

1 S.155

2 Introduced by Senator White

3 Referred to Committee on Government Operations

4 Date: January 4, 2022

5 Subject: Executive Branch; reorganization of Executive Branch; law
6 enforcement agencies

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

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

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

12 ~~that the "Creation of Agency" that~~

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

14 CHAPTER 69. AGENCY OF PUBLIC SAFETY

15 Subchapter 1. General Provisions

16 § 6001. DEFINITIONS

17 (1) "Agency" means the Agency of Public Safety.

18 (2) "Commissioner" means the head of a department responsible to the

19 Secretary for the administration of the department.

1 ~~(2) "Department" means a major component of the Agency.~~

2 (4) "Director" means the head of a division of the Agency.

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

6 (6) "Secretary" means the head of the Agency, a member of the
7 Governor's Cabinet, who is responsible to the Governor for the administration
8 of the Agency.

9 § 6002. CREATION OF AGENCY

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

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

15 (1) the Department of Fire Safety and Emergency Management,
16 including:

17 (A) the Division of Emergency Management;

18 (B) the Division of Fire Safety; and

19 (C) the Office of Training;

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

21 ~~(A) the Division of the Vermont State Police; and~~

1 ~~(B) the Division of Motor Vehicle Enforcement;~~

2 ~~(3) the Division of Support Services; and~~

3 ~~(4) the Office of Community Engagement.~~

4 ~~(c) The Agency shall provide administrative support to the following~~

5 ~~boards, commissions, and councils:~~

6 ~~(1) the Fire Service Training Council;~~

7 ~~(2) the Law Enforcement Advisory Board;~~

8 ~~(3) the State Police Advisory Commission;~~

9 ~~(4) the Search and Rescue Council;~~

10 ~~(5) the Animal Cruelty Investigation Advisory Board;~~

11 ~~(6) the Electricians Licensing Board;~~

12 ~~(7) the Elevator Safety Review Board;~~

13 ~~(8) the State Emergency Response Commission;~~

14 ~~(9) the Plumbers Examining Board;~~

15 ~~(10) the Vermont Access Board; and~~

16 ~~(11) the Enhanced 911 Board.~~

17 § 6003. ADVISORY CAPACITY

18 (a) Except as otherwise provided in this chapter, all boards and

19 commissions that are a part of or are attached to the Agency pursuant to this

20 chapter shall be advisory only, and the powers and duties of the boards and

1 ~~commissions, including administrative, policy making, and regulatory~~
2 functions, shall vest in and be exercised by the Secretary of the Agency.

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

6 § 6004. PERSONNEL DESIGNATION

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

12 Subchapter 2. Secretary

13 § 6021. APPOINTMENT AND DUTIES

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

17 (b) The Secretary shall oversee the activities of the Division of Support
18 Services and the Office of Community Engagement. The Secretary shall
19 supervise the Commissioner of Fire Safety and Emergency Management and
20 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 the Secretary's pleasure and to perform such duties as the Secretary
7 may 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 the Secretary deems necessary within the Agency
17 and appoint their members for terms not exceeding the Governor's term.

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, and

1 ~~(7) organize, reorganize, transfer, or abolish divisions, staff functions, or~~
2 ~~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; and~~

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 Subchapter 4. Departments, Divisions, and Boards

