

1 TO THE HONORABLE SENATE:

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

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

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

10 § 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION

11 GRANT PROGRAM

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

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

20 (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 ranked in priority order:

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

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

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

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

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

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

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

16 § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

17 FUND

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

1 (b) Monies in the Fund. The Fund shall consist of monies appropriated to
2 the Fund.

3 (c) Fund administration.

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

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

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

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

1 certified Vermont EMS first responders and licensed emergency medical
2 responders, emergency medical technicians, advanced emergency medical
3 technicians, and paramedics.

4 * * *

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

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

7 § 2. DEFINITIONS

8 As used in this chapter:

9 * * *

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

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

21 (A) emergency management and public safety personnel;

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

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

5 (E) have agreed between themselves to be responsible for each
6 other’s welfare.

7 (4) “Emergency personnel” means:

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

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

11 ~~(4)~~(5) “Line of duty” means:

12 (A) for emergency personnel:

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

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

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

18 (i) in a hazardous location;

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

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

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

10 ~~(6)~~(7) “Parent” means a natural or adoptive parent.

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

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

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

16 § 3172. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS
17 BENEFIT REVIEW BOARD

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

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

17 * * *

18 (c) If the Board decides to award a monetary benefit, the benefit shall be
19 paid to the surviving spouse or, if the emergency personnel or public works
20 personnel had no spouse at the time of death, to the surviving child, or equally
21 among surviving children. If the deceased emergency personnel or public

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

6 * * *

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

10 § 3173. MONETARY BENEFIT

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

14 * * *

15 § 3175. EMERGENCY AND PUBLIC WORKS PERSONNEL SURVIVORS

16 BENEFIT SPECIAL FUND

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

1 contributions or donations from any other source. All balances in the Fund at
2 the end of the fiscal year shall be carried forward. Interest earned shall remain
3 in the Fund.

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

9 * * *

10 * * * Emergency Management * * *

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

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

14 (a) Each town and city of this State ~~is hereby authorized and directed to~~
15 shall establish a local organization for emergency management in accordance
16 with the State emergency management plan and program. The executive
17 officer or legislative branch of the town or city ~~is authorized to~~ shall appoint a
18 town or city emergency management director who shall have direct
19 responsibility for the organization, administration, and coordination of the
20 local organization for emergency management, subject to the direction and
21 control of the executive officer or legislative branch. If the town or city ~~that~~

1 has not adopted the town manager form of government in accordance with 24
2 V.S.A. chapter 37 and the executive officer or legislative branch of the town or
3 city has not appointed an emergency management director, the executive
4 officer or legislative branch shall ~~be the~~ appoint a town or city emergency
5 management director. The town or city emergency management director may
6 appoint an emergency management coordinator and other staff as necessary to
7 accomplish the purposes of this chapter. In an instance of a vacancy of the
8 position of a town or city emergency management director, the executive
9 officer or the chair or president of the legislative branch shall be the emergency
10 management director.

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

20 (c)(1) Each local organization shall develop and maintain an all-hazards
21 emergency management plan in accordance with the State Emergency

1 Management Plan and guidance set forth by the Division of Emergency
2 Management.

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

7 (3) The Division shall advise municipalities that when a shelter is sited
8 under a local emergency plan, the municipality should work with the Agency
9 of Human Services and the American Red Cross to assess the facility,
10 including the characteristics of the surrounding area during an all-hazards
11 event and multiple routes of travel and possible hazards that could prevent
12 access to the shelter.

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

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

19 * * *

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

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.

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

3 (G) Outlines evacuation plans.

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

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

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

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

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

19 (5) Work to support the various emergency services and other entities
20 providing first responders or emergency management personnel, mutual aid
21 systems, town governments, regional planning commissions, State agency

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

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

4 § 41. STATE EMERGENCY MANAGEMENT PLAN.

