public works personnel is not survived by a spouse,
3 children, or parents, the Board shall not award a monetary benefit under this
4 chapter.

5 * * *

6 (f) ~~The~~ Each member of the public appointed by the Governor shall be
7 entitled to per diem compensation authorized under 32 V.S.A. § 1010 for each
8 day spent in the performance of ~~his or her~~ the member's duties.

9 § 3173. MONETARY BENEFIT

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

13 * * *

14 § 3175. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS
15 BENEFIT SPECIAL FUND

16 (a) The Emergency and Public Works Personnel Survivors Benefit Special
17 Fund is established in the Office of the State Treasurer for the purpose of the
18 payment of claims distributed pursuant to this chapter. The Fund shall
19 comprise appropriations made by the General Assembly, amounts transferred
20 by the Emergency Board when the General Assembly is not in session, and
21 contributions or donations from any other source. All balances in the Fund at

1 the end of the fiscal year shall be carried forward. Interest earned shall remain
2 in the Fund.

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

8 * * *

9 * * * Emergency Management * * *

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

11 § 6. LOCAL AND REGIONAL ORGANIZATION FOR EMERGENCY
12 MANAGEMENT

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

1 V.S.A. chapter 37 and the executive officer or legislative branch of the town or
2 city has not appointed an emergency management director, the executive
3 officer or legislative branch shall ~~be the~~ appoint a town or city emergency
4 management director. The town or city emergency management director may
5 appoint an emergency management coordinator and other staff as necessary to
6 accomplish the purposes of this chapter. In an instance of a vacancy of the
7 position of a town or city emergency management director, the executive
8 officer or the chair or president of the legislative branch shall be the emergency
9 management director.

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

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

1 Management.

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

6 (3) The Division shall advise municipalities that when a shelter is sited
7 under a local emergency plan, the municipality should work with the Agency
8 of Human Services, the American Red Cross, and community-based
9 emergency or charitable food providers, to assess the facility and the facility's
10 potential operations, including the characteristics of the surrounding area
11 during an all-hazards event, multiple routes of travel and possible hazards that
12 could prevent access to the shelter, and the need for immediate and sustained
13 access to food and water for individuals using the shelter.

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

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

20 * * *

21 (3) A regional emergency management committee shall consist of

1 voting and nonvoting members.

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

8 (B) Nonvoting members. Nonvoting members may include
9 representatives from the following organizations serving within the region:
10 fire departments, emergency medical services, law enforcement, other entities
11 providing emergency response personnel, media, transportation, regional
12 planning commissions, hospitals, the Department of Health's district office, the
13 Division of Emergency Management, organizations serving vulnerable
14 populations, local libraries, arts and culture organizations, regional
15 development corporations, local business organizations, community-based
16 emergency or charitable food providers, and any other interested public or
17 private individual or organization.

18 * * *

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

20 § 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

21 (a) The Commission shall have authority to:

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

* * *

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

§ 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;
DUTIES

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

(b) All local emergency planning committees shall include representatives from the following: fire departments; local and regional emergency medical services; local, county, and State law enforcement; other entities providing first responders or emergency management personnel; media; transportation; regional planning commissions; hospitals; industry; the Vermont National Guard; the Department of Health’s district office; and an animal rescue organization, and may include any other interested public or private individual or organization. Where the local emergency planning committee represents

1 more than one region of the State, the Commission shall appoint
2 representatives that are geographically diverse.

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

5 (1) Carry out all the requirements of a committee pursuant to EPCRA,
6 including preparing a local emergency planning committee plan. The plan
7 shall be coordinated with the State emergency management plan and may be
8 expanded to address all-hazards identified in the State emergency management
9 plan. At a minimum, the local emergency planning committee plan shall
10 include the following:

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

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

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

18 (D) Outlines emergency notification procedures.

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

21 (F) Describes local emergency equipment and facilities and the

1 persons responsible for them.

2 (G) Outlines evacuation plans.

