

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 4388

(SENATE AUTHORS: KORAN)

DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to emergency management; protecting information and telecommunications
1.3 technology systems and services during emergencies; amending Minnesota Statutes
1.4 2020, sections 12.03, by adding subdivisions; 12.21, subdivision 2; 12.31,
1.5 subdivision 2; 12.35, subdivision 4; 12.36; repealing Minnesota Statutes 2020,
1.6 section 12.03, subdivision 5d.

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

1.8 Section 1. Minnesota Statutes 2020, section 12.03, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 5e. Information and telecommunications technology systems and
1.11 services. "Information and telecommunications technology systems and services" has the
1.12 meaning given in section 16E.03, subdivision 1, paragraph (b).

1.13 Sec. 2. Minnesota Statutes 2020, section 12.03, is amended by adding a subdivision to
1.14 read:

1.15 Subd. 5f. Local government. "Local government" has the meaning given in Code of
1.16 Federal Regulations, title 44, section 206.2 (2012).

1.17 Sec. 3. Minnesota Statutes 2020, section 12.03, is amended by adding a subdivision to
1.18 read:

1.19 Subd. 5g. Cyber attack. "Cyber attack" means the use of unauthorized or malicious
1.20 code on an information system, or the use of another digital mechanism such as a denial of
1.21 service or ransomware attack, to interrupt or disrupt the operations of an information system

2.1 or compromise the confidentiality, availability, or integrity of electronic data stored on,
 2.2 processed by, or transiting an information system.

2.3 Sec. 4. Minnesota Statutes 2020, section 12.21, subdivision 2, is amended to read:

2.4 Subd. 2. **Cooperation.** In performing duties under this chapter, the governor may
 2.5 cooperate with the federal government, with other states, with Canadian provinces, and with
 2.6 private agencies, in all matters pertaining to the emergency management of this state and
 2.7 of the nation, including but not limited to a physical or electronic attack on the state's
 2.8 information and telecommunications technology infrastructure, systems, or services.

2.9 Sec. 5. Minnesota Statutes 2020, section 12.31, subdivision 2, is amended to read:

2.10 Subd. 2. **Declaration of peacetime emergency.** (a) The governor may declare a
 2.11 peacetime emergency. A peacetime declaration of emergency may be declared only when
 2.12 any of the following endangers life and property and local government resources are
 2.13 inadequate to handle the situation:

2.14 (1) an act of nature;

2.15 (2) a technological failure or malfunction;

2.16 (3) a terrorist incident;

2.17 (4) a cyber attack, including a physical or electronic attack on the state's information
 2.18 and telecommunications technology infrastructure, systems, or services;

2.19 (5) an industrial accident;

2.20 (6) a hazardous materials accident; or

2.21 (7) a civil disturbance endangers life and property and local government resources are
 2.22 inadequate to handle the situation.

2.23 If the peacetime emergency occurs on Indian lands, the governor or state director of
 2.24 emergency management shall consult with tribal authorities before the governor makes such
 2.25 a declaration. Nothing in this section shall be construed to limit the governor's authority to
 2.26 act without such consultation when the situation calls for prompt and timely action. When
 2.27 the governor declares a peacetime emergency, the governor must immediately notify the
 2.28 majority and minority leaders of the senate and the speaker and majority and minority leaders
 2.29 of the house of representatives. A peacetime emergency must not be continued for more
 2.30 than five days unless extended by resolution of the Executive Council up to 30 days. An

3.1 order, or proclamation declaring, continuing, or terminating an emergency must be given
3.2 prompt and general publicity and filed with the secretary of state.

3.3 (b) By majority vote of each house of the legislature, the legislature may terminate a
3.4 peacetime emergency extending beyond 30 days. If the governor determines a need to extend
3.5 the peacetime emergency declaration beyond 30 days and the legislature is not sitting in
3.6 session, the governor must issue a call immediately convening both houses of the legislature.
3.7 Nothing in this section limits the governor's authority over or command of the National
3.8 Guard as described in the Military Code, chapters 190 to 192A, and required by the
3.9 Minnesota Constitution, article V, section 3.

3.10 Sec. 6. Minnesota Statutes 2020, section 12.35, subdivision 4, is amended to read:

3.11 Subd. 4. **Reimbursement of other state.** When emergency management personnel of
3.12 another state render aid in Minnesota, including but not limited to aid provided from outside
3.13 Minnesota to assist with the response to a physical or electronic attack on the state's
3.14 information and telecommunications technology infrastructure, systems, or services, pursuant
3.15 to the orders of the governor of its home state, and upon the request of the governor of
3.16 Minnesota, this state shall reimburse the other state for (1) the compensation paid and actual
3.17 and necessary travel, subsistence, and maintenance expenses of the personnel of the other
3.18 state while rendering aid as emergency management personnel, (2) all payments for death,
3.19 disability, or injury of those personnel incurred in the course of rendering that aid, and (3)
3.20 all losses of or damage to supplies and equipment of the other state, or a governmental
3.21 subdivision of the other state, resulting from the rendering of aid; provided, that the laws
3.22 of the other state contain provisions substantially similar to this section.

3.23 Sec. 7. Minnesota Statutes 2020, section 12.36, is amended to read:

3.24 **12.36 GOVERNOR'S POWERS TO FAST PROVIDE EMERGENCY AID.**

3.25 (a) The governor, during an emergency or disaster and notwithstanding any other law,
3.26 may:

3.27 (1) enter into contracts and incur obligations necessary to combat the disaster by
3.28 protecting the health and safety of persons ~~and~~ the safety of property, and the safety of the
3.29 state's information and telecommunications technology infrastructure, systems, or services,
3.30 and by providing emergency assistance to the victims of the disaster; and

4.1 (2) exercise the powers vested by this subdivision in the light of the exigencies of the
4.2 disaster without compliance with time-consuming procedures and formalities prescribed
4.3 by law pertaining to:

4.4 (i) the performance of public work;

4.5 (ii) entering into contract;

4.6 (iii) incurring of obligations;

4.7 (iv) employment of temporary workers;

4.8 (v) rental of equipment;

4.9 (vi) purchase of supplies and materials, for example, but not limited to, publication of
4.10 calls for bids;

4.11 (vii) provisions of the Civil Service Act and rules;

4.12 (viii) provisions relating to low bids; and

4.13 (ix) requirements for the budgeting and allotment of funds.

4.14 (b) All contracts must be in writing, executed on behalf of the state by the governor or
4.15 a person delegated by the governor in writing so to do, and must be promptly filed with the
4.16 commissioner of management and budget, who shall forthwith encumber funds appropriated
4.17 for the purposes of the contract for the full contract liability and certify thereon that the
4.18 encumbrance has been made.

4.19 **Sec. 8. REPEALER.**

4.20 Minnesota Statutes 2020, section 12.03, subdivision 5d, is repealed.

APPENDIX
Repealed Minnesota Statutes: 22-07302

12.03 DEFINITIONS.

Subd. 5d. **Local government.** "Local government" has the meaning given in Code of Federal Regulations, title 44, section 206.2 (2012).