

S.F. No. 4 – Legislative Approval to Extend Peacetime Emergency

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Section 1 [Declaration of Peacetime Emergency; section 12.31, subd. 2] clarifies that the total number of days that a peacetime emergency can last is 30 days, before legislative approval is required. This initial period includes five days after the Governor’s order and an additional 25 days with a resolution of the Executive Council.

Precludes the Governor from extending a peacetime emergency beyond 30 days without approval of each house of the legislature.

Permits the Governor to propose to extend the peacetime emergency for an additional 30-day period. Each such proposal requires the approval of the legislature for the emergency to be extended.

When the legislature is not in session and the Governor proposes to extend the emergency beyond 30 days, or beyond the 30 days approved by the legislature in session, this section requires the Governor to give three days’ notice to the majority and minority leaders in both houses of the legislature of an intent to issue a call to convene the legislature.

Precludes the Governor from avoiding the requirement of legislative approval, by allowing a peacetime emergency to expire before declaring a new peacetime emergency.

When a peacetime emergency declaration is in effect, and the Governor determines a need to declare an additional, separate peacetime emergency, the Governor is not required to make an additional declaration, except for purposes of receiving federal aid. A second peacetime emergency is effective for the duration of the first peacetime emergency declaration. An extension of either the first or second peacetime emergency declaration, or both, requires legislative approval.