

7000.5000 DECLARATION OF EMERGENCY.

Subpart 1. **Commissioner authority.** The commissioner shall have the authority to exercise, in accordance with the limitations and procedures in this part, emergency powers granted to the agency by Minnesota Statutes, section 116.11, unless the board exercises its authority under Minnesota Statutes, section 116.02, subdivision 8.

Subp. 2. **Notification to board.** Upon declaration of an emergency by the commissioner, the commissioner shall notify all board members as soon as practicable. Notification may be by telephone or any other means practicable. The commissioner may decide to schedule a special meeting of the board to discuss the emergency declaration prior to the next regularly scheduled meeting.

Subp. 3. **Duration.** Any action taken by the commissioner pursuant to the declaration of emergency or any emergency declaration taken by the board pursuant to an exercise of authority under Minnesota Statutes, section 116.02, subdivision 8, shall remain effective according to the following provisions:

A. until the date of the special meeting and thereafter until the date determined at the meeting by the board pursuant to authority exercised under Minnesota Statutes, section 116.02, subdivision 8;

B. item A notwithstanding, until notice, hearing, and determination are effected pursuant to law; or

C. until discontinued by the declaration of the commissioner or by majority vote of the board.

Subp. 4. **Report.** Any action taken by the commissioner pursuant to a declaration of emergency must be included on the agenda of the next meeting of the board, at which time the commissioner shall report to the board on the status of the emergency.

Subp. 5. **Board or commissioner action.** The commissioner or board, by majority vote, may exercise emergency powers. The action of the commissioner or board taken in an emergency situation shall remain effective until discontinued by the commissioner or majority vote of the board or until notice, hearing, and determination are effected pursuant to law.

Subp. 6. **Notice.** The notice requirements of parts 7000.0550 and 7000.0650 do not apply when the board or the commissioner is considering the exercise of emergency powers, but the board and the commissioner shall give such notice to the public as is possible under the circumstances.

Subp. 7. **Emergency powers.** Nothing contained in this chapter shall be construed to preempt, repeal, or conflict with this part or any other rule or statute that provides for acts to be taken or procedure to be followed by the board or the commissioner in an emergency.

Statutory Authority: *MS s 14.06; 116.07*

History: *L 1987 c 186 s 15; 19 SR 1310; 20 SR 2629; 28 SR 1249*

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