

**REPORT
OF THE
EXECUTIVE SUBCOMMITTEE
OF THE
ARKANSAS LEGISLATIVE COUNCIL**

January 19, 2018

Senator Bill Sample, Co-Chair
Senator Terry Rice, Vice Chair
Senator Jonathan Dismang
Senator Jim Hendren

Representative Jim Dotson, Co-Chair
Representative Jon S. Eubanks, Vice Chair
Representative Jeremy Gillam
Representative George B. McGill

We, the Executive Subcommittee of the Arkansas Legislative Council, met at 8:30 a.m. on January 9, 2018 in Committee Room B of the Big Mac Building, Little Rock, Arkansas. Co-Chair Jim Dotson called the meeting to order and saw a quorum of members present. The members present are listed on the sign-in sheet.

The subcommittee heard an explanation from Byron Freeland, Attorney for the Arkansas Racing Commission, of the following emergency rules by the Arkansas Racing Commission:

- 1) Emergency Rule 1231 B.3, Total Dissolved Carbon Dioxide Testing; and
- 2) Emergency Rule 1217(C), Prohibited Practices - Extracorporeal Shock Wave Therapy or Radio Pulse Wave Therapy

Without objection, the Executive Subcommittee reviewed and approved the proposed emergency rules, and the review and approval of the emergency rules was effective at 12:01 a.m., Thursday, January 11, 2018.

The Executive Subcommittee heard from Director Marty Garrity, who explained that the proposed amendment to the Big Mac Security Policy would make the Bureau Security Policy consistent with the policy adopted by the Arkansas State Police in regard to the definition of the word "possession". With the passage of the motion by Senator Terry Rice, the Executive Subcommittee recommends approval of the amendment to the Big Mac Security Policy.

Director Marty Garrity delivered her Director's Report, advising the subcommittee that the audit of the Bureau of Legislative Research has been completed and there were no deficiencies noted by the auditors.

There being no further business before the subcommittee, the meeting was adjourned.

Respectfully submitted,

Senator Bill Sample and Representative Jim Dotson, Executive Subcommittee Co-Chairs

BS/JD/MG:vjf

Security Policy

One Capitol Mall, Fifth Floor – Legislative Committee Rooms and Staff Offices

1. Policy Statement

It is the intent of this Security Policy to provide a deterrent to acts of violence by keeping unauthorized items out of the legislative committee rooms located on the Fifth Floor of One Capitol Mall and the Bureau of Legislative Research (“BLR”) staff offices (the “facility”). The security officers that operate the metal detection equipment will do so to the best of their ability to avoid any major inconvenience to legislators, staff, and members of the public while in performance of their respective duties.

Securitas will provide training for security officers in the operation of all metal detection equipment. The role of the officers will be to provide security services to individuals attending legislative meetings in the facility and to the BLR offices. In doing so, the security officers will monitor walk-through magnetometers and hand-held metal detector wands to screen visitors to the facility for unauthorized items before allowing those persons access to the building.

2. Access

2.01 In General. Access to the facility will be through the street entrance, and all individuals entering the facility will pass through the metal detectors, manned by a security guard before entering the building. Access to the facility via the elevators, including the freight elevator, and stairwells from other parts of the building will be restricted to key card access only.

2.02 Bureau of Legislative Research Employees: Key Card Access.

(a) BLR Employees shall have key card access to the facility via the elevators, including the freight elevator, and the stairwells.

(b) BLR employees entering the facility who have a concealed carry endorsement under Arkansas Code § 5-73-322(g) and are carrying a handgun shall either provide the BLR with a copy of their concealed carry endorsement for the BLR to provide to the Arkansas State Capitol Police and the on-site security guards, or shall pass through the metal detector upon each entrance to the facility, and submit to screening and inspection under Section 4 of this policy.

(c) An individual with key card access to the facility shall not provide his or her key card for the use of any other individuals, and shall not allow other individuals to accompany him or her in accessing the facility without passing through the screening and inspection process at the metal detector.

2.03 Members of the General Assembly: Access to the Facility. Members of the General Assembly entering the facility who have a concealed carry endorsement under Arkansas Code § 5-73-322(g) and are carrying a handgun shall either provide the BLR with a copy of their concealed carry endorsement issued by the Arkansas State Police for the BLR to provide to the Arkansas State Capitol Police and the on-site security guards, or shall pass through a metal detector upon each entrance to the facility and submit to screening and inspection under Section 4 of this policy.

2.04 Executive Agency Personnel: Key Card Access

(a) A director of an executive agency with offices in the MAC Building may request key card access to the facility.

(b) In order to ensure the continued integrity of the security measures in place for the facility, the following procedures will apply:

(1) An executive agency director accessing the facility via the elevators or stairwells will be required to:

(A) Show his or her identification to the receptionist at the front desk or to the security officer; and

(B) Sign the visitors log located at the BLR receptionist desk indicating date, time, and purpose of the visit. (The agency director will not be required to sign out.)

(C)(i) An agency director entering the facility via key card access who has a concealed carry endorsement under Arkansas Code § 5-73-322(g) and is carrying a handgun shall provide the BLR with a copy of his or her concealed carry endorsement issued by the Arkansas State Police for the BLR to provide to the Arkansas State Capitol Police and the on-site security guards.

(ii) An agency director who does not wish to provide a copy of his or her concealed carry endorsement shall not be granted key card access and shall pass through the metal detector at the main entrance and present the proper documentation of the endorsement to a security guard at each instance of entering the facility.

(2) Agency personnel authorized to access the facility via the elevators and stairwells, will still be required to comply with all security procedures, including inspection and metal detector screening when accessing the facility by the exterior entrance.

(c) Agency personnel not authorized to access the facility via the elevators and stairwells will be required to enter and exit the facility via the exterior door and metal detector.

(d) An individual with key card access to the facility shall not provide his or her key card for the use of any other individuals, and shall not allow other individuals to accompany him or her in accessing the facility without passing through the screening and inspection process at the metal detector.

3. Unauthorized Items

3.01 Prohibited Items. The following is a partial list of items prohibited from being carried into the facility. The security officer will be authorized to use his or her discretion in disallowing items not included on this list:

(a) Guns, including pellet and BB guns (unless an individual provides documentation of a concealed carry endorsement under Arkansas Code § 5-73-322(g));

(b) Explosives;

(c) Martial Arts Weapons;

(d) Batons;

(e) Mace/Pepper Spray;

(f) Ammunition;

(g) Electric Weapons (e.g. tasers);

(h) Large Knives; and

(i) Brass Knuckles.

3.02 Concealed Carry Endorsement. Under Act 562 of 2017, a concealed handgun carry licensee who completes a training course established by the Arkansas State Police and obtains an endorsement under Arkansas Code § 5-73-322(g), may carry a concealed handgun into “any meeting of the General Assembly or a committee of the General Assembly” and “any state office”; provided that the licensee shall at all times:

- (a) Carry his or her enhanced concealed handgun carry license;
- (b) Ensure that the handgun is fully concealed; and
- (c) Keep the handgun in his or her possession. Possession means that the handgun shall be in the licensee’s immediate vicinity (within arm’s reach).

An individual seeking entrance to the facility with a handgun who does not have a valid concealed carry endorsement on his or her person or if the handgun is improperly concealed will be instructed to return the handgun to his or her vehicle for proper storage before entrance to the facility is allowed.

3.03 Law Enforcement Officers. Law enforcement officers will be allowed to remain armed when entering the facility only if they:

- (a) Are present at the facility on official business and are acting in the line of duty; or
- (b) Are armed and carrying under the authorization of a concealed carry endorsement issued by the Arkansas State Police, under Arkansas Code § 5-73-322(g).

4. Screening and Inspection

Individuals entering the facility will be subject to an initial screening via walk-through magnetometer and visual inspection of any property in the individual’s possession.

4.01 Purpose of the Screening/Inspection – Administrative Search. Screening/inspection will be conducted at the street entrance of the facility. The screening/inspection will be limited and no more intrusive than necessary to protect against unauthorized items being brought into the facility. The screening/inspection is not being conducted for the purpose of gathering evidence for criminal prosecution. However, items discovered during the course of the screening/inspection may be admissible in criminal prosecution. Because the security screening is an administrative search as a condition by which entry into the facility may be gained, the person being screened/inspected is deemed to have consented to the screening/inspection.

4.02 Notice. Signs will be displayed at all entrances alerting visitors to the facility that upon entering the facility, they may be subject to a screening and inspection of their person and property. If a person approaching the entry point to the facility chooses to avoid the screening/inspection by not entering the facility, the person may not be screened/inspected.

4.03 Persons Subject to Screening/Inspection.

(a) All individuals are required to enter through the walk through magnetometer; the following individuals will be exempt from further inspection if the alarm on the magnetometer sounds when they walk through: current members of the Arkansas General Assembly and their family members, Bureau of Legislative Research staff, Senate staff, House of Representatives staff, and Legislative Audit staff. If any of the persons exempt from further inspection are bringing a firearm in the facility under the provisions of Act 562 of 2017, he or she shall provide

documentation of his or her concealed carry endorsement under Arkansas Code § 5-73-322(g) to the security guard.

4.04 Procedure. As an individual approaches the walk through magnetometer, the security guard will ask the individual to empty his or her pockets and place the contents in the bowl provided and place the bowl on the table along with any bags the individual has in his or her possession. The individual will then be asked to walk through the magnetometer.

(a) No Alarms Sound. If the individual passes through the magnetometer without any alarms sounding, the security guard will visually inspect the contents of the bowl and ask the individual to open his or her bag for a visual inspection. If after these visual inspections, the security guard does not detect any weapons or other unauthorized items, the individual will be permitted to continue on to his or her destination within the facility.

(b) Alarms Sound. If the alarm sounds when the individual passes through the magnetometer, the security guard will ask the individual to double check his or her pockets and walk through a second time. If the alarm sounds a second time, the security guard will then utilize the hand-held metal detector wand to determine the cause of the alarm. If the cause of the alarm is determined to be from a harmless source, the security guard will conduct the visual inspection of the contents of the bowl and the individual's bag and allow the individual to continue on to his or her destination within the facility.

(c) Pat-down. If the cause of the alarm cannot be determined by the hand-held wand, and if there is reason to believe that an individual is armed, a pat-down of the individual may be initiated by the security guard. Any time a pat down is initiated, the officer will have a witness present and the incident will be noted in the security officer's daily activity report. Pat downs of females will only be conducted by a female security officer. All pat downs will be conducted in the designated private area set aside by the Bureau of Legislative Research.

(d) Detection of a Weapon.

(1) If during any part of the search procedure a prohibited weapon is discovered by the security guard, the security guard will immediately contact the State Capitol Police for assistance. Individuals attempting to enter the facility with an unauthorized item that is not considered illegal will have the option of either returning the item to their personal vehicle or not entering the facility.

(2) An individual attempting to enter the facility carrying a concealed handgun, and who has a concealed carry endorsement under Arkansas Code § 5-73-322(g), shall present to the security guard documentation of his or her concealed carry endorsement issued by the Arkansas State Police. Upon presentation of satisfactory documentation, the individual shall be allowed access to the facility.

(e) Refusal of Screening/Inspection. Each individual has the right to refuse to submit to a screening/inspection. However, an individual refusing the screening/inspection will be asked to leave the facility. If the individual refuses to leave, the security officer will immediately notify the State Capitol Police.

4.05 Persons with Disabilities. The security officer is instructed to ensure that people with disabilities are screened while still being sensitive to each person's condition. If it is not possible for an individual to walk through the magnetometer, a hand-held wand screening will be deployed. If the individual does not permit a hand-held wand screening, access to the facility may be denied.

A visual inspection of the person's possessions will be conducted in the same manner as for other individuals. Service animals will be visually inspected.

4.06 Media Equipment. The security guard will visually check TV cameras used by media outlets. Camera operators and all other media equipment will be screened in accordance with the standard procedures set out herein.

5. Security Officers

5.01 Armed Security Guard. One armed security officer, provided through the BLR's contract with Securitas, will be present at the street entrance to the facility at all times, Monday through Friday, 7:30 a.m. to 5:00 p.m.

5.02 Additional Security Guards.

(a) *Breaks.* Arrangements will be made through Securitas for a backup security officer to cover the main security officer's breaks throughout the day, including a lunch break.

(b) *Legislative Meetings.* On those instances where the BLR has notice of a large or potentially controversial legislative meeting to be held in the committee rooms in the facility, Securitas will also ensure that both a male and female officer are present to assist with conducting any pat down searches that may be necessary. The backup officer and additional officer to cover meetings will not necessarily be armed.

5.03 Work Station.

(a) *Computer Use/Internet Access.* The computer present at the Security Desk will be for the use of all Securitas guards assigned to the facility. The computer will be limited to BLR intranet access, as well as the Securitas website and email. All security guards will share one security password.

(b) *Use of the Security Desk.* During scheduled meetings in the facility, the security guards present are to be located at their posts near the metal detectors and shall either stand or utilize the stool provided by the BLR. Once all meetings in the facility are completed for the day, or if there are no meetings scheduled in the facility on a given day, the security guard may use the desk chair provided by the BLR to sit at the metal detector. The security guards are only to sit at the Security Desk to check or send work-related email or to use the desk phone. The security guards are never to sit in the lobby seating of the facility.

6. Security Cameras

The BLR has in place, and the security guard has visual monitoring access to, several security cameras located throughout the facility. These cameras are set to monitor the access points to the facility.