

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 1528

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

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to state government; defining public health emergency; clarifying

1.3 governor's authority to declare a peacetime emergency for a public health

1.4 emergency; terminating executive orders issued during a peacetime emergency

1.5 lasting more than 30 days unless ratified by the legislature; modifying vote and

1.6 quorum requirements during a peacetime emergency; amending Minnesota Statutes

1.7 2020, sections 12.03, by adding a subdivision; 12.31, subdivision 2.

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

1.9 Section 1. Minnesota Statutes 2020, section 12.03, is amended by adding a subdivision

1.10 to read:

1.11 Subd. 12. **Public health emergency.** "Public health emergency" means an occurrence

1.12 or imminent threat of an illness or health condition in Minnesota if:

1.13 (1) there is evidence to believe the illness or health condition is caused by:

1.14 (i) bioterrorism; or

1.15 (ii) the appearance of a new, novel, previously controlled or eradicated airborne infectious

1.16 agent or airborne biological toxin; and

1.17 (2) the illness or health condition poses a high probability of any of the following harms:

1.18 (i) a large number of deaths in the affected population;

1.19 (ii) a large number of serious or long-term disabilities in the affected population; or

1.20 (iii) widespread exposure to an airborne infectious or airborne toxic agent that poses a

1.21 significant risk of substantial future harm to a large number of people in the affected

1.22 population.

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

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

2.3 Subd. 2. **Declaration of peacetime emergency.** (a) The governor may declare a
2.4 peacetime emergency. A peacetime declaration of emergency may be declared only when
2.5 an act of nature, a technological failure or malfunction, a terrorist incident, a pandemic or
2.6 other public health emergency, an industrial accident, a hazardous materials accident, or a
2.7 civil disturbance endangers life and property and local government resources are inadequate
2.8 to handle the situation. If the peacetime emergency occurs on Indian lands, the governor or
2.9 state director of emergency management shall consult with tribal authorities before the
2.10 governor makes such a declaration. Nothing in this section shall be construed to limit the
2.11 governor's authority to act without such consultation when the situation calls for prompt
2.12 and timely action. When the governor declares a peacetime emergency, the governor must
2.13 immediately notify the majority and minority leaders of the senate and the speaker and
2.14 majority and minority leaders of the house of representatives. A peacetime emergency must
2.15 not be continued for more than five days unless extended by resolution of the Executive
2.16 Council up to 30 days. An order, or proclamation declaring, continuing, or terminating an
2.17 emergency must be given prompt and general 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 (c) If a peacetime emergency extends beyond 30 days, the governor must immediately
2.26 report to all legislators the rationale and specific legal authority for each order or rule in
2.27 effect and promulgated by the governor in response to the peacetime emergency. Such
2.28 orders and rules expire on the 37th day of the peacetime emergency unless ratified by a
2.29 majority vote of each house of the legislature. If the governor promulgates an order or rule
2.30 in response to the peacetime emergency after the initial 30 days, the governor must
2.31 immediately report the rationale and specific legal authority to all legislators, and the order
2.32 or rule expires after seven days unless ratified by a majority vote of each house of the
2.33 legislature.

3.1 (d) For purposes of paragraphs (b) and (c), the quorum and vote requirements in section
3.2 3.96 apply.

3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.4 applies to peacetime emergencies in effect on that date and peacetime emergencies declared
3.5 after that date. For a peacetime emergency declared for the infectious disease known as
3.6 COVID-19, all executive orders in effect on the effective date of this section and promulgated
3.7 in response to the peacetime emergency expire seven days after the effective date of this
3.8 section unless ratified by the legislature under paragraph (c).