

1 H.130

2 Introduced by Representatives Sweaney of Windsor, Cole of Burlington,

3 Evans of Essex, and Townsend of South Burlington

4 Referred to Committee on

5 Date:

6 Subject: Executive; administrative departments; public safety; Agency of

7 Public Safety

8 Statement of purpose of bill as introduced: This bill proposes to elevate the
9 Department of Public Safety to an Agency of Public Safety and make
10 amendments in accordance with this change. Added to the Agency would be
11 the following entities and persons:

12 (1) the Vermont Criminal Justice Training Council;

13 (2) the Vermont Fire Service Training Council;

14 (3) the Robert H. Wood, Jr. Criminal Justice and Fire Service Training
15 Center of Vermont;

16 (4) Capitol Police officers;

17 (5) liquor control investigators and their Director; and

18 (6) motor vehicle inspectors.

1 An act relating to the Agency of Public Safety

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

3 ~~*** General Structure of the Agency ***~~

4 Sec. 1. 3 V.S.A. § 212 is amended to read:

5 § 212. DEPARTMENTS CREATED

6 The following administrative departments are hereby created, through the
7 instrumentality of which the Governor, under the Constitution, shall exercise
8 such functions as are by law assigned to each Department respectively:

9 * * *

10 (18) ~~The Department of Public Safety [Repealed.]~~

11 * * *

12 Sec. 2. 3 V.S.A. chapter 56 is added to read:

13 CHAPTER 56. PUBLIC SAFETY

14 Subchapter 1. Generally

15 § 3201. DEFINITIONS

16 As used in this chapter:

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

18 (2) "Commissioner" means the head of a department, who is responsible
19 to the Secretary for the administration of the department.

20 (3) "Department" means a major component of the Agency.

21 (4) "Director" means the head of an office.

1 ~~(5) "Office" means a component of the Agency.~~

2 (6) "Secretary" means the head of the Agency and a member of the
3 Governor's cabinet who is responsible to the Governor for the administration
4 of the Agency.

5 § 3202. CREATION OF AGENCY

6 (a) An Agency of Public Safety is created as a successor to and
7 continuation of the Department of Public Safety.

8 (b) The Agency consists of the following:

9 (1) The Department of Emergency Management and Homeland
10 Security.

11 (2) The Department of Fire Safety.

12 (3) The Department of Criminal Justice Services, which consists of:

13 (A) the Vermont Crime Information Center; and

14 (B) the Vermont Forensic Lab.

15 (4) The Department of Law Enforcement, which consists of:

16 (A) the Division of Vermont State Police;

17 (B) the Division of Public Safety Officers, which includes Capitol
18 Police officers, liquor control investigators, and motor vehicle inspectors; and

19 (C) the Office of Internal Investigation.

1 ~~(5) The Department of Training and Certification, which consists of:~~

2 ~~(A) the Robert H. Wood, Jr. Criminal Justice and Fire Service~~

3 ~~Training Center of Vermont;~~

4 ~~(B) the Vermont Criminal Justice Training Council; and~~

5 ~~(C) the Vermont Fire Service Training Council.~~

6 § 3203. PERSONNEL DESIGNATION

7 The Secretary and Deputy Secretary, and any commissioner, deputy
8 commissioner, director, attorney, and member of a board, committee,
9 commission, or council attached to the Agency are exempt from the classified
10 State service. Except as authorized by section 311 of this title or as otherwise
11 provided by law, all other Agency positions shall be within the classified
12 service.

13 Subchapter 2. Secretary

14 § 3221. APPOINTMENT OF SECRETARY

15 The Agency shall be under the direction and supervision of a Secretary,
16 who shall be appointed by the Governor with the advice and consent of the
17 Senate, who need not be a law enforcement officer, and who shall serve at the
18 pleasure of the Governor.

19 § 3222. DEPUTY SECRETARY

20 (a) The Secretary, with the approval of the Governor, may appoint a
21 Deputy Secretary to serve at the Secretary's pleasure and to perform such

1 ~~duties as the Secretary prescribes. The appointment shall be in writing and the~~
2 Secretary shall record the appointment in the Office of the Secretary of State.

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

7 § 3223. TRANSFER OF PERSONNEL AND APPROPRIATIONS

8 The Secretary, with the approval of the Governor, may:

9 (1) transfer classified positions between departments and other
10 components of the Agency, subject to personnel laws and rules; and

11 (2) transfer appropriations or parts of appropriations between
12 departments and other components of the Agency, consistent with the purposes
13 for which the appropriation was made.

14 Subchapter 3. Commissioners and Directors

15 § 3251. COMMISSIONERS AND DIRECTORS; APPOINTMENT AND

16 TERM

17 (a) The Secretary, with the approval of the Governor, shall appoint a
18 commissioner of each department and a director of each office.

19 (b) A commissioner or director shall be the chief executive and
20 administrative officer and head of his or her department or office and shall
21 serve at the pleasure of the Secretary.

1 ~~§ 3252. MANDATORY DUTIES~~

2 ~~(a) A commissioner or director shall determine the policies of the~~
3 ~~department or office and may exercise the powers and shall perform the duties~~
4 ~~required for its effective administration.~~

5 ~~(b) Each department and office and its officers and employees shall be~~
6 ~~under the direction and control of its commissioner or director, except with~~
7 ~~regard to any judicial or quasi-judicial acts or duties vested in those officers or~~
8 ~~employees by law.~~

9 ~~(c) In addition to other duties imposed by law, a commissioner or director~~
10 ~~shall:~~

11 ~~(1) administer the laws assigned to the department or office;~~

12 ~~(2) coordinate and integrate the work of the department or office; and~~

13 ~~(3) supervise and control all staff functions.~~

14 ~~§ 3253. PERMISSIVE DUTIES~~

15 ~~A commissioner or director may, with the approval of the Secretary:~~

16 ~~(1) adopt rules consistent with law for the internal administration of the~~
17 ~~department or office and its programs; and~~

18 ~~(2) appoint a deputy commissioner or deputy director.~~

~~*** General Powers and Duties of the Agency ***~~

Sec. 3. 20 V.S.A. Part 5 is amended to read:

PART 5. ~~DEPARTMENT~~ AGENCY OF PUBLIC SAFETY

CHAPTER 111. GENERAL PROVISIONS

§ 1811. ~~CREATION OF DEPARTMENT~~ AGENCY PURPOSE

~~There is hereby created a department of public safety~~ The Agency of Public Safety is created for the purpose of protecting and enhancing the safety of Vermont. Functions of the Agency include consolidating certain existing police and investigating agencies, ~~to promote~~ promoting the detection and prevention of crime generally, ~~and to participate in~~ coordinating searches for lost or missing persons, and ~~to assist~~ assisting in case of ~~state-wide~~ statewide or local disasters or emergencies.

§ 1812. DEFINITIONS

The following words and phrases, as used in this title, shall have the following meanings unless otherwise provided:

(1) ~~“Commissioner,”~~ “Secretary” means the commissioner of public safety; Secretary of Public Safety.

(2) ~~“Department,”~~ “Agency” means the department of public safety; Agency of Public Safety.

(3) ~~“Employee,” an employee~~ “Employee” means a member assigned to a position other than that of ~~state police;~~ an Agency law enforcement officer.

1 ~~(4) "Member," "Member" means any employee of person employed by~~
2 ~~the department; Agency.~~

3 (5) ~~"State police," an employee "Agency law enforcement officer"~~
4 ~~means a member assigned to police duties and law enforcement, and includes~~
5 ~~State Police, Capitol Police, liquor control investigators, and motor vehicle~~
6 ~~inspectors.~~

7 § 1813. LAW ENFORCEMENT DUTIES GENERALLY

8 ~~The department~~ In addition to any other law enforcement duties provided by
9 law, the Agency shall, in addition to such other law enforcement duties as are
10 hereinafter set forth, administer and enforce the law pertaining to the following
11 subjects:

- 12 (1) ~~The~~ the patrol of highways and the operation of traffic thereon;
13 (2) ~~The~~ criminal identification and records ~~division;~~
14 (3) ~~The office~~ the Office of state fire marshal State Fire Marshal;
15 (4) search and rescue operations;
16 (5) the security of the Vermont State House; and
17 (6) liquor control enforcement.

18 § 1814. COOPERATION GENERALLY

19 ~~The department~~ Agency shall cooperate and exchange information with any
20 other department or authority of the state State or with other police forces, both

1 ~~within and without outside this state State, including federal authorities, for the~~
2 purpose of preventing and detecting crime and apprehending criminals.

3 § 1815 AVAILABILITY OF PHOTOGRAPHIC PRINTS OR
4 PHOTOSTATIC COPIES

5 (a) Photographic prints taken by the ~~department of public safety~~ Agency or
6 photostatic copies of investigation reports or other material on file relating to
7 motor vehicle accidents or fires; may be furnished to any interested person.

8 (1) Photographic prints related to accidents or fire investigations shall be
9 \$8.00 per print, and discs shall be \$20.00 per disc.

10 (2) The ~~commissioner of public safety~~ Secretary is authorized to collect
11 fees sufficient to recover the costs associated with the processing of
12 photographic films for criminal justice agencies. ~~Such~~ These costs include the
13 cost of materials, labor, and machine time related to the processing of films by
14 the ~~department~~ Agency.

15 (3) Copies of fire investigation reports shall be \$20.00 per report. If the
16 reports contain audiotape or videotape, the fee for each audiotape or videotape
17 is \$45.00.

18 (4) Investigation reports unrelated to fires or motor vehicle accidents
19 may be furnished at the discretion of the ~~commissioner~~ Secretary when the
20 ~~commissioner~~ Secretary determines that the release of the material would not
21 be detrimental to the best interests of the ~~department~~ Agency. The fee for each

1 ~~report is \$20.00. If the reports contain audiotape or videotape, the fee for each~~
2 ~~audiotape or videotape is \$45.00.~~

3 (5) Officers' reports of motor vehicle accidents ~~which~~ that do not
4 require a report to the ~~commissioner of motor vehicles~~ Commissioner of Motor
5 Vehicles pursuant to 23 V.S.A. § 1129 may be sold for \$20.00 per report.

6 (b) Fees collected under this section shall be credited to the ~~sale of photos~~
7 ~~and reports special fund~~ Sale of Photos and Reports Special Fund and shall be
8 available to the ~~department~~ Agency to offset the cost of providing the services.

9 (c) If a photostatic report furnished under this section exceeds 20 pages, the
10 additional pages shall cost \$0.05 per page and \$0.33 per minute for staff time
11 in excess of 30 minutes.

12 * * *

13 § 1817. ~~REPORTS OF LAW ENFORCEMENT OFFICER; ACCIDENTS~~
14 ~~INVOLVING LIQUOR~~

15 ~~Any law enforcement officer who, upon investigation of a motor vehicle~~
16 ~~accident or other incident involving the use of intoxicating liquor, shall inquire~~
17 ~~whether the person involved in the accident or incident was served or furnished~~
18 ~~intoxicating liquor at a licensed establishment and, if the officer determines~~
19 ~~that a person was served or furnished intoxicating liquor at a licensed~~
20 ~~establishment, the officer shall so inform in writing the appropriate licensee or~~

1 ~~licensees. A law enforcement officer shall not be subject to civil liability for~~
2 ~~an omission or failure to comply with a provision of this section. [Repealed.]~~

3 Sec. 4. 7 V.S.A. § 562 is added to read:

4 § 562. REPORTS OF LAW ENFORCEMENT OFFICER; ACCIDENTS

5 INVOLVING LIQUOR

6 (a) Any law enforcement officer, upon investigation of a motor vehicle
7 accident or other incident involving the use of intoxicating liquor, shall inquire
8 whether the person involved in the accident or incident was served or furnished
9 intoxicating liquor at a licensed establishment. If the officer determines that a
10 person was served or furnished intoxicating liquor at a licensed establishment,
11 the officer shall so inform in writing the appropriate licensee or licensees.

12 (b) A law enforcement officer shall not be subject to civil liability for an
13 omission or failure to comply with a provision of this section.

14 Sec. 5. RECODIFICATION

15 (a) 20 V.S.A. § 1817 is recodified as 7 V.S.A. § 562. During statutory
16 revision, the Office of Legislative Council shall revise accordingly any
17 references to 20 V.S.A. § 1817 in the Vermont Statutes Annotated.

18 (b) Any references in session law and adopted rules to 20 V.S.A. § 1817 as
19 previously codified shall be deemed to refer to 7 V.S.A. § 562.

1 *** Secretary Powers and Duties ***

2 Sec. 6. 20 V.S.A. chapter 113 is amended to read:

3 CHAPTER 113. ~~COMMISSIONER~~ SECRETARY AND MEMBERS

4 Subchapter 1. General Provisions

5 § 1871. ~~DEPARTMENT~~ SECRETARY OF PUBLIC SAFETY;

6 ~~COMMISSIONER~~ GENERAL DUTIES AND POWERS

7 (a) ~~The department of public safety, created by 3 V.S.A. § 212, shall~~
8 ~~include a commissioner of public safety.~~ The Secretary of Public Safety shall:

9 (1) be the chief enforcement officer of all the statutes, rules, and
10 regulations pertaining to the law of the road and the display of lights on
11 vehicles;

12 (2) supervise, direct, and coordinate the activities of Agency law
13 enforcement officers to maximize effectiveness and efficiency and minimize
14 duplication of services;

15 (3) supervise and direct the activities of the Vermont Crime Information
16 Center;

17 (4) as State Fire Marshal, be responsible for enforcing the laws
18 pertaining to the investigation of fires, the prevention of fires, the promotion of
19 fire safety, and the delivery of fire service training; and

20 (5) have jurisdiction over all search and rescue operations as set forth in
21 chapter 112, subchapter 2 of this title.

1 ~~(b) The head of the department shall be a commissioner of public safety,~~
2 ~~who shall be a citizen of the United States and shall be selected on the basis of~~
3 ~~training, experience and qualifications. The commissioner shall be appointed~~
4 ~~by the governor, with the advice and consent of the senate, for a term of six~~
5 ~~years. [Repealed.]~~

6 (c) The ~~commissioner of public safety~~ Secretary may contract for security
7 and related traffic control; and receive reimbursement for reasonable costs,
8 which shall include costs associated with providing personnel, benefits,
9 equipment, vehicles, insurances, and related expenses. These reimbursements
10 shall be credited to a special fund established pursuant to 32 V.S.A. chapter 7,
11 subchapter 5, and be available to offset costs of providing those services.

12 (d) The ~~commissioner of public safety~~ Secretary shall collect fees for the
13 termination of alarms at ~~state police~~ State Police facilities and for the response
14 to false alarms.

15 (e) Termination Fees:

16 * * *

17 (f) False Alarms:

18 * * *

19 (g) Response Terminations:

20 * * *

1 ~~(i) The commissioner of public safety Secretary may enter into contractual~~
2 ~~arrangements to perform dispatching functions for state State, municipal, or~~
3 ~~other emergency services, establishing charges sufficient to recover the costs~~
4 ~~of dispatching. Dispatch positions ~~which~~ that are fully funded under ~~such~~~~
5 ~~these contracts may be authorized under the provisions of 32 V.S.A. § 5(b).~~

6 (j) Charges collected under subsections (e), (f), and (i) of this section shall
7 be credited to the Vermont law telecommunications special fund
8 Communication System Special Fund and shall be available to the ~~department~~
9 Agency to offset the costs of providing the services.

10 § 1872. ~~DUTIES OF COMMISSIONER GENERALLY~~

11 ~~The commissioner shall be the chief enforcement officer of all the statutes,~~
12 ~~rules and regulations pertaining to the law of the road and the display of lights~~
13 ~~on vehicles. In addition, the commissioner shall supervise and direct the~~
14 ~~activities of the state police and of the Vermont criminal information center~~
15 ~~and, as fire marshal, be responsible for enforcing the laws pertaining to the~~
16 ~~investigation of fires, the prevention of fires, the promotion of fire safety, and~~
17 ~~the delivery of fire service training. [Repealed.]~~

18 * * *

19 § 1873. ~~REMOVAL OF COMMISSIONER~~

20 ~~During his or her term of office, the governor may remove the~~
21 ~~commissioner upon charges preferred in writing and after hearing, which shall~~

1 ~~be a public hearing if the commissioner requests the same, upon the following~~
2 ~~grounds:~~

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

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

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

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

9 § 1874. ORGANIZATION OF ~~DEPARTMENT~~ AGENCY BY

10 COMMISSIONER SECRETARY

11 (a) The ~~commissioner~~ Secretary, with the approval of the ~~governor~~
12 Governor, shall so organize and arrange the ~~department~~ Agency as will best
13 and most efficiently promote its work and carry out the objectives of this
14 chapter. To that end, the ~~commissioner~~ Secretary may, with such approval,
15 create, rearrange, and abolish divisions, except any divisions established by
16 law; establish grades, ranks, and positions to be held by members; and
17 ~~formulate, put into effect, alter, and repeal~~ adopt rules and ~~regulations~~
18 procedures for the administration of the ~~department~~ Agency.

19 (b) The ~~commissioner~~ Secretary may, from time to time, and in accordance
20 with the rules adopted by him or her, designate or change the rank or grade to
21 be held by a member. The ~~commissioner~~ Secretary may assign or transfer

1 ~~members to serve at such stations and, within the limits of this chapter or other~~
2 existing law, to perform such duties as he or she shall designate. The
3 ~~commissioner~~ Secretary may determine what members other than ~~state police~~
4 Agency law enforcement officers shall give bonds, and prescribe the
5 conditions and amount.

6 § 1875. RADIO COMMUNICATION SYSTEM

7 (a) The ~~commissioner~~ Secretary shall establish a communication system as
8 will best enable the ~~department~~ Agency to carry out the purposes of this
9 chapter. This shall include a radio set furnished, on written request, to the
10 sheriff and ~~state's attorney~~ State's Attorney of each county on a memorandum
11 receipt.

12 (b)(1) The ~~commissioner~~ Secretary may charge to all users of
13 ~~telecommunications~~ communications services managed, maintained, or
14 operated by the ~~department~~ Agency for the benefit of the users a proportionate
15 share of the actual cost of providing the services and products, inclusive of
16 administrative costs. ~~Such~~ These charges shall be based on a pro rata
17 allocation of the actual costs of services or products, determined in an
18 equitable manner, ~~which~~ that shall be representative of services provided to or
19 system usage by individual units of government, including ~~state~~ State, local,
20 and federal agencies or private nonprofit entities.

1 ~~(2) Such The charges shall be credited to the Vermont communication~~
2 ~~system special fund Communication System Special Fund and shall be~~
3 ~~available to the department Agency to offset the costs of providing the~~
4 ~~services.~~

5 § 1876. HEADQUARTERS AND STATIONS; EQUIPMENT

6 ~~(a) The commissioner Secretary shall, from time to time, establish~~
7 ~~headquarters and stations in such localities as he or she shall deem advisable~~
8 ~~for the enforcement of the laws of the state, and to that end, State, and for that~~
9 ~~purpose may discontinue those headquarters or stations.~~

10 ~~(b)(1) In order to enforce State laws, the Secretary may, within the limits of~~
11 ~~appropriations, he may lease, or otherwise acquire, in the name of the state~~
12 ~~State the right to use and maintain lands and buildings, and may purchase or~~
13 ~~otherwise acquire horses, motor equipment, and other supplies, including radio~~
14 ~~and all other equipment and services deemed by him or her essential for the~~
15 ~~needs of the department Agency or its members in carrying out their duties.~~
16 ~~The commissioner may discontinue a headquarters or station, where such~~
17 ~~action seems to him to be desirable.~~

18 ~~(2) The commissioner Secretary may sell such property as shall have~~
19 ~~that has become unnecessary or unfit for further use, and all money: monies~~
20 ~~received therefor shall be paid into the state treasury State Treasury and~~
21 ~~credited to the appropriation for the department Agency.~~

§ 1878. APPOINTMENT OR PROMOTION OF MEMBERS

(a) Within the limits of the appropriation for the ~~department~~ Agency, and in accordance with section 1921 of this ~~title~~ chapter, the ~~commissioner~~ Secretary may appoint or promote members to the ranks, grades, and position deemed necessary for efficient administration.

(b) The ~~commissioner~~ Secretary may devise and administer examinations designed to test the qualifications of members, and only those applicants shall be appointed or promoted who meet the prescribed standards and qualifications.