6 § 6081. DEPARTMENT OF LAW ENFORCEMENT

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

9 § 6082. DEPARTMENT OF FIRE SAFETY AND EMERGENCY

10 MANAGEMENT

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

16 § 6083. DIVISION OF SUPPORT SERVICES

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

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

- 1 ~~(1) personnel administration;~~
- 2 ~~(2) financing and accounting activities;~~
- 3 ~~(3) coordination of filing and records maintenance activities;~~
- 4 ~~(4) provision of facilities, office space, and equipment and the care~~
- 5 ~~thereof;~~
- 6 ~~(5) requisitioning from the Department of Buildings and General~~
- 7 ~~Services of the Agency of Administration supplies, equipment, and other~~
- 8 ~~requirements;~~
- 9 ~~(6) management improvement services;~~
- 10 ~~(7) training, including diversity, equity, and inclusion training;~~
- 11 ~~(8) communications, including dispatch and radio technology;~~
- 12 ~~(9) fleet services;~~
- 13 ~~(10) information systems and technology, including the Vermont Crime~~
- 14 ~~Information Center and the Sex Offender Registry;~~
- 15 ~~(11) grant management; and~~
- 16 ~~(12) other administrative functions assigned to it by the Secretary.~~
- 17 ~~(c) Other provisions of the law notwithstanding, all administrative service~~
- 18 ~~functions delegated to other components of the Agency shall be performed~~
- 19 ~~within the Agency by the Division of Support Services.~~
- 20 ~~§ 0084. OFFICE OF COMMUNITY ENGAGEMENT~~

1 ~~(a) The Office of Community Engagement is created within the Agency of~~
2 ~~Public Safety. It shall be administered by the Deputy Secretary of the Agency.~~

3 ~~(b) The Office of Community Engagement shall:~~

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

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

8 ~~and~~

9 ~~(3) maintain a list of relevant public safety stakeholders.~~

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

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

12 BOARD

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

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

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

20 ~~(d) The rules of the Enhanced 911 Board shall become a subtitle under the~~
21 ~~rules of the Agency of Public Safety.~~

1 ~~Sec. 3. PROVISIONS FOR THE TRANSITION OF THE DEPARTMENT~~

2 OF MOTOR VEHICLES ENFORCEMENT OFFICERS

3 (a) All duties, obligations, responsibilities, and authority of the certified
4 law enforcement officers in the Department of Motor Vehicles (DMV)
5 Enforcement Division under Title 19 and 23 V.S.A., chapter 15, and applicable
6 rules, are transferred to the Agency of Public Safety, Department of Law
7 Enforcement, Division of Motor Vehicle Enforcement.

8 (b) All financial assets and liabilities of the DMV Enforcement Division,
9 including all appropriations associated with the positions transferred, are
10 transferred to the Agency of Public Safety, Department of Law Enforcement,
11 Division of Motor Vehicle Enforcement.

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

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

1 *** General Transition Provisions ***

2 Sec. 4. TRANSITION; GENERALLY

3 The Secretary of Public Safety shall coordinate with the Secretary of
4 Administration, the Commissioner of Finance and Management, the
5 Commissioner of Human Resources, the Executive Director of the Criminal
6 Justice Council, the Chair of the Criminal Justice Council, the Executive
7 Director of the Enhanced 911 Board, the Secretary of the Agency of
8 Transportation, and the Commissioners of the Departments of Motor Vehicles,
9 of Fish and Wildlife, of Liquor and Lottery, and their directors of enforcement
10 as necessary to enable the organizational modernization and most efficient
11 operation of State law enforcement divisions and resources.

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

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

14 § 7052. VERMONT ENHANCED 911 BOARD

15 ***

16 (e) The Board shall ~~appoint, subject to the approval of the Governor,~~
17 advise on and assist the Secretary with the selection of the Executive Director
18 who shall hold office at the pleasure of the Board. He or she The Executive
19 Director shall perform such duties as may be assigned by the Board. The
20 Executive Director is entitled to compensation, as established by law, and
21 reimbursement for the expenses within the amounts available by appropriation.

1 ~~The Executive Director may, with the approval of the Board, hire employees,~~
2 agents, and consultants and prescribe their duties. The Executive Director
3 shall submit a budget to the Secretary. The Executive Director shall not be
4 under the direction and control of the Secretary except with regard to the
5 budget and other administrative functions given to the Director or the Board
6 by law.

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

8 § 7053. BOARD; RESPONSIBILITIES AND POWERS

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

16 (1) The technical and operational standards for public safety answering
17 points.

