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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 371

01/28/2021 Authored by Haley, Theis, Lucero, Scott, Baker 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 state government; permitting the legislature to terminate any order or
1.3 rule adopted by the governor directing a response to a peacetime emergency if the
1.4 emergency is continued for more than 30 days; amending Minnesota Statutes 2020,
1.5 sections 12.31, subdivision 2; 12.32.

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 up to 30 days. An order, or
1.21 proclamation declaring, continuing, or terminating an emergency must be given prompt and
1.22 general publicity and filed with the secretary of state.

2.1 (b) By majority vote of each house of the legislature, the legislature may ~~terminate~~ take  
 2.2 either of the following actions in the event a peacetime emergency ~~extending beyond~~ is  
 2.3 continued for more than 30 days:

2.4 (1) terminate the peacetime emergency declaration in its entirety; or

2.5 (2) terminate any subsequent order or rule promulgated by the governor directing a  
 2.6 specific response to the peacetime emergency.

2.7 (c) If the governor determines a need to extend the peacetime emergency declaration  
 2.8 beyond 30 days and the legislature is not sitting in session, the governor must issue a call  
 2.9 immediately convening both houses of the legislature. Nothing in this section limits the  
 2.10 governor's authority over or command of the National Guard as described in the Military  
 2.11 Code, chapters 190 to 192A, and required by the Minnesota Constitution, article V, section  
 2.12 3.

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 2.14 applies to peacetime emergencies in effect or declared on or after that date.

2.15 Sec. 2. Minnesota Statutes 2020, section 12.32, is amended to read:

2.16 **12.32 GOVERNOR'S ORDERS AND RULES, EFFECT.**

2.17 Orders and rules promulgated by the governor under authority of section 12.21,  
 2.18 subdivision 3, clause (1), when approved by the Executive Council and filed in the Office  
 2.19 of the Secretary of State, have, during a national security emergency, peacetime emergency,  
 2.20 or energy supply emergency, the full force and effect of law. Rules and ordinances of any  
 2.21 agency or political subdivision of the state inconsistent with the provisions of this chapter  
 2.22 or with any order or rule having the force and effect of law issued under the authority of  
 2.23 this chapter, is suspended during the period of time and to the extent that the emergency  
 2.24 exists. This section does not apply to an order or rule terminated by the legislature under  
 2.25 section 12.31, subdivision 2.

2.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 2.27 applies to peacetime emergencies in effect or declared on or after that date.