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

16 Sec. 11. VERMONT EMERGENCY MANAGEMENT DIVISION

17 DISASTER PREPAREDNESS REVIEW

18 (a) Review. On or before June 30, 2024, the Department of Public Safety’s
19 Division of Vermont Emergency Management (VEM) shall conduct an after-
20 action review of the State’s disaster preparedness leading up to, during, and
21 after the 2023 summer flooding events throughout the State, overseen by the

1 Director of VEM. The review shall examine all aspects of the State’s response
2 and shall include input from the whole community. In addition to the federal
3 Homeland Security Exercise and Evaluation Program’s requirements, the
4 review shall include examining the adequacy of early warning and evacuation
5 orders, designated evacuation routes and emergency shelters, the present
6 system of local emergency management directors in wide-spread emergencies
7 and the State’s 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. ESTABLISHMENT OF FIVE AND A HALF NEW REGIONAL
16 EMERGENCY MANAGEMENT PROGRAM COORDINATORS;
17 APPROPRIATION

18 (a) Five new permanent full-time positions are created in the Department of
19 Public Safety’s Emergency Management Division for emergency management
20 coordination.

1 ~~construction upon scenic and recreational values, upon home and homestead~~
2 ~~rights and the convenience of the owner of the land; to the effect upon town~~
3 ~~grand list and revenues.~~

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

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

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

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

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

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

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

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

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

17 (10) “Stormwater” has the same meaning as “stormwater runoff” under
18 10 V.S.A. § 1264.

19 (11) “Stormwater management system” means any structure, or
20 improvement, whether structural or nonstructural, necessary for collecting,
21 containing, controlling, treating, or conveying stormwater, including sewers,

1 curbs, drains, conduits, natural and man-made channels, settling ponds, pipes,
2 and culverts.

3 § 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

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

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

15 § 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

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

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

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

3 (b) The commissioners may appoint or remove a superintendent at their
4 pleasure.

5 § ~~3602~~ 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

6 A municipal corporation may:

7 (1) construct, maintain, operate, and repair a sewage disposal plant and
8 system, to;

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

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

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

17 § ~~3603~~ 3605. ENTRY ON LANDS

18 ~~Such~~ A municipal corporation, for the purposes enumerated in section ~~3602~~
19 3604 of this ~~title~~ chapter, may:

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

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

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

12 § ~~3604~~ 3606. PETITION FOR HEARING TO DETERMINE NECESSITY

13 The municipal corporation may agree with all the owners of land or interest
14 in land affected by ~~the~~ a survey made under section ~~3602~~ 3604 of this ~~title~~
15 chapter for the conveyance of ~~their~~ the owners' interest. Where ~~such~~ the
16 agreement is not made, the board shall petition a ~~Superior judge~~ Civil
17 Division of the Superior Court, setting forth ~~therein~~ in the petition that ~~such~~ the
18 board proposes to take certain land, or rights ~~therein~~ in the land, and describing
19 ~~such~~ the lands or rights, ~~and the~~. The survey shall be ~~annexed to said~~ included
20 in the petition ~~and made a part thereof~~. ~~Such~~ The petition shall set forth the
21 purposes for which ~~such~~ the land or rights are desired, and shall contain a

1 request that ~~such judge~~ the court fix a time and place when ~~he or she or some~~
2 ~~other Superior judge~~ the court will hear all parties concerned and determine
3 whether ~~such~~ the taking is necessary.

4 § ~~3605~~ 3607. HEARING TO DETERMINE NECESSITY

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

14 § ~~3606~~ 3608. SERVICE AND PUBLICATION OF PETITION

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

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

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

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

18 § ~~3607~~ 3609. HEARING AND ORDER OF NECESSITY

19 **(a)** At the time and place appointed for the hearing, the court shall hear all
20 persons interested and wishing to be heard. If any person owning or having an
21 interest in land to be taken or affected appears and objects to the necessity of

1 taking the land included within the survey or any part ~~thereof~~ of the survey,
2 then the court shall require the board to proceed with the introduction of
3 evidence of the necessity of ~~such~~ the taking.

4 (b) The burden of proof of the necessity of the taking shall be upon the
5 board.

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

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

13 § ~~3608~~ 3610. APPEAL FROM ORDER OF NECESSITY

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

18 (b) In the event an appeal is taken, all proceedings shall be stayed until
19 final disposition of the appeal. If no appeals are taken within the time provided
20 ~~therefor~~ or, if appeal is taken, upon its final disposition, a copy of the order of
21 the court shall be placed on file within 10 days in the office of the clerk of each

1 town in which the land affected lies, and ~~thereafter~~ for a period of one year, the
2 board may institute proceedings for the condemnation of the land included in
3 the survey as finally approved by the court without further hearing or
4 consideration of any question of the necessity of the taking.

