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S.139

Introduced by Senate Committee on Government Operations

Date:

Subject: Public safety communications; E-911 Board; dispatch services

Statement of purpose of bill as introduced: This bill proposes to expand the jurisdiction of the Enhanced 911 Board to include development, implementation, and supervision of regional public safety dispatch services.

An act relating to the modernization of public safety communications in Vermont

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. TITLE

This act shall be known and may be cited as the Vermont Public Safety Communications Modernization Act of 2023.

Sec. 2. FINDINGS AND INTENT

(a) The General Assembly finds:

(1) Protecting public safety and welfare is an essential function of State government.

(2) A comprehensive and effective public safety communications system comprises both an emergency calling system and a public safety dispatch system.

1 (3) Since 1994, the Enhanced 911 Board has successfully overseen the
2 development and implementation of a nationally recognized, statewide
3 Enhanced 911 system.

4 (4) Over the past few decades, the State has not developed or equitably
5 financed a regional public safety dispatch system.

6 (5) As stated in the 1974 report from the Governor’s Commission on the
7 Administration of Justice, “Police communications as presently structured in
8 Vermont demonstrate more than any other component of law enforcement the
9 dearth of planning and coordination that exists throughout the system.
10 Duplication fostered by this absence of planning is proving costly in terms of
11 efficiency as well as money.” See the Regional Dispatch Working Group
12 Report, dated December 1, 2022, for a brief history of past efforts to improve
13 emergency communications.

14 (6) There are currently approximately 40 dispatch centers in the State,
15 including two State-run public safety answering points, as well as six dispatch
16 centers located in neighboring states, that provide dispatch services for
17 hundreds of local, largely volunteer first responders in Vermont, such as fire,
18 emergency medical, and law enforcement agencies.

19 (7) In several areas of the State, regional dispatch centers have designed,
20 funded, and implemented exceptional systems that practically ensure every

1 caller in their respective catchment areas receives timely and appropriate
2 emergency response services.

3 (8) Some municipalities and State and local agencies rely on the
4 dispatch services offered by the two regional public safety answering points
5 operated by the Vermont State Police in Williston and Westminster, and do not
6 pay directly for those services.

7 (9) Nearly all dispatch centers struggle with staff recruitment and
8 retention. These staffing shortages jeopardize the reliability of public safety
9 communications and exacerbate the stress on existing personnel who provide
10 the critical link between caller and responder.

11 (10) The General Assembly established the Regional Dispatch Working
12 Group in 2022 to make recommendations regarding a new regional dispatch
13 model, including a mechanism for transitioning to and equitably financing that
14 model.

15 (11) In retrospect, the Working Group was not given sufficient time and
16 resources to accomplish its tasks. Despite this, the Working Group made
17 substantial and effective progress with further framing the issues, underscoring
18 the challenges, and compiling significant historical and current data that will
19 underpin the State's future efforts to build a statewide public safety
20 communications system.

1 (b) It is the intent of the General Assembly to draw upon the expertise and
2 successes of the E-911 Board and the existing dispatch centers for the purpose
3 of creating a reliable, resilient, high-quality, secure, interoperable, cost-
4 effective statewide public safety communications system overseen and
5 managed at the State level, and to do so in a manner that does not disrupt or in
6 any way jeopardize either the exceptional dispatch services currently in place
7 or the existing E-911 system.

8 Sec. 3. 30 V.S.A. chapter 87 is amended to read:

9 CHAPTER 87. ~~ENHANCED 911; EMERGENCY~~ PUBLIC SAFETY

10 COMMUNICATIONS SERVICES

11 § 7050. PURPOSE

12 Protecting public safety and welfare is an essential function of State
13 government and, to that end, it is the purpose of this chapter to establish a
14 statewide, reliable, state-of-the art public safety communications system that is
15 equitably and sustainably financed and universally accessible by all persons
16 throughout the State.

17 § 7051. DEFINITIONS

18 As used in this chapter:

19 (1) “Automatic location identification” or “ALI” means the system
20 capability to identify automatically the geographical location of the electronic
21 device being used by the caller to summon assistance and to provide that

1 location information to an appropriate device located at any public safety
2 answering point for the purpose of sending emergency assistance.

3 (2) “ALI “database” or “database” means a derivative, verified set of
4 records ~~which that~~ contain at a minimum a telephone number and location
5 identification for each unique building or publicly used facility within a
6 defined geographic area in Vermont.

7 (3) “Automatic number identification” or “ANI” means the system
8 capability to identify automatically the calling telephone number and to
9 provide a display of that number at any public safety answering point.

10 (4) “Board” means the Vermont ~~Enhanced 911~~ Public Safety
11 Communications Board established under section 7053 of this title.

12 (5) “Caller” means a person or an automated device calling on behalf of
13 a person.

14 (6) “Director” means the Executive Director for the statewide ~~Enhanced~~
15 911 public safety communications system.

