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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 3427

March 8, 2010

Authored by Winkler

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

March 17, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to public safety; enacting Minnesota Homeland Security and Emergency
1.3 Management Act of 2010; making administrative, programmatic, technical,
1.4 and clarifying changes; amending Minnesota Statutes 2008, sections 12.01;
1.5 12.02; 12.03, subdivisions 1a, 2a, 4, 10, by adding a subdivision; 12.04; 12.09;
1.6 12.13; 12.14; 12.21; 12.22, subdivision 1; 12.221; 12.24, subdivision 2; 12.25,
1.7 subdivision 5; 12.27; 12.28; 12.29; 12.301; 12.31; 12.331; 12.34, subdivision
1.8 3; 12.35, subdivision 4; 12.38; 12.43.

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

1.10 Section 1. Minnesota Statutes 2008, section 12.01, is amended to read:

1.11 12.01 CITATION.

1.12 This chapter may be cited as the "Minnesota Homeland Security and Emergency
1.13 Management Act of ~~1996~~ 2010."

1.14 Sec. 2. Minnesota Statutes 2008, section 12.02, is amended to read:

1.15 12.02 POLICY DECLARATION.

1.16 Subdivision 1. Findings. Because of the existing and increasing possibility
1.17 of the occurrence of emergencies and natural and other disasters of major size and
1.18 destructiveness and in order to (1) ensure that preparations of this state will be adequate to
1.19 deal with emergencies and disasters, (2) generally protect the public peace, health, and
1.20 safety, and (3) preserve the lives and property of the people of the state, the legislature
1.21 finds and declares it necessary:

1.22 (1) to create a state Division of Homeland Security and Emergency Management,
1.23 and to require the creation of local organizations for emergency management in the
1.24 political subdivisions of the state;

2.1 (2) to confer upon the governor and upon governing bodies of the political
 2.2 subdivisions of the state the emergency and disaster powers provided in this chapter;

2.3 (3) to provide for the rendering of mutual aid among the political subdivisions of
 2.4 the state, with other states, with federally recognized Indian tribes, and with Canadian
 2.5 provinces and to cooperate with the federal government with respect to carrying out ~~of~~
 2.6 homeland security and emergency management functions; and

2.7 (4) to ensure that financial assistance made available to the state of Minnesota and to
 2.8 eligible applicants in the state, as a result of emergencies and natural or other disasters, is
 2.9 provided in accord with established rules and regulations.

2.10 Subd. 2. **Policy.** It is further declared to be the purpose of this chapter and the
 2.11 policy of the state that all homeland security and emergency management functions of
 2.12 this state be coordinated to the maximum extent with the comparable functions of the
 2.13 federal government, including its various departments and agencies, of other states and
 2.14 localities, of federally recognized Indian tribes, and of private agencies of every type, to
 2.15 the end that the most effective preparations and use may be made of the nation's labor
 2.16 supply, resources, and facilities for dealing with any emergency or disaster that may occur.

2.17 Sec. 3. Minnesota Statutes 2008, section 12.03, subdivision 1a, is amended to read:

2.18 Subd. 1a. **Activated.** "Activated" means engaged in homeland security and
 2.19 emergency management activities listed in this chapter and authorized by the state director
 2.20 of the Division of Homeland Security and Emergency Management.

2.21 Sec. 4. Minnesota Statutes 2008, section 12.03, subdivision 2a, is amended to read:

2.22 Subd. 2a. **Division.** "Division" means the Division of Homeland Security and
 2.23 Emergency Management in the Department of Public Safety.

2.24 Sec. 5. Minnesota Statutes 2008, section 12.03, subdivision 4, is amended to read:

2.25 Subd. 4. **Emergency management.** "Emergency management" means the
 2.26 preparation for and the carrying out of emergency functions, other than functions for
 2.27 which military forces are primarily responsible, to prevent, minimize, and repair injury
 2.28 and damage resulting from emergencies, disasters, from or public health events; acute
 2.29 ~~shortages of energy; shortages; hazardous materials accidents or incidents; or from~~
 2.30 ~~incidents occurring at nuclear power plants~~ plant incidents that pose radiological or
 2.31 other health hazards. These functions include, without limitation, incident management;
 2.32 fire-fighting services; police; law enforcement services; health and medical and health
 2.33 services; rescue; collapsed structure or other rescues; engineering; warning services;

3.1 communications; radiological, chemical, and other special weapons defense; evacuation
 3.2 of persons from stricken areas; emergency human services; emergency transportation;
 3.3 existing or properly assigned functions of plant protection; temporary restoration of public
 3.4 utility services; implementation of energy supply emergency conservation and allocation
 3.5 measures; and other functions related to ~~civilian~~ protection of the public, together with all
 3.6 other activities necessary or incidental to preparing for and carrying out these functions.

3.7 Sec. 6. Minnesota Statutes 2008, section 12.03, is amended by adding a subdivision to
 3.8 read:

3.9 Subd. 5d. **Homeland security.** "Homeland security" means a concerted national
 3.10 effort to prevent terrorist attacks within the United States, reduce America's vulnerability
 3.11 to terrorism, and minimize the damage and recover from attacks that do occur.

3.12 Sec. 7. Minnesota Statutes 2008, section 12.03, subdivision 10, is amended to read:

3.13 Subd. 10. **Specialized equipment.** "Specialized equipment" means equipment and
 3.14 supplies essential for homeland security or emergency management in excess of equipment
 3.15 and supplies provided for normal operation of the state or a political subdivision, to the
 3.16 acquisition of which the state or federal government may contribute.

3.17 Sec. 8. Minnesota Statutes 2008, section 12.04, is amended to read:

3.18 **12.04 DIVISION OF HOMELAND SECURITY AND EMERGENCY**
 3.19 **MANAGEMENT.**

3.20 Subdivision 1. **Division created.** A division in the Department of Public Safety to
 3.21 be known as the Division of Homeland Security and Emergency Management is hereby
 3.22 created, under the supervision and control of a state director. The commissioner of public
 3.23 safety may place the director's position in the unclassified service if the position meets
 3.24 the criteria established in section 43A.08, subdivision 1a.

3.25 Sec. 9. Minnesota Statutes 2008, section 12.09, is amended to read:

3.26 **12.09 ~~DUTIES OF DIVISION OF EMERGENCY MANAGEMENT~~ DUTIES.**

3.27 Subdivision 1. **Coordination.** The division shall coordinate state agency
 3.28 preparedness for ~~and emergency~~, response to, recovery from, and mitigation of all types
 3.29 of natural and other emergencies and disasters, including homeland security incidents,
 3.30 public health events, and discharges of oil and hazardous substances. Toward this end,
 3.31 the division shall chair regular meetings of the Minnesota Emergency Preparedness and
 3.32 Response Committee.

4.1 Subd. 2. **State emergency operations plan and management program.** (a) The
4.2 division shall develop and ~~maintain a~~ annually review, update, and revise as necessary
4.3 an all-hazard, comprehensive state emergency operations plan and a homeland security
4.4 and emergency management program in accord with section 12.21, subdivision 3, clause
4.5 (2), ~~and.~~

4.6 (b) The division shall ensure that other state agency emergency plans that may
4.7 be developed are coordinated and consistent with the comprehensive state emergency
4.8 operations plan.

4.9 Subd. 3. **State answering point system.** The division shall ~~establish and maintain~~
4.10 ensure that a single state answering point system is maintained (1) for use by persons
4.11 responsible for reporting emergency incidents and conditions involving hazardous
4.12 substances or oil, nuclear power plant incidents or accidents, or other emergencies or
4.13 disasters to state agencies, and (2) for requesting state or federal assistance during and
4.14 following an emergency or disaster.

4.15 Subd. 4. ~~Activation of~~ **Activating emergency operations centers.** The division
4.16 shall activate the state ~~and or~~ regional emergency operations centers, or both, when an
4.17 emergency or disaster threatens or has occurred.

4.18 Subd. 5. ~~Assistance to~~ **Assisting political subdivisions.** The division shall provide
4.19 guidance, information, and training sufficient to allow local political subdivisions to
4.20 request state and federal disaster assistance.

4.21 Subd. 6. ~~Coordination of~~ **Coordinating local emergency plans and emergency**
4.22 **management programs.** The division shall coordinate the development and maintenance
4.23 of emergency operations plans and emergency management programs by the political
4.24 subdivisions of this state, with the plans and programs integrated into and coordinated
4.25 with the emergency operations plan and homeland security and emergency management
4.26 program of this state to the fullest possible extent. The division shall develop, maintain,
4.27 and disseminate local government emergency operations planning requirements guidance,
4.28 and shall periodically review local plans to determine their conformance with those
4.29 requirements.

4.30 Subd. 7. **Coordinating hazard mitigation plan assistance and planning.** The
4.31 division shall ~~develop and maintain a comprehensive hazard mitigation plan for this~~
4.32 ~~state, with the plan integrated into and coordinated with the hazard mitigation plans~~
4.33 ~~of the federal government to the fullest possible extent. The division shall coordinate~~
4.34 ~~the preparation of hazard mitigation plans by the political subdivisions, with the plans~~
4.35 ~~integrated into and coordinated with the hazard mitigation plan of this state to the fullest~~
4.36 ~~possible extent.~~ provide hazard mitigation training and technical assistance, and any

5.1 federal or state financial assistance as may be available. The division shall provide
 5.2 ongoing coordination of the hazard mitigation planning efforts of this state, to include:

5.3 (1) maintaining a comprehensive state all-hazard mitigation plan that fully meets
 5.4 federal requirements; and

5.5 (2) coordinating the preparation of hazard mitigation plans by the political
 5.6 subdivisions, with the plans integrated into and coordinated with the hazard mitigation
 5.7 plan of this state to the fullest extent.

5.8 Subd. 8. ~~Exercise coordination~~ **Coordinating preparedness drills and exercises.**

5.9 The division shall coordinate the development and conduct of emergency preparedness
 5.10 drills and exercises involving multiple Minnesota state agencies.

5.11 Subd. 9. **Coordinating volunteer resources** ~~coordination~~. The division shall
 5.12 provide ongoing coordination of a network of state, local, tribal, and federal government
 5.13 agencies and private organizations to ensure the smooth coordination of donations and
 5.14 volunteerism during major emergencies and disasters. Duties include:

5.15 ~~(1) hotline management, including training, staffing, information distribution, and~~
 5.16 ~~coordination with emergency operations management;~~

5.17 ~~(2)~~ (1) coordination between government and private relief agencies;

5.18 ~~(3)~~ (2) networking with volunteer organizations;

5.19 ~~(4)~~ (3) locating resources for anticipated disaster needs and making these resources
 5.20 available to local governments in a database;

5.21 ~~(5)~~ (4) training in disaster preparation;

5.22 ~~(6)~~ (5) revising existing plans based on experience with disasters and testing the
 5.23 plans with simulated disasters; ~~and~~

5.24 (6) developing and maintaining a state donations management plan and coordinating
 5.25 with local donations management programs; and

5.26 (7) maintaining public information about disaster donations and volunteerism.

5.27 Subd. 10. **Emergency management training.** (a) The division must maintain and
 5.28 administer an emergency management training curriculum. The division must make
 5.29 emergency management training courses in this curriculum available to state employees
 5.30 whose essential job duties involve emergency management.

5.31 (b) Each state agency that is assigned a role as a disaster or emergency response
 5.32 organization in the state emergency operations plan must have at least one employee who
 5.33 has completed the entire emergency management training curriculum maintained under
 5.34 this section. If an agency is not in compliance with this paragraph ~~as of August 1, 2008,~~
 5.35 or if all employees who have completed the curriculum leave the agency, the agency

6.1 must immediately file a plan with the division identifying how and when the agency will
6.2 be in compliance.

6.3 (c) On ~~September 1, 2008,~~ and January 15 of each ~~subsequent~~ year, the commissioner
6.4 of public safety must report to legislative committees with jurisdiction over public safety
6.5 issues on compliance with this section. The report must list state agencies that are in
6.6 compliance with this section and must summarize compliance efforts for state agencies
6.7 not yet in compliance.

6.8 Subd. 11. **Interstate emergency management assistance compact.** The division
6.9 shall develop and maintain appropriate interstate mutual aid plans and procedures
6.10 necessary to implement the interstate emergency management assistance compact in
6.11 Minnesota. The division is responsible for the receipt of all requests from other states for
6.12 Minnesota mutual aid assistance under the compact, and for preparing and submitting
6.13 requests for that assistance to other states participating in the compact.

6.14 Subd. 12. **Coordinating disaster recovery.** Following a presidential declaration
6.15 of an emergency or major disaster, the division shall administer the Federal Emergency
6.16 Management Agency (FEMA) disaster assistance programs. The division shall facilitate
6.17 long-term disaster recovery and hazard mitigation by activating and chairing the
6.18 Minnesota Recovers Task Force, when appropriate, and administering the FEMA hazard
6.19 mitigation programs.

6.20 Sec. 10. Minnesota Statutes 2008, section 12.13, is amended to read:

6.21 **12.13 NUCLEAR POWER PLANT EMERGENCY RESPONSE PLANNING**
6.22 **AND PREPAREDNESS.**

6.23 Subdivision 1. **Plan development review, update, and revision.** The state director;
6.24 ~~in cooperation with the commissioner of health and affected political subdivisions;~~
6.25 ~~shall develop the state and local portions of the emergency operations plans specified~~
6.26 ~~in the licensing of each nuclear power plant located in Minnesota shall ensure that the~~
6.27 nuclear power plant-related portions of the state emergency operations plan required in
6.28 section 12.09, subdivision 2, and the applicable local emergency operations plans, are
6.29 updated and revised as necessary annually in accord with state and federal regulations
6.30 and requirements.

6.31 Subd. 2. **Assessing need assessment; program development for protective**
6.32 **action.** In addition to requirements imposed by federal law, the state director shall assess
6.33 the need for protective actions ~~required~~ to mitigate the ~~effect~~ effects of an accident or
6.34 incident at a nuclear power plant, and ~~carry out nuclear power plant emergency operations~~

7.1 ~~planning including, but not limited to:~~ shall decide when those actions are necessary to
 7.2 protect the public.

7.3 ~~(1) purchasing equipment for the state and political subdivisions, including public~~
 7.4 ~~warning systems, protective devices, and communication systems, and preparing public~~
 7.5 ~~information materials and educational programs;~~

7.6 ~~(2) coordinating the development of a detailed state and local nuclear emergency~~
 7.7 ~~operations planning information system for areas surrounding each nuclear plant;~~

7.8 ~~(3) training state and local emergency response personnel;~~

7.9 ~~(4) developing accident scenarios and exercises for nuclear emergency operations~~
 7.10 ~~plans; and~~

7.11 ~~(5) providing other specialized response equipment necessary.~~

7.12 Subd. 2a. **Assessing need for preparedness activities.** The state director shall
 7.13 assess the need for appropriate preparedness actions, including, but not limited to:

7.14 (1) purchasing equipment for the state and political subdivisions, including public
 7.15 warning systems, protective devices, and communication systems, and preparing public
 7.16 information materials and educational programs;

7.17 (2) coordinating the development of a detailed state and local nuclear emergency
 7.18 operations planning information system for areas surrounding each nuclear plant;

7.19 (3) training state and local emergency response personnel;

7.20 (4) directing the development of nuclear power plant accident-based exercise
 7.21 scenarios and ensuring the necessary state and local government participation in those
 7.22 exercises; and

7.23 (5) providing other specialized response equipment necessary.

7.24 Subd. 3. **Assistance.** The director shall provide necessary assistance to other state
 7.25 agencies and political subdivisions to improve the state's nuclear power plant emergency
 7.26 response ~~capacity~~ capabilities.

7.27 Sec. 11. Minnesota Statutes 2008, section 12.14, is amended to read:

7.28 **12.14 ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.**

7.29 A person in the business of owning or operating a nuclear power plant or dry cask
 7.30 storage facility located in Minnesota; shall pay quarterly assessments to cover the cost
 7.31 of a nuclear power plant accident/incident emergency response programs preparedness
 7.32 program necessary to deal with respond adequately to accidents or incidents resulting from
 7.33 occurring at either facility. An assessment of up to one quarter of the projected annual cost
 7.34 must be paid to the state director on July 1 of each year. An assessment must be billed
 7.35 by the state director based on actual costs for each quarter of the fiscal year starting with

8.1 the first quarter ending September 30. The July 1 assessment must be deducted from the
8.2 final quarterly billing for the fiscal year. The assessment collected must be credited to the
8.3 nuclear safety preparedness account in the special revenue fund.

8.4 Sec. 12. Minnesota Statutes 2008, section 12.21, is amended to read:

8.5 **12.21 GOVERNOR.**

8.6 Subdivision 1. **General authority.** The governor (1) has general direction and
8.7 control of homeland security and emergency management, (2) may carry out the
8.8 provisions of this chapter, and (3) during a national security or a peacetime emergency
8.9 declared as existing under section 12.31, during the existence of an energy supply
8.10 emergency as declared under section 216C.15, or during the existence of an emergency
8.11 resulting from an accident or incident at a nuclear power plant that poses a radiological
8.12 or other health hazard, may assume direct operational control over all or any part of the
8.13 homeland security and emergency management functions within this state.