5 § ~~3609~~ 3611. COMPENSATION; CONDEMNATION

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

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

19 (c) In determining damages resulting from the taking or use of property
20 under the provisions of this chapter, the added value, if any, to the remaining
21 property or right ~~therein in property~~ that inures directly to the owner ~~thereof~~ as

1 a result of the taking or use as distinguished from the general public benefit,
2 shall be considered.

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

12 § ~~3610~~ 3612. RECORD

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

17 § ~~3611~~ 3613. CONTRACT FOR SEWAGE DISPOSAL

18 (a) ~~Such~~ A municipal corporation may contract with the State, the federal
19 government, or any appropriate agency ~~thereof~~, of the State or federal
20 government; any town, city, or village; any corporation; and any individuals to
21 make disposal of sewage or stormwater for ~~such~~ the other town, city, village,

1 corporation, or individuals. ~~Such~~ When consistent with State or federal law,
2 the municipal corporation may make sale of sludge or fertilizer byproducts
3 incident to sewage disposal, and the proceeds from the sale ~~thereof~~ shall be
4 turned over to the treasury of ~~such~~ the sewage disposal ~~district~~ system and
5 credited ~~therein~~ as is other income derived under the authority of this chapter.

6 * * *

7 § ~~3612~~ 3614. CHARGES; ENFORCEMENT

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

17 * * *

18 § ~~3613~~ 3615. TAXES, BONDS

19 For the purpose of adequately making disposal of sewage within its
20 boundaries; successfully organizing, establishing, and operating its sewage
21 plant, sewage disposal plant, or some form of sewage treatment plant; and

1 making ~~such~~ improvements as may be necessary, a municipal corporation may
2 ~~from time to time~~:

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

4 (2) borrow money;

5 (3) levy, and collect taxes upon the ratable estate of the municipal
6 corporation necessary for the payment of municipal corporation sewage and
7 sewage disposal expenses and indebtedness;

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

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

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

16 (3)(C) may be authorized by a majority of all the voters present and
17 voting on the question at a meeting of ~~such~~ the municipal corporation held for
18 ~~the~~ this purpose pursuant to chapter 53, subchapter 1 of this title
19 notwithstanding any provisions of general or special law ~~which~~ that may
20 require a greater vote, and may be so arranged that beginning with the first
21 year in which principal is payable, the amount of principal and interest in any

1 year shall be as nearly equal as is practicable according to the denomination in
2 which ~~such~~ the bonds or other evidences of indebtedness are issued
3 notwithstanding other permissible payment schedules authorized by section
4 1759 of this title.

5 ~~§ 3614. BOARD OF SEWAGE DISPOSAL COMMISSIONERS~~

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

9 ~~§ 3615~~ 3616. RENTS; RATES

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

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

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

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

7 (3) the strength and flow where wastes stronger than household wastes
8 are involved;

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

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

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

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

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

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

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

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

13 § ~~3616~~ 3617. DUTIES; USE OF PROCEEDS

14 (a) ~~Such sewage disposal commissioners shall have the supervision of such~~
15 ~~municipal sewage disposal department, and shall make and establish all~~
16 ~~needful rates for charges, rules, and regulations for its control and operation~~
17 ~~including the right to require any individual, person, or corporation to connect~~
18 ~~to such the municipal system for the purposes of abating pollution of the~~
19 ~~waters of the State. Such commissioners may appoint or remove a~~
20 ~~superintendent at their pleasure. The charges and receipts of such the~~
21 department shall only be used and applied to pay the interest and principal of

1 the sewage disposal bonds of ~~such~~ the municipal corporation ~~as well as~~, the
2 expense of maintenance and operation of the sewage ~~disposal department~~
3 system, or other expenses of the sewage system.

