

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Executive Branch; reorganization of Executive Branch; law
4 enforcement agencies

5 Statement of purpose of bill as introduced: This bill proposes to reorganize
6 **public safety services** within the Executive Branch and create the Agency of
7 Public Safety.

8 An act relating to the creation of the Agency of Public Safety

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

10 * * * Creation of Agency * * *

11 Sec. 1. 3 V.S.A. chapter 69 is added to read:

12 CHAPTER 69. AGENCY OF PUBLIC SAFETY

13 Subchapter 1. General Provisions

14 § 6001. DEFINITIONS

15 (1) “Agency” means the Agency of Public Safety.

16 (2) “Commissioner” means the head of a department responsible to the
17 Secretary for the administration of the department.

18 (3) “Department” means a major component of the Agency.

19 (4) “Director” means the head of a division of the Agency.

1 (5) “Division” means a major component of a department engaged in
2 furnishing services to the public or to units of government at levels other than
3 the State level.

4 (6) “Secretary” means the head of the Agency, a member of the
5 Governor’s Cabinet, who is responsible to the Governor for the administration
6 of the Agency.

7 § 6002. CREATION OF AGENCY

8 (a) There is hereby created the Agency of Public Safety for the purpose of
9 ensuring the coordination of all public safety resources, including reducing
10 redundancies; increasing efficiencies; and standardizing policies, training, and
11 data collection.

12 (b) The Agency of Public Safety shall consist of the following:

13 (1) the Department of Fire Safety and Emergency Management,
14 including:

15 (A) the Division of Emergency Management;

16 (B) the Division of Fire Safety; and

17 (C) the Office of Training;

18 (2) the Department of Law Enforcement, including:

19 (A) the Division of the Vermont State Police; and

20 (B) the Division of Motor Vehicle Enforcement;

21 (3) the Division of Support Services; and

1 (4) the Office of Community Relations.

2 (c) The Agency shall provide administrative support to the following
3 boards, commissions, and councils:

4 (1) the Fire Service Training Council;

5 (2) the Law Enforcement Advisory Board;

6 (3) the State Police Advisory Commission;

7 (4) the Search and Rescue Council;

8 (5) the Animal Cruelty Investigation Advisory Board;

9 (6) the Electricians Licensing Board;

10 (7) the Elevator Safety Review Board;

11 (8) the State Emergency Response Commission;

12 (9) the Plumbers Examining Board; and

13 (10) the Enhanced 911 Board.

14 [Vermont Criminal Justice Council deleted]

15 § 6003. ADVISORY CAPACITY

16 (a) Except as otherwise provided in this chapter, all boards and
17 commissions are a part of or are attached to the Agency pursuant to this
18 chapter shall be advisory only, and the powers and duties of the boards and
19 commissions, including administrative, policy-making, and regulatory
20 functions, shall vest in and be exercised by the Secretary of the Agency.

1 (b) Notwithstanding subsection (a) of this section, boards of registration
2 attached to this Agency shall retain and exercise all existing authority with
3 respect to licensing and maintenance of the standards of the persons registered.

4 [(c) and (d) deleted]

5 § 6004. PERSONNEL DESIGNATION

6 The Secretary, Deputy Secretary, commissioners, deputy commissioners,
7 attorneys, division directors, and all members of boards, committees,
8 commissions, or councils attached to the Agency are exempt from the
9 classified State service. Except as authorized by section 311 of this title or
10 otherwise by law, all other positions shall be within the classified service.

11 Subchapter 2. Secretary

12 § 6021. APPOINTMENT AND DUTIES

13 (a) The Agency shall be under the direction and supervision of the
14 Secretary, who shall be appointed by the Governor with the advice and consent
15 of the Senate and shall serve at the pleasure of the Governor.

16 (b) The Secretary shall oversee and direct the activities of the Division of
17 Support Services and the Office of Community Relations. The Secretary shall
18 supervise the Commissioner of Fire Safety and Emergency Management and
19 the Commissioner of Law Enforcement.

1 § 6022. BUDGET AND REPORT

2 The Secretary shall be responsible to the Governor and shall plan,
3 coordinate, and direct the functions vested in the Agency.

