

1.1 A bill for an act

1.2 relating to state government; terminating executive orders issued during a peacetime
1.3 emergency lasting more than 30 days unless ratified by the legislature; modifying
1.4 vote and quorum requirements during a peacetime emergency; amending Minnesota
1.5 Statutes 2020, section 12.31, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2020, section 12.31, subdivision 2, is amended to read:

1.8 Subd. 2. **Declaration of peacetime emergency.** (a) The governor may declare a
1.9 peacetime emergency. A peacetime declaration of emergency may be declared only when
1.10 an act of nature, a technological failure or malfunction, a terrorist incident, a pandemic or
1.11 other public health emergency, an industrial accident, a hazardous materials accident, or a
1.12 civil disturbance endangers life and property and local government resources are inadequate
1.13 to handle the situation. If the peacetime emergency occurs on Indian lands, the governor or
1.14 state director of emergency management shall consult with tribal authorities before the
1.15 governor makes such a declaration. Nothing in this section shall be construed to limit the
1.16 governor's authority to act without such consultation when the situation calls for prompt
1.17 and timely action. When the governor declares a peacetime emergency, the governor must
1.18 immediately notify the majority and minority leaders of the senate and the speaker and
1.19 majority and minority leaders of the house of representatives. A peacetime emergency must
1.20 not be continued for more than five days unless extended by resolution of the Executive
1.21 Council up to 30 days. An order, or proclamation declaring, continuing, or terminating an
1.22 emergency must be given prompt and general publicity and filed with the secretary of state.

1.23 (b) By majority vote of each house of the legislature, the legislature may terminate a
1.24 peacetime emergency extending beyond 30 days. If the governor determines a need to extend

2.1 the peacetime emergency declaration beyond 30 days and the legislature is not sitting in
2.2 session, the governor must issue a call immediately convening both houses of the legislature.
2.3 Nothing in this section limits the governor's authority over or command of the National
2.4 Guard as described in the Military Code, chapters 190 to 192A, and required by the
2.5 Minnesota Constitution, article V, section 3.

2.6 (c) When a peacetime emergency extends beyond 30 days, the governor must immediately
2.7 report to all legislators the rationale and specific legal authority for each order or rule in
2.8 effect and promulgated by the governor in response to the peacetime emergency. Such
2.9 orders and rules expire on the 37th day of the peacetime emergency unless ratified by a
2.10 majority vote of each house of the legislature. If the governor promulgates an order or rule
2.11 in response to the peacetime emergency after the initial 30 days, the governor must
2.12 immediately report the rationale and specific legal authority to all legislators and the order
2.13 or rule expires after seven days unless ratified by a majority vote of each house of the
2.14 legislature.

2.15 (d) For purposes of paragraphs (b) and (c), the quorum and vote requirements in section
2.16 3.96 apply.