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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 124

01/14/2021 Authored by Hertaus, Haley, Bliss, Burkel, Theis and others
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act
1.2 relating to public safety; requiring legislative approval to extend the duration of a
1.3 peacetime emergency declared by the governor; limiting duration of peacetime
1.4 emergency extensions; amending Minnesota Statutes 2020, section 12.31,
1.5 subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2020, section 12.31, subdivision 2, is amended to read:

1.8 Subd. 2. Declaration of peacetime emergency. (a) The governor may declare a
1.9 peacetime emergency. A peacetime declaration of emergency may be declared only when
1.10 an act of nature, a technological failure or malfunction, a terrorist incident, an industrial
1.11 accident, a hazardous materials accident, or a civil disturbance endangers life and property
1.12 and local government resources are inadequate to handle the situation. If the peacetime
1.13 emergency occurs on Indian lands, the governor or state director of emergency management
1.14 shall consult with tribal authorities before the governor makes such a declaration. Nothing
1.15 in this section shall be construed to limit the governor's authority to act without such
1.16 consultation when the situation calls for prompt and timely action. When the governor
1.17 declares a peacetime emergency, the governor must immediately notify the majority and
1.18 minority leaders of the senate and the speaker and majority and minority leaders of the
1.19 house of representatives. A peacetime emergency must not be continued for more than five
1.20 days unless extended by resolution of the Executive Council for up to an additional 25 days
1.21 for a cumulative total of 30 days. An order, or proclamation declaring, continuing, or
1.22 terminating an emergency must be given prompt and general publicity and filed with the
1.23 secretary of state.

2.1       (b) The governor shall not extend a peacetime emergency beyond the 30 days provided  
2.2 in paragraph (a), unless the extension is approved by majority vote of each house of the  
2.3 legislature, the legislature may terminate a peacetime emergency extending beyond 30 days.  
2.4 The governor may make additional proposals to extend the peacetime emergency, and the  
2.5 legislature may, by majority vote of each house, extend the peacetime emergency for up to  
2.6 an additional 30 days per proposal. If the governor determines a need to extend the peacetime  
2.7 emergency declaration beyond 30 days or beyond a peacetime emergency declaration  
2.8 extended by up to 30 days by the legislature under this paragraph and the legislature is not  
2.9 sitting in session, the governor must provide at least three days' notice to the majority and  
2.10 minority leaders in both houses of the legislature of the governor's intent to issue a call  
2.11 immediately convening both houses of the legislature. Nothing in this section limits the  
2.12 governor's authority over or command of the National Guard as described in the Military  
2.13 Code, chapters 190 to 192A, and required by the Minnesota Constitution, article V, section  
2.14 3.

2.15       (c) The governor shall not allow a peacetime emergency declaration to expire and declare  
2.16 a new peacetime emergency for the same emergency in an effort to avoid obtaining legislative  
2.17 approval for an extension of a peacetime emergency as provided under this subdivision.

2.18       (d) If a peacetime emergency declaration is in effect under this subdivision and the  
2.19 governor determines the need to declare an additional, separate peacetime emergency, the  
2.20 governor is not required to make an additional declaration under this subdivision for the  
2.21 second peacetime emergency except for purposes of receiving federal aid under section  
2.22 12.22. A second peacetime emergency declared under this paragraph shall be effective for  
2.23 the duration of the first peacetime emergency declaration. An extension of either the first  
2.24 or second peacetime emergency declaration, or both, under this paragraph is subject to  
2.25 legislative approval as required in paragraph (b).

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