

arrangements shall be made between the two counties for ongoing social service, including annual reviews of the client's individual service plan. The host county may not make changes in the service plan without approval by the county of financial responsibility.

Approved May 28, 1987

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**CHAPTER 306—S.F.No. 909**

*An act relating to natural resources; establishing a state flood hazard mitigation grant program; authorizing grants-in-aid to local government units; revising qualifications for the office of director of the division of waters; authorizing an additional assistant commissioner of natural resources; appropriating money; amending Minnesota Statutes 1986, sections 84.01, subdivision 3; 84.081, subdivision 1; 104.02; 105.40, subdivision 1; and 105.482, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 104.*

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

Section 1. Minnesota Statutes 1986, section 84.01, subdivision 3, is amended to read:

Subd. 3. Subject to the provisions of Laws 1969, chapter 1129, and to other applicable laws the commissioner shall organize the department and employ ~~two~~ three assistant commissioners, ~~both~~ each of whom shall serve at the pleasure of the commissioner in the unclassified service, one of whom shall have responsibility for coordinating and directing the planning of every division within the agency, and such other officers, employees, and agents as the commissioner may deem necessary to discharge the functions of the department, define the duties of such officers, employees, and agents and to delegate to them any of the commissioner's powers, duties, and responsibilities subject to the control of, and under the conditions prescribed by, the commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Sec. 2. Minnesota Statutes 1986, section 84.081, subdivision 1, is amended to read:

Subdivision 1. **DIRECTORS.** Subject to the commissioner's authority to revise or abolish existing divisions and to establish new divisions, all as prescribed in section 84.083, subdivision 1, the department of natural resources shall be organized with the following divisions: a division of lands and forestry, a division of waters, soils and minerals, a division of game and fish, a division of parks and recreation, and a division of enforcement and field service. Each division shall be under the immediate charge of a director, subject to the supervision and control of the commissioner. The commissioner may place a director's position in the unclassified service if the position meets the criteria established in section 43A.08, subdivision 1a. They shall be chosen with regard to knowl-

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edge, training, experience, and ability in administering the work of their respective divisions, and with consideration given to applicable professional registration.

Sec. 3. Minnesota Statutes 1986, section 104.02, is amended to read:

**104.02 DEFINITIONS.**

Subdivision 1. **APPLICABILITY.** For the purposes of sections 104.01 to 104.07 and sections 4 and 5, the terms defined in this section have the meanings given them.

Subd. 2. **REGIONAL FLOOD.** "Regional flood" means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

Subd. 3. **FLOODPLAIN.** "Floodplain" means the areas adjoining a watercourse or water basin which has been or hereafter may be covered by the regional flood.

Subd. 4. **FLOODWAY.** "Floodway" means the channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains which are reasonably required to carry and discharge, and provide storage for the regional flood.

Subd. 5. **FLOOD FRINGE.** "Flood fringe" means that portion of the floodplain outside of the floodway.

Subd. 6. **LOCAL GOVERNMENTAL UNIT OR LOCAL GOVERNMENT.** "Local governmental unit" or "local government" means a county or statutory or home rule charter city, town, watershed district, or lake improvement district.

Subd. 7. **COMMISSIONER.** "Commissioner" means the commissioner of natural resources.

Subd. 8. STRUCTURAL FLOOD MANAGEMENT MEASURES. "Structural flood management measures" means physical actions taken to modify the behavior and extent of floods and flooding, including the construction of dams, dikes, levees, flood bypass channels, flood storage and retardation structures, and water level control structures, but excluding deepening or straightening of existing stream channels.

Subd. 9. NONSTRUCTURAL FLOOD MANAGEMENT MEASURES. "Nonstructural flood management measures" means actions in floodplains designed to reduce the damaging effects of floods on existing and potential users of floodplains, without physically altering the flood behavior. The measures include:

- (1) public acquisition of floodplain lands;

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(2) relocation of public and private structures and facilities;

(3) floodproofing of public and private facilities;

(4) installation and operation of flood warning systems and evacuation procedures;

(5) adoption and enforcement of land use control ordinances and building codes;

(6) installation of signs and other notifications in regional flood areas; and

(7) provision of flood insurance and public education.

Subd. 10. MITIGATION. "Mitigation" means the act of alleviating the effects of floods and flooding by moderating or reducing the severe damages resulting from floods through structural and nonstructural flood management measures.

Subd. 11. MITIGATION MEASURES. "Mitigation measures" means structural or nonstructural flood management measures, or both.

Subd. 12. WATER BASIN. "Water basin" has the meaning given it by section 105.37, subdivision 9.

#### Sec. 4. [104.10] STATE INVENTORY AND ASSESSMENT.

The commissioner shall conduct a statewide inventory and flood damage assessment of flood prone structures and lands.

