

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate  
3 Bill No. 124 entitled “An act relating to miscellaneous law enforcement  
4 amendments” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 \* \* \* Vermont Criminal Justice Training Council \* \* \*

8 Sec. 1. 20 V.S.A. § 2351 is amended to read:

9 § 2351. CREATION AND PURPOSE OF COUNCIL

10 \* \* \*

11 (b) The Council is created to encourage and assist municipalities, counties,  
12 and governmental agencies of this State in their efforts to improve the quality  
13 of law enforcement and citizen protection by maintaining a uniform standard  
14 of ~~recruitment~~ recruit and in-service training for law enforcement officers.

15 \* \* \*

16 Sec. 2. 20 V.S.A. § 2352 is amended to read:

17 § 2352. COUNCIL MEMBERSHIP

18 (a)(1) The Vermont Criminal Justice Training Council shall consist of:

19 (A) the Commissioners of Public Safety, ~~of Corrections~~, of Motor  
20 Vehicles, ~~and~~ of Fish and Wildlife, and of Mental Health;

21 (B) the Attorney General;

1           (C) the Executive Director of the Department of State’s Attorneys  
2 and Sheriffs;

3           (D) a member of the Vermont Troopers’ Association or its successor  
4 entity, elected by its membership;

5           ~~(D)~~(E) a member of the Vermont Police Association, elected by its  
6 membership; ~~and~~

7           ~~(E)~~(F) ~~five additional members appointed by the Governor.~~

8           ~~(i) The Governor’s appointees shall provide broad representation~~  
9 ~~of all aspects of law enforcement and the public in Vermont on the Council.~~

10           ~~(ii) The Governor shall solicit recommendations for appointment~~  
11 ~~from the Vermont State’s Attorneys Association, the Vermont State’s Sheriffs~~  
12 ~~Association, the Vermont Police Chiefs Association, and the Vermont~~  
13 ~~Constables Association~~ a member of the Chiefs of Police Association of  
14 Vermont, appointed by the President of the Association;

15           (G) a member of the Vermont Sheriffs’ Association, appointed by the  
16 President of the Association;

17           (H) a law enforcement officer appointed by the President of the  
18 Vermont State Employees Association;

19           (I) an employee of the Vermont League of Cities and Towns,  
20 appointed by the Executive Director of the League;

1           (J) an employee of the Vermont Center for Crime Victim Services,  
2           appointed by the Executive Director of the Center; and

3           (K) three public members who shall not be law enforcement officers  
4           or have a spouse, parent, child, or sibling who is a law enforcement officer,  
5           current legislators, or otherwise be employed in the criminal justice system,  
6           one of whom shall be appointed by the Speaker of the House, one of whom  
7           shall be appointed by the Senate Committee on Committees, and one of whom  
8           shall be appointed by the Governor.

9           (2) A member's term shall be three years.

10   \* \* \*

11           (c) The public members of the Council set forth in subdivision (a)(1)(K) of  
12           this section shall be entitled to receive ~~no~~ per diem compensation ~~for their~~  
13           services, but the other members of the Council shall not be entitled to such  
14           compensation; provided, however, that all members of the Council shall be  
15           allowed their actual and necessary ~~entitled to receive reimbursement of~~  
16           expenses incurred in the performance of their duties. Per diem compensation  
17           and reimbursement of expenses under this subsection shall be made as  
18           permitted under 32 V.S.A. § 1010 from monies appropriated to the Council.

19   \* \* \*

1 Sec. 3. TRANSITIONAL PROVISION TO ADDRESS NEW COUNCIL  
2 MEMBERSHIP

3 Any existing member of the Vermont Criminal Justice Training Council  
4 who will serve on the Council under its new membership as set forth in Sec. 2  
5 of this act may serve the remainder of his or her term in effect immediately  
6 prior to the effective date of Sec. 2.

7 Sec. 4. 20 V.S.A. § 2355 is amended to read:

8 § 2355. COUNCIL POWERS AND DUTIES

9 (a) The Council shall adopt rules with respect to:

10 (1) the approval, or revocation thereof, of law enforcement officer  
11 training schools and off-site training programs, which shall include rules to  
12 identify and implement alternate routes to certification aside from the training  
13 provided at the Vermont Police Academy;

14 \* \* \*

15 (b)(1) The Council shall conduct and administer training schools and offer  
16 courses of instruction for law enforcement officers and other criminal justice  
17 personnel. The Council shall offer courses of instruction for law enforcement  
18 officers in different areas of the State and shall strive to offer nonovernight  
19 courses whenever possible.

1           (2) The Council may also offer the basic officer’s course for ~~pre-service~~  
2           preservice students and educational outreach courses for the public, including  
3           firearms safety and use of force.

4   \* \* \*

5           Sec. 5. 20 V.S.A. § 2358 is amended to read:

6           § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

7   \* \* \*

8           (b) The Council shall offer or approve basic training and annual in-service  
9           training for each of the following three levels of law enforcement officer  
10           certification in accordance with the scope of practice for each level, and shall  
11           determine by rule the scope of practice for each level in accordance with the  
12           provisions of this section:

13                   (1) Level I certification.

14   \* \* \*

15                   (2) Level II certification.

16   \* \* \*

17                   (3) Level III certification.

18   \* \* \*

19           (c)(1) All programs required by this section shall be approved by the  
20           Council.

1           (2) The Council shall structure its programs so that on and after July 1,  
2           2021, a Level II certified officer may use portfolio experiential learning or  
3           College Level Examination Program (CLEP) testing in order to transition to  
4           Level III certification, without such an officer needing to restart the  
5           certification process.

6           (3) Completion of a program shall be established by a certificate to that  
7           effect signed by the Executive Director of the Council.

8   \* \* \*

9           Sec. 6. COUNCIL; REPORT ON CHANGES IN TRAINING OPTIONS;  
10   RULE ADOPTION DEADLINE

11           (a) Report. On or before January 15, 2021, the Executive Director of the  
12           Vermont Criminal Justice Training Council shall report to the Senate and  
13           House Committees on Government Operations regarding the Council’s:

14                       (1) plan to replace some of its overnight law enforcement training  
15                       requirements at the Robert H. Wood, Jr. Criminal Justice and Fire Service  
16                       Training Center of Vermont (the Police Academy) with nonovernight training  
17                       in other areas of the State, in accordance with 20 V.S.A. § 2355(b)(1) in Sec. 4  
18                       of this act; and

19                       (2) changes in the structure of its programs to enable a law enforcement  
20                       officer to transition from Level II to Level III certification as required by  
21                       20 V.S.A. § 2358(c)(2) in Sec. 5 of this act.

1        (b) Rules. On or before July 1, 2023, the Council shall finally adopt the  
2        rules regarding alternate routes to certification required by 20 V.S.A.  
3        § 2355(a)(1) in Sec. 4 of this act, unless that deadline is extended by the  
4        Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

5        Sec. 7. 20 V.S.A. § 2361 is amended to read:

6        § 2361. ADDITIONAL TRAINING

7        (a) Nothing in this chapter prohibits any ~~State~~ law enforcement agency,  
8        ~~department, or office or any municipality or county of the State~~ from providing  
9        additional training beyond basic training to its personnel where no certification  
10       is requested of or required by the Council or its Executive Director.

11       (b) ~~The head of a State agency, department, or office, a municipality's chief~~  
12       ~~of police, or a sheriff~~ executive officer of a law enforcement agency may seek  
13       certification from the Council for any in-service training he ~~or~~ she, or his or  
14       her designee may provide to ~~his or her employees~~ law enforcement officers of  
15       his or her agency or of another agency, or both.

16       Sec. 8. 20 V.S.A. § 2362a is amended to read:

17       § 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT

18                CURRENT OR FORMER AGENCY

19        (a)(1) Prior to hiring a law enforcement officer ~~who is no longer employed~~  
20        ~~at his or her last law enforcement agency~~, the executive officer of a potential  
21        hiring law enforcement agency shall:

1 (A) require that officer to execute a written waiver that explicitly  
2 authorizes the officer's:

3 (i) current law enforcement agency employer to disclose its  
4 analysis of the officer's performance at that agency, if the officer is still  
5 employed at that agency; or

6 (ii) last law enforcement agency employer to disclose the reason  
7 that officer is no longer employed by that agency, if the officer is not currently  
8 employed at an agency; and

9 (B) contact that ~~former~~ agency to ~~determine that reason~~ obtain that  
10 disclosure and provide to that agency a copy of that written waiver.

11 (2) An officer who refuses to execute the written waiver shall not be  
12 hired by the potential hiring agency.

13 (b)(1)(A) If that current or former agency is a law enforcement agency in  
14 this State, the executive officer of that current or former agency or designee  
15 shall disclose to the potential hiring agency in writing its analysis of the  
16 officer's performance at that agency or the reason the officer is no longer  
17 employed by the former agency, as applicable.

18 (B) The executive officer or designee shall send a copy of the  
19 disclosure to the officer at the same time he or she sends it to the potential  
20 hiring agency.



1 (2) Such a current or former agency shall be immune from liability for  
2 its disclosure described in subdivision (1) of this subsection, unless such  
3 disclosure would constitute intentional misrepresentation or gross negligence.

4 \* \* \*

5 Sec. 9. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE

6 The requirement of a current law enforcement agency to disclose its  
7 analysis of its law enforcement officer's performance at the agency as set forth  
8 in 20 V.S.A. § 2362a in Sec. 8 of this act shall not apply if there is a binding  
9 nondisclosure agreement prohibiting that disclosure that was executed prior to  
10 the effective date of that section.

11 Sec. 10. 20 V.S.A. chapter 151 (Vermont Criminal Justice Training Council),  
12 subchapter 2 is amended to read:

13 Subchapter 2. Unprofessional Conduct

14 § 2401. DEFINITIONS

15 As used in this subchapter:

16 (1) "Category A conduct" means:

17 (A) A felony.

18 (B) A misdemeanor that is committed while on duty and did not  
19 involve the legitimate performance of duty.

20 (C) Any of the following misdemeanors, if committed off duty:

21 (i) simple assault, second offense;

- 1 (ii) domestic assault;
- 2 (iii) false reports and statements;
- 3 (iv) driving under the influence, second offense;
- 4 (v) violation of a relief from abuse order or of a condition of
- 5 release;
- 6 (vi) stalking;
- 7 (vii) false pretenses;
- 8 (viii) voyeurism;
- 9 (ix) prostitution or soliciting prostitution;
- 10 (x) distribution of a regulated substance;
- 11 (xi) simple assault on a law enforcement officer; or
- 12 (xii) possession of a regulated substance, second offense.

13 (2) “Category B conduct” means gross professional misconduct  
14 amounting to actions on duty or under color of authority, or both, that involve  
15 willful failure to comply with a State-required policy or substantial deviation  
16 from professional conduct as defined by the law enforcement agency’s policy  
17 or if not defined by the agency’s policy, then as defined by Council policy,  
18 ~~such as~~ and shall include:

- 19 (A) sexual harassment involving physical contact or misuse of
- 20 position;
- 21 (B) misuse of official position for personal or economic gain;

- 1 (C) excessive use of force under color of authority, ~~second~~ first  
2 offense;
- 3 (D) biased enforcement; or
- 4 (E) use of electronic criminal records database for personal, political,  
5 or economic gain.

6 \* \* \*

7 § 2403. LAW ENFORCEMENT AGENCIES; DUTY TO REPORT

8 (a)(1) The executive officer of a law enforcement agency or the chair of the  
9 agency's civilian review board shall report to the Council within 10 business  
10 days if any of the following occur in regard to a law enforcement officer of the  
11 agency:

12 (A) Category ~~(A)~~.

13 (i) There is a finding of probable cause by a court that the officer  
14 committed Category A conduct.

15 (ii) There is any decision or findings of fact or verdict regarding  
16 allegations that the officer committed Category A conduct, including a judicial  
17 decision and any appeal therefrom.

18 (B) Category B.

19 (i) The agency receives a credible complaint against the officer  
20 that, ~~if deemed credible by the executive officer of the agency as a result of a~~  
21 ~~valid investigation,~~ alleges that the officer committed Category B conduct.

1 (ii) The agency receives or issues any of the following:

2 (I) a report or findings of a valid investigation finding that the  
3 officer committed Category B conduct; or

4 (II) any decision or findings, including findings of fact or  
5 verdict, regarding allegations that the officer committed Category B conduct,  
6 including a hearing officer decision, arbitration, administrative decision, or  
7 judicial decision, and any appeal therefrom.

8 (C) Termination. The agency terminates the officer for Category A  
9 or Category B conduct.

10 (D) Resignation. The officer resigns from the agency while under  
11 investigation for unprofessional conduct.

12 (2) As part of his or her report, the executive officer of the agency or the  
13 chair of the civilian review board shall provide to the Council a copy of any  
14 relevant documents associated with the report, including any findings,  
15 decision, and the agency's investigative report.

16 (b) The Executive Director of the Council shall report to the Attorney  
17 General and the State's Attorney of jurisdiction any allegations that an officer  
18 committed Category A conduct.

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\* \* \* Vermont Crime Information Center \* \* \*

Sec. 11. 20 V.S.A. § 2053 is amended to read:

§ 2053. COOPERATION WITH OTHER AGENCIES

(a) The ~~center~~ Center shall cooperate with other ~~state~~ State departments and agencies, municipal police departments, sheriffs, and other law enforcement officers in this ~~state~~ State and with federal and international law enforcement agencies to develop and carry on a uniform and complete ~~state~~ State, interstate, national, and international system of records of ~~criminal activities~~ commission of crimes and information.

(b)(1) All ~~state~~ State departments and agencies, municipal police departments, sheriffs, and other law enforcement officers shall cooperate with and assist the ~~center~~ Center in the establishment of a complete and uniform system of records relating to the commission of crimes, arrests, convictions, imprisonment, probation, parole, fingerprints, photographs, stolen property, and other matters relating to the identification and records of persons who have or who are alleged to have committed a crime, or who are missing persons, or who are fugitives from justice.

(2) In order to meet the requirements of subdivision (1) of this subsection, the Center shall establish and provide training on a uniform list of definitions to be used in entering data into a law enforcement agency's system

1 of records, and every law enforcement officer shall use those definitions when  
2 entering data into his or her agency's system.

3 \* \* \* Law Enforcement Advisory Board \* \* \*

4 Sec. 12. LEAB; REPEAL FOR RECODIFICATION

5 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

6 Sec. 13. 20 V.S.A. § 1818 is added to read:

7 § 1818. LAW ENFORCEMENT ADVISORY BOARD

8 (a) The Law Enforcement Advisory Board is created within the Department  
9 of Public Safety to advise the Commissioner of Public Safety, the Governor,  
10 and the General Assembly on issues involving the cooperation and  
11 coordination of all agencies that exercise law enforcement responsibilities.

12 The Board shall review any matter that affects more than one law enforcement  
13 agency. The Board shall comprise the following members:

14 (1) the Commissioner of Public Safety;

15 (2) the Director of the Vermont State Police;

16 (3) the Director of the Enforcement Division of the Department of Fish  
17 and Wildlife;

18 (4) the Director of the Enforcement and Safety Division of the  
19 Department of Motor Vehicles;

20 (5) the Chief of the Capitol Police Department;

21 (6) the Director of the Vermont Criminal Justice Services Division;

1           (7) a member of the Chiefs of Police Association of Vermont, appointed  
2           by the President of the Association;

3           (8) a member of the Vermont Sheriffs' Association, appointed by the  
4           President of the Association;

5           (9) a representative of the Vermont League of Cities and Towns,  
6           appointed by the Executive Director of the League;

7           (10) a member of the Vermont Police Association, appointed by the  
8           President of the Association;

9           (11) the Attorney General or designee;

10           (12) a State's Attorney appointed by the Executive Director of the  
11           Department of State's Attorneys and Sheriffs;

12           (13) the U.S. Attorney or designee;

13           (14) the Executive Director of the Vermont Criminal Justice Training  
14           Council;

15           (15) the Defender General or designee;

16           (16) one representative of the Vermont Troopers' Association or its  
17           successor entity, elected by its membership;

18           (17) a member of the Vermont Constables Association, appointed by the  
19           President of the Association; and

20           (18) a law enforcement officer, appointed by the President of the  
21           Vermont State Employees Association.