§ 1879. TRAINING SCHOOL AND COURSES

The ~~commissioner of public safety~~ Secretary may provide additional in-service training beyond basic training to personnel in the ~~department~~ Agency. The ~~commissioner~~ Secretary may seek certification of such training from the ~~director of the criminal justice training council~~ Executive Director of the Vermont Criminal Justice Training Council.

§ 1879a. LOCATION OF IN-SERVICE TRAINING

(a) In-service training beyond basic training provided to personnel in the ~~department~~ Agency shall, when cost effective, be held at the ~~state-owned law enforcement and fire service training facility~~ Department of Training and

1 ~~Certification's Robert H. Wood, Jr. Criminal Justice and Fire Service Training~~
2 Center of Vermont in Pittsford.

3 (b) ~~Such~~ When practicable, the Agency shall make the Department of
4 Training and Certification's training operations and facilities ~~of the department~~
5 ~~shall when practicable be made~~ available to other state State and municipal law
6 enforcement personnel.

7 (c) Notwithstanding the ~~requirement of provisions of subsections (a) and~~
8 (b) of this section, in-service training of one day or less in duration, or longer
9 duration if no commercial overnight lodging is required, may be provided at a
10 ~~department~~ an Agency duty station for the personnel assigned to ~~that~~
11 ~~department~~ the Agency.

12 § 1880. DISCIPLINARY PROCEDURES

13 (a) Any disciplinary action taken by the ~~department~~ Agency against a
14 member of the ~~department~~ Agency, except a temporary suspension, shall be
15 taken pursuant to the procedures set forth in this section.

16 (b) Within seven days after the delivery to a member of written charges
17 against ~~such~~ the member, the member may file with the ~~commissioner~~
18 Secretary a request for a hearing before a hearing panel appointed in
19 accordance with subsection (d) of this section, ~~which~~. This request shall be
20 honored.

1 ~~(c)(1) If the charged member does not request a hearing within seven days~~
2 after receipt of the written charges, the ~~commissioner~~ Secretary may take such
3 disciplinary action as ~~the commissioner~~ he or she deems appropriate, including
4 reprimand, transfer, suspension, demotion, or removal.

5 (2) The member may appeal the charges and the disciplinary action
6 taken by filing an appeal with the ~~state labor relations board~~ State Labor
7 Relations Board within 30 days of the imposition of disciplinary action by the
8 ~~commissioner~~ Secretary. When the disciplinary action taken by the
9 ~~commissioner~~ Secretary is dismissal, the ~~state labor relations board~~ Board shall
10 schedule a hearing within 60 days after filing of the appeal, subject to the rules
11 of the ~~board~~ Board.

12 (3) All hearings before the ~~board~~ Board under this subsection shall be de
13 novo.

14 (d)(1) If the member requests a hearing panel, the ~~commissioner~~ Secretary
15 shall provide the member with the names of five members, at least one of
16 whom shall have the rank of lieutenant or higher, who have had no connection
17 with the matters at issue. The member shall choose three members from the
18 five names to serve as the hearing panel, provided that at least one member
19 shall have the rank of lieutenant or higher.

1 ~~(2) As soon as is practicable, the panel shall schedule a hearing, at~~
2 which the member or the member's representative, or both, may cross examine
3 witnesses and present evidence. The panel may issue subpoenas.

4 ~~(3) At the discretion of the charged member, the hearing may be closed~~
5 or public.

6 ~~(e) The panel shall report to the commissioner Secretary whether or not the~~
7 charges have been proved by a preponderance of the evidence. The panel may
8 make recommendations to the commissioner Secretary regarding disciplinary
9 action to be taken if the charges are proved.

10 ~~(f)(1) If the panel finds that the charges are not proved, any pay or other~~
11 rights lost through temporary suspension shall be restored.

12 ~~(2) If the panel finds the charges are proved, the commissioner Secretary~~
13 shall take such disciplinary action as the commissioner he or she deems
14 appropriate, including reprimand, transfer, suspension, demotion, or removal.

15 ~~(3) The decision of the panel and any resulting disciplinary action taken~~
16 by the commissioner are Secretary shall be final.

17 § 1881. EXPENSES; LODGING AND SUBSISTENCE

18 ~~(a) The commissioner Secretary shall approve vouchers in payment of~~
19 expenses incurred by a member in the discharge of his or her duties, to be paid
20 out of appropriations for the department Agency in the manner required
21 by law.

1 ~~(b) Allowance for lodging and subsistence while away from his or her~~
2 official station may be paid to a member under such terms and conditions as
3 the ~~commissioner~~ Secretary may prescribe, subject to collective bargaining.
4 The ~~commissioner~~ Secretary may provide lodging and subsistence for a
5 member at his or her official station.

6 § 1882. SUBPOENAS

7 (a) In connection with any investigation into the internal affairs of the
8 ~~department~~ Agency, the ~~commissioner~~ Secretary may request subpoenas for
9 the testimony of witnesses or the production of evidence.

10 (b)(1) The fees for travel and attendance of witnesses shall be the same as
11 for witnesses and officers before a ~~superior court~~ Superior Court.

12 (2) The fees in connection with subpoenas issued on behalf of the
13 ~~commissioner~~ Secretary or the ~~department~~ Agency shall be paid by the ~~state~~
14 State, upon presentation of proper bills of costs to the ~~commissioner~~ Secretary.

15 (c) Notwithstanding the provisions of 3 V.S.A. §§ 809a and 809b to the
16 contrary, subpoenas requested by the ~~commissioner~~ Secretary shall be issued
17 and enforced by the ~~superior court~~ Superior Court of the unit in which the
18 person subpoenaed resides in accordance with the Vermont Rules of Civil
19 Procedure.

1 ~~§ 1883. STATE LAW ENFORCEMENT; MEMORANDUM OF~~

2 UNDERSTANDING

3 (a) ~~The Commissioner~~ Secretary of Public Safety shall develop and execute
4 a memorandum of understanding with the ~~Commissioners~~ Commissioner of
5 Fish and Wildlife; and his or her director of law enforcement and the
6 Commissioners of Motor Vehicles; and of Liquor Control ~~and their respective~~
7 ~~directors of law enforcement.~~ The memorandum of understanding shall be
8 reviewed at least every two years and shall at a minimum address:

9 (1) Maximizing collective resources by reducing or eliminating
10 redundancies and implementing a methodology that will enhance overall
11 coordination and communication while supporting the mission of individual
12 enforcement agencies.

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

20 (3) Creating a task force concept that will provide for the sharing and
21 disseminating of information and recommendations involving various levels of

1 ~~statewide law enforcement throughout Vermont that will benefit all law~~

2 enforcement agencies as well as citizens.

3 (4) Developing an integrated and coordinated approach to multi-agency
4 special teams with the goal of creating a force multiplier, where feasible.

5 These teams will be coordinated by the Vermont State Police during training
6 and deployments.

7 (5) Providing for the ~~Commissioner~~ Secretary of Public Safety, with the
8 approval of the Governor and in consultation with the Commissioners of
9 Motor Vehicles, of Fish and Wildlife, and of Liquor Control, to assume the
10 role of lead coordinator of statewide law enforcement units in the event of
11 elevated alerts, critical incidents, and all hazard events. The lead coordinator
12 shall maintain control until in his or her judgment the event no longer requires
13 coordinated action to ensure the public safety.

14 (b) [Repealed.]

15 Subchapter 2. ~~State Police~~ Department of Law Enforcement

16 § 1901. DEPARTMENT PURPOSE

17 The Department of Law Enforcement, established under the Agency of
18 Public Safety pursuant to 3 V.S.A. § 3202, is created for the purpose of
19 coordinating the law enforcement services provided by the Agency.

1 § 1902. STRUCTURE OF DEPARTMENT

2 (a) Division of State Police. The Division of State Police is created to
3 generally protect the safety of persons in the State. Duties of State Police
4 officers include responding to emergency calls for help, patrolling the
5 highways, and providing advanced technical law enforcement services.

6 (b) Division of Public Safety Officers. The Division of Public Safety
7 Officers is created to provide specialized law enforcement services within the
8 State. The Division is organized as follows:

9 (1) Capitol Police officers. Capitol Police officers shall have the powers
10 and duties regarding the safety and security of the Vermont State House and its
11 surroundings as set forth in this subchapter.

12 (2) Liquor control investigators. Liquor control investigators shall have
13 the powers and duties regarding the enforcement of liquor laws as set forth in
14 Title 7 of the Vermont Statutes Annotated.

15 (3) Motor vehicle inspectors. Motor vehicle inspectors shall have the
16 powers and duties regarding the inspection of motor vehicles as set forth in
17 Title 23 of the Vermont Statutes Annotated.

18 § 1903. CAPITOL POLICE DEPARTMENT

19 (a) There shall be a Capitol Police Department for the purpose of protecting
20 the safety and security of the Vermont State House and its surroundings.

1 ~~(b) The Department shall comprise a Chief and the number of Capitol~~

2 Police officers necessary to coordinate security within the State House and to
3 assist the Commissioner of Buildings and General Services in providing
4 security and law enforcement services within the Capitol Complex.

5 (c) The Commissioner of Law Enforcement shall enter into a memorandum
6 of understanding with the Commissioner of Buildings and General Services
7 regarding the jurisdiction of the Capitol Police Department in the Capitol
8 Complex. The memorandum of understanding shall provide that in all areas of
9 the Capitol Complex outside the area in and around the State House, except the
10 space occupied by the Supreme Court, the security, control of traffic, and
11 coordination of law enforcement activity shall be under the direction of the
12 Commissioner of Buildings and General Services, with which the Capitol
13 Police Department may assist.

14 (d) Capitol Police officers shall have all the same powers and authority as
15 sheriffs and other law enforcement officers anywhere in the State, which shall
16 include the authority to arrest persons and enforce the civil and criminal laws,
17 keep the peace, provide security, and to serve civil and criminal process. For
18 this purpose, Capitol Police officers shall subscribe to the same oaths required
19 for sheriffs.

20 (e) A Capitol Police officer shall be a Level III law enforcement officer
21 certified by the Vermont Criminal Justice Training Council pursuant to the

1 ~~provisions of chapter 151 of this title and shall be an exempt State employee.~~

2 §§ 1904–1910. [Reserved.]

3 § 1911. EXAMINATIONS; APPOINTMENT; PROMOTION; PROBATION

4 (a) ~~The commissioner~~ Secretary shall devise and administer examinations
5 designed to test the qualifications of applicants for positions as ~~state police~~
6 Agency law enforcement officers, and only those applicants shall be appointed
7 or promoted who meet the prescribed standards and qualifications. ~~All state~~
8 ~~police shall be on probation for one year from the date of first appointment.~~

9 ~~Such~~ The Secretary shall devise and administer the examinations shall be with
10 the advice of the ~~department of human resources~~ Department of Human
11 Resources.

12 (b) An Agency law enforcement officer shall be on probation for one year
13 from the date of his or her first appointment.

14 § 1912. BOND AND OATH

15 (a) ~~State police~~ Each Agency law enforcement officer shall give bond to
16 the ~~state~~ State, at the expense of the ~~state~~ State, in such penal sum as the
17 ~~commissioner~~ Secretary shall require, conditioned for the faithful performance
18 of ~~their~~ his or her duties.

19 (b) ~~State police~~ Each Agency law enforcement officer and auxiliary state
20 ~~police~~ Auxiliary State Police officer shall take the oath of office prescribed for

1 ~~sheriffs before the commissioner Secretary or any person designated under~~

2 12 V.S.A. § 5852 to administer oaths.

3 § 1913. UNIFORMS AND EQUIPMENT

4 (a) Within the appropriation for the ~~department~~ Agency, the ~~commissioner~~
5 Secretary shall provide the ~~state police~~, Agency law enforcement officers and
6 such other members as he or she may designate, with uniforms, and all
7 members with the equipment necessary in the performance of their respective
8 duties, ~~which~~. The uniforms and equipment shall remain the property of the
9 ~~state~~ State.

10 (b) The ~~commissioner~~ Secretary may sell such equipment as may become
11 unfit for use, and all monies received therefor shall be paid into the ~~state~~
12 treasury State Treasury and credited to the ~~department~~ Agency appropriation.

13 (c) The ~~commissioner~~ Secretary shall keep an inventory of the uniforms
14 and equipment and shall charge against each member all property of the
15 ~~department~~ Agency issued to him or her, ~~and if~~. If the commissioner shall
16 ~~determine~~ Secretary determines that a loss or destruction was due to the
17 carelessness or neglect of the member, the value of ~~such~~ that property shall be
18 deducted from ~~his or her~~ the member's pay.

19 § 1914. POWERS AND IMMUNITIES OF STATE POLICE

20 The ~~commissioner of public safety~~ Secretary and the ~~state police~~ State
21 Police shall be peace officers and shall have the same powers with respect to

1 ~~criminal matters and the enforcement of the law relating thereto as sheriffs,~~
2 constables, and local police have in their respective jurisdictions, and shall
3 have all the immunities and matters of defense now available or hereafter made
4 available to sheriffs, constables, and local police in a suit brought against them
5 in consequence of acts done in the course of their employment. State ~~police~~
6 Police shall be informing or complaining officers with the same powers
7 possessed by sheriffs, deputy sheriffs, constables, or municipal police officers
8 of a city or incorporated village as provided in 13 V.S.A. § 5507.

9 * * *

10 Subchapter 3. Personnel Administration Rules

11 § 1921. PERSONNEL ADMINISTRATION RULES

12 (a) Promotions to the ranks of sergeant and lieutenant shall be based upon
13 the results of a written examination and an oral interview. Promotions to the
14 rank of captain, major, lieutenant colonel, or colonel shall be made by the
15 ~~commissioner~~ Secretary and it shall not be required that such promotions be
16 based on written and oral examinations.

17 * * *

18 § 1922. CREATION OF PUBLIC SAFETY ADVISORY COMMISSION;

19 MEMBERS; DUTIES

20 (a) There is hereby created the ~~State Police~~ Public Safety Advisory
21 Commission, which shall provide advice and counsel to the ~~Commissioner~~

1 ~~Secretary in carrying out his or her responsibilities for the management,~~
2 supervision, and control of the ~~Vermont State police~~ Agency law enforcement
3 officers.

4 (b) The Commission shall consist of seven members, at least one of whom
5 shall be an attorney and one of whom shall be a retired State ~~police~~ Police
6 officer, ~~to~~. At least four of the members shall have never served as a law
7 enforcement officer nor have a spouse or child that has ever served as a law
8 enforcement officer. Members shall be appointed by the Governor with the
9 advice and consent of the Senate.

10 (c) Members of the Commission shall serve for terms of four years, at the
11 pleasure of the Governor. Of the initial appointments, one shall be appointed
12 for a term of one year, two for terms of two years, two for terms of three years,
13 and two for terms of four years. Appointments to fill a vacancy shall be for the
14 unexpired portion of the term vacated. The Chair shall be appointed by the
15 Governor.

16 (d) The creation and existence of the Commission shall not relieve the
17 ~~Commissioner~~ Secretary of his or her duties under the law to manage,
18 supervise, and control the ~~State police~~ Agency law enforcement officers.

19 (e) To ensure that ~~State police~~ the Agency law enforcement officers are
20 subject to fair and known practices, the Commission shall advise the

1 ~~Commissioner Secretary with respect to and review rules concerning~~
2 promotion, grievances, transfers, internal investigations, and discipline.

3 (f) ~~Members of the Commission shall be paid~~ entitled to per diem
4 compensation and reimbursement for expenses in accordance with
5 ~~section 1010 of Title 32~~ V.S.A. § 1010.

6 § 1923. OFFICE OF INTERNAL INVESTIGATION

7 (a) ~~The commissioner~~ Public Safety Advisory Commission shall advise and
8 assist the ~~commissioner~~ Secretary in developing and making known routine
9 procedures to ensure that allegations of misconduct by ~~state police~~ Agency law
10 enforcement officers are investigated fully and fairly, and to ensure that
11 appropriate action is taken with respect to such allegations.

12 (b)(1) ~~The commissioner~~ Secretary shall establish an ~~office of internal~~
13 ~~investigation~~ Office of Internal Investigation within the ~~department~~ Agency,
14 which ~~office~~ shall investigate, or cause to be investigated, all allegations of
15 misconduct by members of the ~~department~~ Agency, except complaints lodged
16 against members of the ~~internal investigation office, which complaints~~ Office.

17 (2) Complaints against the Office shall be separately and independently
18 investigated by officers designated for each instance by the ~~commissioner~~
19 Secretary, with the approval of the ~~state police advisory commission~~ Public
20 Safety Advisory Commission.

1 ~~(3) The head of the internal affairs unit Director of the Office shall~~
2 report all allegations and his or her findings ~~as to such~~ regarding those
3 allegations to the ~~commissioner~~ Secretary.

4 ~~(4)(A)~~ The ~~head of the internal affairs unit~~ Director of the Office also
5 shall immediately report all allegations to the state's attorney State's Attorney
6 of the county in which the incident took place, ~~to the attorney general~~ Attorney
7 General, and ~~to the governor~~ Governor, unless the ~~head of the unit~~ Director
8 makes a determination that the allegations do not include violation of a
9 criminal statute. The ~~head of the internal affairs unit~~ Director of the Office
10 shall also report to those persons the disposition of all cases ~~so~~ the Director
11 reported to ~~the state's attorney, attorney general and governor~~ them.

12 (B) The Director shall report to the Vermont Criminal Justice
13 Training Council, along with supporting information and evidence, any
14 disciplinary action taken by the Agency that limits, conditions, suspends, or
15 terminates an Agency law enforcement officer's employment as a result of an
16 investigation of alleged misconduct.

17 ~~(c)(1) The office of internal investigation~~ Office shall maintain a written
18 log with respect to each allegation of misconduct made. The log shall
19 document all action taken with respect to each allegation, including a notation
20 of the person or persons assigned to the investigation, a list of all pertinent
21 documents, all action taken, and the final disposition of each allegation.

1 ~~(2) Failure The failure of any member of the department Agency to~~
2 report to the ~~office of internal investigation~~ Office an allegation of misconduct
3 known to ~~such~~ the member, shall be grounds for disciplinary action by the
4 ~~commissioner~~ Secretary, including dismissal.

5 (d) Records of the ~~office of internal investigation~~ Office shall be
6 confidential, except:

7 (1) ~~The state police advisory commission~~ the Public Safety Advisory
8 Commission shall, at any time, have full and free access to such records; ~~and~~

9 (2) ~~The commissioner~~ the Secretary shall deliver such materials from
10 the records of the ~~office of internal investigation~~ Office as may be necessary to
11 appropriate prosecutorial authorities having jurisdiction; and

12 (3) ~~The state police advisory commission~~ the Public Safety Advisory
13 Commission shall, in its discretion, be entitled to report information to such
14 authorities as it may deem appropriate, or to the public, or to both, to ensure
15 that proper action is taken in each case.

16 Subchapter 4. State DNA Database and State DNA Data Bank

17 * * *

18 § 1932. DEFINITIONS

19 As used in this subchapter:

20 * * *

1 ~~(2) "Department" means the department of public safety. [Repealed.]~~

2 * * *

3 (8) "Laboratory" means the ~~department of public safety forensic~~
4 ~~laboratory~~ Vermont Forensic Laboratory within the Agency's Department of
5 Criminal Justice Services. The ~~laboratory's~~ Laboratory's general authority
6 under this act includes specifying procedures for collection and storage of
7 DNA samples.

8 * * *

9 § 1933. DNA SAMPLE REQUIRED

10 * * *

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

18 § 1934. LEAST INTRUSIVE MEANS OF COLLECTION

19 (a) The DNA sample shall be obtained by withdrawing blood, unless the
20 ~~Department~~ Agency determines that a less intrusive means to obtain a

1 ~~scientifically reliable sample is available, in which event such less intrusive~~
2 means shall be used.

3 * * *

4 § 1935. PROCEDURE IF PERSON REFUSES TO GIVE SAMPLE

5 (a) If a person who is required to provide a DNA sample under this
6 subchapter refuses to provide the sample, the ~~commissioner of the department~~
7 ~~of corrections~~ Commissioner of Corrections or ~~public safety~~ the Secretary of
8 Public Safety shall file a motion in the ~~superior court~~ Superior Court for an
9 order requiring the person to provide the sample.