#### Sec. 5. [104.11] FLOOD HAZARD MITIGATION GRANTS.

Subdivision 1. GRANTS AUTHORIZED. The commissioner may make grants to local governments to:

(1) conduct floodplain damage reduction studies to determine the most feasible, practical, and effective methods and programs for mitigating the damages due to flooding within flood prone rural and urban areas and their watersheds; and

(2) plan or implement, or both, flood mitigation measures.

Subd. 2. ACTION ON GRANT APPLICATIONS. (a) Upon receipt of a request for a grant for less than \$75,000 on forms provided by the commissioner, the commissioner shall confer with the local government requesting the grant and may make a grant based on the following considerations:

(1) the extent and effectiveness of mitigation measures already implemented by the local government requesting the grant;

(2) the feasibility, practicality, and effectiveness of the proposed mitigation measures and the associated nonflood related benefits and detriments;

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(3) the level of grant assistance that should be provided to the local government, based on available facts regarding the nature, extent, and severity of flood problems;

(4) the frequency of occurrence of severe flooding that has resulted in declaration of the area as a flood disaster area by the president of the United States;

(5) the economic, social, and environmental benefits and detriments of the proposed mitigation measures;

(6) whether the floodplain management ordinance or regulation adopted by the local government meets the minimum standards established by the commissioner, the degree of enforcement of the ordinance or regulation, and whether the local government is complying with the ordinance or regulation;

(7) the degree to which the grant request is consistent with local water plans developed under chapters 110B and 112 and sections 473.875 to 473.883;

(8) the financial capability of the local government to solve its flood hazard problems without financial assistance; and

(9) the estimated cost and method of financing of the proposed mitigation measures based on local money and federal and state financial assistance.

(b) If the amount of the grant requested is \$75,000 or more, the commissioner shall determine, under the considerations in paragraph (a), whether any part of the grant shall be awarded and submit to the governor and the legislature for funding consideration before each odd-numbered year a list of the grant requests or parts of grant requests of \$75,000 or more. The commissioner must prioritize the grant requests, under the considerations in paragraph (a), beginning with the projects the commissioner determines most deserving of financing.

(c) A grant may not exceed one-half the total cost of the proposed mitigation measures.

(d) After July 1, 1991, grants made under this section may be made to local governments whose grant requests are part of, or responsive to, a comprehensive local water plan prepared under chapter 110B or 112 or sections 473.875 to 473.883.

Sec. 6. Minnesota Statutes 1986, section 105.40, subdivision 1, is amended to read:

Subdivision 1. The director of the division of waters, soils and minerals of the department of natural resources shall be a ~~registered professional engineer, skilled in hydraulics~~ possess the qualifications required of division directors by section 84.081, subdivision 1. Under the direction of the commissioner, the director shall ~~make~~ be responsible for providing the surveys and engineering investigations required by sections 105.37 to 105.55 and shall perform the following duties.

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Sec. 7. Minnesota Statutes 1986, section 105.482, subdivision 5, is amended to read:

Subd. 5. **LIMITATIONS.** If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is less than ~~\$75,000~~ \$250,000, the commissioner may direct that the state owned dam be repaired or reconstructed or that a grant be made to repair or reconstruct a dam owned by a local governmental unit ~~without the approval of the state executive council.~~ If the cost of repair or reconstruction of a state owned dam, or a grant to a local governmental unit is \$75,000 or more but less than \$150,000, the expenditure shall be made only with the approval of the state executive council. If the cost of repair or reconstruction of a state owned dam or a grant to a local governmental unit is ~~\$150,000~~ \$250,000 or more, the commissioner may recommend the project to the legislature for its consideration and action, except in the following emergency situations. With the approval of the ~~executive council~~ commissioner of finance after consulting with the legislative advisory commission, the commissioner may direct that a state owned dam be repaired or reconstructed or a grant be made to a local governmental unit where the commissioner determines that an emergency condition exists and that there is danger that life will be lost or that substantial property losses will be suffered if such action is not promptly taken.

Sec. 8. **APPROPRIATION.**

\$1,000,000 is appropriated from the water pollution control fund to the commissioner of natural resources for the purposes of sections 4 and 5, to be available until July 1, 1989.

Sec. 9. **COMPLEMENT.**

The approved complement of the department of natural resources is increased by 5 positions.

Sec. 10. **EFFECTIVE DATE.**

Sections 1, 2, and 8 are effective the day following final enactment.

Approved May 28, 1987

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**CHAPTER 307—S.F.No. 915**

*An act relating to crime; amending trespass law to prohibit harassment on private property; prohibiting following and pursuing with intent to harass, abuse, or threaten; removing requirement that caller not disclose identity for purposes of misdemeanor harassing telephone calls; prohibiting intentional harassment by delivering a letter or object; providing penalties; amending Minnesota Statutes 1986, sections 609.02, by adding subdivisions; 609.605, subdivision 1; 609.746; 609.79, subdivision 1; and 609.795.*

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