1       (b) The Board shall elect a chair and a vice chair, which positions shall  
2       rotate among the various member representatives. Each member shall serve a  
3       term of two years. The Board shall meet at the call of the Chair. A quorum  
4       shall consist of 10 members, and decisions of the Board shall require the  
5       approval of a majority of those members present and voting.

6       (c) The Board shall undertake an ongoing formal review process of law  
7       enforcement policies and practices with a goal of developing a comprehensive  
8       approach to providing the best services to Vermonters, given monies available.  
9       The Board shall also provide educational resources to Vermonters about public  
10       safety challenges in the State.

11       (d)(1) The Board shall meet not fewer than six times a year to develop  
12       policies and recommendations for law enforcement priority needs, including  
13       retirement benefits, recruitment of officers, training, homeland security issues,  
14       dispatching, and comprehensive drug enforcement.

15       (2) The Board shall present its findings and recommendations in brief  
16       summary form to the House and Senate Committees on Judiciary and on  
17       Government Operations annually on or before January 15.

18       Sec. 14. LEAB; RECODIFICATION DIRECTIVE

19       (a) 24 V.S.A. § 1939 is recodified as 20 V.S.A. § 1818. During statutory  
20       revision, the Office of Legislative Council shall revise accordingly any  
21       references to 24 V.S.A. § 1939 in the Vermont Statutes Annotated.



1       **(b) Any references in session law and adopted rules to 24 V.S.A. § 1939 as**  
2       **previously codified shall be deemed to refer to 20 V.S.A. § 1818.**

3       Sec. 15. LEAB; 2021 REPORT ON MUNICIPAL ACCESS TO LAW

4                       ENFORCEMENT SERVICES

5       **As part of its annual report in the year 2021, the Law Enforcement**  
6       **Advisory Board shall specifically recommend ways that towns can increase**  
7       **access to law enforcement services.**

8                       \* \* \* Department of Public Safety; Dispatch \* \* \*

9       Sec. 16. 20 V.S.A. chapter 113 (Commissioner and Members), subchapter 1 is  
10      amended to read:

11                      Subchapter 1. General Provisions

12      § 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER

13      (a) The ~~department of public safety~~ Department of Public Safety, created  
14      by 3 V.S.A. § 212, shall include a ~~commissioner of public safety~~  
15      Commissioner of Public Safety.

16      (b) The head of the ~~department~~ Department shall be a ~~commissioner of~~  
17      ~~public safety~~ the Commissioner of Public Safety, who shall be a citizen of the  
18      United States and shall be selected on the basis of training, experience and  
19      qualifications. The ~~commissioner~~ Commissioner shall be appointed by the  
20      ~~governor~~ Governor, with the advice and consent of the ~~senate~~, ~~for a term of six~~  
21      years Senate.

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(i) The ~~commissioner of public safety~~ Commissioner of Public Safety may enter into contractual arrangements to perform dispatching functions for ~~state~~ State, municipal, or other emergency services, establishing charges sufficient to recover the costs of dispatching. Dispatch positions ~~which~~ that are fully funded under such contracts may be authorized under the provisions of 32 V.S.A. § 5(b). The Commissioner shall adopt rules that set forth the rates for dispatch functions performed under this subsection.

(j) Charges collected under subsections (e), (f), and (i) of this section shall be credited to the Vermont ~~law telecommunications special fund~~ Law Telecommunications Special Fund and shall be available to the ~~department~~ Department to offset the costs of providing the services.

\* \* \*

§ 1873. ~~REMOVAL OF COMMISSIONER~~

~~During his or her term of office, the governor may remove the commissioner upon charges preferred in writing and after hearing, which shall be a public hearing if the commissioner requests the same, upon the following grounds:~~

- ~~(1) Incompetency amounting to failure to perform his or her official duties competently;~~
- ~~(2) Misconduct in office which shall be construed to include:~~

1           ~~(a) failure to be of good behavior;~~

2           ~~(b) participation, directly or indirectly, in a political campaign, rally,~~  
3 ~~caucus or other political gathering, other than to vote. [Repealed.]~~

4   \* \* \*

5       § 1875. RADIO COMMUNICATION SYSTEM

6           (a) The ~~commissioner~~ Commissioner shall establish a communication  
7 system as will best enable the ~~department~~ Department to carry out the purposes  
8 of this chapter. This shall include a radio set furnished, on written request, to  
9 the sheriff and ~~state's attorney~~ State's Attorney of each county on a  
10 memorandum receipt.

11           **(b)(1)** The ~~commissioner~~ Commissioner may charge to all users of  
12 telecommunications services managed, maintained, or operated by the  
13 ~~department~~ Department for the benefit of the users a proportionate share of the  
14 actual cost of providing the services and products inclusive of administrative  
15 costs.

16           **(2)** Such charges shall be based on a pro rata allocation of the actual  
17 costs of services or products, determined in an equitable manner, which shall  
18 be representative of services provided to or system usage by individual units of  
19 government, including ~~state~~ State, local, and federal agencies or private  
20 nonprofit entities.

1           (3) Such charges shall be credited to the Vermont ~~communication~~  
2 ~~system special fund~~ Law Telecommunications Special Fund and shall be  
3 available to the ~~department~~ Department to offset the costs of providing the  
4 services.

5           Sec. 17. DEPARTMENT OF PUBLIC SAFETY; DISPATCH RULES;

6                                   ADOPTION AND APPLICATION

7           The Department of Public Safety shall finally adopt the rules regarding  
8 dispatch rates required by 20 V.S.A. § 1871(i) set forth in Sec. 16 of this act on  
9 or before July 1, 2021, unless that deadline is extended by the Legislative  
10 Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c). These  
11 rules shall provide a minimum of three years following final adoption before  
12 the dispatch rates set forth in the rules are imposed.

13                                   \* \* \* Emergency Medical Services \* \* \*

14           Sec. 18. 24 V.S.A. chapter 71 is amended to read:

15                                   CHAPTER 71. AMBULANCE SERVICES

16                                   Subchapter 1. Emergency Medical Services Districts

17           § 2651. DEFINITIONS

18           As used in this chapter:

19                                   \* \* \*

20           (14) ~~“State Board” means the State Board of Health. [Repealed.]~~

21                                   \* \* \*

1 § 2652. CREATION OF DISTRICTS

2 The ~~State Board~~ Department of Health may divide the State into emergency  
3 medical services districts, the number, size, and boundaries of which shall be  
4 determined by the ~~Board~~ Department in the interest of affording adequate and  
5 efficient emergency medical services throughout the State.

6 \* \* \*

7 § 2654. RECORDING DETERMINATION OF DISTRICTS

8 The ~~State Board~~ Department of Health shall cause to be recorded in the  
9 office of the Secretary of State a certificate containing its determination of  
10 emergency medical services districts.

11 \* \* \*

12 § 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

13 (a) The board of directors shall have full power to manage, control, and  
14 supervise the conduct of the district and to exercise in the name of the district  
15 all powers and functions belonging to the district, subject to such laws or  
16 ~~regulations~~ rules as may be applicable.

17 \* \* \*

18 § 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL  
19 SERVICES DISTRICTS

20 (a) It shall be the function of each emergency medical services district to  
21 foster and coordinate emergency medical services within the district, in the

1 interest of affording adequate ambulance services within the district. Each  
2 emergency medical services district shall have powers that include the power  
3 to:

4 \* \* \*

5 (6) monitor the provision of emergency medical services within the  
6 district and make recommendations to the ~~State Board~~ Department of Health  
7 regarding licensure, relicensure, and removal or suspension of licensure for  
8 ambulance vehicles, ambulance services, and first responder services;

9 \* \* \*

10 (b) Two or more contiguous emergency medical services districts by a  
11 majority vote of the district board in each of the districts concerned may  
12 change the mutual boundaries of their emergency medical services districts.  
13 The district boards shall report all changes in district boundaries to the ~~State~~  
14 ~~Board~~ Department of Health.

15 \* \* \*

16 Subchapter 2. Licensing Operation of Affiliated Agencies

17 § 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

18 (a) A person furnishing ambulance services or first responder services shall  
19 obtain a license to furnish services under this subchapter.

20 (b)(1) In order to obtain and maintain a license, an ambulance service shall  
21 be required to provide its services in a manner that does not discriminate on the

1 basis of income, funding source, or severity of health needs, in order to ensure  
2 access to ambulance services within the licensee’s service area.

3 (2) The Department of Health shall adopt rules in accordance with the  
4 provisions of subdivision (1) of this subsection.

5 § 2682. POWERS OF ~~STATE BOARD~~ THE DEPARTMENT OF HEALTH

6 (a) The ~~State Board~~ Department of Health shall administer this subchapter  
7 and shall have power to:

8 \* \* \*

9 § 2683. TERM OF LICENSE

10 Full licenses shall be issued on forms to be prescribed by the ~~State Board~~  
11 Department of Health for a period of three years beginning on January 1, or for  
12 the balance of any such three-year period. Temporary, conditional, or  
13 provisional licenses may also be issued by the ~~Board~~ Department.

14 \* \* \*

15 Sec. 19. 18 V.S.A. § 9405 is amended to read:

16 § 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE  
17 ALLOCATION PLAN

18 \* \* \*

19 (b) The Green Mountain Care Board, in consultation with the Secretary of  
20 Human Services or designee, shall publish on its website the Health Resource  
21 Allocation Plan identifying Vermont’s critical health needs, goods, services,

1 and resources, which shall be used to inform the Board’s regulatory processes,  
2 cost containment and statewide quality of care efforts, health care payment and  
3 delivery system reform initiatives, and any allocation of health resources  
4 within the State. The Plan shall identify Vermont residents’ needs for health  
5 care services, programs, and facilities; the resources available and the  
6 additional resources that would be required to realistically meet those needs  
7 and to make access to those services, programs, and facilities affordable for  
8 consumers; and the priorities for addressing those needs on a statewide basis.

9 The Board may expand the Plan to include resources, needs, and priorities  
10 related to the social determinants of health. The Plan shall be revised  
11 periodically, but not less frequently than once every four years.

12 (1) In developing the Plan, the Board shall:

13 (A) consider the principles in section 9371 of this title, as well as the  
14 purposes enumerated in sections 9401 and 9431 of this title;

15 (B) identify priorities using information from:

16 (i) the State Health Improvement Plan;

17 (ii) emergency medical services resources and needs identified by  
18 the EMS Advisory Committee in accordance with subsection 909(f) of this  
19 title;

20 (iii) the community health needs assessments required by section  
21 9405a of this title;



1                   ~~(iii)~~(iv) available health care workforce information;  
2                   ~~(iv)~~(v) materials provided to the Board through its other regulatory  
3 processes, including hospital budget review, oversight of accountable care  
4 organizations, issuance and denial of certificates of need, and health insurance  
5 rate review; and

6                   ~~(v)~~(vi) the public input process set forth in this section;

7                   (C) use existing data sources to identify and analyze the gaps  
8 between the supply of health resources and the health needs of Vermont  
9 residents and to identify utilization trends to determine areas of  
10 underutilization and overutilization; and

11                   (D) consider the cost impacts of fulfilling any gaps between the  
12 supply of health resources and the health needs of Vermont residents.

13   \* \* \*

14           Sec. 20. 18 V.S.A. chapter 17 is amended to read:

15   CHAPTER 17. EMERGENCY MEDICAL SERVICES

16   \* \* \*

17           § 903. AUTHORIZATION FOR PROVISION OF EMERGENCY

18   MEDICAL SERVICES

19           Notwithstanding any other provision of law, including provisions of  
20 26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and  
21 licensed to provide emergency medical treatment pursuant to the requirements

1 of this chapter and the rules adopted under it are hereby authorized to provide  
2 such care without further certification, registration, or licensing.

3 \* \* \*

4 § 904. ADMINISTRATIVE PROVISIONS

5 (a) In order to carry out the purposes and responsibilities of this chapter,  
6 the Department of Health may contract for the provision of specific services.

7 (b) The Secretary of Human Services, upon the recommendation of the  
8 Commissioner of Health, may ~~issue~~ adopt rules to carry out the purposes and  
9 responsibilities of this chapter.

10 \* \* \*

11 § 906. EMERGENCY MEDICAL SERVICES DIVISION;  
12 RESPONSIBILITIES

13 To implement the policy of section 901 of this chapter, the Department of  
14 Health shall be responsible for:

15 (1) Developing and implementing minimum standards for training  
16 emergency medical personnel in basic life support and advanced life support,  
17 and licensing emergency medical personnel according to their level of training  
18 and competence. The Department shall establish by rule at least three levels of  
19 emergency medical personnel instructors and the education required for each  
20 level.

21 \* \* \*

1           (7) Assisting hospitals in the development of programs ~~which~~ that will  
2 improve the quality of in-hospital services for persons requiring emergency  
3 medical ~~care~~ treatment.

4                                 \* \* \*

5           (9) Establishing requirements for the collection of data by emergency  
6 medical personnel and hospitals as may be necessary to evaluate emergency  
7 medical ~~care~~ treatment.

8           (10) Establishing, by rule, license levels for emergency medical  
9 personnel. The Commissioner shall use the guidelines established by the  
10 National Highway Traffic Safety Administration (NHTSA) in the U.S.  
11 Department of Transportation as a standard or other comparable standards,  
12 except that a felony conviction shall not necessarily disqualify an applicant.  
13 The rules shall also provide that:

14                                 \* \* \*

15           (B) An individual licensed by the Commissioner as an emergency  
16 medical technician, advanced emergency medical technician, or a paramedic,  
17 who is affiliated with an affiliated agency, shall be able to practice fully within  
18 the scope of practice for such level of licensure as defined by NHTSA’s  
19 National EMS Scope of Practice Model consistent with the license level of the  
20 affiliated agency, and subject to the medical direction of the emergency  
21 medical services district medical advisor.

1 (C)(i) Unless otherwise provided under this section, an individual  
2 seeking any level of licensure shall be required to pass an examination  
3 approved by the Commissioner for that level of licensure, except that any  
4 psychomotor skills testing for emergency medical responder, or emergency  
5 medical technician licensure shall be accomplished either by the demonstration  
6 of those skills competencies as part of the education required for that license  
7 level as approved by the Department or by the National Registry of Emergency  
8 Medical Technicians' psychomotor examination.

9 (ii) Written and practical examinations shall not be required for  
10 relicensure; however, to maintain licensure, all individuals shall complete a  
11 specified number of hours of continuing education as established by rule by the  
12 Commissioner. The Commissioner shall ensure that continuing education  
13 classes are available online and provided on a regional basis to accommodate  
14 the needs of volunteers and part-time individuals, including those in rural areas  
15 of the State.

16 \* \* \*

17 (E) An applicant who has served as a hospital corpsman or a medic in  
18 the U.S. Armed Forces, or who is licensed as a registered nurse or a physician  
19 assistant shall be granted a permanent waiver of the training requirements to  
20 become a licensed emergency medical technician, an advanced emergency  
21 medical technician, or a paramedic, provided the applicant passes the

1 applicable examination approved by the Commissioner for that level of  
2 licensure and is affiliated with an affiliated agency.

3 (F) An applicant who is registered on the National Registry of  
4 Emergency Medical Technicians as an emergency medical technician, an  
5 advanced emergency medical technician, or a paramedic shall be granted  
6 licensure as a Vermont emergency medical technician, an advanced emergency  
7 medical technician, or a paramedic without the need for further testing,  
8 provided he or she is affiliated with an affiliated agency or is serving as a  
9 medic with the Vermont National Guard.

10 \* \* \*

11 (11) In addition to the licenses established under subdivision (10) of this  
12 section, the Department shall establish by rule an entry-level certification for  
13 Vermont EMS first responders.

14 \* \* \*

15 § 906b. ~~TRANSITIONAL PROVISION; CERTIFICATION TO~~

16 ~~LICENSURE~~

17 ~~Every person certified as an emergency medical provider shall have his or~~  
18 ~~her certification converted to the comparable level of licensure. Until such~~  
19 ~~time as the Department of Health issues licenses in lieu of certificates, each~~  
20 ~~certified emergency medical provider shall have the right to practice in~~  
21 ~~accordance with his or her level of certification. [Repealed.]~~

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\* \* \*

§ 906d. RENEWAL REQUIREMENTS; SUNSET REVIEW

(a) Not less than once every five years, the Department shall review emergency medical personnel continuing education and other continuing competency requirements. The review results shall be in writing and address the following:

(1) the renewal requirements of the profession;

(2) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(3) the cost of the renewal requirements for emergency medical personnel; and

(4) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection.

(2) The Department shall amend its rules or propose any necessary statutory amendments to revise any emergency medical personnel continuing education and other continuing competency requirements that are not necessary for the protection of the public health, safety, or welfare.

\* \* \*

1 § 909. EMS ADVISORY COMMITTEE; EMS EDUCATION COUNCIL

2 (a) The Commissioner shall establish the Emergency Medical Services  
3 Advisory Committee to advise on matters relating to the delivery of emergency  
4 medical services (EMS) in Vermont.

5 \* \* \*

6 (e) Annually, on or before January 1, the Committee shall report on the  
7 EMS system to the House Committees on Government Operations, on  
8 Commerce and Economic Development, and on Human Services and to the  
9 Senate Committees on Government Operations, on Economic Development,  
10 Housing and General Affairs, and on Health and Welfare. The Committee's  
11 reports shall include information on the following:

12 \* \* \*

13 (6) the nature and costs of dispatch services for EMS providers  
14 throughout the State, including the annual number of mutual aid calls to an  
15 emergency medical service area that come from outside that area, and  
16 suggestions for improvement;

17 \* \* \*

18 (f) In addition to its report set forth in subsection (e) of this section, the  
19 Committee shall identify EMS resources and needs in each EMS district and  
20 provide that information to the Green Mountain Care Board to inform the

1 Board's periodic revisions to the Health Resource Allocation Plan developed  
2 pursuant to subsection 9405(b) of this title.

3 (g) The Committee shall establish from among its members the EMS  
4 Education Council, which may:

5 (1) sponsor training and education programs required for emergency  
6 medical personnel licensure in accordance with the Department of Health's  
7 required standards for that training and education; and

8 (2) provide advice to the Department of Health regarding the standards  
9 for emergency medical personnel licensure and any recommendations for  
10 changes to those standards.

11 Sec. 21. 32 V.S.A. § 8557 is amended to read:

12 § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

13 (a)(1) Sums for the expenses of the operation of training facilities and  
14 curriculum of the Vermont Fire Service Training Council not to exceed  
15 \$1,200,000.00 per year shall be paid to the Fire Safety Special Fund created by  
16 20 V.S.A. § 3157 by insurance companies, writing fire, homeowners multiple  
17 peril, allied lines, farm owners multiple peril, commercial multiple peril (fire  
18 and allied lines), private passenger and commercial auto, and inland marine  
19 policies on property and persons situated within the State of Vermont within  
20 30 days after notice from the Commissioner of Financial Regulation of such



1 estimated expenses. Captive companies shall be excluded from the effect of  
2 this section.

3 \* \* \*

4 (4) An amount not less than \$150,000.00 shall be specifically allocated  
5 to the Emergency Medical Services Special Fund established under 18 V.S.A.  
6 § 908 for the provision of training programs for certified Vermont EMS first  
7 responders and licensed emergency medical responders, emergency medical  
8 technicians, advanced emergency medical technicians, and paramedics.

9 \* \* \*

10 Sec. 22. TRANSITIONAL EMS PROVISIONS

11 (a) Rules. Except as otherwise provided in this act, on or before July 1,  
12 2021, the Department of Health shall finally adopt or amend the rules required  
13 by this act, unless that deadline is extended by the Legislative Committee on  
14 Administrative Rules pursuant to 3 V.S.A. § 843(c).

15 (b) Ambulance service licenses. The requirements for initial ambulance  
16 service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 18 of this  
17 act shall apply to initial ambulance service license and renewal applicants on  
18 and after July 1, 2021 or on and after the effective date of the Department of

1 Health rules adopted pursuant to that section and subsection (a) of this section,  
2 whichever date is later.

3 (c) Existing EMS Instructor/Coordinator licensees. Any person who is  
4 licensed as an EMS Instructor/Coordinator under the Department of Health's  
5 Emergency Medical Service Rules in effect immediately prior to the effective  
6 date of the rules establishing the new levels of instructor licenses as required  
7 by 18 V.S.A. § 906(1) in Sec. 20 of this act shall be deemed to be licensed at  
8 the level that is consistent with the scope of practice of the new license levels.

9 (d) Development of Vermont EMS First Responder certification. The  
10 Department of Health shall consult with the EMS Advisory Committee, the  
11 University of Vermont's Initiative for Rural Emergency Medical Services, and  
12 any other relevant stakeholders in developing the new Vermont EMS First  
13 Responder certification required by 18 V.S.A. § 906(11) in Sec. 20 of this act  
14 so that certification is established on or before July 1, 2021.

15 (e) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 906d  
16 (renewal requirements; sunset review) set forth in Sec. 20 this act, the  
17 Department of Health shall conduct its first sunset review in conjunction with  
18 its rulemaking required by this act and thereafter propose any necessary  
19 statutory amendments in accordance with that section.

1   \* \* \* Public Safety Planning \* \* \*

2           Sec. 23. 20 V.S.A. § 6 is amended to read:

3           § 6. LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT;  
4   TOWN AND CITY PUBLIC SAFETY PLANS

5           (a) Each town and city of this ~~state~~ State is hereby authorized and directed  
6           to establish a local organization for emergency management in accordance  
7           with the ~~state emergency management plan~~ State Emergency Management  
8           Plan and program.

9                           (1)(A) Except in a town that has a town manager in accordance with  
10           ~~chapter 37 of Title 24 V.S.A. chapter 37~~, the executive officer or legislative  
11           branch of the town or city is authorized to appoint a town or city emergency  
12           management director who shall have direct responsibility for the organization,  
13           administration, and coordination of the local organization for emergency  
14           management, subject to the direction and control of the executive officer or  
15           legislative branch.

16                           (B) If the town or city that has not adopted the town manager form of  
17           government and the executive officer or legislative branch of the town or city  
18           has not appointed an emergency management director, the executive officer or  
19           legislative branch shall be the town or city emergency management director.

1           (2) The town or city emergency management director may appoint an  
2           emergency management coordinator and other staff as necessary to accomplish  
3           the purposes of this chapter.

4           (b) Except as provided in subsection (d) of this section, each local  
5           organization for emergency management shall perform emergency  
6           management functions within the territorial limits of the town or city within  
7           which it is organized, and, in addition, shall conduct such functions outside of  
8           the territorial limits as may be required pursuant to the provisions of this  
9           chapter and in ~~accord~~ accordance with such regulations as the ~~governor~~  
10          Governor may prescribe.

11          (c) Each local organization shall participate in the development of an all-  
12          hazards plan with the local emergency planning committee and the public  
13          safety district.

14          (d)(1) Each local organization shall annually notify the local emergency  
15          planning committee on forms provided by the ~~state emergency response~~  
16          ~~commission~~ State Emergency Response Commission of its capacity to perform  
17          emergency functions in response to an all-hazards incident.

18          (2) Each local organization shall perform the emergency functions  
19          indicated on the most recently submitted form in response to an all-hazards  
20          incident.

1       (e) Each town and city legislative body shall adopt a public safety plan in  
2       accordance with this subsection that describes how the town or city will  
3       address the regular law enforcement, fire, emergency medical service, and  
4       dispatch resources, needs, scarcities, costs, and problems within the  
5       municipality unrelated to an all-hazards incident, which may include  
6       partnering with one or more other municipalities or entities to address those  
7       issues.

8           (1) Concurrently with its annual notification required under subsection  
9       (d) of this section, each local organization shall analyze the law enforcement,  
10       fire, emergency medical service, and dispatch resources, needs, scarcities,  
11       costs, and problems within the municipality and report that information to its  
12       legislative body.

13           (2) After receipt of that information, the legislative body:

14           (A) shall solicit and accept public comment on the current public  
15       safety plan;

16           (B) may consult with the municipal and regional planning  
17       commission, neighboring local organizations, and any other relevant law  
18       enforcement, fire, and emergency medical service entities in order to determine  
19       how those services may be provided and shared on a regional basis;

20           (C) shall propose any revisions to the current public safety plan that  
21       the legislative body deems necessary, and in that case, shall provide public

1 notice of those proposed revisions and hold at least one public hearing on those  
2 proposed revisions not less than 30 days after the public notice of them; and

3 (D) shall finally adopt any revisions to the current public safety plan.

4 Sec. 24. TRANSITIONAL PROVISION; INITIAL PUBLIC SAFETY PLAN

5 Each town and city shall undertake the process to adopt a public safety plan  
6 as set forth in Sec. 23 of this act so that every town and city has adopted such a  
7 plan on or before July 1, 2023.

8 Sec. 25. AGENCY OF COMMERCE AND COMMUNITY

9 DEVELOPMENT; REGIONAL PLANNING COMMISSIONS;

10 PUBLIC SAFETY PLANNING GRANTS

11 (a) Appropriation. The sum of \$100,000.00 is appropriated to the Agency  
12 of Commerce and Community Development in fiscal year 2021 for three  
13 public safety planning grants described in subsection (b) of this section. The  
14 Agency shall award the grants in accordance with its procedure established  
15 under the Vermont Community Development Act.

16 (b) Public safety planning grants.

17 (1) Public safety planning grants are created for the purpose of fostering  
18 regional public safety planning.

19 (2) A regional organization, such as a regional planning commission,  
20 union municipal district, joint survey committee, or other qualified  
21 organization may apply to the Agency for a public safety planning grant for the

1 purpose of planning the integration, consolidation, or regionalization of public  
2 safety functions within the organization’s jurisdiction. A grant shall be for a  
3 maximum of three years and shall not exceed \$35,000.00, and shall be  
4 provided to grantees in different geographic regions of the State.

5 (3) A grantee shall be required to report annually on or before January  
6 15 to the Senate and House Committees on Government Operations and on  
7 Appropriations regarding its planning process and expected result. Each report  
8 shall specifically provide data on and analyze the potential costs and savings of  
9 regional consolidation of public safety functions.

10 (4) As used in this section:

11 (A)(i) “Planning” means hiring personnel or contracting for services  
12 to determine the feasibility of or to establish the procedure to implement, or  
13 both, the integration, consolidation, or regionalization of public safety  
14 functions.

15 (ii) “Planning” does not mean implementing such integration,  
16 consolidation, or regionalization.

17 (B) “Public safety functions” means fire, police, emergency medical  
18 services, and dispatching services.

19 \* \* \* Effective Dates \* \* \*

20 Sec. 26. EFFECTIVE DATES

21 This act shall take effect on July 1, 2020.

1 and that after passage the title of the bill be amended to read: “An act relating  
2 to governmental structures protecting the public health, safety, and welfare”

3

4 (Committee vote: \_\_\_\_\_)

5

6

\_\_\_\_\_

7

Senator \_\_\_\_\_

8

FOR THE COMMITTEE