8.14 Subd. 2. **Cooperation.** In performing duties under this chapter, the governor may
8.15 cooperate with the federal government, with other states, with federally recognized Indian
8.16 tribes, with Canadian provinces, and with private agencies, in all matters pertaining to the
8.17 homeland security and emergency management of this state and of the nation.

8.18 Subd. 3. **Specific authority.** In performing duties under this chapter and to effect
8.19 its policy and purpose, the governor may:

8.20 (1) make, amend, and rescind the necessary orders and rules to carry out the
8.21 provisions of this chapter and section 216C.15 within the limits of the authority conferred
8.22 by this section, with due consideration of the plans of the federal government and without
8.23 complying with sections 14.001 to 14.69, but no order or rule has the effect of law except
8.24 as provided by section 12.32;

8.25 (2) ensure that a comprehensive emergency operations plan and a homeland security
8.26 and emergency management program for this state are ~~developed and~~ maintained; and are
8.27 integrated into and coordinated with the emergency plans of the federal government and
8.28 of other states to the fullest possible extent;

8.29 (3) in accordance with the state emergency operations plan and the homeland
8.30 security and emergency management program of this state, procure supplies, equipment,
8.31 and facilities; institute training programs and public information programs; and take all
8.32 other preparatory steps, including the partial or full activation of emergency management
8.33 organizations in advance of actual ~~disaster~~ disasters to ensure the furnishing of adequately
8.34 trained and equipped forces of homeland security and emergency management personnel
8.35 in time of need;

9.1 (4) make studies and surveys of the industries, resources, and facilities in this
9.2 state as may be necessary to ascertain the capabilities of the state for homeland security
9.3 and emergency management and to plan for the most efficient emergency use of those
9.4 industries, resources, and facilities;

9.5 (5) on behalf of this state, enter into mutual aid arrangements or cooperative
9.6 agreements with other states, tribal authorities, and Canadian provinces, and coordinate
9.7 mutual aid plans between political subdivisions of this state;

9.8 (6) delegate administrative authority vested in the governor under this chapter,
9.9 except the power to make rules, and provide for the subdelegation of that authority;

9.10 (7) cooperate with the president and the ~~heads of the armed forces, the Emergency~~
9.11 ~~Management Agency of the United States~~ Department of Homeland Security and other
9.12 appropriate federal officers and agencies; and with the officers and agencies of other states
9.13 in matters pertaining to the homeland security and emergency management of the state
9.14 and nation, including the direction or control of:

9.15 (i) emergency preparedness drills and exercises;

9.16 (ii) warnings and signals for drills or actual emergencies and the mechanical devices
9.17 to be used in connection with them;

9.18 (iii) shutting off water mains, gas mains, electric power connections and the
9.19 suspension of all other utility services;

9.20 (iv) the conduct of persons in the state, including entrance or exit from any stricken
9.21 or threatened public place, occupancy of facilities, and the movement and cessation
9.22 of movement of pedestrians, vehicular traffic, and all forms of private and public
9.23 transportation during, prior, and subsequent to drills or actual emergencies and disasters;

9.24 (v) public meetings or gatherings; and

9.25 (vi) the evacuation, reception, and sheltering of persons;

9.26 ~~(8) contribute to a political subdivision, within the limits of the appropriation for that~~
9.27 ~~purpose, not more than 25 percent of the cost of acquiring organizational equipment that~~
9.28 ~~meets standards established by the governor;~~

9.29 ~~(9)~~ (8) formulate and execute, with the approval of the Executive Council, plans
9.30 and rules for the control of traffic in order to provide for the rapid and safe movement
9.31 over public highways and streets ~~of troops, vehicles of a military nature, and materials for~~
9.32 ~~national defense and war or for use in any war industry, for the conservation of critical~~
9.33 ~~materials, or for~~ homeland security and emergency management purposes; and coordinate
9.34 the activities of the departments or agencies of the state and its political subdivisions
9.35 concerned directly or indirectly with public highways and streets, in a manner that will
9.36 best effectuate those plans;

10.1 ~~(10)~~ (9) alter or adjust by executive order, without complying with sections 14.01 to
 10.2 14.69, the working hours, workdays and ~~work week~~ workweek of, and annual and sick
 10.3 leave provisions and payroll laws regarding, all state employees in the executive branch
 10.4 as the governor deems necessary to minimize the impact of the disaster or emergency,
 10.5 conforming the alterations or adjustments to existing state laws, rules, and collective
 10.6 bargaining agreements to the extent practicable;

10.7 ~~(11)~~ (10) authorize the commissioner of education to alter school schedules, curtail
 10.8 school activities, or order schools closed as defined in section 120A.05, subdivisions 9, 11,
 10.9 13, and 17, and including charter schools under section 124D.10, and elementary schools
 10.10 enrolling prekindergarten pupils in district programs; and

10.11 ~~(12)~~ (11) transfer the direction, personnel, or functions of state agencies to perform
 10.12 or facilitate response and recovery programs.

10.13 Subd. 4. **Plan review, availability.** (a) The governor, or state director as designee,
 10.14 shall ensure the conduct of an annual review by state and local officials of the state
 10.15 emergency operations plan specified in the licensing of each nuclear power plant and
 10.16 provided for in section 12.09, subdivision 2. The review must include, but is not limited
 10.17 to such factors as changes in traffic patterns, population densities, and new construction.
 10.18 ~~Opportunity for full public participation in the annual review shall be provided.~~

10.19 (b) Copies of a those portions of the state emergency operations plan that do
 10.20 not come under the provisions of section 13.37, subdivision 1, paragraph (a), must be
 10.21 ~~published, publicized, and distributed to the news media of the affected community and to~~
 10.22 ~~the appropriate officials of affected communities and~~ made available to public officials
 10.23 and the general public upon request, at no more than the cost of reproduction.