18 (2) The system database standards and procedures for developing and
19 maintaining the database. The system database shall be the property of the
20 ~~Board.~~

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

~~Agency ***~~

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

~~§ 2101. CREATION~~

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

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

~~§ 3. VERMONT EMERGENCY MANAGEMENT DIVISION~~

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

~~***~~

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

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

~~CONTRACTING~~

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

~~(b) ~~The head of the Department shall be the Commissioner of Public~~~~

~~~~Safety, who shall be a citizen of the United States and shall be selected on the~~~~



1 ~~basis of training, experience, and qualifications. The Commissioner shall be~~  
2 ~~appointed by the Governor, with the advice and consent of the Senate.~~

3 ~~(e)(a) The Commissioner of Public Safety Law Enforcement may contract~~  
4 ~~for security and related traffic control, and receive reimbursement for~~  
5 ~~reasonable costs, which that shall include costs associated with providing~~  
6 ~~personnel, benefits, equipment, vehicles, insurances, and related expenses.~~  
7 ~~These reimbursements shall be credited to a special fund established pursuant~~  
8 ~~to 32 V.S.A. chapter 7, subchapter 5, and be available to offset costs of~~  
9 ~~providing those services.~~

10 ~~(e)(b) The Commissioner of Public Safety Law Enforcement shall collect~~  
11 ~~fees for the termination of alarms at State Police facilities and for response to~~  
12 ~~false alarms.~~

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

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

16 ~~(2) An alarm company or monitoring service that is authorized to install~~  
17 ~~a multi-unit alarm panel at a State Police facility will be assessed a fee of~~  
18 ~~\$25.00 per alarm with a minimum fee of \$250.00 per panel per year.~~

19 ~~(3) An individual or business who programs a tape dialer or other~~  
20 ~~automatic notification device to transmit a voice message to a State Police~~  
21 ~~facility, informing the police of a burglary or other emergency, must register~~

1 ~~such dialer with the State Police facility and will be assessed a registration fee~~  
2 of \$50.00 per year. The fee includes an onsite inspection by a member of the  
3 State Police.

4 (4) If State Police respond to an alarm and it is found that the alarm was  
5 transmitted by an unregistered tape dialer or similar notification device, a  
6 registration fee of \$50.00 will be assessed subsequent to that response. Unpaid  
7 registration fees are considered to be alarms in default and handled in  
8 accordance with the provisions of the section on response terminations.

9 ~~(f)~~(d) False Alarms:.

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

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

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

19 ~~(g)~~(e) Response Terminations:.

20 (1) Alarm fees ~~which~~ that have been assessed and not paid for a period  
21 ~~of 60 days from the date of the last billing are considered alarms in default and~~

1 ~~the State Police station commander, with the concurrence of the State Police~~  
2 troop commander, may notify the alarm holder that the State Police will no  
3 longer respond to alarms at that location as long as the alarm holder is in  
4 default.

5 (2) When in the opinion of the station commander, with the concurrence  
6 with the troop commander, there exists a chronic false alarm problem ~~which~~  
7 that the alarm holder appears not to have taken reasonable measures to correct,  
8 the station commander may send notification that the State Police will no  
9 longer respond to alarms at that location until the problem is corrected even if  
10 the alarm holder is not in default on fees assessed.

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

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

16 ~~(j)(h)~~ Charges collected under subsections ~~(e)(c)~~, ~~(f)(d)~~, and ~~(i)(g)~~ of this  
17 section shall be credited to the Vermont Law Telecommunications Special  
18 Fund and shall be available to the Department to offset the costs of providing  
19 ~~the services.~~

1 ~~Sec. 12. 20 V.S.A. § 1872 is amended to read:~~

2 § 1872. DUTIES OF COMMISSIONER GENERALLY

3 The Commissioner shall be the chief enforcement officer of all the statutes  
4 and rules pertaining to the law of the road and the display of lights on vehicles.

5 In addition, the Commissioner shall supervise and direct the activities of the  
6 State Police and of the Vermont Crime Information Center ~~and, as Fire~~  
7 ~~Marshal, be responsible for enforcing the laws pertaining to the investigation~~  
8 ~~of fires, the prevention of fires, the promotion of fire safety, and the delivery~~  
9 ~~of fire service training.~~

10 Sec. 13. 20 V.S.A. § 1874 is amended to read:

11 § 1874. ORGANIZATION OF DEPARTMENT BY COMMISSIONER

12 (a) The Commissioner of Law Enforcement, with the approval of the  
13 Governor and the Secretary, shall so organize and arrange the Department of  
14 Law Enforcement as will best and most efficiently promote its work and carry  
15 out the objectives of this chapter and chapter 69 of this title. To that end, the  
16 Commissioner may, with the Governor's approval, create, rearrange, and  
17 abolish divisions, establish grades, ranks, and positions to be held by members,  
18 and formulate, put into effect, alter, and repeal rules for the administration of  
19 the Department to the extent permitted by law.

20

1 ~~Sec. 14, 20 V.S.A. § 1883 is amended to read:~~

2 § 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF  
3 UNDERSTANDING

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

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

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

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

5 ~~(4)(3) Developing an integrated and coordinated approach to multi-~~  
6 ~~agency special teams with the goal of creating a force multiplier, where~~  
7 ~~feasible to be coordinated through the Agency of Public Safety, Department of~~  
8 ~~Law Enforcement. These teams will be coordinated by the Vermont State~~  
9 ~~Police during training and deployments.~~

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

18

1 ~~Sec. 15-20 V.S.A., chapter 113, subchapter 2 is amended to read:~~

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

3 § 1911. EXAMINATIONS; APPOINTMENT; PROMOTION; PROBATION

4 The ~~commissioner~~ Commissioner shall devise and administer examinations  
5 designed to test the qualifications of applicants for positions as ~~state police~~  
6 certified law enforcement officers assigned to the Department of Law  
7 Enforcement and only those applicants shall be appointed or promoted who  
8 meet the prescribed standards and qualifications. Where certified law  
9 enforcement officer positions support the work of agencies or departments  
10 outside the Agency of Public Safety, the Commissioner shall consult the  
11 agencies or departments concerning the qualifications for the positions. All  
12 ~~state police~~ certified law enforcement officers assigned to the Department of  
13 Law Enforcement shall be on probation for one year from the date of first  
14 appointment. Such examinations shall be with the advice of the Department of  
15 Human Resources.

16 § 1912. BOND AND OATH

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

1 ~~auxiliary state State police shall take the oath of office prescribed for sheriffs~~

2 before the ~~commissioner~~ Commissioner or any person designated under

3 12 V.S.A. § 5852 to administer oaths.

4 § 1913. UNIFORMS AND EQUIPMENT

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



1 ~~§ 1914. POWERS AND IMMUNITIES~~

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

15 \* \* \*

16 Sec. 16. 20 V.S.A. § 1933 is amended to read:

17 § 1933. DNA SAMPLE REQUIRED

18 \* \* \*

19 (c) A person serving a sentence for a designated crime not confined to a  
20 correctional facility shall have his or her DNA samples collected or taken at a  
21 ~~place and time designated by the Commissioner of Corrections, the~~

1 ~~Commissioner of Public Safety Law Enforcement, or a court if the person has~~  
2 not previously submitted a DNA sample in connection with the designated  
3 crime for which he or she the person is serving the sentence.

4 Sec. 17. 20 V.S.A. § 2352 is amended to read:

5 § 2352. COUNCIL MEMBERSHIP

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

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

9 \* \* \*

10 Sec. 18. REPEALS

11 3 V.S.A. § 212(18) (the Department of Public Safety) is repealed.

12 \* \* \* Conforming Revisions \* \* \*

13 Sec. 19. CONFORMING REVISIONS

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

18 (1) replace “Department of Public Safety” with “Department of Law  
19 Enforcement”; and

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

~~\*\*\* Reporting \*\*\*~~

~~Sec. 20. CREATION OF AGENCY OF PUBLIC SAFETY; REPORT~~

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

~~(b) The Secretary of the Agency of Public Safety shall study the effectiveness, efficiency, and delivery of State public safety law enforcement services and shall report to the Governor and the General Assembly on or before October 15, 2023, on the feasibility and advisability of transferring the operations of the Department of Fish and Wildlife certified law enforcement officers, Department of Liquor and Lottery certified law enforcement officers, the Capitol Police, and the Department of Labor relating to VOSHA, Project WorkSAFE, and Passenger Tramway Safety to the Agency of Public Safety.~~

~~(c) On or before November 15, 2023, the Secretary of the Agency of Public Safety shall report to the Governor, the leadership of the General Assembly, and the House and Senate Committees on Government Operations and on Judiciary on the status of the organizational transition and recommend~~

1 ~~any legislative changes needed to continue an orderly and efficient~~  
2 ~~organizational transition.~~

3 \* \* \* Effective Dates \* \* \*

4 Sec. 21. EFFECTIVE DATES

5 ~~(a) This section and Secs. 4 (transition; generally) and 19–20 (conforming~~  
6 ~~changes; reporting) shall take effect on passage.~~

7 ~~(b) Secs. 1 (agency creation) and 8–18 (conforming statutory revisions)~~  
8 ~~shall take effect on July 1, 2022, except that in Sec. 1, 3 V.S.A. § 6002(c)(11)~~  
9 ~~(E-911 board) shall take effect on July 1, 2023.~~

10 ~~(c) Secs. 2–3 and 5–7 (transition provisions for motor vehicle enforcement~~  
11 ~~and E-911 Board) shall take effect on July 1, 2023.~~

\* \* \* Creation of Agency \* \* \*

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

*CHAPTER 72. AGENCY OF PUBLIC SAFETY*

*Subchapter 1. General Provisions*

*§ 5201. DEFINITIONS*

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

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

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

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

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

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

§ 5202. CREATION OF AGENCY

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

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

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

(A) the Division of Emergency Management;

(B) the Division of Fire Safety; and

(C) the Office of Training;

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

(3) the Division of Support Services; and

(4) the Office of Community Collaboration and Empowerment.

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

(1) the Fire Service Training Council;

(2) the Law Enforcement Advisory Board;

(3) the State Police Advisory Commission;

(4) the Search and Rescue Council;

(5) the Animal Cruelty Investigation Advisory Board;

(6) the Electricians Licensing Board;

(7) the Elevator Safety Review Board;

(8) the State Emergency Response Commission;

(9) the Plumbers Examining Board;

(10) the Vermont Access Board; and

(11) the Enhanced 911 Board.

§ 5203. ADVISORY CAPACITY

(a) Except as otherwise provided in this chapter, all boards and commissions that are a part of or are attached to the Agency pursuant to this chapter shall be advisory only, and the powers and duties of the boards and

commissions, including administrative, policymaking, and regulatory functions, shall vest in and be exercised by the Secretary of the Agency.

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

§ 5204. PERSONNEL DESIGNATION

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

Subchapter 2. Secretary

§ 5221. APPOINTMENT AND DUTIES

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

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

§ 5222. BUDGET AND REPORT

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

§ 5223. DEPUTY SECRETARY

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

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

§ 5224. ADVISORY COUNCILS OR COMMITTEES

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

§ 5225. TRANSFER OF PERSONNEL AND APPROPRIATIONS

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

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

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

Subchapter 3. Commissioners and Directors

§ 5251. COMMISSIONERS; DEPUTY COMMISSIONERS;  
APPOINTMENT; TERM

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

§ 5252. MANDATORY DUTIES

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

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

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

- (1) administer the laws assigned to the Department;
- (2) coordinate and integrate the work of the divisions; and
- (3) supervise and control all staff functions.

§ 5253. PERMISSIVE DUTIES; APPROVAL OF SECRETARY

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

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

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

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

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

(5) appoint a deputy commissioner;

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

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

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

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

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

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

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

#### § 5254. DIRECTORS

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



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

Subchapter 4. Departments, Divisions, and Boards

§ 5281. DEPARTMENT OF LAW ENFORCEMENT

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

§ 5282. DEPARTMENT OF FIRE SAFETY AND EMERGENCY  
MANAGEMENT

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

§ 5283. DIVISION OF SUPPORT SERVICES

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

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

- (1) personnel administration;
- (2) financing and accounting activities;
- (3) coordination of filing and records maintenance activities;
- (4) provision of facilities, office space, and equipment and the care thereof;
- (5) requisitioning from the Department of Buildings and General Services of the Agency of Administration supplies, equipment, and other requirements;
- (6) management improvement services;
- (7) training, including diversity, equity, and inclusion training;
- (8) communications, including dispatch and radio technology;
- (9) fleet services;
- (10) information systems and technology, including the Vermont Crime Information Center and the Sex Offender Registry;
- (11) grant management; and

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

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

§ 5284. OFFICE OF COMMUNITY COLLABORATION AND  
EMPOWERMENT

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

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

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

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

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

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

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

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

(c) Report. On or before November 1, 2023, and every two years thereafter, the Office of Community Collaboration and Empowerment shall report to the House and Senate Committees on Government Operations and on Judiciary, and to the list of stakeholders identified pursuant to subdivision (3) of subsection (b) of this section, on the Office's progress and implementation on the duties and responsibilities identified in subsection (b) of this section.

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

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

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

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

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

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

\* \* \* General Transition Provisions \* \* \*

Sec. 3. TRANSITION; GENERALLY

The Secretary of Public Safety shall coordinate with the Secretary of Administration; the Commissioner of Finance and Management; the Commissioner of Human Resources; the Executive Director of the Criminal Justice Council; the Chair of the Criminal Justice Council; the Executive Director of the Enhanced 911 Board; the Secretary of the Agency of Transportation; and the Commissioners of the Departments of Motor Vehicles, of Fish and Wildlife, of Liquor and Lottery, and their directors of enforcement as necessary to enable the organizational modernization and most efficient operation of State law enforcement divisions and resources.

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

Sec. 4. 30 V.S.A. § 7052 is amended to read:

§ 7052. VERMONT ENHANCED 911 BOARD

\* \* \*

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

*Sec. 5. 30 V.S.A. § 7053 is amended to read:*

*§ 7053. BOARD; RESPONSIBILITIES AND POWERS*

*(a) The Board shall be the single governmental agency responsible for statewide Enhanced 911 pursuant to chapter 87 of this title and 3 V.S.A. chapter 72. To the extent feasible, the Board shall consult with the Agency of Human Services, the ~~Department~~ Agency of Public Safety, the Department of Public Service, and local community service providers on the development of policies, system design, standards, and procedures. The Board shall develop designs, standards, and procedures and shall adopt rules on the following:*

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

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

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

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

*\* \* \**

*\* \* \* Statutory Changes for Department of Public Safety Becoming  
Agency \* \* \**

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

*§ 1. ADMINISTRATION AND ENFORCEMENT OF TITLE*

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

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

*§ 1600. DEFINITION*

*Notwithstanding subdivision 4(4) of this title, as used in this chapter, "Commissioner" means the Commissioner of the Agency of Public Safety, Department of Law Enforcement.*

*Sec. 8. 3 V.S.A. § 2101 is amended to read:*

*§ 2101. CREATION*

*A cabinet is created in the Executive Branch of government ~~which~~ that shall consist of the Secretaries of such agencies as are created by law, as well as such Commissioners of the departments created by law as the Governor, in the Governor's discretion, shall appoint to be a member of the Cabinet.*

*Sec. 9. 20 V.S.A. § 3 is amended to read:*

*§ 3. VERMONT EMERGENCY MANAGEMENT DIVISION*

*(a) There is hereby created within the ~~Department of Public Safety Agency of Public Safety, Department of Fire Safety and Emergency Management,~~ a division to be known as the Vermont Emergency Management Division.*

*\* \* \**

*Sec. 10. 20 V.S.A. § 1871 is amended to read:*

*§ 1871. ~~DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER~~  
CONTRACTING*

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

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

*(e)(a) ~~The Commissioner of Public Safety Law Enforcement may contract for security and related traffic control, and receive reimbursement for reasonable costs that shall include costs associated with providing personnel, benefits, equipment, vehicles, insurances, and related expenses. These reimbursements shall be credited to a special fund established pursuant to 32 V.S.A. chapter 7, subchapter 5, and be available to offset costs of providing those services.~~*

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

*(e)(c) Termination Fees.*

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

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

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

(4) If State Police respond to an alarm and it is found that the alarm was transmitted by an unregistered tape dialer or similar notification device, a registration fee of \$50.00 ~~will~~ shall be assessed subsequent to that response. Unpaid registration fees are considered to be alarms in default and handled in accordance with the provisions of the section on response terminations.

~~(f)~~(d) False Alarms alarms.

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

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

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

~~(g)~~(e) Response Terminations terminations.

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

(2) When in the opinion of the station commander, with the concurrence with the troop commander, there exists a chronic false alarm problem that the alarm holder appears not to have taken reasonable measures to correct, the station commander may send notification that the State Police will no longer respond to alarms at that location until the problem is corrected even if the alarm holder is not in default on fees assessed.

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

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

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

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

§ 1872. DUTIES OF COMMISSIONER GENERALLY

The Commissioner shall be the chief enforcement officer of all the statutes and rules pertaining to the law of the road and the display of lights on vehicles. In addition, the Commissioner shall supervise and direct the activities of the State Police and of the Vermont Crime Information Center and, ~~as Fire Marshal, be responsible for enforcing the laws pertaining to the investigation of fires, the prevention of fires, the promotion of fire safety, and the delivery of fire service training.~~

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

§ 1874. ORGANIZATION OF DEPARTMENT BY COMMISSIONER

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

\* \* \*

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

§ 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF UNDERSTANDING

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

*The memorandum of understanding shall ~~be reviewed at least every two years and shall~~ at a minimum address:*

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

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

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

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

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

\* \* \*

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

*§ 1913. UNIFORMS AND EQUIPMENT*

*Within the appropriation for the Department, the Commissioner shall provide the State-Police certified law enforcement officers assigned to the Department of Law Enforcement, and such other members as he or she the Commissioner may designate, with uniforms and all members with the equipment necessary in the performance of their respective duties, which shall remain the property of the State. The Commissioner shall consult with agencies and departments that are supported by certified law enforcement officers assigned to the Department of Law Enforcement on the uniforms and equipment necessary for those positions. The Commissioner may sell such equipment as may become unfit for use, and all monies received from the sale shall be paid into the State Treasury and credited to the Department's Agency's appropriation. The Commissioner shall keep an inventory and shall charge against each member all property of the Department issued to him or her the member, and if the Commissioner shall-determine determines that a loss or destruction was due to the carelessness or neglect of the member, the value of the property shall be deducted from his or her the member's pay.*

*§ 1914. POWERS AND IMMUNITIES*

*The Commissioner of Public-Safety Law Enforcement and the State-Police all certified law enforcement officers assigned to the Department of Law Enforcement shall be peace officers and shall have the same powers with respect to criminal matters and the enforcement of the law relating to criminal matters as sheriffs, constables, and local police have in their respective jurisdictions, and shall have all the immunities and matters of defense now*

*available or hereafter made available to sheriffs, constables, and local police in a suit brought against them in consequence of acts done in the course of their employment. ~~State Police Certified law enforcement officers assigned to the Department of Law Enforcement shall be informing or complaining officers with the same powers possessed by sheriffs, deputy sheriffs, constables, or police officers of a city or incorporated village as provided in 13 V.S.A. § 5507.~~*

\* \* \*

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

*§ 1933. DNA SAMPLE REQUIRED*

\* \* \*

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

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

*§ 2352. COUNCIL MEMBERSHIP*

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

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

\* \* \*

*Sec. 17. REPEALS*

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

*\* \* \* Conforming Revisions \* \* \**

*Sec. 18. CONFORMING REVISIONS*

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

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

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

*\* \* \* Reporting \* \* \**

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

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

*(b) On or before October 15, 2023, the Secretary of the Agency of Public Safety shall study the effectiveness, efficiency, and delivery of State public safety law enforcement services and shall report to the Governor and the General Assembly on the feasibility and advisability of transferring the operations of the Department of Motor Vehicles certified law enforcement officers, Department of Fish and Wildlife certified law enforcement officers, Department of Liquor and Lottery certified law enforcement officers, the Capitol Police, and the Department of Labor relating to VOSHA, Project WorkSAFE, and Passenger Tramway Safety to the Agency of Public Safety.*

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

*Sec. 20. UNIFICATION OF ANIMAL WELFARE AND RELATED  
PUBLIC SAFETY FUNCTIONS; REPORT*

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

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

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

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

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

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

(b) The Department shall engage with the animal welfare coalition consisting of the Animal Cruelty Investigative Advisory Board, the Vermont Humane Federation, and the Animal Welfare Regulations Coalition as needed to comply with this section.

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

*Sec. 21. EFFECTIVE DATES*

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

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

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