

Subject Emergency management

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Overview

This bill modifies emergency declaration and management powers and procedures under Minnesota Statutes, chapter 12.

Under current law, the governor may declare a national security emergency or a peacetime emergency. While the emergency is in effect, the governor may exercise certain powers provided under chapter 12 and other law, including issuing orders and rules that have the full force and effect of law. The legislature may terminate a peacetime emergency by majority vote of both the House of Representatives and Senate.

Among other things, H.F. 26 would revoke the governor's authority to declare an emergency and vest this power with the legislature instead. A 2/3 supermajority vote of each house would be required to declare an emergency, which would end after five days unless extended for up to 30 days by a subsequent 2/3 vote of each house. During an emergency declared by the legislature, the governor could exercise many of the same powers as in current law, excluding the power to issue emergency orders and rules that have the full force and effect of law. H.F. 26 states that this power may only be exercised by the legislature.

Summary

Section	Description
1	Title. States that this act may be called the "Never Again Act."
2	Protection of citizens' rights. States that nothing in Minnesota Statutes, chapter 12 (emergency management) authorizes the governor or the director of the Homeland Security and Emergency Management Division in the Department of Public Safety to (1) infringe upon the rights of the people, or (2) issue orders that carry the full force and effect of law.

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3	<p>Declared emergency.</p> <p>Modifies the existing definition of “declared emergency” to provide that the legislature, not the governor, declares emergencies as provided under section 7.</p>
4	<p>General authority.</p> <p>Allows the governor to assume direct operational control over the state’s emergency management functions during an emergency declared by the legislature.</p>
5	<p>Specific authority.</p> <p>Eliminates a cross-reference to a statute that is repealed in section 21.</p>
6	<p>Territorial limits.</p> <p>Eliminates a cross-reference to a statute that is repealed in section 21.</p>
7	<p>Legislative emergency declaration.</p> <p>Subdivision 1. Declaration of emergency. Authorizes the legislature, by a 2/3 supermajority vote of each house, to declare that an emergency exists when (1) a national security emergency is imminent in the United States of America, or a major disaster caused by enemy sabotage or other hostile action occurs in Minnesota, or (2) a disaster caused by an act of nature, technological failure or malfunction, terrorist incident, industrial accident, hazardous materials accident, or civil disturbance endangers life and property and local government resources are inadequate to handle the situation. Provides that an emergency ends after five days unless extended by a separate 2/3 vote for up to 30 days. Provides that termination of an emergency does not deprive a person or entity of any right to compensation or reimbursement authorized under chapter 12.</p> <p>Subd. 2. Effect of declared emergency. Authorizes the governor to exercise the powers and duties under chapter 12 during a declared emergency and specifies that an emergency declaration invokes necessary portions of the state emergency operations plan and may authorize aid and assistance pursuant to the plan.</p>
8	<p>Governor’s power to fast provide emergency aid.</p> <p>Provides that the governor’s exercise of the powers provided in this section would no longer be exempt from other applicable law.</p>
9	<p>Violations; penalties.</p> <p>Eliminates an existing misdemeanor crime for a person who willfully violates a provision of chapter 12 or an emergency rule or order issued by the governor during a declared emergency. Provides instead that the governor or the governor’s agent</p>

Section	Description
	would be subject to these same penalties for willfully violating a provision of chapter 12.
10	Emergency executive order. Technical – conforming changes to section 7 and the repealer in section 21.
11	Generally. Technical – conforming changes to section 7 and the repealer in section 21.
12	Emergency response. Technical – conforming changes to section 7 and the repealer in section 21.
13	Disastrous animal disease outbreaks; declaration of emergency. Technical – conforming changes to section 7 and the repealer in section 21.
14	Establishment. Technical – conforming changes to section 7 and the repealer in section 21.
15	Emergency vaccine administration; legend drug. Technical – conforming changes to section 7 and the repealer in section 21.
16	Emergency suspension of ambulance service requirement. Technical – conforming changes to section 7 and the repealer in section 21.
17	Transaction. Technical – conforming changes to section 7 and the repealer in section 21.
18	Wholesale distribution. Technical – conforming changes to section 7 and the repealer in section 21.
19	Authority. Technical – conforming changes to section 7 and the repealer in section 21.
20	Emergency medical reasons. Technical – conforming changes to section 7 and the repealer in section 21.
21	Repealer. Repeals the following sections: <ul style="list-style-type: none">▪ 4.035, subd. 2 – Under current law, this subdivision provides that the governor’s executive orders must be published in the State Register and take effect 15 days after publication, except for emergency executive

Section **Description**

orders which take effect immediately and must be published in the State Register as soon as possible after issuance.

- 12.31 – Under current law, this section authorizes the governor to declare national security emergencies and peacetime emergencies and authorizes the legislature to terminate peacetime emergencies by majority vote of each house.
- 12.32 – Under current law, this section provides that emergency orders and rules properly promulgated by the governor during a national security emergency or peacetime emergency have the full force and effect of law, and that any inconsistent state rules and local ordinances are suspended during the declared emergency.



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