10.24 Sec. 13. Minnesota Statutes 2008, section 12.22, subdivision 1, is amended to read:

10.25 Subdivision 1. **Federal aid.** Whenever the federal government, or an agency or
 10.26 officer of the federal government, offers to the state, or through the state to any political
 10.27 subdivision of the state, services, equipment, supplies, materials, or funds by way of gift,
 10.28 grant or loan, for the purposes of homeland security and emergency management, the
 10.29 state, acting through the governor, or the political subdivision, acting with the consent of
 10.30 the governor and through its governing body, may accept the offer and then may authorize
 10.31 an officer of the state or of the political subdivision, as the case may be, to receive the
 10.32 services, equipment, supplies, materials, or funds on behalf of the state or the political
 10.33 subdivision and subject to the terms of the offer and the rules, if any, of the agency making
 10.34 the offer. However, no money or other funds may be accepted or received as a loan nor
 10.35 any indebtedness incurred except as provided by law.

11.1 Sec. 14. Minnesota Statutes 2008, section 12.221, is amended to read:

11.2 **12.221 MINNESOTA NATURAL EMERGENCY AND DISASTER**
 11.3 **ASSISTANCE AGREEMENTS.**

11.4 Subdivision 1. **Emergency and disaster assistance agreement agreements.**

11.5 Subsequent to Minnesota's inclusion in a presidential declaration of an emergency, or a
 11.6 major disaster, the Division of Homeland Security and Emergency Management may enter
 11.7 into an agreement with the Federal Emergency Management Agency (FEMA) for the
 11.8 maintenance of the Minnesota natural disaster assistance program and for administration
 11.9 of federal disaster and hazard mitigation assistance programs as provided for under
 11.10 provisions of in federal law and or regulation.

11.11 ~~Subd. 2. **Federal assistance for program.** Under the agreement, the Federal~~
 11.12 ~~Emergency Management Agency will provide \$50,000 in federal funds annually toward~~
 11.13 ~~the cost incurred by implementation of the natural disaster assistance program. The~~
 11.14 ~~Division of Emergency Management shall provide two planners and the necessary~~
 11.15 ~~equipment and facilities for project operations.~~

11.16 Subd. 3. **Governor's authorized representative.** The state director may serve as
 11.17 the governor's authorized representative. As such, the state director may apply for and
 11.18 enter into an agreement with any federal agency to accept and administer federal financial
 11.19 assistance made available to the state as a result of a presidential declaration of an
 11.20 emergency, or a major disaster declaration. Federal money received is appropriated to the
 11.21 state director, who shall report its expenditure to the chairs of the house of representatives
 11.22 Ways and Means Committee and the appropriate senate finance committee.

11.23 Subd. 4. **Subgrant agreements.** The state director, serving as the governor's
 11.24 authorized representative, may enter into subgrant agreements with eligible applicants to
 11.25 provide federal and state financial assistance made available as a result of a presidential
 11.26 declaration of an emergency, or a major disaster declaration. However, the state and
 11.27 federal disaster assistance must be made available in a manner consistent with section
 11.28 12A.15, subdivision 3.

11.29 Sec. 15. Minnesota Statutes 2008, section 12.24, subdivision 2, is amended to read:

11.30 Subd. 2. **Personnel training, expenses.** (a) When the state director considers it
 11.31 necessary to send (1) an employee of the Division of Homeland Security and Emergency
 11.32 Management or any other individual, whether or not that individual is a state employee,
 11.33 to a school, training or indoctrination program event, meeting, or place for training
 11.34 in or indoctrination in information about a matter legitimately connected with related to
 11.35 homeland security and emergency management, or (2) any individual, whether or not

12.1 a state employee, to any place in this or another state for any purpose connected with
12.2 homeland security and emergency management, the state director may authorize the
12.3 payment of travel expenses and reasonable subsistence for the period that the employee or
12.4 other individual is required to remain at the place. These payments must be made from
12.5 money appropriated to the department. Upon certification by the state director of the
12.6 purpose and amount of the payment, the commissioner of management and budget shall
12.7 pay the amount so certified. The stipulations in this section are subject to section 43A.18.

12.8 (b) The state director may devise and formulate a procedure for the processing
12.9 and certification of travel and subsistence expenses that allows the employee or other
12.10 individual to submit monthly statements of expenses incurred during the preceding month.

12.11 Sec. 16. Minnesota Statutes 2008, section 12.25, subdivision 5, is amended to read:

12.12 Subd. 5. ~~Common organization~~ **Interjurisdictional agreements.** With approval
12.13 of the state director, two or more political subdivisions may enter into agreements
12.14 determining the boundaries of the geographic areas of their respective emergency
12.15 management responsibilities or providing for ~~a common~~ an interjurisdictional emergency
12.16 management organization, which for the purposes of this chapter must be a local
12.17 emergency management organization.

12.18 Sec. 17. Minnesota Statutes 2008, section 12.27, is amended to read:

12.19 **12.27 MUTUAL AID, ARRANGEMENTS.**

12.20 Subdivision 1. **Authority; organizations in Minnesota.** The director of each
12.21 local organization for emergency management may, in collaboration with other public
12.22 and private agencies within this state, develop or cause to be developed mutual aid
12.23 arrangements for reciprocal emergency management aid and assistance in an emergency or
12.24 disaster too great to be dealt with unassisted. These arrangements must be consistent with
12.25 the local emergency operations plan and, in time of emergency, each local organization for
12.26 emergency management and its members shall render assistance in accordance with the
12.27 provisions of the mutual aid arrangements.

