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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION   **H. F. No. 4326**

03/09/2020   Authored by Liebling and Moran
              The bill was read for the first time and referred to the Health and Human Services Finance Division
03/12/2020   Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1   A bill for an act

1.2   relating to public health; authorizing a peacetime declaration of emergency for a
1.3   public health emergency; amending Minnesota Statutes 2018, sections 12.03, by
1.4   adding a subdivision; 12.31, subdivision 2.

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

1.6   Section 1. Minnesota Statutes 2018, section 12.03, is amended by adding a subdivision

1.7   to read:

1.8   Subd. 12. **Public health emergency.** "Public health emergency" means a determination

1.9   by the commissioner of health that the public health is affected by or under imminent threat

1.10   from pandemic influenza or an outbreak of a communicable or infectious disease that:

1.11   (1) is reasonably expected to require evacuation of the impacted population, relocation

1.12   of seriously ill or injured persons to temporary care facilities, or the provision of replacement

1.13   essential community services;

1.14   (2) poses a probability of a large number of deaths, serious injuries, or long-term

1.15   disabilities in the affected population;

1.16   (3) involves widespread exposure to an infectious agent that poses a significant risk of

1.17   substantial future harm to a large number of people in the affected area; or

1.18   (4) poses a significant risk of harm to a large number of people or a high rate of morbidity

1.19   or mortality in the affected population.

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

Section 1.   1

2.1   Sec. 2. Minnesota Statutes 2018, section 12.31, subdivision 2, is amended to read:

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

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

2.4   an act of nature, a public health emergency, a technological failure or malfunction, a terrorist

2.5   incident, an industrial accident, a hazardous materials accident, or a civil disturbance

2.6   endangers life and property and local government resources are inadequate to handle the

2.7   situation. If the peacetime emergency occurs on Indian lands, the governor or state director

2.8   of emergency management shall consult with tribal authorities before the governor makes

2.9   such a declaration. Nothing in this section shall be construed to limit the governor's authority

2.10 to act without such consultation when the situation calls for prompt and timely action. When

2.11 the governor declares a peacetime emergency, the governor must immediately notify the

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

2.13 of the house of representatives. A peacetime emergency must not be continued for more

2.14 than five days unless extended by resolution of the Executive Council up to 30 days, except

2.15 that a public health emergency may be continued for up to 90 days. An order, or proclamation

2.16 declaring, continuing, or terminating an emergency must be given prompt and general

2.17 publicity and filed with the secretary of state.

2.18   (b) By majority vote of each house of the legislature, the legislature may terminate a

2.19 peacetime emergency extending beyond 30 days. If the governor determines a need to extend

2.20 the peacetime emergency declaration beyond 30 days and the legislature is not sitting in

2.21 session, the governor must issue a call immediately convening both houses of the legislature.

2.22 Nothing in this section limits the governor's authority over or command of the National

2.23 Guard as described in the Military Code, chapters 190 to 192A, and required by the

2.24 Minnesota Constitution, article V, section 3.

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