

1

H.98

2

Introduced by Representative Howard of Rutland City

3

Referred to Committee on

4

Date:

5

Subject: State employees; Judiciary; State buildings; security

6

Statement of purpose of bill as introduced: This bill proposes to establish the

7

Vermont State Building Security Board and directs the Board to report back to

8

the General Assembly with an assessment on the security of State employees

9

in State buildings, facilities, and courthouses and whether to create a State

10

Building Safety and Security Police Department.

11

An act relating to the creation of the Vermont State Building Security Board

12

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

13

Sec. 1. 29 V.S.A. § 171 is amended to read:

14

§ 171. RESPONSIBILITY FOR SECURITY

15

(a) The ~~Commissioner of Buildings and General Services~~ Vermont State

16

Building Security Board shall be responsible for ensuring the security of all

17

State facilities, regardless of funding source for construction or renovation, the

18

lands upon which those facilities are located, and the occupants of those

19

facilities and places, and State-owned or State-leased buildings that house a

1 court plus one or more other functions, in those buildings that function
2 exclusively as courthouses, and the space occupied by the Supreme Court,

3 except that:

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

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

10 ~~(3) the space occupied by the Supreme Court shall be under the~~
11 ~~jurisdiction of the Supreme Court; and~~

12 ~~(4) in the State House, security shall be under the jurisdiction of the~~
13 ~~Sergeant at Arms.~~

14 (b) ~~The Commissioner of Buildings and General Services~~ Vermont State
15 Building Security Board shall develop a security plan for each facility, except
16 ~~for those under the jurisdiction of the Supreme Court and of the Sergeant at~~
17 ~~Arms~~ the State House, and shall regularly update these plans as necessary and
18 be responsible for coordinating responses to all security needs. ~~The Supreme~~
19 ~~Court and the~~ Sergeant at Arms shall, in cooperation with the ~~Commissioner of~~
20 ~~Buildings and General Services~~ Vermont State Building Security Board,

1 prepare and update such plans for the facilities under ~~their respective~~
2 ~~jurisdictions~~ his or her jurisdiction.

3 (c) The ~~Commissioner of Buildings and General Services~~ Vermont State
4 Building Security Board may delegate the responsibility for security at
5 specified facilities.

6 (d) All security improvements to State facilities shall be under the direction
7 of the ~~Commissioner of Buildings and General Services~~ Vermont State
8 Building Security Board, ~~who~~ which shall set statewide standards for policies,
9 materials, and equipment, including voice and data reception and transmission
10 upgrades and installations.

11 (e) Under this section, the ~~Commissioner of Buildings and General~~
12 ~~Services~~ Vermont State Building Security Board is responsible for the
13 protection of State facilities, the lands upon which the facilities are situated,
14 and the occupants of those facilities, which is vital to sustaining the essential
15 services of government in an emergency. The ~~Commissioner~~ Board shall
16 develop plans for continuity of government and continuity of operations as an
17 addendum to the State emergency operations plan maintained by the
18 Department of Public Safety, Division of Emergency Management and
19 referenced in 20 V.S.A. § 8(b)(2).

20 (f) The ~~Commissioner of Buildings and General Services~~, Vermont State
21 Building Security Board and the Sergeant at Arms, ~~and the Court~~

1 ~~Administrator~~ shall execute a memorandum of understanding to coordinate the
2 provision of security plans and law enforcement services within the Capitol
3 Complex. The memorandum of understanding shall incorporate any existing
4 agreements related to the provision of law enforcement services or security in
5 the Capitol Complex. As used in this section, "Capitol Complex" has the same
6 meaning as used in section 182 of this title.

7 Sec. 2. 29 V.S.A. § 173 is added to read:

8 § 173. VERMONT STATE BUILDING SECURITY BOARD

9 (a) The Vermont State Building Security Board is established to oversee
10 the safety and security of worksites for Vermont State employees and the
11 employees of the Judiciary.

12 (b)(1) The Board shall consist of the following seven members:

13 (A) two members appointed by the Governor;

14 (B) the Vermont State Court Administrator or designee;

15 (C) one member appointed by the Attorney General; and

16 (D) three members appointed by the President of the Vermont State
17 Employees' Association.

18 (2) The Board shall annually, from among its membership, elect a
19 member to serve as Board chair and a member to serve as Board vice chair.

20 (3) The members of the Board shall serve terms of six years and may
21 serve not more than two consecutive terms. All appointments shall be made

1 between January 1 and February 1 of each odd-numbered year, except to fill a
2 vacancy. Members shall serve until their successors are appointed.

