

1 TO THE HOUSE OF REPRESENTATIVES:

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

8 \* \* \* Vermont Criminal Justice Council \* \* \*

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

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

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

12 CONFORMING REVISIONS

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

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

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

2 § 2351. CREATION AND PURPOSE OF COUNCIL

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

6 (b) The Council is created to:

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

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

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

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

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

5 § 2352. COUNCIL MEMBERSHIP

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

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

9 (B) the Attorney General;

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

12 (D) the Executive Director of Racial Equity;

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3 (b) The new membership of the Council shall be appointed on or before  
4 November 15, 2020.

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

6 § 2355. COUNCIL POWERS AND DUTIES

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

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

12 \* \* \*

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

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

21 \* \* \*





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

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

4 § 2359. COUNCIL SERVICES CONTINGENT ON AGENCY

5 COMPLIANCE

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

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

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

18 § 2361. ADDITIONAL TRAINING

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

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

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

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

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

10 CURRENT OR FORMER AGENCY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 POLICY

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

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

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

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

7 § 2369. PROHIBITION ON FACIAL RECOGNITION TECHNOLOGY

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

12 (b) As used in this section:

13 (1) “Facial recognition” means:

14 (A) the automated or semi-automated process that identifies or  
15 attempts to identify a person based on the characteristics of the person’s face,  
16 including identification of known or unknown persons or groups; or

17 (B) the automated or semiautomated process by which the  
18 characteristics of a person’s face are analyzed to determine the person’s  
19 sentiment, state of mind, or other propensities, including the person’s level of  
20 dangerousness.



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

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

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

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

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

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

16 (b) The Council shall provide a copy of any report and the relevant  
17 documents provided with it to the Council Advisory Committee, which shall  
18 recommend any appropriate action to take in regard to a law enforcement  
19 officer who is the subject of that report.



1 groups representing individuals with lived experience of a mental health  
2 condition or psychiatric disability, and other relevant organizations and  
3 individuals in reviewing law enforcement applicants' current written, oral, and  
4 psychological examinations for cultural sensitivities and overall  
5 appropriateness.

6 (2) Law enforcement officer training.

7 (A) The Council, in consultation with the Racial Disparities in the  
8 Criminal and Juvenile Justice System Advisory Panel, the Human Rights  
9 Commission, the American Civil Liberties Union, statewide racial justice  
10 groups, statewide groups representing individuals with lived experience of a  
11 mental health condition or psychiatric disability, and other relevant  
12 stakeholders, shall review the current requirements for basic and annual in-  
13 service training in order to determine whether appropriate training is provided  
14 in the areas of cultural awareness, implicit bias, de-escalation, and recognition  
15 of and appropriately responding to individuals with a mental condition, and  
16 whether that training is embedded into training on other policing policies such  
17 as traffic stops and searches.

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

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

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

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

10           (3) Models of civilian oversight. The Office of Attorney General shall  
11           consult with the Council, the Human Rights Commission, the Vermont League  
12           of Cities and Towns, the Vermont Law School Center for Justice Reform,  
13           statewide racial justice groups, statewide groups representing individuals with  
14           lived experience of a mental health condition or psychiatric disability, and  
15           other interested parties to recommend one or more models of civilian oversight  
16           of law enforcement.

17           (4) Reporting allegations of law enforcement misconduct. The Office of  
18           Attorney General shall consult with the Council, the Human Rights  
19           Commission, the American Civil Liberties Union, statewide racial justice  
20           groups, statewide groups representing individuals with lived experience of a  
21           mental health condition or psychiatric disability, and other interested parties in

1 order to identify a central point for reporting allegations of law enforcement  
2 officer misconduct, which may be the Council or another entity, and how those  
3 allegations should be handled.

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

10 (6) Body cameras.

11 (A)(i) The Council shall recommend a model body camera policy for  
12 use by law enforcement agencies and officers.

13 (ii) After consulting with the Secretary of State, the Human Rights  
14 Commission, the American Civil Liberties Union, statewide racial justice  
15 groups, statewide groups representing individuals with lived experience of a  
16 mental health condition or psychiatric disability, and other interested parties,  
17 the Council shall specifically recommend policies for responding to public  
18 records requests for body camera footage, including any recommended  
19 tetimelines to respond, how and what footage should be redacted, length of  
20 footage retention, and storage.

1           (B) The Department of Public Safety shall consult with the Council  
2           and the Law Enforcement Advisory Board to investigate the possibility of a  
3           statewide group purchasing contract for law enforcement body cameras and of  
4           central storage locations. If the Department recommends such a group, it shall  
5           detail its recommended structure and operation.

