

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 124 entitled “An act relating to governmental structures protecting the
4 public health, safety, and welfare” respectfully reports that it has considered
5 the same and recommends that the House propose to the Senate that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 * * * Vermont Criminal Justice Council * * *

9 Sec. 1. 20 V.S.A. chapter 151 is redesignated to read:

10 CHAPTER 151. VERMONT CRIMINAL JUSTICE ~~TRAINING~~ COUNCIL

11 Sec. 2. VERMONT CRIMINAL JUSTICE COUNCIL; PURPOSE;

12 CONFORMING REVISIONS

13 (a) In order to fully reflect all of its powers and duties, which relate to
14 training, certifying, and professionally regulating law enforcement officers, the
15 Vermont Criminal Justice Training Council is renamed the Vermont Criminal
16 Justice Council.

17 (b) When preparing the Vermont Statutes Annotated for publication, the
18 Office of Legislative Counsel shall replace “Vermont Criminal Justice
19 Training Council” with “Vermont Criminal Justice Council,” provided that
20 those revisions have no other effect on the meaning of the affected statutes.

1 Sec. 3. 20 V.S.A. § 2351 is amended to read:

2 § 2351. CREATION AND PURPOSE OF COUNCIL

3 (a) In order to promote and protect the health, safety, and welfare of the
4 public, it is in the public interest to provide for the creation of the Vermont
5 Criminal Justice ~~Training~~ Council.

6 (b) The Council is created to:

7 (1) encourage and assist municipalities, counties, and governmental
8 agencies of this State in their efforts to improve the quality of law enforcement
9 and citizen protection by maintaining a uniform standard of ~~recruitment~~ basic
10 training for law enforcement applicants and in-service training for law
11 enforcement officers; and

12 (2) maintain statewide standards of law enforcement officer professional
13 conduct by accepting and tracking complaints alleging officer unprofessional
14 conduct, adjudicating charges of unprofessional conduct, and imposing
15 sanctions on the certification of an officer who the Council finds has
16 committed unprofessional conduct.

17 (c) The Council shall offer and approve continuing programs of instruction
18 in up-to-date methods of law enforcement and the administration of criminal
19 justice.

1 (d) It is the responsibility of the Council to encourage the participation of
2 local governmental units in the program and to aid in the establishment of
3 adequate training facilities.

4 Sec. 4. 20 V.S.A. § 2352 is amended to read:

5 § 2352. COUNCIL MEMBERSHIP

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

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

9 (B) the Attorney General;

10 (C) the Executive Director of the Department of State's Attorneys
11 and Sheriffs;

12 (D) the Executive Director of Racial Equity;

13 (E) a member of the Vermont Troopers' Association or its successor
14 entity, elected by its membership;

15 ~~(F)~~ (F) a member of the Vermont Police Association, elected by its
16 membership; ~~and~~

17 ~~(G)~~ (G) ~~five additional members appointed by the Governor.~~

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

20 ~~(ii) The Governor shall solicit recommendations for appointment~~
21 ~~from the Vermont State's Attorneys Association, the Vermont State's Sheriffs~~

1 ~~Association, the Vermont Police Chiefs Association, and the Vermont~~
2 ~~Constables Association~~ a member of the Chiefs of Police Association of
3 Vermont, appointed by the President of the Association;

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

6 (I) a law enforcement officer, appointed by the President of the
7 Vermont State Employees Association;

8 (J) an employee of the Vermont League of Cities and Towns,
9 appointed by the Executive Director of the League;

10 (K) an individual appointed by the Executive Director of the Center
11 for Crime Victim Services;

12 (L) an individual appointed by the Executive Director of the Human
13 Rights Commission;

14 (M) an individual appointed by the Executive Director of the
15 Vermont Network Against Domestic and Sexual Violence; and

16 (N) seven public members, appointed by the Governor, who shall not
17 be law enforcement officers or have a spouse, parent, child, or sibling who is a
18 law enforcement officer, current legislators, or otherwise be employed in the
19 criminal justice system.