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

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

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

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

15 (4) Review and evaluate requests for funding and other resources and
16 advise the State Emergency Response Commission concerning disbursement
17 of funds.

18 (5) Work to support the various emergency services and other entities
19 providing first responders or emergency management personnel, mutual aid
20 systems, town governments, regional planning commissions, State agency
21 district offices, and others in their area in conducting coordinated all-hazards

1 emergency management activities.

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

3 § 41. STATE EMERGENCY MANAGEMENT PLAN.

4 The Department of Public Safety’s Vermont Emergency Management
5 Division shall create, and republish as needed, but not less than every five
6 years, a comprehensive State Emergency Management Plan. The Plan shall
7 detail response systems during all-hazards events, including communications,
8 coordination among State, local, private, and volunteer entities, and the
9 deployment of State and federal resources. The Plan shall also detail the
10 State’s emergency preparedness measures and goals, including those for the
11 prevention of, protection against, mitigation of, and recovery from all-hazards
12 events. The Plan shall include templates and guidance for regional emergency
13 management and for local emergency plans that support municipalities in their
14 respective emergency management planning.

15 Sec. 11. VERMONT EMERGENCY MANAGEMENT DIVISION

16 DISASTER PREPAREDNESS REVIEW

17 (a) Review. On or before June 30, 2025, the Department of Public Safety’s
18 Division of Vermont Emergency Management (VEM) shall conduct an after-
19 action review of the State’s disaster preparedness leading up to, during, and
20 after the 2023 summer flooding events throughout the State, overseen by the
21 Director of VEM. The review shall examine all aspects of the State’s response

1 and shall include input from the whole community. In addition to the federal
2 Homeland Security Exercise and Evaluation Program’s requirements, the
3 review shall include examining the adequacy of early warning and evacuation
4 orders, designated evacuation routes and emergency shelters, **the ability to**
5 **provide food and water where it is needed,** the present system of local
6 emergency management directors in wide-spread emergencies and the State’s
7 present emergency communications systems.

8 (b) Report. On or before December 15, 2025, the Director of VEM shall
9 submit a written report to the House Committee on Government Operations
10 and Military Affairs and the Senate Committee on Government Operations
11 with its findings regarding the disaster preparedness review, and, if the
12 Director determines there to be inadequacies present in the State’s disaster
13 preparedness, a plan for improving the State’s disaster preparedness, which
14 may include any recommendations for legislative action.

15 Sec. 12. [Deleted.]

16 * * * Municipal Stormwater Utilities * * *

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

18 CHAPTER 101. SEWAGE, SEWAGE DISPOSAL SYSTEM, AND
19 STORMWATER SYSTEMS

20 § 3601. DEFINITIONS

21 ~~The definitions established in section 3501 of this title shall establish the~~

1 ~~meanings of those words as used in this chapter, and the following words and~~
2 ~~phrases as used in~~ As used in this chapter shall have the following meanings:

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

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

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

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

18 (4) “Necessity” means a reasonable need that considers the greatest
19 public good and the least inconvenience and expense to the condemning party
20 and to the property owner. Necessity shall not be measured merely by expense
21 or convenience to the condemning party. Due consideration shall be given to

1 the adequacy of other property and locations; to the quantity, kind, and extent
2 of property that may be taken or rendered unfit for use by the proposed taking;
3 to the probable term of unfitness for use of the property; to the effect of
4 construction upon scenic and recreational values, upon home and homestead
5 rights and the convenience of the owner of the land; to the effect upon town
6 grand list and revenues.

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

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

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

14 (8) “Sewage system” means any equipment, stormwater control system,
15 pipe line system, and facilities as are needed for and appurtenant to the
16 treatment or disposal of sewage and waters, including a sewage treatment or
17 disposal plant and separate pipe lines and structural or nonstructural facilities
18 as are needed for and appurtenant to the treatment or disposal of storm,
19 surface, and subsurface waters.

20 (9) The phrase “sewage treatment or disposal plant” ~~shall include~~
21 includes, for the purposes of this chapter, any plant, equipment, system, and

1 facilities, whether structural or nonstructural, as are necessary for and
2 appurtenant to the treatment or disposal by approved sanitary methods of
3 domestic sewage, garbage, industrial wastes, stormwater, or surface water.

4 (10) “Stormwater” has the same meaning as “stormwater runoff” under
5 10 V.S.A. § 1264.

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

11 § 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

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

16 (b) The legislative body of the municipality may vote to constitute a
17 separate board of sewage system commissioners. The board shall have not less
18 than three nor more than seven members, who shall be residents of the
19 municipality. Members shall be appointed, and any vacancy filled, by the
20 legislative body of the municipality. The term of each member shall be four
21 years. Any member may be removed by the legislative body of the

1 municipality for just cause after due notice and hearing.

2 § 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

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

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

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

11 (b) The commissioners may appoint or remove a superintendent at their
12 pleasure.

13 § ~~3602~~ 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

14 A municipal corporation may:

15 (1) construct, maintain, operate, and repair a sewage ~~disposal plant and~~
16 system; ~~to~~;

17 (2) pursuant to the procedures established in this chapter, take, purchase,
18 and acquire, ~~in the manner hereinafter mentioned,~~ real estate and easements
19 necessary for its purposes; ~~;~~

20 (3) may enter in and upon any land for the purpose of making surveys; ~~;~~
21 and

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

4 § ~~3603~~ 3605. ENTRY ON LANDS

5 ~~Such~~ A municipal corporation, for the purposes enumerated in section ~~3602~~
6 3604 of this ~~title~~ chapter, may:

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

10 (2) at any time, place, lay, and construct ~~such~~ any pipes and sewers,
11 appurtenances, and connections as may be necessary for the complete
12 construction and repairing of the ~~same from time to time, may~~ the system; and

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

18 § ~~3604~~ 3606. PETITION FOR HEARING TO DETERMINE NECESSITY

19 The municipal corporation may agree with all the owners of land or interest
20 in land affected by ~~the~~ a survey made under section ~~3602~~ 3604 of this ~~title~~
21 chapter for the conveyance of ~~their~~ the owners' interest. Where ~~such~~ the

1 agreement is not made, the board shall petition a ~~Superior judge~~ the Civil
2 Division of the Superior Court, setting forth ~~therein~~ in the petition that ~~such the~~
3 board proposes to take certain land, or rights ~~therein~~ in the land, and describing
4 ~~such the~~ lands or rights, ~~and the~~. The survey shall be ~~annexed to said~~ included
5 in the petition and ~~made a part thereof~~. ~~Such~~ The petition shall set forth the
6 purposes for which ~~such the~~ land or rights are desired, and shall contain a
7 request that ~~such judge~~ the court fix a time and place when ~~he or she or some~~
8 ~~other Superior judge~~ the court will hear all parties concerned and determine
9 whether ~~such the~~ taking is necessary.

10 § ~~3605~~ 3607. HEARING TO DETERMINE NECESSITY

11 The judge to whom ~~such the~~ petition is presented shall fix the time for
12 hearing, which shall not be more than 60 ~~nor~~ or less than 30 days from the date
13 the judge signs ~~such the~~ order. Likewise, the judge shall fix the place for
14 hearing, which shall be the county courthouse or any other convenient place
15 within the county in which the land in question is located. If the Superior
16 judge to whom ~~such the~~ petition is presented cannot hear the petition at the
17 time set ~~therefore~~ for the hearing, ~~the Superior judge shall call upon~~ the Chief
18 Superior Judge ~~to~~ shall assign another Superior judge to hear ~~such the~~ cause at
19 the time and place assigned in the order.

20 § ~~3606~~ 3608. SERVICE AND PUBLICATION OF PETITION

21 (a) A copy of the petition together with a copy of the court's order fixing

1 the time and place of hearing shall be published in a newspaper having general
2 circulation in the town in which the land included in the survey lies once a
3 week for three consecutive weeks on the same day of the week, ~~the~~. The last
4 publication to be not less than five days before the hearing date, ~~and a~~.

5 (b) A copy of the petition, together with a copy of the court's order fixing
6 the time and place of hearing, and a copy of the survey shall be placed on file
7 in the clerk's office of the town.

8 (c) The petition, together with the court's order fixing the time and place of
9 hearing, shall be served upon each person owning or having an interest in land
10 to be purchased or condemned like a summons, or, on absent defendants, in
11 ~~such~~ the manner as the Supreme Court may by rule provide for service of
12 process in civil actions. If the service on any defendant is impossible, upon
13 affidavit of the sheriff, deputy sheriff, or constable attempting service, ~~therein~~
14 stating that the location of the defendant within or ~~without~~ outside the State is
15 unknown and that ~~he or she~~ the defendant has no known agent or attorney in
16 the State of Vermont upon ~~which~~ whom service may be made, the publication
17 ~~herein provided~~ required by this section shall be deemed sufficient service on
18 the defendant.

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

1 § ~~3607~~ 3609. HEARING AND ORDER OF NECESSITY

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

8 (b) The burden of proof of the necessity of the taking shall be upon the
9 board.

10 (c) The court may cite in additional parties including other property owners
11 whose interests may be concerned or affected by any taking of land or interest
12 ~~therein~~ in land based on any ultimate order of the court.

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

17 § ~~3608~~ 3610. APPEAL FROM ORDER OF NECESSITY

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

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

9 § ~~3609~~ 3611. COMPENSATION; CONDEMNATION

10 **(a)** When an owner of land or rights ~~therein~~ in land and the board are
11 unable to agree on the amount of compensation ~~therefor~~ or in case the owner is
12 an infant, a person who lacks capacity to protect ~~his or her~~ the person's
13 interests due to a mental condition or psychiatric disability, absent from the
14 State, unknown, or the owner of a contingent or uncertain interest, a Superior
15 judge may, on the application of either party, cause the notice to be given of
16 the application as ~~he or she~~ the judge may prescribe, and after proof ~~thereof~~ of
17 the application, the judge may appoint three disinterested persons to examine
18 the property to be taken, or damaged by the municipal corporation.

19 **(b)** After being duly sworn, the commissioners shall, upon due notice to all
20 parties in interest, view the premises, hear the parties in respect to the property,
21 and shall assess and award to the owners and persons so interested just

1 damages for any injury sustained and make report in writing to the judge.

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

7 (d) The judge may ~~thereupon~~ accept the report, unless just cause is shown
8 to the contrary, and order the municipal corporation to pay the same in the time
9 and manner as the judge may prescribe, in full compensation for the property
10 taken, or the injury done by the municipal corporation, or the judge may reject
11 or recommit the report if the ends of justice so require. On compliance with
12 the order, the municipal corporation may proceed with the construction of its
13 work without liability for further claim for damages. In ~~his or her~~ the judge's
14 discretion, the judge may award costs in the proceeding. Appeals from the
15 order may be taken to the Supreme Court under 12 V.S.A. chapter 102.

16 § ~~3610~~ 3612. RECORD

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

21 § ~~3611~~ 3613. CONTRACT FOR SEWAGE DISPOSAL

1 (a) ~~Such~~ A municipal corporation may contract with the State, the federal
2 government, or any appropriate agency ~~thereof~~, of the State or federal
3 government; any town, city, or village; any corporation; and any individuals to
4 make disposal of sewage or stormwater for ~~such~~ the other town, city, village,
5 corporation, or individuals. ~~Such~~ When consistent with State or federal law,
6 the municipal corporation may make sale of sludge or fertilizer byproducts
7 incident to sewage disposal, and the proceeds from the sale ~~thereof~~ shall be
8 turned over to the treasury of ~~such~~ the sewage ~~disposal district~~ system and
9 credited ~~therein~~ as is other income derived under the authority of this chapter.

10 * * *

11 § ~~3612~~ 3614. CHARGES; ENFORCEMENT

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

21 * * *

1 § ~~3613~~ 3615. TAXES, BONDS

2 For the purpose of adequately making disposal of sewage within its
3 boundaries; successfully organizing, establishing, and operating its sewage
4 plant, sewage disposal plant, or some form of sewage treatment plant; and
5 making ~~such~~ improvements as may be necessary, a municipal corporation may
6 ~~from time to time~~:

7 (1) purchase, take, and hold real and personal estate;

8 (2) borrow money;

9 (3) levy; and collect taxes upon the ratable estate of the municipal
10 corporation necessary for the payment of municipal corporation sewage and
11 sewage disposal expenses and indebtedness;

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

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

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

20 ~~(3)(C)~~ may be authorized by a majority of all the voters present and
21 voting on the question at a meeting of ~~such~~ the municipal corporation held for

1 ~~the~~ this purpose pursuant to chapter 53, subchapter 1 of this title
2 notwithstanding any provisions of general or special law ~~which~~ that may
3 require a greater vote, and may be so arranged that beginning with the first
4 year in which principal is payable, the amount of principal and interest in any
5 year shall be as nearly equal as is practicable according to the denomination in
6 which ~~such~~ the bonds or other evidences of indebtedness are issued
7 notwithstanding other permissible payment schedules authorized by section
8 1759 of this title.

9 ~~§ 3614. BOARD OF SEWAGE DISPOSAL COMMISSIONERS~~

10 ~~The selectboard of a town, the trustees of a village, the prudential~~
11 ~~committee of a fire or lighting district, or the mayor and board of aldermen of a~~
12 ~~city, shall constitute a board of sewage disposal commissioners.~~

13 ~~§ 3615~~ 3616. RENTS; RATES

14 (a) ~~Such~~ A municipal corporation, through its board ~~of sewage disposal~~
15 ~~commissioners~~, may establish rates, rents, or charges ~~to be called “sewage~~
16 ~~disposal charges,”~~ to be paid ~~at such times and in such manner~~ as the
17 ~~commissioners~~ board may prescribe. The ~~commissioners~~ board may establish
18 annual charges separately for bond repayment, fixed operations and
19 maintenance costs (~~not dependent on actual use~~), and variable operations and
20 maintenance costs dependent on flow.

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

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

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

11 (3) the strength and flow where wastes stronger than household wastes
12 are involved;

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

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

20 (6) for groundwater, surface, or stormwater an equivalent residential
21 unit based on an average area of impervious surface on residential property

1 within the municipality; or

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

4 ~~(b)~~(c) The basis for establishing ~~sewer disposal~~ rates, rents, or charges shall
5 be reviewed annually by ~~sewage disposal commissioners~~ the board. No
6 premises otherwise exempt from taxation, including premises owned by the
7 State of Vermont, shall, by virtue of any ~~such~~ the exemption, be exempt from
8 charges established ~~hereunder~~ under this section. The commissioners may
9 change the rates ~~of such, rents, or~~ charges ~~from time to time~~ as may be
10 reasonably required.

11 (d) Where one of the bases of ~~such~~ a rent, rate, or charge is the appraised
12 value and the premises to be appraised are tax exempt, the ~~commissioners~~
13 board may cause the listers to appraise ~~such~~ the property, including State
14 property, for the purpose of determining the ~~sewage disposal~~ the rates, rents, or
15 charges. The right of appeal from ~~such~~ the appraisal shall be the same as
16 provided in 32 V.S.A. chapter 131. The Commissioner of Finance and
17 Management is authorized to issue ~~his or her~~ warrants for ~~sewage disposal~~
18 rates, rents, or charges against State property and transmit to the State
19 Treasurer who shall draw a voucher in payment ~~thereof~~ of the rates, rents, or
20 charges. No charge so established and no tax levied under the provisions of
21 section ~~3613~~ 3615 of this title shall be considered to be a part of any tax

1 authorized to be assessed by the legislative body of any municipality for
2 general purposes; but shall be in addition to any such tax so authorized to be
3 assessed.

4 ~~(e) Sewage disposal~~ Rates, rents, or charges established in accord with this
5 section may be assessed by the board of ~~sewage disposal commissioners as~~
6 ~~provided in section 3614 of this title~~ to derive the revenue required to pay
7 pollution charges assessed against a municipal corporation under 10 V.S.A.
8 § ~~1265~~ 1263.

9 ~~(e)(f)~~ When a ~~sewage disposal~~ rate, rent, or charge established under this
10 section for the management of stormwater is applied to property owned,
11 controlled, or managed by the Agency of Transportation, the charge shall not
12 exceed the highest rate category applicable to other properties in the
13 municipality, and the Agency of Transportation shall receive a 35 percent
14 credit on the charge. The Agency of Transportation shall receive no other
15 credit on the charge from the municipal corporation.

16 § ~~3616~~ 3617. DUTIES; USE OF PROCEEDS

17 ~~(a) Such sewage disposal commissioners shall have the supervision of such~~
18 ~~municipal sewage disposal department, and shall make and establish all~~
19 ~~needful rates for charges, rules, and regulations for its control and operation~~
20 ~~including the right to require any individual, person, or corporation to connect~~
21 ~~to such the municipal system for the purposes of abating pollution of the~~

1 ~~waters of the State. Such commissioners may appoint or remove a~~
2 ~~superintendent at their pleasure.~~ The charges and receipts of ~~such the~~
3 department shall only be used and applied to pay the interest and principal of
4 the sewage disposal bonds of ~~such the~~ municipal corporation ~~as well as,~~ the
5 expense of maintenance and operation of the sewage ~~disposal department~~
6 system, or other expenses of the sewage system.

7 (b) ~~These~~ The charges and receipts also may be used to develop a dedicated
8 fund that may be created by the ~~commissioners~~ board to finance major
9 rehabilitation, major maintenance, and upgrade costs for the sewer system.

10 This fund may be established by an annual set-aside of up to 15 percent of the
11 normal operations, maintenance, and bond payment costs, except that with
12 respect to subsurface leachfield systems, the annual set-aside may equal up to
13 100 percent of these costs. The fund shall not exceed the estimated future
14 major rehabilitation, major maintenance, or upgrade costs for the sewer
15 system. Any dedicated fund shall be insured at least to the level provided by
16 FDIC and withdrawals shall be made only for the purposes for which the fund
17 was established. Any ~~such~~ dedicated fund may be established and controlled
18 in accord with section 2804 of this title or may be established by act of the
19 legislative body of the municipality. Funds so established shall meet the
20 requirements of subdivision 4756(a)(4) of this title.

21 (c) Where the municipal legislative body establishes ~~such~~ a dedicated fund

1 pursuant to this section, it shall first adopt a municipal ordinance authorizing
2 and controlling ~~such~~ the funds. ~~Such~~ The ordinance and any local policies
3 governing the funds must conform to the requirements of this section.

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

7 § ~~3617~~ 3618. ORDINANCES

8 ~~Such~~ The municipal corporation shall have the power to make, establish,
9 alter, amend, or repeal ordinances, regulations, and bylaws relating to the
10 matters contained in this chapter, consistent with law, and to impose penalties
11 for the breach ~~thereof~~, of an ordinance and enforce ~~the same~~ those penalties.

12 § ~~3618~~ 3619. MEETINGS; VOTE

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

1 that purpose.

2 * * *

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

4 § 3679. FINANCES—SEWER RATES; APPLICATION OF REVENUE

5 (a) The board of sewer commissioners of a consolidated sewer district shall
6 establish rates for the sewer service and all individuals, firms, and corporations
7 whether private, public, or municipal shall pay to the treasurer of the district
8 the rates established by the board. The manner of establishment of the rates
9 shall be in accord with section ~~3615~~ 3616 of this title. The rates shall be so
10 established as to provide revenue for the following purposes:

11 * * *

12 Sec. 15. REPEAL

13 24 V.S.A. chapter 97 (sewage system) is repealed.

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

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

16 § 50. URBAN SEARCH AND RESCUE TEAM

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

1 (b) The USAR Team program manager shall perform all the following
2 duties:

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

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

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

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

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

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

19 (c) The Department of Public Safety may employ as many USAR Team
20 responders as the Commissioner deems necessary as temporary State
21 employees, who shall be compensated as such when authorized to respond to

1 an emergency or hazard incident or to attend USAR Team training. State
2 USAR Team responders, whenever acting as State agents in accordance with
3 this section, shall be afforded all of the protections and immunities of State
4 employees.

5 * * * Vermont-211 Information Privacy * * *

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

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

14 * * * Emergency Communications * * *

15 Sec. 18. PUBLIC NOTIFICATION POLICY DURING EMERGENCY

16 The Department of Public Safety’s Division of Vermont Emergency
17 Management (VEM), in consultation with the Enhanced 911 Board, shall
18 develop a policy for the use of E-911 databases that maintain callback numbers
19 of subscribers to provide VT-Alerts more effectively and expeditiously during
20 emergencies in order to reduce the risk of harm to persons and property. The
21 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 is amended to read:

2 § 17. GIFT, GRANT, OR LOAN

3 (a) Federal. Whenever the federal government or any agency or officer of
4 the federal government offers to the State, or through the State to any town or
5 city within Vermont, services, equipment, supplies, materials, or funds by way
6 of gift, grant, or loan for purposes of emergency management, the State, acting
7 through the Governor in coordination with the Department of Public Safety, or
8 such town or city acting with the consent of the Governor and through its
9 executive officer or legislative branch, may accept the offer, and upon such
10 acceptance, the Governor or the executive officer or legislative branch of the
11 political subdivision may authorize any officer of the State or of the political
12 subdivision, as the case may be, to receive the services, equipment, supplies,
13 materials, or funds on behalf of the State or the political subdivisions, and
14 subject to the terms of the offer and rules, if any, of the agency making the
15 offer. Whenever a federal grant is contingent upon a State or local
16 contribution, or both, the Department of Public Safety and the political
17 subdivision shall determine whether the grant shall be accepted and, if
18 accepted, the respective shares to be contributed by the State and town or city
19 concerned.

20 (b) Private. Whenever any person, firm, or corporation offers to the State
21 or to any town or city in Vermont services, equipment, supplies, materials, or

1 funds by way of gift, grant, or loan, for purposes of emergency management,
2 the State, acting through the Governor, or the political subdivision, acting
3 through its executive officer or legislative branch, may accept the offer, and
4 upon such acceptance, the Governor or executive officer or legislative branch
5 of the political subdivision may authorize any officer of the State or the
6 political subdivision, as the case may be, to receive the services, equipment,
7 supplies, materials, or funds on behalf of the State or the political subdivision,
8 and subject to the terms of the offer.

9 (c)(1) Any services, equipment, supplies, materials, or funds by way of gift,
10 grant, or loan for purposes of emergency management, accepted by the
11 Governor pursuant to subsections (a) and (b) of this section shall be accepted
12 in accordance with the provisions of 32 V.S.A. § 5.

13 (2)(A) Notwithstanding the provisions of subdivision (1) of this
14 subsection, the Governor shall have the sole authority to accept services,
15 equipment, supplies, materials, or funds by way of gift, grant, or loan for
16 purposes of emergency management pursuant to subsections (a) and (b) if there
17 exists a reasonable expectation that without the acceptance the all-hazards
18 event will imminently cause bodily harm, loss of life, or significant property
19 damage within the State.

20 (B) As soon as practicable after an acceptance pursuant to subsection
21 (A) of this subsection (2), the Department of Finance and Management shall

1 provide the Joint Fiscal Committee and Legislative Joint Fiscal Office a report
2 detailing the acceptance and shall include information with respect to the
3 following items:

4 (i) the circumstances leading the Governor to reasonably expect
5 that without the acceptance the all-hazards event will imminently cause bodily
6 harm, loss of life, or significant property damage within the State;

7 (ii) the source and value;

8 (iii) the legal and referenced title, in the case of a grant;

9 (iv) the costs, direct and indirect, for the present and future years;

10 (v) the receiving department or program, or both;

11 (vi) a brief statement of purpose; and

12 (vii) any impact on existing programs if there is a rejection.

