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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4658

03/28/2022 Authored by Franson, Koznick, Lucero and Heinrich
The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; excluding climate change from peacetime emergency
1.3 declarations; amending Minnesota Statutes 2020, sections 12.03, subdivision 2;
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 12.03, subdivision 2, is amended to read:

1.7 Subd. 2. Disaster. "Disaster" means a situation that creates an actual or imminent serious
1.8 threat to the health and safety of persons, or a situation that has resulted or is likely to result
1.9 in catastrophic loss to property or the environment, and for which traditional sources of
1.10 relief and assistance within the affected area are unable to repair or prevent the injury or
1.11 loss. Disaster does not include the effects of climate change.

1.12 EFFECTIVE DATE. This section is effective the day following final enactment.

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

1.14 Subd. 2. Declaration of peacetime emergency. (a) The governor may declare a
1.15 peacetime emergency. A peacetime declaration of emergency may be declared only when
1.16 an act of nature, a technological failure or malfunction, a terrorist incident, an industrial
1.17 accident, a hazardous materials accident, or a civil disturbance endangers life and property
1.18 and local government resources are inadequate to handle the situation. The governor may
1.19 not declare a peacetime emergency to address the effects of climate change. If the peacetime
1.20 emergency occurs on Indian lands, the governor or state director of emergency management
1.21 shall consult with tribal authorities before the governor makes such a declaration. Nothing
1.22 in this section shall be construed to limit the governor's authority to act without such

2.1 consultation when the situation calls for prompt and timely action. When the governor  
2.2 declares a peacetime emergency, the governor must immediately notify the majority and  
2.3 minority leaders of the senate and the speaker and majority and minority leaders of the  
2.4 house of representatives. A peacetime emergency must not be continued for more than five  
2.5 days unless extended by resolution of the Executive Council up to 30 days. An order, or  
2.6 proclamation declaring, continuing, or terminating an emergency must be given prompt and  
2.7 general publicity and filed with the secretary of state.

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

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.