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

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

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

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

4 § ~~3617~~ 3618. ORDINANCES

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

9 § 3619. SEWERS AND PLUMBING; ORDERS

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

14 § ~~3618~~ 3620. MEETINGS; VOTE

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

1 shall have first been authorized by majority vote of the legal voters of ~~such~~ the
2 municipal corporation attending a meeting ~~duly warned and holden~~ warned for
3 that purpose.

4 * * *

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

6 § 3679. FINANCES—SEWER RATES; APPLICATION OF REVENUE

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

13 * * *

14 Sec. 15. REPEAL

15 24 V.S.A. chapter 97 (sewage system) is repealed.

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

17 Sec. 16. 20 V.S.A. § 49 is added to read:

18 § 49. URBAN SEARCH AND RESCUE TEAM

19 (a) The Department of Public Safety is authorized to create the Urban
20 Search and Rescue (USAR) Team to provide for the rapid response of trained
21 professionals to emergencies and other hazards occurring in the State. The

1 Commissioner shall appoint a USAR Team program manager to carry out the
2 duties and responsibilities of the USAR Team.

3 (b) The USAR Team program manager shall perform all the following
4 duties:

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

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

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

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

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

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

1 (c) The Department of Public Safety may employ as many USAR Team
2 responders as the Commissioner deems necessary as temporary State
3 employees, who shall be compensated as such when authorized to respond to
4 an emergency or hazard incident or to attend USAR Team training. State
5 USAR Team responders, whenever acting as State agents in accordance with
6 this section, shall be afforded all of the protections and immunities of State
7 employees.

8 (d) An amount not less than \$750,000.00 shall be annually allocated to the
9 Department of Public Safety to facilitate the operations of the USAR Team.

10 * * * Vermont-211 Information Privacy * * *

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

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

1 * * * Emergency Communications * * *

2 Sec. 18. PUBLIC NOTIFICATION POLICY DURING EMERGENCY

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

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

10 § 7055. ~~TELECOMMUNICATIONS COMPANY~~ ORIGINATING
11 CARRIER COORDINATION

12 (a) Every ~~telecommunications company under the jurisdiction of the Public~~
13 ~~Utility Commission~~ originating carrier offering access to the public switched
14 telephone network shall make available, in accordance with ~~rules adopted by~~
15 ~~the Public Utility Commission~~ requirements established by the Federal
16 Communications Commission, the universal emergency telephone number 911
17 for use by the public in seeking assistance from fire, police, medical, and other
18 emergency service providers through a public safety answering point and shall
19 deliver their customers’ 911 calls to the point of interconnection defined by the
20 Board.

1 (b) Every ~~local exchange telecommunications provider~~ originating carrier
2 shall provide the ANI and any other information required by rules adopted
3 under section 7053 of this title to the Board, or to any administrator of ~~the~~
4 ~~Enhanced 911 database~~ databases, for purposes of maintaining the ~~Enhanced~~
5 ~~911 database~~ databases and for all purposes outlined in section 7059 of this
6 title. Each such provider shall be responsible for updating the information at a
7 frequency specified by such rules. All persons receiving confidential
8 information under this section, as defined by ~~the Public Utility Commission~~
9 section 7059 of this title, shall use it solely for the purposes of ~~providing~~
10 ~~emergency 911 services~~ specified in section 7059 of this title and shall not
11 disclose such confidential information for any other purpose.

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

17 (d) ~~Wire line and nonwire cellular~~ Originating carriers certificated to
18 provide service in the State shall provide ~~ANI signaling which identifies~~
19 ~~geographical location as well as cell site address for cellular 911 calls.~~
20 ~~Personal communications networks and any future mobile or personal~~
21 ~~communications systems shall also be required to identify the location of the~~