10 * * *

11 (e) If the ~~supreme court~~ Supreme Court reverses a determination that a
12 DNA sample shall be provided, the ~~department~~ Agency shall destroy the DNA
13 sample and expunge the DNA record as provided in section 1940 of this
14 subchapter.

15 * * *

16 § 1938. STORAGE AND USE OF SAMPLES AND RECORDS

17 * * *

18 (e) Except as provided in section 1939 of this ~~chapter~~ subchapter, no DNA
19 records derived from DNA samples shall be aggregated or stored in any
20 database, other than CODIS and the ~~state~~ State DNA ~~database~~ Database that is

1 ~~accessible by any person other than by the department Agency for the purpose~~
2 for which the samples were collected.

3 (f)(1) Except for forensic unknown samples, no samples of tissue, fluid, or
4 other biological substance voluntarily submitted or obtained by the execution
5 of a nontestimonial identification order shall be entered into the ~~state~~ State
6 DNA ~~data bank~~ Data Bank. However, such samples may be used for any other
7 purpose authorized in section 1937 of this subchapter.

8 (2) Notwithstanding the prohibition of subdivision (1) of this subsection,
9 any sample ~~which~~ that may lead to an exculpatory result shall be used only for
10 the purpose of the criminal investigation and related criminal prosecution for
11 which the samples were obtained. Upon the conclusion of the criminal
12 investigation and finalization of any related criminal prosecution, such samples
13 shall be placed under seal, and shall not be used for any purpose whatsoever,
14 except pursuant to a judicial order for good cause shown.

15 (3) Notwithstanding the prohibition of subdivision (1) of this subsection,
16 any sample ~~which~~ that may lead to an exculpatory result shall be used only for
17 the purpose of the criminal investigation and related criminal prosecution for
18 which the samples were obtained. Upon the conclusion of the criminal
19 investigation and finalization of any related criminal prosecution, the genetic
20 records shall be placed under seal, and shall not be used for any purpose
21 whatsoever, except pursuant to a judicial order for good cause shown.

1 ~~(g) Except for records obtained from forensic unknown samples, no DNA~~
2 records of samples of tissue, fluid, or other biological substance ~~which~~ that
3 were obtained as the result of either consensual submission of biological
4 evidence or the execution of a nontestimonial identification order shall be
5 entered into the ~~state~~ State DNA ~~database~~ Database.

6 § 1939. POPULATION DATABASE

7 (a) Only the DNA records derived from the DNA samples obtained under
8 sections 1933 and 1934 of this ~~title~~ subchapter, DNA records voluntarily
9 submitted to the population database, and DNA records from population
10 databases in existence on January 1, 1999 may be used to develop a population
11 database after all personal identifying information is removed.

12 * * *

13 § 1940. EXPUNGEMENT OF RECORDS AND DESTRUCTION OF
14 SAMPLES

15 (a) In accordance with procedures set forth in subsection (b) of this section,
16 the ~~department~~ Agency shall destroy the DNA sample and any records of a
17 person related to the sample that were taken in connection with a particular
18 alleged designated crime in any of the following circumstances.

19 * * *

20 (3) If the sample was taken post-arraignment, the felony charge ~~which~~
21 that required the DNA sample is downgraded to a misdemeanor by the

1 ~~prosecuting attorney upon a plea agreement or the person is convicted of a~~
2 lesser offense that is a misdemeanor other than domestic assault pursuant to
3 13 V.S.A. § 1042 or a sex offense for which registration is required pursuant to
4 13 V.S.A. § 5401 et seq.

5 (4) If the sample was taken post-arraignment, the person is acquitted
6 after a trial of the charges ~~which~~ that required the taking of the DNA sample.

7 (5) If the sample was taken post-arraignment, the charges ~~which~~ that
8 required the taking of the DNA sample are dismissed by either the court or the
9 ~~state~~ State after arraignment unless the attorney for the ~~state~~ State can show
10 good cause why the sample should not be destroyed.

11 (b)(1) If any of the circumstances in subsection (a) of this section occur, the
12 court with jurisdiction or, as the case may be, the ~~governor~~ Governor, shall so
13 notify the ~~department~~ Agency, and the person's DNA record in the ~~state~~ State
14 DNA ~~database~~ Database and CODIS and the person's DNA sample in the ~~state~~
15 State DNA ~~data bank~~ Data Bank shall be removed and destroyed. The
16 ~~laboratory~~ Laboratory shall purge the DNA record and all other identifiable
17 information from the ~~state~~ State DNA ~~database~~ Database and CODIS and
18 destroy the DNA sample stored in the ~~state~~ State DNA ~~data bank~~ Data Bank.

19 (2) If the person has more than one entry in the ~~state~~ State DNA
20 ~~database~~ Database, CODIS, or the ~~state~~ State DNA ~~data bank~~ Data Bank, only
21 the entry related to the dismissed case shall be deleted.

1 ~~(3) The department Agency shall notify the person upon completing its~~
2 responsibilities under this subsection, by certified mail addressed to the
3 person's last known address.

4 * * *

5 (d) If a DNA sample from the state State DNA database Database, CODIS,
6 or the state State DNA data-bank Data Bank is matched to another DNA
7 sample during the course of a criminal investigation, the record of the match
8 shall not be expunged even if the sample itself is expunged in accordance with
9 the provisions of this section. If a match has been made and any of the
10 circumstances in subsection (a) of this section occur, the ~~department~~ Agency
11 may confirm the match prior to expunging the sample.

12 * * *

13 § 1942. ADOPTION OF RULES AND GUIDELINES

14 (a) The ~~department~~ Agency shall adopt rules pursuant to ~~chapter 25 of Title~~
15 3 V.S.A. chapter 25 governing the procedures to be used in the collection,
16 submission, identification, dissemination, analysis, and storage of DNA
17 samples and the DNA record of DNA samples submitted under this
18 subchapter.

19 (b) The ~~department~~ Agency shall adopt rules pursuant to ~~chapter 25 of Title~~
20 3 V.S.A. chapter 25 governing the methods of obtaining information from the

1 ~~state database State DNA Database and CODIS, and procedures for~~

2 verification of the identity and authority of the requester.

3 (c) The ~~department~~ Agency shall also adopt guidelines to ensure that DNA
4 identification records meet relevant audit standards for forensic DNA
5 laboratories and that the laboratory procedures include the implementation of
6 DNA quality assurance and proficiency testing standards issued by the FBI
7 director.

8 * * *

9 § 1943. RESPONSIBILITY OF ~~DEPARTMENT~~ THE AGENCY OF

10 PUBLIC SAFETY

11 The ~~department~~ Agency shall be responsible for establishing and
12 maintaining the ~~state~~ State DNA database Database and ~~state the State DNA~~
13 ~~data bank~~ Data Bank as established by this subchapter.

14 * * *

15 * * * Vermont Crime Information Center * * *

16 Sec. 7. 20 V.S.A. chapter 117 is amended to read:

17 CHAPTER 117. VERMONT CRIME INFORMATION CENTER

18 § 2051. CREATION OF CENTER

19 There shall be within the ~~Department of Public Safety~~ Agency of Public
20 Safety's Department of Criminal Justice Services a center to be known as the
21 Vermont Crime Information Center. It shall be the official State repository for

1 ~~all criminal records, records of the commission of crimes, arrests, convictions,~~
2 photographs, descriptions, fingerprints, and such other information as the
3 ~~Commissioner~~ Secretary of Public Safety deems pertinent to criminal activity.

4 § 2052. DIRECTOR OF CENTER

5 The ~~commissioner of public safety~~ Secretary shall appoint a qualified
6 person as ~~director~~ Director of the center Center.

7 * * *

8 § 2054. UNIFORM REPORTS

9 (a) The ~~center~~ Center shall provide ~~state~~ State departments and agencies,
10 municipal police departments, sheriffs, and other law enforcement officers
11 with uniform forms for the reporting of the commission of crimes, arrests,
12 convictions, imprisonment, probation, parole, fingerprints, missing persons,
13 fugitives from justice, stolen property, and such other matters as the
14 ~~commissioner~~ Secretary deems relevant. The ~~commissioner of public safety~~
15 Secretary shall adopt ~~regulations~~ rules relating to the use, completion, and
16 filing of the uniform forms and to the operation of the ~~center~~ Center.

17 (b) A department, agency, or law enforcement officer who fails to comply
18 with the ~~regulations~~ rules adopted by the ~~director~~ Secretary with respect to the
19 use, completion, or filing of the uniform forms, after notice of failure to
20 comply, shall be fined not more than \$100.00. Each such failure shall
21 constitute a separate offense.

1 ~~§ 2055. FILES~~

2 (a) The ~~director~~ Director of the ~~Vermont crime information center~~ Center
3 shall maintain and disseminate such files as are necessary relating to the
4 commission of crimes, arrests, convictions, disposition of criminal causes,
5 probation, parole, fugitives from justice, missing persons, fingerprints,
6 photographs, stolen property, and such matters as the ~~commissioner~~ Secretary
7 deems relevant.

8 * * *

9 § 2056. CERTIFIED RECORDS

10 Upon the request of a ~~superior~~ Superior Court judge, the ~~attorney general~~
11 Attorney General, or a ~~state's attorney~~ State's Attorney, the ~~center~~ Center shall
12 prepare the record of arrests, convictions, or sentences of a person. The record,
13 when duly certified by the ~~commissioner of public safety~~ Secretary or the
14 ~~director of the center~~ Director, shall be competent evidence in the courts of this
15 ~~state~~ State. Such other information as is contained in the ~~center~~ Center may be
16 made public only with the express approval of the ~~commissioner of public~~
17 ~~safety~~ Secretary.

18 * * *

1 ~~§ 2056b. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO~~

2 PERSONS CONDUCTING RESEARCH

3 (a) The Vermont Crime Information Center may provide Vermont criminal
4 history records as defined in section 2056a of this ~~title~~ chapter to bona fide
5 persons conducting research related to the administration of criminal justice,
6 subject to conditions approved by the ~~Commissioner of Public Safety~~ Secretary
7 of Public Safety to assure the confidentiality of the information and the privacy
8 of individuals to whom the information relates. Bulk criminal history data
9 requested by descriptors other than the name and date of birth of the subject
10 may only be provided in a format that excludes the subject's name and any
11 unique numbers that may reference the identity of the subject, except that court
12 docket numbers and the State identification number may be provided.
13 Researchers shall sign a user agreement that specifies data security
14 requirements and restrictions on use of identifying information.

15 * * *

16 § 2056d. CRIMINAL HISTORY RECORDS AND OTHER

17 IDENTIFICATION RECORDS

18 (a) Statewide criminal history records shall be released only by the
19 Vermont Crime Information Center.

20 (b) Information other than criminal history records, such as State
21 identification numbers, shall be released only with the express approval of the

1 ~~Commissioner Secretary of Public Safety or in compliance with the order of a~~
2 Court of competent jurisdiction.

3 * * *

4 § 2057. INFORMATION

5 From time to time but at least annually, the ~~center~~ Center shall publish
6 information relating to criminal activity, arrests, convictions, and such other
7 information as the ~~commissioner~~ Secretary deems relevant.

8 * * *

9 § 2059. RELATIONSHIP TO DEPARTMENTS OF CORRECTIONS AND
10 OF MOTOR VEHICLES

11 (a) This chapter shall not apply to traffic offenses or any provisions of Title
12 23, ~~3 V.S.A. § 3116a~~, or those sections of Title 32 ~~which~~ that are administered
13 by the ~~commissioner of motor vehicles~~ Commissioner of Motor Vehicles.

14 (b) Notwithstanding any other provisions of this chapter to the contrary, the
15 ~~department of corrections~~ Department of Corrections shall be only required to
16 furnish statistical, identification, and status data, and the provisions shall not
17 extend to material related to case supervision or material of a confidential
18 nature such as presentence investigation, medical reports, or psychiatric
19 reports.

1 ~~§ 2060. RELEASE OF RECORDS~~

2 The ~~center~~ Center is authorized to release records or information requested
3 under ~~33 V.S.A. § 309 152~~ or 6914, 26 V.S.A. § 1353, 24 V.S.A. § 4010, or
4 ~~chapter 5, subchapter 4 of Title 16~~ V.S.A. chapter 5, subchapter 4.

5 § 2061. FINGERPRINTING

6 * * *

7 (j) In all cases, fingerprints and photographs shall be taken in the form
8 specified by the ~~commissioner of public safety~~ Secretary of Public Safety, and
9 shall be accompanied by additional identifying demographic information as
10 required by rules adopted by the ~~commissioner~~ Secretary.

11 * * *

12 (n) The ~~commissioner of public safety~~ Secretary of Public Safety shall
13 adopt rules to implement this section.

14 § 2062. FINGERPRINTING FEES

15 (a) State, county, and municipal law enforcement agencies may charge a
16 fee of not more than \$25.00 for providing persons with a set of classifiable
17 fingerprints.

18 (b) No fee shall be charged to retake fingerprints determined by the
19 Vermont Crime Information Center not to be classifiable.

20 (c) Fees collected by the State of Vermont under this section shall be
21 credited to the Fingerprint Fee Special Fund established and managed pursuant

1 ~~to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Department~~
2 ~~Agency~~ of Public Safety to offset the costs of providing these services.

3 § 2063. CRIMINAL HISTORY RECORD FEES; CRIMINAL HISTORY
4 RECORD CHECK FUND

5 (a) Except as otherwise provided for in this section, the cost of each check
6 for a criminal history record as defined in section 2056a of this ~~title~~ chapter or
7 a criminal conviction record as defined in section 2056c of this ~~title~~ chapter
8 based on name and date of birth shall be \$30.00. Out-of-state criminal history
9 record checks shall include any additional fees charged by the ~~state~~ State from
10 which the record is requested.

11 * * *

12 (c)(1) The Criminal History Record Check Fund is established and shall be
13 managed by the ~~Commissioner~~ Secretary of Public Safety in accordance with
14 the provisions of 32 V.S.A. chapter 7, subchapter 5. The first \$200,000.00 of
15 fees paid each year under this section shall be placed in the ~~fund~~ Fund and used
16 for personnel and equipment related to the processing, maintenance, and
17 dissemination of criminal history records. The ~~Commissioner~~ of Finance and
18 Management may draw warrants for disbursements from this Fund in
19 anticipation of receipts.

20 * * *

1 ~~(d) The Department Agency of Public Safety shall have the authority, with~~
2 ~~the approval of the Secretary of Administration, to establish limited service~~
3 ~~positions as are necessary to provide criminal record checks in a timely~~
4 ~~manner, provided that there are sufficient funds in the Criminal History Record~~
5 ~~Check Fund to pay for the costs of these positions.~~

6 § 2064. SUBSCRIPTION SERVICE

7 * * *

8 (c) The release form shall contain the individual's name, signature, date of
9 birth, and place of birth. The release form shall state that the individual has the
10 right to appeal the findings to the ~~center~~ Center, pursuant to rules adopted by
11 the ~~commissioner of public safety~~ Secretary of Public Safety.

12 * * *

13 (h) Except insofar as criminal conviction record information must be
14 retained or made public pursuant to ~~chapter 51 of Title 16 V.S.A. chapter 51~~ or
15 the ~~state board of education~~ State Board of Education administrative rules
16 ~~promulgated thereunder~~ adopted under that chapter, no person shall confirm
17 the existence or nonexistence of criminal conviction record information or
18 disclose the contents of a criminal conviction record without the individual's
19 permission to any person other than the individual and properly designated
20 employees of the authorized education official who have a documented need to
21 know the contents of the record.

1 ~~(i) Except insofar as criminal conviction record information must be~~
2 retained or made public pursuant to ~~chapter 51 of Title 16 V.S.A. chapter 51 or~~
3 ~~the state board of education~~ State Board of Education administrative rules
4 ~~promulgated thereunder~~ adopted under that chapter, authorized education
5 officials shall confidentially retain all criminal conviction information received
6 pursuant to this section for a period of three years. At the end of the retention
7 period, the criminal conviction information must be shredded.

8 * * *

9 § 2065. RATIFICATION OF THE NATIONAL CRIME PREVENTION
10 AND PRIVACY COMPACT

11 * * *

12 (b) The ~~commissioner of the department of public safety~~ Secretary of
13 Public Safety shall execute, administer, and implement the ~~compact~~ Compact
14 on behalf of the ~~state~~ State, and may adopt rules as necessary for the national
15 exchange of criminal history records for noncriminal justice purposes.

16 (c) Criminal history records as defined in subdivision 2056a(a)(1) of this
17 ~~title~~ chapter shall be made available to lawfully entitled requestors in other
18 states according to the provisions of the ~~National Crime Prevention and~~
19 Privacy Compact.

20 (d) Nothing in this section shall alter the duties and responsibilities of the
21 ~~commissioner of the department of public safety~~ Secretary of Public Safety

1 ~~regarding the dissemination of criminal history records within the state State of~~
2 Vermont pursuant to statute.

3 * * * Department of Training and Certification * * *

4 Sec. 8. 20 V.S.A. chapter 119 is added to read:

5 CHAPTER 119. DEPARTMENT OF TRAINING
6 AND CERTIFICATION

7 § 2101. DEPARTMENT PURPOSE AND STRUCTURE

8 (a) The Department of Training and Certification, established under the
9 Agency of Public Safety pursuant to 3 V.S.A. § 3202, is created for the
10 purpose of providing public safety training and certifying law enforcement
11 officers and firefighters.

12 (b) The Department consists of:

13 (1) the Robert H. Wood, Jr. Criminal Justice and Fire Service Training
14 Center of Vermont, as described in this chapter;

15 (2) the Vermont Criminal Justice Training Council, as set forth in
16 chapter 151 of this title; and

17 (3) the Vermont Fire Service Training Council, as set forth in chapter
18 179 of this title.

19 § 2102. TRAINING CENTER

20 The Robert H. Wood, Jr. Criminal Justice and Fire Service Training Center
21 of Vermont, located in Pittsford, is established as a law enforcement agency

1 ~~within the Department in order to provide the State with a facility for public~~
2 ~~safety training.~~

3 * * * Vermont Criminal Justice Training Council * * *

4 Sec. 9. 20 V.S.A. chapter 151 is amended to read:

5 CHAPTER 151. VERMONT CRIMINAL JUSTICE

6 TRAINING COUNCIL

7 § 2351. CREATION AND PURPOSE OF COUNCIL

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

11 (b) The Council is created under the Agency of Public Safety's Department
12 of Training and Certification to encourage and assist municipalities, counties,
13 and governmental agencies of this State in their efforts to improve the quality
14 of law enforcement and citizen protection by maintaining a uniform standard
15 of recruit and in-service training for law enforcement officers, ~~including~~
16 ~~members of the Department of Public Safety, capitol police officers, municipal~~
17 ~~police officers, constables, correctional officers, prosecuting personnel, motor~~
18 ~~vehicle inspectors, State investigators employed on a full-time basis by the~~
19 ~~Attorney General, fish and game wardens, sheriffs and their deputies who~~
20 ~~exercise law enforcement powers pursuant to the provisions of 24 V.S.A.~~
21 ~~§§ 307 and 311, railroad police commissioned pursuant to 5 V.S.A. chapter 68,~~

1 ~~subchapter 8, and police officers appointed to the University of Vermont's~~

2 ~~Department of Police Services.~~

3 * * *

4 § 2352. ~~CREATION OF COUNCIL~~ MEMBERSHIP

5 (a)(1) ~~The Vermont Criminal Justice Training Council shall consist of the~~
6 ~~Commissioners of Public Safety, of Corrections, of Motor Vehicles, and of~~
7 ~~Fish and Wildlife, the Attorney General, a member of the Vermont State Police~~
8 ~~bargaining unit of the Vermont State Employees' Association or its successor~~
9 ~~entity, elected by its membership, and a member of the Vermont Police~~
10 ~~Association, elected by its membership. The Governor shall appoint five~~
11 ~~additional members so as to provide broad representation of all aspects of law~~
12 ~~enforcement and the public in Vermont on the Council~~ nine members
13 appointed by the Governor. At least three of these members shall be public
14 members who have never served as a law enforcement officer and who do not
15 have a spouse or child who has ever served as a law enforcement officer. The
16 Governor shall appoint all members in order to reflect the different
17 geographical regions of the State, and shall appoint the nonpublic members in
18 order to reflect different types of law enforcement officers who serve the State
19 on a statewide, county, and municipal level.

