

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

H.935

An act relating to emergency management

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Ready Response Grant Program * * *

Sec. 1. 20 V.S.A. § 52 is added to read:

§ 52. READY RESPONSE GRANT PROGRAM

(a) As used in this section, “ready response” means the provision of short-term food and bottled water resources, including logistical support and transportation, to individuals in Vermont who do not have adequate access to food and water at agreed upon times when the Division of Emergency Management seeks resource assistance from a grantee or responds to an all-hazards event or state of emergency.

(b) There is created the Ready Response Grant Program to be managed and administered by the Division of Emergency Management. The Division shall award an annual grant to an eligible food bank to source, store, and distribute shelf-stable, ready-to-eat foods and bottled water at times and in types and quantities per a written memorandum of agreement with the Division.

(c) The grant shall be in an amount sufficient to compensate the grantee for all costs incurred to procure and stage food and water in agreed upon quantities and locations, the costs of cycling the food and water at agreed-upon intervals,

1 the value of distribution center storage capacity, the value of operational
2 capacity to stage materials in anticipation of need, and the costs of distribution
3 whenever the Division seeks resource assistance from the grantee or responds
4 to an all-hazards event or state of emergency. As used in this subsection, the
5 “value of operational capacity” includes leased storage space, delivery
6 vehicles, drivers, warehouse selectors, and other operational costs.

7 (d) Food and water supplies subject to a grant and under the grantee’s
8 control shall be rotated and replenished according to established industry
9 guidelines and best practices. Rotated food and water shall be redistributed in
10 an equitable manner by the grantee through Vermont’s charitable food system
11 to Vermont nonprofit organizations qualifying under 26 U.S.C. § 501(c)(3) that
12 provide food to individuals in Vermont.

13 (e) To the extent that the Division requests services from the grantee that
14 are not covered by the Grant Program, a separate agreement shall be reached
15 between the Division and the grantee.

16 * * * Technical Rescue Grant Program * * *

17 Sec. 2. 20 V.S.A. § 53 is added to read:

18 § 53. TECHNICAL RESCUE GRANT PROGRAM

19 (a) Creation of Program. There is created the Technical Rescue Grant
20 Program to assist Vermont fire departments, emergency medical services
21 agencies, and technical rescue agencies with the improvement of operational

1 readiness and investment in specialized equipment, personal protective gear,
2 and training. The Program shall be administered by the Urban Search and
3 Rescue (USAR) Team program manager.

4 (b) Duties of USAR Team program manager. The USAR Team program
5 manager, in addition to other duties described elsewhere in law, shall review
6 grant applications, award grants, and otherwise administer the Program.

7 (c) Eligibility. Fire departments, emergency medical services agencies, and
8 technical rescue agencies operating within Vermont shall be eligible for
9 Program grants. Grant applicants shall demonstrate their use, planned use, or
10 need for technical rescue operations within their service area. All grant
11 applicants shall submit their application on a form adopted by the USAR Team
12 program manager. The USAR Team program manager shall prioritize grant
13 awards for applicants that:

14 (1) maintain a memorandum of understanding with the Division of
15 Emergency Management for swiftwater rescue; or

16 (2) function as regional technical rescue teams providing services in
17 multiple jurisdictions.

18 (d) Grant award limitations. The maximum award to any applicant in a
19 given fiscal year shall be not more than \$5,000.00. The Program shall not
20 award more than \$25,000.00 in total grants in a given fiscal year.

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

3 * * *

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

8 (6) coordinate USAR Team participation in search and rescue operations
9 under chapter 112 of this title; and

10 (7) administer the Technical Rescue Grant Program pursuant to section
11 53 of this title.

12 * * *

13 * * * Disability Inclusion in Emergency Planning * * *

14 Sec. 3. 20 V.S.A. § 2 is amended to read:

15 § 2. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (13) “Whole community” means the collective of residents; emergency
19 management practitioners; organizational and community leaders; and local,
20 State, and federal government officials.

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

2 § 6. LOCAL AND REGIONAL ORGANIZATION FOR EMERGENCY
3 MANAGEMENT

4 * * *

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

9 * * *

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

19 (4) The Division, in coordination with the ~~Agency of Human Services~~
20 whole community, shall advise municipalities, upon completion of a local

1 emergency management plan, on how to conduct training and exercises
2 pertaining to sheltering.

