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Vermont Emergency Management and Homeland Security Statutory Authorities Summarized

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Summary

Vermont addresses emergencies and disasters through two statutes. The Civil Defense Act created the state Emergency Management Division, and gives the governor emergency powers, authorizes the rendering of mutual aid, and declares that all emergency management functions be coordinated with the federal government. The Internal Security and Public Safety Act provides for a declaration of a state of emergency and activation of an emergency disaster preparedness plan for the state and counties. Financial and other aid is provided by the state emergency relief and assistance fund, and through grants and loans from both federal and private sources. The governor is authorized to declare a state of emergency, and the state emergency board and local legislative boards may vote to terminate emergencies.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor is authorized to: exercise general control over the Emergency Management Division (EMD); make, amend, and rescind necessary orders, rules, and regulations to carry out emergency management provisions; prepare a plan and program for civil defense; coordinate emergency management with cities and towns; inventory and plan for the needs of municipalities; prepare for civil defense organization mobilization; consider and cooperate with federal officials and plans for civil defense matters; and, institute training and educational programs (Ver. Stat. Ann. tit. 20, §8). Additional emergency powers include leasing, lending, and contracting for real or personal property; providing for the temporary transfers of state, local, and military employees; and seizing or taking food, fuel, clothing medicines, transportation, buildings and to provide compensation for seized property (Ver. Stat. Ann. tit. 20, §11). Powers granted to the governor after issuance of a proclamation of a state of emergency include enforcing laws, formulating plans and necessary regulations, cooperating with federal government, and ordering evacuations if needed (Ver. Stat. Ann. tit. 20, §9).

Emergency Board: The statute established the board, the membership of which consists of the governor (who serves as chair) and legislative leaders. The board is authorized to make expenditures for unforeseen emergencies, and may borrow funds on the state's credit (Ver. Stat. Ann. tit. 32, §131).

Emergency Management Division: The statute created the EMD within the Department of Public Safety. EMD officials are responsible for coordinating the activities of all emergency management organizations within the state, preparation of the radiological emergency response plan, and liaison with other states and federal emergency management agencies (Ver. Stat. Ann. tit. 20, §3).

Emergency Management Districts: The statute required the governor to divide the state into a maximum of 10 districts. Each district is headed by a coordinator, who is responsible for preparing and maintaining a hazardous material response plan (Ver. Stat. Ann. tit. 20, §5).

Local Organization for Emergency Management: Local organizations are to carry out emergency management responsibilities within their town or city limits, and participate in the development of a hazardous chemical incident response plan with the appropriate local emergency planning committees and emergency management districts (Ver. Stat. Ann. tit. 20, §6 (a)).

Towns, cities: The statute authorizes units of local government to make orders, rules, and regulations for emergency management purposes that are not inconsistent with rules issued by the governor or state agencies (Ver. Stat. Ann. tit. 20, §16).

Civil Defense Department: The department is to be established by the governor upon finding that a “war emergency” exists, with the concurrence of the state emergency management board.¹ In such an event, the authorities of the emergency management division are to be transferred to the civil defense department (Ver. Stat. Ann. tit. 20, §12).

Auxiliary state police: The auxiliary force can be trained to assist state police during an emergency (Ver. Stat. Ann. tit. 20, §27).

State Emergency Response Commission (SERC): The statute created the commission and assigned duties related to planning for and response to hazardous material incidents (Ver. Stat. Ann. tit. 20, §§30,31).

Local Emergency Planning Committees: The statute created the committee and assigned duties related to hazardous material incidents (Ver. Stat. Ann. tit. 20, §32).

Regional Emergency Response Commissions: The statute authorized the SERC to create the number of commissions deemed necessary to assist regional emergency management response efforts related to hazardous material incidents (Ver. Stat. Ann. tit. 20, §33).

Preparedness

The commissioner of public safety for the state is authorized to establish mobile support units to augment emergency management operations in disaster-stricken areas (Ver. Stat. Ann. tit. 20, §7).

Citizens, sheriffs, constables, and police officers may be trained as auxiliary state police to assist with emergency management tasks (Ver. Stat. Ann. tit. 20, §27).

State health department officials are directed to plan for and develop a comprehensive emergency management medical program to protect and assist in emergencies or natural disasters (Ver. Stat. Ann. tit. 20, §28).

Declaration Procedures

In the event of a disaster, radiological or hazardous chemical incident, or enemy attack “upon the United States or Canada,” the governor may proclaim a state of emergency (Ver. Stat. Ann. tit. 20, §9).

In order for the “natural disaster” provisions of the statute to apply, municipal authorities must request that the governor issue a state of emergency for a natural disaster (Ver. Stat. Ann. tit. 20, §10).

¹ Note that this and other provisions of the Vermont statute, refer to the emergency management board. Authority for the board (previously codified at Ver. Stat. Ann. tit. 20, §4) was, however, repealed in 1996.

The governor, with the concurrence of the emergency management board, may terminate a state of emergency in any area by motion or upon receiving notice of a municipal legislative body vote (Ver. Stat. Ann. tit. 20, §§13, 14).²

Types of Assistance

The governor is authorized to purchase or lease temporary housing, to provide those housing units to local governments, and to help local governments acquire sites for such housing (Ver. Stat. Ann., tit. 20, §34).

The statute authorizes the governor to use state agencies to remove debris and wreckage from public or private lands (Ver. Stat. Ann., tit. 20, §36).

The governor is authorized to accept federal grants after a disaster, provide a state match of 25% for federal grants, and to make financial grants to individuals, to a maximum of \$5,000, to meet disaster-related necessary expenses (Ver. Stat. Ann. tit. 20, §37).

The emergency board is authorized to make such expenditures from the emergency relief and assistance fund as are necessary to match requirements for federal grants and low interest loans and grants to municipalities. The board may approve expenditures of up to \$1 million to avert an emergency or transfer up to 2% of the general fund budget stabilization reserve for emergency relief assistance. The secretary of administration is to submit an annual report of expenditures for disaster relief and assistance to the General Assembly (Ver. Stat. Ann. tit. 20, §45).³

The disaster relief workers fund may be used to pay a reimbursement to employers for disaster relief services rendered by employees volunteering with the American Red Cross for a maximum period of 14 days (Ver. Stat. Ann. tit. 20, §46).

Mutual Aid

The Emergency Management Assistance Compact is codified (Ver. Stat. Ann. tit. 20, §101 et seq).

The governor is authorized to enter into reciprocal aid agreements and pursue compacts with other states and the federal government (Ver. Stat. Ann. tit. 20, §8(7)).

The governor can sponsor, develop, and approve mutual aid plans and agreements for cities and towns (Ver. Stat. Ann. tit. 20, §8(8)).

² Refer to footnote 1 with reference to the emergency management board.

³ Note that the “emergency board” referred to in this section is authorized to be established at Ver. Stat. Ann. tit. 32, §131.

When mobile support units from other states render aid, the state is authorized to provide reimbursement for travel, subsistence and maintenance expenses, plus death or disability, and to replace losses or damages to supplies and equipment (Ver. Stat. Ann. tit. 20, §7 (d)).

The governor is prohibited from sending mobile support units to other states that lack similar mutual aid agreements (Ver. Stat. Ann. tit. 20, §7(e)).

The governor is authorized to provide “mutual-military aid,” disaster relief, hazard mitigation, and related assistance to other states (Ver. Stat. Ann. tit. 20, §151).

Funding

Offers of federal or private aid (services, equipment, supplies, materials or funds) may be accepted by the governor or specified officers or political subdivisions, and received by specified officers (Ver. Stat. Ann. tit. 20, §17).

The statute established the radiological emergency response fund for planning activities associated with radiological incidents. Persons involved in moving or storing hazardous substances must pay specified fees to the hazardous chemical and substance emergency response fund (Ver. Stat. Ann. tit. 20, §38, 39).

State emergency management appropriations may be used to match federal money for civil defense and emergency management (Ver. Stat. Ann. tit. 20, §25).

The governor is authorized to apply for and disburse federal loans on behalf of local governments, limited to 25% of the annual operating budget, and may recommend cancellation of repayment when there are insufficient revenues (Ver. Stat. Ann. tit. 20, §35).

Hazard Mitigation

See “Mutual Aid,” above.

Continuity of Government Operations

In the event of an attack, the continuity of state government is assured through legally constituted leadership, authority, and responsibility in state government offices and political subdivisions. The statute establishes the order of succession for the governor; state officers are required to designate interim successors. The statute also addresses matters related to local officers, emergency judges, training, specified periods of authority, removal, and resolution of disputes (Ver. Stat. Ann. tit. 20, §181 et seq).

If there is an attack on the United States or Canada, civil action or criminal prosecution may be transferred to unaffected counties or territorial units (Ver. Stat. Ann. tit. 20, §26).

Other

If real or personal property valued at more than \$500 has been acquired for purposes of emergency management, the governor is authorized to offer its return to the owner at fair market value (Ver. Stat. Ann. tit. 20, §15).

Emergency management staff must take an oath of allegiance (Ver. Stat. Ann. tit. 20, §18).

Town or city employees rendering aid outside their host territory have the same powers, duties, immunities as they have when operating within their jurisdiction; emergency management employees have immunity from liability (Ver. Stat. Ann. tit. 20, §§19,20).

Compensation is authorized to be provided for the death or injury of emergency management workers (Ver. Stat. Ann. tit. 20, §21).

Any person owning real estate who voluntarily and without compensation allows the property to be used for sheltering purposes during an enemy attack or drill is not civilly liable for the death or injury to a person, or loss or damage to property (Ver. Stat. Ann. tit. 20, §29).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Vermont Statutes, with Citations

Terms	Citations
Attack	Ver. Stat. Ann. tit. 20, §182 (4)
Civil defense	Ver. Stat. Ann. tit. 20, §2 (4)
Emergency functions	Ver. Stat. Ann. tit. 20, §2 (2)
Emergency interim successor	Ver. Stat. Ann. tit. 20, §182 (2)
Emergency management	Ver. Stat. Ann. tit. 20, §2 (3)
Hazardous chemical or substance	Ver. Stat. Ann. tit. 20, §2 (5)
Hazardous chemical or substance incident	Ver. Stat. Ann. tit. 20, §2 (6)
Radiological incident	Ver. Stat. Ann. tit. 20, §2 (7)
Unavailable	Ver. Stat. Ann. tit. 20, §182 (1)

For Further Research

The citations noted above and other parts of the state code for Vermont may be searched at [<http://198.187.128.12/vermont/lpext.dll?f=templates&fn=fs-main.htm&2.0>].