

1 H.183

2 Introduced by Representative Shaw of Pittsford

3 Referred to Committee on

4 Date:

5 Subject: State buildings; public safety; State Police; security; Capitol Complex

6 Statement of purpose of bill as introduced: This bill proposes to: (1) transfer  
7 oversight of the Capitol Police Department to the Vermont State Police, (2)  
8 transfer jurisdiction over security in the Capitol Complex to the Vermont State  
9 Police, and (3) amend the security duties and responsibilities of the Sergeant at  
10 Arms and Commissioner of Buildings and General Services.

11 An act relating to security in the Capitol Complex

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

13 \* \* \* Capitol Police \* \* \*

14 Sec. 1. 20 V.S.A. § 1812 is amended to read:

15 § 1812. DEFINITIONS

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

18 (1) "Commissioner," the ~~commissioner of public safety~~ Commissioner  
19 of Public Safety;

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

3           (3) “Employee,” an employee assigned to a position other than that of  
4 ~~state police~~ State Police;

5           (4) “Member,” any employee of the ~~department~~ Department;

6           (5) “~~State police~~ Police,” an employee assigned to police duties and law  
7 enforcement, including the Capitol Police.

8           Sec. 2. 20 V.S.A. § 1917 is added to read:

9           § 1917. CAPITOL POLICE

10           (a) There shall be a Capitol Police Department created within the Vermont  
11 State Police for the purpose of protecting the safety and security of the Capitol  
12 Complex, as defined in 29 V.S.A. § 172. The Capitol Police Department,  
13 under the direction of the Vermont State Police, shall:

14           (1) maintain order among spectators in the State House and take  
15 measures to prevent interruption of either house or any committee thereof;

16           (2) develop security and emergency response plans for the Capitol  
17 Complex, and update these plans as necessary;

18           (3) make recommendations for security enhancements in the Capitol  
19 Complex; provided, however, that any physical security enhancements in the  
20 Capitol Complex recommended by the Capitol Police Department shall not be  
21 implemented unless authorized by the General Assembly; and

1           (4) coordinate responses to all security needs in the Capitol Complex.

2           (b) The Department shall comprise a Chief and the number of Capitol  
3 Police officers necessary to coordinate security within the Capitol Complex.  
4 The Chief shall supervise the Capitol Police force under the direction of the  
5 Director of the Vermont State Police.

6           (c) Capitol Police officers shall have all the same powers and authority as  
7 sheriffs and other law enforcement officers anywhere in the State, which shall  
8 include the authority to arrest persons and enforce the civil and criminal laws,  
9 keep the peace, provide security, and to serve civil and criminal process. For  
10 this purpose, Capitol Police officers shall subscribe to the same oaths required  
11 for sheriffs.

12           (d) A Capitol Police officer shall be a Level III law enforcement officer  
13 certified by the Vermont Criminal Justice Training Council pursuant to the  
14 provisions of 20 V.S.A. chapter 151.

15       Sec. 3. REPEAL

16           2 V.S.A. § 70 (Capitol Police Department) is repealed.

17                               \* \* \* Capitol Complex Security \* \* \*

18       Sec. 4. 2 V.S.A. § 71 is amended to read:

19       § 71. PARKING

20           (a) Any ~~state-owned~~ State-owned or leased parking lot in the ~~capitol~~  
21 ~~complex~~ Capitol Complex District, as defined in 29 V.S.A. § 182(1), or any

1 ~~state-owned~~ State-owned or leased area used for parking outside the ~~capitol~~  
2 ~~complex~~ Capitol Complex District but within the Montpelier area, shall be  
3 considered a “public highway,” as defined in 23 V.S.A. § 4(13), for  
4 enforcement purposes, whether or not open to the public or general circulation  
5 of vehicles. The driver or owner of any motor vehicle in such a ~~state~~ State  
6 parking lot shall obey the instructions of any applicable posted sign or  
7 marking.

8 (b) ~~On~~ Except as provided in subsection (d) of this section, on land or in  
9 structures owned or leased by the ~~state~~ State, including ~~state~~ State parking lots  
10 described in subsection (a) of this section, ~~an~~ a law enforcement officer is  
11 authorized:

12 (1) to enforce signs and markings relating to parking, stopping, standing  
13 and operation of motor vehicles in a ~~state~~ State parking lot;

14 (2) to issue a Vermont traffic summons and complaint, pursuant to  
15 23 V.S.A. chapter 24 ~~of Title 23~~, to the driver or owner of a motor vehicle  
16 stopped, parked, standing or being operated contrary to the instructions on an  
17 applicable posted sign or marking; or

18 (3) pursuant to 23 V.S.A. § 1102, at the driver’s or the owner’s expense,  
19 to move, remove, or immobilize, or cause to be moved, removed, or  
20 immobilized, any motor vehicle which is stopped, parked, standing, or being  
21 operated contrary to applicable posted signs and markings.

1           (c) ~~Any~~ On land or in structures owned or leased by the State, including  
2           State parking lots described in subsection (a) of this section, any sign or  
3           marking shall be presumed to have been placed at the direction of the ~~sergeant~~  
4           ~~at arms or the commissioner of buildings and general services~~ Commissioner  
5           of Buildings and General Services, unless the contrary is established by  
6           competent evidence. In any State-owned or leased parking lot reserved for  
7           State legislators and legislative staff, any sign or marking shall be placed at the  
8           direction of the Commissioner of Buildings and General Services in  
9           consultation with the Vermont State Police.

10           (d) In any State-owned or leased parking lot reserved for State legislators  
11           and legislative staff, the Capitol Police Department is authorized:

12                   (1) to enforce signs and markings relating to parking, stopping, standing,  
13                   and operation of motor vehicles in a State parking lot;

14                   (2) to issue a Vermont traffic summons and complaint, pursuant to  
15                   23 V.S.A. chapter 24, to the driver or owner of a motor vehicle stopped,  
16                   parked, standing, or being operated contrary to the instructions on an  
17                   applicable posted sign or marking; or

18                   (3) pursuant to 23 V.S.A. § 1102, at the driver's or the owner's expense,  
19                   to move, remove, or immobilize, or cause to be moved, removed, or  
20                   immobilized, any motor vehicle which is stopped, parked, standing, or being  
21                   operated contrary to applicable posted signs and markings.

1 Sec. 5. 29 V.S.A. § 172 is amended to read:

2 § 172. CAPITOL COMPLEX SECURITY

3 (a) The Commissioner of Buildings and General Services Vermont State  
4 Police shall be responsible for all security operations pertaining to the lands  
5 and structures within the Capitol Complex, except the interior of the State  
6 House, and the space occupied by the Supreme Court, which is provided for in  
7 section 171 of this title.

8 (b) As used in this section, “Capitol Complex” means all of the land  
9 enclosed within the following described bounds: commencing at the juncture  
10 of Baldwin Street and Governor Aiken Avenue, then continuing south to the  
11 north line of State Street, then continuing east to the juncture of Governor  
12 Davis Avenue, then continuing north to the intersection of Court Street. The  
13 Capitol Complex also includes the following buildings and lands: the State  
14 House, the space occupied by the Supreme Court, the Pavilion Office Building  
15 located at 109 State Street in Montpelier, One Baldwin Street in Montpelier,  
16 and any State-owned or leased parking lot reserved for State legislators and  
17 legislative staff.

18 \* \* \* Department of Buildings and General Services \* \* \*

19 Sec. 6. 29 V.S.A. § 152(a) is amended to read:

20 (a) The Commissioner of Buildings and General Services, in addition to the  
21 duties expressly set forth elsewhere by law, shall have the authority to:

1 (1) Be responsible for the administration of the Department.

2 \* \* \*

3 (23) With the approval of the Secretary of Administration, transfer  
4 during any fiscal year to the Department of Buildings and General Services for  
5 use only for major maintenance within the Capitol Complex District in  
6 Montpelier, as defined in section 181 of this title, any unexpended balances of  
7 funds appropriated in any capital construction act for any Executive or Judicial  
8 Branch project, excluding any appropriations for State grant-in-aid programs,  
9 which is completed or substantially completed as determined by the  
10 Commissioner. On or before January 15 of each year, the Commissioner shall  
11 report to the House Committee on Corrections and Institutions and the Senate  
12 Committee on Institutions regarding all transfers and expenditures made  
13 pursuant to this subdivision (23).

14 \* \* \*

15 Sec. 7. 29 V.S.A. § 171 is amended to read:

16 § 171. RESPONSIBILITY FOR SECURITY

17 (a) ~~The commissioner of buildings and general services~~ Commissioner of  
18 Buildings and General Services shall be responsible for ensuring the security  
19 of all ~~state~~ State facilities, regardless of funding source for construction or  
20 renovation, the lands upon which those facilities are located and the occupants  
21 of those facilities and places, except that:

1           (1) in those ~~state-owned~~ State-owned or ~~state-leased~~ State-leased  
2 buildings which house a court plus one or more other functions, security for  
3 the space occupied by the court shall be under the jurisdiction of the ~~supreme~~  
4 ~~court~~ Supreme Court and security elsewhere shall be under the jurisdiction of  
5 the ~~commissioner of buildings and general services~~ Commissioner of  
6 Buildings and General Services;

7           (2) in those buildings which function exclusively as courthouses,  
8 security shall be under the jurisdiction of the ~~supreme court~~; Supreme  
9 Court; and

10           (3) ~~the space occupied by the supreme court shall be under the~~  
11 ~~jurisdiction of the supreme court; and~~ in the Capitol Complex, as defined in  
12 section 172 of this title, security shall be under the jurisdiction of the Vermont  
13 State Police

14           (4) ~~in the state house security shall be under the jurisdiction of the~~  
15 ~~sergeant at arms.~~

16           (b) The ~~commissioner of buildings and general services~~ Commissioner of  
17 Buildings and General Services shall develop a security plan for each facility,  
18 except for those under the jurisdiction of the ~~supreme court and of the sergeant~~  
19 ~~at arms~~ Vermont State Police, and shall regularly update these plans as  
20 necessary and be responsible for coordinating responses to all security needs.  
21 The ~~supreme court and the sergeant at arms~~ Vermont State Police shall, in



1 cooperation with the ~~commissioner of buildings and general services~~  
2 Commissioner of Buildings and General Services, prepare and update such  
3 plans for the facilities under their respective jurisdictions.

4 (c) The ~~commissioner of buildings and general services~~ Commissioner of  
5 Buildings and General Services may delegate the responsibility for security at  
6 specified facilities.

7 (d) All security improvements to ~~state~~ State facilities, except for those  
8 under the jurisdiction of the Vermont State Police, shall be under the direction  
9 of the ~~commissioner of buildings and general services~~ Commissioner of  
10 Buildings and General Services, who shall set statewide standards for policies,  
11 materials, and equipment, including voice and data reception and transmission  
12 upgrades and installations.

13 (e) Under this section, except for those under the jurisdiction of the  
14 Vermont State Police, the ~~commissioner of buildings and general services~~  
15 Commissioner of Buildings and General Services is responsible for the  
16 protection of ~~state~~ State facilities, the lands upon which the facilities are  
17 situated, and the occupants of those facilities, which is vital to sustaining the  
18 essential services of government in an emergency. The ~~commissioner~~  
19 Commissioner shall develop plans for continuity of government and continuity  
20 of operations as an addendum to the ~~state~~ State emergency operations plan  
21 maintained by the ~~department of public safety~~ Department of Public Safety,

1 ~~division of emergency management~~ Division of Emergency Management and  
2 referenced in ~~subdivision 8(b)(2) of Title 20 V.S.A. § 8(b)(2).~~

3 \* \* \* Sergeant at Arms \* \* \*

4 Sec. 8. 2 V.S.A. § 62 is amended to read:

5 § 62. LEGISLATIVE DUTIES

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

7 (1) ~~Execute~~ execute orders of either house, the ~~joint or house or senate~~  
8 ~~rules committee~~ Joint or House or Senate Rules Committee;

9 (2) ~~Maintain order among spectators and take measures to prevent~~  
10 ~~interruption of either house or any committee thereof;~~ [Repealed.]

11 \* \* \*

12 Sec. 9. 2 V.S.A. § 64 is amended to read:

13 § 64. EMPLOYMENT OF ASSISTANTS; ~~CAPITOL POLICE; TRAINING;~~  
14 ~~UNIFORMS AND EQUIPMENT~~

15 (a)(1) The Sergeant at Arms may, subject to the rules of the General  
16 Assembly, employ such employees as may be needed to carry out the Sergeant  
17 at Arms' duties. These may include assistants, ~~custodians~~, doorkeepers,  
18 guides, messengers, mail and room assignment clerks, ~~security guards~~, and  
19 pages.

20 (2) Compensation for such employees shall be determined by the Joint  
21 Rules Committee, except that prior to the beginning of any legislative session,

1 compensation for a person who fills the same temporary position that he or she  
2 filled during the preceding session and, in the case of a person newly employed  
3 to fill a temporary position, the rate of compensation shall be established  
4 initially by the Sergeant at Arms at a rate not to exceed the rate established for  
5 the person who held that position during the preceding legislative session.

6 Persons employed under this section shall be paid in the same manner as  
7 members of the General Assembly. The Commissioner of Finance and  
8 Management shall issue his or her warrant in payment of compensation  
9 approved under this section.

10 (b) 3 V.S.A. chapter 13 shall not apply to employees of the Sergeant at  
11 Arms unless this exception is partially or wholly waived by the Joint Rules  
12 Committee consistent with the rules of the General Assembly. Any waiver  
13 may subsequently be rescinded in whole or in part.

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



1 Sec. 11. 29 V.S.A. § 181 is amended to read:

2 § 181. PURPOSE

3 The ~~general assembly~~ General Assembly of the ~~state~~ State of Vermont  
4 hereby finds, determines and declares that the ~~capitol complex~~ Capitol  
5 Complex District is an important and unique historic district and that the  
6 maintenance of the architectural and aesthetic integrity of this ~~district~~ District  
7 is of the utmost importance to all of the people of the ~~state~~ State. It is the  
8 purpose of this chapter to establish a procedure for reviewing the plans for any  
9 structure within the ~~capitol complex~~ Capitol Complex District not substantially  
10 erected and completed on April 16, 1974.

11 Sec. 12. 29 V.S.A. § 182 is amended to read:

12 § 182. DEFINITIONS

13 As used in this chapter:

14 (1) “~~Capitol complex~~ Complex District “ means all of the land and  
15 buildings in the city of Montpelier, excluding so much of State Street as lies  
16 within the boundaries thereof and the Capitol Complex as defined in section  
17 172 of this title, enclosed within the following described bounds: commencing  
18 at the juncture of Taylor Street, so-called, and north line of the Winooski  
19 River, thence northerly along the westerly line of Taylor Street, crossing ~~state~~  
20 State Street and continuing northerly along the westerly line of the extension of  
21 Taylor Street, crossing Court Street at an angle to the westerly line of

1 Greenwood Terrace, thence continuing northerly along the westerly line of  
2 Greenwood Terrace to a point on a line extension of the southerly line of  
3 Mather Terrace, thence westerly along the aforesaid line extension to Mather  
4 Terrace, thence westerly along the southerly line of Mather Terrace and  
5 Terrace Street to the intersection of Terrace Street and the easterly line of  
6 Bailey Avenue, thence southerly along the easterly line of Bailey Avenue  
7 crossing State Street and continuing along the easterly line of Bailey Avenue  
8 extension to the Winooski River, thence easterly along the northerly line of the  
9 Winooski River to the point of the beginning.

10 (2) "~~Capitol complex commission~~ Capitol Complex District  
11 Commission" means a commission consisting of five members. Four members  
12 shall be appointed by the ~~governor~~ Governor, with the advice and consent of  
13 the ~~senate~~ Senate, for a term of three years. The fifth member shall be  
14 appointed by the Montpelier ~~city council~~ City Council for a term of two years.  
15 The ~~chair~~ Chair of the ~~capitol complex commission~~ Capitol Complex District  
16 Commission shall be designated by the ~~governor~~ Governor. No more than two  
17 members of the ~~commission~~ Commission shall be residents of the city of  
18 Montpelier, and no member may be an exempt employee of the ~~state~~ State of  
19 Vermont. The ~~commissioner of buildings and general services~~ Commissioner  
20 of Buildings and General Services shall be the executive secretary of the ~~board~~  
21 Commission and shall have no vote.

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Sec. 13. 29 V.S.A. § 183 is amended to read:

§ 183. REVIEW OF PLANS

(1)(a) No person shall commence construction on any structure on any plot or parcel within the ~~capitol complex~~ Capitol Complex District prior to approval of plans for such structure by the ~~capitol complex commission~~ Capitol Complex District Commission. For the purposes of this section, “person” shall include the ~~state~~ State of Vermont.

(2)(b) Within 60 days after submission of tentative plans relating to the construction of any structure on any plot or parcel within the ~~capitol complex~~ Capitol Complex District the ~~capitol complex commission~~ Capitol Complex District Commission shall approve such plans or suggest alterations or modifications relating to overall bulk, size, height, setback, parking requirements, landscaping, design continuity with other structures in the ~~capitol complex~~ Capitol Complex District, both private and public, and maintenance of the character of the ~~capitol complex~~ Capitol Complex District as a unique and historic district.

(3)(c) In the event the ~~capitol complex commission~~ Capitol Complex District Commission suggests alterations or modifications in plans which will result in additional construction costs, the ~~commission~~ Commission may recommend to the ~~legislature~~ General Assembly, or to the ~~emergency board~~

1 Emergency Board if the ~~legislature~~ General Assembly is not then in session,  
2 payment to the developer of a sum of money in an amount not to exceed such  
3 additional costs. The amount and manner of such recommendation shall be  
4 matters within the sole discretion of the ~~commission~~ Commission, except that  
5 no such amount shall be recommended because of a claim of a reduction in the  
6 profitability or fair market value of a parcel structure or improvement arising  
7 out of an alteration or modification in design. The amount and manner of  
8 actual payment shall be matters within the discretion of the ~~legislature~~ General  
9 Assembly or ~~emergency board~~ Emergency Board. For purposes of this  
10 chapter, the ~~emergency board~~ Emergency Board may deem payments  
11 hereunder to be “unforeseen emergencies” within the meaning of 32 V.S.A.  
12 § 133.

13 (4)(d) Acceptance of a modified plan or design by a developer shall  
14 constitute an undertaking that such altered or modified plan shall be faithfully  
15 carried out.

16 (5)(e) The ~~capitol complex commission~~ Capitol Complex District  
17 Commission may adopt such rules and regulations to interpret and carry out  
18 the provisions of this chapter. Such rules and regulations shall be filed in  
19 accordance with the provisions of ~~section 847 of Title 3~~ 3 V.S.A. § 847.



1 Sec. 14. 29 V.S.A. § 185 is amended to read:

2 § 185. ENFORCEMENT

3 In addition to the other penalties provided herein, the ~~capitol complex~~  
4 ~~commission~~ Capitol Complex District Commission may, in the name of the  
5 ~~state~~ State, institute any appropriate action, injunction or other proceeding to  
6 prevent, restrain, correct or abate any violation hereof or the rules ~~promulgated~~  
7 adopted hereunder.

8 Sec. 15. 32 V.S.A. § 1010 is amended to read:

9 § 1010. MEMBERS OF CERTAIN BOARDS

10 (a) Except for those members serving ex officio or otherwise regularly  
11 employed by the State, the compensation of the members of the following  
12 Boards shall be \$50.00 per diem:

13 \* \* \*

14 (12) Capitol Complex District Commission

15 \* \* \*

16 Sec. 16. EFFECTIVE DATES

17 This act shall take effect on passage and transfer of the Capitol Police  
18 Department to the Vermont State Police shall occur on or before July 1, 2015.