3 * * *

4 Sec. 5. 20 V.S.A. § 32 is amended to read:

5 § 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;
6 DUTIES

7 * * *

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

18 (c) A local emergency planning committee shall perform all the following
19 duties:

20 (1) Carry out all the requirements of a committee pursuant to EPCRA,
21 including preparing a local emergency planning committee plan. The plan

1 shall be coordinated with the State ~~emergency management plan~~ Emergency
2 Management Plan and may be expanded to address all-hazards identified in the
3 State ~~emergency management plan~~ Emergency Management Plan. A local
4 emergency planning committee shall coordinate with disability-led
5 organizations throughout all phases of emergency management planning. At a
6 minimum, the local emergency planning committee plan shall include the
7 following:

8 * * *

9 Sec. 6. [Deleted.]

10 * * * Town Forest Fire Wardens * * *

11 Sec. 7. 10 V.S.A. § 2603 is amended to read:

12 § 2603. POWERS AND DUTIES: COMMISSIONER

13 * * *

14 (d) The Commissioner or designee shall be the State ~~fire warden~~ Forest
15 Fire Warden and may act as, and in place of, the town forest fire warden of any
16 municipality, unorganized town, or gore as provided under subchapter 4 of this
17 chapter. The Commissioner or designee, as State Forest Fire Warden, shall
18 have the authority to:

19 (1) exercise the authority and duties of a town forest fire warden as set
20 forth in subchapter 4 of this chapter;

1 § 2641. TOWN FOREST FIRE WARDENS; ~~APPOINTMENT AND~~

2 ~~REMOVAL~~

3 (a) ~~Upon approval by the selectboard and acceptance by the appointee, the~~
4 ~~Commissioner shall appoint a town forest fire warden for a term of five years~~
5 ~~or until a successor is appointed. A town forest fire warden may be reappointed~~
6 ~~for successive five-year terms by the Commissioner or until a successor is~~
7 ~~approved by the selectboard and appointed by the Commissioner. The warden~~
8 ~~may be removed for cause at any time by the Commissioner with the approval~~
9 ~~of the selectboard. A warden shall comply with training requirements~~
10 ~~established by the Commissioner. The chief of the fire department, fire~~
11 ~~district, or private fire department with the jurisdictional responsibility to~~
12 ~~respond to a municipality, unorganized town, or gore is designated as the town~~
13 ~~forest fire warden and shall have the authority to exercise all the powers and~~
14 ~~duties of a town forest fire warden. For any municipality, unorganized town,~~
15 ~~or gore that is covered by two or more fire districts or has two or more fire~~
16 ~~departments, the municipality, unorganized town, or gore shall designate one~~
17 ~~fire chief as town forest fire warden and shall notify the Commissioner of the~~
18 ~~designation.~~

19 (b) ~~The Commissioner may appoint a forest fire warden for an unorganized~~
20 ~~town or gore, who shall serve for a term of five years or until a successor is~~
21 ~~appointed. An appointed forest fire warden for an unorganized town or gore~~

1 ~~may be reappointed for successive five-year terms by the Commissioner until~~
2 ~~the Commissioner appoints and the unorganized town or gore approves a~~
3 ~~successor. The warden may be removed for cause at any time by the~~
4 ~~Commissioner with the approval of the unorganized town or gore. The forest~~
5 ~~fire warden of an unorganized town or gore shall have the same powers and~~
6 ~~duties as town forest fire wardens and shall be subject to the requirements of~~
7 ~~this subchapter. The chief of the fire department, fire district, or private fire~~
8 ~~department with the jurisdictional responsibility to respond to a municipality,~~
9 ~~unorganized town, or gore, as town forest fire warden, may designate deputy~~
10 ~~town forest fire wardens. The town forest fire warden shall provide a list of all~~
11 ~~designated deputy forest fire wardens to the Commissioner. Deputy forest fire~~
12 ~~wardens shall only have the authority to issue permits to kindle a fire as set~~
13 ~~forth in sections 2644 and 2645 of this subchapter.~~

14 (c) ~~When there are woodlands within the limits of a city, the chief of the~~
15 ~~fire department of such city shall act as the city forest fire warden with all the~~
16 ~~powers and duties of town forest fire wardens. When a municipality,~~
17 ~~unorganized town, or gore does not have a fire department or is not covered by~~
18 ~~a fire district, the municipality, unorganized town, or gore may contract with a~~
19 ~~neighboring fire department or fire district to designate the chief of the fire~~
20 ~~department or fire district to serve as the town forest fire warden for the~~
21 ~~municipality, unorganized town, or gore. When a private fire department~~

1 provides fire suppression and control services to a municipality, unorganized
2 town, or gore, the chief of the private fire department may serve as the town
3 forest fire warden when approved by the municipality, unorganized town, or
4 gore.

5 (d) ~~When the Commissioner deems it difficult in any municipality for one~~
6 ~~warden to take charge of protecting the entire municipality from forest fires, he~~
7 ~~or she may appoint one or more deputy forest fire wardens. Such wardens~~
8 ~~under the direction of the fire warden shall have the same powers, duties, and~~
9 ~~pay and make the same reports through the fire warden to the Commissioner as~~
10 ~~forest fire wardens. [Repealed.]~~

11 (e) The Commissioner may ~~appoint~~ designate special forest fire wardens
12 who shall hold office ~~during~~ at the pleasure of the Commissioner. ~~Such~~ The
13 fire wardens shall be employees of the Department of Forests, Parks and
14 Recreation with forest fire suppression and control training, and shall have the
15 same powers and duties throughout the State as town forest fire wardens,
16 except that all expenses and charges incurred on account of their official acts
17 shall be paid from the appropriations for the Department.

18 § 2642. SALARY AND COMPENSATION OF TOWN FOREST FIRE

19 WARDENS

20 (a) The salary of a town forest fire warden and any deputy town forest fire
21 warden shall be determined by the selectboard members for time spent in the

1 performance of the duties of ~~his or her~~ the warden's office, which shall be paid
2 by the town. ~~In addition thereto, he or she shall receive from the~~
3 ~~Commissioner \$30.00 annually for fulfilling the requirements of section 2645~~
4 ~~of this title and keeping the required State records. He or she shall also receive~~
5 ~~from the Commissioner \$30.00 per diem for attendance at each training~~
6 ~~required by the Commissioner. He or she shall also receive annually an amount~~
7 ~~of \$10.00 for each fire report that is submitted by the forest fire warden under~~
8 ~~section 2644 of this title.~~

9 * * *

10 § 2643. TOWN'S LIABILITY FOR SUPPRESSION OF FOREST FIRES;
11 STATE AID

12 (a) A municipality in which a forest fire occurs shall pay the cost to
13 suppress a forest fire that occurs on land that is not owned by the Agency of
14 Natural Resources, including the costs of personnel and equipment. The
15 Commissioner may, ~~according to the Department fire suppression~~
16 ~~reimbursement policy~~ when funds have been appropriated or are otherwise
17 available, reimburse a municipality for all or a portion of the costs of
18 suppressing a forest fire on land that is not owned by the Agency of Natural
19 Resources.

20 (b) For the purpose of suppressing forest fires on lands owned by the
21 Agency of Natural Resources, the State ~~shall~~ may reimburse a ~~town~~

1 municipality or unorganized town or gore for some or all its forest fire
2 ~~suppression costs at a rate determined by the Commissioner according to the~~
3 ~~Department fire suppression reimbursement policy. If the total acreage of a~~
4 ~~forest fire is determined to be partially on land owned by the Agency of~~
5 ~~Natural Resources and partially on land owned by another party, the~~
6 ~~Commissioner shall, at a minimum, reimburse the town at a rate determined by~~
7 ~~the Commissioner according to the Department fire suppression~~
8 ~~reimbursement policy for costs incurred by the municipality on land owned by~~
9 ~~the Agency of Natural Resources~~ if, at a minimum, the requirements in
10 subsection (c) of this section are satisfied. The Commissioner may establish
11 additional requirements and guidance regarding reimbursement.

12 (c) For any forest fire on lands owned by the Agency of Natural Resources
13 to be considered eligible for reimbursement from the State, ~~a town forest fire~~
14 ~~warden shall have reported the forest fire to the Commissioner within 14 days~~
15 ~~of extinguishment of the fire as required under section 2644 of this title. For~~
16 ~~reimbursement of fire suppression costs for forest fires on land owned by the~~
17 ~~Agency of Natural Resources, the town forest fire warden and the~~
18 ~~Commissioner or designee shall approve the costs before submission to the~~
19 ~~municipality for payment. The town forest fire warden may submit to the State~~
20 ~~on an annual basis a request for reimbursement of fire suppression costs on~~
21 ~~lands owned by the Agency of Natural Resources. The State shall reimburse a~~

1 ~~town for all applicable forest fire suppression costs when the reimbursement~~
2 ~~request is presented in a form approved by the Commissioner to the~~
3 ~~Commissioner by December 31 of each year.~~ a municipality, unorganized
4 town, or gore shall, at a minimum, satisfy the following requirements:

5 (1) The town forest fire warden of a municipality, unorganized town, or
6 gore shall request assistance within one hour of discovery after the forest fire
7 from the Department of Forests, Parks and Recreation Wildland Fire Team, for
8 the suppression of the forest fire on land owned by the Agency of Natural
9 Resources.

10 (2) The town forest fire warden shall submit a report of the forest fire to
11 the Commissioner within 24 hours after extinguishment of the fire as required
12 under section 2644 of this title.

13 (3) The municipality, unorganized town, or gore shall submit detailed
14 documentation of the costs of suppression of the forest fire to the
15 Commissioner within 60 days after extinguishment of the forest fire.

16 (4) The Commissioner shall review and approve the request for
17 reimbursement.

18 (d) For requests for reimbursement approved by the Commissioner for
19 forest fire suppression costs of a municipality, unorganized town, or gore on
20 land owned by the Agency of Natural Resources, payment of the costs shall be
21 made by the Commissioner of Finance and Management to the municipality,

1 unorganized town, or gore. The funds for the payment are to be taken from the
2 appropriation for forest fire suppression.

3 § 2644. DUTIES AND POWERS OF FIRE WARDEN

4 (a) When a forest fire or fire threatening ~~a forest~~ forestland is discovered in
5 ~~his or her town~~ the warden's jurisdiction of responsibility, the town forest fire
6 warden shall enter upon any premises and take measures for its prompt control,
7 suppression, and extinguishment. ~~The town forest fire warden may call upon~~
8 ~~any person for assistance. The town forest fire warden may choose to share or~~
9 ~~delegate command authority to a chief engineer of a responding fire~~
10 ~~department or, in the chief's absence, the highest ranking assistant firefighter~~
11 ~~present during the fire.~~ Within 24 hours after discovery of the forest fire on
12 lands not owned by the Agency of Natural Resources, the town forest fire
13 warden shall notify the Department of Forests, Parks and Recreation that the
14 fire was discovered.

15 (b) A town forest fire warden shall ~~keep~~ prepare a report for all forest fires
16 in the warden's jurisdiction that includes, at a minimum, the following
17 information: a record of ~~his or her~~ the warden's acts, the number of forest fires
18 and causes of the forest fires, the areas burned over, and the character and
19 amount of damages done in the warden's jurisdiction. ~~Within two weeks~~ 48
20 hours after the extinguishment of a fire, the town forest fire warden shall file a

1 report of the fire to the Commissioner, but the making of a report under this
2 ~~subsection shall not be a charge against the town.~~

3 * * *

4 (d) Within 12 hours after granting permission to kindle a fire pursuant to
5 section 2645 of this subchapter, the town forest fire warden or deputy forest
6 fire warden shall issue a written “Permit to Kindle” stating when and where the
7 fire may be kindled, including any conditions deemed appropriate by the town
8 forest fire warden.

9 § 2645. OPEN BURNING; PERMITS

10 (a) Except as otherwise provided in this section, a person shall not kindle or
11 authorize another person to kindle a fire in the open air for the purpose of
12 burning natural wood, brush, weeds, or grass without first obtaining
13 ~~permission~~ a permit to kindle a fire from the town forest fire warden or deputy
14 forest fire warden stating when and where ~~such~~ the fire may be kindled and
15 imposing any conditions deemed necessary by the town forest fire warden or
16 deputy forest fire warden. Special forest fire wardens designated by the
17 Commissioner shall issue permits for Category 3 fires on land owned by the
18 Agency of Natural Resources. Wood, brush, weeds, or grass shall not be
19 ~~burned if they have been altered in any way by surface applications or injection~~
20 ~~of paints, stains, preservatives, oils, glues, or pesticides. Whenever such~~
21 ~~permission is granted, the fire warden, within 12 hours, shall issue a written~~

1 ~~“Permit to Kindle” for record purposes stating when and where such fire may~~
2 ~~be kindled.~~

3 (b) ~~With the written approval of the Secretary, during~~ During periods of
4 increased fire hazard, or when the Department of Environmental Conservation
5 has issued an Air Quality Alert due to forecasted ambient air quality, the
6 Commissioner may:

7 (1) ~~notify~~ Notify town forest fire wardens that for a specified period no
8 ~~burning~~ permits to kindle a fire shall be issued. The forest fire wardens shall
9 issue no permits during the specified period.

10 (2) Notify town forest fire wardens that for a specified period of time
11 permits for Category 2 or 3 fires shall be prohibited or restricted as set forth by
12 the Commissioner.

13 (3) Notify town forest fire wardens that for a specified period of time,
14 Category 1 fires shall be prohibited or restricted as set forth by the
15 Commissioner.

16 (c) ~~The provisions of this section will not apply to~~ A permit to kindle a fire
17 is not required for the following categories or conditions when the
18 requirements set forth below are satisfied:

19 (1) the kindling of a fire in a location where there is snow surrounding
20 the open burning site;

1 (2) ~~fires built in stone arches, outdoor fireplaces, or existing fire rings at~~
2 ~~State recreational areas or fires built in stone arches, outdoor fireplaces, or fire~~
3 ~~rings on private property that are not located within woodland, timberland, or a~~
4 ~~field containing dry grass or other flammable plant material contiguous to~~
5 ~~woodland; Category 1 fires; or~~

6 (3) ~~the kindling of a fire in a location that is 200 feet or more from any~~
7 ~~woodland, timberland, or field containing dry grass or other flammable plant~~
8 ~~material contiguous to woodland; or~~

9 ~~(4) areas within cities maintaining a fire department. the kindling of a~~
10 ~~fire that complies with all requirements established by rule adopted by the~~
11 ~~Commissioner of Forests, Parks and Recreation when a person is primitive~~
12 ~~camping on lands owned by the Agency of Natural Resources.~~

13 ~~(d)(4) The Commissioner of Forests, Parks and Recreation may issue a ban~~
14 ~~on kindling fires on lands owned by the Agency of Natural Resources when~~
15 ~~necessary.~~

16 (e) As used in this section, ~~“natural wood”~~;

17 (1) “Category 1” includes campfires that meet the following
18 requirements:

19 (A) fires 36 inches in diameter or less that are built in stone arches,
20 outdoor fireplaces, or existing fire rings at State recreational areas, other public
21 recreational areas, or on private property; or

1 (B) fires 36 inches in diameter or less built in a location that is 200
2 feet or more from any forestland, or field containing dry grass or other
3 flammable plant materials contiguous to forestland.

4 (2) “Category 2” includes natural wood fires that meet the following
5 requirements:

6 (A) fires in piles larger than 36 inches in diameter; or

7 (B) fires 36 inches in diameter or less, not built in stone arches,
8 outdoor fireplaces, or existing fires rings at State recreational areas, other
9 public recreational areas, or on private property.

10 (3) “Category 3 broadcast burn” includes fires that meet the following
11 requirements:

12 (A) Fires applied to existing vegetation in a predetermined land area,
13 in a manner to meet specific or prescribed objectives, including fuels
14 management, slash abatement, firefighter training, agricultural field burning,
15 forest management, wildlife habitat management, or introduced species
16 management.

17 (B) All Category 3 fires must have a plan that includes location,
18 objectives, and contingency for escaped fire.

19 (4) “Forestland” means woodlands, timberland, brushland, forest, and
20 woodlots.

21 (5) “Natural wood” means:

1

* * *

2

~~(2)(6)~~ “Natural wood” does not mean other wood products such as

3

sawdust, plywood, particle board, or press board. “Natural wood” does not

4

mean wood, brush, weeds, or grass if they have been altered in any way by

5

surface applications or injections of paints, stains, preservatives, oils, glues, or

6

pesticides.

7

* * *

8

§ 2646. PROCLAMATION BY GOVERNOR PROHIBITING KINDLING

9

OF FIRES: CLOSING OF ~~WOODLANDS~~ FORESTLANDS

10

(a) Whenever it appears to the Governor that there is excessive danger of

11

forest fires, ~~he or she~~ the Governor may prohibit by proclamation the kindling

12

of a fire in or adjoining forestland or close any or all sections of ~~woodland~~

13

forestland, or brushland, in any town for such time as the Governor may

14

designate, to all persons ~~except the owner and his or her household, his or her~~

15

~~tenants, servants, or agents and persons in the public employment engaged in~~

16

~~abating such fire hazardous condition.~~

17

(b) Proclamations shall be ~~published in such newspapers of the State and~~

18

posted in such places and in such manner as the Governor may order in

19

writing. A copy of ~~such publication~~ the proclamation and order, attested by the

20

Secretary of Civil and Military Affairs, shall be filed with the Secretary of

21

State and a like copy shall be furnished to the Commissioner who shall attend

1 to the ~~publication and posting thereof~~ of the proclamation. The expenses of
2 ~~such publication and posting~~ shall be paid by the Department. Notice of
3 removal of restrictions imposed by proclamation shall be in the same manner.

4 § 2647. FIRES IN ~~WOODS~~ FORESTLAND OF ANOTHER; PERMISSION

5 No one shall build a fire in the ~~woodlands~~ forestland of another without the
6 permission of the owner, lessee, holder of right of way, or his or her
7 ~~authorized agent between April 1 and November 1~~. A person who builds a fire
8 ~~in or adjoining any woods shall totally extinguish such fire before leaving it.~~

9 § 2648. SLASH REMOVAL

10 (a) A person may cut or cause to be cut forest growth only if all slash
11 adjoining the right-of-way of any public highway, or the boundary lines of
12 ~~woodlots~~ forestland owned by adjoining property owners, is treated as follows:

13 (1) All slash shall be removed for a distance of 50 feet from the right-of-
14 way of any public highway or from the boundary lines of ~~woodlots~~ forestland
15 owned by adjoining property owners.

16 * * *

17 (d) As used in this section, "slash" means the branches, tree tops, and other
18 woody debris left on the forest floor after logging.

19 Sec. 9. REPEAL

20 10 V.S.A. chapter 83, subchapter 7 (uniform fire prevention ticket) is
21 repealed.

1 Sec. 10. 20 V.S.A. § 2673 is amended to read:

2 § 2673. POWERS AND DUTIES DURING HAZARDOUS CHEMICAL OR
3 SUBSTANCE INCIDENT, FIRES; THREAT OF FIRES OR
4 EXPLOSIONS; FOREST FIRES

5 * * *

6 (e) The chief of a fire district is designated as the town forest fire warden
7 under 10 V.S.A chapter 83, subchapter 4 and shall have the authority and
8 duties related to forest fires pursuant to that subchapter.

9 Sec. 11. 20 V.S.A. § 2992 is amended to read:

10 § 2992. DEFINITION

11 The term “private fire department” includes fire protection organizations
12 operated by industries, institutions, and establishments for self-protection and
13 also nonprofit volunteer fire associations. Nothing contained in this subchapter
14 shall be construed to interfere with the exclusive jurisdiction vested by law in
15 the State Forester ~~and the State Forester’s subordinates~~ or the State Forest Fire
16 Warden over forest fires as provided in 10 V.S.A. § 2603(d); 10 V.S.A. chapter
17 83, ~~subchapters subchapter 4 and 7~~; or 10 V.S.A. chapter 81, nor to affect the
18 laws governing prevention or extinguishment of forest fires. Nothing
19 contained in this subchapter shall be construed to interfere with general
20 authorization vested by law in a chief engineer of a fire district or chief of a

1 volunteer fire department to give outside aid as provided in sections 2674 and
2 2961 of this title.

3 * * * Increasing Wildland Fire Response Capacity Task Force * * *

4 Sec. 11a. INCREASING WILDLAND FIRE RESPONSE CAPACITY
5 TASK FORCE; REPORT

6 (a) Creation. There is created the Increasing Wildland Fire Response
7 Capacity Task Force to examine and report on increasing Vermont's capacity
8 for wildland fire response.

9 (b) Membership. The following individuals and entities shall be invited by
10 Department of Forests, Parks and Recreation to join the Task Force:

11 (1) the Department of Forests, Parks and Recreation;

12 (2) Vermont Emergency Management;

13 (3) the Department of Public Safety, Division of Fire Safety;

14 (4) the Green Mountain National Forest;

15 (5) the Vermont League of Cities and Towns; and

16 (6) two municipal fire chiefs, with one being a career fire fighter and the
17 other being a volunteer fire fighter.

18 (c) Powers and duties. The Task Force shall examine how to best increase
19 Vermont's capacity for wildland fire response, including:

20 (1) examining available information on wildland fire incidence and

21 existing response capacity, and making recommendations regarding staffing,

1 funding, equipment, supplies, and infrastructure, including vehicles, necessary
2 to increase wildland fire response capacity; and

3 (2) identifying any potential policy or statutory changes needed to
4 improve wildland fire response capacity; clarify statewide roles and
5 responsibilities among State, municipal, and federal entities; and recommend
6 any coordination and communication improvements.

7 (d) Assistance. The Task Force shall have the administrative, technical,
8 and legal assistance of Department of Forests, Parks and Recreation.

9 (e) Report. On or before February 15, 2027, and again on or before July
10 2027, the Task Force shall submit a written report to House Committees on
11 Agriculture, Food Resiliency, and Forestry and on Government Operations and
12 Military Affairs and to the Senate Committees on Natural Resources and
13 Energy and on Government Operations with its findings to date and any
14 recommendations for legislative action.

15 (f) Meetings.

16 (1) The Commissioner of the Department of Forests, Parks and
17 Recreation, or designee, shall call the first meeting of the Task Force.

18 (2) The Commissioner of the Department of Forests, Parks and
19 Recreation, or designee, shall be the chair of the Task Force.

20 (3) A majority of the membership shall constitute a quorum.

21 (4) The Task Force shall cease to exist on November 16, 2027.

1 (g) Compensation and reimbursement. Members of the Task Force shall be
2 entitled to per diem compensation and reimbursement of expenses as permitted
3 under 32 V.S.A. § 1010. These payments shall be made from monies
4 appropriated to the Department of Forests, Parks and Recreation.

5 * * * Public Safety Communications * * *

6 Sec. 12. DEPARTMENT OF PUBLIC SAFETY; PUBLIC SAFETY
7 COMMUNICATIONS TASK FORCE; AUTHORIZATION FOR
8 ONGOING EXPENDITURE OF FUNDS

9 (a) The General Assembly authorizes the use of monies appropriated or
10 held in reserve pursuant 2022 Acts and Resolves No. 185, Sec. B.1100, as
11 amended by 2023 Acts and Resolves No. 78, Sec. C.115 and 2023 Acts and
12 Resolves No. 87, Sec. 49, for the Department of Public Safety to procure and
13 implement a multidisciplinary computer-aided dispatch system for public
14 safety communications, subject to the following:

15 (1) \$2,250,000.00 shall be available for immediate costs associated with
16 establishing the multidisciplinary computer-aided dispatch system and five
17 years of software licensing fees, provided that the Department issues requests
18 for proposal and signs contracts for services on or before January 1, 2027;

19 (2) \$190,000.00 shall be immediately available for cybersecurity,
20 expanded use of Rapid SOS, and geographic information systems; and

21 (3) \$4,500,000.00 shall be available incrementally over three years to:

1 (A) implement and expand the Land Mobile Radio network to
2 include a Statewide conceptual design;

3 (B) detail designs for one or more proof of concept projects and
4 initially implement pilot projects; and

5 (C) build out or improve 10 or more Land Mobile Radio sites,
6 including equipment and antenna deployment at existing chosen sites.

7 (b) Notwithstanding any provisions of 2023 Acts and Resolves No. 78, Sec.
8 C.114 to the contrary, the Public Safety Communications Task Force shall
9 continue in existence until February 15, 2027. The Task Force shall meet as
10 necessary to advise the Department of Public Safety on executing the Task
11 Force recommendations and final design plan. Notwithstanding 2023 Acts and
12 Resolves No. 78, Sec. C.114(d)(3), members of the Task Force shall be entitled
13 to per diem compensation and reimbursement of expenses permitted under 32
14 V.S.A. § 1010. These payments shall be made from monies appropriated to
15 the Department of Public Safety.

16 (c) The Department of Public Safety shall submit written reports to the
17 House Committees on Appropriations and on Government Operations and
18 Military Affairs and the Senate Committees on Appropriations and
19 Government Operations concerning the expenditure of monies pursuant to this
20 section. The Department shall submit the written reports on or before May 1,

1 2027, January 15, 2028, and January 15, 2029, concerning the expenditures
2 made during each respective reporting period.

3 Sec. 13. [Deleted.]

4 * * * Programs Contingent on Availability of Agency Funds * * *

5 Sec. 13a. PROGRAMS CONTINGENT ON AVAILABILITY OF AGENCY
6 FUNDS

7 The duty to implement Secs. 1 (Ready Response Grant Program) and 2
8 (Technical Rescue Grant Program) of this act is contingent upon the
9 availability of sufficient funds within the Department of Public Safety and the
10 Agency of Administration to support the programs.

11 * * * Appropriation * * *

12 Sec. 13b. [Deleted.]

13 * * * Emergency Rule * * *

14 Sec. 13c. 3 V.S.A. § 844 is amended to read:

15 § 844. EMERGENCY RULES

16 (a) Where an agency believes that there exists an imminent peril to public
17 health, safety, or welfare, it may adopt an emergency rule. The rule may be
18 adopted without having been prefiled or filed in proposed or final proposed
19 form, and may be adopted after whatever notice and hearing the agency finds
20 to be practicable under the circumstances. The agency shall make reasonable

1 efforts to ensure that emergency rules are known to persons who may be
2 affected by them.

3 * * *

4 (g) In the alternative to the grounds specified in subsection (a) of this
5 section, an agency may adopt emergency amendments to existing rules using
6 the process set forth in this section if each of the subdivisions (1)–(5) of this
7 subsection applies. On a majority vote of the entire Committee, the Legislative
8 Committee on Administrative Rules may object to the emergency amendments
9 on the basis that one or more of these subdivisions do not apply or under
10 subdivision (e)(1)(A), (B), or (C) of this section, or both.

11 (1) The existing rules implement a program controlled by federal statute
12 or rule or by a multistate entity.

13 (2) The controlling federal statute or rule has been amended to require a
14 change in the program, or the multistate entity has made a change in the
15 program that is to be implemented in all of the participating states.

16 (3) The controlling federal statute or rule or the multistate entity requires
17 implementation of the change within 120 days or less.

18 (4) The adopting authority finds each of the following in writing:

19 (A) The agency cannot by the date required for implementation
20 complete the final adoption of amended rules using the process set forth in
21 sections ~~837 through 843~~ 837–843 of this title.

1 (B) Failure to amend the rules by the date required for
2 implementation would cause significant harm to the public health, safety, or
3 welfare or significant financial loss to the State.

4 (5) On the date the emergency rule amendments are adopted pursuant to
5 this subsection, the adopting authority prefiles a corresponding permanent rule
6 pursuant to section 837 of this title.

7 (h) In addition to the grounds for emergency rulemaking under subsections
8 (a) and (g) of this section, an agency may adopt an emergency rule under this
9 section if an amendment to a federal statute, rule, or policy will materially
10 conflict with or threaten the ability of the agency to implement a statutory or
11 regulatory program required under Vermont law. On a majority vote of the
12 entire Committee, the Legislative Committee on Administrative Rules may
13 object to proposed emergency rules for adoption under this subsection on the
14 basis that the provisions of this subsection do not apply.

15 Sec. 13d. SUNSET OF AGENCY EMERGENCY RULEMAKING

16 AUTHORITY

17 3 V.S.A. § 844(h) (emergency rulemaking in response to federal action) is
18 repealed on July 1, 2028.

19 * * * Effective Dates * * *

20 Sec. 14. EFFECTIVE DATES

21 (a) This section and sections 13c and 13d shall take effect upon passage.

- 1 (b) All other sections shall take effect on July 1, 2026.