3 (4) Membership on the Board does not constitute the holding of an
4 office for any purpose, and members of the Board shall not be required to take
5 and file oaths of office before serving on the Board. A member of the Board
6 shall not be disqualified from holding any public office or employment and
7 shall not forfeit any office or employment by reason of his or her appointment
8 to the Board, notwithstanding any statute, ordinance, or charter to the contrary.

9 (c) The Board shall hold at least four regular meetings a year. Meetings of
10 the Board may be held at any time or place within Vermont upon call of the
11 Chair or a majority of the members, after reasonable notice to the other
12 members, and shall be held at such times and places as in the judgment of the
13 Board will best serve the convenience of all parties in interest. The Board shall
14 adopt rules and procedures with respect to the conduct of its meetings and
15 other affairs.

16 (d) Members who are not State employees or not otherwise compensated in
17 the course of their employment shall receive per diem compensation and
18 expense reimbursement for meetings in accordance with the provisions of
19 32 V.S.A. § 1010. Members who receive per diem shall receive compensation
20 for not more than 12 meetings per year.

1 (e) The Board shall appoint a Director of Safety and Security who shall
2 hold office at the pleasure of the Board. He or she shall:

3 (1) Develop and implement, annually, a comprehensive plan to ensure
4 security for State and Vermont Judiciary employees.

5 (2) Compile an annual report on the number and type of security
6 incidents concerning State employees and the employees of the Vermont
7 Judiciary. This report shall be provided annually to the House Committees on
8 Corrections and Institutions and on Government Operations and the Senate
9 Committees on Government Operations and on Institutions.

10 (3) Perform such duties as may be assigned by the Board.

11 (f) The Director of Safety and Security is entitled to compensation, as
12 established by law, and reimbursement for the expenses within the amounts
13 available by appropriation. The Director of Safety and Security may, with the
14 approval of the Board, hire employees to fulfill the duties outlined in
15 subsection (d) of this section. These employees shall be classified State
16 employees.

17 (g) The Director of Safety and Security shall partner with the Department
18 of Buildings and General Services whose staff shall be responsible for the
19 installation, maintenance, and replacement of physical plant alterations
20 necessary for the implementation of the Director's security plan.

1 Sec. 3. 29 V.S.A. § 174 is added to read:

2 § 174. BUILDINGS AND COURTHOUSES POLICE DEPARTMENT

3 (a) Definitions. As used in this section:

4 (1) “Courthouse” means a building or any portion of a building
5 designated by the Supreme Court of Vermont as a courthouse.

6 (2) “State building” means a building or any portion of a building
7 designated by the Director of Safety and Security, in consultation with the
8 Commissioner of the Department of Buildings and General Services, as a State
9 building.

10 (b) Creation. The Buildings and Courthouses Police Department is created
11 within the Department of Public Safety. The Commissioner of Public Safety
12 shall appoint and may remove, at his or her pleasure, a Buildings and
13 Courthouses Police Department officer to serve as Chief. The Chief shall be
14 an exempt State employee and shall appoint individuals to serve as additional
15 Buildings and Courthouses Police Department officers. All such positions
16 shall be classified State employees. The Chief shall supervise the officer force.
17 Such appointments and all oaths or affirmations shall be in writing and filed
18 with the Commissioner of Public Safety.

19 (c) Powers; training.

20 (1) A Buildings and Courthouses Police officer shall have all the same
21 powers and authority as sheriffs and other law enforcement officers anywhere

1 in the State, which shall include the authority to arrest persons and enforce the
2 civil and criminal laws, keep the peace, provide security, and serve civil and
3 criminal process. For this purpose, a Buildings and Courthouses Police officer
4 shall subscribe to the same oaths required for sheriffs.

5 (2) Notwithstanding any other provision of law to the contrary, a
6 Buildings and Courthouses Police officer shall be a Level II or Level III law
7 enforcement officer certified by the Vermont Criminal Justice Training
8 Council pursuant to the provisions of 20 V.S.A. chapter 151, except that the
9 Chief of the Buildings and Courthouses Police shall be a Level III certified law
10 enforcement officer.

11 (d) Coordination of State building and courthouse security. The Buildings
12 and Courthouses Police Department shall provide security and law
13 enforcement services for State buildings and courthouses.

14 Sec. 4. EFFECTIVE DATE

15 This act shall take effect on July 1, 2021.