

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations and Military Affairs to which
3 was referred House Bill No. 935 entitled “An act relating to emergency
4 management” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 the bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

8 * * * Ready Response Grant Program * * *

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

10 § 52. READY RESPONSE GRANT PROGRAM

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

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

1 (c) The grant shall be in an amount sufficient to compensate the grantee for
2 all costs incurred to procure and stage food and water in agreed upon quantities
3 and locations, the costs of cycling the food and water at agreed-upon intervals,
4 the value of distribution center storage capacity, the value of operational
5 capacity to stage materials in anticipation of need, and the costs of distribution
6 whenever the Division seeks resource assistance from the grantee or responds
7 to an all-hazards event or state of emergency. As used in this subsection, the
8 “value of operational capacity” includes leased storage space, delivery
9 vehicles, drivers, warehouse selectors, and other operational costs.

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

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

19 * * * Technical Rescue Grant Program * * *

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

21 § 53. TECHNICAL RESCUE GRANT PROGRAM

1 (a) Creation of Program. There is created the Technical Rescue Grant
2 Program to assist Vermont fire departments, emergency medical services
3 agencies, and technical rescue agencies with the improvement of operational
4 readiness and investment in specialized equipment, personal protective gear,
5 and training. The Program shall be administered by the Urban Search and
6 Rescue (USAR) Team program manager.

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

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

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

19 (2) function as regional technical rescue teams providing services in
20 multiple jurisdictions.

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

4 (e) Application review and scoring. The USAR Team program manager
5 shall adopt procedures governing application submission, forms, review,
6 scoring, and recommendation of awards. The procedures for application
7 scoring shall include alignment with the Program priorities in subsection (a) of
8 this section, operational need, geographic service area, feasibility of the
9 proposed project, cost-effectiveness, and sustainability of the applicant's
10 services.

11 (f) Grant recipient reporting; report. Each grant recipient shall submit to
12 the USAR Team program manager a final expenditure report, proof of
13 purchase or training completion, and a narrative description of how the grant
14 improved the recipient's technical rescue capacity. Annually on or before
15 November 15, the USAR Team program manager shall submit a written report
16 to the House Committee on Government Operations and Military Affairs and
17 the Senate Committee on Government Operations summarizing grant awards,
18 outcomes, and Program recommendations.

19 (g) Rulemaking. The USAR Team program manager may adopt rules
20 pursuant to 3 V.S.A. chapter 25 as needed to implement this section.

1 Sec. 2a. 20 V.S.A. § 50 is amended to read:

2 § 50. URBAN SEARCH AND RESCUE TEAM

3 * * *

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

6 * * *

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

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

13 (7) administer the Technical Rescue Grant Program pursuant to section
14 53 of this title.

15 * * *

16 * * * Disability Inclusion in Emergency Planning * * *

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

18 § 2. DEFINITIONS

19 As used in this chapter:

20 * * *

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

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

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

7 * * *

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

12 * * *

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

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

* * *

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

§ 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;
DUTIES

* * *

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

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

(1) Carry out all the requirements of a committee pursuant to EPCRA, including preparing a local emergency planning committee plan. The plan shall be coordinated with the State ~~emergency management plan~~ Emergency Management Plan and may be expanded to address all-hazards identified in the State ~~emergency management plan~~ Emergency Management Plan. A local emergency planning committee shall coordinate with disability-led organizations throughout all phases of emergency management planning. At a minimum, the local emergency planning committee plan shall include the following:

* * *

Sec. 6. [Deleted.]

* * * Town Forest Fire Wardens * * *

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

§ 2603. POWERS AND DUTIES: COMMISSIONER

* * *

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

1 Sec. 8. 10 V.S.A. chapter 83, subchapter 4 is amended to read:

2 Subchapter 4. Forest Fires and Fire Prevention

3 § 2641. TOWN FOREST FIRE WARDENS; ~~APPOINTMENT AND~~
4 ~~REMOVAL~~

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

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

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

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

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

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

§ 2642. SALARY AND COMPENSATION OF TOWN FOREST FIRE

WARDENS

(a) The salary of a town forest fire warden and any deputy town forest fire warden shall be determined by the selectboard members for time spent in the performance of the duties of ~~his or her~~ the warden's office, which shall be paid by the town. ~~In addition thereto, he or she shall receive from the Commissioner \$30.00 annually for fulfilling the requirements of section 2645 of this title and keeping the required State records. He or she shall also receive from the Commissioner \$30.00 per diem for attendance at each training required by the Commissioner. He or she shall also receive annually an amount of \$10.00 for each fire report that is submitted by the forest fire warden under section 2644 of this title.~~

* * *

§ 2643. TOWN'S LIABILITY FOR SUPPRESSION OF FOREST FIRES;

STATE AID

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

1 suppressing a forest fire on land that is not owned by the Agency of Natural
2 Resources.

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

16 (c) For any forest fire on lands owned by the Agency of Natural Resources
17 to be considered eligible for reimbursement from the State, ~~a town forest fire~~
18 ~~warden shall have reported the forest fire to the Commissioner within 14 days~~
19 ~~of extinguishment of the fire as required under section 2644 of this title. For~~
20 ~~reimbursement of fire suppression costs for forest fires on land owned by the~~
21 ~~Agency of Natural Resources, the town forest fire warden and the~~

1 ~~Commissioner or designee shall approve the costs before submission to the~~
2 ~~municipality for payment. The town forest fire warden may submit to the State~~
3 ~~on an annual basis a request for reimbursement of fire suppression costs on~~
4 ~~lands owned by the Agency of Natural Resources. The State shall reimburse a~~
5 ~~town for all applicable forest fire suppression costs when the reimbursement~~
6 ~~request is presented in a form approved by the Commissioner to the~~
7 ~~Commissioner by December 31 of each year. a municipality, unorganized~~
8 ~~town, or gore shall, at a minimum, satisfy the following requirements:~~

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

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

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

20 (4) The Commissioner shall review and approve the request for
21 reimbursement.

1 (d) For requests for reimbursement approved by the Commissioner for
2 forest fire suppression costs of a municipality, unorganized town, or gore on
3 land owned by the Agency of Natural Resources, payment of the costs shall be
4 made by the Commissioner of Finance and Management to the municipality,
5 unorganized town, or gore. The funds for the payment are to be taken from the
6 appropriation for forest fire suppression.

7 § 2644. DUTIES AND POWERS OF FIRE WARDEN

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

19 (b) A town forest fire warden shall ~~keep~~ prepare a report for all forest fires
20 in the warden's jurisdiction that includes, at a minimum, the following
21 information: a record of ~~his or her~~ the warden's acts, the number of forest fires

1 and causes of the forest fires, the areas burned over, and the character and
2 amount of damages done in the warden's jurisdiction. Within ~~two weeks~~ 48
3 hours after the extinguishment of a fire, the town forest fire warden shall file a
4 report of the fire to the Commissioner, ~~but the making of a report under this~~
5 ~~subsection shall not be a charge against the town.~~

6 * * *

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

12 § 2645. OPEN BURNING; PERMITS

13 (a) Except as otherwise provided in this section, a person shall not kindle or
14 authorize another person to kindle a fire in the open air for the purpose of
15 burning natural wood, brush, weeds, or grass without first obtaining
16 ~~permission~~ a permit to kindle a fire from the town forest fire warden or deputy
17 forest fire warden stating when and where ~~such~~ the fire may be kindled and
18 imposing any conditions deemed necessary by the town forest fire warden or
19 deputy forest fire warden. Special forest fire wardens designated by the
20 Commissioner shall issue permits for Category 3 fires on land owned by the
21 Agency of Natural Resources. ~~Wood, brush, weeds, or grass shall not be~~

1 ~~burned if they have been altered in any way by surface applications or injection~~
2 ~~of paints, stains, preservatives, oils, glues, or pesticides. Whenever such~~
3 ~~permission is granted, the fire warden, within 12 hours, shall issue a written~~
4 ~~“Permit to Kindle” for record purposes stating when and where such fire may~~
5 ~~be kindled.~~

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

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

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

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

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

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

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

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

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

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

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

19 (1) “Category 1” includes campfires that meet the following
20 requirements:

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

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

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

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

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

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

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

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

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

(5) “Natural wood” means:

* * *

(2)(6) “Natural wood” does not mean other wood products such as sawdust, plywood, particle board, or press board. “Natural wood” does not mean wood, brush, weeds, or grass if they have been altered in any way by surface applications or injections of paints, stains, preservatives, oils, glues, or pesticides.

* * *

§ 2646. PROCLAMATION BY GOVERNOR PROHIBITING KINDLING
OF FIRES: CLOSING OF ~~WOODLANDS~~ FORESTLANDS

(a) Whenever it appears to the Governor that there is excessive danger of forest fires, ~~he or she~~ the Governor may prohibit by proclamation the kindling of a fire in or adjoining forestland or close any or all sections of ~~woodland~~ forestland, or brushland, in any town for such time as the Governor may designate, to all persons ~~except the owner and his or her household, his or her tenants, servants, or agents and persons in the public employment engaged in abating such fire hazardous condition.~~

(b) Proclamations shall be published in such newspapers of the State and posted in such places and in such manner as the Governor may order in

1 writing. A copy of ~~such publication~~ the proclamation and order, attested by the
2 Secretary of Civil and Military Affairs, shall be filed with the Secretary of
3 State and a like copy shall be furnished to the Commissioner who shall attend
4 to the ~~publication and posting thereof~~ of the proclamation. The expenses of
5 ~~such publication and posting~~ shall be paid by the Department. Notice of
6 removal of restrictions imposed by proclamation shall be in the same manner.

7 § 2647. FIRES IN ~~WOODS~~ FORESTLAND OF ANOTHER; PERMISSION

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

12 § 2648. SLASH REMOVAL

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

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

19 * * *

20 (d) As used in this section, “slash” means the branches, tree tops, and other
21 woody debris left on the forest floor after logging.

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

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

* * *

§ 2992. DEFINITION

VT LEG #388977 v.2

1 contained in this subchapter shall be construed to interfere with general
2 authorization vested by law in a chief engineer of a fire district or chief of a
3 volunteer fire department to give outside aid as provided in sections 2674 and
4 2961 of this title.

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

6 Sec. 11a. INCREASING WILDLAND FIRE RESPONSE CAPACITY

7 TASK FORCE; REPORT

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

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

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

14 (2) Vermont Emergency Management;

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

16 (4) the Green Mountain National Forest;

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

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

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

1 (1) examining available information on wildland fire incidence and
2 existing response capacity, and making recommendations regarding staffing,
3 funding, equipment, supplies, and infrastructure, including vehicles, necessary
4 to increase wildland fire response capacity; and

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

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

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

17 (f) Meetings.

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

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

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

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

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

7 * * * Public Safety Communications * * *

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

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

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

1 (2) \$190,000.00 shall be immediately available for cybersecurity,
2 expanded use of Rapid SOS, and geographic information systems; and

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

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

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

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

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

19 (c) The Department of Public Safety shall submit written reports to the
20 House Committees on Appropriations and on Government Operations and
21 Military Affairs and the Senate Committees on Appropriations and

1 Government Operations concerning the expenditure of monies pursuant to this
2 section. The Department shall submit the written reports on or before May 1,
3 2027, January 15, 2028, and January 15, 2029, concerning the expenditures
4 made during each respective reporting period.

5 (d) After the end of the three-year period described in subdivision (a)(3) of
6 this section, the Department of Public Safety may submit a request to the
7 General Assembly to authorize the use of any remaining monies from the
8 appropriations appropriated or held in reserve pursuant 2022 Acts and
9 Resolves No. 185, Sec. B.1100, as amended by 2023 Acts and Resolves No.
10 78, Sec. C.115 and 2023 Acts and Resolves No. 87, Sec. 49. Any remaining
11 monies shall not be used by the Department unless authorized by the General
12 Assembly.

13 Sec. 13. **[Deleted.]**

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

15 Sec. 13a. PROGRAMS CONTINGENT ON AVAILABILITY OF AGENCY
16 FUNDS

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

* * * Appropriation * * *

Sec. 13b. APPROPRIATION

The sum of \$500,000.00 is appropriated from the General Fund to the Department of Public Safety in fiscal year 2027 for the Ready Response Grant Program administered by the Division of Emergency Management.

* * * Emergency Rule * * *

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

§ 844. EMERGENCY RULES

(a) Where an agency believes that there exists an imminent peril to public health, safety, or welfare, it may adopt an emergency rule. The rule may be adopted without having been prefiled or filed in proposed or final proposed form, and may be adopted after whatever notice and hearing the agency finds to be practicable under the circumstances. The agency shall make reasonable efforts to ensure that emergency rules are known to persons who may be affected by them.

* * *

(g) In the alternative to the grounds specified in subsection (a) of this section, an agency may adopt emergency amendments to existing rules using the process set forth in this section if each of the subdivisions (1)–(5) of this subsection applies. On a majority vote of the entire Committee, the Legislative Committee on Administrative Rules may object to the emergency amendments

1 on the basis that one or more of these subdivisions do not apply or under
2 subdivision (e)(1)(A), (B), or (C) of this section, or both.

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

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

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

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

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

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

17 (5) On the date the emergency rule amendments are adopted pursuant to
18 this subsection, the adopting authority profiles a corresponding permanent rule
19 pursuant to section 837 of this title.

20 (h) In addition to the grounds for emergency rulemaking under subsections
21 (a) and (g) of this section, an agency may adopt an emergency rule under this

1 section if an amendment to a federal statute, rule, or policy will materially
2 conflict with or threaten the ability of the agency to implement a statutory or
3 regulatory program required under Vermont law. On a majority vote of the
4 entire Committee, the Legislative Committee on Administrative Rules may
5 object to proposed emergency rules for adoption under this subsection on the
6 basis that the provisions of this subsection do not apply.

7 **Sec. 13d. SUNSET OF AGENCY EMERGENCY RULEMAKING**

8 **AUTHORITY**

9 3 V.S.A. § 844(h) (emergency rulemaking in response to federal action) is
10 repealed on July 1, 2028.

11 * * * Effective Dates * * *

12 **Sec. 14. EFFECTIVE DATES**

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

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

1 (Committee vote: _____)

2 _____

3 Senator _____

4 FOR THE COMMITTEE