4 § 6023. DEPUTY SECRETARY

5 (a) The Secretary, with the approval of the Governor, may appoint a deputy
6 to serve at his or her pleasure and to perform such duties as the Secretary may
7 prescribe. The Deputy shall be exempt from the classified service. The
8 appointment shall be in writing and shall be filed in the Office of the Secretary
9 of State.

10 (b) The Deputy Secretary shall discharge the duties and responsibilities of
11 the Secretary in the Secretary’s absence. In case a vacancy occurs in the office
12 of the Secretary, the Deputy shall assume and discharge the duties of office
13 until the vacancy is filled.

14 § 6024. ADVISORY COUNCILS OR COMMITTEES

15 The Secretary, with the approval of the Governor, may create such advisory
16 councils or committees as he or she deems necessary within the Agency and
17 appoint their members for terms not exceeding his or hers.

18 § 6025. TRANSFER OF PERSONNEL AND APPROPRIATIONS

19 (a) The Secretary, with the approval of the Governor, may transfer
20 classified positions between State departments and other components of the
21 Agency, subject to personnel laws and rules.

1 (b) Notwithstanding subsection (a) of this section, members from different
2 divisions of the Department of Law Enforcement shall not be reassigned or
3 transferred outside their division unless the member requests a transfer and the
4 Commissioner approves the transfer.

5 (c) The Secretary, with the approval of the Governor, may transfer
6 appropriations or parts thereof between departments and other components in
7 the Agency, consistent with the purposes for which the appropriation was
8 made.

9 Subchapter 3. Commissioners and Directors

10 § 6051. COMMISSIONERS; DEPUTY COMMISSIONERS;

11 APPOINTMENT; TERM

12 The Secretary, with the approval of the Governor, shall appoint a
13 commissioner of each department, who shall be the chief executive and
14 administrative officer and shall serve at the pleasure of the Secretary.

15 § 6052. MANDATORY DUTIES

16 (a) The Commissioner shall exercise the powers and perform the duties
17 required for the effective administration of the Department.

18 (b) The Commissioner, with the approval of the Governor, shall so
19 organize and arrange the Department as will best and most efficiently promote
20 its work and carry out the objectives of this chapter. The Commissioner may

1 formulate, put into effect, alter, and repeal rules for the administration of the
2 Department.

3 (c) In addition to other duties imposed by law, the Commissioner shall:

4 (1) administer the laws assigned to the Department;

5 (2) coordinate and integrate the work of the divisions; and

6 (3) supervise and control all staff functions.

7 § 6053. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

8 (a) The Commissioner may, with the approval of the Secretary:

9 (1) Transfer classified positions within or between divisions subject to
10 State personnel laws and rules.

11 (2) Cooperate with the appropriate federal agencies and administer
12 federal funds in support of programs within the Department.

13 (3) Submit plans and reports, and in other respects comply with federal
14 law and regulations that pertain to programs administered by the Department.

15 (4) Make rules and policies consistent with law for the internal
16 administration of the Department and its programs.

17 (5) Appoint a deputy commissioner.

18 (6) Provide training and instructions for any employees of the
19 Department, at the expense of the Department, in educational institutions or
20 other places.

1 (7) Organize, reorganize, transfer, or abolish divisions, staff functions,
2 or sections within the Department.

3 (b) The Commissioner of the Department of Law Enforcement, with the
4 approval of the Secretary, may:

5 (A) Designate or change the rank or grade to be held by a member in
6 accordance with the rules adopted by the Commissioner.

7 (B) Assign or transfer members within a division to serve at such
8 stations and to perform such duties as the Commissioner shall designate.

9 (C) Determine what certified law enforcement officers other than
10 State Police officers shall give bonds and prescribe the conditions and amount.

11 (c) Notwithstanding anything to the contrary in this chapter, the divisions
12 within the Department of Law Enforcement shall not be abolished or
13 transferred and members from different divisions of the Department of Law
14 Enforcement shall not be reassigned or transferred outside their division unless
15 the member requests a transfer and the Commissioner approves the transfer.

16 § 6054. DIRECTORS

17 (a) A director shall administer each division within the Agency. The
18 commissioners, with the approval of the Secretary, shall appoint the directors
19 for divisions that are part of a department, and the Secretary shall appoint any
20 other directors whose appointment is not otherwise governed by law. Each
21 division and its officers shall be under the direction and control of the

1 appointing authority except with regard to the quasi-judicial acts or duties
2 vested in them by law.

3 (b) No rule or policy may be issued by a director of a division without the
4 approval of the appointing authority.

5 [(c) and (d) deleted.]

6 Subchapter 4. Departments, Divisions, and Boards

7 § 6081. DEPARTMENT OF LAW ENFORCEMENT

8 The Department of Law Enforcement is created within the Agency of
9 Public Safety.

10 § 6082. DEPARTMENT OF FIRE SAFETY AND EMERGENCY

11 MANAGEMENT

12 The Department of Fire Safety and Emergency Management is created
13 within the Agency of Public Safety.

14 § 6083. DIVISION OF SUPPORT SERVICES

15 (a) The Division of Support Services is created within the Agency of Public
16 Safety. It shall be administered by the Deputy Secretary of the Agency.

17 (b) The Division of Support Services shall provide the following services
18 to the Agency, including the following components assigned to it for
19 administrative support:

20 (1) personnel administration;

21 (2) financing and accounting activities;

1 (3) coordination of filing and records maintenance activities;

2 (4) provision of facilities, office space, and equipment and the care
3 thereof;

4 (5) requisitioning from the Department of Buildings and General
5 Services of the Agency of Administration supplies, equipment, and other
6 requirements;

7 (6) management improvement services;

8 (7) training;

9 (8) communications, including dispatch and radio technology;

10 (9) fleet services;

11 (10) information systems and technology, including the Vermont Crime
12 Information Center and the Sex Offender Registry;

13 (11) grant management; and

14 (12) other administrative functions assigned to it by the Secretary.

15 (c) Other provisions of the law notwithstanding, all administrative service
16 functions delegated to other components of the Agency shall be performed
17 within the Agency by the Division of Support Services.

18 § 6084. OFFICE OF COMMUNITY RELATIONS

19 (a) The Office of Community Relations is created within the Agency of
20 Public Safety. It shall be administered by the Deputy Secretary of the Agency.

21 (b) The Office of Community Relations shall serve the following functions:

1 (1) [placeholder]

2 (2) [placeholder]

3 (3) [placeholder].

4 * * * Transfer of Funds, Equipment, and Positions * * *

5 Sec. 2. PROVISIONS FOR THE TRANSITION OF THE ENHANCED 911

6 BOARD

7 (a) All financial assets and liabilities of the Enhanced 911 Board, including
8 all appropriations associated with the positions transferred pursuant to
9 subsection (b) of this section, shall transfer to the Agency of Public Safety.

10 (b) All authorized positions and equipment, supplies, and inventory of the
11 Enhanced 911 Board are transferred to the Agency of Public Safety.

12 (c) The Enhanced 911 Board shall have the administrative, technical, and
13 legal assistance of the Agency of Public Safety.

14 (d) The rules of the Enhanced 911 Board shall become a subtitle under the
15 rules of the Agency of Public Safety.

16 Sec. 3. PROVISIONS FOR THE TRANSITION OF THE DEPARTMENT

17 OF MOTOR VEHICLES ENFORCEMENT OFFICERS

18 (a) All duties, obligations, responsibilities, and authority of the certified
19 law enforcement officers in the Department of Motor Vehicles (DMV)
20 Enforcement Division under Title 19 and 23 V.S.A., chapter 15, and applicable

1 rules, are hereby transferred to the Agency of Public Safety, Department of
2 Law Enforcement, Division of Motor Vehicle Enforcement.

3 (b) All financial assets and liabilities of the DMV Enforcement Division,
4 including all appropriations associated with the positions transferred shall be
5 transferred to the Agency of Public Safety, Department of Law Enforcement,
6 Division of Motor Vehicle Enforcement.

7 (c) All authorized positions, functions, equipment, supplies, and inventory
8 of the certified law enforcement officers of the DMV Enforcement Division
9 are transferred to the Agency of Public Safety Department of Law
10 Enforcement, Division of Motor Vehicle Enforcement.

11 (d) The certified law enforcement officers transferred to the Agency of
12 Public Safety shall maintain their relationships with and support of the
13 Department of Motor Vehicles, other components of federal, State, and
14 municipal government, and private sector collaborations.

15 * * * General Transition Provisions * * *

16 Sec. 4. TRANSITION; GENERALLY

17 The Secretary of Public Safety shall coordinate with the Secretary of
18 Administration, the Commissioner of Finance and Management, the
19 Commissioner of Human Resources, the Executive Director of the Criminal
20 Justice Council, the Chair of the Criminal Justice Council, the Executive
21 Director of the Enhanced 911 Board, the Secretary of the Agency of

1 Transportation, and the Commissioners of the Departments of Motor Vehicles,
2 of Fish and Wildlife, of Liquor and Lottery, and their directors of enforcement
3 as necessary to enable the organizational modernization and most efficient
4 operation of State law enforcement divisions and resources.

5 * * * Statutory Changes for the Enhanced 911 Board * * *

6 Sec. 5. 30 V.S.A. § 7052 is amended to read:

7 § 7052. VERMONT ENHANCED 911 BOARD

8 * * *

9 (e) The Board shall ~~appoint, subject to the approval of the Governor, advise~~
10 on and assist the Secretary with the selection of the Executive Director who
11 shall hold office at the pleasure of the Board. He or she The Executive Director
12 shall perform such duties as may be assigned by the Board. The Executive
13 Director is entitled to compensation, as established by law, and reimbursement
14 for the expenses within the amounts available by appropriation. The Executive
15 Director may, with the approval of the Board Secretary, hire employees,
16 agents, and consultants and prescribe their duties. The Executive Director
17 shall submit a budget to the Secretary. The Executive Director shall not be
18 under the direction and control of the Secretary except with regard to the
19 budget and other administrative functions given to the Director or the Board by
20 law.

1 Sec. 6. 30 V.S.A. § 7053 is amended to read:

2 § 7053. BOARD; RESPONSIBILITIES AND POWERS

3 (a) The Board shall be the single governmental agency responsible for
4 statewide Enhanced 911 pursuant to chapter 87 of this title and 3 V.S.A.
5 chapter 69. To the extent feasible, the Board shall consult with the Agency of
6 Human Services, the ~~Department~~ Agency of Public Safety, the Department of
7 Public Service, and local community service providers on the development of
8 policies, system design, standards, and procedures. The Board shall develop
9 designs, standards, and procedures and shall adopt rules on the following:

10 (1) The technical and operational standards for public safety answering
11 points.

12 (2) The system database standards and procedures for developing and
13 maintaining the database. The system database shall be the property of the
14 Board.

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

17 (4) Standards and procedures to ensure system and database security.

18 * * *

19 * * * Statutory Changes for Motor Vehicle Enforcement Officers * * *

20 Sec. 7. 23 V.S.A. § 1 is amended to read:

21 § 1. ADMINISTRATION AND ENFORCEMENT OF TITLE

1 The Commissioner of Motor Vehicles and the ~~Commissioner~~ Secretary of
2 Public Safety shall ~~cooperate in carrying out all the statutes and rules adopted~~
3 ~~to implement the provisions of this title to achieve the most efficient and~~
4 ~~economical administration. In case of disagreement as to division of work, the~~
5 ~~Governor shall decide.~~ enter into a memorandum of understanding to ensure
6 that enforcement needs of the Department of Motor Vehicles and the Agency
7 of Public Safety, Department of Law Enforcement, Division of Motor Vehicle
8 Enforcement are achieved.

9 Sec. 8. 23 V.S.A. § 1600 is amended to read:

10 § 1600. DEFINITION

11 Notwithstanding subdivision 4(4) of this title, as used in this chapter,
12 “Commissioner” means the Commissioner of the Agency of Public Safety,
13 Department of Law Enforcement.

14 * * * Statutory Changes for Dept of Public Safety becoming Agency * * *

15 Sec. 9. 3 V.S.A. § 2101 is amended to read:

16 § 2101. CREATION

17 A cabinet is created in the Executive Branch of government ~~which~~ that shall
18 consist of the Secretaries of such agencies as are created by law, as well as
19 such Commissions of the departments created by law as the Governor, in the
20 Governor’s discretion, shall appoint to be a member of the Cabinet.

1 Sec. 10. 20 V.S.A. § 3 is amended to read:

2 § 3. VERMONT EMERGENCY MANAGEMENT DIVISION

3 (a) There is hereby created within the ~~department of public safety~~ Agency
4 of Public Safety, Department of Fire Safety and Emergency Management, a
5 division to be known as the Vermont emergency management division.

6 * * *

7 Sec. 11. 20 V.S.A. § 1871 is amended to read:

8 § 1871. ~~DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER~~

9 CONTRACTING

10 (a) ~~The Department of Public Safety, created by 3 V.S.A. § 212, shall~~
11 ~~include a Commissioner of Public Safety.~~

12 (b) ~~The head of the Department shall be the Commissioner of Public~~
13 ~~Safety, who shall be a citizen of the United States and shall be selected on the~~
14 ~~basis of training, experience, and qualifications. The Commissioner shall be~~
15 ~~appointed by the Governor, with the advice and consent of the Senate.~~

16 (e)(a) The **Commissioner of Public Safety Law Enforcement** may contract
17 for security and related traffic control; and receive reimbursement for
18 reasonable costs ~~which~~ that shall include costs associated with providing
19 personnel, benefits, equipment, vehicles, insurances, and related expenses.

20 These reimbursements shall be credited to a special fund established pursuant

1 to 32 V.S.A. chapter 7, subchapter 5; and be available to offset costs of
2 providing those services.

3 ~~(d)~~(b) The **Commissioner of Public Safety Law Enforcement** shall collect
4 fees for the termination of alarms at State Police facilities and for response to
5 false alarms.

6 ~~(e)~~(c) Termination Fees:

7 (1) The termination fee for a single dedicated circuit alarm at a State
8 Police facility will be \$250.00 per user per year.

9 (2) An alarm company or monitoring service that is authorized to install
10 a multi-unit alarm panel at a State Police facility will be assessed a fee of
11 \$25.00 per alarm with a minimum fee of \$250.00 per panel per year.

12 (3) An individual or business who programs a tape dialer or other
13 automatic notification device to transmit a voice message to a State Police
14 facility, informing the police of a burglary or other emergency, must register
15 such dialer with the State Police facility and will be assessed a registration fee
16 of \$50.00 per year. The fee includes an onsite inspection by a member of the
17 State Police.

18 (4) If State Police respond to an alarm and it is found that the alarm was
19 transmitted by an unregistered tape dialer or similar notification device, a
20 registration fee of \$50.00 will be assessed subsequent to that response. Unpaid

1 registration fees are considered to be alarms in default and handled in
2 accordance with the provisions of the section on response terminations.

3 ~~(f)~~(d) False Alarms:

4 (1) A false alarm is notification given to the State Police by electronic or
5 telephonic means that an emergency situation exists, when an emergency or
6 other circumstance that could be perceived as an emergency does not exist and
7 to which the State Police have responded.

8 (2) Alarm periods shall be based on the calendar year, January 1 through
9 December 31.

10 (3) The first false alarm in an alarm period shall be at no cost. The
11 second false alarm in the alarm period shall be assessed at \$50.00 and each
12 successive false alarm in the same alarm period shall be assessed at \$75.00.

13 ~~(g)~~(e) Response Terminations:

14 (1) Alarm fees ~~which~~ that have been assessed and not paid for a period
15 of 60 days from the date of the last billing are considered alarms in default and
16 the State Police station commander, with the concurrence of the State Police
17 troop commander, may notify the alarm holder that the State Police will no
18 longer respond to alarms at that location as long as the alarm holder is in
19 default.

20 (2) When in the opinion of the station commander, with the concurrence
21 with the troop commander, there exists a chronic false alarm problem ~~which~~

1 that the alarm holder appears not to have taken reasonable measures to correct,
2 the station commander may send notification that the State Police will no
3 longer respond to alarms at that location until the problem is corrected even if
4 the alarm holder is not in default on fees assessed.

5 ~~(h)~~(f) Appeal: An alarm holder may appeal a decision of the station
6 commander to the troop commander.

7 ~~(i)~~(g) The Commissioner of ~~Public Safety~~ Law Enforcement may enter into
8 contractual arrangements to perform dispatching functions for State,
9 municipal, or other emergency services.

10 ~~(j)~~(h) Charges collected under subsections (e), (f), and (i) of this section
11 shall be credited to the Vermont Law Telecommunications Special Fund and
12 shall be available to the Department to offset the costs of providing the
13 services.

14 Sec. 12. 20 V.S.A. § 1874 is amended to read:

15 § 1874. ORGANIZATION OF DEPARTMENT BY COMMISSIONER

16 (a) The ~~commissioner~~ Commissioner of Law Enforcement, with the
17 approval of the ~~governor~~ Governor and the Secretary, shall so organize and
18 arrange the ~~department~~ Department of Law Enforcement as will best and most
19 efficiently promote its work and carry out the objectives of this chapter and
20 chapter 69 of this title. To that end, the ~~commissioner~~ Commissioner may,
21 with such approval, create, rearrange, and abolish divisions, establish grades,

1 ranks, and positions to be held by members; and formulate, put into effect,
2 alter, and repeal rules ~~and regulations~~ for the administration of the department
3 to the extent permitted by law.

4 * * *

5 Sec. 13. 20 V.S.A. § 1883 is amended to read:

6 § 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF
7 UNDERSTANDING

8 (a) ~~The Commissioner of Public Safety~~ In anticipation of consolidating all
9 certified law enforcement resources into the Agency of Public Safety, the
10 Secretary of the Agency of Public Safety shall develop and execute a
11 memorandum of understanding with the Commissioners of Fish and Wildlife,
12 of Motor Vehicles, and of Liquor and Lottery and their respective directors of
13 law enforcement. The memorandum of understanding shall ~~be reviewed at~~
14 ~~least every two years and shall~~ at a minimum address:

15 (1) ~~Maximizing~~ Consolidating collective resources ~~by and~~ reducing or
16 eliminating redundancies and implementing a methodology that will enhance
17 overall coordination and communication and standardize training and policies
18 while supporting the mission of individual enforcement ~~agencies~~ divisions.

19 (2) Providing for an overall statewide law enforcement strategic plan
20 supported by quarterly planning and implementation strategy sessions to
21 improve efficiencies and coordination on an operational level and ensure

1 ~~interagency~~ cooperation and collaboration of programs funded through grants.
2 The strategic plan should identify clear goals and performance measures that
3 demonstrate results, as well as specific strategic plans for individual
4 enforcement ~~agencies~~ divisions.

5 ~~(3) Creating a task force concept that will provide for the sharing and~~
6 ~~disseminating of information and recommendations involving various levels of~~
7 ~~statewide law enforcement throughout Vermont that will benefit all law~~
8 ~~enforcement agencies as well as citizens.~~

9 ~~(4)~~(3) Developing an integrated and coordinated approach ~~to multi-~~
10 ~~agency special teams~~ with the goal of creating a force multiplier, ~~where~~
11 ~~feasible~~ to be coordinated through the Agency of Public Safety, Department of
12 Law Enforcement. These teams will be coordinated by the Vermont State
13 ~~Police during training and deployments.~~

14 ~~(5)~~(4) Providing for the ~~Commissioner~~ Secretary of Public Safety, with
15 the approval of the Governor and in ~~consultation with the Commissioners of~~
16 ~~Motor Vehicles, of Fish and Wildlife, and of Liquor and Lottery,~~ accordance
17 with the State Emergency Management Plan, to assume the role of lead
18 coordinator of statewide law enforcement units in the event of elevated alerts,
19 critical incidents, and all hazard events. The lead coordinator shall maintain
20 control until in his or her judgment the event no longer requires coordinated
21 action to ensure the public safety.

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Sec. 14. 20 V.S.A. chapter 113, subchapter 2 is amended to read:

Subchapter 2. ~~State Police~~ Certified Law Enforcement Officers

§ 1911. EXAMINATIONS; APPOINTMENT; PROMOTION; PROBATION

The ~~commissioner~~ Commissioner shall devise and administer examinations designed to test the qualifications of applicants for positions as ~~state police~~ certified law enforcement officers assigned to the Department of Law Enforcement and only those applicants shall be appointed or promoted who meet the prescribed standards and qualifications. Where certified law enforcement officer positions support the work of agencies or departments outside the Agency of Public Safety, the Commissioner shall consult the agencies or departments concerning the qualifications for the positions. All ~~state police~~ certified law enforcement officers assigned to the Department of Law Enforcement shall be on probation for one year from the date of first appointment. Such examinations shall be with the advice of the department of human resources.

§ 1912. BOND AND OATH

~~State police~~ Certified law enforcement officers assigned to the Department of Law Enforcement shall give bond to the ~~state~~ State, at the expense of the ~~state~~ State, in such penal sum as the ~~commissioner~~ Commissioner shall require, conditioned for the faithful performance of their duties. ~~State police~~ Certified

1 law enforcement officers assigned to the Department of Law Enforcement and
2 auxiliary ~~state~~ State police shall take the oath of office prescribed for sheriffs
3 before the ~~commissioner~~ Commissioner or any person designated under 12
4 V.S.A. § 5852 to administer oaths.

5 § 1913. UNIFORMS AND EQUIPMENT

6 Within the appropriation for the ~~department~~ Department, the ~~commissioner~~
7 Commissioner shall provide the ~~state police~~ certified law enforcement officers
8 assigned to the Department of Law Enforcement, and such other members as
9 he or she may designate, with uniforms and all members with the equipment
10 necessary in the performance of their respective duties, which shall remain the
11 property of the ~~state~~ State. The Commissioner shall consult with agencies and
12 departments which are supported by certified law enforcement officers
13 assigned to the Department of Law Enforcement on the uniforms and
14 equipment necessary for those positions. The ~~commissioner~~ Commissioner
15 may sell such equipment as may become unfit for use, and all monies received
16 therefor shall be paid into the ~~state treasury~~ State Treasury and credited to the
17 ~~department~~ Agency appropriation. The ~~commissioner~~ Commissioner shall
18 keep an inventory and shall charge against each member all property of the
19 ~~department~~ Department issued to him or her, and if the ~~commissioner~~ shall
20 determine Commissioner determines that a loss or destruction was due to the

1 carelessness or neglect of the member, the value of such property shall be
2 deducted from his or her pay.

3 § 1914. POWERS AND IMMUNITIES

4 The ~~commissioner of public safety~~ **Commissioner of Law Enforcement** and
5 ~~the state police~~ all certified law enforcement officers assigned to the
6 Department of Law Enforcement shall be peace officers and shall have the
7 same powers with respect to criminal matters and the enforcement of the law
8 relating thereto as sheriffs, constables, and local police have in their respective
9 jurisdictions, and shall have all the immunities and matters of defense now
10 available or hereafter made available to sheriffs, constables, and local police in
11 a suit brought against them in consequence of acts done in the course of their
12 employment. ~~State police~~ Certified law enforcement officers assigned to the
13 Department of Law Enforcement shall be informing or complaining officers
14 with the same powers possessed by sheriffs, deputy sheriffs, constables, or
15 police officers of a city or incorporated village as provided in 13 V.S.A. §
16 5507.

17 * * *

18 Sec. 15. 20 V.S.A. § 1922 is amended to read:

19 § 1922. CREATION OF STATE POLICE ADVISORY COMMISSION;

20 MEMBERS; DUTIES

1 (a) There is hereby created the State Police Advisory Commission, which
2 shall provide advice and counsel to the Commissioner in carrying out his or her
3 responsibilities for the management, supervision, and control of the Vermont
4 State Police.

5 * * *

6 (d) The creation and existence of the Commission shall not relieve the
7 Commissioner of his or her duties under the law to manage, supervise, and
8 control the State Police.

9 (e) To ensure that State Police officers are subject to fair and known
10 practices, the Commission shall advise the Commissioner with respect to and
11 review rules concerning promotion, grievances, transfers, internal
12 investigations, and discipline.

13 (f) Members of the Commission shall be entitled to receive per diem
14 compensation and reimbursement for expenses in accordance with 32 V.S.A.
15 § 1010.

16 Sec. 16. 20 V.S.A. § 1923 is amended to read:

17 § 1923. INTERNAL INVESTIGATION

18 (a)(1) The State Police Advisory Commission shall advise and assist the
19 Commissioner in developing and making known routine procedures to ensure
20 that allegations of misconduct by State Police officers are investigated fully

1 and fairly, and to ensure that appropriate action is taken with respect to such
2 allegations.

3 (2) The Commissioner shall ensure that the procedures described in
4 subdivision (1) of this subsection constitute an effective internal affairs
5 program in order to comply with section 2402 of this title.

6 * * *

7 Sec. 17. 20 V.S.A. § 1933 is amended to read:

8 § 1933. DNA SAMPLE REQUIRED

9 * * *

10 (c) A person serving a sentence for a designated crime not confined to a
11 correctional facility shall have his or her DNA samples collected or taken at a
12 place and time designated by the Commissioner of Corrections, the
13 Commissioner of ~~Public Safety~~ the Department of Law Enforcement, or a
14 court if the person has not previously submitted a DNA sample in connection
15 with the designated crime for which he or she is serving the sentence.

16 Sec. 18. 20 V.S.A. § 2352 is amended to read:

17 § 2352. COUNCIL MEMBERSHIP

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

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

21 * * *

1 Sec. 19. REPEALS

2 3 V.S.A. § 212(18) (the Department of Public Safety) is repealed.

3 *** Conforming Revisions ***

4 Sec. 20. CONFORMING REVISIONS

5 When preparing the Vermont Statutes Annotated for publication, the Office
6 of Legislative Counsel shall make the following revisions throughout the
7 statutes as needed for consistency with this act, as long as the revisions have no
8 other effect on the meaning of the affected statutes:

9 [PLACEHOLDER]

10 *** Reporting ***

11 Sec. 21. CREATION OF AGENCY OF PUBLIC SAFETY; REPORT

12 (a) On or before November 15, 2021, the Secretary of the Agency of Public
13 Safety shall report to the Governor, the leadership of the General Assembly,
14 and the House and Senate Committees on Government Operations and on
15 Judiciary on the status of the organizational transition and recommend any
16 legislative changes needed to continue the orderly and efficient organizational
17 transition of the Agency of Public Safety.

18 (b) The Secretary of the Agency of Public Safety shall study the
19 effectiveness, efficiency, and delivery of State public safety law enforcement
20 services and shall report to the Governor and the General Assembly on or
21 before October 15, 2022, on the feasibility and advisability of transferring the

1 operations of the Department of Fish and Wildlife certified law enforcement
2 officers, Department of Liquor and Lottery certified law enforcement officers,
3 the Capitol Police, and the Department of Labor relating to VOSHA, Project
4 WorkSAFE, and Passenger Tramway Safety to the Agency of Public Safety.

5 (c) On or before November 15, 2022, the Secretary of the Agency of Public
6 Safety shall report to the Governor, the leadership of the General Assembly,
7 and the House and Senate Committees on Government Operations and on
8 Judiciary on the status of the organizational transition and recommend any
9 legislative changes needed to continue an orderly and efficient organizational
10 transition.

11 * * * Effective Dates * * *

12 Sec. 22. EFFECTIVE DATES

13 (a) This section and Secs. 4 (transition; generally) and 20–21 (conforming
14 changes; reporting) shall take effect upon passage.

15 (b) Secs. 1 (agency creation) and 8–19 (conforming statutory revisions)
16 shall take effect on July 1, 2021, except that in Sec. 1, 3 V.S.A. § 6002(c)(10)
17 (E-911 board) shall take effect on July 1, 2022.

18 (c) Secs. 2–3 and 5-7 (transition provisions for motor vehicle enforcement
19 and E-911 board) shall take effect on July 1, 2022.