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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2085**

1.1 A bill for an act

1.2 relating to state government; requiring legislative approval for extending a

1.3 peacetime emergency past 30 days; amending Minnesota Statutes 2020, section

1.4 12.31, subdivision 2.

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

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

1.7 Subd. 2. **Declaration of peacetime emergency.** (a) The governor may declare a

1.8 peacetime emergency. A peacetime declaration of emergency may be declared only when

1.9 an act of nature, a technological failure or malfunction, a terrorist incident, an industrial

1.10 accident, a hazardous materials accident, or a civil disturbance endangers life and property

1.11 and local government resources are inadequate to handle the situation. If the peacetime

1.12 emergency occurs on Indian lands, the governor or state director of emergency management

1.13 shall consult with tribal authorities before the governor makes such a declaration. Nothing

1.14 in this section shall be construed to limit the governor's authority to act without such

1.15 consultation when the situation calls for prompt and timely action. When the governor

1.16 declares a peacetime emergency, the governor must immediately notify the majority and

1.17 minority leaders of the senate and the speaker and majority and minority leaders of the

1.18 house of representatives. A peacetime emergency must not be continued for more than five

1.19 days unless extended by resolution of the Executive Council for up to an additional 25 days

1.20 for a total of up to 30 days. An order, or proclamation declaring, continuing, or terminating

1.21 an emergency must be given prompt and general publicity and filed with the secretary of

1.22 state.

2.1 (b) ~~By majority vote of each house of the legislature, the legislature may terminate a~~  
2.2 ~~peacetime emergency extending beyond 30 days. A peacetime emergency must not be~~  
2.3 ~~continued, through an extension of the original order or through a new order effective within~~  
2.4 ~~seven days of the expiration of the peacetime emergency under the original order, more~~  
2.5 ~~than 30 days without approval of a majority vote of each house of the legislature. If the~~  
2.6 governor determines a need to extend the peacetime emergency declaration beyond 30 days  
2.7 and the legislature is not sitting in session, the governor must issue a call immediately  
2.8 convening both houses of the legislature. Nothing in this section limits the governor's  
2.9 authority over or command of the National Guard as described in the Military Code, chapters  
2.10 190 to 192A, and required by the Minnesota Constitution, article V, section 3.