

S.139 – As Introduced – Section by Section Summary
 An Act Relating to the Modernization of Public Safety Communications in Vermont
 Senate Committee on Government Operations – Committee Bill
 March 28, 2023 – Maria Royle, Legislative Counsel

Section	Page(s)	Subject
Sec. 1	1	Title – Vermont Public Safety Communications Modernization Act of 2023
Sec. 2	1-4	Findings and Intent <ul style="list-style-type: none"> • Protecting public safety and welfare is an essential function of State government • 6 public safety answering points (PSAPs) – 911 call taking (<i>some dispatching</i>) <ul style="list-style-type: none"> ○ 2 State police (Williston and Westminster) ○ 1 county sheriff’s office (Lamoille County) ○ 3 municipal police departments (Shelburne, St. Albans, Hartford) • 40 dispatch centers in VT; 6 outside VT • 100s of local, largely volunteer first responders (fire; ambulance; police) • Existing inequities in service and financing • Dispatch staffing shortages • Intent – Establish State level oversight and management of a statewide public safety communications system in a manner that does not disrupt or in any way jeopardize either the exceptional dispatch services currently in place or the existing E-911 system
Sec. 3	4-25	Vermont Public Safety Communications Board – <i>effective on July 1, 2024</i> <ul style="list-style-type: none"> • Expands the jurisdiction of the existing E-911 Board to include development, implementation, and oversight of a statewide “<u>public safety communications system</u>” comprising an integrated: <ul style="list-style-type: none"> ○ Emergency call system (existing jurisdiction of the Board) ○ Public safety dispatch system (new jurisdiction of the Board)