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

9                           \* \* \* State Data Collection and Analysis \* \* \*

10       Sec. 17. STATE OUTCOMES REPORT; GOVERNMENT

11                   ACCOUNTABILITY COMMITTEE; POPULATION-LEVEL  
12                   INDICATORS DEMONSTRATING QUALITY OF LIFE FOR  
13                   VERMONTERS WHO ARE BLACK, INDIGENOUS, OR PEOPLE  
14                   OF COLOR

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



1 (2) Vermonters are healthy.

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

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

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

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

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

7 (8) Vermonters with disabilities live with dignity and in settings they  
8 prefer.

9 (9) Vermont has open, effective, and inclusive government.

10 (10) Vermont’s State infrastructure meets the needs of Vermonters, the  
11 economy, and the environment.

12 (c) Approving population-level indicators.

13 (1) Annually, on or before March 1, a standing committee of the  
14 General Assembly having jurisdiction over a population-level quality of life  
15 outcome set forth in subsection (b) of this section or the Chief Performance  
16 Officer may submit to the Government Accountability Committee a request  
17 that any population-level indicator related to that outcome be revised.

18 (2) If that request is approved by the Government Accountability  
19 Committee, the Chief Performance Officer shall revise and report on the  
20 population-level indicator in accordance with that approval and this section.

1 (d) The report set forth in this section shall not be subject to the limitation  
2 on the duration of agency reports set forth in 2 V.S.A. § 20(d).

3 Sec. 19. 3 V.S.A. § 2222 is amended to read:

4 § 2222. POWERS AND DUTIES; BUDGET AND REPORT

5 \* \* \*

6 (k) The Secretary of Administration or designee shall review all grants  
7 from an agency of the State to a ~~local~~ law enforcement agency or constable,  
8 and all such grants shall be subject to the approval of the Secretary or designee.  
9 The Secretary or designee shall approve the grant only if the law enforcement  
10 agency or constable has complied with the race data reporting requirements set  
11 forth in 20 V.S.A. § 2366(e) and the death or serious bodily injury reporting  
12 requirements set forth in 18 V.S.A. § 7257a(b) within six months prior to the  
13 Secretary's or designee's review.

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

15 § 2053. COOPERATION WITH OTHER AGENCIES

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

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

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

17                           \* \* \* Law Enforcement Advisory Board \* \* \*

18           Sec. 21. LEAB; REPEAL FOR RECODIFICATION

19           24 V.S.A. § 1939 (Law Enforcement Advisory Board) is repealed.

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

2 § 1818. LAW ENFORCEMENT ADVISORY BOARD

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

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

9 (1) the Commissioner of Public Safety;

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

11 (3) the Director of the Enforcement Division of the Department of Fish  
12 and Wildlife;

13 (4) the Director of the Enforcement and Safety Division of the  
14 Department of Motor Vehicles;

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

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

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

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

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

3           (10) a member of the Vermont Police Association, appointed by the  
4           President of the Association;

5           (11) the Attorney General or designee;

6           (12) a State’s Attorney appointed by the Executive Director of the  
7           Department of State’s Attorneys and Sheriffs;

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

9           (14) the Executive Director of the Vermont Criminal Justice ~~Training~~  
10          Council;

11          (15) the Defender General or designee;

12          (16) one representative of the Vermont Troopers’ Association or its  
13          successor entity, elected by its membership;

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

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

18          (b) The Board shall elect a chair and a vice chair, which positions shall  
19          rotate among the various member representatives. Each member shall serve a  
20          term of two years. The Board shall meet at the call of the Chair. A quorum

1 shall consist of 10 members, and decisions of the Board shall require the  
2 approval of a majority of those members present and voting.

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

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

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

15 Sec. 23. LEAB; RECODIFICATION DIRECTIVE

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

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

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

2                       ENFORCEMENT SERVICES

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

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

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

9                               Subchapter 1. General Provisions

10       § 1871. DEPARTMENT OF PUBLIC SAFETY; COMMISSIONER

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

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

20                               \* \* \*





1 available to the ~~department~~ Department to offset the costs of providing the  
2 services.

3 Sec. 26. DEPARTMENT OF PUBLIC SAFETY; PROHIBITION ON NEW  
4 CHARGES TO PERFORM DISPATCH FUNCTIONS UNTIL FEE  
5 STRUCTURE ENACTED; RECOMMENDATIONS

6 (a) Notwithstanding the provisions of 20 V.S.A. § 1871(i) as amended by  
7 Sec. 25 of this act, the Department of Public Safety may continue to charge  
8 fees under the provisions of any contractual arrangements in effect on the  
9 effective date of that section that it has to perform dispatching functions for  
10 State, municipal, or other emergency services; may have authorized under the  
11 provisions of 32 V.S.A. § 5(b) dispatch positions that are fully funded under  
12 those contractual arrangements; and may renew such a contractual arrangement  
13 with fees at the same or a lower amount. However, the Department shall not  
14 charge fees in any other contractual arrangements it enters into to perform  
15 dispatching functions for State, municipal, or other emergency services until  
16 the General Assembly establishes in law a dispatch fee structure for those  
17 charges.

18 (b)(1) On or before March 15, 2021, the Department of Public Safety shall  
19 hold at least three public hearings and consult with the Vermont League of  
20 Cities and Towns, the Emergency Medical Advisory Committee, the Vermont  
21 Police Chiefs Association, the Vermont State Firefighters Association, and

1 local emergency medical services, police, and fire agencies in order to report  
2 by that date to the House Committees on Government Operations and on Ways  
3 and Means and the Senate Committees on Government Operations and on  
4 Finance the Department’s recommendations for an equitable dispatch fee  
5 structure for the Department to charge for dispatching emergency medical  
6 service, police, and fire services, and potential funding mechanisms for those  
7 charges that do not rely on property taxes.

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

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

14 Sec. 27. 24 V.S.A. chapter 71 is amended to read:

15 CHAPTER 71. AMBULANCE SERVICES

16 Subchapter 1. Emergency Medical Services Districts

17 § 2651. DEFINITIONS

18 As used in this chapter:

19 \* \* \*

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

21 \* \* \*

1 § 2652. CREATION OF DISTRICTS

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

6 \* \* \*

7 § 2654. RECORDING DETERMINATION OF DISTRICTS

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

11 \* \* \*

12 § 2656. DUTIES AND POWERS OF OFFICERS AND DIRECTORS

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

17 \* \* \*

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

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

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

4 \* \* \*

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

9 \* \* \*

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

15 \* \* \*

16 Subchapter 2. Licensing Operation of Affiliated Agencies

17 § 2681. LICENSE REQUIRED; AMBULANCE LICENSE REQUIREMENT

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

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

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

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

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

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

8 \* \* \*

9 § 2683. TERM OF LICENSE

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

14 \* \* \*

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

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

18 \* \* \*

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

1 and resources, which shall be used to inform the Board’s regulatory processes,  
2 cost containment and statewide quality of care efforts, health care payment and  
3 delivery system reform initiatives, and any allocation of health resources  
4 within the State. The Plan shall identify Vermont residents’ needs for health  
5 care services, programs, and facilities; the resources available and the  
6 additional resources that would be required to realistically meet those needs  
7 and to make access to those services, programs, and facilities affordable for  
8 consumers; and the priorities for addressing those needs on a statewide basis.  
9 The Board may expand the Plan to include resources, needs, and priorities  
10 related to the social determinants of health. The Plan shall be revised  
11 periodically, but not less frequently than once every four years.

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

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

15 (B) identify priorities using information from:

16 (i) the State Health Improvement Plan;

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

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



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

3 \* \* \*

4 § 904. ADMINISTRATIVE PROVISIONS

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

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

10 \* \* \*

11 § 906. EMERGENCY MEDICAL SERVICES DIVISION;  
12 RESPONSIBILITIES

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

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

21 \* \* \*





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

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

10 \* \* \*

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

14 \* \* \*

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

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

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§ 906d. RENEWAL REQUIREMENTS; SUNSET REVIEW

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

(1) the renewal requirements of the profession;

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

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

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

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

\* \* \*

1 § 909. EMS ADVISORY COMMITTEE; EMS EDUCATION COUNCIL

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

5 \* \* \*

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

12 \* \* \*

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

17 \* \* \*

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

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

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

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

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

11 Sec. 30. 32 V.S.A. § 8557 is amended to read:

12 § 8557. VERMONT FIRE SERVICE TRAINING COUNCIL

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

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

3 \* \* \*

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

9 \* \* \*

10 Sec. 31. TRANSITIONAL EMS PROVISIONS

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

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

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

7       (d) Development of Vermont EMS First Responder certification. The  
8       Department of Health shall consult with the EMS Advisory Committee, the  
9       University of Vermont’s Initiative for Rural Emergency Medical Services, and  
10       any other relevant stakeholders in developing the new Vermont EMS First  
11       Responder certification required by 18 V.S.A. § 906(11) in Sec. 29 of this act  
12       so that certification is established on or before July 1, 2021.

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



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

Sec. 33. EFFECTIVE DATES

This act shall take effect on October 1, 2020, except that:

- (1) Sec. 4, 20 V.S.A. § 2352 (Council membership) shall take effect on November 15, 2020; and
- (2) Sec. 19, 3 V.S.A. § 2222 (powers and duties; budget and report) shall take effect on January 1, 2021.

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

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE