

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 955

(SENATE AUTHORS: LUCERO)

DATE
01/30/2023

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Introduction and first reading
 Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to public safety; requiring three-fifths majority approval from both

1.3 legislative bodies to extend peacetime emergencies beyond 30 days; amending

1.4 Minnesota Statutes 2022, section 12.31, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2022, section 12.31, subdivision 2, is amended to read:

1.7 Subd. 2. **Declaration of peacetime emergency.** (a) The governor may declare a

1.8 peacetime emergency. A peacetime declaration of emergency may be declared only when

1.9 an act of nature, a technological failure or malfunction, a terrorist incident, an industrial

1.10 accident, a hazardous materials accident, or a civil disturbance endangers life and property

1.11 and local government resources are inadequate to handle the situation. If the peacetime

1.12 emergency occurs on Indian lands, the governor or state director of emergency management

1.13 shall consult with tribal authorities before the governor makes such a declaration. Nothing

1.14 in this section shall be construed to limit the governor's authority to act without such

1.15 consultation when the situation calls for prompt and timely action. When the governor

1.16 declares a peacetime emergency, the governor must immediately notify the majority and

1.17 minority leaders of the senate and the speaker and majority and minority leaders of the

1.18 house of representatives. A peacetime emergency must not be continued for more than five

1.19 days unless extended by resolution of the Executive Council up to 30 days. An order, or

1.20 proclamation declaring, continuing, or terminating an emergency must be given prompt and

1.21 general publicity and filed with the secretary of state.

1.22 (b) By a three-fifths majority vote of each house of the legislature, the legislature may

1.23 ~~terminate~~ extend a peacetime emergency ~~extending~~ beyond 30 days upon the governor's

2.1 request for up to an additional 30 days. Each time the governor determines a need to extend
2.2 a peacetime emergency beyond the time approved by the legislature, the governor must
2.3 submit a new request to the legislature, and the legislature may only extend the emergency
2.4 by a three-fifths majority vote of each house of the legislature. If the governor determines
2.5 a need to extend the peacetime emergency declaration beyond 30 days and the legislature
2.6 is not sitting in session, the governor must issue a call immediately convening both houses
2.7 of the legislature. Nothing in this section limits the governor's authority over or command
2.8 of the National Guard as described in the Military Code, chapters 190 to 192A, and required
2.9 by the Minnesota Constitution, article V, section 3.

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