

This Document can be made available
in alternative formats upon request

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

May 9, 2011

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act
1.2 relating to the State Capitol; authorizing the State Patrol to provide security and
1.3 protection to certain government officials; requiring a report on capitol complex
1.4 security; amending Minnesota Statutes 2010, section 299D.03, subdivision 1;
1.5 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.

2.35 **Sec. 2. [299E.04] REPORT ON CAPITOL COMPLEX SECURITY.**

3.1 Subdivision 1. **Report.** (a) The commissioner of public safety shall meet with
3.2 interested parties to review current safety and security risks in the Capitol Area, as defined
3.3 by section 15B.02, and discuss developments that might affect those risks in the future.
3.4 The commissioner shall provide advice and recommendations to the governor and
3.5 legislature regarding security priorities, strategies for addressing these priorities, and
3.6 recommendations for funding to implement the strategies.

3.7 (b) The commissioner shall report to the governor, the chief justice of the Supreme
3.8 Court, the Capitol Area Architectural and Planning Board, and the chairs and ranking
3.9 minority members of the legislative committees with jurisdiction over the Capitol Area
3.10 Architectural and Planning Board and the Department of Public Safety, by January 15 of
3.11 each year. This report shall provide a general assessment of the status of security in the
3.12 Capitol Area, describe improvements implemented, and recommend future improvements.
3.13 As appropriate, the commissioner shall offer recommendations for capital or operating
3.14 expenditures, statutory changes, or other changes in security-related policies or practices.
3.15 The report shall include draft legislation to implement any recommended changes in law.
3.16 Spending recommendations shall be made in a timely manner to ensure that they can be
3.17 considered as part of the state's capital and operating budget processes.

3.18 Subd. 2. **Data practices.** The commissioner may request access to nonpublic data,
3.19 as defined in section 13.02, subdivision 9, as necessary to fulfill the commissioner's
3.20 responsibilities under this section. A government entity receiving a request under this
3.21 subdivision must provide nonpublic data requested by the commissioner if the government
3.22 entity reasonably determines that the data requested are relevant to the commissioner's
3.23 responsibilities under this section.

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