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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1051

02/11/2021 Authored by Kresha, Erickson, Bliss, Heintzeman, Boe 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; modifying peacetime emergency authority; eliminating
1.3 the authority for the governor to use peacetime emergency authority to impose
1.4 restrictions on schools; amending Minnesota Statutes 2020, section 12.21,
1.5 subdivision 3.

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

1.7 Section 1. Minnesota Statutes 2020, section 12.21, subdivision 3, is amended to read:

1.8 Subd. 3. Specific authority. (a) In performing duties under this chapter and to effect its
1.9 policy and purpose, the governor may:

1.10 (1) make, amend, and rescind the necessary orders and rules to carry out the provisions
1.11 of this chapter and section 216C.15 within the limits of the authority conferred by this
1.12 section, with due consideration of the plans of the federal government and without complying
1.13 with sections 14.001 to 14.69, but no order or rule has the effect of law except as provided
1.14 by section 12.32;

1.15 (2) ensure that a comprehensive emergency operations plan and emergency management
1.16 program for this state are developed and maintained, and are integrated into and coordinated
1.17 with the emergency plans of the federal government and of other states to the fullest possible
1.18 extent;

1.19 (3) in accordance with the emergency operations plan and the emergency management
1.20 program of this state, procure supplies, equipment, and facilities; institute training programs
1.21 and public information programs; and take all other preparatory steps, including the partial
1.22 or full activation of emergency management organizations in advance of actual disaster to

2.1 ensure the furnishing of adequately trained and equipped forces of emergency management  
2.2 personnel in time of need;

2.3 (4) make studies and surveys of the industries, resources, and facilities in this state as  
2.4 may be necessary to ascertain the capabilities of the state for emergency management and  
2.5 to plan for the most efficient emergency use of those industries, resources, and facilities;

2.6 (5) on behalf of this state, enter into mutual aid arrangements or cooperative agreements  
2.7 with other states, tribal authorities, and Canadian provinces, and coordinate mutual aid plans  
2.8 between political subdivisions of this state;

2.9 (6) delegate administrative authority vested in the governor under this chapter, except  
2.10 the power to make rules, and provide for the subdelegation of that authority;

2.11 (7) cooperate with the president and the heads of the armed forces, the Emergency  
2.12 Management Agency of the United States and other appropriate federal officers and agencies,  
2.13 and with the officers and agencies of other states in matters pertaining to the emergency  
2.14 management of the state and nation, including the direction or control of:

2.15 (i) emergency preparedness drills and exercises;

2.16 (ii) warnings and signals for drills or actual emergencies and the mechanical devices to  
2.17 be used in connection with them;

2.18 (iii) shutting off water mains, gas mains, electric power connections and the suspension  
2.19 of all other utility services;

2.20 (iv) the conduct of persons in the state, including entrance or exit from any stricken or  
2.21 threatened public place, occupancy of facilities, and the movement and cessation of  
2.22 movement of pedestrians, vehicular traffic, and all forms of private and public transportation  
2.23 during, prior, and subsequent to drills or actual emergencies;

2.24 (v) public meetings or gatherings; and

2.25 (vi) the evacuation, reception, and sheltering of persons;

2.26 (8) contribute to a political subdivision, within the limits of the appropriation for that  
2.27 purpose, not more than 25 percent of the cost of acquiring organizational equipment that  
2.28 meets standards established by the governor;

2.29 (9) formulate and execute, with the approval of the Executive Council, plans and rules  
2.30 for the control of traffic in order to provide for the rapid and safe movement over public  
2.31 highways and streets of troops, vehicles of a military nature, and materials for national  
2.32 defense and war or for use in any war industry, for the conservation of critical materials, or

3.1 for emergency management purposes; and coordinate the activities of the departments or  
3.2 agencies of the state and its political subdivisions concerned directly or indirectly with  
3.3 public highways and streets, in a manner that will best effectuate those plans;

3.4 (10) alter or adjust by executive order, without complying with sections 14.01 to 14.69,  
3.5 the working hours, workdays and work week of, and annual and sick leave provisions and  
3.6 payroll laws regarding all state employees in the executive branch as the governor deems  
3.7 necessary to minimize the impact of the disaster or emergency, conforming the alterations  
3.8 or adjustments to existing state laws, rules, and collective bargaining agreements to the  
3.9 extent practicable; and

3.10 (11) ~~authorize the commissioner of education to alter school schedules, curtail school~~  
3.11 ~~activities, or order schools closed as defined in section 120A.05, subdivisions 9, 11, 13, and~~  
3.12 ~~17, and including charter schools under chapter 124E, and elementary schools enrolling~~  
3.13 ~~prekindergarten pupils in district programs; and~~

3.14 (12) transfer the direction, personnel, or functions of state agencies to perform or facilitate  
3.15 response and recovery programs.

3.16 (b) The governor may not use any authority provided under this chapter to issue any  
3.17 order or to authorize the commissioner of education to alter school schedules, curtail school  
3.18 activities, or order schools closed as defined in section 120A.05, subdivisions 9, 11, 13, and  
3.19 17, and including charter schools under chapter 124E, and elementary schools enrolling  
3.20 prekindergarten pupils in district programs. The governor may not use any authority provided  
3.21 under this chapter to prevent the typical presence of students in school buildings. The  
3.22 governor may advise and consult with school leaders regarding any action needed for  
3.23 emergency management purposes.

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