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

14 § 26. CHANGE OF VENUE BECAUSE OF ~~ENEMY ATTACK~~ AN ALL-
15 HAZARDS EVENT

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

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

2 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

3 (a) The State Emergency Response Commission is created within the
4 Department of Public Safety. The Commission shall consist of ~~17~~18 members:
5 eight ex officio members, including the Commissioner of Public Safety, the
6 Secretary of Natural Resources, the Secretary of Transportation, the
7 Commissioner of Health, the Secretary of Agriculture, Food and Markets, the
8 Commissioner of Labor, the Director of Fire Safety, and the Director of
9 Emergency Management, or designees; and ~~nine~~ ten public members,
10 including a representative from each of the following: local government, the
11 local emergency planning committee, a regional planning commission, the fire
12 service, law enforcement, public works, emergency medical service, a hospital,
13 a transportation entity required under EPCRA to report chemicals to the State
14 Emergency Response Commission, and another entity required to report
15 extremely hazardous substances under EPCRA.

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

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

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

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

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

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

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

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

11 § 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

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

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

20 (2) To assist any political subdivision of this State that is the locus of
21 temporary housing for disaster victims to acquire sites necessary for the

1 temporary housing and ~~to do all things required~~ to prepare the site to receive
2 and utilize temporary housing units by:

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

5 (B) “passing through” funds made available by any agency, public or
6 private; or

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

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

19 (c) Any political subdivision of this State is expressly authorized to
20 acquire, temporarily or permanently, by purchase, lease, or otherwise, sites
21 required for installation of temporary housing units for disaster victims, and to

1 enter into whatever arrangements are necessary to prepare or equip such sites
2 to utilize the housing units, including the purchase of temporary housing units
3 and payment of transportation charges.

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

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

9 (f) ~~As used in this chapter, "major disaster," "emergency," and "temporary~~
10 ~~housing" have the same meaning as in the Disaster Relief Act of 1974, P.L. 93-~~
11 ~~288.~~ [Repealed.]

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

13 § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

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

18 (1) \$40.00 for quantities between 100 and 999 pounds.

19 (2) \$60.00 for quantities between 1,000 and 9,999 pounds.

20 (3) \$100.00 for quantities between 10,000 and 99,999 pounds.

21 (4) \$290.00 for quantities between 100,000 and 999,999 pounds.

1 (5) \$880.00 for quantities exceeding 999,999 pounds.

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

4 (b) The fee shall be paid to the Commissioner of Public Safety and shall be
5 deposited into the Hazardous Chemical and Substance Emergency Response
6 Fund.

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

9 (1) municipalities and other political subdivisions;

10 (2) State agencies;

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

12 (4) nonprofit corporations.

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

18 (e) The State or any political subdivision, including any municipality, fire
19 district, emergency medical service, or incorporated village, is authorized to
20 recover any and all reasonable direct expenses incurred as a result of the
21 response to and recovery of a hazardous chemical or substance incident from

1 the person or persons responsible for the incident. All funds collected by the
2 State under this subsection shall be deposited into the Hazardous Chemical and
3 Substance Emergency Response Fund created pursuant to subsection 38(b) of
4 this chapter. The Attorney General shall act on behalf of the State to recover
5 these expenses. The State or political subdivision shall be awarded costs and
6 reasonable attorney's fees that are incurred as a result of exercising the
7 provisions of this subsection.

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

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

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

18 Sec. 35. REPEAL

19 20 V.S.A. § 40 (enforcement) is repealed.

20 Sec. 36. [Deleted.]

21 Sec. 37. [Deleted.]

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* * * Effective Dates * * *

Sec. 38. EFFECTIVE DATES

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

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE