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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 546

01/19/2023 Authored by Scott, Hudella and Robbins

The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to emergency management; modifying procedures and requirements for
1.3 orders and rules promulgated during a peacetime emergency; amending Minnesota
1.4 Statutes 2022, section 12.32.

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

1.6 Section 1. Minnesota Statutes 2022, section 12.32, is amended to read:

1.7 12.32 GOVERNOR'S ORDERS AND RULES, EFFECT.

1.8 Subdivision 1. Force and effect of law. Orders and rules promulgated by the governor
1.9 under authority of section 12.21, subdivision 3, clause (1), when approved by the Executive
1.10 Council and filed in the Office of the Secretary of State, have, during a national security
1.11 emergency, peacetime emergency, or energy supply emergency, the full force and effect of
1.12 law. Rules and ordinances of any agency or political subdivision of the state inconsistent
1.13 with the provisions of this chapter or with any order or rule having the force and effect of
1.14 law issued under the authority of this chapter, is suspended during the period of time and
1.15 to the extent that the emergency exists.

1.16 Subd. 2. Peacetime emergency orders and rules. (a) This subdivision applies to orders
1.17 and rules promulgated by the governor under authority of section 12.21, subdivision 3,
1.18 clause (1), during a peacetime emergency declared under section 12.31, subdivision 2.

1.19 (b) If an order or rule is promulgated ten or more days after the governor's initial
1.20 declaration of a peacetime emergency, the governor must:

1.21 (1) to the extent practicable, consult organizations representing affected entities before
1.22 promulgating the order or rule; and

2.1 (2) provide initial notice of the order or rule to the general public no less than seven  
2.2 days prior to the effective date of the order or rule. An order or rule may take effect sooner  
2.3 than seven days following this initial notice only if an earlier effective date is approved by  
2.4 a majority of the Legislative Coordinating Commission.

2.5 (c) The governor must not impose the burden of enforcing an order or rule on a private  
2.6 individual or business without the consent of the individual or business. This paragraph  
2.7 does not prohibit an order or rule from reasonably requiring an affected business to post  
2.8 notice of the order or rule in a conspicuous location on the exterior or interior of the business  
2.9 premises.

2.10 (d) An order or rule expires no later than 30 days after its effective date or upon expiration  
2.11 of the peacetime emergency, whichever comes first, unless its continuation is approved by  
2.12 a majority of each house of the legislature. An order or rule approved by both houses of the  
2.13 legislature remains in effect for the period of time specified by the legislature or if the  
2.14 legislature does not specify an earlier expiration date, the expiration of the peacetime  
2.15 emergency.