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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

н. г. №. 3025

02/03/2022 Authored by Heinrich, Koznick, Boe, Lueck, Poston and others
The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act

relating to state government; requiring legislative approval for extending a peacetime emergency past 30 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 for up to an additional 25 days for a total of 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.

Section 1.

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(b) By majority vote of each house of the legislature, the legislature may terminate a peacetime emergency extending beyond 30 days. A peacetime emergency must not be continued, through an extension of the original order or through a new order effective within seven days of the expiration of the peacetime emergency under the original order, for more than 30 days without approval of a majority vote of each house of the legislature. If the governor determines a need to extend the peacetime emergency declaration beyond 30 days and the legislature is not sitting in session, the governor must issue a call immediately convening both houses of the legislature. 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.

Section 1. 2