	<ul style="list-style-type: none"> • § 7050 – Purpose <ul style="list-style-type: none"> ○ Protecting public safety and welfare is an essential function of State government and, to that end, it is the purpose of this chapter to establish a statewide, reliable, state-of-the art public safety communications system that is equitably and sustainably financed and universally accessible by all persons throughout the State • § 7051 – Definitions <ul style="list-style-type: none"> ○ “<u>Public safety dispatch system</u>” means the system for receiving calls from the Enhanced 911 system or directly from the public and requesting emergency or nonemergency response services, as appropriate ○ “<u>Regional dispatch center</u>” (RDC) means a facility that provides regional public safety dispatch services and may also be a public safety answering point. A regional dispatch center shall be a: <ul style="list-style-type: none"> ▪ State dispatch center operated by the Department of Public Safety ▪ Dispatch center that is operational on the effective date of this act and approved by the Board ▪ Union municipal district or public authority formed for the purpose of providing public safety dispatch services and approved by the Board • § 7052 – Public Safety Communications Board <table border="1" data-bbox="390 760 2001 1422"> <tr> <td data-bbox="390 760 1163 1422"> E-911 Board (existing) <ul style="list-style-type: none"> • Enhanced 911 system • 9 members <ul style="list-style-type: none"> ○ 1 county law enforcement officer <ul style="list-style-type: none"> ▪ VT State Sheriff’s Assoc. ○ 1 muni law enforcement officer <ul style="list-style-type: none"> ▪ VT Assoc. of Chiefs of Police ○ 1 official of a municipality <ul style="list-style-type: none"> ▪ Governor ○ 1 firefighter <ul style="list-style-type: none"> ▪ Governor ○ 1 EMS provider <ul style="list-style-type: none"> ▪ Governor ○ 1 Dept. Public Safety rep <ul style="list-style-type: none"> ▪ Governor ○ 3 members of the public <ul style="list-style-type: none"> ▪ Governor </td> <td data-bbox="1163 760 2001 1422"> PSC Board (successor in interest) <ul style="list-style-type: none"> • Public safety communications system • 12 members <ul style="list-style-type: none"> ○ 1 county law enforcement officer <ul style="list-style-type: none"> ▪ VT State Sheriff’s Assoc. ○ 1 muni law enforcement officer <ul style="list-style-type: none"> ▪ VT Assoc. of Chiefs of Police ○ 2 muni officials (geographic and pop. diversity) <ul style="list-style-type: none"> ▪ VLCT ○ 1 firefighter <ul style="list-style-type: none"> ▪ Governor ○ 1 EMS provider <ul style="list-style-type: none"> ▪ Governor ○ 1 Dept. Public Safety rep <ul style="list-style-type: none"> ▪ Commissioner ○ 1 public member (with finance expertise) <ul style="list-style-type: none"> ▪ Governor ○ 1 public member (with technical expertise) </td> </tr> </table> 	E-911 Board (existing) <ul style="list-style-type: none"> • Enhanced 911 system • 9 members <ul style="list-style-type: none"> ○ 1 county law enforcement officer <ul style="list-style-type: none"> ▪ VT State Sheriff’s Assoc. ○ 1 muni law enforcement officer <ul style="list-style-type: none"> ▪ VT Assoc. of Chiefs of Police ○ 1 official of a municipality <ul style="list-style-type: none"> ▪ Governor ○ 1 firefighter <ul style="list-style-type: none"> ▪ Governor ○ 1 EMS provider <ul style="list-style-type: none"> ▪ Governor ○ 1 Dept. Public Safety rep <ul style="list-style-type: none"> ▪ Governor ○ 3 members of the public <ul style="list-style-type: none"> ▪ Governor 	PSC Board (successor in interest) <ul style="list-style-type: none"> • Public safety communications system • 12 members <ul style="list-style-type: none"> ○ 1 county law enforcement officer <ul style="list-style-type: none"> ▪ VT State Sheriff’s Assoc. ○ 1 muni law enforcement officer <ul style="list-style-type: none"> ▪ VT Assoc. of Chiefs of Police ○ 2 muni officials (geographic and pop. diversity) <ul style="list-style-type: none"> ▪ VLCT ○ 1 firefighter <ul style="list-style-type: none"> ▪ Governor ○ 1 EMS provider <ul style="list-style-type: none"> ▪ Governor ○ 1 Dept. Public Safety rep <ul style="list-style-type: none"> ▪ Commissioner ○ 1 public member (with finance expertise) <ul style="list-style-type: none"> ▪ Governor ○ 1 public member (with technical expertise)
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		<ul style="list-style-type: none"> • 3-year terms • May be reappointed • Serve <u>at pleasure</u> of Gov • Gov appointments (geographic and pop. diversity) • Gov appoints chair and vice chair • Compensation and reimbursement 32 VSA § 1010 • Meetings at call of Chair or majority of members • Board appoints ED, subject to Gov approval • ED, with Board approval, may hire employees, etc 	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Governor ○ 2 professional dispatchers <ul style="list-style-type: none"> ▪ 1 - Governor ▪ 1 - VSEA ○ 1 public health expert <ul style="list-style-type: none"> ▪ Commissioner of Health • 3-year terms • May be reappointed • <u>Removal for cause only</u> • Gov appointments (geographic and pop. diversity) • Gov appoints chair and vice chair • <u>Current members serve for balance of their unexpired term and may be reappointed</u> • Compensation and reimbursement 32 V.S.A. § 1010 • Meetings at call of Chair or majority of members • Board appoints ED, subject to Gov approval • ED, with Board approval, may hire employees, etc.
<ul style="list-style-type: none"> • § 7053 – Board Responsibilities and Powers <ul style="list-style-type: none"> ○ Rules <ul style="list-style-type: none"> ▪ Technical and operational standards for PSAPs and regional dispatch centers ▪ System database standards and procedures ▪ Locatable addressing standards ▪ Standards and procedures to ensure system and database security, resiliency, redundancy, and interoperability ▪ Standards and procedures for RDC application and review process ▪ Standards and procedures for redefining an RDC’s service territory if Board deems necessary in the interest of public safety ▪ Standards and procedures for ensuring every municipality is a member of a RDC ○ Authority <ul style="list-style-type: none"> ▪ Conduct studies 			

- Accept funds
- Exercise powers and conduct activities necessary to carry out responsibilities under this chapter
- Negotiate or enter into contracts on behalf of one or more RDCs for public safety equipment or services
- Purchase, lease, or otherwise obtain equipment or services for use by one or more RDCs
- Develop a statewide map of wireless communications “dead zones,” which identifies areas of the State that do not have access to public safety radio communications service
- RDC must submit a 5-year dispatch plan for Board approval, which shall include:
 - Projected operational budget
 - Mapping of dead zones
 - Call volume for each response agency
 - Minimum training level plan
 - Compliance with technology and equipment standards
 - Redundancy and failover plans that ensure continuity of operations
 - Description of any efforts to incorporate dispatching mental health services and any other nontraditional response services
 - Technology lifecycle plan to ensure system upgrades are timely, sufficiently financed, and properly managed
 - Identification of the municipalities within the RDCs service territory
 - Identification of the response agencies for whom the RDC provides dispatch services
- Board develops a response agency registry
 - On or before July 1, 2025, every agency must be a member of a RDC
 - May receive dispatch services from an entity outside VT, subject to Board approval
 - May transfer membership to another RDC, with Board approval
- RDC may not discontinue or curtail services without Board’s prior approval
 - If RDC seeks to dissolve, must submit a dissolution plan for Board approval prior to dissolution
- **§ 7054 – Enhanced 911 Fund**
 - Existing special fund for 911 system costs
 - Continues to receive revenue from the VT Universal Service Fund
 - Disbursements same (nonrecurring and recurring costs; expenses of Board and Department of Public Service related to 911 system; costs solely attributable to PSAP operations and 911 demonstration projects)
 - Disbursements not allowed for dispatch services and equipment, and emergency response vehicles and associated equipment

- **§ 7054a – Regional Dispatch Fund; Assessment; Distribution**
 - Special fund for dispatch system costs
 - Deposits from State/federal appropriations; any required taxes or fees; grants/gifts for public safety dispatch
 - Disbursements for nonrecurring and recurring costs; Board expenses related to dispatch oversight and management; and costs solely attributable to dispatch operations and demonstration projects
 - Disbursements not allowed for emergency response vehicles and equipment
 - Annual dispatch assessment
 - Begins in fiscal year 2028
 - Collected from all municipalities
 - Formula: $T = B \times G + R \times C$
 - T = total owed to the Fund
 - B = statewide base fee
 - G = percentage of statewide equalized grand list contained in the municipality
 - R = remainder of total owed to the Fund (above the base, modified by C)
 - C = statewide percentage of the 3-year rolling average of call volume originating from the municipality
 - Statewide base fee includes Board’s admin costs; must be approved annually by General Assembly as part of budget process prior to collection
 - Board defines in rule what constitutes “call volume” (for collection and for distribution)
 - Board determines an annual assessment rate applicable to unorganized towns and gores
 - Annual distributions to RDCs
 - Begins in fiscal year 2028
 - Formula: $F = \Sigma (T \times K)$
 - F = funds distributed to a RDC
 - T = total that a member municipality paid into the Fund
 - K = the ratio of a municipality’s call volume that was served by the municipality (*RDC?*)
 - State dispatching for State agencies paid for by annual General Fund appropriation
 - “Municipality” means a city, town, incorporated village, unorganized town, or gore
 - RDC established on or after July 1, 2024, and its member municipalities, may be subject to the assessment and funding formulas established in this section, which shall reflect a regional base fee approved by JFC
- (**§§ 7055 – 7058** remain in statute unchanged)

		<ul style="list-style-type: none"> • § 7059 – Confidentiality of System Information <ul style="list-style-type: none"> ○ Existing confidentiality provisions extended to apply to RDCs and the public safety communications database • § 7060 – Limitation of Liability <ul style="list-style-type: none"> ○ Existing limitations extended to apply to RDCs and the public safety communications database • § 7061 – Enforcement and Penalties <ul style="list-style-type: none"> ○ Terms updated but substantively this section remains unchanged (allows Board to file a civil action for injunctive relief to enforce laws and rules; and allows aggrieved individuals to file a civil action) • § 7062 – Interagency Cooperation and Assistance <ul style="list-style-type: none"> ○ Board, in consultation with the Secretary of Admin, develops procedures and best practices for agency cooperation and coordination on matters of overlapping jurisdiction ○ Primary purpose is to ensure Board has access to information related to its oversight and management authority, including relevant info maintained by the Department of Public Safety, the Department of Public Service, and the Agency of Digital Services ○ Confidentiality maintained ○ Secretary of Admin, in consultation with the Board and any other affected State agency, may develop a plan for transferring State-owned infrastructure and equipment to the Board to support and enhance the statewide public safety communications system, or for establishing protocols for the shared use of such infrastructure or equipment, or both, as deemed appropriated by the Secretary in the interest of promoting public safety consistent with the purposes of this chapter
Sec. 4	26-34	<p>Public Safety Communications Modernization Process – <i>effective on passage</i></p> <ul style="list-style-type: none"> • Oversight – initiated by E-911 Board; completed by PSC Board • Fund - Public Safety Communications Transition Fund <ul style="list-style-type: none"> ○ Temporary special fund to pay for transition costs ○ <i>See Sec. 5</i> (unobligated remaining funds of \$11 million from FY 23 General Fund appropriation) ○ On July 1, 2026, any unexpended balance transferred to the Regional Dispatch Fund • Advisory Committee - Public Safety Communications Advisory Committee <ul style="list-style-type: none"> ○ Purpose is to advise the Board on the transition process ○ Members – 17 <ul style="list-style-type: none"> ▪ Commissioner of Public Safety or designee ▪ 1 representative from the Department of Public Safety appointed by the Commissioner

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| | | <ul style="list-style-type: none"> ▪ Secretary of Digital Services or designee ▪ Commissioner of Public Service or designee ▪ 1 rep. from a telecommunications provider appointed by the Commissioner of Public Service ▪ Director of Emergency Preparedness, Response and Injury Prevention, Dept of Health ▪ Chair of the Regional Dispatch Working Group ▪ 1 member with relevant expertise appointed by the Board ▪ 1 member appointed by VT Care Partners with expertise in emergency mental health services ▪ 2 firefighters: 1 appointed by the VT Career Fire Chiefs; 1 appointed by the VT Fire Chiefs Assoc. ▪ 1 municipal law enforcement officer appointed by the VT Assoc. of Chiefs of Police ▪ 1 emergency medical technician or paramedic appointed by the VT State Ambulance Assoc. ▪ 2 professional dispatchers: 1 appointed by a municipal dispatch center; 1 appointed by the VSEA ▪ 2 municipal officers appointed by VLCT (representing different geographic regions of the State) ○ Board appoints chair and vice chair ○ Sunsets July 1, 2029 ● Transition Process – essentially 3 phases but may overlap <ul style="list-style-type: none"> ○ <u>Data collection</u> – analysis of existing dispatch services, how financed and technology used <ul style="list-style-type: none"> ▪ Inventory of all infrastructure and equipment, including facilities, hardware, software, applications, and land mobile radio (LMR) systems ▪ Determine number of dispatch personnel (full and part time) ▪ Identify the person at each dispatch center responsible for coordinating and oversight ▪ Determine total spending on dispatch services, including State and municipal appropriations and fees ▪ Map wireless communications dead zones in the State, taking into consideration all cell towers that are part of the FirstNet statewide public safety radio access network; Dept of Public Service cellular mapping efforts; results of any propagation studies undertaken by the Board; and any existing mapping data collected by a dispatch center or other entity ▪ Conduct a community needs assessment with assistance of VLCT to determine gaps in dispatch services and any significant challenges to the delivery of dispatch services ○ <u>Design</u> – an equitably financed regional dispatch system that is part of a broader statewide public safety communications system <ul style="list-style-type: none"> ▪ Technical and operational standards and protocols that ensure an interoperable and resilient statewide public safety communications system that incorporates computer-aided dispatch systems and LMRs |
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- Technology lifecycle standards that ensure system and database upgrades are timely, sufficiently financed, and property managed
- System and database security and cybersecurity standards
- Continuity of operations standards and best practices that encompass failover procedures and other system redundancies to ensure performance of mission critical operations, with regular testing
- Initial training and continuing education standards for emergency communications personnel, including minimum staffing levels at dispatch centers and other measures designed to support the retention and wellbeing of dispatch personnel
- Resource allocation plan that ensures dispatch services are available in all regions of the State, including the establishment of new dispatch centers or expanded capacity and capability of existing dispatch centers, if deemed appropriate by the Board
- Process for annually reviewing dispatch center budgets
- Seek to establish on or before July 1, 2024 at least one new RDC that meets design standards and protocols developed by the Board and that provides service in areas of the State that presently face significant challenges with respect to reliably providing dispatch services
 - Board may provide grants for the establishment of new RDCs or for expanded capacity at existing RDCs consistent with the Act
 - Grant may be matched with other funds, including funds derived from the collection formula in 30 V.S.A. § 7054a(i), in an amount deemed appropriate by the Board
- Implementation
 - Board shall seek to have a fully operational, integrated public safety communications system on or before July 1, 2026
 - Board shall test, inspect, and adjust the system to ensure it performs as required
 - Once operational, Board continues to monitor and evaluate systemwide performance and make improvements where needed
- **Interagency Cooperation**
 - All departments in State government with expertise in public safety and emergency management services, IT, and communications networks must provide timely and comprehensive data and assistance requested by Board
- **Report** – submitted annually for 4 years, beginning January 15, 2024
 - Status report to General Assembly and Governor
 - Summary of transition progress; may include policy recommendations regarding that process
 - Initial report shall include recommendations regarding:

		<ul style="list-style-type: none"> ▪ Collecting money from municipalities that are not paying for PSAP dispatching and for distributing any such money to the relevant PSAP, beginning July 1, 2024 ▪ Transferring existing positions in Radio Technology Services to the Board, or for creating new positions, if deemed appropriate by the Board ▪ Waiving, in whole or in part, the dispatch assessment for a municipality that provides dispatch services only for local agencies within its municipal boundaries ▪ How the requirements of this Act should apply to municipalities and emergency response agencies served by dispatch entities or response agencies outside Vermont ▪ Board membership and whether new members should be included ▪ How mental health response services could be incorporated into dispatch services <ul style="list-style-type: none"> • State Employment Contracts <ul style="list-style-type: none"> ○ New training or continuing education or other requirements established by the Board that affect the terms or conditions of State employment shall be the subject of impact bargaining between the State and the collective bargaining representative for the employee’s bargaining unit to the extent required by any collective bargaining agreements between the parties
Sec. 5	34	<p>FY 2023 General Fund Appropriation Transfer (\$11M)</p> <ul style="list-style-type: none"> • Unobligated funds transferred from Department of Public Safety to the Transition Fund • Includes amounts previously approved by the JFC <ul style="list-style-type: none"> ○ \$2 million for 5 projects <ul style="list-style-type: none"> ▪ Wilmington PD ▪ Hartford PD ▪ Town of Colchester ▪ Rutland County Sheriff’s Department ▪ Orange County Sheriff’s Department ○ \$260K for project management and technical expertise (2 Dept of Public Safety RFPs)
Sec. 6	34-35	<p>Grant Administration Redesignation (\$9M federal)</p> <ul style="list-style-type: none"> • Congressionally Directed Spending to support VT’s transition to a modernized, regional communications network • E-911 Board shall be redesignated as the responsible entity for administering the funds (now Dept. Public Safety)

		<ul style="list-style-type: none"> If redesignation not permitted under federal law, DPS shall consult with the Board on all grant disbursements
Sec. 7	35	New Positions; Appropriation <ul style="list-style-type: none"> Creates 8 new permanent classified positions within E-911 Board ED compensation review FY 2024 General Fund appropriation of \$1 million
Secs. 8	35-36	Statutory Conforming Revisions – <i>effective July 1, 2024</i>
Sec. 9	36	Effective Dates – effective on passage, except Secs. 3 and 8 effective July 1, 2024