12.28 Subd. 2. **Authority; organizations in other states.** The state director or the
12.29 director of each local organization for emergency management may, subject to the
12.30 approval of the governor, enter into mutual aid arrangements with homeland security and
12.31 emergency management agencies or organizations in other states for reciprocal emergency
12.32 management aid and assistance in case of disaster too great to be dealt with unassisted.
12.33 These arrangements must not conflict with sections 192.89 and 192.91.

13.1 Subd. 2a. **Authority; organizations in Canadian provinces.** Subject to the
13.2 approval of the governor, the state director may enter into mutual aid agreements with
13.3 homeland security and emergency management agencies or organizations in Canadian
13.4 provinces for reciprocal homeland security and emergency management aid and assistance
13.5 in case of disaster too great to be dealt with unassisted.

13.6 Subd. 3. **Local delegation of authority.** (a) ~~No later than 90 days after August 1,~~
13.7 ~~1996,~~ The governing body of a political subdivision shall designate a city administrator
13.8 or manager, public safety director, police chief, fire chief, public works director, or other
13.9 officer who, exercising discretion and considering the needs of the political subdivision
13.10 and its inhabitants, may dispatch equipment and personnel as considered necessary if a
13.11 danger of fire, hazard, casualty, or another similar occurrence exists outside the political
13.12 subdivision and by its suddenness it would be impractical for the governing body itself to
13.13 authorize the dispatch of equipment and personnel to combat that emergency or disaster.

13.14 (b) Action under this subdivision is an act of the political subdivision. All provisions
13.15 for compensation of personnel, rental of equipment, liability insurance coverage, workers'
13.16 compensation insurance, and other matters pertaining to the political subdivision, its
13.17 equipment, and personnel, apply in each case as if specifically authorized and directed.

13.18 (c) The officer shall end the use of equipment and personnel when the need no
13.19 longer exists or earlier at the officer's discretion if it appears to be in the best interest of
13.20 the political subdivision.

13.21 Subd. 4. **Providing assistance to another state.** At the request of another state, the
13.22 governor, exercising discretion and considering the needs of this state and its inhabitants,
13.23 may dispatch state equipment and personnel as deemed necessary if there is an emergency
13.24 or disaster outside of this state. This assistance must be consistent with section 192.89.

13.25 The governor shall end the use of equipment and personnel when the need no longer
13.26 exists or earlier at the governor's discretion if it appears to be in the best interest of the state.

13.27 Sec. 18. Minnesota Statutes 2008, section 12.28, is amended to read:

13.28 **12.28 GOVERNOR'S ORDERS, RULES; ENFORCEMENT.**

13.29 Subdivision 1. Execution by local emergency management agencies. Every
13.30 organization for emergency management established pursuant to this chapter and its
13.31 officers shall execute and enforce orders and rules as may be made by the governor under
13.32 authority of this chapter or section 216C.15. Each organization must have available for
13.33 inspection at its office all orders and rules made by the governor, or under the governor's
13.34 authority.

14.1 Subd. 2. Cooperation by citizens. A person who willfully ignores a governor's
 14.2 order to evacuate an emergency or disaster area is civilly liable for the cost of any
 14.3 governmental agency rescue effort that may be undertaken on the endangered person's
 14.4 behalf.

14.5 Sec. 19. Minnesota Statutes 2008, section 12.29, is amended to read:

14.6 **12.29 DECLARATION OF LOCAL EMERGENCY.**

14.7 Subdivision 1. **Authority to declare local emergency.** A local emergency may
 14.8 be declared only by the mayor of a municipality or the chair of a county board of
 14.9 commissioners or their legal successors. It may not be continued for a period in excess of
 14.10 three days except by or with the consent of the governing body of the political subdivision.
 14.11 Any order or proclamation declaring, continuing, or terminating a local emergency
 14.12 must be given prompt and general publicity and filed promptly by the chief of the local
 14.13 record-keeping agency of the political subdivision.

14.14 Subd. 2. **Effect of declaration of local emergency.** A declaration of a local
 14.15 emergency ~~invokes~~ must have the following effects:

14.16 (a) The necessary portions of the response and recovery aspects sections of
 14.17 applicable local or interjurisdictional disaster emergency operations plans are invoked,
 14.18 and may authorize aid and assistance under those plans may be authorized.

14.19 (b) A mayor or county sheriff may order the evacuation of all or part of the
 14.20 population from an emergency or disaster area if the mayor or county sheriff believes the
 14.21 action necessary for the preservation of life. A person who willfully ignores an order to
 14.22 evacuate is civilly liable for the cost of any governmental agency rescue effort that may be
 14.23 undertaken on the endangered person's behalf.

14.24 Subd. 3. **Interjurisdictional agencies organizations.** No interjurisdictional ~~agency~~
 14.25 organization or official may declare a local emergency unless expressly authorized by the
 14.26 agreement under which the ~~agency~~ organization functions. However, an interjurisdictional
 14.27 ~~disaster agency~~ emergency management organization shall provide aid and services in
 14.28 accordance with the agreement under which it functions.

14.29 Sec. 20. Minnesota Statutes 2008, section 12.301, is amended to read:

14.30 **12.301 COMMUNITY DISASTER LOANS; GOVERNOR'S AUTHORITY.**

14.31 Whenever, at the request of the governor, the president has declared ~~a~~ an emergency
 14.32 or major disaster to exist in this state, the governor is authorized to take the following
 14.33 actions:

15.1 (a) Upon the governor's determination that a political subdivision of the state
 15.2 will suffer a substantial loss of tax and other revenues from a major disaster and has
 15.3 demonstrated a need for financial assistance to perform its governmental functions, the
 15.4 governor may apply to the federal government, on behalf of the political subdivision,
 15.5 for a loan, and receive and disburse the proceeds of the approved loan to the applicant
 15.6 political subdivision.

15.7 (b) The governor may determine the amount needed by an applicant political
 15.8 subdivision to restore or resume its governmental functions, and certify that amount to the
 15.9 federal government. No application amount may exceed 25 percent of the annual operating
 15.10 budget of the applicant for the fiscal year in which the emergency or major disaster occurs.

15.11 (c) The governor may recommend to the federal government, based upon the
 15.12 governor's review, the cancellation of all or any part of repayment when, in the first three
 15.13 full fiscal year period following the emergency or major disaster, the revenues of the
 15.14 political subdivision are insufficient to meet its operating expenses, including additional
 15.15 disaster-related expenses of a municipal operation character.

15.16 Sec. 21. Minnesota Statutes 2008, section 12.31, is amended to read:

15.17 **12.31 NATIONAL SECURITY OR PEACETIME EMERGENCY;**
 15.18 **DECLARATION.**

15.19 Subdivision 1. **Declaration of national security emergency.** When information
 15.20 received from the President of the United States, the ~~Federal Emergency Management~~
 15.21 ~~Agency~~ Department of Homeland Security, the Department of Defense, or the National
 15.22 Warning System indicates the imminence of a national security emergency within
 15.23 the United States, which means the several states, the District of Columbia, and the
 15.24 Commonwealth of Puerto Rico, or the occurrence within the state of Minnesota of a major
 15.25 disaster from enemy sabotage or other hostile action, the governor may, by proclamation,
 15.26 declare that a national security emergency exists in all or any part of the state. If the
 15.27 legislature is then in regular session or, if it is not, if the governor concurrently with the
 15.28 proclamation declaring the emergency issues a call convening immediately both houses of
 15.29 the legislature, the governor may exercise for a period not to exceed 30 days the powers
 15.30 and duties conferred and imposed by sections 12.31 to 12.37 and 12.381. The lapse of
 15.31 these emergency powers does not, as regards any act occurring or committed within the
 15.32 30-day period, deprive any person, political subdivision, municipal corporation, or body
 15.33 politic of any right to compensation or reimbursement that it may have under this chapter.

15.34 Subd. 2. **Declaration of peacetime emergency.** (a) The governor may declare a
 15.35 peacetime emergency. A peacetime declaration of emergency may be declared only when

16.1 an act of nature, a technological failure or malfunction, a ~~terrorist~~ homeland security
16.2 incident, an industrial accident, a hazardous materials accident, a public health emergency,
16.3 or a civil disturbance endangers life and property and local government resources are
16.4 inadequate to handle the situation. If the peacetime emergency occurs on Indian lands,
16.5 the governor or state director of homeland security and emergency management shall
16.6 consult with tribal authorities before the governor makes such a declaration. Nothing
16.7 in this section shall be construed to limit the governor's authority to act without such
16.8 consultation when the situation calls for prompt and timely action. When the governor
16.9 declares a peacetime emergency, the governor must immediately notify the majority and
16.10 minority leaders of the senate and the speaker and majority and minority leaders of the
16.11 house of representatives. A peacetime emergency must not be continued for more than
16.12 five days unless extended by resolution of the Executive Council up to 30 days. An order,
16.13 or proclamation declaring, continuing, or terminating an emergency must be given prompt
16.14 and general publicity and filed with the secretary of state.

16.15 (b) By majority vote of each house of the legislature, the legislature may terminate a
16.16 peacetime emergency extending beyond 30 days. If the governor determines a need to
16.17 extend the peacetime emergency declaration beyond 30 days and the legislature is not
16.18 sitting in session, the governor must issue a call immediately convening both houses of the
16.19 legislature. Nothing in this section limits the governor's authority over or command of the
16.20 National Guard as described in the Military Code, chapters 190 to 192A, and required by
16.21 the Minnesota Constitution, article V, section 3.

16.22 Subd. 3. **Effect of declaration of peacetime emergency.** A declaration of a
16.23 peacetime emergency in accordance with this section authorizes the governor to exercise
16.24 for a period not to exceed the time specified in this section the powers and duties conferred
16.25 and imposed by this chapter for a peacetime emergency and invokes the necessary portions
16.26 of the state emergency operations plan developed pursuant to section 12.21, subdivision
16.27 3, relating to response and recovery aspects and may authorize aid and assistance under
16.28 the plan.

16.29 Sec. 22. Minnesota Statutes 2008, section 12.331, is amended to read:

16.30 **12.331 LOCAL ASSISTANCE BETWEEN POLITICAL SUBDIVISIONS.**

16.31 Subdivision 1. **Authority between political subdivisions.** When the public interest
16.32 requires it because of an emergency or disaster, a political subdivision may request the
16.33 assistance of another political subdivision. ~~Upon~~ On receiving ~~such a~~ the request, a
16.34 political subdivision, called the "sending political subdivision," may go to the assistance
16.35 of the requesting political subdivision, called the "receiving political subdivision." The

17.1 receiving political subdivision may accept and use the personnel, equipment, and supplies
17.2 of the sending political subdivision as agreed upon by both political subdivisions.

17.3 Subd. 2. **Responsibility for use of personnel, equipment, supplies.** (a) Unless
17.4 there is a written agreement between the political subdivisions establishing the rules for
17.5 conducting these activities, ~~the provisions of paragraphs (b) to (e) shall~~ apply while the
17.6 political subdivisions are engaged in the activities described in subdivision 1.

17.7 (b) For the purposes of worker's compensation insurance, the employees, officers,
17.8 and members of the sending political subdivision have the same powers, duties, rights,
17.9 privileges, and immunities as if they were performing similar services in the sending
17.10 political subdivision and are considered to be acting within the scope of and in the course
17.11 of their regular employment; as employees of the sending political subdivision.