1 ~~caller. The telephone company shall provide ANI signaling which identifies~~
2 ~~the name of the carrier and identify the type of service as cellular, mobile, or~~
3 ~~personal communications as part of the ALI along with a screen message that~~
4 ~~advises the call answerer to verify the location of the reported emergency.~~
5 ~~Telecommunication providers of mobile wireless, IP-enabled, and other~~
6 ~~communication services which have systems with the capability to send data~~
7 ~~related to the location of the caller with the call or transmission instead of~~
8 ~~relying on location data otherwise contained in the ALI database shall provide~~
9 ~~this data with calls or transmissions for the sole purpose of enabling the~~
10 ~~emergency 911 system to locate an individual seeking emergency services.~~
11 ~~Location data shall be provided in accordance with relevant national standards~~
12 ~~for next generation 9-1-1 technology available Automatic Number~~
13 ~~Identification (ANI) that can be used to query the Enhanced 911 Automatic~~
14 ~~Location Identification or third-party databases to provide the Automatic~~
15 ~~Location Identification that will include callback number, customer name,~~
16 ~~location, company or carrier identification, and class of service of the 911~~
17 ~~caller. Originating carriers with the capability to provide location and caller~~
18 ~~data with the call shall do so in accordance with the approved i3 Standards for~~
19 ~~Next Generation 9-1-1.~~

20 (e) Each local exchange telecommunications provider in the State shall file
21 with the Public Utility Commission tariffs for each service element necessary

1 for the provision of Enhanced 911 services. The Public Utility Commission
2 shall review each company’s proposed tariff; and shall ensure that tariffs for
3 each necessary basic service element are effective within six months ~~of~~ after
4 filing. The Department of Public Service, by rule or emergency rule, may
5 establish the basic service elements that each company must provide for in
6 tariffs. Such tariffs must be filed with the Public Utility Commission within 60
7 days after the basic service elements are established by the Department of
8 Public Service.

9 (f)(1) Every originating carrier shall, in accordance with rules adopted by
10 the Enhanced 911 Board, notify its customers, the 911 system provider, and the
11 Board, of planned or unplanned outages that impact customers’ ability to
12 complete a call to, or communicate with, 911 or that prevent subscribers from
13 receiving emergency notifications.

14 (2) Notification of outages described in this subsection shall include, at
15 a minimum, a posting of basic details regarding the outage on the originating
16 carrier’s website.

17 (g) As used in this section:

18 (1) “Originating carrier” or “originating service provider” means an
19 entity that provides voice services to a subscriber and includes incumbent local
20 exchange carriers operating in Vermont.

1 conferences and emergency alerts, in a timely manner. Language assistance
2 services shall be provided for:

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

4 (2) individuals with limited English proficiency.

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

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

16 Sec. 22. EMERGENCY COMMUNICATIONS; APPROPRIATIONS

17 (a) The sum of \$15,000.00 is appropriated from the General Fund to the
18 Department of Public Safety’s Division of Radio Technology Services in fiscal
19 year 2025 for the purpose of creating new connections from select Vermont
20 State Police Radio Transmission towers directly to the Primary and Secondary
21 State Relay radio stations listed in Vermont's Emergency Alert System Plan.

1 (c) Report. On or before December 15, 2024, the Working Group shall
2 submit a written report to the House Committee on Government Operations
3 and Military Affairs and the Senate Committee on Government Operations
4 with its findings and any recommendations for legislative action.

5 (d) Prospective repeal. The Working Group shall cease to exist on June 30,
6 2025.

7 * * * Post-Secondary Disaster Management Programs * * *

8 Sec. 24. POST-SECONDARY DISASTER MANAGEMENT PROGRAM
9 REPORT

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

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

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

19 § 1. PURPOSE AND POLICY

20 (a) Because of the increasing possibility of the occurrence of disasters or
21 emergencies of unprecedented size and destructiveness resulting from all-

1 hazards and in order to ensure that preparation of this State will be adequate to
2 deal with such disasters or emergencies; to provide for the common defense; to
3 protect the public peace, health, and safety; and to preserve the lives and
4 property of the people of the State, it is found and declared to be necessary:

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

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

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

14 (4) to authorize the establishment of organizations and ~~the taking of~~
15 ~~steps as necessary and appropriate~~ to carry out the provisions of this chapter as
16 necessary and appropriate.

17 * * *

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

19 § 8. GENERAL POWERS OF GOVERNOR

20 * * *

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

3 * * *

4 (3) Inventories, training, mobilization. In accordance with the plan and
5 program for the emergency management of the State:

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

10 * * *

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

16 * * *

17 (8) Mutual aid agreements with other states. On behalf of this State, to
18 enter into reciprocal aid agreements under this chapter and pursuant to
19 compacts with other states and the federal government or a province of a
20 foreign country under such terms as the Congress of the United States may
21 prescribe. These mutual aid arrangements shall be limited to the furnishing or

1 exchange of food, water, fuel, clothing, medicine, and other supplies;
2 engineering services; emergency housing; police services; National Guard ~~or~~
3 ~~State Guard~~ units while under the control of the State; health; medical and
4 related services; fire fighting, rescue, transportation, and construction services
5 and equipment; personnel necessary to provide or conduct these services; and
6 other supplies, equipment, facilities, personnel, and services as needed; and the
7 reimbursement of costs and expenses for equipment, supplies, personnel, and
8 similar items for mobile support units, ~~fire fighting~~ firefighting , and police
9 units and health units. The mutual aid agreements shall be made on such terms
10 and conditions as the Governor deems necessary.

11 * * *

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

13 § 9. EMERGENCY POWERS OF GOVERNOR

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

1 authorized for and in the name of the town or city to enter into the contract
2 with the Governor for the leasing or lending of the property and personnel, and
3 the chief executive ~~or, the chair or president of the legislative branch, or the~~
4 emergency management director of the town or city may equip, maintain,
5 utilize, and operate such property except ~~newspapers and other publications~~
6 news outlets, radio stations, places of worship and assembly, and other
7 facilities for the exercise of constitutional freedom, and employ necessary
8 personnel in accordance with the purposes for which such contract is executed;
9 ~~and may do all things and perform all acts necessary to effectuate the purpose~~
10 ~~for which the contract was entered into.~~

11 * * *

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

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

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

7 ~~(B)~~(C) Any owner of property of which possession has been either
8 temporarily or permanently taken under the provisions of this chapter to whom
9 no award has been made or who is dissatisfied with the amount awarded ~~him~~
10 ~~or her~~ by the Governor may file a petition in the Superior Court within the
11 county wherein the property was situated at the time of taking to have the
12 amount to which ~~he or she~~ the owner is entitled by way of damages or
13 compensation determined, and either the petitioner or the State shall have the
14 right to have the amount of such damages or compensation fixed after hearing
15 by three disinterested appraisers appointed by the court, and who shall operate
16 under substantive and administrative procedure to be established by the
17 Superior judges. If the ~~petitioner~~ owner of the property is dissatisfied with the
18 award of the appraisers, ~~he or she~~ the owner may appeal the award to the
19 Superior Court and thereafter have a trial by jury to determine the amount of
20 the damages or compensation. The court costs of a proceeding brought under
21 this section by the owner of the property shall be paid by the State, and the fees

1 and expenses of any attorney for the owner shall also be paid by the State after
2 allowances by the court in which the petition is brought in an amount
3 determined by the court. The statute of limitations shall not apply to
4 proceedings brought by owners of property under this section for and during
5 the time that any court having jurisdiction over the proceedings is prevented
6 from holding its usual and stated sessions due to conditions resulting from
7 emergencies described in this chapter.

8 (6) ~~To perform and exercise other functions, powers, and duties as~~
9 ~~necessary to promote and secure the safety and protection of the civilian~~
10 ~~population.~~ [Repealed.]

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

12 § 13. TERMINATION OF EMERGENCIES

13 The Governor:

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

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

20 (3) Upon receiving notice that a majority of the legislative body of a
21 municipality affected by a natural disaster no longer desires that the state of

1 emergency continue within its municipality, ~~shall~~ may declare the state of
2 emergency terminated within that particular municipality. Upon the
3 termination of the state of emergency, the functions as set forth in section 9 of
4 this title shall cease, and the local authorities shall resume control.

