

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.

22 (1) Grant awards. The Department of Public Safety, in coordination

1 with the Department of Environmental Conservation, shall administer the
2 Program, which shall award grants for the following:

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

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

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

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

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

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

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

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

- 1 (iii) projects that are in hazard mitigation plans; and
2 (iv) projects that are geographically located around the State;
3 (B) establish guidelines for disaster mitigation measures and costs
4 that will be eligible for grant funding; and
5 (C) establish eligibility criteria for covered municipalities, but allow
6 municipalities to partner with community organizations to apply for grants and
7 implement projects awarded funding by those grants.

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

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

14 § 49. COMMUNITY RESILIENCE AND DISASTER MITIGATION

15 FUND

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

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

22 (c) Fund administration.

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

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

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

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

15 Sec. 3. [Deleted.]

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

17 § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

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

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

6 * * *

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

13 * * *

14 * * * Credit Facilities for Local Investments * * *

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

16 § 10. VERMONT STATE TREASURER; CREDIT FACILITY FOR LOCAL

17 INVESTMENTS

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

1 and guidelines pursuant to 32 V.S.A. § 433(b)–(c) and the Uniform Prudent
2 Investor Act, 14A V.S.A. chapter 9.

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

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

18 (d) Annually, by January 15, the Treasurer shall submit a report detailing
19 the activities, financing, and accounting of any credit facilities created pursuant
20 to subsection (c) of this section during the preceding calendar year to the
21 Governor, the House Committees on Appropriations, Commerce and
22 Economic Development, and Government Operations and Military Affairs, and

1 the Senate Committees on Economic Development, Housing and General
2 Affairs, Appropriations, and Government Operations.

3 * * * Defining First Responder * * *

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

5 § 2. DEFINITIONS

6 As used in this chapter:

7 * * *

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

16 (7) “First responder” means State, county, and local governmental and
17 nongovernmental personnel who provide immediate support services necessary
18 to perform emergency management functions during an emergency or all-
19 hazards event, including:

20 (A) emergency management and public safety personnel;

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

22 (C) law enforcement officers, as that term is defined in section 2351a

1 of this title;

2 (D) public safety telecommunications and dispatch personnel;

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

5 (F) licensed professionals who would provide clinical services and
6 emergency care in hospitals and medical facilities created to address an all-
7 hazards event;

8 (G) public health personnel;

9 (H) public works personnel, including water, wastewater, and
10 stormwater personnel; and

11 (I) equipment operators and other skilled personnel, who provide
12 services necessary to enable the performance of emergency management
13 functions.

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

16 ~~(8)~~(9) “Hazardous chemical or substance” means:

17 * * *

18 ~~(9)~~(10) “Hazardous chemical or substance incident” means any mishap
19 or occurrence involving hazardous chemicals or substances that may pose a
20 threat to persons or property.

21 ~~(10)~~(11) “Homeland security” means the preparation for and carrying
22 out of all emergency functions, other than the functions for which the U.S.

1 Armed Forces or other federal agencies are primarily responsible, to prevent,
2 minimize, or repair injury and damage resulting from or caused by enemy
3 attack, sabotage, or other hostile action.

4 ~~(11)~~(12) “Radiological incident” means any mishap or occurrence
5 involving radiological activity that may pose a threat to persons or property.

6 Sec. 6. [Deleted.]

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

8 **CHAPTER 181. BENEFITS FOR THE SURVIVORS OF EMERGENCY**

9 **PERSONNEL**

10 **§ 3171. DEFINITIONS**

11 **As used in this chapter:**

12 (1) “Board” means the Emergency Personnel Survivors Benefit Review
13 Board.

14 (2) “Child” means ~~a natural or legally adopted child~~, regardless of age,
15 the deceased’s biological child, foster child, adoptive child, or stepchild; a
16 child for whom the deceased is listed as a parent on the child’s birth certificate;
17 a legal ward of the deceased; a child of the deceased’s spouse; or a child for
18 whom the deceased had day-to-day responsibilities to care for and financially
19 support at the time of death or when the child was under 18 years of age.

20 (3) “Correctional officer” has the same meaning as in 28 V.S.A. § 3.

1 (4) “Domestic partner” means an individual with whom the deceased
2 had an enduring domestic relationship of a spousal nature at the time of death,
3 provided that at the time of death the deceased and the domestic partner:

4 (A) had shared a residence for at least six consecutive months;

5 (B) were at least 18 years of age;

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

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

10 (E) had agreed between themselves to be responsible for each other’s
11 welfare.

12 (5) “Firefighter” has the same meaning as in subdivision 3151(3) of this
13 title.

14 (6) “Emergency medical personnel” has the same meaning as in 24
15 V.S.A. § 2651.

16 (7) “Emergency personnel” means:

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

18 (B) emergency medical personnel and volunteer personnel as defined
19 in 24 V.S.A. § 2651;

20 (C) law enforcement officers; and

21 (D) correctional officers.

1 (8) “Law enforcement officer” means a law enforcement officer who
2 has been certified by the Vermont Criminal Justice Council pursuant to section
3 2358 of this title.

4 (4)(9) “Line of duty” means:

5 (A) ~~answering or returning from~~ With respect to firefighters,
6 emergency medical personnel, and volunteer personnel:

7 (i) ~~service in answer to a call of the department or service for a~~
8 ~~fire or emergency or training drill, including going to and returning from a fire~~
9 ~~or emergency or participating in a fire or emergency training drill; or~~

10 (B)(ii) similar service in another town or district to which the
11 department or service has been called for firefighting or emergency purposes.

12 (B) With respect to law enforcement officers:

13 (i) ~~service as a law enforcement officer in answer to a complaint~~
14 ~~lodged with the department or in response to a disorder, including going to,~~
15 ~~returning from, and investigating or responding to the complaint or disorder; or~~

16 (ii) ~~service under orders from the department or in any emergency~~
17 ~~for which the law enforcement officer serves as a law enforcement officer.~~

18 (C) With respect to correctional officers:

19 (i) ~~supervision or monitoring of inmates in a correctional facility;~~

20 (ii) ~~supervision or monitoring of one or more persons serving a~~
21 ~~sentence of incarceration outside a correctional facility; or~~

22 (iii) ~~supervision or monitoring of a person on parole or probation.~~

1 ~~(5)~~(10) “Occupation-related illness” means a disease that directly arises
2 out of, and in the course of, service, including a heart injury or disease
3 symptomatic within 72 hours from the date of last service in the line of duty,
4 which shall be presumed to be incurred in the line of duty.

5 ~~(6)~~(11) “Parent” means a natural or adoptive parent the deceased’s
6 biological parent, foster parent, adoptive parent, or stepparent; an individual
7 who is listed as a parent on the deceased’s birth certificate; a legal guardian of
8 the deceased; or an individual who had day-to-day responsibilities to care for
9 and financially support the deceased when the deceased was under 18 years of
10 age.

11 (12) “Spouse” includes an individual’s domestic partner or civil union
12 partner.

13 ~~(7)~~(13) “Survivor” means a spouse, child, or parent of deceased
14 emergency personnel.

15 (14) “Volunteer personnel” has the same meaning as in 24 V.S.A.
16 § 2651.

17 § 3172. EMERGENCY PERSONNEL SURVIVORS BENEFIT REVIEW
18 BOARD

19 (a)(1) There is created the Emergency Personnel Survivors Benefit Review
20 Board, which shall consist of the State Treasurer or designee, the Attorney
21 General or designee, the Chief Fire Service Training Officer of the Vermont
22 Fire Service Training Council or designee, and one member of the public to

1 ~~represent the interests of emergency personnel appointed by the Governor for a~~
2 ~~term of two years the Chair of the Law Enforcement Advisory Board or~~
3 ~~designee, and the Commissioner of Corrections or designee.~~

4 (2) Survivors of emergency personnel, employed by or who volunteer
5 for the State of Vermont, a county or municipality of the State, or a nonprofit
6 entity that provides services in the State, who die in the line of duty or of an
7 occupation-related illness may, within 18 months after the death of the
8 emergency personnel, request the Board award a monetary benefit under
9 section 3173 of this ~~title~~ chapter.

10 (3) The Board shall be responsible for determining whether to award
11 monetary benefits under section 3173 of this chapter. A decision to award
12 monetary benefits shall be made by unanimous vote of the Board and shall be
13 made within 60 days after the receipt of all information necessary to enable the
14 Board to determine eligibility.

15 (4) The Board may request any information necessary for the exercise of
16 its duties under this section. Nothing in this section shall prevent the Board
17 from initiating the investigation or determination of a claim before being
18 requested by a survivor or employer of emergency personnel.

19 * * *

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

1 If the deceased emergency personnel is not survived by a spouse or child, the
2 benefit shall be paid to a surviving parent, or equally between surviving
3 parents. If the deceased emergency 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 member of the public appointed by the Governor shall be entitled to~~
8 ~~per diem compensation authorized under 32 V.S.A. § 1010 for each day spent~~
9 ~~in the performance of his or her duties. [Repealed.]~~

10 § 3173. MONETARY BENEFIT

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

14 * * *

15 § 3175. EMERGENCY PERSONNEL SURVIVORS BENEFIT SPECIAL
16 FUND

17 (a) The Emergency Personnel Survivors Benefit Special Fund is
18 established in the Office of the State Treasurer for the purpose of the payment
19 of claims distributed pursuant to this chapter. The Fund shall comprise
20 appropriations made by the General Assembly, amounts transferred by the
21 Emergency Board when the General Assembly is not in session, and
22 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 * * *

4 (c) 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 * * * 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
22 V.S.A. chapter 37 and the executive officer or legislative branch of the town or

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

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

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

22 (2) The Division shall amend the local emergency plan template and any

1 best management practices or guidance the Division issues to municipalities to
2 address the need for the siting of local and regional emergency shelters in a
3 manner that allows access by those in need during an all-hazards event.

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

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

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

18 * * *

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

21 (A) Voting members. The local emergency management director or
22 designee and one representative from each town and city in the region shall

1 serve as the voting members of the committee. A representative from a town
2 or city shall be a member of the town's or city's emergency services
3 community and shall be appointed by the town's or city's executive or
4 legislative branch.

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

15 * * *

16 Sec. 7a. RESTAURANT MEALS PROGRAM 5

17 On or before March 1, 2025, the Department shall submit a report to the
18 House Committee on Human Services and to the Senate Committee on Health
19 and Welfare addressing the resources needed to enable Vermont to implement
20 the Supplemental Nutrition Assistance Program's Restaurant Meals Program,
21 including the potential need for additional staff and information technology
22 changes.

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

2 § 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

3 (a) The Commission shall have authority to:

4 * * *

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

9 * * *

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

11 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;
12 DUTIES

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

17 (b) All local emergency planning committees shall include representatives
18 from the following: fire departments; local and regional emergency medical
19 services; local, county, and State law enforcement; other entities providing first
20 responders or emergency management personnel; media; transportation;
21 regional planning commissions; hospitals; industry; the Vermont National
22 Guard; the Department of Health’s district office; and an animal rescue

1 organization, and may include any other interested public or private individual
2 or organization. Where the local emergency planning committee represents
3 more than one region of the State, the Commission shall appoint
4 representatives that are geographically diverse.

5 (c) A local emergency planning committee shall perform all the following
6 duties:

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

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

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

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

20 (D) Outlines emergency notification procedures.

21 (E) Describes how to determine the probable affected area and
22 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
22 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
22 and shall include input from the whole community. In addition to the federal

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

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

14 Sec. 12. [Deleted.]

15 * * * Municipal Stormwater Utilities * * *

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

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

19 § 3601. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

22 (10) “Stormwater” has the same meaning as “stormwater runoff” under

1 10 V.S.A. § 1264.

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

7 § 3602. BOARD OF COMMISSIONERS; MEMBERSHIP

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

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

19 § 3603. BOARD OF COMMISSIONERS; DUTIES AND AUTHORITY

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

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

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

6 (b) The commissioners may appoint or remove a superintendent at their
7 pleasure.

8 § ~~3602~~ 3604. SEWAGE DISPOSAL PLANT, SYSTEM; CONSTRUCTION

9 A municipal corporation may:

10 (1) construct, maintain, operate, and repair a sewage disposal plant and
11 system;

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

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

17 (4) may lay and connect pipes, stormwater management systems, and
18 sewers, and connect the same as may be necessary to convey and treat
19 stormwater runoff or sewage for the purpose of disposing and dispose of
20 sewage by such municipal corporation.

21 § ~~3603~~ 3605. ENTRY ON LANDS

22 Such A municipal corporation, for the purposes enumerated in section ~~3602~~

1 3604 of this ~~title~~ chapter, may:

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

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

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

13 § ~~3604~~ 3606. PETITION FOR HEARING TO DETERMINE NECESSITY

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

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

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

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

15 § ~~3607~~ 3609. HEARING AND ORDER OF NECESSITY

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

22 (b) The burden of proof of the necessity of the taking shall be upon the

1 board.

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

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

9 § ~~3608~~ 3610. APPEAL FROM ORDER OF NECESSITY

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

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

22 § ~~3609~~ 3611. COMPENSATION; CONDEMNATION

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

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

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

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

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

6 § ~~3610~~ 3612. RECORD

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

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

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

21 * * *

22 § ~~3612~~ 3614. CHARGES; ENFORCEMENT

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

10 * * *

11 § ~~3613~~ 3615. TAXES, BONDS

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

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

18 (2) borrow money;

19 (3) levy; and collect taxes upon the ratable estate of the municipal
20 corporation necessary for the payment of municipal corporation sewage and
21 sewage disposal expenses and indebtedness;

22 (4) issue for the purposes ~~hereof~~ of this section evidences of

1 indebtedness pursuant to chapter 53, subchapter 2 of this title or its negotiable
2 bonds pursuant to chapter 53, subchapter 1 of this title; provided, however,
3 that bonds so issued:

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

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

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

18 ~~§ 3614. BOARD OF SEWAGE DISPOSAL COMMISSIONERS~~

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

22 § ~~3615~~ 3616. RENTS; RATES

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

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

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

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

19 (3) the strength and flow where wastes stronger than household wastes
20 are involved;

21 (4) the appraised value of premises, in the event that the commissioners
22 shall determine the sewage disposal plant to be of general benefit to the

1 municipality regardless of actual connection with the same;

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

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

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

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

18 (d) Where one of the bases of ~~such~~ a rent, rate, or charge is the appraised
19 value and the premises to be appraised are tax exempt, the ~~commissioners~~
20 board may cause the listers to appraise ~~such~~ the property, including State
21 property, for the purpose of determining the ~~sewage disposal~~ the rates, rents, or
22 charges. The right of appeal from ~~such~~ the appraisal shall be the same as

1 provided in 32 V.S.A. chapter 131. The Commissioner of Finance and
2 Management is authorized to issue ~~his or her~~ warrants for ~~sewage disposal~~
3 rates, rents, or charges against State property and transmit to the State
4 Treasurer who shall draw a voucher in payment ~~thereof~~ of the rates, rents, or
5 charges. No charge so established and no tax levied under the provisions of
6 section ~~3613~~ 3615 of this title shall be considered to be a part of any tax
7 authorized to be assessed by the legislative body of any municipality for
8 general purposes, but shall be in addition to any such tax so authorized to be
9 assessed.

10 (e) ~~Sewage disposal~~ Rates, rents, or charges established in accord with this
11 section may be assessed by the board ~~of sewage disposal commissioners as~~
12 ~~provided in section 3614 of this title~~ to derive the revenue required to pay
13 pollution charges assessed against a municipal corporation under 10 V.S.A.
14 § ~~1265~~ 1263.

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

22 § ~~3616~~ 3617. DUTIES; USE OF PROCEEDS

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

12 ~~(b) These The charges and receipts also may be used to develop a dedicated~~
13 ~~fund that may be created by the ~~commissioners~~ board to finance major~~
14 ~~rehabilitation, major maintenance, and upgrade costs for the sewer system.~~
15 ~~This fund may be established by an annual set-aside of up to 15 percent of the~~
16 ~~normal operations, maintenance, and bond payment costs, except that with~~
17 ~~respect to subsurface leachfield systems, the annual set-aside may equal up to~~
18 ~~100 percent of these costs. The fund shall not exceed the estimated future~~
19 ~~major rehabilitation, major maintenance, or upgrade costs for the sewer~~
20 ~~system. Any dedicated fund shall be insured at least to the level provided by~~
21 ~~FDIC and withdrawals shall be made only for the purposes for which the fund~~
22 ~~was established. Any ~~such~~ dedicated fund may be established and controlled~~

1 in accord with section 2804 of this title or may be established by act of the
2 legislative body of the municipality. Funds so established shall meet the
3 requirements of subdivision 4756(a)(4) of this title.

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

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

11 § ~~3617~~ 3618. ORDINANCES

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

16 § ~~3618~~ 3619. MEETINGS; VOTE

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

1 shall be taken hereunder unless the construction of a sewage disposal plant
2 shall have first been authorized by majority vote of the legal voters of ~~such~~ the
3 municipal corporation attending a meeting ~~duly warned and holden~~ warned for
4 that purpose.

5 * * *

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

7 § 3679. FINANCES—SEWER RATES; APPLICATION OF REVENUE

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

14 * * *

15 Sec. 15. REPEAL

16 24 V.S.A. chapter 97 (sewage system) is repealed.

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

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

19 § 50. URBAN SEARCH AND RESCUE TEAM

20 (a) The Department of Public Safety is authorized to create the Urban
21 Search and Rescue (USAR) Team to provide for the rapid response of trained
22 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.

21 (c) The Department of Public Safety may employ as many USAR Team
22 responders as the Commissioner deems necessary as temporary State

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

6 * * * Vermont-211 Information Privacy * * *

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

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

15 * * * Emergency Communications * * *

16 Sec. 18. PUBLIC NOTIFICATION POLICY DURING EMERGENCY

17 The Department of Public Safety’s Division of Vermont Emergency
18 Management (VEM), in consultation with the Enhanced 911 Board, shall
19 develop a policy for the use of E-911 databases that maintain callback numbers
20 of subscribers to provide VT-Alerts more effectively and expeditiously during
21 emergencies in order to reduce the risk of harm to persons and property. The
22 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
22 updating the information at a frequency specified by such rules. All persons

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

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

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

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

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

22 (f) As used in this section:

- 1 (1) “Incumbent local exchange carrier” has the same meaning as in
- 2 47 U.S.C. § 251(h) and includes rural local exchange carriers.
- 3 (2) “Originating carrier” or “originating service provider” means an
- 4 entity that provides voice services to a subscriber and includes incumbent local
- 5 exchange carriers operating in Vermont.

6 Sec. 20. ENHANCED 911 BOARD TARIFFS; REPORT

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

14 * * * Language Assistance Services for State Emergency

15 Communications * * *

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

17 § 4. LANGUAGE ASSISTANCE SERVICES FOR STATE EMERGENCY

18 COMMUNICATIONS

19 (a) If an all-hazards event occurs, the Vermont Emergency Management
20 Division shall ensure that language assistance services are available for all
21 State communications regarding the all-hazards event, including relevant press
22 conferences and emergency alerts, as soon as practicable. Language assistance

1 services shall be provided for:

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

3 (2) individuals with limited English proficiency.

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

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

15 Sec. 22. [Deleted.]

16 Sec. 23. LANGUAGE ASSISTANCE SERVICES FOR EMERGENCY

17 COMMUNICATIONS WORKING GROUP; REPORT

18 (a) Creation. There is created the Language Assistance Services for
19 Emergency Communications Working Group, consisting of staff at the
20 Vermont Emergency Management (VEM) Division and the Office of Racial
21 Equity, who will collaborate with the Vermont Association of Broadcasters;
22 the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council;

1 organizations that represent language service providers; and other relevant
2 stakeholders.

3 (b) Duties. The Working Group shall:

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

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

9 (3) analyze and make recommendations on the appropriate uses of
10 technologies for providing these services, including tools such as
11 Communication Access Realtime Translation (CART) and Picture-in-Picture
12 (PIP) techniques and automated language translation services or machine
13 translation.

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

18 (d) Prospective repeal. The Working Group shall cease to exist on June 30,
19 2025.

20 * * * Post-Secondary Disaster Management Programs * * *

21 Sec. 24. POST-SECONDARY DISASTER MANAGEMENT PROGRAM

22 REPORT

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

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

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

10 § 1. PURPOSE AND POLICY

11 (a) Because of the increasing possibility of the occurrence of disasters or
12 emergencies of unprecedented size and destructiveness resulting from all-
13 hazards and in order to ensure that preparation of this State will be adequate to
14 deal with such disasters or emergencies; to provide for the common defense; to
15 protect the public peace, health, and safety; and to preserve the lives and
16 property of the people of the State, it is found and declared to be necessary:

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

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

22 (3) to provide for the rendering of mutual aid among the towns and

1 cities of the State; with other states and Canada; and with the federal
2 government with respect to the carrying out of emergency management
3 functions; and

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

7 * * *

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

9 § 8. GENERAL POWERS OF GOVERNOR

10 * * *

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

13 * * *

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

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

20 * * *

21 (C) to institute training programs and public information programs,
22 and to take all other preparatory steps, including the partial or full mobilization

1 of emergency management organizations in advance of actual disaster, to
2 ensure the furnishing of adequately trained and equipped forces of first
3 responders and other emergency management personnel in time of need.

4 * * *

5 (8) Mutual aid agreements with other states. On behalf of this State, to
6 enter into reciprocal aid agreements under this chapter and pursuant to
7 compacts with other states and the federal government or a province of a
8 foreign country under such terms as the Congress of the United States may
9 prescribe. These mutual aid arrangements shall be limited to the furnishing or
10 exchange of food, water, fuel, clothing, medicine, and other supplies;
11 engineering services; emergency housing; police services; National Guard ~~or~~
12 ~~State Guard~~ units while under the control of the State; health; medical and
13 related services; fire fighting, rescue, transportation, and construction services
14 and equipment; personnel necessary to provide or conduct these services; and
15 other supplies, equipment, facilities, personnel, and services as needed; and the
16 reimbursement of costs and expenses for equipment, supplies, personnel, and
17 similar items for mobile support units, ~~fire-fighting~~ firefighting , and police
18 units and health units. The mutual aid agreements shall be made on such terms
19 and conditions as the Governor deems necessary.

20 * * *

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

22 § 9. EMERGENCY POWERS OF GOVERNOR

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

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

11 * * *

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

13 § 11. ADDITIONAL EMERGENCY POWERS

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

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

22 (2) To enter into a contract on behalf of the State for the lease or loan,

1 on such terms and conditions and for such period as ~~he or she~~ the Governor
2 deems necessary to promote the public welfare and protect the interests of the
3 State, of any real or personal property of the State government, or the
4 temporary transfer or employment of personnel thereof to any town or city of
5 the State. The chief executive ~~or, the chair or president of the~~ legislative
6 branch, or the emergency management director of the town or city is
7 authorized for and in the name of the town or city to enter into the contract
8 with the Governor for the leasing or lending of the property and personnel, and
9 the chief executive ~~or, the chair or president of the~~ legislative branch, or the
10 emergency management director of the town or city may equip, maintain,
11 utilize, and operate such property except ~~newspapers and other publications~~
12 news outlets, radio stations, places of worship and assembly, and other
13 facilities for the exercise of constitutional freedom, and employ necessary
14 personnel in accordance with the purposes for which such contract is executed;
15 ~~and may do all things and perform all acts necessary to effectuate the purpose~~
16 ~~for which the contract was entered into.~~

17 * * *

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

20 (A) ~~In case~~ Whenever the Governor deems it advisable for the State
21 to take property is taken for temporary use or to take property permanently, the
22 Governor, at the time of the taking, shall fix the amount of compensation to be

1 paid for the property, ~~and in.~~ In case the property is taken for temporary use
2 and returned to the owner in a damaged condition ~~or shall not be returned to~~
3 ~~the owner,~~ the Governor shall fix the amount of compensation to be paid for
4 the damage ~~or failure to return.~~

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

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

1 Superior Court and thereafter have a trial by jury to determine the amount of
2 the damages or compensation. The court costs of a proceeding brought under
3 this section by the owner of the property shall be paid by the State, and the fees
4 and expenses of any attorney for the owner shall also be paid by the State after
5 allowances by the court in which the petition is brought in an amount
6 determined by the court. The statute of limitations shall not apply to
7 proceedings brought by owners of property under this section for and during
8 the time that any court having jurisdiction over the proceedings is prevented
9 from holding its usual and stated sessions due to conditions resulting from
10 emergencies described in this chapter.

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

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

15 § 13. TERMINATION OF EMERGENCIES

16 The Governor:

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

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

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

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

8 § 17. GIFT, GRANT, OR LOAN

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

1 contribution, or both, the Department of Public Safety and the political
2 subdivision shall determine whether the grant shall be accepted and, if
3 accepted, the respective shares to be contributed by the State and town or city
4 concerned.

5 (b) Private. Whenever Subject to the provisions of subsection (c) of this
6 section, whenever any person, firm, or corporation offers to the State or to any
7 town or city in Vermont services, equipment, supplies, materials, or funds by
8 way of gift, grant, or loan, for purposes of emergency management, the State,
9 acting through the Governor, or the political subdivision, acting through its
10 executive officer or legislative branch, may accept the offer, and upon such
11 acceptance, the Governor or executive officer or legislative branch of the
12 political subdivision may authorize any officer of the State or the political
13 subdivision, as the case may be, to receive the services, equipment, supplies,
14 materials, or funds on behalf of the State or the political subdivision; and
15 subject to the terms of the offer.

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

20 (2)(A) Notwithstanding the provisions of subdivision (1) of this
21 subsection, the Governor shall have the sole authority to accept services,
22 equipment, supplies, materials, or funds by way of gift, grant, or loan for

1 purposes of emergency management pursuant to subsections (a) or (b) of this
2 section, or both, if there exists a reasonable expectation that without the
3 acceptance the all-hazards event will imminently cause bodily harm, loss of
4 life, or significant property damage within the State.

5 (B) As soon as practicable after an acceptance pursuant to subsection
6 (A) of this subsection (2), the Department of Finance and Management shall
7 provide the Joint Fiscal Committee and Legislative Joint Fiscal Office a report
8 detailing the acceptance and shall include information with respect to the
9 following items:

10 (i) the circumstances leading the Governor to reasonably expect
11 that without the acceptance the all-hazards event would have imminently
12 caused bodily harm, loss of life, or significant property damage within the
13 State:

14 (ii) the source and value;

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

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

17 (v) the receiving department or program, or both; and

18 (vi) a brief statement of purpose.

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

20 § 26. CHANGE OF VENUE BECAUSE OF ~~ENEMY ATTACK~~ AN ALL-
21 HAZARDS EVENT

22 In the event that the place where a civil action or a criminal prosecution is

1 required by law to be brought has become and remains unsafe because of an
2 attack upon the United States or Canada or an all-hazards event, such action or
3 prosecution may be brought in or, if already pending, may be transferred to the
4 Superior Court in an unaffected unit and there tried in the place provided by
5 law for such court.

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

7 § 30. STATE EMERGENCY RESPONSE COMMISSION; CREATION

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

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

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

2 (2) Three public members, appointed by the **Senate Committee on**
3 **Committees.**

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

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

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

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

15 § 34. TEMPORARY HOUSING FOR DISASTER VICTIMS

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

20 (1) To enter into purchase, lease, or other arrangements with any agency
21 of the United States for temporary housing units to be occupied by disaster
22 victims and to make such units available to any political subdivision of the

1 State.

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

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

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

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

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

22 (c) Any political subdivision of this State is expressly authorized to

1 acquire, temporarily or permanently, by purchase, lease, or otherwise, sites
2 required for installation of temporary housing units for disaster victims, and to
3 enter into whatever arrangements are necessary to prepare or equip such sites
4 to utilize the housing units, including the purchase of temporary housing units
5 and payment of transportation charges.

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

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

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

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

15 § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

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

20 (1) \$40.00 for quantities between 100 and 999 pounds.

21 (2) \$60.00 for quantities between 1,000 and 9,999 pounds.

22 (3) \$100.00 for quantities between 10,000 and 99,999 pounds.

1 (4) \$290.00 for quantities between 100,000 and 999,999 pounds.

2 (5) \$880.00 for quantities exceeding 999,999 pounds.

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

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

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

10 (1) municipalities and other political subdivisions;

11 (2) State agencies;

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

13 (4) nonprofit corporations.

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

19 (e) The State or any political subdivision, including any municipality, fire
20 district, emergency medical service, or incorporated village, is authorized to
21 recover any and all reasonable direct expenses incurred as a result of the
22 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.]

22 * * * Effective Dates * * *

1 Sec. 38. EFFECTIVE DATES

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

4

5

6

7

8 (Committee vote: _____)

9

10

Representative _____

11

FOR THE COMMITTEE