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

1 ~~Association, the Vermont Police Chiefs Association, and the Vermont~~
2 ~~Constables Association.~~

3 ~~(3) Their term Members shall be serve staggered terms of three years.~~

4 ~~(b) Membership on the Council does not constitute the holding of an office~~
5 ~~for any purpose, and members of the Council shall not be required to take and~~
6 ~~file oaths of office before serving on the Council. [Repealed.]~~

7 ~~(c) The members of the Council shall receive no compensation for their~~
8 ~~services but shall be allowed their actual and necessary expenses incurred in~~
9 ~~the performance of their duties Members of the Council who are not~~
10 ~~employees of the State of Vermont and who are not otherwise compensated or~~
11 ~~reimbursed for their attendance shall be entitled to per diem compensation and~~
12 ~~reimbursement of expenses pursuant to 32 V.S.A. § 1010.~~

13 ~~(d) A member of the Council shall not be disqualified from holding any~~
14 ~~public office or employment, and shall not forfeit any office or employment,~~
15 ~~by reason of his or her appointment to the Council, notwithstanding any~~
16 ~~statute, ordinance, or charter to the contrary.~~

17 * * *

18 § 2354. COUNCIL MEETINGS

19 ~~(a) The council Council shall meet at least once in each quarter of each~~
20 ~~year. Special meetings may be called by the chairman Chair or upon the~~
21 ~~written request of six members of the council Council.~~

1 ~~(b) The council Council shall adopt rules as to quorum and procedures with~~
2 ~~respect to the conduct of its meetings and other affairs. The Commissioner of~~
3 ~~Public Safety, the Commissioner of Corrections, the Commissioner of Motor~~
4 ~~Vehicles, the Commissioner of Fish and Wildlife, the Attorney General, the~~
5 ~~representative from the Vermont Troopers' Association, the representative~~
6 ~~from the Vermont Police Association, and the representatives from the~~
7 ~~Vermont State's Attorneys', sheriffs', and Police Chiefs' Association, each~~
8 ~~may designate in writing a person within their Agency or Association to attend~~
9 ~~a meeting or meetings of the Council. The designation shall be filed with the~~
10 ~~chairman of the Council. A person so designated shall have the same voting~~
11 ~~rights and responsibilities as the ex officio member at such meeting or~~
12 ~~meetings except that the designee shall not automatically assume the member's~~
13 ~~place as an officer of the board.~~

14 § 2355. COUNCIL POWERS AND DUTIES

15 * * *

16 (c)(1) ~~The Council shall appoint, subject to the approval of the Governor,~~
17 ~~an Executive Director who shall be an exempt State employee, and who shall~~
18 ~~hold office during the pleasure of the Council.~~

19 (2)(A) ~~The Executive Director shall perform such duties as may be~~
20 ~~assigned by the Council.~~

1 ~~(B) The Executive Director may appoint officers, employees, agents,~~
2 ~~and consultants as he or she may deem necessary and prescribe their duties,~~
3 ~~with the approval of the Council.~~

4 ~~(3) The Executive Director is entitled to compensation as established by~~
5 ~~law and reimbursement for expenses within the amounts available by~~
6 ~~appropriation. [Repealed.]~~

7 * * *

8 ~~(e) Any agency or department of State, county, or municipal government~~
9 ~~may, notwithstanding any provision of this chapter, engage in and pay for,~~
10 ~~from sums appropriated for that purpose, training activities for employees in~~
11 ~~addition to any minimum training required by the Council. [Repealed.]~~

12 * * *

13 § 2357. POWERS AND DUTIES OF THE EXECUTIVE DIRECTOR

14 (a)(1) The Governor shall appoint an Executive Director of the Council
15 with the advice and consent of the Senate. The Executive Director shall be an
16 exempt State employee within the Agency and shall hold office at the pleasure
17 of the Governor.

18 (2)(A) The Executive Director shall perform such duties as may be
19 assigned by the Council.

1 ~~(D) With the approval of the Governor, the Executive Director may~~
2 appoint officers, employees, agents, and consultants as he or she may deem
3 necessary, and prescribe their duties.

4 (3) The Executive Director is entitled to compensation as established by
5 law and reimbursement for expenses within the amounts available by
6 appropriation.

7 (b) The Executive Director of the Council, on behalf of the Council, shall
8 have the following powers and duties, subject to the supervision of the Council
9 and to be exercised only in accordance with rules adopted under this chapter:

10 * * *

11 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

12 * * *

13 (d) As used in this section:

14 (1) "Law enforcement officer" means a member of the ~~Department~~
15 Agency of Public Safety who exercises law enforcement powers, a member of
16 the State ~~police~~ Police, a ~~capitol police~~ Capitol Police officer, a municipal
17 police officer, a constable who exercises law enforcement powers, a motor
18 vehicle inspector, ~~an employee of the Department~~ a liquor control investigator,
19 the Commissioner of Liquor Control ~~who exercises law enforcement powers,~~
20 an investigator employed by the Secretary of State, Board of Medical Practice
21 investigators employed by the Department of Health, Attorney General, or a

1 ~~State's Attorney, a fish and game warden, a sheriff, or deputy sheriff who~~
2 exercises law enforcement powers, a railroad police officer commissioned
3 pursuant to 5 V.S.A. chapter 68, subchapter 8, or a police officer appointed to
4 the University of Vermont's Department of Police Services.

5 * * *

6 § 2364. ~~STATE POLICE,~~ AGENCY OF PUBLIC SAFETY LAW

7 ENFORCEMENT OFFICERS; BASIC TRAINING

8 Basic training programs for ~~Vermont state police~~ Agency law enforcement
9 officers, including curriculum, location, duration, and selection of instructors
10 and other personnel, shall be developed and conducted by the ~~commissioner of~~
11 ~~public safety~~ Secretary of Public Safety and submitted to the ~~criminal justice~~
12 ~~training council~~ Council for approval in accordance with the minimum
13 standards ~~promulgated~~ adopted by rule under this chapter.

14 Sec. 10. MEMBERSHIP OF VERMONT CRIMINAL JUSTICE TRAINING
15 COUNCIL; INITIAL STAGGERED APPOINTMENTS

16 (a) On or before the effective date of 20 V.S.A. § 2352 (Council
17 membership) in Sec. 9 of this act, the Governor shall appoint the new members
18 of the Vermont Criminal Justice Training Council so that they shall take office
19 on the effective date of that section.

20 (b) Notwithstanding the provisions of Sec. 9, 20 V.S.A. § 2352(a)(3),
21 which sets forth the term length of Council members, the initial appointments

1 ~~shall have the following term lengths so that the terms of all members expire in~~
2 ~~a staggered manner:~~

3 ~~(1) Of the three public members, one shall be appointed for a one-year~~
4 ~~term, one shall be appointed for a two-year term, and one shall be appointed~~
5 ~~for a three-year term.~~

6 ~~(2) Of the six nonpublic members, two shall be appointed for one-year~~
7 ~~terms, two shall be appointed for two-year terms, and two shall be appointed~~
8 ~~for three-year terms. The Governor shall make these appointments so that any~~
9 ~~of these initial members who have a similar law enforcement background shall~~
10 ~~have a different term length.~~

11 * * *

12 * * * Sergeant at Arms * * *

13 Sec. 11. 2 V.S.A. § 62 is amended to read:

14 § 62. LEGISLATIVE DUTIES

15 (a) The ~~sergeant at arms~~ Sergeant at Arms shall:

16 * * *

17 (2) ~~Maintain~~ Subject to the direction of the Department of Law
18 Enforcement's Capitol Police Department, maintain order among spectators
19 and take measures to prevent interruption of either house or any committee
20 thereof;

21 * * *

1 ~~Sec. 12. 2 V.S.A. § 64 is amended to read:~~

2 ~~§ 64. EMPLOYMENT OF ASSISTANTS; CAPITOL POLICE; TRAINING;~~
3 ~~UNIFORMS AND EQUIPMENT~~

4 (a)(1) The Sergeant at Arms may, subject to the rules of the General
5 Assembly, employ such employees as may be needed to carry out the Sergeant
6 at Arms' duties. These may include assistants, custodians, doorkeepers,
7 guides, messengers, mail and room assignment clerks, security guards, and
8 pages.

9 (2) Compensation for such employees shall be determined by the Joint
10 Rules Committee, except that prior to the beginning of any legislative session,
11 compensation for a person who fills the same temporary position that he or she
12 filled during the preceding session and, in the case of a person newly employed
13 to fill a temporary position, the rate of compensation shall be established
14 initially by the Sergeant at Arms at a rate not to exceed the rate established for
15 the person who held that position during the preceding legislative session.
16 Persons employed under this section shall be paid in the same manner as
17 members of the General Assembly. The Commissioner of Finance and
18 Management shall issue his or her warrant in payment of compensation
19 approved under this section.

20 (b) 3 V.S.A. chapter 13 shall not apply to employees of the Sergeant at
21 Arms unless this exception is partially or wholly waived by the Joint Rules

1 ~~Committee consistent with the rules of the General Assembly. Any waiver~~
2 may subsequently be rescinded in whole or in part.

3 (c) ~~At State expense and with the approval of the Sergeant at Arms, capitol~~
4 ~~police officers shall be provided with training and furnished uniforms and~~
5 ~~equipment necessary in the performance of their duties, and such items shall~~
6 ~~remain the property of the State. [Repealed.]~~

7 Sec. 13. REPEAL

8 2 V.S.A. § 70 (Capitol Police Department) is repealed.

9 * * * Liquor Control Investigators * * *

10 Sec. 14. 7 V.S.A. § 239 is amended to read:

11 § 239. LICENSEE EDUCATION

12 (a) A new first-class, second-class, third-class, fourth-class, or farmer's
13 market license shall not be granted until the applicant has met with a
14 Department of Law Enforcement liquor control investigator or a training
15 specialist for the purpose of being informed of the Vermont liquor laws, rules,
16 and regulations pertaining to the purchase, storage, and sale of alcohol
17 beverages. A corporation, partnership, or association shall designate a
18 director, partner, or manager who shall comply with the terms of this
19 subsection.

20 * * *

1 ~~Sec. 15. 7 V.S.A. § 561 is amended to read:~~

2 § 561. AUTHORITY OF LIQUOR CONTROL INVESTIGATORS;

3 ARREST FOR UNLAWFULLY MANUFACTURING,

4 POSSESSING, OR TRANSPORTING ALCOHOLIC BEVERAGES;

5 SEIZURE OF PROPERTY

6 (a) ~~The Director of the Enforcement Division of the Department of Liquor~~
7 ~~Control and Law Enforcement liquor control~~ investigators employed by the
8 ~~Liquor Control Board or by the Department of Liquor Control and their~~
9 ~~Director~~ shall be certified as Level III law enforcement officers by the
10 Vermont Criminal Justice Training Council and shall have the same powers
11 and immunities as those conferred on the State Police by 20 V.S.A. § 1914.

12 (b) The Commissioner of Liquor Control, ~~the Director of the Enforcement~~
13 ~~Division of the a Department of Liquor Control or an Law Enforcement liquor~~
14 ~~control~~ investigator employed by the ~~Liquor Control Board or by the~~
15 ~~Department of Liquor Control and his or her Director~~, and any other law
16 enforcement officer may arrest or take into custody pursuant to the Vermont
17 Rules of Criminal Procedure, a person whom he or she finds in the act of
18 manufacturing alcohol or possessing a still, or other apparatus for the
19 manufacture of alcohol, ~~or~~; unlawfully selling, bartering, possessing,
20 furnishing, or transporting alcohol; ~~or~~; unlawfully selling, furnishing, or
21 transporting spirituous liquor, or malt and vinous beverages, and shall seize the

1 ~~liquors, alcohol, vessels, and implements of sale and the stills or other~~
2 apparatus for the manufacture of alcohol in the possession of the person. He or
3 she may also seize and take into custody any property described in this section.

4 Sec. 16. 7 V.S.A. § 563 is amended to read:

5 § 563. SEARCH WARRANTS

6 (a) If a ~~state's attorney~~ State's Attorney, the ~~commissioner of liquor control~~
7 Commissioner of Liquor Control, ~~or an a Department of Law Enforcement~~
8 liquor control inspector ~~duly acting for the liquor control board~~, or a control
9 commissioner ~~or~~, a town grand juror, or two reputable citizens of the county,
10 make complaint under oath or affirmation, before a judge of a ~~criminal division~~
11 ~~of the superior court~~, Criminal Division of the Superior Court that he or she or
12 they have reason to believe that malt or vinous beverages or spirituous liquor
13 or alcohol are kept or deposited for sale or distribution contrary to law, or that
14 alcohol is manufactured or possessed contrary to law, in a dwelling house,
15 store, shop, steamboat, or water craft of any kind, depot, railway car, motor
16 vehicle or land or air carriage of any kind, warehouse, or other building or
17 place in the county, the judge shall issue a warrant to search the premises
18 described in the complaint.

19 (b) If the liquor is found therein under circumstances warranting the belief
20 that it is intended for sale or distribution contrary to law, or if the alcohol is
21 found therein under circumstances warranting the belief that it is unlawfully

1 ~~manufactured or possessed, or if any still, or any other apparatus for the~~
2 manufacture of alcohol is found therein, the officer shall seize and convey the
3 same to some place of security, and keep it until final action is had thereon.

4 Sec. 17. 7 V.S.A. § 571 is amended to read:

5 § 571. SEARCH OF VEHICLE OR CRAFT WITHOUT WARRANT

6 (a) If a sheriff, deputy sheriff, constable, police officer, ~~commissioner of~~
7 ~~liquor control or~~ Commissioner of Liquor Control, Department of Law
8 Enforcement liquor control ~~inspector duly acting for the liquor control board,~~
9 or ~~state police~~ State Police officer has reason to believe and does believe, that a
10 person is engaged in the act of smuggling, delivering, or transporting, in
11 violation of law, malt or vinous beverages, spirituous liquors, or alcohol in any
12 wagon, buggy, automobile, motor vehicle, air or water craft, or other vehicle,
13 he or she shall search for and seize without warrant, malt or vinous beverages,
14 spirituous liquors, or alcohol found therein being smuggled, delivered, or
15 transported contrary to law.

16 (b) Whenever malt or vinous beverages ~~or~~, spirituous liquors, or alcohol,
17 transported unlawfully or alcohol possessed illegally shall be seized by such
18 officer, he or she shall take possession of the vehicle, team, automobile, boat,
19 air or water craft, or other conveyance and shall arrest the person in charge
20 thereof.

1 ~~Sec. 18. 7 V.S.A. § 659 is amended to read:~~

2 § 659. REFUSAL OR NEGLECT OF OFFICERS TO PERFORM DUTIES

3 (a)(1) The sheriffs of the several counties and their deputies, constables,
4 officers or members of the village or city police, ~~state police~~ State Police, and
5 Department of Law Enforcement liquor control inspectors ~~of the liquor control~~
6 ~~board~~ are hereby empowered, and it is hereby made their duty to see that the
7 provisions of this title and the rules ~~and regulations~~ made as authorized by the
8 ~~liquor control board~~ Liquor Control Board herein provided for are enforced
9 within their respective jurisdictions.

10 (2) Any such officer who ~~willfully~~ willfully refuses or neglects to
11 perform the duties imposed upon him or her by this section shall be fined not
12 more than \$500.00 or imprisoned not more than 90 days, or both.

13 (b) A control commissioner, ~~state's attorney~~ State's Attorney, or town
14 grand juror who ~~willfully~~ willfully refuses or neglects to investigate a complaint
15 for a violation of this chapter, when accompanied by evidence in support
16 thereof, shall be fined \$300.00.

17 Sec. 19. 7 V.S.A. § 1002a is amended to read:

18 § 1002a. LICENSEE EDUCATION

19 (a) An applicant for a tobacco license that does not hold a liquor license
20 issued under this title shall be granted a tobacco license pursuant to section
21 1002 of this ~~title~~ chapter only after the applicant has met with a Department of

1 ~~Law Enforcement liquor control investigator for the purpose of being informed~~
2 about the Vermont tobacco laws pertaining to the purchase, storage, and sale of
3 tobacco products. A corporation, partnership or association shall designate a
4 director, partner, or manager to comply with the requirements of this
5 subsection.

6 * * *

7 * * * Motor Vehicle Inspectors * * *

8 Sec. 20. 23 V.S.A. § 103 is amended to read:

9 § 103. APPOINTMENT OF OFFICIALS AND INSPECTORS

10 ~~With the approval of the Governor, the Commissioner of Motor Vehicles~~
11 ~~may appoint and employ inspectors who shall devote their entire time to the~~
12 ~~duties of their appointment while so employed. In addition, the The~~
13 Commissioner shall appoint the Deputy Commissioner of Motor Vehicles, the
14 Director of the Gasoline Tax Division, and examiners of new operators,
15 including regular office employees whose duties require such appointment ~~and~~
16 ~~who shall have the authority of inspectors. With the approval of the Governor,~~
17 ~~at the expense of the State, the Commissioner may furnish suitable uniforms~~
18 ~~for a part of or all the inspectors provided for in this section.~~

1 ~~Sec. 21. 23 V.S.A. § 204 is amended to read:~~

2 § 204. SURRENDER OF LICENSE OR REGISTRATION

3 (a) A person whose license to operate a motor vehicle, nondriver
4 identification card, or motor vehicle registration has been issued in error shall
5 surrender forthwith his or her license or registration upon demand of the
6 Commissioner or his or her authorized ~~inspector or agent~~, or a Department of
7 Law Enforcement motor vehicle inspector. The demand shall be made in
8 person or by notice in writing sent by first class mail to the last known address
9 of the person.

10 (b) The Commissioner or his or her authorized ~~inspector or agent~~, and all
11 enforcement officers are authorized to take possession of any certificate of
12 title, nondriver identification card, registration, or license, issued by this or any
13 other jurisdiction, ~~which that~~ has been revoked, canceled, or suspended, or
14 ~~which that~~ is fictitious, stolen, or altered.

15 * * *

16 Sec. 22. 23 V.S.A. § 466 is amended to read:

17 § 466. RECORDS; CUSTODIAN

18 (a) On a form prescribed or approved by the Commissioner, every licensed
19 dealer shall maintain and retain for six years a record containing the following
20 information, which shall be open to inspection by any law enforcement officer

1 ~~or motor vehicle inspector or other agent of the Commissioner during~~

2 reasonable business hours:

3 * * *

4 (b) Every licensed dealer shall designate a custodian of documents who
5 shall have primary responsibility for administration of documents required to
6 be maintained under this title. In the absence of the designated custodian, the
7 dealer shall have an ongoing duty to make such records available for
8 inspection by any law enforcement officer or ~~motor vehicle inspector or other~~
9 agent of the Commissioner during reasonable business hours.

10 Sec. 23. 23 V.S.A. § 513 is amended to read:

11 § 513. MISUSE OF PLATES

12 (a) Except as provided in section 321 of this title, an owner of a motor
13 vehicle shall not attach or cause to be attached to the vehicle number plates
14 that were not assigned by the Commissioner of Motor Vehicles. A person
15 shall not operate a motor vehicle, except as provided in section 321 of this title,
16 to which number plates are attached that were not assigned to the vehicle by
17 the Commissioner of Motor Vehicles.

18 (b) An ~~inspector of motor vehicles and any~~ enforcement officer shall have
19 authority to remove from a motor vehicle any plates which have been attached
20 in violation of the provisions of this section.

1 ~~Sec. 24. 23 V.S.A. § 671 is amended to read:~~

2 § 671. PROCEDURE

3 * * *

4 (b) In his or her discretion, the Commissioner may suspend for a period not
5 exceeding 15 days the license of an operator, or the right of an unlicensed
6 person to operate a motor vehicle, without hearing, whenever he or she finds
7 upon full reports submitted by an enforcement officer ~~or motor vehicle~~
8 ~~inspector~~ that the safety of the public has been or will be imperiled as a result
9 of the operation of a motor vehicle by such operator or unlicensed person.

10 (c) The Commissioner shall not suspend the license of an operator, or the
11 right of an unlicensed person to operate a motor vehicle while a prosecution for
12 an offense under this title is pending against such person, unless he or she finds
13 upon full reports submitted to him or her by an enforcement officer ~~or motor~~
14 ~~vehicle inspector~~ that the safety of the public will be imperiled by permitting
15 such operator or such unlicensed person to operate a motor vehicle, or that
16 such person is seeking to delay the prosecution, but if he or she so finds, he or
17 she may suspend such license or right pending a final disposition of the
18 prosecution.

19 * * *

~~*** Law Enforcement Advisory Board ***~~

Sec. 25. REPEAL

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

Sec. 26. 20 V.S.A. § 1818 is added to read:

§ 1818. LAW ENFORCEMENT ADVISORY BOARD

(a) A Law Enforcement Advisory Board is created within the Agency of Public Safety to advise the Secretary of Public Safety, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies which exercise law enforcement responsibilities. The Board shall review any matter that affects more than one law enforcement agency. The Board shall comprise the following members:

(1) the Secretary of Public Safety;

(2) the Director of the Vermont State Police;

(3) the Commissioner of the Vermont Criminal Justice Services

Division;

(4) a member of the Vermont Association of Chiefs of Police appointed by the President of the Association;

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

(6) a representative appointed by the Vermont League of Cities and Towns appointed by the Executive Director;

- 1 ~~(7) a member of the Vermont Police Association appointed by the~~
2 President of the Association;
3 (8) the Attorney General or his or her designee;
4 (9) a State's Attorney appointed by the Executive Director of the
5 Department of State's Attorneys and Sheriffs;
6 (10) the U.S. Attorney or his or her designee;
7 (11) the Executive Director of the Vermont Criminal Justice Training
8 Council;
9 (12) the Defender General or designee;
10 (13) one employee-representative of the Vermont State Police,
11 appointed by the Director of the Vermont State Employees' Association;
12 (14) a member of the Vermont Constables Association appointed by the
13 President of the Association; and
14 (15) two public members who have never served as law enforcement
15 officers and who do not have a spouse or child that has ever served as a law
16 enforcement officer, appointed by the Governor.
17 (b) The Board shall elect a Chair and a Vice Chair which shall rotate
18 among the various member representatives. Each member shall serve a term of
19 two years. The Board shall meet at the call of the Chair. A quorum shall
20 consist of nine members, and decisions of the Board shall require the approval
21 of a majority of those members present and voting.

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

6 ~~(d) The Board shall meet no fewer than six times a year to develop policies~~
7 ~~and recommendations for law enforcement priority needs, including retirement~~
8 ~~benefits, recruitment of officers, training needs, homeland security issues,~~
9 ~~dispatching, and comprehensive drug enforcement. The Board shall present its~~
10 ~~findings and recommendations in brief summary to the House and Senate~~
11 ~~Committees on Judiciary annually by January 15. The provisions of 2 V.S.A.~~
12 ~~§ 20(d) (expiration of required reports) shall not apply to the report to be made~~
13 ~~under this subsection.~~

14 Sec. 27. RECODIFICATION

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

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

1 ~~*** The Department of Emergency Management~~

2 and Homeland Security ***

3 Sec. 28. 20 V.S.A. chapter 1 is amended to read:

4 CHAPTER 1. EMERGENCY MANAGEMENT AND HOMELAND

5 SECURITY

6 § 1. PURPOSE AND POLICY

7 (a) Because of the increasing possibility of the occurrence of disasters or
8 emergencies of unprecedented size and destructiveness resulting from
9 all-hazards and in order to ~~insure~~ ensure that preparation of this ~~state~~ State will
10 be adequate to deal with such disasters or emergencies, to provide for the
11 common defense and to protect the public peace, health, and safety, and to
12 preserve the lives and property of the people of the ~~state~~ State, it is hereby
13 found and declared to be necessary:

14 (1) To create a ~~state~~ an emergency management ~~agency and homeland~~
15 security department within the Agency of Public Safety, and to authorize the
16 creation of local and regional organizations for emergency management.

17 ***

18 § 2. DEFINITIONS

19 As used in this chapter:

20 (1) "All-hazards" means any natural disaster, health or disease-related
21 emergency, accident, civil insurrection, use of weapons of mass destruction.

1 ~~terrorist or criminal incident, radiological incident, significant event, and~~
2 designated special event, any of which may occur individually, simultaneously,
3 or in combination and which poses a threat or may pose a threat, as determined
4 by the ~~commissioner~~ Secretary or designee, to property or public safety in
5 Vermont.

6 (2) ~~“Commissioner”~~ “Secretary” means the ~~commissioner of public~~
7 ~~safety~~ Secretary of Public Safety.

8 (3) ~~“Director”~~ “Commissioner” means the ~~director of Vermont division~~
9 ~~of emergency management~~ Commissioner of Emergency Management and
10 Homeland Security.

11 (4) “Emergency functions” include services provided by the ~~department~~
12 ~~of public safety~~ Agency of Public Safety, firefighting services, police services,
13 sheriff’s department services, medical and health services, rescue, engineering,
14 emergency warning services, communications, evacuation of persons,
15 emergency welfare services, protection of critical infrastructure, emergency
16 transportation, temporary restoration of public utility services, other functions
17 related to civilian protection, and all other activities necessary or incidental to
18 the preparation for and carrying out of these functions.

19 (5) “EPCRA” means the federal Emergency Planning and Community
20 Right-To-Know Act, 42 U.S.C. § ~~§ 11000~~ §§ 11001–11050 (~~1986~~).

1 ~~(6) "Emergency management" means the preparation for and~~
2 ~~implementation of all emergency functions, other than the functions for which~~
3 ~~military forces or other federal agencies are primarily responsible, to prevent,~~
4 ~~plan for, mitigate, and support response and recovery efforts from all hazards.~~
5 ~~Emergency management includes the equipping, exercising, and training~~
6 ~~designed to insure ensure that this state State and its communities are prepared~~
7 ~~to deal with all-hazards.~~

8 * * *

9 (8) "Hazardous chemical or substance" means:

10 (A) Any chemical covered by 42 U.S.C. §§ 11021 and 11022 and
11 defined in 29 C.F.R. § 1910.1200(c) ~~or in 18 V.S.A. § 1722.~~

12 * * *

13 (C) Any hazardous material ~~pursuant to~~ as set forth in 5 V.S.A.
14 § 2001.

15 * * *

16 § 3. ~~VERMONT~~ DEPARTMENT OF EMERGENCY MANAGEMENT
17 DIVISION AND HOMELAND SECURITY

18 (a) There is hereby created within the ~~department of public safety Agency~~
19 of Public Safety a division department to be known as the ~~Vermont emergency~~
20 management division Department of Emergency Management and Homeland
21 Security.

1 ~~(b) There shall be a director of Vermont emergency management~~
2 Commissioner of Emergency Management and Homeland Security who shall
3 be in immediate charge of the ~~division~~ Department. The ~~director~~
4 Commissioner shall be appointed by the ~~commissioner~~ Secretary, with the
5 approval of the ~~governor~~ Governor. The ~~director~~ Commissioner shall serve at
6 the pleasure of the ~~commissioner~~ Secretary and shall hold no other ~~state~~ State
7 office. The ~~director~~ Commissioner shall perform all the following duties:

8 (1) ~~Coordinate~~ coordinate the activities of all emergency management
9 organizations within the ~~state~~ State;

10 (2) ~~Maintain~~ maintain liaison and cooperation with emergency
11 management agencies and organizations of the federal government, other
12 states, and Canada; and

13 (3) ~~Perform~~ perform additional duties and responsibilities required
14 pursuant to this chapter and prescribed by the ~~governor~~ Governor.

15 (c) The ~~commissioner~~ Secretary, subject to the approval of the ~~governor~~
16 Governor, shall delegate to the several departments and agencies of ~~the state~~
17 State government appropriate emergency management responsibilities, and
18 review and coordinate the emergency management activities of the
19 departments and agencies with each other and with the activities of the districts
20 and neighboring states, the neighboring Canadian province of Quebec, and the
21 federal government.

1 ~~§ 3a. DEPARTMENT OF EMERGENCY MANAGEMENT DIVISION AND~~

2 HOMELAND SECURITY; DUTIES; BUDGET

3 (a) In addition to other duties required by law, the ~~emergency management~~
4 ~~division~~ Department of Emergency Management and Homeland Security shall:

5 * * *

6 (3) Assist the ~~state emergency response commission~~ State Emergency
7 Response Commission, the local emergency planning committees, and the
8 municipally established local organizations referred to in section 6 of this ~~title~~
9 chapter in carrying out their designated emergency functions, including
10 developing, implementing, and coordinating emergency response plans.

11 (4) Provide administrative support to the ~~state emergency response~~
12 ~~commission~~ State Emergency Response Commission.

13 (b) Each fiscal year, the ~~division of emergency management~~ Department of
14 Emergency Management and Homeland Security, in collaboration with ~~state~~
15 State and local agencies, the management of the nuclear reactor, the legislative
16 bodies of the municipalities in the emergency planning zone where the nuclear
17 reactor is located, the Windham ~~regional planning commission~~ Regional
18 Planning Commission, and any other municipality or emergency planning zone
19 entity required by the ~~state~~ State to support the ~~radiological emergency~~
20 ~~response plan~~ Radiological Emergency Response Plan, shall develop the
21 budget for expenditures from the ~~radiological emergency response plan fund~~

1 ~~Radiological Emergency Response Plan Fund. The expenditure budget shall~~
2 include all costs for evacuation notification systems.

3 * * *

4 § 5. PUBLIC SAFETY DISTRICTS

5 (a) The ~~governor~~ Governor shall divide the ~~state~~ State into public safety
6 districts, one to correspond to each Vermont ~~state police~~ State Police troop
7 area, as defined by the ~~commissioner~~ Secretary. Each district shall be a
8 reasonably self-sustaining operating emergency management unit.

9 (b) The emergency management executive in each district shall be known
10 as the district coordinator. The district coordinator shall be appointed by the
11 ~~commissioner~~ Secretary and shall serve during the pleasure of the
12 ~~commissioner~~ Secretary. The district coordinator shall discharge emergency
13 management powers within his or her district. Each public safety district shall
14 maintain on file an all-hazards incident response plan in cooperation with any
15 local emergency planning committee (LEPC) in that district and other ~~state~~
16 State and local agencies.

17 * * *

18 § 7. MOBILE SUPPORT UNITS

19 (a) Organization. The ~~commissioner~~ Secretary is authorized to create and
20 establish such number of mobile support units as may be necessary to reinforce
21 emergency management organizations in stricken areas and with due

1 ~~consideration of the plans of the federal government, the government of~~
2 Canada, and other states. A mobile support unit shall be subject to call to duty
3 and shall perform these functions in this ~~state~~ State, in Canada, or in other
4 states in accord with its charter and regulations prescribed by the ~~governor~~
5 Governor and with the terms of this chapter.

6 (b) Personnel; powers and immunities, compensation.

7 (1) Personnel of mobile support units while engaged in emergency
8 management, whether within or ~~without~~ outside the ~~state~~ State, shall:

9 * * *

10 (C) if they are not employees of the ~~state~~ State, or a political
11 subdivision thereof, be entitled to appropriate compensation as fixed by the
12 ~~commissioner~~ Secretary or designee with the approval of the ~~governor~~
13 Governor, and to the same rights and immunities as are provided by law for the
14 employees of this ~~state~~ State.

15 * * *

16 § 8. GENERAL POWERS OF GOVERNOR

17 * * *

18 (b) In performing the duties under this chapter, the ~~governor~~ Governor is
19 further authorized and empowered:

20 * * *

1 ~~(7) Delegation of authority. To delegate any authority vested in the~~
2 ~~governor~~ Governor under this chapter to the ~~commissioner~~ Secretary or
3 designee.

4 * * *

5 § 17. GIFT, GRANT, OR LOAN

6 (a) Federal.

7 (1) Whenever the federal government or any agency or officer thereof
8 shall offer to the ~~state~~ State, or through the ~~state~~ State to any town or city
9 thereof, services, equipment, supplies, materials, or funds by way of gift, grant,
10 or loan, for purposes of emergency management, the ~~state~~ State, acting through
11 the ~~governor~~ Governor in coordination with the ~~department of public safety~~
12 Agency of Public Safety, or such town or city acting with the consent of the
13 ~~governor~~ Governor and through its executive officer or legislative branch, may
14 accept such offer and upon such acceptance the ~~governor of the state~~ Governor
15 or the executive officer or legislative branch of such political subdivision may
16 authorize any officer of the ~~state~~ State or of the political subdivision, as the
17 case may be, to receive such services, equipment, supplies, materials, or funds
18 on behalf of the ~~state~~ State or such political subdivisions, and subject to the
19 terms of the offer and rules and regulations, if any, of the agency making the
20 offer.

1 ~~(2) Whenever such federal grant is contingent upon a state State or local~~
2 ~~contribution, or both, the ~~department of public safety~~ Agency of Public Safety~~
3 ~~and the political subdivision shall determine whether the grant shall be~~
4 ~~accepted and if accepted, the respective shares to be contributed by the ~~state~~~~
5 ~~State and town or city concerned.~~

6 * * *

7 § 18. PERSONNEL REQUIREMENTS AND NONSUBVERSION

8 (a) No person shall be employed or associated in any capacity in any
9 emergency management organization established under this chapter who
10 advocates a change by force or violence in the constitutional form of the
11 government of the United States or in this ~~state~~ State, or the overthrow of any
12 government in the United States by force or violence, or who has been
13 convicted of or is under indictment or information charging any subversive act
14 against the United States.

15 (b) Each person who is employed by an emergency management
16 organization established under this chapter and whose access to facilities,
17 materials, or information requires a security clearance, as determined by the
18 ~~commissioner~~ Secretary, shall be subject to a background check and a criminal
19 history record check.

20 * * *

1 ~~commissioner of health, the secretary of agriculture, food and markets and the~~
2 ~~commissioner of labor~~ comprising the Secretary of Public Safety, the Secretary
3 of Natural Resources, the Secretary of Transportation, the Commissioner of
4 Health, the Secretary of Agriculture, Food and Markets, and the Commissioner
5 of Labor, or their designees; and

6 (B) nine public members, including comprising a representative from
7 each of the following: local government, a local emergency planning
8 committee, a regional planning commission, the fire service, law enforcement,
9 emergency medical service, a hospital, a transportation entity required under
10 EPCRA to report chemicals to the ~~state emergency response commission~~ State
11 Emergency Response Commission, and another entity required to report
12 extremely hazardous substances under EPCRA.

13 (2) ~~The director of emergency management~~ Commissioner of
14 Emergency Management and Homeland Security shall be the secretary of the
15 ~~commission~~ Commission without a vote.

16 (b) The nine public members shall be appointed by the ~~governor~~ Governor
17 for staggered three year terms. The ~~governor~~ Governor shall appoint the chair
18 of the ~~commission~~ Commission.

19 (c) Members of the ~~commission, except state~~ Commission who are not
20 State employees and who are not otherwise compensated as ~~part of their~~

1 ~~employment and who attend meetings, or reimbursed for their attendance shall~~
2 be entitled to a per diem and expenses as provided in 32 V.S.A. § 1010.

3 § 31. STATE EMERGENCY RESPONSE COMMISSION; DUTIES

4 The ~~commission~~ Commission shall have authority to:

5 (1) Carry out all the requirements of a commission under the ~~Emergency~~
6 ~~Planning and Community Right To Know Act, 42 U.S.C. §§ 11000-11050~~
7 ~~(1986) (EPCRA) EPCRA~~, and all-hazards mitigation, response, recovery, and
8 preparedness, as hereafter amended and other applicable federal initiatives.

9 * * *

10 (9) Coordinate statewide efforts and draft policies regarding planning,
11 mitigation, preparedness, and response to all-hazards events to be approved by
12 the ~~commissioner~~ Secretary.

13 (10) Recommend funding for awards to be made by the ~~commissioner~~
14 Secretary for training, special studies, citizen corps councils, community
15 emergency response teams (CERT), medical reserve corps, and hazardous
16 materials response teams from funds that are available from federal sources or
17 through the ~~hazardous substances fund~~ Hazardous Chemical and Substance
18 Emergency Response Fund created in section 38 of this ~~title~~ chapter. The
19 ~~commission~~ Commission may create committees as necessary for other related
20 purposes and delegate funding recommendation powers to those committees.

1 ~~§ 32. LOCAL EMERGENCY PLANNING COMMITTEES; CREATION;~~

2 DUTIES

3 * * *

4 (c) A local emergency planning committee shall perform all the following
5 duties:

6 * * *

7 (2) Upon receipt by the committee or the committee's designated
8 community emergency coordinator of a notification of a release of a hazardous
9 chemical or substance, ~~insure~~ ensure that the local emergency response plan
10 has been implemented.

11 (3) Consult and coordinate with the heads of local government
12 emergency services, the ~~emergency management director~~ Commissioner of
13 Emergency Management and Homeland Security or designee, regional
14 planning commissions, and the managers of all facilities within the district
15 regarding the facility plan.

16 * * *

17 § 33. HAZMAT TEAMS; TEAM CHIEFS; CREATION

18 (a) The ~~department of public safety~~ Agency of Public Safety is authorized
19 to create a state hazardous materials (HAZMAT) response team. The
20 ~~commissioner~~ Secretary shall appoint a HAZMAT team chief, consistent with
21 rules adopted by the ~~department of human resources~~ Department of Human

1 ~~Resources, to carry out the duties and responsibilities of the HAZMAT~~

2 response team.

3 (b) The HAZMAT team chief shall perform all the following duties:

4 * * *

5 (2) Hire persons for the HAZMAT team from fire, police, and
6 emergency organizations and persons with specialty backgrounds in hazardous
7 materials, and, with the approval of the ~~director of the division of fire safety~~
8 Commissioner of Fire Safety, appoint crew chiefs.

9 * * *

10 (d) The ~~department of public safety~~ Agency of Public Safety may employ
11 as many ~~state~~ State HAZMAT team responders as the ~~commissioner~~ Secretary
12 deems necessary as temporary ~~state~~ State employees, who shall be
13 compensated as such when authorized to respond to a HAZMAT incident or to
14 attend HAZMAT training. State HAZMAT team responders, whenever acting
15 as ~~state~~ State agents in accordance with this section, shall be afforded all of the
16 protections and immunities of ~~state~~ State employees.

17 * * *

18 § 38. SPECIAL FUNDS

19 (a)(1)(A) There is created a ~~radiological emergency response plan fund~~
20 Radiological Emergency Response Plan Fund, into which any entity operating
21 a nuclear reactor or storing nuclear fuel and radioactive waste in this ~~state~~ State

1 ~~(referred to hereinafter as “the nuclear power plant”) shall deposit the amount~~
2 appropriated to support the Vermont radiological response plan Radiological
3 Emergency Response Plan for that fiscal year, adjusted by any balance in the
4 ~~radiological emergency response plan fund~~ Radiological Emergency Response
5 Plan Fund from the prior fiscal year.

6 (B) There shall also be deposited into the ~~fund~~ Fund any monies
7 received from any other source, public or private, that is intended to support
8 the radiological emergency response planning process. The ~~fund~~ Fund shall be
9 managed in accordance with ~~subchapter 5 of chapter 7 of Title 32 V.S.A.~~
10 chapter 7, subchapter 5 (special funds).

11 (C) Any interest earned on the balance in the ~~fund~~ Fund shall be
12 retained by the ~~fund~~ Fund.

13 (2)(A) Expenditures from the ~~fund~~ Fund shall be made by the ~~division~~
14 ~~of emergency management~~ Department of Emergency Management and
15 Homeland Security, subject to an annual legislative appropriation.

16 (B) As part of the annual appropriations process, the ~~division of~~
17 ~~emergency management~~ Department shall present a budget for the ensuing
18 fiscal year that anticipates the expenditures that will be made from the ~~fund~~
19 Fund.

20 (C) Each fiscal year, the ~~division of emergency management~~
21 Department, in collaboration with the ~~state~~ State and local agencies, the

1 ~~management of the nuclear power plant, the selectboards of the municipalities~~
2 in the emergency planning zone, the Windham regional planning commission
3 Regional Planning Commission, and any other municipality or emergency
4 planning zone entity defined by the state State as required to support the
5 radiological emergency response plan Radiological Emergency Response Plan
6 shall develop the budget for expenditures from the radiological emergency
7 response plan fund Fund. State personnel with responsibility for local
8 coordination and plan Plan development shall be physically located in the
9 region.

10 (D) The annual budget shall include only expenditures necessary to
11 support the radiological emergency response plan Plan.

12 * * *

13 (4) ~~[Deleted.]~~ [Repealed.]

14 (5) The state State shall bill the nuclear power plant on a monthly basis
15 based on the budget presented and approved by the legislature General
16 Assembly. The nuclear power plant shall have the right to audit the books and
17 records of the fund Fund.

18 (6) Upon the permanent cessation of operation of the nuclear reactor and
19 final removal of all nuclear fuel and radioactive waste, and the removal of
20 emergency response plan regulations and state State responsibilities applicable
21 to it by the Federal Nuclear Regulatory Commission and any other federal

1 ~~agency having regulatory jurisdiction, and after all outstanding debts have been~~
2 paid, all monies remaining in the ~~fund~~ Fund shall be repaid to the nuclear
3 power plant, and the ~~fund~~ Fund terminated.

4 (b) There is created a ~~hazardous chemical and substance emergency~~
5 ~~response fund~~ Hazardous Chemical and Substance Emergency Response Fund
6 which shall include all ~~moneys~~ monies paid to the ~~state~~ State pursuant to
7 section 39 of this ~~title~~ chapter.

8 (1) The ~~fund~~ Fund shall be managed pursuant to the provisions of
9 ~~subchapter 5 of chapter 7 of Title 32 V.S.A.~~ chapter 7, subchapter 5 (special
10 funds).

11 (2) The ~~fund~~ Fund shall be used to implement and administer this
12 chapter, including planning, training, and response activities as well as the
13 purchase of equipment and assisting local organizations referred to in section 6
14 of this chapter to develop emergency response plans.

15 (3) Each local emergency planning committee shall receive a minimum
16 grant of \$1,500.00, and \$4,000.00 as of July 1, 2007, annually, and may
17 petition the ~~state emergency response commission~~ State Emergency Response
18 Commission for additional funds if needed and available.

19 (4) After disbursement of the minimum grant amounts and after
20 consideration of the comments and evaluation received from the appropriate
21 local emergency planning committee, the ~~commissioner~~ Secretary, with the

1 ~~approval of the emergency response commission State Emergency Response~~
2 ~~Commission, may make additional grants from the ~~fund~~ Fund to any local~~
3 ~~emergency planning committee or regional emergency response commission as~~
4 ~~well as to any political subdivisions, including any city, town, fire district,~~
5 ~~incorporated village, and other incorporated entities in the state State in~~
6 ~~accordance with rules adopted by the ~~state emergency response commission~~~~
7 ~~State Emergency Response Commission.~~

8 (5) Unless waived by the ~~state emergency response commission~~ State
9 ~~Emergency Response Commission~~, grants shall be matched by local
10 governments in the amount of 25 percent of the grant. The matching may be
11 by contribution or by privately furnished funds or by in-kind services, space, or
12 equipment ~~which~~ that would otherwise be purchased by a local emergency
13 planning committee.

14 § 39. FEES TO THE HAZARDOUS SUBSTANCES FUND

15 * * *

16 (b) The fee shall be paid to the ~~commissioner of public safety~~ Secretary and
17 shall be deposited into the ~~hazardous chemical and substance emergency~~
18 ~~response fund~~ Hazardous Chemical and Substance Emergency Response Fund.

19 (c) The following are exempted from paying the fees required by this
20 section but shall comply with the reporting requirements of this chapter.

21 * * *

1 ~~(3) Persons engaged in farming as defined in 10 V.S.A. § 6001 of this~~
2 ~~title.~~

3 * * *

4 (d) ~~No~~ A person shall not be required to pay a fee for a chemical or
5 substance which has been determined to be an economic poison as defined in
6 6 V.S.A. § 911 or for a fertilizer or agricultural lime as defined in 6 V.S.A.
7 § 363 and for which a registration or tonnage fee has been paid to the ~~agency~~
8 ~~of agriculture, food and markets~~ Agency of Agriculture, Food and Markets
9 pursuant to ~~chapter 28 or 81 of Title 6 V.S.A.~~ chapter 28 or 81.

10 (e)(1) The ~~state~~ State or any political subdivision, including any
11 municipality, fire district, emergency medical service, or incorporated village,
12 is authorized to recover any and all reasonable direct expenses incurred as a
13 result of the response to and recovery of a hazardous chemical or substance
14 incident from the person or persons responsible for the incident.

15 (2) All funds collected by the ~~state~~ State under this subsection shall be
16 deposited into the ~~hazardous chemical and substance emergency response fund~~
17 Hazardous Chemical and Substance Emergency Response Fund created
18 pursuant to subsection 38(b) of this chapter.

19 (3) The ~~attorney general~~ Attorney General shall act on behalf of the ~~state~~
20 State to recover these expenses.

1 ~~(1) The state State or political subdivision shall be awarded costs and~~
2 reasonable ~~attorney~~ attorney's fees that are incurred as a result of exercising
3 the provisions of this subsection.

4 § 40. ENFORCEMENT

5 (a) The ~~department of public safety~~ Agency of Public Safety shall have
6 authority to inspect the premises and records of any employer to ensure
7 compliance with the provisions of this chapter and the rules adopted under this
8 chapter.

9 * * *

10 Sec. 29. 20 V.S.A. § 101 is amended to read:

11 § 101. EMERGENCY MANAGEMENT ASSISTANCE COMPACT;

12 ADOPTION

13 The ~~state~~ State of Vermont hereby adopts the ~~emergency management~~
14 ~~assistance compact~~ Emergency Management Assistance Compact. The
15 ~~director of the Vermont emergency management services~~ Commissioner of
16 Emergency Management and Homeland Security and the Vermont ~~adjutant~~
17 ~~general~~ Adjutant and Inspector General may adopt rules for procedures and
18 practices necessary to implement Vermont's entry into and participation in the
19 ~~emergency management assistance compact (EMAC)~~ Compact.

1 *** Fire Prevention ***

2 Sec. 30. 20 V.S.A. chapter 173 is amended to read:

3 CHAPTER 173. PREVENTION AND INVESTIGATION OF FIRES

4 Subchapter 1. General Provisions

5 § 2681. ~~COMMISSIONER~~ SECRETARY OF PUBLIC SAFETY AS STATE
6 FIRE MARSHAL; DEPUTY AND ASSISTANTS; HAZMAT
7 EMERGENCY OPERATION TEAM

8 (a)(1) ~~The commissioner of public safety~~ Secretary of Public Safety shall
9 ~~be ex officio fire marshal~~ State Fire Marshal. ~~The commissioner shall annually~~
10 ~~by March 15 submit to the governor a detailed report. A copy of this report~~
11 ~~shall be mailed to each fire department, paid or volunteer, in the state of~~
12 ~~Vermont.~~

13 (2) Subject to the approval of the ~~governor~~ Governor, the ~~commissioner~~
14 Secretary may appoint a ~~deputy fire marshal~~ Deputy Fire Marshal and other
15 necessary assistants who shall assist ~~him or her~~ the Secretary as ~~state fire~~
16 ~~marshal~~ State Fire Marshal.

17 (b), (c) [Repealed.]

18 (d) The Secretary shall annually by March 15 submit to the Governor a
19 detailed report. A copy of this report shall be mailed to each fire department,
20 paid or volunteer, in the State of Vermont.

21 ***

1 ~~§ 2688. REPORT OF FIRE INSURANCE COMPANY~~

2 When required by the ~~commissioner~~ Secretary, a fire insurance company or
3 association transacting business in this ~~state~~ State shall report to ~~such~~
4 ~~commissioner~~ the Secretary, after the adjustment of a loss, the amount of all
5 policies issued by ~~such~~ the company or association on the property destroyed
6 or damaged, the amount paid or payable on account of such loss, and such
7 other information relating to the matter as the ~~commissioner~~ Secretary may
8 require.

9 ~~§ 2689. FAILURE OF OFFICER TO PERFORM DUTY~~

10 An officer referred to in section ~~2831~~ of this title who wilfully neglects to
11 comply with any of the requirements of this chapter shall be fined not more
12 than \$100.00 nor less than \$10.00. [Repealed.]

13 Subchapter 2. Department of Fire Safety ~~Division~~

14 Article 1. Generally

15 * * *

16 ~~§ 2728. DIRECTOR~~ COMMISSIONER OF FIRE SAFETY

17 (a) There shall be a ~~director of fire safety~~ Commissioner of Fire Safety,
18 who shall be responsible for the operation and supervision of the ~~fire safety~~
19 ~~division of Department of Fire Safety~~ within the department of public safety
20 Agency of Public Safety.

1 ~~(b) The director Commissioner shall report directly to the commissioner~~
2 ~~Secretary and shall serve as a member of the fire service training council Fire~~
3 ~~Service Training Council.~~

4 (c) The ~~director~~ Commissioner shall be an exempt ~~state~~ State employee and
5 shall be appointed by the ~~commissioner~~ Secretary, with the approval of the
6 ~~governor~~ Governor.

7 * * *

8 § 2731. RULES; INSPECTIONS; VARIANCES

9 (a) The ~~Commissioner~~ Secretary is authorized to adopt rules regarding the
10 construction of buildings, maintenance, and operation of premises, and
11 prevention of fires and removal of fire hazards, and to prescribe standards
12 necessary to protect the public, employees, and property against harm arising
13 out of or likely to arise out of fire.

14 (b) The ~~Commissioner~~ Secretary shall conduct inspections of premises to
15 assure that the rules adopted under this subchapter are being observed and may
16 establish priorities for enforcing these rules and standards based on the relative
17 risks to persons and property from fire of particular types of premises. The
18 ~~Commissioner~~ Secretary may also conduct inspections to ~~assure~~ ensure that
19 buildings are constructed in accordance with approved plans and drawings.

20 * * *

1 ~~(d) The Commissioner Secretary shall make all practical efforts to process~~
2 permits in a prompt manner. The ~~Commissioner~~ Secretary shall establish time
3 limits for permit processing as well as procedures and time periods within
4 which to notify applicants whether an application is complete.

5 (e) The ~~Commissioner~~ Secretary may grant variances or exemptions from
6 rules adopted under this subchapter where strict compliance would entail
7 practical difficulty, unnecessary hardship, or is otherwise found unwarranted,
8 provided that:

9 (1) any such variance or exemption secures the public safety and
10 health; ~~and~~

11 (2) any petitioner for such a variance or exemption can demonstrate that
12 the methods, means, or practices proposed to be taken in lieu of compliance
13 with the rule or rules provide, in the opinion of the ~~Commissioner~~ Secretary,
14 equal protection of the public safety and health as provided by the rule or
15 rules; ~~and~~

16 * * *

17 (f) The ~~Commissioner~~ Secretary shall, in ~~state-funded~~ State-funded
18 buildings or new additions to ~~state-funded~~ State-funded buildings on which
19 construction is begun after June 30, 2001, meet the standards contained in
20 "The Vermont Guidelines for Energy Efficient Commercial Construction" as
21 published in its most recent edition by the Department of Public Service.

1 ***

2 (h) A building owner or contractor engaged in an older and historic
3 renovation project may propose innovative, performance-based alternatives in
4 lieu of strict fire and building code compliance. The ~~Commissioner~~ Secretary
5 shall consider such alternatives and shall accept those that provide equivalent
6 protection of the public safety and health. A decision to accept or deny a
7 proposed alternative shall be in writing and explain the reasons for accepting
8 or denying the alternative.

9 (i)(1) The ~~Department~~ Agency approves stamped architectural plans by
10 issuing a plan review letter. If, upon final inspection, the ~~Department~~
11 Agency requires structural changes, additional life safety modifications, or
12 ~~state-mandated~~ State-mandated accessibility modifications, and the
13 modifications or changes are not the result of design or construction changes
14 by the owner, the owner or architect:

15 (A) may apply for a variance or exemption as provided in subsection
16 (e) of this section, section 2732 of this ~~title, chapter~~ or 26 V.S.A. § 124; and

17 (B) if the variance or exemption request is denied, upon the
18 completion of the structural changes or additional life safety, or
19 State-mandated accessibility modifications, as the case may be, may apply
20 to the ~~Commissioner~~ Secretary for a reimbursement of some or all of the plan
21 review fee paid for the project.

1 ~~(2) The decisions of the Commissioner Secretary, pursuant to this~~
2 subsection, shall be final. The ~~Commissioner~~ Secretary shall adopt rules to
3 carry out the provisions of this subsection. This subsection shall not apply to
4 design or construction changes necessary to comply with an alternative method
5 of life safety code or State-mandated accessibility compliance requested by the
6 owner after the plan review.

7 (j) Rules adopted under this section shall require that information, written,
8 approved, and distributed by the ~~Commissioner~~ Secretary, on the type,
9 placement, and installation of photoelectric smoke detectors and carbon
10 monoxide detectors be conspicuously posted in the retail sales area where the
11 detectors are sold.

12 (k) ~~Building codes.~~ Pursuant to his or her authority under this section, the
13 ~~Commissioner of Public Safety~~ Secretary shall:

14 (1) Develop and maintain on the ~~Department~~ Agency website a graphic
15 chart or grid depicting categories of construction, including new construction,
16 major rehabilitation, change of use, and additions, and the respective building
17 codes that apply to each category.

18 (2) Whenever practicable and appropriate, offer the opportunity to
19 construction and design professionals to participate in ~~Division~~ Department of
20 Fire Safety staff training.

21 * * *

1 ~~(4) Create a publicly accessible database of decisions that are decided on~~
2 appeal to the ~~Commissioner~~ Secretary.

3 (1) Provision of a certificate as required by ~~21 V.S.A. § 266~~ 30 V.S.A. § 51
4 (residential building energy standards; stretch code) or ~~268~~ 53 (commercial
5 building energy standards) shall be a condition precedent to the issuance of a
6 certificate of use or occupancy for a public building under the rules adopted
7 pursuant to this section.

8 § 2732. HISTORIC VARIANCE APPEALS BOARD; VARIANCES;

9 EXEMPTIONS

10 (a) An ~~historic variance appeals board~~ Historic Variance Appeals Board is
11 created. The ~~board~~ Board shall consist of the following three members: the
12 ~~commissioner of public safety~~ Secretary of Public Safety or designee, who
13 shall be ~~chair~~ Chair; the ~~state historic preservation officer~~ State Historic
14 Preservation Officer or designee; and a representative of the Vermont historic
15 preservation community appointed by the ~~governor~~ Governor. A ~~board~~ Board
16 member who is not a ~~state~~ State employee shall be entitled to compensation
17 and expenses as provided by 32 V.S.A. § 1010.

18 (b) The ~~board~~ Board shall hear and determine all requests for variances or
19 exemptions from the rules adopted by the ~~commissioner~~ Secretary under this
20 subchapter for historic buildings and structures. A request for a variance or
21 exemption may be granted where an applicant has demonstrated that strict

1 ~~compliance would entail practical difficulty, or unnecessary hardship, or would~~
2 damage or destroy the historic architectural integrity of the historic building or
3 structure, or is otherwise found unwarranted, provided that:

4 * * *

5 (d)(1) Any person seeking a variance or exemption for work involving an
6 historic building shall file a written request with the ~~commissioner~~ Secretary.
7 The request shall describe the rule or rules from which the variance or
8 exemption is sought, the reasons why a variance or exemption is sought, and a
9 description as to how any alternative means of protecting the public safety and
10 health is to be provided.

11 (2) The ~~board~~ Board shall meet and consider such requests within 15
12 working days of the request being filed with the ~~commissioner~~ Secretary. In
13 deciding whether to grant or deny the request, the ~~board~~ Board shall take
14 testimony or receive information from the applicant or his or her
15 representatives, and from ~~fire safety division~~ Department of Fire Safety staff.

16 (3) A decision of the ~~board~~ Board based on a majority vote of those
17 members present shall be binding. The ~~board~~ Board shall issue a written
18 determination granting or denying, in whole or in part, any variance or
19 exemption request, or permission to phase in compliance, within 60 days of
20 hearing the request. If a grant is conditional, the condition shall be clearly
21 stated in writing. Failure to act on a request within 60 days shall be deemed

1 ~~approval of the request, provided that the public safety and health is not~~
2 ~~imminently threatened.~~

3 * * *

4 (f) The ~~board~~ Board is attached to the ~~department of public safety~~ Agency
5 of Public Safety for administrative purposes.

6 (g) The ~~board~~ Board shall be subject to the requirements of ~~subchapters 2~~
7 ~~and 3 of chapter 5 of Title 1 V.S.A. chapter 5, subchapters 2 and 3 (the Open~~
8 Meeting Law and the Public Records Act).

9 § 2733. ORDERS TO REPAIR, REHABILITATE, OR REMOVE

10 STRUCTURE

11 (a)(1) Whenever the ~~commissioner~~ Secretary finds that premises or any
12 part of them does not meet the standards adopted under this subchapter, the
13 ~~commissioner~~ Secretary may order it repaired or rehabilitated. If it is not
14 repaired or rehabilitated within a reasonable time as specified by the
15 ~~commissioner~~ Secretary in his or her order, the ~~commissioner~~ Secretary may
16 order the premises or part of them closed, if by doing so the public safety will
17 not be imperiled; otherwise he or she shall order demolition and removal of the
18 structure, or fencing of the premises.

19 (2) Whenever a violation of the rules is deemed to be imminently
20 hazardous to persons or property, the ~~commissioner~~ Secretary shall order the
21 violation corrected immediately. If the violation is not corrected, the

1 ~~commissioner Secretary may then order the premises or part of them~~

2 immediately closed and to remain closed until the violation is corrected.

3 (b) Whenever a structure, by reason of age, neglect, want of repair, action
4 of the elements, destruction, either partial or total by fire or other casualty or
5 other cause, is so dilapidated, ruinous, decayed, filthy, unstable, or dangerous
6 as to constitute a material menace or damage in any way to adjacent property,
7 or to the public, and has so remained for a period of not less than one week, the
8 ~~commissioner Secretary~~ may order such structure demolished and removed.

9 (c) Orders issued under this section shall be served by certified mail with
10 return receipt requested or in the discretion of the ~~commissioner Secretary~~,
11 shall be served in the same manner as summonses are served under the
12 Vermont Rules of Civil Procedure promulgated by the ~~supreme court~~ Supreme
13 Court, to all persons who have a recorded interest in the property recorded in
14 the place where land records for the property are recorded, including owners,
15 tenants, mortgagees, attaching creditors, lien holders, and public utilities or
16 water companies serving the premises.

17 § 2734. PENALTIES

18 * * *

19 (c) The ~~commissioner Secretary~~ may, after notice and opportunity for
20 hearing, assess an administrative penalty of not more than \$1,000.00 for each
21 violation of this subchapter or any rule adopted under this subchapter.

1 ~~Penalties assessed pursuant to this subsection shall be based on the severity of~~
2 the violation. An election by the ~~commissioner~~ Secretary to proceed under this
3 subsection shall not limit or restrict the ~~commissioner's~~ Secretary's authority
4 under subsection (a) of this section.

5 * * *

6 § 2735. STATE BUILDINGS

7 The ~~Commissioner~~ Secretary shall establish a risk classification system for
8 all State buildings. State buildings classified as high or medium risk shall be
9 inspected at least every five years.

10 § 2736. MUNICIPAL ENFORCEMENT

11 (a)(1) The legislative body of a municipality may appoint one or more
12 trained and qualified officials and may establish procedures to enforce rules
13 and standards adopted under subsection 2731(a) of this ~~title~~ chapter.

14 (2) After considering the type of buildings within the municipality, if the
15 ~~commissioner~~ Secretary determines that the training, qualifications, and
16 procedures are sufficient, he or she may assign responsibility to the
17 municipality for enforcement of some or all of these rules and standards. The
18 ~~commissioner~~ Secretary may also assign responsibility for enforcement of the
19 rules of the ~~access board~~ Access Board adopted under section 2902 of this title.

20 (3) The ~~commissioner~~ Secretary shall provide continuing review,
21 consultation, and assistance as may be necessary. The assignment of

1 ~~responsibility may be revoked by the commissioner Secretary after notice and~~
2 an opportunity for hearing if the ~~commissioner~~ Secretary determines that the
3 training, qualifications, or procedures are insufficient.

4 (4) The assignment of responsibility shall not affect the ~~commissioner's~~
5 Secretary's authority under this subchapter.

6 * * *

7 (c) Subject to rules adopted under section 2731 of this title, municipal
8 officials appointed under this section may enter any premises in order to carry
9 out the responsibilities of this section. The officials may order the repair,
10 rehabilitation, closing, demolition, or removal of any premises to the same
11 extent as the ~~commissioner~~ Secretary may under section 2732 of this ~~title~~
12 chapter.

13 (d) Upon a determination by the ~~commissioner~~ Secretary that a
14 municipality has established sufficient procedures for granting variances and
15 exemptions, such variances and exemptions may be granted to the same extent
16 authorized under subsection 2731(b) of this ~~title~~ chapter.

17 (e) The results of all activities conducted by municipal officials under this
18 section shall be reported to the ~~commissioner~~ Secretary periodically upon
19 request.

20 * * *

1 ~~§ 2737. BUILDING PERMITS~~

2 Each municipality shall provide to the ~~commissioner~~ Secretary upon request
3 information regarding building permits issued by the municipality.

4 § 2738. FIRE PREVENTION AND BUILDING INSPECTION SPECIAL

5 FUND

6 * * *

7 (b) Fees collected under subsection (a) of this section shall be available to
8 the ~~department of public safety~~ Agency of Public Safety to offset the costs of
9 the ~~division of fire safety~~ Department of Fire Safety.

10 * * *

11 Subchapter 2A. Fire Safety and Cigarettes

12 * * *

13 § 2757. CIGARETTES; REDUCED IGNITION PROPENSITY

14 * * *

15 (b) No cigarettes may be manufactured in this State or sold or offered for
16 sale to any person in this State unless the cigarettes have been tested in
17 accordance with the test method and meet the performance standard specified
18 in this subsection, and the manufacturer has filed a written certification with
19 the ~~Commissioner~~ Secretary of Public Safety in accordance with subsection (c)
20 of this section. The performance standard for cigarettes sold or offered for sale
21 in Vermont includes all the following:

1 ~~(1) Testing of cigarettes shall be conducted in accordance with the~~
2 American Society of Testing and Materials (ASTM) standard E2187-04
3 “Standard Test Method for Measuring the Ignition Strength of Cigarettes.”
4 The ~~Commissioner~~ Secretary may adopt a subsequent ASTM Standard Test
5 Method for Measuring the Ignition Strength of Cigarettes upon a finding
6 that the subsequent method does not result in a change in the percentage of
7 full-length burns exhibited by any tested cigarette when compared to the
8 percentage of full-length burns the same cigarette would exhibit when tested in
9 accordance with ASTM Standard E2187-04 and the performance standard of
10 this subsection.

11 * * *

12 (7) The manufacturer of a cigarette that the ~~Commissioner~~ Secretary
13 determines cannot be tested in accordance with the test method required by this
14 subsection shall propose to the ~~Commissioner~~ Secretary a test method and
15 performance standard for that cigarette. The ~~Commissioner~~ Secretary may
16 approve a test method and performance standard that the ~~Commissioner~~
17 Secretary determines is equivalent to the requirement of this subsection, and
18 the manufacturer may use that test method and performance standard for
19 certification pursuant to subsection (c) of this section.

20 (8) A manufacturer shall retain all data from testing conducted under
21 this section for a period of three years. The manufacturer shall provide that

1 ~~data to the Commissioner Secretary and the Attorney General upon request in~~
2 order to ensure compliance with the performance standard required by this
3 subsection.

4 (c) Each manufacturer shall submit to the ~~Commissioner~~ Secretary written
5 certification attesting that each cigarette has been tested in accordance with and
6 has met the performance standard required under subsection (b) of this section.
7 The description of each cigarette listed in the certification shall include the
8 brand; style; length in millimeters; circumference in millimeters; flavor, if
9 applicable; filter or nonfilter; package description, such as a soft pack or box;
10 and the mark approved pursuant to subsection (d) of this section. Upon
11 request, this certification shall be made available to the Attorney General and
12 Department of Liquor Control. Each cigarette certified under this subsection
13 shall be recertified every three years. For the certification or recertification of
14 each brand style, the fee shall be \$1,000.00. The fees shall be paid into the
15 Fire Prevention and Building Inspection Special Fund established in ~~20 V.S.A.~~
16 § section 2738 of this chapter.

17 (d) Cigarettes that have been certified pursuant to subsection (c) of this
18 section shall be marked pursuant to the following requirements:

19 * * *

20 (2) A manufacturer shall request approval of a proposed marking from
21 the ~~Commissioner~~ Secretary. Any marking approved and in use for the sale of

1 ~~cigarettes in the state State of New York shall be approved unless the~~
2 ~~Commissioner Secretary determines that the New York Fire Safety Standards~~
3 ~~for Cigarettes have changed significantly since those standards were effective~~
4 ~~on June 28, 2004. A marking shall be deemed approved if the Commissioner~~
5 ~~Secretary fails to act within 10 business days of receiving a request for~~
6 ~~approval. A manufacturer shall not use a modified marking unless the~~
7 ~~modification has been approved in accordance with this subdivision. A~~
8 ~~manufacturer shall use only one marking on all brands that the manufacturer~~
9 ~~markets. A marking or modified marking approved by the Commissioner~~
10 ~~Secretary shall be applied uniformly on all brands marketed and on all~~
11 ~~packages, including packs, cartons, and cases marketed by that manufacturer.~~

12 (e)(1) A manufacturer shall provide a copy of certifications to all wholesale
13 dealers and stamping agents to which the manufacturer sells cigarettes and
14 shall provide sufficient copies of an illustration of the packaging marking
15 approved and used by the manufacturer pursuant to subsection (d) of this
16 section for each of the retail dealers that purchases cigarettes from any of those
17 wholesale dealers and stamping agents.

18 (2) Wholesale dealers and stamping agents shall provide a copy of the
19 illustration to all retail dealers to which they sell cigarettes.

20 (3) Wholesale dealers, stamping agents, and retail dealers shall permit
21 the ~~Commissioner of Public Safety~~ Secretary or the Commissioner of Liquor

1 ~~Control or their designees to inspect markings on cigarette packaging at any~~
2 time.

3 (f) ~~The Commissioner~~ Secretary:

4 * * *

5 Subchapter 3A. Fire Hazards and Dangerous Substances

6 * * *

7 § 2800. RULES AND STANDARDS

8 The ~~commissioner~~ Secretary may adopt rules and standards for explosion
9 prevention, fire prevention, and public safety with respect to the safekeeping,
10 storage, use, manufacturing, sale, handling, transportation, and other
11 disposition of explosive materials, flammable materials, hazardous materials,
12 petroleum, and petroleum products. The ~~commissioner~~ Secretary may
13 prescribe the location, materials, and construction of buildings and other
14 facilities to be used for these purposes.

15 § 2801. SEIZURE OF MATERIALS

16 Without warrant, the ~~commissioner~~ Secretary, a member of the ~~state police~~
17 State Police, a sheriff, a deputy sheriff, a police officer, or a constable may
18 seize materials held by a person in violation of rules adopted under this
19 subchapter and hold the same subject to the order of the court taking
20 jurisdiction of the offense.

1 ~~§ 2802. ORDERS~~

2 After an inspection, the ~~commissioner~~ Secretary may issue an appropriate
3 order to remove or abate a condition dangerous to persons or property
4 involving explosive materials, flammable materials, or hazardous materials.

5 This order shall be served on the owner or occupant of the premises on which
6 the condition exists.

7 * * *

8 Subchapter 5. Boilers and Pressure Vessels

9 * * *

10 § 2882. RULES; INSTALLATION STANDARDS

11 (a) The ~~commissioner~~ Secretary may adopt rules pertaining to boilers and
12 pressure vessels, and standards to be observed, necessary for the safety and
13 protection of the public, employees, and property. The ~~commissioner~~
14 Secretary may provide for operating certificates to be issued before a boiler or
15 pressure vessel may be used.

16 (b) A boiler or pressure vessel regulated by the rules adopted under this
17 section shall be designed, manufactured, and assembled in accordance with the
18 relevant standards published by the:

19 * * *

1 ~~(4) European Committee for Standardization, for boilers or pressure~~
2 vessels with an input of greater than 250,000 Btu or a water jacket size of
3 greater than 60 gallons as approved by the ~~commissioner~~ Secretary.

4 * * *

5 (e) In reviewing an application for a variance, the ~~commissioner~~ Secretary
6 may rely upon decisions or information from other states or governmental
7 entities that have reviewed and approved a boiler or pressure vessel that does
8 not meet one of the standards set forth under subsection (b) of this section.

9 § 2883. BOILER INSPECTIONS

10 (a) The ~~commissioner~~ Secretary has authority to obtain specific
11 information from boiler inspectors on forms which shall first be approved by
12 the ~~commissioner~~ Secretary. The ~~commissioner~~ Secretary may authorize
13 qualified inspectors to conduct inspections under such rules as the
14 ~~commissioner~~ Secretary may prescribe.

15 (b)(1) If a boiler or pressure vessel is insured, the inspection may be
16 conducted by a qualified inspector who is employed, or contractually
17 authorized, by the insurer.

18 (2) If a boiler or pressure vessel is not insured, the inspection may be
19 conducted by any qualified inspector authorized by the ~~commissioner~~
20 Secretary. In case the inspection is made by such an inspector, no fee shall be

1 ~~charged by the division Department, except a process fee of \$30.00 for~~

2 issuance of an operating certificate.

3 (c) The fee for a person requesting a three-year authorization to conduct
4 inspections shall be \$150.00.

5 (d) A licensed boiler inspector shall carry liability insurance in an amount
6 determined by the ~~department~~ Agency.

7 * * *

8 § 2885. PENALTIES

9 The ~~commissioner~~ Secretary may assess penalties pursuant to section 2734
10 of this ~~title~~ chapter against a person who violates this subchapter or any rule
11 adopted under this subchapter.

12 * * * Vermont Fire Service Training Council * * *

13 Sec. 31. 20 V.S.A. chapter 179 is amended to read:

14 CHAPTER 179. VERMONT FIRE SERVICE TRAINING COUNCIL

15 * * *

16 § 3152. VERMONT FIRE SERVICE TRAINING COUNCIL CREATED

17 (a)(1) The Vermont Fire Service Training Council is created under the
18 Agency of Public Safety's Department of Training and Certification.

19 (2) The Council shall consist of 12 members.

20 (A) The Secretary of Public Safety, the Commissioner of Labor, the
21 Commissioner of Public Safety, the Director Commissioner of Fire Safety, the

1 ~~Commissioner of Forests, Parks and Recreation, the Secretary of Education,~~
2 and the Commissioner of Health, or their designees, shall serve as ex officio
3 members of the Council.

4 (B) Six members shall be appointed by the Governor for three-year
5 terms. Of the appointed members, the Governor shall appoint one member
6 who during incumbency is a representative of the Vermont Career Fire Chiefs
7 Association; one member who, at the time of appointment, is a representative
8 of the Professional Firefighters of Vermont; one member, who, at the time of
9 appointment, is a representative of the Vermont Fire Chiefs Association and
10 who is a fire chief of a volunteer fire department; one member who, at the time
11 of appointment, is a representative of the Vermont State Firefighters
12 Association and who is a volunteer firefighter; one member who during
13 incumbency is an employee, officer, or director of an insurance company
14 domiciled in this State and subject to the assessment under 32 V.S.A. § 8557;
15 and one member of the public who is not involved in fire service. To the
16 extent possible, appointments shall be geographically representative.

17 * * *

18 § 3154. CHIEF FIRE SERVICE TRAINING OFFICER; POWERS AND
19 DUTIES

20 (a) Subject to the approval of the ~~governor~~ Governor, the ~~commissioner of~~
21 ~~public safety~~ Secretary of Public Safety shall appoint a ~~chief fire service~~

1 ~~training officer Chief Fire Service Training Officer. The commissioner~~
2 ~~Secretary shall seek the recommendation of the ~~council~~ Council before~~
3 ~~selecting a ~~chief fire service training officer~~ Chief Fire Service Training~~
4 ~~Officer for the ~~governor's~~ Governor's approval. The ~~chief fire service training~~~~
5 ~~~~officer~~ Chief Fire Service Training Officer shall:~~

6 (1) have administrative experience and be knowledgeable about matters
7 relating to fire services;

8 (2) be an exempt state State employee; and

9 (3) hold office at the pleasure of the ~~commissioner~~ Secretary.

10 (b) The ~~chief fire service training officer~~ Chief Fire Service Training
11 Officer shall have the following powers and duties which shall be exercised
12 under the supervision of the ~~director of fire safety~~ Commissioner of Fire Safety
13 and in accordance with rules adopted by the ~~council~~ Council:

14 * * *

15 § 3157. ~~DIVISION~~ DEPARTMENT OF FIRE SAFETY SPECIAL FUND

16 (a) The ~~division of fire safety special fund~~ Department of Fire Safety
17 Special Fund is established.

18 (b) The ~~fund~~ Fund shall be administered by the ~~commissioner of public~~
19 ~~safety~~ Secretary of Public Safety from which payments may be made to
20 support training programs and activities authorized by this chapter,
21 maintenance and operation of any permanent training facilities operated by the

1 ~~division of fire safety Department of Fire Safety, and the administrative~~
2 ~~expenses of the division of fire safety Department.~~

3 (c) ~~The fund Fund shall consist of all monies received from tuitions,~~
4 ~~contributions, capital grants, or other funds received by the council Council,~~
5 ~~transfers from the insurance regulatory and supervision fund under 8 V.S.A.~~
6 ~~§ 80(b), and assessments of insurance companies under 32 V.S.A. § 8557(a),~~
7 ~~together with monies appropriated to the fund Fund.~~

8 (d) ~~Monies remaining in the fund Fund at the end of any fiscal year shall be~~
9 ~~carried forward and remain in the fund Fund.~~

10 (e) ~~Disbursement from the fund Fund shall be made by the state treasurer~~
11 ~~State Treasurer on warrants drawn by the commissioner of finance and~~
12 ~~management Commissioner of Finance and Management.~~

13 * * *

14 * * * Missing Persons and Search and Rescue * * *

15 Sec. 32. 20 V.S.A. chapter 112 is amended to read:

16 CHAPTER 112. MISSING PERSONS AND SEARCH AND RESCUE

17 Subchapter 1. Missing Persons

18 * * *

19 § 1823. DISSEMINATION OF MISSING PERSON REPORT

20 (a) Upon completion of the report, a copy shall forthwith be forwarded to
21 the ~~Commissioner~~ Secretary of Public Safety, all law enforcement agencies

1 ~~within the jurisdiction where the missing person lives or was last seen, and~~
2 other law enforcement agencies that can reasonably be expected to be involved
3 in any investigation.

4 * * *

5 § 1825. MISSING PERSON COMPLAINTS REGARDING
6 UNEMANCIPATED MINORS

7 If a missing person complaint involves an unemancipated minor, including
8 a runaway child as defined in 13 V.S.A. § 1311, the law enforcement agency
9 shall transmit the report, as soon as it is complete, to the ~~Department~~ Agency
10 of Public Safety for inclusion in the National Crime Information Center
11 database.

12 * * *

13 § 1827. ~~COMMISSIONER~~ SECRETARY OF PUBLIC SAFETY;
14 COOPERATION

15 The ~~Commissioner~~ Secretary of Public Safety shall cooperate with and
16 support all law enforcement agencies in this State in matters relating to missing
17 persons. When necessary to protect a missing person from harm, the
18 ~~Commissioner~~ Secretary shall coordinate local and State efforts to search for
19 and rescue the missing person.

1 ~~§ 1828. VERMONT AMBER ALERT PROGRAM~~

2 The ~~Department~~ Agency of Public Safety shall establish the Vermont
3 Amber Alert Program to aid in the identification and location of abducted
4 children. The ~~Department~~ Agency shall administer the program pursuant to
5 the following:

6 (1) A law enforcement agency which verifies the abduction of a child
7 shall notify the ~~Department of Public Safety~~ Agency.

8 (2) The ~~Department~~ Agency shall establish a procedure for verifying the
9 need to issue an Amber Alert.

10 (3) The ~~Department of Public Safety~~ Agency shall issue an alert over the
11 Vermont Emergency Alert System if:

12 (A) a law enforcement agency notifies the ~~Department~~ Agency of the
13 abduction of a child;

14 * * *

15 (4) An Alert issued under this section shall be sent to the Federal
16 Communications Commission's designated state Emergency Alert System
17 broadcaster in Vermont. Participating radio and television stations shall
18 broadcast the Alert at intervals established by the ~~Department~~ Agency. The
19 Alert shall include all information ~~which~~ that the ~~Department~~ Agency
20 determines may assist in the safe recovery of the abducted child and

1 ~~instructions explaining how a person with information related to the abduction~~
2 may contact a law enforcement agency.

3 * * *

4 (6) An Alert issued under this section shall be canceled:

5 (A) if the ~~Department~~ Agency notifies the Federal Communications
6 Commission's designated ~~state~~ State Emergency Alert System broadcaster in
7 Vermont that the child has been located; or

8 (B) at the expiration of a notification period specified by the
9 ~~Department~~ Agency.

10 * * *

11 Subchapter 2. Search and Rescue

12 * * *

13 § 1842. ~~COMMISSIONER~~ SECRETARY OF PUBLIC SAFETY;

14 JURISDICTION OVER SEARCH AND RESCUE OPERATIONS;

15 COORDINATION

16 (a) The ~~Commissioner~~ Secretary of Public Safety shall have jurisdiction
17 over all search and rescue operations.

18 (b)(1) The ~~Commissioner~~ Secretary shall cooperate with and support all
19 public safety agencies and any nonpublic entities that specialize in protecting
20 the safety of the public in this State in matters relating to search and rescue
21 operations. When necessary to protect a person missing in the backcountry.

1 ~~remote areas, or waters of the State from harm, the Commissioner Secretary~~
2 shall coordinate local, county, State, and any nonpublic efforts to search for
3 and rescue that person.

4 (2) The ~~Commissioner~~ Secretary shall specifically coordinate with game
5 wardens in the Department of Fish and Wildlife as needed to search for and
6 rescue a person missing or lost in the backcountry, remote areas, or waters of
7 the State.

8 § 1843. INCIDENT COMMAND SYSTEM; TRAINING

9 (a) The ~~Commissioner~~ Secretary shall ensure that all search and rescue
10 operations are conducted using the incident command system in order to
11 provide the seamless integration of all responding search and rescue agencies
12 and organizations. Incident command is a standardized, on-scene approach to
13 incident management that allows all responders to adopt a collaborative,
14 integrated organizational structure while respecting agency and jurisdictional
15 authorities.

16 (b) All Search and Rescue Team members within the ~~Department~~ Agency
17 of Public Safety shall maintain equipment standards and high-level search and
18 rescue training and training on the incident command system as established by
19 the Search and Rescue Council set forth in section 1847 of this subchapter.

20 The Search and Rescue Team shall regularly conduct search and rescue

1 ~~training with collaborating agencies and organizations with the goal of~~

2 continually refining search and rescue operations.

3 § 1844. SEARCH AND RESCUE COORDINATOR

4 (a) The Search and Rescue Coordinator shall be responsible for the general
5 support of search and rescue operations conducted in the State. The Search
6 and Rescue Coordinator shall be a permanent classified position within the
7 ~~Department~~ Agency of Public Safety and shall not be a law enforcement
8 officer.

9 (b) The duties of the Coordinator shall include:

10 * * *

11 (2) maintaining records of all search and rescue operations reported to
12 the ~~Department~~ Agency, including the date of the operation, the resources that
13 assisted in the operation, and the result of the operation;

14 * * *

15 § 1845. SEARCH AND RESCUE REPORT; RESPONSE

16 (a) Report of a person missing; response.

17 (1) A law enforcement agency taking a report of any person missing in
18 the backcountry, remote areas, or waters of the State shall immediately:

19 (A) respond and take immediate action to locate the person reported
20 missing; and

1 ~~(B) notify the Department Agency of Public Safety to advise of the~~
2 situation.

3 (2) Any other public safety agency or a nonpublic entity that specializes
4 in protecting the safety of the public and is included in the search and rescue
5 database set forth in section 1846 of this subchapter which takes a report of
6 any person missing in the backcountry, remote areas, or waters of the State:

7 (A) shall immediately notify the ~~Department~~ Agency of Public Safety
8 to advise of the situation; and

9 (B) may respond and take immediate action to locate the person
10 reported missing.

11 (b) ~~Department~~ Agency of Public Safety response.

12 (1) When provided with a report of a person missing in the backcountry,
13 remote areas, or waters of the State, the ~~Department~~ Agency shall ensure that
14 notification is made to its Search and Rescue Team and the Team, in
15 consultation with the entity providing the report, shall determine the
16 appropriate level of response needed based on best practices in search and
17 rescue operations. The ~~Department~~ Agency shall also ensure that notification
18 is made to any municipal police and fire departments of the town in which the
19 person is missing, any volunteer fire departments of that town, and any
20 emergency medical service providers of that town which are in the search and
21 rescue database.

1 ~~(2) The Department Agency shall ensure that an immediate response to~~
2 any report of a person missing in the backcountry, remote areas, or waters of
3 the State is made, including immediate action to locate the person reported
4 missing.

5 § 1846. SEARCH AND RESCUE DATABASE

6 The ~~Department~~ Agency of Public Safety shall populate and use a search
7 and rescue database as set forth in this section.

8 * * *

9 * * * New England State Police Compact * * *

10 Sec. 33. 20 V.S.A. chapter 114 is amended to read:

11 CHAPTER 114. NEW ENGLAND STATE POLICE COMPACT

12 * * *

13 Subchapter 2. Provisions Relating to Compact

14 § 1971. ADMINISTRATOR

15 The ~~commissioner of public safety~~ Secretary of Public Safety shall be the
16 “administrative head of the state police department” for the purposes of the
17 New England ~~state police compact~~ State Police Compact set forth in
18 subchapter 1 of this chapter.

19 § 1972. ALTERNATE REPRESENTATIVE

20 The ~~commissioner of public safety~~ Secretary may designate an alternate to
21 serve in his or her place and stead on the New England ~~state police~~

1 ~~administrators' conference~~ State Police Administrators' Conference as
2 permitted by article III(b) and (c) of the New England ~~state police compact~~
3 State Police Compact; however, it is the intention of the ~~general assembly~~
4 General Assembly that the ~~commissioner~~ Secretary shall attend and participate
5 in the work of the ~~conference~~ Conference in person to the maximum extent
6 practicable.

7 * * * Federal Law Enforcement Officers * * *

8 Sec. 34. 20 V.S.A. § 2222 is amended to read:

9 § 2222. FEDERAL LAW ENFORCEMENT OFFICERS; POWER OF

10 ARREST FOR VERMONT CRIMES

11 (a) ~~For purposes of~~ As used in this section, "a certified federal law
12 enforcement officer" means a federal law enforcement officer who:

13 * * *

14 (3) has been certified by the ~~commissioner of public safety~~ Secretary of
15 Public Safety pursuant to subsection (b) of this section; and

16 (4) has taken an oath administered by the ~~commissioner of the~~
17 ~~department of public safety~~ Secretary of Public Safety or by the
18 ~~commissioner's~~ Secretary's designee to uphold the ~~constitution~~ Constitution of
19 the ~~state~~ State of Vermont.

20 * * *

~~*** Public Buildings ***~~

Sec. 35. 20 V.S.A. chapter 174 is amended to read:

CHAPTER 174. ACCESSIBILITY STANDARDS FOR PUBLIC
BUILDINGS AND PARKING

~~***~~

§ 2901. ACCESS BOARD

(a)(1) ~~An access board~~ Access Board is created consisting of ten members. The members of the ~~board~~ Board shall be the ~~commissioner of public safety,~~ Secretary of Public Safety or designee; the ~~chair of the house committee on institutions,~~ Chair of the House Committee on Corrections and Institutions or designee; the ~~chair of the senate committee on institutions,~~ Chair of the Senate Committee on Institutions or designee; the ~~commissioner of buildings and general services,~~ Commissioner of Buildings and General Services or designee; the ~~state historic preservation officer,~~ State Historic Preservation Officer or designee; and five members appointed by the ~~governor~~ Governor, including an independent architect, a builder or contractor, and three individuals with disabilities representing organizations for persons with disabilities in this ~~state,~~ appointed by the governor State.

(2) The ~~governor~~ Governor shall also appoint one additional individual with a disability to act as an alternate for the three members with disabilities in the event one of those members is unable to attend a ~~board~~ Board meeting.

1 ~~The alternate may attend all meetings and shall be paid a per diem for those~~
2 meetings attended. The alternate shall vote only in the absence of an appointed
3 member with a disability.

4 (3) Members and the alternate appointed by the ~~governor~~ Governor shall
5 serve for a term of six years.

6 (b)(1) The ~~commissioner of public safety,~~ Secretary of Public Safety or
7 designee, shall be the ~~chair~~ Chair of the ~~access board~~ Access Board and shall
8 convene the ~~board~~ Board whenever an application is made for a variance.

9 (2) Five members of the ~~board~~ Board shall constitute a quorum. A
10 decision of the ~~board~~ Board based upon a majority vote of members present
11 shall be binding.

12 (3) Members of the ~~board~~ Board who are not ~~state~~ State employees shall
13 receive a per diem of \$50.00 for each day devoted to official duties and
14 ~~reimbursement for actual and necessary expenses;~~ be entitled to compensation
15 and reimbursement of expenses pursuant to 32 V.S.A. § 1010. These ~~expenses~~
16 payments shall be reimbursed from the appropriation to the ~~department of~~
17 ~~public safety~~ Agency of Public Safety.

18 (c) The ~~access board~~ Access Board may adopt, ~~amend, and repeal~~ rules
19 ~~under chapter 25 of Title 3~~ to carry out the provisions of this chapter.

20 * * *

1 ~~§ 2906. ADMINISTRATION AND ENFORCEMENT~~

2 (a) ~~The department of public safety~~ Agency of Public Safety shall enforce
3 the provisions of this chapter relating to facilities for persons with disabilities
4 and shall adopt rules which are necessary for the performance of its duties
5 under this chapter.

6 (b) Any person may file a complaint with the ~~commissioner of public~~
7 ~~safety~~ Secretary of Public Safety alleging that a public building or unit is out of
8 compliance with the provisions of this chapter. The ~~commissioner~~ Secretary
9 shall investigate the complaint, and if substantiated, shall order that the public
10 building or unit be brought into compliance with the provisions of this chapter
11 within a reasonable period of time. Notwithstanding the foregoing, the
12 ~~commissioner~~ Secretary may establish a priority system for the investigation
13 and enforcement of this chapter.

14 * * *

15 (d) On application by the ~~commissioner~~ Secretary, the ~~superior court~~
16 Superior Court for the ~~county~~ unit in which a violation of any rule adopted or
17 any order issued under this chapter occurs shall have jurisdiction to enjoin or
18 restrain the violation. An election by the ~~commissioner~~ Secretary to proceed
19 under this subsection shall not limit or restrict the ~~commissioner's~~ Secretary's
20 authority under this or other subchapters.

1 ~~(e) The commissioner Secretary may assess penalties under section 2734 of~~
2 this title against a person who violates this chapter or any rule adopted under
3 this chapter.

4 * * *

5 * * * Explosives and Fireworks * * *

6 Sec. 36. 20 V.S.A. chapter 177 is amended to read:

7 CHAPTER 177. EXPLOSIVES AND FIREWORKS

8 * * *

9 Subchapter 2. Explosives and Tear Bombs

10 Article 1. Explosives

11 * * *

12 Division 2. Licensing of Explosives

13 § 3072. ISSUANCE OF LICENSE

14 (a) Any person who has reached the age of majority may apply to the
15 ~~Commissioner~~ Secretary of Public Safety for a license to possess, purchase,
16 store, use, transport, give, transfer, or sell explosives, as defined in 13 V.S.A.
17 § 1603, in this State for not more than one year from the date of issue.

18 (b) An applicant for a license shall be entitled to the issuance thereof upon
19 the submission of evidence, under oath, which satisfies the ~~Commissioner~~
20 Secretary of Public Safety that the applicant:

21 * * *

1 ~~(e) The application for a license shall be in duplicate on forms provided by~~
2 ~~the ~~Commissioner~~ Secretary of Public Safety and shall bear the name, address,~~
3 ~~and signature of the licensee or an officer of the licensee. The original shall be~~
4 ~~delivered to the licensee and the duplicate shall be preserved for three years by~~
5 ~~the ~~Commissioner of Public Safety~~ Secretary.~~

6 * * *

7 (e) The ~~Commissioner~~ Secretary of Public Safety may revoke any license
8 issued under this division if, in his or her opinion, the holder has violated any
9 provision of this division or of 13 V.S.A. §§ 1603-1611, or is ineligible to
10 acquire explosives or to obtain a license under this section. A written notice of
11 a revocation of a license by the ~~Commissioner of Public Safety~~ Secretary shall
12 be given to the holder of the license in person or by certified mail prior to or
13 concurrently with the effective date of the revocation, which notice shall state
14 specific grounds upon which the revocation is based.

15 § 3073. FEES

16 The fee for applications for licenses shall be \$50.00 for residents of the ~~state~~
17 State and \$100.00 for nonresidents. Initial licenses shall be for a term of one
18 year. License renewals shall be for three years for a fee of \$75.00 for residents
19 and \$150.00 for nonresidents. Fees collected under this section shall be
20 credited to a special fund and shall be available to the ~~department of public~~
21 safety Agency of Public Safety to offset the cost of providing the service.

1 ~~§ 3074. APPEALS~~

2 ~~(a)~~ Any person denied a license for the reasons enumerated in subsection
3 ~~3072(e)~~ 3072(b) of this ~~title~~ chapter or whose license is revoked may, within
4 15 days of the date of the written denial of his or her application, request a
5 hearing before the ~~commissioner of public safety~~ Secretary of Public Safety.

6 ~~(b)~~ The ~~commissioner of public safety~~ Secretary shall record any evidence
7 offered by or on behalf of the person seeking the license, and also shall record
8 any evidence denying or revoking the license, and list findings of fact upon
9 which a decision was based.

10 ~~(c)~~ In the event the license is again denied or its revocation continued for
11 any of the reasons enumerated in subsection ~~3072(e)~~ 3072(e) of this ~~title~~
12 chapter, an appeal may be taken to the appropriate ~~superior court~~ Superior
13 Court.

14 § 3075. SECRETARY OF PUBLIC SAFETY; RULES AND
15 REGULATIONS

16 The ~~commissioner of public safety~~ Secretary of Public Safety may adopt
17 rules ~~and regulations under chapter 25 of Title 3~~ to implement the provisions of
18 this division and to govern the storage, transportation, and the manner of use of
19 explosives as defined in 13 V.S.A. § 1603.

1 ~~§ 3076. PENALTIES~~

2 Any person convicted of violating the rules or regulations adopted under
3 this division or making a false statement in applying for a license under this
4 division, shall be fined not more than \$1,000.00 or imprisoned not more than
5 five years, or both.

6 Article 2. Tear Bombs

7 § 3091. PERMIT

8 No person shall manufacture, possess, use, or transport bombs, commonly
9 called tear bombs, without first securing a written permit from the
10 ~~commissioner of public safety~~ Secretary of Public Safety. ~~Such~~ These permits
11 shall be of such form and conditions, and for such length of time as the
12 ~~commissioner of public safety~~ Secretary may prescribe, and he or she may
13 revoke for cause any permit so granted.

14 * * *

15 * * * Public Assemblies * * *

16 Sec. 37. 20 V.S.A. part 9 is amended to read:

17 PART 9. ASSEMBLIES

18 CHAPTER 201. PUBLIC ASSEMBLIES

19 § 4501. DEFINITIONS

20 As used in this chapter:

1 ~~(1) "permit" "Permit" means a written statement, issued by the~~
2 ~~commissioner of public safety~~ Secretary of Public Safety or his or her
3 designee, authorizing the holding of a commercial public assembly under
4 stated conditions as to time, place, and manner;

5 ~~(2) "permit officer" "Permit officer" means the commissioner of public~~
6 ~~safety~~ Secretary of Public Safety or an officer designated by him or her to issue
7 permits;

8 * * *

9 * * * Polygraphs * * *

10 Sec. 38. 21 V.S.A. § 494b is amended to read:

11 § 494b. EMPLOYERS PERMITTED TO REQUIRE POLYGRAPH
12 EXAMINATIONS

13 The following employers may require that an applicant for employment
14 take or submit to a polygraph examination, or administer or cause to be
15 administered, a polygraph examination to an applicant for employment:

16 (1) ~~the department of public safety~~ Agency of Public Safety; ~~the~~
17 ~~department of motor vehicles, for applicants for law enforcement positions; the~~
18 ~~department of fish and wildlife~~ Department of Fish and Wildlife, for applicants
19 for law enforcement positions; ~~the department of liquor control and the liquor~~
20 ~~control board, for applicants for investigator positions; and~~ municipal police

1 ~~departments and county sheriffs, as to sworn police officers and deputy~~

2 sheriffs;

3 * * *

4 * * * Statutory Revision * * *

5 Sec. 39. LEGISLATIVE COUNCIL; STATUTORY REVISION

6 The Office of Legislative Council, in its statutory revision capacity under
7 2 V.S.A. § 424, is directed to search the Vermont Statutes Annotated and make
8 such amendments to the statutes as are necessary to correct the names of the
9 Agency of Public Safety and its subdivisions and to correct the titles of the
10 Secretary of Public Safety and his or her employees in accordance with the
11 provisions of this act.

12 * * * Transitional Provisions * * *

13 Sec. 40. TRANSITIONAL PROVISIONS REGARDING THE AGENCY OF
14 PUBLIC SAFETY

15 On the effective date of this act:

16 (1) Elevation from Department to Agency.

17 (A) The Agency of Public Safety shall assume all the powers, duties,
18 rights, and responsibilities of the Department of Public Safety, and the
19 Secretary of Public Safety shall assume all the powers, duties, rights, and
20 responsibilities of the Commissioner of Public Safety.

1 ~~(B) The Department of Emergency Management and Homeland~~
2 ~~Security shall assume all the powers, duties, rights, and responsibilities of the~~
3 ~~Vermont Emergency Management Division, and the Commissioner of~~
4 ~~Emergency Management and Homeland Security shall assume all the powers,~~
5 ~~duties, rights, and responsibilities of the Director of Vermont Emergency~~
6 ~~Management.~~

7 (C) The Department of Fire Safety shall assume all the powers,
8 duties, rights, and responsibilities of the Division of Fire Safety and the
9 Commissioner of Fire Safety shall assume all the powers, duties, rights, and
10 responsibilities of the Director of Fire Safety.

11 (D) The Department of Criminal Justice Services shall assume all the
12 powers, duties, rights, and responsibilities of the Vermont Criminal Justice
13 Services Division, and the Commissioner of Criminal Justice Services shall
14 assume all the powers, duties, rights, and responsibilities of the Director of the
15 Vermont Criminal Justice Services Division.

16 (2) Position transfer. The following positions are transferred to the
17 Agency of Public Safety:

18 (A) Capitol Police officers.

19 (B) Executive Director of the Vermont Criminal Justice Training
20 Council and any employees of the Council.

1 ~~(C) Chief Fire Service Training Officer of the Vermont Fire Service~~

2 Training Council and any employees of the Council.

3 ~~(D) Employees of the Robert H. Wood, Jr. Criminal Justice and Fire~~

4 Service Training Center of Vermont.

5 ~~(E) Liquor control investigators employed by the Department of~~

6 Liquor Control and the Director of the Enforcement Division of Liquor

7 Control.

8 ~~(F) Motor vehicle inspectors employed by the Agency of~~

9 Transportation.

10 Sec. 41. EFFECTIVE DATES

11 This act shall take effect on July 1, 2015, except that:

12 (1) Sec. 10 (membership of Vermont Criminal Justice Training Council;

13 initial appointments) shall take effect on passage; and

14 (2) in Sec. 9, 20 V.S.A. §§ 2355 (Council powers and duties) and 2357

15 (powers and duties of the Executive Director) shall take effect on January 1,

16 2017

Sec. 1. AGENCY OF PUBLIC SAFETY; STUDY COMMITTEE; REPORT

(a) Creation. There is created the Agency of Public Safety Study Committee to recommend whether the General Assembly should enact legislation to create an Agency of Public Safety.

~~(b) Membership. The Committee shall be composed of the following~~

~~11 members:~~

~~(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;~~

~~(2) one current member of the Senate, who shall be appointed by the Committee on Committees;~~

~~(3) the Commissioner of Public Safety or designee;~~

~~(4) the Commissioner of Fish and Wildlife or designee;~~

~~(5) the Commissioner of Motor Vehicles or designee;~~

~~(6) the Commissioner of Liquor Control or designee;~~

~~(7) the Executive Director of the Vermont Criminal Justice Training Council or designee;~~

~~(8) the Chief of the Capitol Police Department or designee;~~

~~(9) a sheriff appointed by the Executive Committee of the Vermont Sheriffs' Association;~~

~~(10) a chief of a municipal police department, appointed by the Chiefs of Police Association of Vermont; and~~

~~(11) one law enforcement officer appointed by the Vermont Police Association~~

~~(b) Membership. The Committee shall be composed of the following~~

~~13 members:~~

(1) one current member of the House of Representatives, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate, who shall be appointed by the Committee on Committees;

(3) the Commissioner of Public Safety or designee;

(4) the Commissioner of Fish and Wildlife or designee;

(5) the Commissioner of Motor Vehicles or designee;

(6) the Commissioner of Liquor Control or designee;

(7) the Executive Director of the Vermont Criminal Justice Training Council or designee;

(8) the Chief of the Capitol Police Department or designee;

(9) a sheriff appointed by the Executive Committee of the Vermont Sheriffs' Association;

(10) a chief of a municipal police department, appointed by the Chiefs of Police Association of Vermont;

(11) one law enforcement officer appointed by the Vermont Police Association;

(12) the Secretary of State or designee; and

(13) the Director of the Office of Professional Regulation or designee.

(c) Powers and duties. The Committee shall study the current coordination of law enforcement services in the State and whether the creation

of an Agency of Public Safety would enhance that coordination. In its study, the Committee shall consider the following issues:

(1) Current law enforcement services. The current roles and duties of law enforcement officers in the State, including:

(A) how the types of crimes committed in this State have evolved, and how that evolution has affected the roles and duties of law enforcement officers;

(B) the manner in which State, county, and municipal law enforcement entities share or coordinate their services;

(C) whether the Vermont State Police's provision of general municipal and regional law enforcement services is sustainable; and

(D) whether any municipalities should be required to maintain their own police department or contract for regional policing with other municipalities or with sheriffs.

(2) Dispatch. The manner in which dispatch services are currently provided and funded and whether there should be any changes to this structure.

(3) Agency structure. If the Committee recommends that an Agency of Public Safety should be created, the Agency's structure, including:

(A) any issues with the proposed structure or operations of the Agency as set forth in this act as it was originally introduced (2015, H.130); and

(B) the entities that should be under the jurisdiction of the Agency, including whether any of the following entities should be added to the Agency:

(i) the Vermont Criminal Justice Training Council;

(ii) wardens of the Department of Fish and Wildlife;

(iii) the Capitol Police Department;

(iv) liquor control investigators; or

(v) motor vehicle inspectors.

(4) Law enforcement officer regulation. The current regulation of law enforcement officers' certification and how that regulation should change, including:

(A) whether the profession's regulation should be transferred from the Vermont Criminal Justice Training Council to the Office of Professional Regulation;

(B) whether each law enforcement agency should be required to have an effective internal affairs program and, if so, what should be included in that program;

(C) when and under what circumstances a law enforcement agency should report alleged unprofessional conduct to the Council or the Office;

(D) when the Council or the Office should be able to investigate and take further action on reports of alleged law enforcement officer unprofessional conduct, including the Council's or the Office's ability to summarily suspend an officer; and

(E) what types of discipline the Council or the Office should be able to impose on a law enforcement officer's certification.

(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Office of Legislative Council and the Joint Fiscal Office.

(e) Report. On or before December 1, 2016, the Committee shall report to the House and Senate Committees on Government Operations with its findings and any recommendations for legislative action. The report may be in the form of proposed legislation.

(f) Meetings.

(1) The House and Senate members of the Committee shall call the first meeting of the Committee, to occur on or before August 1, 2016.

(2) The House and Senate members shall be co-chairs of the Committee.

(3)(A) A majority of the membership shall constitute a quorum.

(B) Notwithstanding 1 V.S.A. § 172, an action may be taken by the Committee with the assent of a majority of the members attending, assuming a quorum.

(4) The Committee shall cease to exist on December 2, 2016.

(g) Reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, legislative members of the Committee shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for no more than five meetings.

(2) Other members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than five meetings.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.