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

6 § 17. GIFT, GRANT, OR LOAN

7 (a) Federal. Whenever the federal government or any agency or officer of
8 the federal government offers to the State, or through the State to any town or
9 city within Vermont, services, equipment, supplies, materials, or funds by way
10 of gift, grant, or loan for purposes of emergency management, the State, acting
11 through the Governor in coordination with the Department of Public Safety, or
12 such town or city acting with the consent of the Governor and through its
13 executive officer or legislative branch, may accept the offer, ~~and upon~~ in
14 accordance with the provisions of 32 V.S.A. § 5. Upon such acceptance, the
15 Governor or the executive officer or legislative branch of the political
16 subdivision may authorize any officer of the State or of the political
17 subdivision, as the case may be, to receive the services, equipment, supplies,
18 materials, or funds on behalf of the State or the political subdivisions, and
19 subject to the terms of the offer and rules, if any, of the agency making the
20 offer. Whenever a federal grant is contingent upon a State or local
21 contribution, or both, the Department of Public Safety and the political

1 subdivision shall determine whether the grant shall be accepted and, if
2 accepted, the respective shares to be contributed by the State and town or city
3 concerned.

4 (b) Private. Whenever any person, firm, or corporation offers to the State
5 or to any town or city in Vermont services, equipment, supplies, materials, or
6 funds by way of gift, grant, or loan, for purposes of emergency management,
7 the State, acting through the Governor, or the political subdivision, acting
8 through its executive officer or legislative branch, may accept the offer, ~~and~~
9 ~~upon~~ in accordance with the provisions of 32 V.S.A. § 5. Upon such
10 acceptance, the Governor or executive officer or legislative branch of the
11 political subdivision may authorize any officer of the State or 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 subdivision; and
14 subject to the terms of the offer.

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

16 § 26. CHANGE OF VENUE BECAUSE OF ~~ENEMY ATTACK~~ AN ALL-
17 HAZARDS EVENT

18 In the event that the place where a civil action or a criminal prosecution is
19 required by law to be brought has become and remains unsafe because of an
20 attack upon the United States or Canada or an all-hazards event, such action or
21 prosecution may be brought in or, if already pending, may be transferred to the

1 Superior Court in an unaffected unit and there tried in the place provided by
2 law for such court.

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

4 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

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

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

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

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

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

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

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

10 ~~(e)~~(d) Members of the Commission, except State employees who are not
11 otherwise compensated as part of their employment and who attend meetings,
12 shall be entitled to a per diem and expenses as provided in 32 V.S.A. § 1010.
13 Sec. 33. 20 V.S.A. § 34 is amended to read:

14 § 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

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

19 (1) To enter into purchase, lease, or other arrangements with any agency
20 of the United States for temporary housing units to be occupied by disaster

1 victims and to make such units available to any political subdivision of the
2 State.

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

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

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

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

16 (b) ~~Under rules adopted by the Governor, to~~ During a declared state of
17 emergency, the Governor may, by order or rule, temporarily suspend or modify
18 for not more than 60 days any law or rule pertaining to public health, safety,
19 zoning, or transportation ~~(within or across the State), or other requirement of~~
20 ~~law or rules within Vermont when by proclamation~~ if, the Governor deems the

1 suspension or modification essential to provide temporary housing for disaster
2 victims.

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

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

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

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

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

18 § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

19 (a) Every person required to report the use or storage of hazardous
20 chemicals or substances pursuant to EPCRA shall pay the following annual

1 fees for each hazardous chemical or substance, as defined by the State

2 Emergency Response Commission, that is present at the facility:

3 (1) \$40.00 for quantities between 100 and 999 pounds.

4 (2) \$60.00 for quantities between 1,000 and 9,999 pounds.

5 (3) \$100.00 for quantities between 10,000 and 99,999 pounds.

6 (4) \$290.00 for quantities between 100,000 and 999,999 pounds.

7 (5) \$880.00 for quantities exceeding 999,999 pounds.

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

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

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

15 (1) municipalities and other political subdivisions;

16 (2) State agencies;

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

18 (4) nonprofit corporations.

19 (d) No person shall be required to pay a fee for a chemical or substance that
20 has been determined to be an economic poison as defined in 6 V.S.A. § 911 or
21 for a fertilizer or agricultural lime as defined in 6 V.S.A. § 363 and for which a

1 registration or tonnage fee has been paid to the Agency of Agriculture, Food
2 and Markets pursuant to 6 V.S.A. chapter 28 or 81.

3 (e) The State or any political subdivision, including any municipality, fire
4 district, emergency medical service, or incorporated village, is authorized to
5 recover any and all reasonable direct expenses incurred as a result of the
6 response to and recovery of a hazardous chemical or substance incident from
7 the person or persons responsible for the incident. All funds collected by the
8 State under this subsection shall be deposited into the Hazardous Chemical and
9 Substance Emergency Response Fund created pursuant to subsection 38(b) of
10 this chapter. The Attorney General shall act on behalf of the State to recover
11 these expenses. The State or political subdivision shall be awarded costs and
12 reasonable attorney's fees that are incurred as a result of exercising the
13 provisions of this subsection.

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

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

1 (b) Appropriation. In fiscal year 2025, the amount of \$200,000.00 is
2 appropriated from the General Fund to the Agency of Administration for the
3 Continuing Local Economic Damage Grant Program.

4 (c) Administration; grant awards. The Agency of Administration shall
5 administer the Program, which shall award grants in the following manner:

6 (1) \$75,000.00 to each municipality that as of March 1, 2024 had
7 \$5,000,000.00 or more in estimated reported damages to public infrastructure
8 relating to the August 2023 or December 2023 flooding events, or both;

9 (2) \$50,000.00 to each municipality that as of March 1, 2024 had
10 \$2,000,000.00 or more but less than \$5,000,000.00 in estimated reported
11 damages to public infrastructure relating to the August 2023 or December 2023
12 flooding events, or both;

13 (3) \$30,000.00 to each municipality that as of March 1, 2024 had
14 \$1,000,000.00 or more but less than \$2,000,000.00 in estimated reported
15 damages to public infrastructure relating to the August 2023 or December 2023
16 flooding events, or both;

17 (4) \$20,000.00 to each municipality that as of March 1, 2024 had
18 \$250,000.00 or more but less than \$1,000,000.00 in estimated reported
19 damages to public infrastructure relating to the August 2023 or December 2023
20 flooding events, or both; and

1 (5) \$10,000.00 to each municipality that as of March 1, 2024 had
2 \$100,000.00 or more but less than \$250,000.00 in estimated reported damages
3 to public infrastructure relating to the August 2023 or December 2023 flooding
4 events, or both

5 (d) Restrictions on recipients' use of grant funds. Monies from grants
6 awarded through the Program shall not be expended by the recipient on
7 FEMA-related projects.

8 (e) To the extent that the funds appropriated in subsection (b) of this
9 section have not been granted by June 30, 2025, the funds shall revert to the
10 General Fund and be transferred to the Emergency Relief and Assistance Fund
11 (21555).

12 Sec. 37. EMERGENCY RELIEF AND ASSISTANCE FUND

13 FOR RECOVERY FROM THE AUGUST AND DECEMBER 2023

14 FLOODS; TRANSFER

15 (a) Notwithstanding any other provisions of law to the contrary,
16 \$830,000.00 shall be transferred from the General Fund to the Emergency
17 Relief and Assistance Fund (21555).

18 (b) Notwithstanding Sec. 1.4.3 of the Rules for State Matching Funds
19 Under the Federal Public Assistance Program, in fiscal year 2025, the
20 Secretary of Administration may provide funding from the Emergency Relief
21 and Assistance Fund that was transferred pursuant to subsection (a) of

1 this section to subgrantees prior to the completion of a project. In fiscal year
2 2025, up to 70 percent of the State funding match on the nonfederal share of
3 an approved project for municipalities that were impacted by the August and
4 December 2023 flooding events in counties that are eligible for Federal
5 Emergency Management Agency Public Assistance funds under federal
6 disaster declarations may be advanced at the request of a municipality.

7 (c) Notwithstanding Sec. 1.4.1 of the Rules for State Matching Funds
8 Under the Federal Public Assistance Program, the Secretary of Administration
9 shall increase the standard State funding match on the nonfederal share of an
10 approved project to the highest percentage possible given available funding for
11 municipalities in counties that were impacted by the August and December
12 2023 flooding events and are eligible for Federal Emergency Management
13 Agency Public Assistance funds under federal disaster declarations.

14 * * * Effective Dates * * *

15 Sec. 38. EFFECTIVE DATES

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

18
19

20 (Committee vote: _____)

1

2

Senator _____

3

FOR THE COMMITTEE