A bill for an act

relating to public safety; enhancing security in the Capitol Area; creating new authorities and stipulating responsibilities; authorizing bonding; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299E.

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

Section 1. **[299E.05] CAPITOL AREA SECURITY COORDINATOR AND ADVISORY COMMITTEE.**

Subdivision 1. **Policy.** The legislature recognizes and declares the following facts, principles, and conclusions with regard to security in the Minnesota State Capitol Area.

(a) The United States and the state of Minnesota comprise a free and democratic society in which the effective, efficient, and participatory functioning of government fundamentally depends upon high citizen access, as well as effective security, at all times.

(b) Within the area of the State Capitol Area, the goals of open access to government and security may tend to conflict and, thus, must be balanced with one another.

(c) While the most effective security measure at any place and time inheres in the strong humanitarian values shared by the citizenry, it is acknowledged that not everyone can be expected to equally share and act in accordance with these values and, thus, security threats can and do arise in various places within our society from time to time. Some of those security threats may be directed toward governmental institutions, officials, personnel, or functions, as well as against the members of the public observing or participating in various governmental processes at any time.

(d) The legislature thus concludes that it is imperative to plan and provide for, as well as to facilitate, the security of all persons, property, and governmental processes located or occurring within the Capitol Area.

(e) Since the potential security threats in the Capitol Area can be complex, secretive, elusive, and potentially quite dangerous, the ongoing security responses must also be flexible, anticipated, coordinated, and effective, while nevertheless occurring in a manner that provides a reasonable measure of public access to government.

The legislature determines that separate, existing security efforts within the Capitol Area need to be systematically evaluated, improved, and better coordinated, while being adapted for continuing societal change. The legislature, thus, deems it necessary to create a multi-institutional Advisory Committee on Capitol Area Security, as well as to authorize the governor to appoint a Capitol Area security coordinator. This section specifies the roles and responsibilities of the coordinator and committee.

Subd. 2. **Capitol Area security coordinator; appointment.** (a) The governor shall appoint a member of the Executive Cabinet to serve as the Capitol Area security coordinator. The governor's Capitol Area security coordinator, in consultation with the Advisory Committee on Capitol Area Security, shall:

(1) direct, coordinate, and account for security in the Capitol Area;

(2) oversee periodic assessments of security vulnerabilities;

(3) develop, implement, and maintain effective strategies for preventing, mitigating, and responding to security threats;

(4) ensure that by February 1, 2012, all Capitol Area buildings have up-to-date evacuation and emergency response plans that:

(i) are used in ongoing staff training;

(ii) are periodically evaluated and adapted as necessary to stay abreast of changing security threats; and

(iii) incorporate as appropriate new security strategies and technologies;

(5) convene individuals from inside and outside government, as needed, to:

(i) assess risk;

(ii) develop and update coordinated plans; and

(iii) ensure cost-effective uses of technology for security in the Capitol Area; and

(6) as appropriate, consider existing plans, such as those developed by the Department of Administration, the Department of Health, and the Department of Public Safety, including the Division of Capitol Security, the state fire marshal, and the Homeland Security and Emergency Management Division, and any other credible existing plan.

(b) The governor's Capitol Area security coordinator, in consultation with the Advisory Committee on Capitol Area Security, also must develop and propose funding mechanisms for the purpose of implementing this section.

Subd. 3. **Advisory Committee on Capitol Area Security.** (a) The Advisory Committee on Capitol Area Security shall consist of the following members:

(1) the lieutenant governor;

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

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

(4) the senate sergeant-at-arms;

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

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

(7) the commissioner of the Department of Public Safety, or designee;

(8) the commissioner of the Department of Administration, or designee;

(9) one member of the Capitol Area Architectural and Planning Board who is not the board chair or a legislator; and

(10) the Capitol Area security coordinator.

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

(b) The advisory committee shall meet regularly to assess current safety and security risks in the Capitol Area as defined by section 15B.02, and discuss developments that might affect those risks in the future. The committee shall provide advice to the governor and the legislature regarding security priorities and possible strategies for addressing these priorities.

(c) The committee shall report to the governor, the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety and government operations, and chief justice of the Supreme Court by January 15 each year. The report shall provide a general assessment of the status of security in the Capitol Area, describe improvements implemented, and recommend future improvements. As appropriate, the committee shall offer recommendations for capital or operating expenditures, statutory changes, or other changes in security-related policies or practices. Spending recommendations shall be made in a timely manner to ensure that the recommendations are considered as part of the state's capital and operating budget processes.

(d) The committee shall be organized and function as follows:

(1) the committee shall reside in the executive branch and the lieutenant governor shall serve as its chair. The committee may elect a vice chair to convene and conduct meetings when the lieutenant governor is not available;

(2) meetings of the committee are subject to chapter 13D;

(3) administrative support for the committee shall be provided by the Departments of Administration and Public Safety and the sergeant-at-arms of the senate and house of representatives;

(4) legislative members may receive compensation for expenses as provided by the house of representatives or senate rules, as appropriate. Other members of the committee serve without compensation or payment of expenses; and

(5) the committee shall seek advice, as needed, from at least one person with experience designing and implementing security for a public college or university campus, at least one person with experience designing and implementing security for courts, and at least one person with experience designing and implementing security for a private Minnesota company.

(e) The committee shall have access to not public data as necessary to fulfill its responsibilities and shall be subject to the Governmental Data Practices Act, chapter 13. Committee members shall protect from unlawful disclosure data classified as not public. If data provided is disseminated by the committee or its members or agents in violation of section 13.05, subdivision 4, the committee is subject to liability under section 13.08, subdivisions 1 and 3.

Subd. 4. **Risk-based deployment of staff and other resources.** The governor's Capitol Area security coordinator, in consultation with the Advisory Committee on Capitol Area Security, shall employ and encourage the use of a uniform method for assessing risks in the Capitol Area, and must ensure that any available security staff and resources are allocated and deployed throughout the Capitol Area in a manner consistent with the assessed security risks at any time.

The Capitol Area security coordinator shall employ broad flexibility in assigning or reassigning security personnel and other security resources throughout the Capitol Area in response to urgent and evolving security threat situations that may arise at any time.

Subd. 5. **Multiple deployment strategies; flexibility; adaptation.** (a) Following a comprehensive risk assessment of the Capitol Area, as authorized by the governor's Capitol Area security coordinator in consultation with the Advisory Committee on Capitol Area Security, the security administrator shall ensure the provision of reasonable protection within the Capitol Area using a combination of strategies and technologies, including any or all of the following:

(1) optimally deploying appropriate numbers and types of sufficiently trained and adequately equipped security personnel;

(2) using and deploying sufficient numbers of security-related devices, including but not limited to locks, cameras, electronic card readers, communication systems, and weapons screening devices, proper lighting, accessible alarms, and other signaling systems, as deemed appropriate at any time;

(3) acquiring and installing weapons detection technology at designated entrances of any or all public buildings in the Capitol Area;

(4) developing building-specific and area-specific plans and protocols intended to help prevent, or to ensure appropriate response to, a range of possible security threats;

(5) implementing appropriate security-related building design principles and technology as part of any construction and remodeling projects in the Capitol Area;

(6) sufficiently informing and training the governmental officers and employees working in each building regarding how they should respond to various types of suspected, apparent, or announced security threats within their workplace, broadly defined;

(7) as deemed appropriate by the security coordinator and permissible under law, communicating specific information or alerts to building occupants with regard to specific security threats that individuals might be enabled to avoid if given sufficient advance warning; and

(8) as deemed appropriate by the security coordinator and permissible under law, broadly communicating to the occupants of all relevant Capitol Area buildings, any new or ongoing information about any suspected or imminent security threats in the Capitol Area, along with recommended actions that building occupants can take to safely help detect, mitigate, avoid, or otherwise respond to those threats.

(b) The security coordinator and advisory committee stakeholders shall, as part of the security strategies being used, employ and deploy a variety of security personnel, including uniformed and undercover, armed and unarmed, male and female, with varied relevant training and experience backgrounds, including peace officer, military, corporate, and other security training and experience.

(c) The security coordinator shall network and develop formal and informal security-related working relationships with security directors in relevant federal, state, and local governments for the purpose of staying abreast of evolving security threats and strategies generally, as well as to facilitate communications in times of response.

(d) The security coordinator and advisory committee shall regard, within reason, the regular building occupants in the Capitol Area as potential allies in the quest for security in the Capitol Area and, periodically must informally query or systematically poll building

occupants for observations of or concerns about existing and new potential security threats, and the occupants' evaluations of ongoing security strategies and recommendations for new security strategies for consideration by the security coordinator and advisory committee. It is recognized that the security coordinator and advisory committee will need to regularly withhold certain sensitive security information from most or all building occupants, and they are hereby authorized to do so, as may be necessary or feasible at any time.

(e) The security coordinator and advisory committee shall think and plan in a manner that is both realistic and futuristic, as well as flexible and innovative in regard to possible types of security threats that might arise in the Capitol Area, and in designing and implementing prevention and response strategies.

Subd. 6. **Firearms carry restricted in Capitol Area.** (a) Notwithstanding sections 609.66, subdivision 1g, 624.714, 624.7181, or any other law to the contrary, a person may not carry a firearm or other dangerous weapon within any public building in the Capitol Area. This subdivision does not apply to licensed peace officers, members of the military acting in the course of official duty, members of an organized veterans honor guard while not possessing live ammunition for the firearms being carried, or to any qualified law enforcement officer or qualified retired law enforcement officer who is permitted to carry a firearm under United States Code, title 18, sections 926B and 926C.

(b) To facilitate the personal safety of persons traveling to and from the Capitol Area, the security coordinator and advisory committee shall consider the feasibility of providing lockers near one or more key entrances of Capitol Area buildings for any person who is in lawful possession of a firearm while traveling to the Capitol Area to safely store the firearm upon entering the Capitol Area.

Subd. 7. **Usurpation prohibited.** Nothing in this section shall be construed to conflict with the power of the legislature or the power of the court to appoint and assign personnel and equipment as it deems necessary for the conduct of its business.

Subd. 8. **Definitions.** (a) For purposes of this section, the terms in this subdivision have the meanings given them.

(b) "Capitol Area" has the meaning given in section 15B.02.

(c) "Building occupant" means each governmental official and employee, lobbyist, and member of the public working or otherwise lawfully present in any building of the Capitol Area at any time.

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

Sec. 2. **BONDING; PHASE 1 CAPITOL SECURITY AND ACCESS IMPROVEMENTS.**

Subdivision 1. **Appropriation; tunnel.** $6,100,000 is appropriated from the bond proceeds fund to the commissioner of administration to complete, design, and construct phase 1 Capitol security and access improvements, specifically including a new tunnel connecting the Capitol across University Avenue with construction to be coordinated with light rail construction time frames. The commissioners of administration and public safety and the chair of the Metropolitan Council must continue to work together to address other light rail security and access concerns.

Subd. 2. **Appropriation; metal detector infrastructure.** $..... is appropriated from the bond proceeds fund to the commissioner of administration to purchase and install weapons detectors in designated public buildings in the Capitol Area.

Subd. 3. **Bond sale.** To provide the money appropriated in this section from the bond proceeds fund, the commissioner of management and budget shall sell and issue bonds of the state in an amount up to $..... in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

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