

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 155 entitled “An act relating to the creation of the Agency of Public
4 Safety” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 * * * Creation of Agency * * *

8 Sec. 1. 3 V.S.A. chapter 72 is added to read:

9 CHAPTER 72. AGENCY OF PUBLIC SAFETY

10 Subchapter 1. General Provisions

11 § 5201. DEFINITIONS

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

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

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

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

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

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

4 § 5202. CREATION OF AGENCY

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

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

10 (1) the Department of Fire Safety and Emergency Management,
11 including:

12 (A) the Division of Emergency Management;

13 (B) the Division of Fire Safety; and

14 (C) the Office of Training;

15 (2) the Department of Law Enforcement, including the Division of the
16 Vermont State Police;

17 (3) the Division of Support Services; and

18 (4) the Office of Community Collaboration and Empowerment.

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

21 (1) the Fire Service Training Council;

- 1 (2) the Law Enforcement Advisory Board;
- 2 (3) the State Police Advisory Commission;
- 3 (4) the Search and Rescue Council;
- 4 (5) the Animal Cruelty Investigation Advisory Board;
- 5 (6) the Electricians Licensing Board;
- 6 (7) the Elevator Safety Review Board;
- 7 (8) the State Emergency Response Commission;
- 8 (9) the Plumbers Examining Board;
- 9 (10) the Vermont Access Board; and
- 10 (11) the Enhanced 911 Board.

11 § 5203. ADVISORY CAPACITY

12 (a) Except as otherwise provided in this chapter, all boards and
13 commissions that are a part of or are attached to the Agency pursuant to this
14 chapter shall be advisory only, and the powers and duties of the boards and
15 commissions, including administrative, policymaking, and regulatory
16 functions, shall vest in and be exercised by the Secretary of the Agency.

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

1 § 5204. PERSONNEL DESIGNATION

2 The Secretary, Deputy Secretary, commissioners, deputy commissioners,
3 attorneys, and all members of boards, committees, commissions, or councils
4 attached to the Agency are exempt from the classified State service. Division
5 director positions may be exempt from the classified service or may be within
6 the classified service. Except as authorized by section 311 of this title or
7 otherwise by law, all other positions shall be within the classified service.

8 Subchapter 2. Secretary

9 § 5221. APPOINTMENT AND DUTIES

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

13 (b) The Secretary shall oversee the activities of the Division of Support
14 Services and the Office of Community Collaboration and Empowerment. The
15 Secretary shall supervise the Commissioner of Fire Safety and Emergency
16 Management and the Commissioner of Law Enforcement.

17 § 5222. BUDGET AND REPORT

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

1 § 5223. DEPUTY SECRETARY

2 (a) The Secretary, with the approval of the Governor, may appoint a deputy
3 to serve at the Secretary’s pleasure and to perform such duties as the Secretary
4 may prescribe. The Deputy shall be exempt from the classified service. The
5 appointment shall be in writing and shall be filed in the Office of the Secretary
6 of State.

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

11 § 5224. ADVISORY COUNCILS OR COMMITTEES

12 The Secretary, with the approval of the Governor, may create such advisory
13 councils or committees as the Secretary deems necessary within the Agency
14 and appoint their members for terms not exceeding the Governor’s term.

15 § 5225. TRANSFER OF PERSONNEL AND APPROPRIATIONS

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

19 (b) Notwithstanding subsection (a) of this section, members from different
20 divisions of the Department of Law Enforcement shall not be reassigned or

1 transferred outside their division unless the member requests a transfer and the
2 Commissioner approves the transfer.

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

7 Subchapter 3. Commissioners and Directors

8 § 5251. COMMISSIONERS; DEPUTY COMMISSIONERS;
9 APPOINTMENT; TERM

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

13 § 5252. MANDATORY DUTIES

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

16 (b) The Commissioner, with the approval of the Governor, shall so
17 organize and arrange the Department as will best and most efficiently promote
18 its work and carry out the objectives of this chapter. The Commissioner may
19 formulate, put into effect, alter, and repeal rules for the administration of the
20 Department.

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

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

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

4 (3) supervise and control all staff functions.

5 § 5253. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

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

7 (1) transfer classified positions within or between divisions subject to
8 State personnel laws and rules;

9 (2) cooperate with the appropriate federal agencies and administer
10 federal funds in support of programs within the Department;

11 (3) submit plans and reports, and in other respects comply with federal
12 law and regulations that pertain to programs administered by the Department;

13 (4) make rules and policies consistent with law for the internal
14 administration of the Department and its programs;

15 (5) appoint a deputy commissioner;

16 (6) provide training and instructions for any employees of the
17 Department, at the expense of the Department, in educational institutions or
18 other places; and

19 (7) organize, reorganize, transfer, or abolish divisions, staff functions, or
20 sections within the Department.

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

3 (1) designate or change the rank or grade to be held by a member in
4 accordance with the rules adopted by the Commissioner;

5 (2) assign or transfer members within a division to serve at such stations
6 and to perform such duties as the Commissioner shall designate; and

7 (3) determine what certified law enforcement officers other than State
8 Police officers shall give bonds and prescribe the conditions and amount.

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

14 § 5254. DIRECTORS

15 (a) A director shall administer each division within the Agency. The
16 commissioners, with the approval of the Secretary, shall appoint the directors
17 for divisions that are part of a department, and the Secretary shall appoint any
18 other directors whose appointment is not otherwise governed by law. Each
19 division and its officers shall be under the direction and control of the
20 appointing authority except with regard to the quasi-judicial acts or duties
21 vested in them by law.

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

3 Subchapter 4. Departments, Divisions, and Boards

4 § 5281. DEPARTMENT OF LAW ENFORCEMENT

5 The Department of Law Enforcement is created within the Agency of
6 Public Safety.

7 § 5282. DEPARTMENT OF FIRE SAFETY AND EMERGENCY

8 MANAGEMENT

9 The Department of Fire Safety and Emergency Management is created
10 within the Agency of Public Safety. The Commissioner of Fire Safety and
11 Emergency Management, as Fire Marshal, shall be responsible for enforcing
12 the laws pertaining to the investigation of fires, the prevention of fires, the
13 promotion of fire safety, and the delivery of fire service training.

14 § 5283. 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, including diversity, equity, and inclusion 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 § 5284. OFFICE OF COMMUNITY COLLABORATION AND

19 EMPOWERMENT

1 (a) Creation. The Office of Community Collaboration and Empowerment
2 is created within the Agency of Public Safety. It shall be administered by the
3 Deputy Secretary of the Agency.

4 (b) Duties; responsibilities. The Office of Community Collaboration and
5 Empowerment shall:

6 (1) create and execute a process to engage public safety stakeholders in
7 the development of key Agency policies with broad stakeholder interest;

8 (2) create and maintain a variety of mechanisms for community
9 feedback and engagement regarding the operations of the public safety system;

10 (3) maintain a list of relevant public safety stakeholders;

11 (4) create a system to periodically review all Agency policies that
12 includes the use of the Equity Impact Assessment Tool;

13 (5) define the relationship between the Office of Community
14 Collaboration and Empowerment and the other offices, divisions, and
15 departments within the Agency; and

16 (6) establish organizational structures that allow for meaningful
17 community participation.

18 (c) Report. On or before November 1, 2023, and annually for the two years
19 thereafter, the Office of Community Collaboration and Empowerment shall
20 report to the House and Senate Committees on Government Operations and on
21 Judiciary, and to the list of stakeholders identified pursuant to subdivision (3)

1 of subsection (b) of this section, on the Office’s progress and implementation
2 on the duties and responsibilities identified in subsection (b) of this section.

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

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

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

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

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

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

15 * * * General Transition Provisions * * *

16 Sec. 3. 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. 4. 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 the Secretary on and assist the Secretary with the selection of the Executive
11 Director who shall hold office at the pleasure of the Board. ~~He or she~~ The
12 Executive Director shall perform such duties as may be assigned by the Board.
13 The Executive Director is entitled to compensation, as established by law, and
14 reimbursement for the expenses within the amounts available by appropriation.
15 The Executive Director may, with the approval of the Board, 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. 5. 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 72. 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 * * *

1 * * * Statutory Changes for Department of Public Safety Becoming

2 Agency * * *

3 Sec. 6. 23 V.S.A. § 1 is amended to read:

4 § 1. ADMINISTRATION AND ENFORCEMENT OF TITLE

5 The Commissioner of Motor Vehicles and the Commissioner of ~~Public~~
6 ~~Safety~~ Law Enforcement shall cooperate in carrying out all the statutes and
7 rules adopted to implement the provisions of this title to achieve the most
8 efficient and economical administration. In case of disagreement as to division
9 of work, the Governor shall decide.

10 Sec. 7. 23 V.S.A. § 1600 is amended to read:

11 § 1600. DEFINITION

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

15 Sec. 8. 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 Commissioners 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. 9. 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. 10. 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 that shall include costs associated with providing personnel,
19 benefits, equipment, vehicles, insurances, and related expenses. These
20 reimbursements shall be credited to a special fund established pursuant to

1 32 V.S.A. chapter 7, subchapter 5; and be available to offset costs of providing
2 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~~ shall be \$250.00 per user per year.

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

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

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

1 Unpaid 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~~ 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~~ terminations.

14 (1) Alarm fees that have been assessed and not paid for a period of
15 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 that the

1 alarm holder appears not to have taken reasonable measures to correct, the
2 station commander may send notification that the State Police will no longer
3 respond to alarms at that location until the problem is corrected even if the
4 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)~~(c), ~~(f)~~(d), and ~~(i)~~(g) of this
11 section shall be credited to the Vermont Law Telecommunications Special
12 Fund and shall be available to the Department to offset the costs of providing
13 the services.

14 Sec. 11. 20 V.S.A. § 1872 is amended to read:

15 § 1872. DUTIES OF COMMISSIONER GENERALLY

16 The Commissioner shall be the chief enforcement officer of all the statutes
17 and rules pertaining to the law of the road and the display of lights on vehicles.
18 In addition, the Commissioner shall supervise and direct the activities of the
19 State Police and of the Vermont Crime Information Center ~~and, as Fire~~
20 ~~Marshal, be responsible for enforcing the laws pertaining to the investigation~~

1 ~~of fires, the prevention of fires, the promotion of fire safety, and the delivery of~~
2 ~~fire service training.~~

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

4 § 1874. ORGANIZATION OF DEPARTMENT BY COMMISSIONER

5 (a) The Commissioner of Law Enforcement, with the approval of the
6 Governor and the Secretary, shall so organize and arrange the Department of
7 Law Enforcement as will best and most efficiently promote its work and carry
8 out the objectives of this chapter and 3 V.S.A. chapter 72. To that end, the
9 Commissioner may, with the Governor's approval, create, rearrange, and
10 abolish divisions; establish grades, ranks, and positions to be held by
11 members; and formulate, put into effect, alter, and repeal rules for the
12 administration of the Department to the extent permitted by law.

13 * * *

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

15 § 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF

16 UNDERSTANDING

17 (a) ~~The Commissioner of Public Safety~~ In anticipation of consolidating all
18 certified law enforcement resources into the Agency of Public Safety, the
19 Secretary of Public Safety shall develop and execute a memorandum of
20 understanding with the Commissioners of Fish and Wildlife, of Motor
21 Vehicles, and of Liquor and Lottery and their respective directors of law

1 enforcement. The memorandum of understanding shall ~~be reviewed at least~~
2 ~~every two years and shall~~ at a minimum address:

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

7 (2) Providing for an overall statewide law enforcement strategic plan
8 supported by quarterly planning and implementation strategy sessions to
9 improve efficiencies and coordination on an operational level and ensure
10 ~~interagency~~ cooperation and collaboration of programs funded through grants.
11 The strategic plan should identify clear goals and performance measures that
12 demonstrate results, as well as specific strategic plans for individual
13 enforcement ~~agencies~~ divisions.

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

18 ~~(4)~~(3) Developing an integrated and coordinated approach ~~to multi-~~
19 ~~agency special teams~~ with the goal of creating a force multiplier, ~~where~~
20 ~~feasible~~ to be coordinated through the Agency of Public Safety, Department of

1 Law Enforcement. ~~These teams will be coordinated by the Vermont State~~
2 ~~Police during training and deployments.~~

3 (5)(4) Providing for the ~~Commissioner~~ Secretary of Public Safety, with
4 the approval of the Governor and in ~~consultation with the Commissioners of~~
5 ~~Motor Vehicles, of Fish and Wildlife, and of Liquor and Lottery~~ accordance
6 with the State Emergency Management Plan, to assume the role of lead
7 coordinator of statewide law enforcement units in the event of elevated alerts,
8 critical incidents, and ~~all-hazard~~ all-hazards events. The lead coordinator shall
9 maintain control until in ~~his or her~~ the lead coordinator's judgment the event
10 no longer requires coordinated action to ensure the public safety.

11 * * *

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

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

14 § 1911. EXAMINATIONS; APPOINTMENT; PROMOTION; PROBATION

15 The Commissioner shall devise and administer examinations designed to
16 test the qualifications of applicants for positions as ~~State Police~~ certified law
17 enforcement officers assigned to the Department of Law Enforcement and only
18 those applicants shall be appointed or promoted who meet the prescribed
19 standards and qualifications. Where certified law enforcement officer
20 positions support the work of agencies or departments outside the Agency of
21 Public Safety, the Commissioner shall consult the agencies or departments

1 concerning the qualifications for the positions. All ~~State Police~~ certified law
2 enforcement officers assigned to the Department of Law Enforcement shall be
3 on probation for one year from the date of first appointment. Such
4 examinations shall be with the advice of the Department of Human Resources.

5 § 1912. BOND AND OATH

6 ~~State Police~~ Certified law enforcement officers assigned to the Department
7 of Law Enforcement shall give bond to the State, at the expense of the State, in
8 such penal sum as the Commissioner shall require, conditioned for the faithful
9 performance of their duties. ~~State Police~~ Certified law enforcement officers
10 assigned to the Department of Law Enforcement and auxiliary State police
11 shall take the oath of office prescribed for sheriffs before the Commissioner or
12 any person designated under 12 V.S.A. § 5852 to administer oaths.

13 § 1913. UNIFORMS AND EQUIPMENT

14 Within the appropriation for the Department, the Commissioner shall
15 provide the ~~State Police~~ certified law enforcement officers assigned to the
16 Department of Law Enforcement, and such other members as ~~he or she~~ the
17 Commissioner may designate, with uniforms and all members with the
18 equipment necessary in the performance of their respective duties, which shall
19 remain the property of the State. The Commissioner shall consult with
20 agencies and departments that are supported by certified law enforcement
21 officers assigned to the Department of Law Enforcement on the uniforms and

1 equipment necessary for those positions. The Commissioner may sell such
2 equipment as may become unfit for use, and all monies received from the sale
3 shall be paid into the State Treasury and credited to the ~~Department's~~
4 Agency's appropriation. The Commissioner shall keep an inventory and shall
5 charge against each member all property of the Department issued to ~~him or~~
6 ~~her~~ the member, and if the Commissioner ~~shall determine~~ determines that a
7 loss or destruction was due to the carelessness or neglect of the member, the
8 value of the property shall be deducted from ~~his or her~~ the member's pay.

9 § 1914. POWERS AND IMMUNITIES

10 The Commissioner of ~~Public Safety~~ Law Enforcement and ~~the State Police~~
11 all certified law enforcement officers assigned to the Department of Law
12 Enforcement shall be peace officers and shall have the same powers with
13 respect to criminal matters and the enforcement of the law relating to criminal
14 matters as sheriffs, constables, and local police have in their respective
15 jurisdictions, and shall have all the immunities and matters of defense now
16 available or hereafter made available to sheriffs, constables, and local police in
17 a suit brought against them in consequence of acts done in the course of their
18 employment. ~~State Police~~ Certified law enforcement officers assigned to the
19 Department of Law Enforcement shall be informing or complaining officers
20 with the same powers possessed by sheriffs, deputy sheriffs, constables, or

1 police officers of a city or incorporated village as provided in 13 V.S.A.
2 § 5507.

3 * * *

4 Sec. 15. 20 V.S.A. § 1933 is amended to read:

5 § 1933. DNA SAMPLE REQUIRED

6 * * *

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

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

14 § 2352. COUNCIL MEMBERSHIP

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

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

18 * * *

19 Sec. 17. REPEALS

20 3 V.S.A. § 212(18) (the Department of Public Safety) is repealed.

1 * * * Conforming Revisions * * *

2 Sec. 18. CONFORMING REVISIONS

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

7 (1) replace “Department of Public Safety” with “Department of Law
8 Enforcement”; and

9 (2) revisions that are substantially similar to those described in
10 subdivision (1) of this section.

11 * * * Reporting * * *

12 Sec. 19. CREATION OF AGENCY OF PUBLIC SAFETY; REPORTS

13 (a) On or before November 15, 2022, the Secretary of the Agency of Public
14 Safety shall report to the Governor, the leadership of the General Assembly,
15 and the House and Senate Committees on Government Operations and on
16 Judiciary on the status of the organizational transition and recommend any
17 legislative changes needed to continue the orderly and efficient organizational
18 transition of the Agency of Public Safety.

19 (b) On or before October 15, 2023, the Secretary of the Agency of Public
20 Safety shall study the effectiveness, efficiency, and delivery of State public
21 safety law enforcement services and shall report to the Governor and the

1 General Assembly on the feasibility and advisability of transferring the
2 operations of the Department of Motor Vehicles certified law enforcement
3 officers, Department of Fish and Wildlife certified law enforcement officers,
4 Department of Liquor and Lottery certified law enforcement officers, the
5 Capitol Police, and the Department of Labor relating to VOSHA, Project
6 WorkSAFE, and Passenger Tramway Safety to the Agency of Public Safety.

7 (c) On or before November 15, 2023, the Secretary of the Agency of Public
8 Safety shall report to the Governor, the leadership of the General Assembly,
9 and the House and Senate Committees on Government Operations and on
10 Judiciary on the status of the organizational transition and recommend any
11 legislative changes needed to continue an orderly and efficient organizational
12 transition.

13 Sec. 20. UNIFICATION OF ANIMAL WELFARE AND RELATED

14 PUBLIC SAFETY FUNCTIONS; REPORT

15 (a) On or before January 15, 2023, the Department of Public Safety, in
16 consultation with the Agency of Agriculture and any other State agency,
17 division, or department where domestic animal welfare functions reside, shall
18 report to the House and Senate Committees on Government Operations with a
19 plan to unify the domestic animal welfare and related public safety functions
20 across State government. The report, which shall include draft legislation to
21 enact the plan, shall focus on the intersection of existing domestic animal

1 welfare functions and the role of the Department of Public Safety and shall
2 include:

3 (1) an inventory of all existing domestic animal welfare and related
4 public safety functions across all agencies, including citations to existing
5 statutes;

6 (2) an inventory of all personnel, with job descriptions, responsible for
7 carrying out the functions in the inventory required by subdivision (1) of this
8 subsection (a);

9 (3) a recommended location and position in State government with
10 responsibility for all State domestic animal welfare and related public safety
11 functions, including enforcement;

12 (4) a recommendation on whether to move all domestic animal welfare
13 and related public safety functions to a single agency or to maintain a
14 multiagency approach to be coordinated by the position recommended in
15 subdivision (3) of this subsection (a); and

16 (5) a plan to ensure that domestic animals transported into the State
17 from other jurisdictions meet health and safety standards, and that the
18 businesses that import domestic animals into the State are registered or
19 licensed, or both, and meet health and safety standards.

20 (b) The Department shall engage with the animal welfare coalition
21 consisting of the Animal Cruelty Investigative Advisory Board, the Vermont

1 Humane Federation, and the Animal Welfare Regulations Coalition as needed
2 to comply with this section.

3 * * * Effective Dates * * *

4 Sec. 21. EFFECTIVE DATES

5 (a) This section and Sec. 3 (transition; generally), Secs. 6–17 (conforming
6 statutory revisions), and Secs. 18–20 (conforming changes; reporting) shall
7 take effect on July 1, 2022.

8 (b) Sec. 1 (agency creation) shall take effect on July 1, 2022, except that in
9 Sec. 1, 3 V.S.A. § 5202(c)(11) (E-911 board) shall take effect on July 1, 2023.

10 (c) Secs. 2 and 4–5 (transition and conforming statutory revisions for the E-
11 911 Board) shall take effect on July 1, 2023.

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18 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE