

1 Introduced by

2 **CAPITOL POLICE COMMISSION AMENDMENT**

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

4 * * * Capitol Police Commission * * *

5 Sec. 1. 2 V.S.A. chapter 2 is added to read:

6 CHAPTER 2. CAPITOL POLICE

7 § 41. CAPITOL POLICE COMMISSION

8 (a) Creation. There is created a Capitol Police Commission to administer
9 and supervise the Capitol Police Department.

10 (b) Membership. The Commission shall be composed of the following
11 members:

12 (1) the Court Administrator or designee;

13 (2) the Commissioner of Buildings and General Services or
14 designee; and

15 (3) a member from the Legislative Joint Rules Committee.

16 (c) Powers and duties. The Commission shall:

17 (1) appoint a Capitol Police Chief;

18 (2) administer and submit the operating budget for the Capitol

19 Police; and

1 (3) provide training and furnish uniforms and equipment to the Capitol
2 Police necessary in the performance of their duties. Such items shall remain
3 the property of the State.

4 (d) Meetings.

5 (1) [How often should the Commission meet?]

6 (2) [Chair?].

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

8 § 42. CAPITOL POLICE

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

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

15 (2) develop security and emergency response plans for the State House
16 Complex, and update these plans as necessary;

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

21 (4) coordinate responses to all security needs in the State House.

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

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

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

12 (2) to issue a Vermont traffic summons and complaint, pursuant to
13 23 V.S.A. chapter 24 of Title 23, to the driver or owner of a motor vehicle
14 stopped, parked, standing, or being operated contrary to the instructions on an
15 applicable posted sign or marking; or

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

20 (c) ~~Any~~ On land or in structures owned or leased by the State, including
21 State parking lots described in subsection (a) of this section, any sign or

1 marking shall be presumed to have been placed at the direction of the ~~sergeant~~
2 ~~at arms or the commissioner of buildings and general services~~ Commissioner
3 of Buildings and General Services, unless the contrary is established by
4 competent evidence. In any State-owned or leased parking lot reserved for
5 State legislators and legislative staff, any sign or marking shall be placed at the
6 direction of the Commissioner of Buildings and General Services in
7 consultation with the [Capitol Police Commission or Capitol Police?].

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

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

12 (2) to issue a Vermont traffic summons and complaint, pursuant to
13 23 V.S.A. chapter 24, to the driver or owner of a motor vehicle stopped,
14 parked, standing, or being operated contrary to the instructions on an
15 applicable posted sign or marking; or

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

1 Sec. 4. 29 V.S.A. § 172 is amended to read:

2 § 172. CAPITOL COMPLEX SECURITY

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

8 (b) As used in this section, “State House 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 State House Complex also includes the following buildings and lands: the
14 State House, the space occupied by the Supreme Court, the Pavilion Office
15 Building located at 109 State Street in Montpelier, One Baldwin Street in
16 Montpelier, and any State-owned or leased parking lot reserved for State
17 legislators and legislative staff.

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

19 Sec. 5. 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 in Montpelier, as
6 defined in section 181 of this title, any unexpended balances of funds
7 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. 6. 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 State House Complex, as defined
12 in section 172 of this title, security shall be under the jurisdiction of the
13 [Capitol Police or Capitol Police Commission].

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~~ [Capitol Police or Capitol Police Commission?], and shall regularly
20 update these plans as necessary and be responsible for coordinating responses
21 to all security needs. The ~~supreme court and the sergeant at arms~~ [Capitol

1 Police or Capitol Police Commission?] shall, in cooperation with the
2 ~~commissioner of buildings and general services~~ Commissioner of Buildings
3 and General Services, prepare and update such plans for the facilities under
4 their respective jurisdictions.

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

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

14 (e) Under this section, except for those under the jurisdiction of the
15 [Capitol Police or Capitol Police Commission?], the ~~commissioner of buildings~~
16 ~~and general services~~ Commissioner of Buildings and General Services is
17 responsible for the protection of ~~state~~ State facilities, the lands upon which the
18 facilities are situated, and the occupants of those facilities, which is vital to
19 sustaining the essential services of government in an emergency. The
20 ~~commissioner~~ Commissioner shall develop plans for continuity of government
21 and continuity of operations as an addendum to the ~~state~~ State emergency

1 operations plan maintained by the ~~department of public safety~~ Department of
2 Public Safety, ~~division of emergency management~~ Division of Emergency
3 Management and referenced in ~~subdivision 8(b)(2) of Title 20 V.S.A.~~
4 § 8(b)(2).

5 * * * Sergeant at Arms * * *

6 Sec. 7. 2 V.S.A. § 62 is amended to read:

7 § 62. LEGISLATIVE DUTIES

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

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

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

13 * * *

14 Sec. 8. 2 V.S.A. § 64 is amended to read:

15 § 64. EMPLOYMENT OF ASSISTANTS; ~~CAPITOL POLICE; TRAINING;~~

16 ~~UNIFORMS AND EQUIPMENT~~

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

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

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

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

20 * * *

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* * * Effective Date * * *

2

Sec. 9. EFFECTIVE DATE

3

This act shall take effect on July 1, 2015.