16 (7) ~~“Dispatch center” means a facility that provides regional emergency~~
17 ~~dispatch services and may also be a public safety answering point.~~

18 ~~(8) “Dispatchable location” means the location information delivered to~~
19 ~~the public safety answering point with a 911 call.~~

20 (8) “Emergency call system” or “Enhanced 911 system” means a system
21 consisting of devices with the capability to determine the location and identity

1 of a caller ~~that~~ who initiates communication for the purpose of summoning
2 assistance in the case of an emergency. In most cases, summoning assistance
3 will occur when a caller dials the digits 9-1-1 on a telephone, mobile phone, or
4 other IP-enabled service, or by a communication technology designed for the
5 purpose of summoning assistance in the case of an emergency.

6 ~~(8)~~(9) “Emergency response services” means fire, police, medical, and
7 other services of an emergency nature as identified by the Board.

8 (10) “Enterprise communications system” means any networked
9 communication system serving two or more stations or living units within an
10 enterprise and includes circuit-switched networks, such as multiline telephone
11 systems or legacy enterprise communications systems, IP-enabled service, and
12 cloud-based technology.

13 ~~(9)~~(11) “IP-enabled service” means a service, device, or application that
14 makes use of Internet protocol, or IP, and ~~which~~ that is capable of entering the
15 digits 9-1-1 or otherwise contacting the emergency 911 system. IP-enabled
16 service includes ~~voiceover~~ voice over IP and other services, devices, or
17 applications provided through or using wire line, cable, wireless, or satellite or
18 other facilities.

19 ~~(10)~~(12) “Municipality” means any city, town, incorporated village,
20 unorganized town, gore, grant, or other political subdivision of the State.

1 ~~(11)~~(13) “Other methods of locating caller” means those commercially
2 available technologies designed to provide the location information of callers
3 when a call is initiated to access emergency 911 services regardless of the type
4 of device that is used.

5 ~~(12)~~(14) “Public safety answering point” means a facility with the
6 capability to receive emergency calls, operated on a 24-hour basis, assigned the
7 responsibility of receiving 911 calls and dispatching, transferring, or relaying
8 emergency 911 calls to other public safety agencies or private safety agencies.

9 (15) “Public safety communications system” or “system” means a
10 system that comprises an integrated emergency call system and a public safety
11 dispatch system.

12 (16) “Public safety dispatch system” means the system for receiving
13 calls from the Enhanced 911 system or directly from the public and requesting
14 emergency or nonemergency response services, as appropriate.

15 (17) “Regional dispatch center” means a facility and that provides
16 regional public safety dispatch services and may also be a public safety
17 answering point. A regional dispatch center shall be a:

18 (A) State dispatch center operated by the Department of Public
19 Safety;

20 (B) dispatch center that is operational on the effective date of this act
21 and approved by the Board; or

1 (C) union municipal district or public authority formed for the
2 purpose of providing public safety dispatch services and approved by the
3 Board.

4 ~~(13)~~(18) “Selective routing” means a telecommunications switching
5 system that enables all 911 calls originating from within a defined
6 geographical region to be answered at a predesignated public service
7 answering point.

8 ~~(14)~~ “Dispatchable Location” means the location information delivered
9 to the public safety answering point with a 911 call.

10 ~~(15)~~ “Enterprise Communications Systems (ECS)” means any
11 networked communication system serving two or more stations, or living units,
12 within an enterprise. ECS includes circuit-switched networks, such as multi-
13 line telephone systems or legacy ECS, IP-enabled service, and cloud-based
14 technology.

15 ~~(16)~~(19) “Station” means a telephone handset, customer ~~premise~~
16 premises equipment (CPE), or calling device that is capable of initiating a call
17 to 911.

18 § 7052. VERMONT ~~ENHANCED 911~~ PUBLIC SAFETY

19 COMMUNICATIONS BOARD

20 (a) The Vermont ~~Enhanced 911~~ Public Safety Communications Board is
21 established to develop, implement, and supervise the operation of the statewide

1 ~~Enhanced 911~~ public safety communications system. The Vermont Public
2 Safety and Communications Board shall be the successor in interest to and the
3 continuation of the Enhanced 911 Board with respect to the statewide
4 Enhanced 911 system.

5 (b) The Board shall consist of ~~nine~~ 12 members as follows:

6 (1) one county law enforcement officer elected by the membership of
7 the Vermont State Sheriffs' Association;

8 (2) one municipal law enforcement officer elected by the Vermont
9 Association of Chiefs of Police;

10 (3) ~~one official of a municipality~~ two municipal officials appointed by
11 the Executive Director of the Vermont League of Cities and Towns from
12 different geographical regions of the State, one of whom shall represent a
13 municipality with low population density and one of whom shall represent a
14 municipality with high population density;

15 (4) ~~a~~ one firefighter appointed by the Governor;

16 (5) ~~an~~ one emergency medical services provider technician or paramedic
17 appointed by the Governor;

18 (6) ~~a~~ one Department of Public Safety representative appointed by the
19 Commissioner of Public Safety; and three members of the public

