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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

н. ғ. №. 1346

02/18/2021 Authored by Bahr, Munson, Miller, Drazkowski, Lucero 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

relating to public safety; limiting duration of peacetime emergencies to 14 days; requiring legislative approval for extending a peacetime emergency beyond 14 days; amending Minnesota Statutes 2020, section 12.31, subdivision 2.

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

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

Subd. 2. Declaration of peacetime emergency. (a) The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, a technological failure or malfunction, a terrorist incident, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation. If the peacetime emergency occurs on Indian lands, the governor or state director of emergency management shall consult with tribal authorities before the governor makes such a declaration. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action. When the governor declares a peacetime emergency, the governor must immediately notify the majority and minority leaders of the senate and the speaker and majority and minority leaders of the house of representatives. A peacetime emergency must not be continued for more than five days unless extended by resolution of the Executive Council up to 30 days. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state. A peacetime emergency declared under this subdivision expires 14 days after the governor's declaration, unless extended by the legislature as provided in paragraph (b).

Section 1.

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(b) By majority vote of each house both bodies of the legislature, the legislature may terminate extend a peacetime emergency extending beyond 30 14 days. If the governor determines a need to extend the peacetime emergency declaration beyond 30 14 days and the legislature is not sitting in session, the governor must issue a call immediately convening both houses of the legislature. The legislature may extend the duration of the peacetime emergency for at least 14 days but not more than 30 days. Nothing in this section limits the governor's authority over or command of the National Guard as described in the Military Code, chapters 190 to 192A, and required by the Minnesota Constitution, article V, section 3.

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

Section 1. 2