17.12 (c) For the purposes of chapter 466, the employees and officers of the sending
17.13 political subdivision are deemed to be employees, as defined in section 466.01, subdivision
17.14 6, of the receiving political subdivision.

17.15 (d) The sending political subdivision ~~shall be~~ is responsible for any damages to
17.16 its equipment.

17.17 (e) The receiving political subdivision shall reimburse the sending political
17.18 subdivision for the supplies used and the compensation paid to the officers and members
17.19 of the forces furnished, during the time when the rendition of aid prevents them from
17.20 performing their duties in the sending political subdivision, and for the actual travel and
17.21 maintenance expenses of the officers and members while so engaged. A claim for loss,
17.22 damage, or expense in using equipment or supplies or for additional expenses incurred
17.23 in operating or maintaining them must not be allowed unless within 90 days after the
17.24 loss, damage, or expense is sustained or incurred, an itemized notice of it, verified by an
17.25 officer or employee of the municipality having knowledge of the facts, is filed with the
17.26 clerk of the receiving political subdivision.

17.27 ~~Subd. 3. **Retroactive effect.** Notwithstanding other laws this section is effective~~
17.28 ~~retroactive to March 29, 1998.~~

17.29 Sec. 23. Minnesota Statutes 2008, section 12.34, subdivision 3, is amended to read:

17.30 Subd. 3. **Penalty.** An able-bodied person required to perform services for homeland
17.31 security or emergency management who refuses, neglects, or otherwise fails to perform
17.32 the services required under subdivision 1 is guilty of a misdemeanor and must be punished
17.33 by imprisonment in the county jail for not less than ten days or more than 90 days.

17.34 Sec. 24. Minnesota Statutes 2008, section 12.35, subdivision 4, is amended to read:

18.1 Subd. 4. **Reimbursement of other state.** When homeland security or emergency
 18.2 management personnel of another state render aid in Minnesota pursuant to the orders of
 18.3 the governor of its home state, and upon the request of the governor of Minnesota, this
 18.4 state shall reimburse the other state for (1) the compensation paid and actual and necessary
 18.5 travel, subsistence, and maintenance expenses of the personnel of the other state while
 18.6 rendering aid as emergency management personnel, (2) all payments for death, disability,
 18.7 or injury of those personnel incurred in the course of rendering that aid, and (3) all losses
 18.8 of or damage to supplies and equipment of the other state, or a governmental subdivision
 18.9 of the other state, resulting from the rendering of aid; provided, that the laws of the other
 18.10 state contain provisions substantially similar to this section. These arrangements must
 18.11 not conflict with section 192.89.

18.12 Sec. 25. Minnesota Statutes 2008, section 12.38, is amended to read:

18.13 **12.38 STATE AGENCIES; TEMPORARY WAIVER OF FEES.**

18.14 Notwithstanding any law to the contrary, a state agency₂ as defined in section 16B.01,
 18.15 subdivision 2, with the approval of the governor, may waive fees that would otherwise be
 18.16 charged for agency services. The waiver of fees must be confined to geographic areas
 18.17 within a presidentially declared emergency or major disaster area, and to the minimum
 18.18 periods of time necessary to deal with the emergency situation. The requirements of
 18.19 section 14.05, subdivision 4, do not apply to a waiver made under this section. The agency
 18.20 must promptly report the reasons for and the impact of any suspended fees to the chairs of
 18.21 the legislative committees that oversee the policy and budgetary affairs of the agency.

18.22 Sec. 26. Minnesota Statutes 2008, section 12.43, is amended to read:

18.23 **12.43 SUBVERSIVES; HIRING, USING; OATH.**

18.24 No person may be employed or associated in any capacity in an emergency
 18.25 management organization established under this chapter who advocates or has advocated a
 18.26 change by force or violence in the constitutional form of the government of the United
 18.27 States or in this state or the overthrow of any government in the United States by force or
 18.28 violence, or who has been convicted of or is under indictment or information charging
 18.29 any subversive act against the United States. ~~Each person who is appointed to serve in~~
 18.30 ~~an organization for emergency management shall, before entering upon any duties, take~~
 18.31 ~~an oath, in writing, before a person authorized to administer oaths in this state, which~~
 18.32 ~~must be substantially as follows:~~

18.33 ~~"I,, do solemnly swear (or affirm) that I will support and defend the~~
 18.34 ~~Constitution of the United States and the Constitution of the State of against all~~

19.1 ~~enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I~~
19.2 ~~take this obligation freely, without mental reservation or purpose of evasion; and that I~~
19.3 ~~will well and faithfully discharge the duties upon which I am about to enter. And I do~~
19.4 ~~further swear (or affirm) that I do not advocate, nor am I a member of any political party~~
19.5 ~~or organization that advocates the overthrow of the Government of the United States or of~~
19.6 ~~this state by force or violence; and that during such time as I am a member of the (name~~
19.7 ~~of emergency management organization), I will not advocate nor become a member of~~
19.8 ~~any political party or organization that advocates the overthrow of the Government of the~~
19.9 ~~United States, or of this state, by force or violence."~~

19.10 Sec. 27. **REVISOR'S INSTRUCTION.**

19.11 (a) The revisor of statutes shall renumber Minnesota Statutes, section 12.03,
19.12 subdivision 5c as subdivision 5e, and subdivision 10 as subdivision 12.

19.13 (b) In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall:

19.14 (1) change the term "Division of Emergency Management" to "Division of
19.15 Homeland Security and Emergency Management";

19.16 (2) change the term "Director of Emergency Management" to "Director of Homeland
19.17 Security and Emergency Management";

19.18 (3) change the term "emergency management program" to "homeland security and
19.19 emergency management program"; and

19.20 (4) change the term "emergency management purposes" to "homeland security or
19.21 emergency management purposes."