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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. **1607**

April 28, 2011

Authored by Woodard and Loeffler

The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to the State Capitol; creating an advisory committee on Capitol Complex
1.3 Security; authorizing the State Patrol to provide security and protection to certain
1.4 government officials; amending Minnesota Statutes 2010, section 299D.03,
1.5 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299E.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2010, section 299D.03, subdivision 1, is amended to
1.8 read:

1.9 Subdivision 1. **Members, powers, and duties.** (a) The commissioner is hereby
1.10 authorized to employ and designate a chief supervisor, a chief assistant supervisor, and
1.11 such assistant supervisors, sergeants and officers as are provided by law, who shall
1.12 comprise the Minnesota State Patrol.

1.13 (b) The members of the Minnesota State Patrol shall have the power and authority:

1.14 (1) as peace officers to enforce the provisions of the law relating to the protection of
1.15 and use of trunk highways;

1.16 (2) at all times to direct all traffic on trunk highways in conformance with law, and in
1.17 the event of a fire or other emergency, or to expedite traffic or to insure safety, to direct
1.18 traffic on other roads as conditions may require notwithstanding the provisions of law;

1.19 (3) to serve search warrants related to criminal motor vehicle and traffic violations
1.20 and arrest warrants, and legal documents anywhere in the state;

1.21 (4) to serve orders of the commissioner of public safety or the commissioner's duly
1.22 authorized agents issued under the provisions of the Driver's License Law, the Safety
1.23 Responsibility Act, or relating to authorized brake- and light-testing stations, anywhere
1.24 in the state and to take possession of any license, permit, or certificate ordered to be
1.25 surrendered;

2.1 (5) to inspect official brake and light adjusting stations;

2.2 (6) to make appearances anywhere within the state for the purpose of conducting
2.3 traffic safety educational programs and school bus clinics;

2.4 (7) to exercise upon all trunk highways the same powers with respect to the
2.5 enforcement of laws relating to crimes, as sheriffs and police officers;

2.6 (8) to cooperate, under instructions and rules of the commissioner of public
2.7 safety, with all sheriffs and other police officers anywhere in the state, provided that
2.8 said employees shall have no power or authority in connection with strikes or industrial
2.9 disputes;

2.10 (9) to assist and aid any peace officer whose life or safety is in jeopardy;

2.11 (10) as peace officers to provide security and protection to the governor, governor
2.12 elect, either or both houses of the legislature, and state buildings or property in the manner
2.13 and to the extent determined to be necessary after consultation with the governor, or a
2.14 designee. Pursuant to this clause, members of the State Patrol, acting as peace officers
2.15 have the same powers with respect to the enforcement of laws relating to crimes, as
2.16 sheriffs and police officers have within their respective jurisdictions;

2.17 (11) to inspect school buses anywhere in the state for the purposes of determining
2.18 compliance with vehicle equipment, pollution control, and registration requirements;

2.19 (12) as peace officers to make arrests for public offenses committed in their presence
2.20 anywhere within the state. Persons arrested for violations other than traffic violations
2.21 shall be referred forthwith to the appropriate local law enforcement agency for further
2.22 investigation or disposition; and

2.23 (13) to enforce the North American uniform out-of-service criteria and issue
2.24 out-of-service orders, as defined in Code of Federal Regulations, title 49, section 383.5.

2.25 (c) After consultation with the governor or a designee, the commissioner may require
2.26 the State Patrol to provide security and protection to Supreme Court justices, legislators,
2.27 and constitutional officers other than the governor, for a limited period and within the
2.28 limits of existing resources, in response to a credible threat on the individual's life or safety.

2.29 (d) The state may contract for State Patrol members to render the services described
2.30 in this section in excess of their regularly scheduled duty hours and patrol members
2.31 rendering such services shall be compensated in such amounts, manner and under such
2.32 conditions as the agreement provides.

2.33 ~~(d)~~ (e) Employees thus employed and designated shall subscribe an oath.

2.34 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.1 Sec. 2. [299E.04] ADVISORY COMMITTEE ON CAPITOL COMPLEX
 3.2 SECURITY.

3.3 Subdivision 1. **Membership and terms.** The advisory committee on Capitol
 3.4 Complex Security shall consist of 11 members, appointed as follows:

3.5 (1) the lieutenant governor;

3.6 (2) two senators, including one member from the majority party and one member
 3.7 from the minority party, appointed by the Subcommittee on Committees of the Committee
 3.8 on Rules and Administration of the senate;

3.9 (3) two members of the house of representatives, including one member appointed
 3.10 by the speaker of the house and one member appointed by the minority leader;

3.11 (4) the senate sergeant-at-arms;

3.12 (5) the house of representatives sergeant-at-arms;

3.13 (6) the chief justice of the Minnesota Supreme Court or the designee of the chief
 3.14 justice;

3.15 (7) the commissioner of the Department of Public Safety or the commissioner's
 3.16 designee;

3.17 (8) the commissioner of the Department of Administration or the commissioner's
 3.18 designee; and

3.19 (9) one member of the Capitol Area Architectural and Planning Board, who shall be
 3.20 selected by the board, and who is not the board chair or a legislator.

3.21 A member may be removed by the appointing authority at any time at the pleasure
 3.22 of the appointing authority.

3.23 Subd. 2. **Duties.** (a) The advisory committee shall meet at least quarterly to assess
 3.24 current safety and security risks in the Capitol Area, as defined by section 15B.02, and
 3.25 discuss developments that might affect those risks in the future. The committee shall
 3.26 provide advice and recommendations to the governor and legislature regarding security
 3.27 priorities, strategies for addressing these priorities, and recommendations for funding to
 3.28 implement the strategies.

3.29 (b) The committee shall report to the governor, the chairs and ranking minority
 3.30 members of the legislative committees with jurisdiction over the Capitol Area
 3.31 Architectural and Planning Board and the Department of Public Safety, and chief
 3.32 justice of the Supreme Court by January 15 of each year. This report shall provide a
 3.33 general assessment of the status of security in the Capitol Area, describe improvements
 3.34 implemented, and recommend future improvements. As appropriate, the committee shall
 3.35 offer recommendations for capital or operating expenditures, statutory changes, or other
 3.36 changes in security-related policies or practices. The report shall include draft legislation

4.1 to implement any recommended changes in law. Spending recommendations shall be
 4.2 made in a timely manner to ensure that they can be considered as part of the state's capital
 4.3 and operating budget processes.

4.4 Subd. 3. **Administrative provisions.** (a) The lieutenant governor shall serve as the
 4.5 chair of the committee. The committee may elect a vice-chair to convene and conduct
 4.6 meetings when the lieutenant governor is not available.

4.7 (b) Meetings of the committee shall not be subject to chapter 13D.

4.8 (c) Administrative support for the committee shall be provided by the commissioners
 4.9 of administration and public safety and the sergeants-at-arms of the senate and house
 4.10 of representatives.

4.11 (d) The committee shall seek advice from at least one person with experience
 4.12 designating and implementing security for a public college or university campus, at least
 4.13 one person with experience designating and implementing security for courts, and at least
 4.14 one person with experience designating and implementing security for a private Minnesota
 4.15 company. Data exchanged with individuals under this paragraph is not public data.

4.16 Subd. 4. **Data practices.** (a) The committee is subject to the Government Data
 4.17 Practices Act, chapter 13. The committee may request access to nonpublic data, as defined
 4.18 in section 13.02, subdivision 9, as necessary to fulfill its responsibilities under this section.
 4.19 A government entity receiving a request under this subdivision must provide nonpublic
 4.20 data requested by the committee if the government entity reasonably determines that
 4.21 the data requested are relevant to the committee's responsibilities under this section.
 4.22 Committee members shall protect from unlawful disclosure data classified as not public.
 4.23 If data provided is disseminated by the committee or its members or agents in violation
 4.24 of section 13.05, subdivision 4, the committee is subject to liability under section 13.08,
 4.25 subdivisions 1 and 3.

4.26 (b) Paragraph (a) must not be construed to give the committee access to data
 4.27 classified under section 13.87, subdivision 2, or data on persons who provide the notice
 4.28 described in section 609.66, subdivision 1g, paragraph (b), clause (2).

4.29 Subd. 5. **Expiration.** Notwithstanding section 15.059, subdivision 5, the advisory
 4.30 committee on Capitol Complex Security expires June 30, 2022.

4.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.32 **Sec. 3. ORGANIZATIONAL DEADLINES.**

4.33 The appointing authorities for the advisory committee on Capitol Complex Security
 4.34 shall complete their initial appointments by July 30, 2011. The lieutenant governor shall

- 5.1 convene the first meeting of the committee within 30 days after the initial appointments
- 5.2 are completed.