

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 4583

(SENATE AUTHORS: UTKE)

DATE
05/07/2020

D-PG
6421

OFFICIAL STATUS
Introduction and first reading
Referred to State Government Finance and Policy and Elections

1.1 A bill for an act

1.2 relating to state government; proposing a constitutional amendment to the

1.3 Minnesota Constitution article V, section 3; declaring an emergency by the

1.4 governor; amending Minnesota Statutes 2018, section 12.31, subdivision 2.

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

1.6 **ARTICLE 1**

1.7 **CONSTITUTIONAL AMENDMENT**

1.8 Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

1.9 An amendment to the Minnesota Constitution is proposed to the people. If the amendment

1.10 is adopted, article V, section 3, will read:

1.11 Sec. 3. The governor shall communicate by message to each session of the legislature

1.12 information touching the state and country. He is commander-in-chief of the military and

1.13 naval forces and may call them out to execute the laws, suppress insurrection and repel

1.14 invasion. He may require the opinion in writing of the principal officer in each of the

1.15 executive departments upon any subject relating to his duties. With the advice and consent

1.16 of the senate he may appoint notaries public and other officers provided by law. He may

1.17 appoint commissioners to take the acknowledgment of deeds or other instruments in writing

1.18 to be used in the state. He shall take care that the laws be faithfully executed. He shall fill

1.19 any vacancy that may occur in the offices of secretary of state, auditor, attorney general and

1.20 the other state and district offices hereafter created by law until the end of the term for which

1.21 the person who had vacated the office was elected or the first Monday in January following

1.22 the next general election, whichever is sooner, and until a successor is chosen and qualified.

1.23 The governor may declare an emergency and the emergency declaration may last for seven

days unless an extension is granted by the legislature. The legislature may provide by law the process for conducting an emergency declaration in a manner authorized by this section.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment must be submitted to the people at the 2020 general election. If ratified, the amendment is effective January 1, 2021. The question submitted must be:

"Shall the Minnesota Constitution be amended to allow the governor to declare an emergency?"

Yes

No "

ARTICLE 2

EMERGENCY DECLARATION ENABLING LEGISLATION

Section 1. Minnesota Statutes 2018, 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~~ seven days unless, before it lapses, it is extended by ~~resolution of the Executive Council~~ a majority vote of each house of the legislature for up to 30 days. A majority "no" vote from either house means the emergency declaration ceases when the seven days lapse. If the legislature is not sitting in session during the declaration of an emergency, the governor must issue a call immediately convening both houses of the legislature before the seven days lapse under the emergency declaration. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state.

(b) By majority vote of each house of the legislature, the legislature may terminate a peacetime emergency extending beyond 30 days. If the governor determines a need to extend the peacetime emergency declaration beyond ~~30 days~~ the 30-day extension under paragraph (a), and the legislature is not sitting in session, the governor must issue a call immediately convening both houses of the legislature. A majority "no" vote from either house means the emergency declaration ceases when the 30-day extension under paragraph (a) ends, unless the legislature votes to terminate the emergency declaration earlier. 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.

EFFECTIVE DATE. This section is effective January 1, 2021, if the constitutional amendment proposed to the people in article 1 is adopted at the 2020 general election.