20 (7) one public member appointed by the Governor who shall have
21 expertise in finance;

1 (8) one public member appointed by the Governor who shall have
2 technical expertise in public safety communications systems;

3 (9) two professional dispatchers, one of whom shall be appointed by the
4 Governor and one of whom shall be appointed by the Vermont State
5 Employees Association; and

6 ~~(10) Board members shall be appointed by the Governor to three year~~
7 ~~terms, except that the Governor shall stagger initial appointments so that the~~
8 ~~terms of no more than four members expire during a calendar year. In~~
9 ~~appointing Board members, the Governor shall give due consideration to the~~
10 ~~different geographical regions of the State, and the need for balance between~~
11 ~~rural and urban areas. Board members shall serve at the pleasure of the~~
12 ~~Governor.~~ one member appointed by the Commissioner of Health who shall
13 have expertise in the area of public health.

14 (c) Members shall serve terms of three years, except that the members first
15 appointed by the Governor shall each serve an initial term of four years. A
16 vacancy shall be filled by the respective appointing authority for the balance of
17 the unexpired term. A member may be reappointed. A member may be
18 removed for cause only. Any member of the Enhanced 911 Board on July 30,
19 2024 shall serve on the Public Safety Communications Board for the balance
20 of the member's unexpired term as of that date, and may be reappointed. In
21 appointing members to the Board, the Governor shall give due consideration to

1 the different geographical regions of the State and to the need for balance
2 between rural and urban areas. Members who are not State employees or not
3 otherwise compensated in the course of their employment shall receive per
4 diem compensation and expense reimbursement for meetings in accordance
5 with the provisions of 32 V.S.A. § 1010. Members who receive per diem shall
6 receive compensation for ~~no~~ not more than 12 meetings per year.

7 (d) The Governor shall annually appoint a member to serve as Board chair
8 and a member to serve as Board vice chair. The Board shall hold at least four
9 regular meetings a year. Meetings of the Board may be held at any time or
10 place within Vermont upon call of the Chair or a majority of the members,
11 after reasonable notice to the other members, and shall be held at such times
12 and places as in the judgment of the Board will best serve the convenience of
13 all parties in interest. The Board shall adopt rules and procedures with respect
14 to the conduct of its meetings and other affairs. Membership on the Board
15 does not constitute the holding of an office for any purpose, and members of
16 the Board shall not be required to take and file oaths of office before serving
17 on the Board. A member of the Board shall not be disqualified from holding
18 any public office or employment, and shall not forfeit any office or
19 employment, by reason of their appointment to the Board, notwithstanding any
20 statute, ordinance, or charter to the contrary.

1 (e) The Board shall appoint, subject to the approval of the Governor, the
2 Executive Director who shall hold office at the pleasure of the Board. ~~He or~~
3 ~~she~~ The Director shall perform such duties as may be assigned by the Board.
4 The ~~Executive~~ Director is entitled to compensation, as established by law, and
5 reimbursement for the expenses within the amounts available by appropriation.
6 The ~~Executive~~ Director may, with the approval of the Board, hire employees,
7 agents, and consultants and prescribe their duties.

8 (f) The Board may form subcommittees as it deems appropriate to
9 accomplish the purposes of this chapter, including a subcommittee on the
10 Enhanced 911 system and a subcommittee on the public safety dispatch
11 system.

12 § 7053. BOARD; RESPONSIBILITIES AND POWERS

13 (a) The Board shall be the single governmental agency responsible for
14 ~~statewide Enhanced 911~~ the statewide public safety communications system.
15 To the extent feasible, the Board shall consult with the Agency of Human
16 Services, the Department of Public Safety, the Department of Public Service,
17 and local community service providers on the development of policies, system
18 design, standards, and procedures. The Board shall develop designs, standards,
19 and procedures and shall adopt rules on the following:

20 (1) The technical and operational standards for public safety answering
21 points and regional dispatch centers.

1 (2) The system database standards and procedures for developing and
2 maintaining the database. The system database shall be the property of the
3 Board.

4 (3) Statewide, locatable means of identifying customer location, such as
5 addressing, ~~geo-coding~~ geocoding, or other methods of locating the caller.

6 (4) Standards and procedures to ensure system and database security,
7 resiliency, redundancy, and interoperability.

8 (5) Standards and procedures for an application and review process
9 applicable to regional dispatch centers required to obtain Board approval under
10 this chapter.

11 (6) Standards and procedures for reviewing and approving the five-year
12 dispatch plans required under subsection (d) of this section.

13 (7) Standards and procedures for redefining the service territory of a
14 regional dispatch center if deemed necessary by the Board in the interest of
15 public safety.

16 (8) Standards and procedures for ensuring every municipality is a
17 member of a regional dispatch center.

18 ~~(b) (d) [Repealed.]~~

19 ~~(e)~~(b) The Board is authorized to:

1 (1) ~~to~~ make or cause to be made studies of any aspect of the ~~Enhanced~~
2 ~~911~~ public safety communications system, including service, operations,
3 training, database development, and public awareness;

4 (2) ~~to~~ accept and use in the name of the State, subject to review and
5 approval by the Joint Fiscal Committee, any and all donations or grants, both
6 real and personal, from any governmental unit or public agency or from any
7 institution, person, firm, or corporation, consistent with the rules established by
8 the Board and the purpose or conditions of the donation or grant; ~~and~~

9 (3) ~~to~~ exercise all powers and conduct such activities as are necessary in
10 carrying out the Board's responsibilities in fulfilling the purposes of this
11 chapter;

12 (4) negotiate or enter into contracts or agreements on behalf of one or
13 more regional dispatch centers for public safety equipment or services;

14 (5) purchase, lease, or otherwise obtain equipment or services for use by
15 one or more regional dispatch centers; and

16 (6) develop a statewide map of wireless communications "dead zones,"
17 which identifies areas of the State that do not have access to public safety radio
18 communications service.

19 ~~(f)~~(c) The Board shall adopt such rules as are necessary to carry out the
20 purposes of this chapter, including, where appropriate, imposing reasonable

1 fines or sanctions against persons ~~that~~ who do not adhere to applicable Board
2 rules.

3 (d) A regional dispatch center shall submit for Board approval a five-year
4 dispatch plan. The plan shall include:

5 (1) a projected operational budget;

6 (2) mapping of wireless “dead zones” within its service territory;

7 (3) data regarding call volume for each response agency;

8 (4) a minimum training level plan;

9 (5) compliance with technology and equipment standards;

10 (6) redundancy and failover plans that ensure continuity of operations;

11 (7) a description of any efforts to incorporate dispatching mental health
12 services and any other nontraditional response services;

13 (8) a technology lifecycle plan to ensure system upgrades are timely,
14 sufficiently financed, and properly managed;

15 (9) identification of the municipalities within the regional dispatch
16 center’s service territory;

17 (10) identification of the response agencies for whom the regional
18 dispatch center provides dispatch services; and

19 (11) any other information requested by the Board.

20 (e) The Board shall develop a registry comprised of every response agency
21 in the State that requires dispatch services. On or before July 1, 2025, every

1 agency on the registry shall be a member of a regional dispatch center. An
2 agency may receive dispatch services from an entity outside Vermont, subject
3 to Board approval. An agency may transfer its membership to another regional
4 dispatch center, subject to Board approval.

5 (f) A regional dispatch center shall not discontinue or curtail dispatch
6 services without the prior approval of the Board. If a regional dispatch center
7 seeks to dissolve, it shall submit a dissolution plan to the Board. A dissolution
8 plan must be approved by the Board prior to the dissolution of a regional
9 dispatch center.

10 ~~(g), (h) [Repealed.]~~

11 § 7054. ~~FUNDING~~ ENHANCED 911 FUND

12 (a) The Enhanced 911 Fund is created as a special fund subject to the
13 provisions of 32 V.S.A. chapter 7, subchapter 5. Balances in the Fund on June
14 30 of each year shall carry forward and shall not revert to the General Fund.

15 (b) The General Assembly shall annually review and approve an amount to
16 be transferred by the universal service fiscal agent to the Enhanced 911 Fund
17 and shall appropriate some or all of that amount for expenditures related to
18 providing Enhanced 911 services.

19 (c) Into the Enhanced 911 Fund shall be deposited monies transferred from
20 the universal service fiscal agent, any State or federal funds appropriated to the
21 Fund by the General Assembly, any taxes specifically required by law to be

1 deposited into the Fund, and any grants or gifts received by the State for the
2 benefit of the Enhanced 911 system.

3 (d) Disbursements from the Enhanced 911 Fund shall be made by the State
4 Treasurer on warrants drawn by the Director solely for the purposes specified
5 in this chapter. The Director may issue such warrants pursuant to contracts or
6 grants.

7 (e) Disbursements may be made for:

8 (1) nonrecurring costs, including establishing public safety answering
9 points, purchasing network equipment and software, developing databases, and
10 providing for initial training and public education;

11 (2) recurring costs, including network access fees and other telephone
12 charges, software, equipment, database management and improvement, public
13 education, ongoing training, and equipment maintenance;

14 (3) expenses of the Board and the Department of Public Service incurred
15 under this chapter and related to the Enhanced 911 system;

16 (4) costs solely attributable to statewide public safety answering point
17 operations; and

18 (5) costs attributable to demonstration projects designed to enhance the
19 delivery of emergency 911 and other emergency services.

20 (f) Disbursements ~~may~~ shall not be made for:

21 (1) personnel costs for emergency dispatch answering points;

1 (2) construction, purchase, renovation, or furnishings for buildings at
2 emergency dispatch points;

3 (3) two-way radios; and

4 (4) emergency response vehicles and associated equipment.

5 § 7054a. REGIONAL DISPATCH FUND; ASSESSMENT; DISTRIBUTION

6 (a) The Regional Dispatch Fund is created as a special fund subject to the
7 provisions of 32 V.S.A. chapter 7, subchapter 5. Balances in the Fund on June
8 30 of each year shall carry forward and shall not revert to the General Fund.

9 (b) Into the Fund shall be deposited any State or federal funds appropriated
10 to the Fund by the General Assembly, any taxes or fees specifically required
11 by law to be deposited into the Fund, and any grants or gifts received by the
12 State for the benefit of the public safety dispatch system.

13 (c) Disbursements from the Fund shall be made by the State Treasurer on
14 warrants drawn by the Director solely for the purposes specified in this
15 chapter. The Director may issue such warrants pursuant to contracts or grants.

16 (d) Disbursements may be made for:

17 (1) nonrecurring costs, including establishing regional dispatch centers,
18 purchasing network equipment and software, developing databases, and
19 providing for initial training and public education;

1 (2) recurring costs, including network access fees and other telephone
2 charges, software, equipment, database management and improvement, public
3 education, ongoing training, and equipment maintenance;

4 (3) expenses of the Board incurred under this chapter that are related to
5 oversight and management of the public safety dispatch system;

6 (4) costs solely attributable to regional dispatch center operations; and

7 (5) costs attributable to demonstration projects designed to enhance the
8 delivery of public safety dispatch services.

9 (e) Disbursements shall not be made for:

10 (1) emergency response vehicles and associated equipment not directly
11 used to support or enhance the public safety communications system;

12 (2) costs solely attributable to dispatch services provided to a State
13 agency by a State regional dispatch center.

14 (f)(1) Beginning in fiscal year 2028, a municipality shall pay an annual
15 dispatch assessment to the Board, which shall be deposited into the Regional
16 Dispatch Fund. The assessment shall be calculated based on the following
17 formula: $T = B \times G + R \times C$.

18 (2) For purposes of this subsection:

19 (A) T = total owed to the Fund.

20 (B) B = statewide base fee.

1 (C) G = percentage of statewide equalized grand list contained in the
2 municipality.

3 (D) R = remainder of total owed to the Fund.

4 (E) C = statewide percentage of the three-year rolling average of call
5 volume originating from the municipality.

6 (3) The statewide base fee shall include the Board's administrative costs
7 pertaining to oversight and management of the public safety dispatch system.
8 The statewide base fee shall be approved annually by the General Assembly as
9 part of the budget process prior to the Board's annual collection of the dispatch
10 assessment. The Board shall define in rule what constitutes "call volume" for
11 purposes of this subsection and subsection (g) of this section. In addition, the
12 Board shall determine an annual assessment rate applicable to unorganized
13 towns and gores.

14 (g)(1) Beginning in fiscal year 2028, the Board shall annually distribute
15 money from the Fund to a regional dispatch center pursuant to the following
16 formula: $F = \Sigma (T \times K)$.

17 (2) As used in this subsection:

18 (A) F = funds distributed to a regional dispatch center.

19 (B) T = total that a member municipality paid into the Fund.

20 (C) K = the ratio of a municipality's call volume that was served by
21 the municipality.

1 (C) investigation, by law enforcement personnel, of false or
2 intentionally misleading reports of incidents requiring emergency services;

3 (D) assisting in the implementation of a statewide emergency
4 notification system;

5 (E) provision of emergency dispatch services by public safety
6 answering points in other states that are under contract with local law
7 enforcement and emergency response organizations; or

8 (F) coordinating with state and local service providers for the
9 provision of emergency dispatch services that serve individuals with a
10 disability, elders, and other populations with special needs.

11 (2) No person shall use customer ALI or ANI information to create
12 special 911 databases for any private purpose or any public purpose
13 unauthorized by this chapter.

14 (b) Notwithstanding the provisions of subsection (a) of this section,
15 customer ALI or ANI information obtained in the course of responding to an
16 emergency call may be included in an incident report prepared by emergency
17 response personnel, in accordance with rules adopted by the Board.

18 (c) Information relating to customer name, address, and any other specific
19 customer information collected, organized, acquired, or held by the Board, the
20 entity operating a public safety answering point or regional dispatch center or
21 administering the ~~Enhanced 911~~ public safety communications database, or

1 emergency service provider is not public information and is exempt from
2 ~~disclosure under 1 V.S.A. chapter 5, subchapter 3~~ public inspection and
3 copying under the Public Records Act.

4 (d) If a municipality has adopted conventional street addressing for
5 Enhanced 911 addressing purposes, the municipality shall ensure that an
6 individual who so requests will not have ~~his or her~~ the individual's street
7 address and name linked in a municipal public record, but the individual shall
8 be required to provide a mailing address. The request required by this
9 subsection shall be in writing and shall be filed with the municipal clerk.
10 Requests under this subsection shall be confidential. A form shall be prepared
11 by the Board and made generally available to the public by which the
12 confidentiality option established by this subsection may be exercised.

13 (e) Notwithstanding any provision of law to the contrary, no person acting
14 on behalf of the State of Vermont or any political subdivision of the State shall
15 require an individual to disclose ~~his or her~~ the individual's Enhanced 911
16 address, provided that the individual furnishes ~~his or her~~ an alternative mailing
17 address.

18 § 7060. LIMITATION OF LIABILITY

19 No person shall be liable in any suit for civil damages who in good faith
20 receives, develops, collects, or processes information for the ~~Enhanced 911~~
21 public safety communications database or develops, designs, adopts,

1 establishes, installs, participates in, implements, maintains, or provides access
2 to telephone, mobile, or IP-enabled service for the purpose of helping persons
3 obtain emergency assistance in accordance with this chapter unless such action
4 constitutes gross negligence or an intentional tort. In addition, no provider of
5 telephone, mobile, or other IP-enabled service or a provider's respective
6 employees, directors, officers, assigns, affiliates, or agents shall be liable for
7 civil damages in connection with the release of customer information to any
8 governmental entity, including any public safety answering point or regional
9 dispatch center, as required under this chapter.

10 § 7061. ENFORCEMENT AND PENALTIES

11 (a) The Board may file a civil action for injunctive relief in the Civil
12 Division of the Washington County Superior Court to enforce a provision of
13 this chapter or a rule adopted by the Board under this chapter. The ~~court~~ Court
14 shall award the Board its costs and reasonable attorney's fees in the event that
15 the Board prevails in an action under this subsection.

16 (b) A person who violates the provisions of section 7059 of this title shall
17 be imprisoned not more than one year or fined not more than \$10,000.00, or
18 both.

19 (c) An aggrieved individual may maintain an action in the Civil Division of
20 Superior Court for damages, injunctive relief, costs, and attorney's fees against

1 any person who intentionally or with gross negligence violates any provision
2 of, or rules adopted under, section 7059 or subsection 7055(b) of this title.

3 § 7062. INTERAGENCY COOPERATION AND ASSISTANCE

4 (a) The Board, in consultation with the Secretary of Administration, shall
5 develop procedures and best practices for agency cooperation and coordination
6 on matters of overlapping jurisdiction. The primary purpose of this section is
7 to ensure the Board has access to information related to its oversight and
8 management authority under this chapter, including any relevant information
9 maintained by the Department of Public Service, the Department of Public
10 Safety, and the Agency of Digital Services.

11 (b) Nothing in this section shall be construed to waive any privilege or
12 protection otherwise afforded information by law due solely to the fact that the
13 information is shared with the Board pursuant to this section.

14 (c) The Secretary of Administration, in consultation with the Board and any
15 other affected State agency, may develop a plan for transferring State-owned
16 infrastructure and equipment to the Board to support and enhance the statewide
17 public safety communications system, or for establishing protocols for the
18 shared use of such infrastructure or equipment, or both, as deemed appropriate
19 by the Secretary in the interest of promoting public safety consistent with the
20 purposes of this chapter.

1 Sec. 4. PUBLIC SAFETY COMMUNICATIONS MODERNIZATION

2 PROCESS

3 (a) Oversight. The E-911 Board shall initiate and oversee the transition to
4 the statewide public safety communications system contemplated by this act
5 until such time as the Vermont Public Safety Communications Board becomes
6 operational, at which point the newly established Board shall complete the
7 transition process. The Executive Director may retain or employ technical
8 experts and other officers, agents, employees, and contractors as are necessary
9 to give effect to the act's purposes.

10 (b) Fund. There is created a special fund in the State Treasury to be known
11 as the Public Safety Communications Transition Fund, which shall be
12 administered by the E-911 Board. The Board may authorize disbursements
13 from the Fund to carry out the purposes of this section. The Fund shall be
14 composed of any monies transferred or appropriated to the Fund by the
15 General Assembly or received from any other source, public or private, subject
16 to the provisions of 32 V.S.A. § 5. Unexpended balances and any earnings
17 shall remain in the Fund for use in accord with the purposes of this section
18 until July 1, 2026, at which time the Fund shall cease to exist and any
19 remaining balance shall be transferred to the Regional Dispatch Fund
20 established in 30 V.S.A. § 7054a.

21 (c) Advisory committee.

1 (1) A Public Safety Communications Advisory Committee is established
2 to make recommendations to and advise the Board on the transition process
3 established in this section. The Committee shall comprise technology experts
4 and public safety stakeholders to focus on critical aspects of a statewide public
5 safety communications system. Members shall include:

6 (A) the Commissioner of Public Safety or designee;

7 (B) a representative from the Department of Public Safety appointed
8 by the Commissioner of Public Safety;

9 (C) the Secretary of Digital Services or designee;

10 (D) the Commissioner of Public Service or designee;

11 (E) a representative from a telecommunications provider subject to
12 the jurisdiction of the Public Utility Commission appointed by the
13 Commissioner of Public Service;

14 (F) the Director of Emergency Preparedness, Response and Injury
15 Prevention, Department of Health;

16 (G) the Chair of the Regional Dispatch Working Group established
17 by the General Assembly in Act 185 of 2022;

18 (H) one member appointed by the Board who shall have expertise
19 relevant to the purposes of this section;

20 (I) one member appointed by Vermont Care Partners with expertise
21 in emergency mental health services;

1 (J) two firefighters, one appointed by the Vermont Career Fire Chiefs
2 Association and one appointed by the Vermont Fire Chiefs Association;

3 (K) one municipal law enforcement officer appointed by the Vermont
4 Association of Chiefs of Police;

5 (L) one emergency medical technician or paramedic appointed by the
6 Vermont State Ambulance Association;

7 (M) two professional dispatchers, one of whom shall be appointed by
8 a municipal dispatch center and one of whom shall be appointed by the
9 Vermont State Employees Association; and

10 (N) two municipal officers appointed by the Executive Director of
11 the Vermont League of Cities and Towns who shall represent different
12 geographic regions of the State.

13 (2) Except for those members otherwise regularly employed by the
14 State, the compensation of the Committee's members is that provided in 32
15 V.S.A. § 1010(a). All members, including members otherwise regularly
16 employed by the State, shall receive their actual and necessary expenses when
17 away from home or office upon their official duties under this section.

18 (3) The Board shall appoint a chair and vice chair. Meetings shall be
19 held at the call of the Chair or at the request of two members. A majority of
20 sitting members shall constitute a quorum, and action taken by the Committee

1 under this section may be authorized by a majority of the members present and
2 voting.

3 (4) The Advisory Committee shall cease to exist on July 1, 2029.

4 (d) Transition process. The transition to a statewide public safety
5 communications system shall occur in essentially three phases as specified in
6 this subsection; however, certain aspects of each phase may occur
7 simultaneously as deemed appropriate by the Board.

8 (1) Data collection. The Board shall perform an analysis of existing
9 dispatch services in the State, including how they are financed and the
10 technology used to support them. Accordingly, the Board shall:

11 (A) conduct an inventory of all existing dispatch infrastructure and
12 equipment, including facilities, hardware, software, applications, and land
13 mobile radio systems, referring to and incorporating any existing relevant data
14 collected by a State or municipal entity;

15 (B) determine the number of full-time and part-time personnel
16 currently performing dispatch services, taking into account personnel who
17 have other responsibilities in addition to providing dispatch services;

18 (C) identify the person at each dispatch center who is responsible for
19 coordinating and overseeing dispatch services;

20 (D) determine the current total spending on dispatch services, taking
21 into account all State and municipal appropriations and fees;

1 (E) map the wireless communications “dead zones” in the State,
2 taking into consideration all cell towers that are part of the FirstNet statewide
3 public safety radio access network; cellular mapping efforts conducted by the
4 Department of Public Service; the results of any propagation studies
5 undertaken by the Board; and any existing, relevant mapping data collected by
6 a regional dispatch center or other entity; and

7 (F) conduct a community needs assessment with the assistance of the
8 Vermont League of Cities and Towns to determine where and to what extent
9 there are gaps in dispatch services or significant challenges to the delivery of
10 dispatch services.

11 (2) Design. The Board shall design an equitably financed regional
12 dispatch system that is part of a broader statewide public safety
13 communications system. Accordingly, the Board shall:

14 (A) Establish technical and operational standards and protocols that
15 ensure an interoperable and resilient statewide public safety communications
16 system that incorporates computer-aided dispatch systems and land mobile
17 radios.

18 (B) Develop technology lifecycle standards to ensure system and
19 database upgrades are timely, sufficiently financed, and properly managed.

20 (C) Establish system and database security and cybersecurity
21 standards.

1 (D) Develop continuity of operations standards and best practices
2 that encompasses failover procedures and other system redundancies to ensure
3 the continuous performance of mission critical operations, and that requires
4 testing of a regional dispatch center’s continuity of operations plan at regular
5 intervals.

6 (E) Establish initial training and continuing education standards for
7 emergency communications personnel, including recommended minimum
8 staffing levels at dispatch centers and other measures designed to support the
9 retention and wellbeing of dispatch personnel.

10 (F) Develop a resource allocation plan that ensures dispatch services
11 are available in all regions of the State, including the establishment of new
12 dispatch centers or expanded capacity and capability of existing dispatch
13 centers, if deemed appropriate by the Board.

14 (G) Establish a process for annually reviewing the budgets of
15 dispatch centers.

16 (H) Seek to establish on or before July 1, 2024 at least one new
17 regional dispatch center that meets the design standards and protocols
18 developed under this subsection and that provides service in areas of the State
19 that presently face significant challenges with respect to reliably providing
20 dispatch services. The Board may provide grants for the establishment of new
21 regional dispatch centers or for expanded capacity at existing regional dispatch

1 centers consistent with the purposes of this act. Any such grant may be
2 matched with other funds, including funds derived from the collection formula
3 established under 30 V.S.A. § 7054a(i), in an amount deemed appropriate by
4 the Board.

5 (3) Implementation. The Board shall seek to have a fully operational,
6 integrated public safety communications system on or before July 1, 2026. As
7 part of the implementation phase, the Board shall test, inspect, and adjust the
8 system to ensure it performs as required. Once the system is fully operational,
9 the Board shall continue to monitor and evaluate systemwide performance and
10 make improvements where needed.

11 (e) Interagency cooperation. It is essential that all departments in State
12 government with expertise in public safety and emergency management
13 services, information technology, and communications networks provide
14 timely and comprehensive data and assistance requested by the Board in
15 furtherance of its objectives under this section.

16 (f) Report. On or before January 15, 2024, and annually thereafter for three
17 consecutive years, the Board shall submit a status report to the General
18 Assembly and the Governor. The report shall include a summary of the
19 Board's progress with the transition process described in this section and may
20 include policy recommendations for improving and strengthening that process
21 or, more broadly, with regard to the oversight and management of the public

1 safety communications system established by this act. The initial report of the

2 Board shall include:

3 (1) a recommendation for collecting money from a municipality or
4 response agency that receives dispatch services from a State public safety
5 answering point free of charge and for distributing such funds to the State
6 public safety answering point, beginning on July 1, 2024;

7 (2) a recommendation for transferring existing positions in Radio
8 Technology Services in the Department of Public Safety to the Board, or for
9 creating new positions, if deemed appropriate by the Board;

10 (3) a recommendation for waiving, in whole or in part, the dispatch
11 assessment for a municipality that provides dispatch services only for local
12 agencies within its municipal boundaries;

13 (4) a recommendation on how the requirements of this act should apply
14 to municipalities and emergency response agencies that are served by dispatch
15 centers and emergency response agencies outside Vermont;

16 (5) a recommendation regarding the membership on the Vermont Public
17 Safety Communications Board and whether additional members should be
18 included;

19 (6) a recommendation for how mental health response services could be
20 incorporated into dispatch services; and

1 (7) any other recommendations related to Sec. 3 of this act that will
2 better serve the act's purposes.

3 (g) State employment contracts. Any new training or continuing education
4 or other requirements established by the Board that affect the terms or
5 conditions of State employment shall be the subject of impact bargaining
6 between the State and the collective bargaining representative for the
7 employee's bargaining unit to the extent required by any collective bargaining
8 agreements between the parties.

9 Sec. 5. APPROPRIATION TRANSFER

10 Any unobligated funds remaining of the \$11,000,000.00 of one-time
11 General Funds appropriated by the General Assembly to the Department of
12 Public Safety for regional dispatch funding pursuant to 2022 Acts and
13 Resolves No. 185, Sec. B.1100, (b) shall be transferred to the Public Safety
14 Communications Transition Fund established in Sec. 4 of this act and used for
15 the purposes of that Fund. As used in this section, "unobligated funds"
16 includes any amounts for specific dispatch projects, technical expertise, and
17 project management previously approved by the Joint Fiscal Committee.

18 Sec. 6. GRANT ADMINISTRATION REDESIGNATION

19 (a) Unless prohibited under federal law, the E-911 Board shall be
20 redesignated as the responsible entity for administering the \$9,000,000.00 in
21 Congressionally Directed Spending appropriated under the federal

1 Consolidated Appropriations Act, 2023, Public Law No. 117-328, to support
2 Vermont's transition to a modernized, regional communications network.

3 (b) If federal law prohibits the redesignation specified in subsection (a) of
4 this section, then the Commissioner of Public Safety shall consult with the
5 Board on all grant disbursements.

6 Sec. 7. POSITIONS; APPROPRIATION

7 (a) Eight permanent classified positions are created within the Enhanced
8 911 Board to assist with the transition to and continued management and
9 oversight of the statewide public safety communications system established by
10 this act.

11 (b) The E-911 Board is authorized to review and adjust the compensation
12 of the Executive Director to adequately reflect the additional responsibilities
13 established by this act.

14 (c) There is appropriated to the E-911 Board from the General Fund in
15 fiscal year 2024 the sum of \$1,000,000.00.

16 Sec. 8. CONFORMING STATUTORY REVISIONS

17 When preparing the Vermont Statutes Annotated for publication, the Office
18 of Legislative Council shall make the following revisions throughout the
19 statutes as needed for consistency with Sec. 3 of this act (establishing the
20 Vermont Public Safety Communications Board), provided the revisions have
21 no other effect on the meaning of the affected statutes:

1 (1) replace “Enhanced 911 Board” or “E-911 Board” with “Public
2 Safety Communications Board”;

3 (2) replace “Vermont Enhanced 911 Board” or “Vermont E-911 Board”
4 with “Vermont Public Safety Communications Board”;

5 (3) revisions that are substantially similar to those described in
6 subdivisions (1) and (2) of this section.

7 Sec. 9. EFFECTIVE DATES

8 This act shall take effect on passage, except that Sec. 3 (establishing the
9 Vermont Public Safety Communications Board) and Sec. 8 (authority to make
10 conforming statutory revisions) shall take effect on July 1, 2024.