Members present:
Lieutenant Governor Peggy Flanagan
Majority Leader Ryan Winkler
Representative Jim Nash
Senator Scott Dibble
Chief Justice Lorie Gildea

Advisors present:
Rochelle Schrofer, St. Patrol
Eric Roeske, Captain, State Patrol
Sean Meagher, State Patrol
Commissioner Alice Roberts-Davis, Dept. of Administration
Chris Guevin, Facilities Management Director, Dept. of Administration
Bob Meyerson, Sergeant-at-Arms, Minnesota House
Sven Lindquist, Sergeant-at Arms, Minnesota Senate
David Kelliher, Minnesota Historical Society
John Eastham, Ramsey County
Troy Buhta, University of Minnesota
Brian Pease, Minnesota Historical Society
Andy Landon, Target Corporation
Paul Mandell, Capitol Area Architectural and Planning Board

Guests:
Secretary of State Steve Simon
State Auditor Julie Blaha
Attorney General Keith Ellison
Jackie Mahon
Rich Neumeister
Rob Doar

I. Call to order
Lt. Governor Flanagan called the meeting to order at 1:03 p.m. She stated a common theme in the public comments from the January 22, 2021 meeting was that there be a website for documents for the public to review. DPS Communications staff will have a website that will list the minutes, handouts and reports produced by this committee.

II. Approval of meeting minutes: January 22, 2021
Chief Justice Gildea had a correction to the minutes. On page 3 there was a remark from Rep. Nash that should read statute not statute. Sen. Dibble moved to approve the amended minutes, seconded by Rep. Nash. By a vote of 4-0, the motion passed. (Majority Leader Winkler arrived just after this vote.)

The Lt. Governor reviewed the meeting agenda. Recommendations presented at the last meeting from the Departments of Public Safety (DPS) and Administration were options. Recommendations arising from this committee will be a collaborative process. All ideas should be brought to the table and can be workable through critical thinking and conversations. The Lt. Governor noted members were asked to discuss policy and budget ideas that they brainstormed. She hopes to build on the momentum of
III. Member discussion of proposals

Chief Justice Gildea

Chief Justice Gildea reflected on the work of the committee focusing on budget matters. Her recommendations include the following priorities:

1. Adopt the recommendation from law enforcement last week for sworn and unsworn additional officers. Salary was not discussed, but to the extent Human Resources would tell us we should make salary adjustments for retention issues, she is supportive of that.
2. Ensure we have completed all of the projects identified in the June 25, 2014 report. There were high, medium and low priority projects.
3. Identify cyber security is an issue and make sufficient investments to ensure technological infrastructure is protected.

Majority Leader Winkler

Majority Leader Winkler noted he teamed up with Rep. Nash and designed a survey which was sent to House members and House staff. To date, 95 staff and 69 members have responded. They would like to give a little more time before providing an overview. From his perspective and from House Democrats, what they have heard is concern for staff in the State Office Building who are out in open spaces with few places to protect themselves, which leads to the topic of the State Office Building.

There had been a discussion with Col. Langer, Sergeant-at-Arms Meyerson and Majority Leader Winkler and his team who discussed the building construction and what it would take to keep the space at a comparable level of safety and security as other Capitol Complex buildings. That topic will be explored further. He noted the Caucus is concerned about firearm standards and rules. The Caucus agrees with the Chief Justice on increasing the staff complement for State Patrol Capitol Security officers. It has to be a budget priority in order to maintain a modicum of safety and security. An in-depth response will be provided when the survey is complete.

Chief Justice Gildea noted there were a number of issues regarding the State Office Building identified in the June 2014 report. She asked Majority Leader Winkler if those issues were addressed in the June 2014 report, or are there new security issues. Majority Leader Winkler noted they are substantially similar except for the concerns as a result of the events that took place in Washington D.C. on January 6, 2021.

Sergeant-at-Arms Meyerson noted many concerns were addressed in the 2014 report and they have recognized since then there are still vulnerabilities. The building itself is porous. The infrastructure of the building is failing. Although they are making huge steps forward including an automation system with doors and securing the loading dock, a further assessment is necessary.

The Lt. Governor asked if the 2014 report could be distributed and posted to the website. Director Chris Guevin noted the 2014 report is a nonpublic report because of its nature, but could be sent to members. Phase 1 is nearing completion and there remains a lot of uncompleted work which is part of the initiative being recommended. Negotiations are being finalized with a consultant to supplement the study based on what has happened over the last months. The State Office Building is a challenge due to its age. They will look at it once again as a refreshment of the study to see what else should be done.

Chief Justice Gildea noted that there is a public summary of the report which could be made available. Director Guevin said that portion could be posted. The Lt. Governor stated members should follow-up with Chris if they would like a copy of the 2014 report. She also noted that Sen. Limmer could not join
us today, but at the last meeting he brought up some good points on training Capitol staff and elected officials. She will follow up with him to see if he has anything additional.

**Sen. Dibble**

Sen. Dibble stated he agrees with the recommendations of Chief Justice Gildea and Majority Leader Winkler. The Senate sent an email to the Caucus and heard back from colleagues and staff. The first item is to make sure physical surroundings are secure, e.g., the buildings, entrances, and to the extent there is awareness of the work that is yet undone, finish that work which should be a priority. If it makes sense, reopen that study and analyze it with a set of fresh eyes in light of the events at D.C. and see if there is more that we can do to the buildings that we work in so they are safe, as well as the other buildings around the Capitol Complex. People are hungry for information and want to know how the security measures are arranged, what there is, what we need to be aware of and how to keep safe on a day-to-day basis. Who is going to respond in an emergency, how to respond, who is going to do what in a crisis. People are hungry for training which is needed. They want to know what the tools are to communicate effectively, e.g., cell phone alerts, speaker announcements, how to access them, and what to do in response to them. Use of technology, real time communications and understanding better how to utilize them. Sen. Dibble noted there has been a lot of discussion as leaders that we need to be responsible in leadership when talking about upholding the rule of law, the sanctity of our elections and not encouraging the kind of rhetoric that gave rise to the events in Washington, D.C. He is interested in the upcoming discussion on firearms and what is the safest situation to have around the policy for firearms and what is best for the public and staff. What is the learned opinion from law enforcement officials and other security professionals?

**Rep. Nash**

Rep. Nash noted that he echoes what the Chief Justice stated. Coming up with the recommendations from the last study as it relates to more sworn peace officers on the campus would be helpful such as when the protestors tore down the statue. Implement the recommendations from the 2014 study that this Committee has been pushing for the last number of years. We have been trying to get funds since the 2014 report for those items and now is the time to get it all the way done. In speaking to his Caucus, colleagues and staff, the concerns included promoting fire drill training, what to do in extreme weather issues, and active shooter training for every staff in every building in the Capitol Complex. Rep. Nash stated we have to take into consideration people work there, come to visit and we need to be aware how decisions that are made impact buildings differently. Cyber security does drive a potential compromise of physical security and is important to think about. Enhancements to the State Office Building should be discussed. Remember that in our effort to talk about security and access, the Capitol is the seat of government and it is the People’s House. It should be easy for people who want to come and address senators, house members, and judiciary or anyone else. Rep. Nash stated he ran for state representative to be available to the people he represents, to represent people across Minnesota to discuss issues or a committee that he serves on. The more access is limited, the less we are open to the people we represent. He also noted that to date there have been no firearm incidents and to make sure that a problem isn’t solved that may or may not exist. The top priorities are getting the Miller Dunwiddie recommendations completed.

Sen. Dibble appended his remarks and noted he enthusiastically endorses Col. Langer’s recommendations presented at the last meeting and he seconded the endorsement of Chief Justice Gildea’s recommendations that Col. Langer had brought forward at the last meeting. The Lt. Governor noted she appreciated Rep. Nash’s comments particularly noting that the Capitol is the People’s House and that is the balance that we are trying to strike. Making sure staff, members, members of the public all feel safe, safe in their own homes and in their home at the Capitol and that it is accessible.
David Kelliher, Minnesota Historical Society

Mr. Kelliher said a few words about the Minnesota Historical Society. They wear two hats on the advisory committee. They assist with preservation of the Capitol building and operate the educational programs including tours for school groups and the general public. They welcome tens of thousands of visitors to the Capitol each year. They are also responsible for activities at the Minnesota History Center which is part of the Capitol Complex. DPS, Capitol Security and State Patrol provide security. They also welcome thousands of visitors each year including thousands of school children. The public nature of the History Center building differentiates it from other buildings and makes it more like the Capitol itself. The History Center has additional security needs as they house collections, state archives, manuscripts and objects. In keeping with national security standards for museums, the History Center has unique security needs. David thanked DPS, the State Patrol and Capitol Security for coordinating with them the unique security needs for the Capitol and History Center. They support the request that DPS brought forward to provide adequate levels of funding for Capitol Security in the complex. David thanked Director Guevin and his team and the Department of Administration and they support updating the 2014 Miller Dunwiddie report. David extended an invitation to look at the public and behind the scene needs of the History Center (safety conditions permitting). He reintroduced Brian Peese as Site Manager of the Capitol historic site and Anne Richards, Minnesota Historical Society Security and Risk Manager.

The Lt. Governor noted the constitutional officers have their own security concerns on and near the Capitol Complex. The committee should consider their needs when making recommendations.

IV. Constitutional officer comments

a. Steve Simon, Secretary of State

Secretary Simon thanked the committee for their positive contribution and noted Capitol area security is no longer hypothetical as there is extra need for this work now due to COVID-19, the killing of George Floyd and the after affects of the 2020 elections. The Secretary of State oversees the administration of elections and promotes voting and civic engagement of elections. They partner with local election officials to conduct elections that are fair, accurate and secure. There have been protests around the 2020 election. Protests are first amendment protected as it should be. He noted people gathering at the Capitol is not a security issue; but as we know from January 6, it is something that can veer from a protest to violence or worse and that is what we are concerned about.

The majority of employees from the Secretary of State are working from home. They conducted an informal survey of staff and found that the majority do not have a high confidence level to their own security. Mr. Meyerson has been a rock solid partner, but there are limitations with the State Office Building. They have three locations including the Administration and the Election Division at the State Office Building, Business Services Office on Empire Drive, and the Safe at Home Program is at an undisclosed location. The Business Services and Election Services have public facing counters, and sometimes they see many thousands of customers per month during pre-COVID times. Some folks present a security concern like individuals from the sovereign citizen movement who the FBI have classified as domestic terrorists. The Business Office interacts with them and there has been ongoing concern.

Employee’s state:
1) Add more guards, sworn and unsworn, and security cameras to the State Office Building. The Business Services Office is in the process of moving (undetermined location) in a few months.
2) Employees are interested in additional key card access doors. At the public counter you don’t want someone to leap over and have access to the rest of the office.
3) Provide reinforced entrance doors.
4) Provide additional physical barriers from the public counter space to the rest of the office and provide additional office security alerts for the front desk staff to alert office staff.

b. Julie Blaha, State Auditor
State Auditor Blaha noted the State Auditor’s Office is just off the Capitol Complex. Auditor Blaha discussed some of the risks they have been having. She noted they have had conversations with local law enforcement and staff and security issues came up quite a bit. They see a general risk with being a statewide elected official. They occasionally see people that they need to refer to law enforcement including sovereign citizen nation individuals, people using threatening language and extreme speech. They have seen a heightened risk due to their role in approving the Governor’s Executive Orders, and their role in the executive council. They have a local crime risk due to their location. Most work has been around data security and protecting data on-site. They had to move their data to another location this past summer, away from the civil unrest. She reviewed their office structure including outstate offices and noted they do not have many security issues with the outstate locations. Although their main office is in Saint Paul, they are not covered officially covered by Capitol Security police. For security now they have restricted access. They have key card access on each floor and can turn off elevator access to the floor. The parking lot has security issues and Capitol Security has offered to escort if requested. The building does not provide cameras so they have their own and are thinking of expanding. Communication is another major security issue. Col. Langer and Commissioner Harrington have kept them posted during the recent events and the Lt. Governor’s office has been a point of contact. They don’t get notice necessarily when there is an issue on the Capitol Complex and are working on ways to fill the gap. The biggest difference is security personnel as they don’t have assigned personnel. She noted that the building manager tried to get security personnel hired but ran into issues when hiring.

Next steps:
1) State Auditor Blaha was not sure how much the State Auditor’s Office was included in the Miller Dunwoodie report, but they would like to be included in a more robust way.
2) They would like panic buttons.
3) If they could use Capitol Security personnel as another set of eyes, that would be a big help.

The Lt. Governor stated that along with DPS and this Committee, some safety concerns of the State Auditor’s office and team should be able to be addressed.

c. Attorney General Keith Ellison
Attorney General Ellison stated we needed to address the violent threat from last year and this year and what the continued needs are moving into the future. One way that people express themselves is the access and use of public buildings especially in the Capitol and complex. We have seen groups rally in the rotunda or on the grounds of the Capitol peacefully. We have been blessed, until now, that almost all of the views of expression have been peaceful. Attorney General Ellison reviewed recent events in Michigan including heavily armed protesters who stormed their Capitol and later a plot to kidnap and execute their Governor was foiled. In Minnesota, armed protesters carried weapons outside the Governor’s Residence and the residence needed to be evacuated which involved the Governor’s son and family. On January 6, 2021 thousands of armed protesters stormed the U.S. Capitol and attacked, and seven are now dead. Serious threats of violence are directed at people and not only at elected officials. Attorney General Ellison noted last year a 19 year-old son of a federal judge in New Jersey was killed by an ideological motivated gunman. Peaceful constituents face an increased threat in using public buildings. We are in a moment to strike the right balance of accessibility, transparency and participation and the personal safety of a functioning democracy.
Attorney General Ellison noted the Attorney General’s Office represents more than 100 state agencies, boards and commissions in all legal matters and helps Minnesotans afford their lives in dignity and respect. They are used to being on the front lines of these fights and protect Minnesotans and are proud to do it. Staff have been brought into some of the biggest controversies in Minnesota and the world including: 1. Enforcing the Governor’s Executive Orders that are designed to stop COVID-19; 2. Prosecuting the murder of George Floyd in Minneapolis which led to the largest mass demonstration mobilization in 50 years; and 3. Helping the Secretary of State ensure that Minnesotan’s can vote safely in a pandemic and protecting the results of Minnesota’s federal election from spurious legal challenges. They also brought action to stop armed individuals that wanted to occupy polling locations.

As a result of doing their jobs in high profile cases, they have had to take security measures including limiting public access to office space. Most staff work in downtown Saint Paul rented space, and there have been some threatening protesters there which has been alarming to staff. Some staff have received threats to their lives and safety for doing their work, and there was one death threat. They have a system for reporting those threats and are grateful for the BCA and FBI. Attorney General Ellison stated it is alarming for him, as he takes on threats and he knows what he is getting into, but his staff should not have to. Their security is his number one priority.

Security Items Proposed:
1) Install access card reader vs. keys for the Capitol - $35,000 estimate
2) Install access card readers in downtown Saint Paul office - $100,000 estimate
3) Public facing receptionist and conference area for Saint Paul allows for two exits and bullet proof protection
4) Install security camera on 14th floor with security monitoring on the security desk 2nd floor – Saint Paul
5) Cyber improvements
6) Hire consultant to perform security audit to assess potential vulnerabilities associated with external network environment and review network architecture–estimated $35,000
7) Attorney General Ellison requests State Patrol escort the prosecuting attorneys and staff beginning March 8, 2021 for the George Floyd trial.
8) Extend security and awareness training to the entire Attorney General staff. There are 330 employees that do not work at the Capitol and have not had the training.

Attorney General Ellison stated that he knows that it is not normally possible to bond for internal improvements, but there is a clause in the Minnesota Constitution that may allow for this. He can develop a more thorough legal memo on this. Article 11, Section 5 enumerates the purposes for which “public debt may be contracted and works of internal improvements carried on.” Clause (b) allows for this in order to “repel invasion or suppress insurrection.”

The Lt. Governor stated the request for State Patrol escorts for attorneys and staff for the George Floyd trial have been noted. Chief Justice Gildea asked if the Committee has gotten a legal opinion on legal jurisdiction for offices that are not on the Capitol Complex. Attorney General Ellison stated he can ask staff to research that issue. Chief Justice Gildea stated that would be helpful.

Sen. Dibble noted he was glad that the other constitutional officers were here talking about the security for state employees who are a block or a half mile away. We should be diligent about their security needs as well. If the statutory mission needs to be amended or revised that can be done. He is also interested in the State Constitution and how the state can become indebted and will be interested in the legal memo. Attorney General Ellison has asked staff to review the provision in greater detail to give us an extent of that provision.
Lt. Governor stated we have two pieces of follow up: Committee jurisdiction to areas outside the Capitol Complex and a potential memo clarifying public bonding dollars for use of the Capitol.

V. Public comment

Jackie Mahon (representing MAPE), Department of Health, Public Health Laboratory

Jackie stated she works in the infectious disease lab in the emergency preparedness and response unit. In 2020 their dedicated team worked countless hours, 7 days a week, nearly 365 days a year. The lab screens for COVID-19, food borne illness, tracking antibiotic resistance organisms, testing for rabies virus, fungal infections, and non-COVID-19 respiratory illness. Other units screen babies for life threatening diseases and ensure water is safe and countless other services to Minnesotans. In 2020, safety became a concern for many reasons as their building is on the Capitol Complex. Staff have been evacuated on short notice due to civil unrest which was not easy as there is no PA system in the lab building. Their building has been shut down due to credible threats to the Capitol. Protests increased traffic around their building and there have been times on the weekend where employees have gotten their cars blocked in the parking garage by cement barricades and were unable to leave. Jackie noted staff are committed to working with the Committee to improve security around the complex. They would like to improve communication for the staff working when issues arrive. They would like a PA system which is the only efficient way to alert staff to a security issue. They want safety training, drills and a safe environment to continue their critical work.

The Lt. Governor thanked Ms. Mahon and her colleagues for the work they are doing every day. We are all indebted to you. A functional PA system would be helpful and is noted.

Rich Neumeister

Mr. Neumeister stated in the last 40+ years he has participated in the democratic process at the Capitol. He has been someone who has done what he wishes many citizen could do if they had the time which is to participate in the democratic process and the discussion of some of the security, screening, the fence around the Capitol, and of the infrastructure. It will change the relationship between government and the public. It is more than just symbolism as it will affect the access and ability of the public to make a difference in the participatory process of the legislature. When there is discussion of things that the public may not know about it is important that that principle be just as equal as the safety of the people that are there.

Rich stated in his 40 years of being at the Capitol, he has seen security attempts to have the public not get access. Some have been continued and some have been eliminated. There has to be equal, open access into the democratic process for people to participate in and have there has to be access to the State Office Building and Capitol. It is the People’s House and not a prison. As we go through this process, there needs to be transparency for policies or development so the public can have a say.

Rob Doar

Mr. Doar stated it is important to have accurate information as we move into the conversation next week on firearms. He noted Attorney General Ellison stated there were thousands of armed protesters that stormed the U.S. Capitol, but he doesn’t believe that is accurate. Mr. Doar stated there were single digits of people who were armed and arrested and doesn’t believe there is anything to substantiate the statement of thousands of armed protesters.

Robert is concerned about this committee and how it is operated in contrast to other legislative committees. Although this is not a legislative committee, he believes it is subject to open meeting laws. It is not required for meeting minutes to be posted, but it would be beneficial. As stated in Chapter 13D, materials provided to the Committee have to be posted with exceptions for security briefings and reports,
information on security systems, and security response. He stated there are not ways to see the committee members and how to reach them, who to share comments with, and the comment form provided is insufficient to engage government representatives. He hopes that the committee would work to try to find more ways to make the information presented historically and upcoming transparent and better context for comments.

The Lt. Governor stated she takes comments to heart and the website will be updated and available with the public documents. This committee is important and we need to make sure that people feel seen, heard and valued. She thanked members for their contributions and to the guests for their testimony. Next week we will call another meeting which will include discussion on firearms with proponent and opponent testimony. A form will be available so folks can make written comment. The annual report needs approval which we will take on at that meeting. The slate of recommendations of what we have heard today will be approved before the end of February for inclusion in the Governor’s revised budget.

VI. Adjourn
Motion to adjourn made by Majority Leader Winkler and seconded by Sen. Dibble. By a vote of 5-0, motion passed and the meeting is adjourned at 2:37 p.m.