20 (i) At least one of these members shall be a mental health crisis
21 worker.

1 this act may serve the remainder of his or her term in effect immediately prior
2 to the effective date of Sec. 4.

3 (b) The new membership of the Council shall be appointed on or before
4 December 1, 2020.

5 Sec. 6. 20 V.S.A. § 2355 is amended to read:

6 § 2355. COUNCIL POWERS AND DUTIES

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

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

12 * * *

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

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

21 * * *

1 § 2355(a)(1) in Sec. 6 of this act, unless that deadline is extended by the
2 Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

3 Sec. 9. 20 V.S.A. § 2359 is added to read:

4 § 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

5 COMPLIANCE

6 (a) On and after January 1, 2022, a law enforcement agency shall be
7 prohibited from having its law enforcement applicants or officers trained by
8 the Police Academy or from otherwise using the services of the Council if the
9 agency is not in compliance with the requirements for collecting roadside stop
10 data under section 2366 of this chapter, the requirement to report to the Office
11 of Attorney General death or serious bodily injuries under 18 V.S.A.
12 § 7257a(b), or the requirement to adopt, follow, or enforce any policy required
13 under this chapter.

14 (b) The Council shall adopt procedures to enforce the requirements of this
15 section, which may allow for waivers for agencies under a plan to obtain
16 compliance with this section.

17 Sec. 10. 20 V.S.A. § 2361 is amended to read:

18 § 2361. ADDITIONAL TRAINING

19 (a) Nothing in this chapter prohibits any ~~State~~ law enforcement agency,
20 ~~department, or office or any municipality or county of the State~~ from providing

1 additional training beyond basic training to its personnel where no certification
2 is requested of or required by the Council or its Executive Director.

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

8 Sec. 11. 20 V.S.A. § 2362a is amended to read:

9 § 2362a. POTENTIAL HIRING AGENCY; DUTY TO CONTACT

10 CURRENT OR FORMER AGENCY

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

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

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

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

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

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

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

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

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

16 (c) A potential hiring agency that receives a disclosure under subsection (b)
17 of this section shall keep the contents of that disclosure confidential.

18 (d) A collective bargaining agreement between a law enforcement agency
19 and the exclusive representative or bargaining agent of the law enforcement
20 officers employed by that agency shall not include a prohibition on the

1 exchange of information between the employing agency and another agency
2 about an officer's performance at the employing agency.

3 Sec. 12. LAW ENFORCEMENT AGENCY; DUTY TO DISCLOSE

4 (a) The requirement of a current law enforcement agency to disclose its
5 analysis of its law enforcement officer's performance at the agency as set forth
6 in 20 V.S.A. § 2362a(a) and (b) in Sec. 11 of this act shall not apply if there is
7 a binding nondisclosure agreement prohibiting that disclosure that was
8 executed prior to the effective date of that section.

9 (b) The provisions in Sec. 11, in 20 V.S.A. § 2362a(d), that prohibit a
10 collective bargaining agreement from including a prohibition on the exchange
11 of information between law enforcement agencies about the performance of a
12 law enforcement officer shall not apply to any collective bargaining agreement
13 that took effect prior to the effective date of that section, but shall apply upon
14 the expiration or termination of such an agreement and shall apply to any
15 collective bargaining agreement that takes effect on or after the effective date
16 of that section.

17 Sec. 13. 20 V.S.A. § 2368 is added to read:

18 § 2368. STATEWIDE POLICY; REQUIRED USE OF BODY CAMERA

19 POLICY

20 (a)(1) On and after January 1, 2022, each law enforcement agency that
21 authorizes its law enforcement officers to use body cameras shall adopt,

1 follow, and enforce a model body camera policy established by the Council,
2 and each law enforcement officer who uses a body camera shall comply with
3 the provisions of that policy.

4 (2) Until the date set forth in subdivision (1) of this subsection, each law
5 enforcement agency that authorizes its law enforcement officers to use body
6 cameras shall adopt, follow, and enforce the Model Body Worn Camera
7 (BWC) Policy established by the Law Enforcement Advisory Board pursuant
8 to 2016 Acts and Resolves No. 163, and each law enforcement officer who
9 uses a body camera shall comply with the provisions of that policy.

10 (b) The Council shall incorporate the provisions of this section into training
11 it provides.

12 Sec. 14. 20 V.S.A. § 2369 is added to read:

13 § 2369. PROHIBITION ON FACIAL RECOGNITION TECHNOLOGY

14 (a) A law enforcement officer shall not use facial recognition technology or
15 information acquired through the use of facial recognition technology unless
16 the use would be permitted with respect to drones under section 4622 of this
17 title (law enforcement use of drones).

1 (A) Category (A).

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

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

7 (B) Category B.

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

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

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

14 (II) any decision or findings, including findings of fact or
15 verdict, regarding allegations that the officer committed Category B conduct,
16 including a hearing officer decision, arbitration, administrative decision, or
17 judicial decision, and any appeal therefrom.

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

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

1 (1) Law enforcement officer qualifications.

2 (A) The Law Enforcement Advisory Board shall recommend
3 universal standards for interviewing and hiring new law enforcement officers
4 in order to recognize applicant qualities that are desirable and those that are
5 not. The Board shall specifically recommend standards that should apply to
6 officers in a supervisory role.

7 (B) The Council shall consult with the Human Rights Commission,
8 the American Civil Liberties Union, statewide racial justice groups, statewide
9 groups representing individuals with lived experience of a mental health
10 condition or psychiatric disability, and other relevant organizations and
11 individuals in reviewing law enforcement applicants' current written, oral, and
12 psychological examinations for cultural sensitivities and overall
13 appropriateness.

14 (2) Law enforcement officer training.

15 (A) The Council, in consultation with the Racial Disparities in the
16 Criminal and Juvenile Justice System Advisory Panel, the Human Rights
17 Commission, the American Civil Liberties Union, statewide racial justice
18 groups, statewide groups representing individuals with lived experience of a
19 mental health condition or psychiatric disability, and other relevant
20 stakeholders, shall review the current requirements for basic and annual in-
21 service training in order to determine whether appropriate training is provided

1 in the areas of cultural awareness, implicit bias, de-escalation, and recognition
2 of and appropriately responding to individuals with a mental health condition
3 or psychiatric disability, and whether that training is embedded into training on
4 other policing policies such as traffic stops and searches.

5 (B) In consideration of its analysis in subdivision (A) of this
6 subdivision (2), and in reviewing current training requirements and how that
7 training is used in practice, the Council shall recommend any amendments to
8 statutorily required training that may not be necessary for all officers.

9 (C) The Council, Law Enforcement Advisory Board, and Department
10 of Public Safety shall consult with the Vermont League of Cities and Towns
11 and other interested stakeholders to determine whether:

12 (i) the Council should be reestablished within a State agency or
13 other oversight entity; and

14 (ii) there should be more flexibility in the residential and field
15 training required of law enforcement applicants, including whether applicants
16 should be able to satisfy some aspects of basic training through experiential
17 learning.

18 (3) Models of civilian oversight. The Office of Attorney General shall
19 consult with the Council, the Human Rights Commission, the Vermont League
20 of Cities and Towns, the Vermont Law School Center for Justice Reform,
21 statewide racial justice groups, statewide groups representing individuals with

1 lived experience of a mental health condition or psychiatric disability, and
2 other interested parties to recommend one or more models of civilian oversight
3 of law enforcement.

4 (4) Reporting allegations of law enforcement misconduct. The Office of
5 Attorney General shall consult with the Council, the Human Rights
6 Commission, the American Civil Liberties Union, statewide racial justice
7 groups, statewide groups representing individuals with lived experience of a
8 mental health condition or psychiatric disability, and other interested parties in
9 order to identify a central point for reporting allegations of law enforcement
10 officer misconduct, which may be the Council or another entity, and how those
11 allegations should be handled.

12 (5) Access to complaint information. The Council Advisory Committee
13 shall consult with the Secretary of State, the Human Rights Commission, the
14 American Civil Liberties Union, and other interested parties in reviewing
15 public access to records related to allegations of law enforcement officer
16 misconduct and substantiations of those allegations in order to recommend any
17 changes to current practice.

18 (6) Body cameras.

19 (A) The Law Enforcement Advisory Board shall report any changes
20 it deems necessary to the Model Body Worn Camera (BWC) Policy that it
21 established pursuant to 2016 Acts and Resolves No. 163.

1 (B)(i) The Council shall recommend a model body camera policy for
2 use by law enforcement agencies and officers.

3 (ii) After consulting with the Secretary of State, the Human Rights
4 Commission, the American Civil Liberties Union, statewide racial justice
5 groups, statewide groups representing individuals with lived experience of a
6 mental health condition or psychiatric disability, and other interested parties,
7 the Council shall specifically recommend policies for responding to public
8 records requests for body camera footage, including any recommended
9 timelines to respond, how and what footage should be redacted, length of
10 footage retention, and storage.

11 (C) The Department of Public Safety shall consult with the Council
12 and the Law Enforcement Advisory Board to investigate the possibility of a
13 statewide group purchasing contract for law enforcement body cameras and of
14 central storage locations. If the Department recommends such a group, it shall
15 detail its recommended structure and operation.

16 (7) Military equipment. After an opportunity for community involvement
17 and feedback, the Council shall recommend a statewide policy on law
18 enforcement officers' acquisition of military equipment.

1 * * * State Data Collection and Analysis * * *

2 Sec. 17. STATE OUTCOMES REPORT; GOVERNMENT

3 ACCOUNTABILITY COMMITTEE; POPULATION-LEVEL

4 INDICATORS DEMONSTRATING QUALITY OF LIFE FOR

5 VERMONTERS WHO ARE BLACK, INDIGENOUS, OR PEOPLE

6 OF COLOR

7 (a) On or before March 1, 2021, the Government Accountability
8 Committee shall consult with the Executive Director of Racial Equity, the
9 Social Equity Caucus, and the Chief Performance Officer and shall accept
10 recommendations from other relevant entities in order to approve by that date
11 population-level indicators that demonstrate the quality of life for Vermonters
12 who are Black, Indigenous, or People of Color as those indicators relate to the
13 population-level quality of life outcomes set forth in 3 V.S.A. § 2311(b).

14 (b) Once those indicators are approved by the Government Accountability
15 Committee, the Chief Performance Officer shall report on those indicators in
16 the State Outcomes Report set forth in 3 V.S.A. § 2311.

17 Sec. 18. 3 V.S.A. § 2311 is amended to read:

18 § 2311. CHIEF PERFORMANCE OFFICER; ANNUAL STATE

19 OUTCOMES REPORT

1 (a) Report.

2 (1) Annually, on or before September 30, the Chief Performance Officer
3 within the Agency of Administration shall submit to the General Assembly a
4 State Outcomes Report demonstrating the State’s progress in reaching the
5 population-level outcomes for each area of Vermont’s quality of life set forth
6 in subsection (b) of this section by providing data for the population-level
7 indicators that are approved pursuant to the process set forth in subsection (c)
8 of this section.

9 (2) Vermont’s population-level quality of life outcomes are intended to
10 reflect the well-being of all Vermonters, and indicators reported to measure the
11 extent to which outcomes are achieved are intended to represent the experience
12 of all Vermonters, including and especially Vermonters who are members of
13 marginalized groups.

14 (b) Vermont population-level quality of life outcomes.

15 (1) Vermont has a prosperous economy.

16 (2) Vermonters are healthy.

17 (3) Vermont’s environment is clean and sustainable.

18 (4) Vermont is a safe place to live.

19 (5) Vermont’s families are safe, nurturing, stable, and supported.

20 (6) Vermont’s children and young people achieve their potential.

21 (7) Vermont’s elders live with dignity and in settings they prefer.

1 and all such grants shall be subject to the approval of the Secretary or designee.

2 The Secretary or designee shall approve the grant only if the law enforcement
3 agency or constable has complied with the race data reporting requirements set
4 forth in 20 V.S.A. § 2366(e) and the death or serious bodily injury reporting
5 requirements set forth in 18 V.S.A. § 7257a(b) within six months prior to the
6 Secretary's or designee's review.

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

8 § 2053. COOPERATION WITH OTHER AGENCIES

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

15 (b)(1) All ~~state~~ State departments and agencies, municipal police
16 departments, sheriffs, and other law enforcement officers shall cooperate with
17 and assist the ~~center~~ Center in the establishment of a complete and uniform
18 system of records relating to the commission of crimes, arrests, convictions,
19 imprisonment, probation, parole, fingerprints, photographs, stolen property,
20 and other matters relating to the identification and records of persons who have

1 or who are alleged to have committed a crime, or who are missing persons, or
2 who are fugitives from justice.

3 (2) In order to meet the requirements of subdivision (1) of this
4 subsection, the Center, in consultation with the Vermont Crime Research
5 Group, statewide racial justice groups, and statewide groups representing
6 individuals with lived experience of a mental health condition or psychiatric
7 disability, shall establish and provide training on a uniform list of definitions to
8 be used in entering data into a law enforcement agency's system of records,
9 and every law enforcement officer shall use those definitions when entering
10 data into his or her agency's system.

11 * * * Law Enforcement Advisory Board * * *

12 Sec. 21. LEAB; REPEAL FOR RECODIFICATION

13 24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

14 Sec. 22. 20 V.S.A. § 1818 is added to read:

15 § 1818. LAW ENFORCEMENT ADVISORY BOARD

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

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

- 1 (1) the Commissioner of Public Safety;
- 2 (2) the Director of the Vermont State Police;
- 3 (3) the Director of the Enforcement Division of the Department of Fish
4 and Wildlife;
- 5 (4) the Director of the Enforcement and Safety Division of the
6 Department of Motor Vehicles;
- 7 (5) the Chief of the Capitol Police Department;
- 8 (6) the Director of the Vermont Criminal Justice Services Division;
- 9 (7) a member of the Chiefs of Police Association of Vermont, appointed
10 by the President of the Association;
- 11 (8) a member of the Vermont Sheriffs' Association, appointed by the
12 President of the Association;
- 13 (9) a representative of the Vermont League of Cities and Towns,
14 appointed by the Executive Director of the League;
- 15 (10) a member of the Vermont Police Association, appointed by the
16 President of the Association;
- 17 (11) the Attorney General or designee;
- 18 (12) a State's Attorney appointed by the Executive Director of the
19 Department of State's Attorneys and Sheriffs;
- 20 (13) the U.S. Attorney or designee;
- 21 (14) the Executive Director of the Vermont Criminal Justice Council;

1 (15) the Defender General or designee;

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

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

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

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

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

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

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

4 Sec. 23. LEAB; RECODIFICATION DIRECTIVE

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

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

10 Sec. 24. LEAB; 2021 REPORT ON MUNICIPAL ACCESS TO LAW

11 ENFORCEMENT SERVICES

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

15 * * * Department of Public Safety; Dispatch * * *

16 Sec. 25. 20 V.S.A. chapter 113 (Commissioner and Members), subchapter 1 is
17 amended to read:

1 Subchapter 1. General Provisions

2 § 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER

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

6 (b) The head of the ~~department~~ Department shall be a ~~commissioner of~~
7 ~~public safety~~ the Commissioner of Public Safety, who shall be a citizen of the
8 United States and shall be selected on the basis of training, experience and
9 qualifications. The ~~commissioner~~ Commissioner shall be appointed by the
10 ~~governor~~ Governor, with the advice and consent of the ~~senate~~, ~~for a term of six~~
11 ~~years~~ Senate.

12 * * *

13 (i) The ~~commissioner of public safety~~ Commissioner of Public Safety may
14 enter into contractual arrangements to perform dispatching functions for ~~state~~
15 State, municipal, or other emergency services, ~~establishing charges sufficient~~
16 ~~to recover the costs of dispatching. Dispatch positions which are fully funded~~
17 ~~under such contracts may be authorized under the provisions of 32 V.S.A. §~~
18 ~~5(b).~~

19 (j) Charges collected under subsections (e), (f), and (i) of this section shall
20 be credited to the Vermont ~~law telecommunications special fund~~ Law

1 Telecommunications Special Fund and shall be available to the ~~department~~
2 Department to offset the costs of providing the services.

3 * * *

4 § 1873. ~~REMOVAL OF COMMISSIONER~~

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

9 (1) ~~Incompetency amounting to failure to perform his or her official~~
10 ~~duties competently;~~

11 (2) ~~Misconduct in office which shall be construed to include:~~

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

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

15 * * *

16 § 1875. RADIO COMMUNICATION SYSTEM

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

1 State, municipal, or other emergency services until the General Assembly
2 establishes in law a dispatch fee structure for those charges.

3 (b)(1) On or before March 15, 2021, the Department of Public Safety shall
4 hold at least three public hearings and consult with the Vermont League of
5 Cities and Towns, the Emergency Medical Advisory Committee, the Vermont
6 Police Chiefs Association, the Vermont State Firefighters Association, and
7 local emergency medical services, police, and fire agencies in order to report
8 by that date to the House Committees on Government Operations and on Ways
9 and Means and the Senate Committees on Government Operations and on
10 Finance the Department’s recommendations for an equitable dispatch fee
11 structure for the Department to charge for dispatching emergency medical
12 service, police, and fire services, and potential funding mechanisms for those
13 charges that do not rely on property taxes.

14 (2) If the Department decides to overrule substantial arguments and
15 considerations raised against the equitable dispatch fee structure or potential
16 funding mechanisms it ultimately recommends, the Department shall include
17 in its report a description of those arguments and considerations and the
18 reasons for the Department’s decision.

1 § 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

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

6 * * *

7 § 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL
8 SERVICES DISTRICTS

9 (a) It shall be the function of each emergency medical services district to
10 foster and coordinate emergency medical services within the district, in the
11 interest of affording adequate ambulance services within the district. Each
12 emergency medical services district shall have powers that include the power
13 to:

14 * * *

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

19 * * *

20 (b) Two or more contiguous emergency medical services districts by a
21 majority vote of the district board in each of the districts concerned may

1 change the mutual boundaries of their emergency medical services districts.

2 The district boards shall report all changes in district boundaries to the ~~State~~

3 ~~Board~~ Department of Health.

4 * * *

5 Subchapter 2. Licensing Operation of Affiliated Agencies

6 § 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

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

9 (b)(1) In order to obtain and maintain a license, an ambulance service shall
10 be required to provide its services in a manner that does not discriminate on the
11 basis of income, funding source, or severity of health needs, in order to ensure
12 access to ambulance services within the licensee's service area.

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

15 § 2682. POWERS OF ~~STATE BOARD~~ THE DEPARTMENT OF HEALTH

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

18 * * *

19 § 2683. TERM OF LICENSE

20 Full licenses shall be issued on forms to be prescribed by the ~~State Board~~
21 Department of Health for a period of three years beginning on January 1, or for

1 the balance of any such three-year period. Temporary, conditional, or
2 provisional licenses may also be issued by the ~~Board~~ Department.

3 * * *

4 Sec. 28. 18 V.S.A. § 9405 is amended to read:

5 § 9405. STATE HEALTH IMPROVEMENT PLAN; HEALTH RESOURCE
6 ALLOCATION PLAN

7 * * *

8 (b) The Green Mountain Care Board, in consultation with the Secretary of
9 Human Services or designee, shall publish on its website the Health Resource
10 Allocation Plan identifying Vermont's critical health needs, goods, services,
11 and resources, which shall be used to inform the Board's regulatory processes,
12 cost containment and statewide quality of care efforts, health care payment and
13 delivery system reform initiatives, and any allocation of health resources
14 within the State. The Plan shall identify Vermont residents' needs for health
15 care services, programs, and facilities; the resources available and the
16 additional resources that would be required to realistically meet those needs
17 and to make access to those services, programs, and facilities affordable for
18 consumers; and the priorities for addressing those needs on a statewide basis.
19 The Board may expand the Plan to include resources, needs, and priorities
20 related to the social determinants of health. The Plan shall be revised
21 periodically, but not less frequently than once every four years.

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

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

4 (B) identify priorities using information from:

5 (i) the State Health Improvement Plan;

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

9 (iii) the community health needs assessments required by section
10 9405a of this title;

11 ~~(iii)~~(iv) available health care workforce information;

12 ~~(iv)~~(v) materials provided to the Board through its other regulatory
13 processes, including hospital budget review, oversight of accountable care
14 organizations, issuance and denial of certificates of need, and health insurance
15 rate review; and

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

17 (C) use existing data sources to identify and analyze the gaps
18 between the supply of health resources and the health needs of Vermont
19 residents and to identify utilization trends to determine areas of
20 underutilization and overutilization; and

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

3 * * *

4 Sec. 29. 18 V.S.A. chapter 17 is amended to read:

5 CHAPTER 17. EMERGENCY MEDICAL SERVICES

6 * * *

7 § 903. AUTHORIZATION FOR PROVISION OF EMERGENCY
8 MEDICAL SERVICES

9 Notwithstanding any other provision of law, including provisions of
10 26 V.S.A. chapter 23, persons who are affiliated with an affiliated agency and
11 licensed to provide emergency medical treatment pursuant to the requirements
12 of this chapter and the rules adopted under it are hereby authorized to provide
13 such care without further certification, registration, or licensing.

14 * * *

15 § 904. ADMINISTRATIVE PROVISIONS

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

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

21 * * *

1 § 906. EMERGENCY MEDICAL SERVICES DIVISION;
2 RESPONSIBILITIES

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

5 (1) Developing and implementing minimum standards for training
6 emergency medical personnel in basic life support and advanced life support,
7 and licensing emergency medical personnel according to their level of training
8 and competence. The Department shall establish by rule at least three levels of
9 emergency medical personnel instructors and the education required for each
10 level.

11 * * *

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

15 * * *

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

19 (10) Establishing, by rule, license levels for emergency medical
20 personnel. The Commissioner shall use the guidelines established by the
21 National Highway Traffic Safety Administration (NHTSA) in the U.S.

1 Department of Transportation as a standard or other comparable standards,
2 except that a felony conviction shall not necessarily disqualify an applicant.

3 The rules shall also provide that:

4 * * *

5 (B) An individual licensed by the Commissioner as an emergency
6 medical technician, advanced emergency medical technician, or a paramedic,
7 who is affiliated with an affiliated agency, shall be able to practice fully within
8 the scope of practice for such level of licensure as defined by NHTSA's
9 National EMS Scope of Practice Model consistent with the license level of the
10 affiliated agency, and subject to the medical direction of the emergency
11 medical services district medical advisor.

12 (C)(i) Unless otherwise provided under this section, an individual
13 seeking any level of licensure shall be required to pass an examination
14 approved by the Commissioner for that level of licensure, except that any
15 psychomotor skills testing for emergency medical responder, or emergency
16 medical technician licensure shall be accomplished either by the demonstration
17 of those skills competencies as part of the education required for that license
18 level as approved by the Department or by the National Registry of Emergency
19 Medical Technicians' psychomotor examination.

20 (ii) Written and practical examinations shall not be required for
21 relicensure; however, to maintain licensure, all individuals shall complete a

1 specified number of hours of continuing education as established by rule by the
2 Commissioner. The Commissioner shall ensure that continuing education
3 classes are available online and provided on a regional basis to accommodate
4 the needs of volunteers and part-time individuals, including those in rural areas
5 of the State.

6 * * *

7 (E) An applicant who has served as a hospital corpsman or a medic in
8 the U.S. Armed Forces, or who is licensed as a registered nurse or a physician
9 assistant shall be granted a permanent waiver of the training requirements to
10 become a licensed emergency medical technician, an advanced emergency
11 medical technician, or a paramedic, provided the applicant passes the
12 applicable examination approved by the Commissioner for that level of
13 licensure and is affiliated with an affiliated agency.

14 (F) An applicant who is registered on the National Registry of
15 Emergency Medical Technicians as an emergency medical technician, an
16 advanced emergency medical technician, or a paramedic shall be granted
17 licensure as a Vermont emergency medical technician, an advanced emergency
18 medical technician, or a paramedic without the need for further testing,
19 provided he or she is affiliated with an affiliated agency or is serving as a
20 medic with the Vermont National Guard.

21 * * *

1 Sec. 31. TRANSITIONAL EMS PROVISIONS

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

6 (b) Ambulance service licenses. The requirements for initial ambulance
7 service licensure and renewal set forth in 24 V.S.A. § 2681(b) in Sec. 27 of this
8 act shall apply to initial ambulance service license and renewal applicants on
9 and after July 1, 2021 or on and after the effective date of the Department of
10 Health rules adopted pursuant to that section and subsection (a) of this section,
11 whichever date is later.

12 (c) Existing EMS Instructor/Coordinator licensees. Any person who is
13 licensed as an EMS Instructor/Coordinator under the Department of Health's
14 Emergency Medical Service Rules in effect immediately prior to the effective
15 date of the rules establishing the new levels of instructor licenses as required
16 by 18 V.S.A. § 906(1) in Sec. 29 of this act shall be deemed to be licensed at
17 the level that is consistent with the scope of practice of the new license levels.

18 (d) Development of Vermont EMS First Responder certification. The
19 Department of Health shall consult with the EMS Advisory Committee, the
20 University of Vermont's Initiative for Rural Emergency Medical Services, and
21 any other relevant stakeholders in developing the new Vermont EMS First

1 Responder certification required by 18 V.S.A. § 906(11) in Sec. 29 of this act
2 so that certification is established on or before July 1, 2021.

3 (e) Sunset review of renewal requirements. Pursuant to 18 V.S.A. § 906d
4 (renewal requirements; sunset review) set forth in Sec. 29 this act, the
5 Department of Health shall conduct its first sunset review in conjunction with
6 its rulemaking required by this act and thereafter propose any necessary
7 statutory amendments in accordance with that section.

8 * * * Public Safety Planning * * *

9 Sec. 32. REGIONAL PLANNING COMMISSIONS; INVENTORY OF

10 MUNICIPAL PUBLIC SAFETY RESOURCES

11 (a) The purpose of this section is to require each regional planning
12 commission to create one inventory identifying the public safety resources of
13 each town within its jurisdiction and to report that inventory to all of its towns
14 so that each town can better understand the public safety resources that are
15 available to them and how those resources may be shared on a regional basis.

16 (b) On or before July 1, 2022, each regional planning commission shall
17 create and report to all of the towns within its jurisdiction one inventory
18 identifying all of the public safety resources that each town within its
19 jurisdiction relies upon for its public safety needs. As part of this inventory,
20 the inventory shall identify:

