

CHAPTER 343—H.F.No. 2525

An act relating to commerce; providing for the relocation of an existing new motor vehicle dealership under certain specified conditions.

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

Section 1. RELOCATION OF EXISTING NEW MOTOR VEHICLE DEALERSHIP.

(a) When a new motor vehicle dealership is located in a city in the taconite relief area and a portion of the city has been displaced by mining activities, Minnesota Statutes, section 80E.14, does not apply to a proposed relocation of the dealership provided the new location is within a three mile radius of the existing location and a request to relocate is made before December 31, 1996.

(b) The manufacturer may not withhold consent to a relocation satisfying the requirements of paragraph (a) unless the physical facility to which the existing new motor vehicle dealership proposes to relocate fails to meet the reasonable standards consistently applied by the manufacturer in its establishment or relocation of other new motor vehicle dealerships in the five years immediately preceding the request for relocation. Factors apart from the facility itself, including but not limited to the proximity of the proposed facility to other existing dealerships, may not be considered in determining whether the facility meets the reasonable standards used by the manufacturer. The burden of proof shall be upon the manufacturer to show that the proposed facility does not meet the standards consistently applied by the manufacturer in the past five years, and that those standards are reasonable in light of the harm that would be suffered by the existing new motor vehicle dealership if the relocation is not approved.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor March 14, 1996

Signed by the governor March 18, 1996, 10:58 a.m.

CHAPTER 344—S.F.No. 2319

An act relating to public safety; providing for response to state emergencies; making technical and style changes; amending Minnesota Statutes 1994, sections 12.01; 12.02; 12.03; 12.04; 12.11; 12.13; 12.14; 12.21, as amended; 12.22; 12.221; 12.23; 12.24; 12.25; 12.26; 12.27; 12.28; 12.29; 12.301; 12.31; 12.32; 12.33; 12.34; 12.35; 12.36; 12.37; 12.42; 12.43; 12.44; 12.45; and 12.46; proposing coding for new law in Minnesota Statutes, chapter 12; repealing Minnesota Statutes 1994, sections 12.06; 12.07; and 12.08.

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

Section 1. Minnesota Statutes 1994, section 12.01, is amended to read:

New language is indicated by underline, deletions by strikeout.

12.01 CITATION.

This chapter shall be known and may be cited as the "Minnesota civil defense emergency management act of 1954 1996."

Sec. 2. Minnesota Statutes 1994, section 12.02, is amended to read:

12.02 POLICY DECLARATION.

Subdivision 1. **FINDINGS.** Because of the existing and increasing possibility of the occurrence of natural and other disasters of major size and destructiveness, and in order to insure (1) ensure that preparations of this state will be adequate to deal with such disasters, and (2) generally to provide for the common defense and to protect the public peace, health, and safety, and to (3) preserve the lives and property of the people of the state, it is hereby found and declared to be the legislature finds and declares it necessary:

(1) to create a state division of emergency management, and to require the creation of local organizations for civil defense emergency management in the political subdivisions of the state;

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

(3) to provide for the rendering of mutual aid among the political subdivisions of the state and, with other states, and with Canadian provinces and to cooperate with the federal government with respect to the carrying out of civil defense emergency management functions; and

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

Subd. 2. **POLICY.** It is further declared to be the purpose of this chapter and the policy of the state that all civil defense emergency management functions of this state be coordinated to the maximum extent with the comparable functions of the federal government, including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's labor supply, resources, and facilities for dealing with any disaster that may occur.

Sec. 3. Minnesota Statutes 1994, section 12.03, is amended to read:

12.03 DEFINITIONS.

Subdivision 1. **SCOPE.** For the purposes of this chapter, each term defined in this section has the meaning ascribed to it.

Subd. 1a. **ACTIVATED.** "Activated" means engaged in emergency management activities listed in this chapter and authorized by the state director of the division of emergency management.

Subd. 1b. **CITY.** "City" means a statutory or home rule charter city.

Subd. 2. **DISASTER.** "Disaster" means a situation which that creates an immediate and serious impairment actual or imminent serious threat to the health and safety of any

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person ~~persons~~, or a situation ~~which~~ that has resulted or is likely to result in catastrophic loss to property or the environment, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Subd. 2a. **DIVISION.** "Division" means the division of emergency management in the department of public safety.

Subd. 2b. **DRY CASK STORAGE FACILITY.** "Dry cask storage facility" means a high-level radioactive waste facility for storage of spent nuclear fuel produced by a nuclear reactor at Prairie Island nuclear generating plant.

Subd. 3. **EMERGENCY.** "Emergency" means an unforeseen combination of circumstances which that calls for immediate action to prevent a disaster from developing or occurring.

Subd. 4. **EMERGENCY SERVICES OR CIVIL DEFENSE MANAGEMENT.** "Emergency services or civil defense management" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, or from acute shortages of energy, or from incidents occurring at nuclear fission electrical generating power plants which that pose radiological or other health hazards. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare human services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, implementation of energy supply emergency conservation and allocation measures, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation preparing for and carrying out of the foregoing these functions.

Subd. 4a. **ENERGY SUPPLY EMERGENCY.** "Energy supply emergency" means a state of emergency declared by the executive council or the legislature pursuant to section 216C.15 and rules adopted under that section.

Subd. 4b. **EMERGENCY RESPONSE PERSONNEL.** "Emergency response personnel" means an individual, organization, or team authorized by the state to supplement state or local resources for emergency response in a stricken area.

Subd. 5. **FEDERAL GOVERNMENT.** "Federal government" means the United States of America.

Subd. 5a. **IMMINENCE IMMINENT.** "Imminence Imminent" means clear and present danger to life and/or or property rights as a result of an emergency or disaster.

Subd. 5b. **HAZARD MITIGATION.** "Hazard mitigation" means an action taken to reduce or eliminate the long-term risk to human life and property from natural and other types of hazards.

Subd. 6. **LOCAL ORGANIZATION FOR EMERGENCY SERVICES MANAGEMENT.** "Local organization for emergency services management" means an organization created in accordance with the provisions of this chapter by the state or a political subdivision to perform local emergency services management functions.

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Subd. 7. **MOBILE SUPPORT UNIT.** "Mobile support unit" means an organization for emergency services created in accordance with the provisions of this chapter by the state or a political subdivision to be dispatched by the governor to supplement local organizations for emergency services in a stricken area.

Subd. 7a. **PERSON.** "Person" includes an individual, firm, corporation, association, limited liability company, partnership, limited liability partnership, and other business organizations.

Subd. 8. **ORGANIZATIONAL SPECIALIZED EQUIPMENT.** "Organizational specialized equipment" means equipment and supplies essential for emergency services management in excess of equipment and supplies provided for normal operation of the state or a political subdivision, to the acquisition of which the state or federal government will may contribute.

Subd. 9. **POLITICAL SUBDIVISION.** "Political subdivision" means a county, city, town, or a metropolitan airports commission organized and existing under sections 473.601 to 473.679.

Sec. 4. Minnesota Statutes 1994, section 12.04, is amended to read:

12.04 DIVISION OF EMERGENCY MANAGEMENT.

Subdivision 1. **DIVISION CREATED.** A division in the department of public safety to be known as the division of emergency management is hereby created, under the supervision and control of a state director. The commissioner of public safety may place the director's position in the unclassified service if the position meets the criteria established in section 43A.08, subdivision 1a.

Subd. 2. **POWERS TRANSFERRED TO COMMISSIONER.** All of the functions, powers, and duties of the state director of the division of emergency management as described in this chapter, are hereby transferred to and imposed upon the commissioner of public safety, who shall be assigned to the duties and responsibilities described in this section.

Sec. 5. [12.09] DUTIES OF DIVISION OF EMERGENCY MANAGEMENT.

Subdivision 1. **COORDINATION.** The division shall coordinate state agency preparedness for and emergency response to all types of natural and man-made emergencies and disasters, including discharges of oil and hazardous substances.

Subd. 2. **STATE EMERGENCY PLAN.** The division shall develop and maintain a comprehensive state emergency operations plan and emergency management program in accord with section 12.21, subdivision 3, clause (2), and ensure that other state emergency plans that may be developed are coordinated and consistent with the comprehensive state emergency operations plan.

Subd. 3. **STATE ANSWERING POINT SYSTEM.** The division shall establish and maintain a single state answering point system for use by persons responsible for reporting emergency incidents and conditions involving hazardous substances or oil, nuclear power plant incidents or accidents, or other emergencies or disasters to state agencies, and for requesting state or federal assistance during and following an emergency or disaster.

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Subd. 4. **ACTIVATION OF EMERGENCY OPERATIONS CENTERS.** The division shall activate the state and regional emergency operations centers when an emergency or disaster threatens or has occurred.

Subd. 5. **ASSISTANCE TO POLITICAL SUBDIVISIONS.** The division shall provide guidance, information, and training sufficient to allow local political subdivisions to request state and federal disaster assistance.

Subd. 6. **COORDINATION OF LOCAL PROGRAMS.** The division shall coordinate the development and maintenance of emergency operations plans and emergency management programs by the political subdivisions of this state, with the plans and programs integrated into and coordinated with the emergency operations plan and emergency management program of this state to the fullest possible extent.

Subd. 7. **HAZARD MITIGATION PLAN.** The division shall develop and maintain a comprehensive hazard mitigation plan for this state, with the plan integrated into and coordinated with the hazard mitigation plans of the federal government to the fullest possible extent. The division shall coordinate the preparation of hazard mitigation plans by the political subdivisions, with the plans integrated into and coordinated with the hazard mitigation plan of this state to the fullest possible extent.

Subd. 8. **EXERCISE COORDINATION.** The division shall coordinate the development and conduct of emergency preparedness drills and exercises involving multiple Minnesota state agencies.

Sec. 6. Minnesota Statutes 1994, section 12.11, is amended to read:

12.11 STATE DIRECTOR; PERSONNEL.

Subdivision 1. **DIVISION CREATED IN DEPARTMENT OF PUBLIC SAFETY.** There is hereby created within the executive branch of the state government a division of emergency management is established within the department of public safety, which shall be under the supervision and control of the governor and a state director of emergency services, hereinafter called the "state director management." The state director shall be appointed by the commissioner of public safety and shall appoint the state director, who shall not hold any other state office.

Subd. 2. **PERSONNEL.** As may be necessary to carry out the purposes of this chapter, the state director may:

- (1) employ such technical, clerical, stenographic and other personnel; and
- (2) with the approval of the governor may, make such expenditures within the appropriation therefor, made for that purpose or, with the approval of the executive council, from other funds made available to the state director for purposes of civil defense as may be necessary to carry out the purposes of this chapter emergency management.

Such Division personnel, except the director of emergency services shall management, must be in the classified service of the state civil service. Such personnel except the director of civil defense holding offices or employment in the unclassified service on December 31, 1956, and continuously thereafter and until the effective date of this subdivision shall be given a qualifying examination as herein provided. The director of civil service, subject to the rules of the civil service board, shall on or before January 1, 1958,

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prepare and give once to all such incumbents of positions in the civil defense agency whose positions are in the classified service a qualifying examination which shall be non-competitive, practical and involve only the duties of the position they occupied on December 31, 1956, or the position they occupy on the effective date of this subdivision, or the position they occupy on the date said examination is given, whichever examination the officer or employee may elect to take. If such aforementioned incumbents are found by such qualifying examination to have such ability and capacity as to enable them to perform the duties of the position for which they were examined in a reasonably efficient manner, they shall be given a civil service status subject to the provisions of section 43A.16. Any of the aforementioned incumbents required by this subdivision to take a qualifying examination who fail to pass the examination, shall be removed from the position at the expiration of 60 days following receipt of notice of failure to pass the examination. Any person who willfully fails or refuses to take the examination when offered, without reasonable excuse, shall be removed from the position immediately. No person required by this subdivision to take a qualifying examination shall be laid off, suspended, discharged or reduced in pay or position except in accordance with the provisions of law applicable to the members of the classified civil service having a civil service status, until the person has completed such qualifying examination and is notified of the result thereof, or unless the person refuses to take such qualifying examination. In the event of necessary reductions in employment in any class or position, officers or employees who have not acquired a permanent civil service status shall be laid off in accordance with their seniority within the division of emergency management.

Subd. 3. **WORK FACILITIES AND RESOURCES PROVIDED.** The state director and other personnel of the division of emergency management shall must be provided with appropriate office space, furniture, equipment, supplies, stationery and printing facilities and resources in the same manner as provided for personnel of other state agencies.

Sec. 7. Minnesota Statutes 1994, section 12.13, is amended to read:

12.13 NUCLEAR POWER PLANT EMERGENCY RESPONSE PLAN PLANNING.

Subdivision 1. PLAN DEVELOPMENT. The state director, in cooperation with the commissioner of health and affected local units of government political subdivisions, shall develop the state and local portions of the emergency response operations plans specified in the licensing of each nuclear fission electrical generating power plant located in Minnesota.

Subd. 2. NEED ASSESSMENT; PROGRAM DEVELOPMENT. In addition to any requirements imposed by federal law, the state director shall assess the need for protective actions required to mitigate the effect of an incident at a nuclear power plant, and develop a carry out nuclear power plant emergency response plan which shall include operations planning including, but is not limited to:

(1) purchase of purchasing equipment for the state and local units of government political subdivisions, including public warning systems, protective devices, and communication systems, including preparation of brochures, pamphlets and preparing public information materials and educational programs;

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(2) coordinating the development of a detailed state and local nuclear emergency response plan operations planning information system for areas surrounding each nuclear fission electrical generating plant;

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

(4) development of developing accident scenarios and exercises for nuclear emergency response operations plans; and

(5) provision of any providing other specialized response equipment necessary to fulfill the plan.

Subd. 3. **ASSISTANCE.** The director shall provide any necessary assistance to other state agencies and local units of government in order political subdivisions to improve the state's nuclear power plant emergency response capacity.

Sec. 8. Minnesota Statutes 1994, section 12.14, is amended to read:

12.14 ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.

Any A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating power plant or dry cask storage facility located in Minnesota, shall pay quarterly assessments to cover the cost of nuclear power plant emergency response plans and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants either facility. An assessment of up to one quarter of the projected annual cost shall must be paid to the commissioner of public safety state director on July 1 of each year. An assessment shall must be billed by the commissioner state director based on actual costs for each quarter of the fiscal year starting with the first quarter ending September 30. The July 1 assessment shall must be deducted from the final quarterly billing for the fiscal year. The assessment collected shall must be credited to the nuclear safety preparedness account in the special revenue fund.

Sec. 9. Minnesota Statutes 1994, section 12.21, as amended by Laws 1995, First Special Session chapter 3, article 16, section 13, is amended to read:

12.21 GOVERNOR.

Subdivision 1. **GENERAL AUTHORITY.** The governor (1) has general direction and control of emergency services and has the power and duty to management, (2) may carry out the provisions of this chapter, and; (3) during a civil defense national security emergency declared as existing under section 12.31, or during the existence of an energy supply emergency as declared under section 216C.15, or during the existence of any an emergency resulting from an incident at a nuclear fission electrical generating power plant which that poses a radiological or other health hazard, may assume direct operational control over all or any part of the emergency services management functions within this state.

Subd. 2. **COOPERATION.** In performing duties under this chapter, the governor is authorized to may cooperate with the federal government, with other states, with Canadian provinces, and with private agencies, in all matters pertaining to the civil defense emergency management of this state and of the nation.

Subd. 3. **SPECIFIC AUTHORITY.** In performing duties under this chapter and to effect its policy and purpose, the governor is further authorized and empowered may:

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

(2) ~~to prepare~~ ensure that a comprehensive emergency operations plan and emergency management program for the civil defense of this state are developed and maintained, such plan and program to be and are integrated into and coordinated with the civil defense emergency plans of the federal government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state to the fullest possible extent;

(3) ~~in accordance with such plan and program for the civil defense~~ the emergency operations plan and the emergency management program of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization activation of civil defense emergency management organizations in advance of actual disaster, to insure ensure the furnishing of adequately trained and equipped forces of civil defense emergency management personnel in time of need;

(4) ~~to make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for civil defense, emergency management and to plan for the most efficient emergency use thereof of those industries, resources, and facilities;~~

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

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

(7) ~~to appoint, in cooperation with local authorities, metropolitan area directors when practicable;~~

(8) ~~to cooperate with the president and the heads of the armed forces, the civil defense emergency management agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the civil defense emergency management of the state and nation, including the direction or control of:~~

(a) ~~blackouts and practice blackouts, air raid (i) emergency preparedness drills, mobilization of civil defense forces, and other tests and exercises;~~

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

(c) ~~the effective screening or extinguishing of all lights and lighting devices and appliances;~~

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

(e) ~~(iv)~~ the conduct of ~~civilians~~ persons in the state and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack actual emergencies;

~~(f)~~ (v) public meetings or gatherings; and

~~(g)~~ (vi) the evacuation, reception, and sheltering of the civilian population persons;

~~(9)~~ to (8) contribute to a political subdivision, within the limits of the appropriation therefor for that purpose, not more than 25 percent of the cost of acquiring organizational equipment which that meets standards established by the governor;

~~(10)~~ to (9) formulate and execute, with the approval of the executive council, plans and rules for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, materials for national defense and war or for use in any war industry, for the conservation of critical materials or for civil defense emergency management purposes, and to coordinate the activities of the departments or agencies of the state and of the its political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which that will best effectuate such those plans;

~~(11)~~ to (10) alter or adjust by executive order, without complying with sections 14.01 to 14.69, the working hours, work days and work week of, and annual and sick leave provisions and payroll laws regarding all state employees in the executive branch as the governor deems necessary to minimize the impact of the disaster or emergency, conforming any the alterations or adjustments to existing state laws, rules, and collective bargaining agreements to the extent practicable;

~~(12)~~ to (11) authorize the commissioner of children, families, and learning to alter school schedules, curtail school activities, or order schools closed without affecting state aid to schools.

Subd. 4. **PLAN REVIEW, AVAILABILITY.** The governor, or state director as designee, shall ~~propose procedures for~~ ensure the conduct of an annual review by state and local officials of the state emergency response operations plan specified in the licensing of each nuclear fission electrical generating power plant. The review shall must include, but is not be limited to such factors as changes in traffic patterns, population densities, and new construction. Opportunity for full public participation in the annual review shall be provided. Copies of a state emergency response operations plan shall must be published, publicized, and distributed to the news media of the affected community and to the appropriate officials of affected communities, and shall be made available to the general public upon request, at no more than the cost of reproduction.

Sec. 10. Minnesota Statutes 1994, section 12.22, is amended to read:

12.22 ASSISTANCE, ACCEPTANCE, RULES.

Subdivision 1. **FEDERAL AID.** Whenever the federal government, or any an agency or officer thereof shall ~~offer of the federal government,~~ offers to the state, or through the state to any political subdivision thereof of the state, services, equipment,

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supplies, materials, or funds by way of gift, grant or loan, for the purposes of civil defense emergency management, the state, acting through the governor, or ~~such the~~ political subdivision, acting with the consent of the governor and through its governing body, may accept ~~such the~~ offer and upon such acceptance the ~~governor of the state or governing body of such political subdivision~~ then may authorize ~~any an~~ an officer of the state or of the political subdivision, as the case may be, to receive ~~such the~~ services, equipment, supplies, materials, or funds on behalf of the state or such the political subdivision, and subject to the terms of the offer and the rules, if any, of the agency making the offer; ~~but. However,~~ no money or other funds shall may be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise as provided by law.

Subd. 2. OFFERS OF AID, POLITICAL SUBDIVISIONS OR PERSONS. Whenever any a person, ~~firm or corporation~~ shall ~~offer offers~~ to the state or to any a political subdivision thereof of the state, services, equipment, supplies, materials, real property, or funds by the way of gift, grant, or loan, for purposes of civil defense emergency management, the state, acting through the governor, or ~~such a~~ political subdivision, acting through its governing body, may accept ~~such the~~ offer and upon such acceptance the ~~governor of the state or the governing body of such political subdivision~~ then may authorize ~~any an~~ an officer of the state or of the political subdivision, as the case may be, to receive ~~such the~~ services, equipment, supplies, materials, real property, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer; ~~but. However,~~ no moneys money or other funds shall may be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise as provided by law. Real property so accepted ~~shall~~ must be treated as, and subject to the same immunities during time of civil defense national security emergency as, real property owned by the state.

Subd. 2a. VOLUNTEER ASSISTANCE. Individuals who volunteer to assist a local political subdivision during an emergency or disaster, who register with that subdivision, and who are under the direction and control of that subdivision, are considered an employee of that subdivision.

Subd. 3. GOVERNOR MAY ESTABLISH RULES. (a) ~~The governor shall have authority to~~ may establish rules in accordance with the law for the proper and efficient operation and administration of the civil defense emergency management program including methods relating to the establishment and maintenance of personnel standards on a merit basis for all employees of local civil defense emergency management agencies; ~~provided.~~ However, that the governor shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such those methods.

(b) The governor may, by rule, cooperate with the federal government in any manner as may be necessary to qualify for federal aid to carry out the provisions herein expressed. The governor may, by rule, also cooperate with other political units or subdivisions in establishing and maintaining personnel standards on a merit basis.

Sec. 11. Minnesota Statutes 1994, section 12.221, is amended to read:

12.221 MINNESOTA NATURAL DISASTER ASSISTANCE.

Subdivision 1. DISASTER ASSISTANCE AGREEMENT. The division of emergency management is authorized to may enter into an agreement with the federal disaster

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assistance administration emergency management agency (FEMA) for the maintenance of the Minnesota natural disaster assistance program and for administration of federal disaster assistance programs as provided for under provisions of federal law and regulation. The commissioner may apply for and accept federal money for natural disaster assistance. Federal money received is appropriated to the commissioner, who shall report its expenditure to the chairs of the house of representatives ways and means committee and the senate finance committee.

Subd. 2. **FEDERAL ASSISTANCE FOR PROGRAM.** Under the agreement, the federal disaster assistance administration emergency management agency will provide \$50,000 in federal funds annually toward the cost incurred by implementation of the natural disaster assistance program. The division of emergency management shall provide two planners and the necessary equipment and facilities for project operations.

Subd. 3. **GOVERNOR'S AUTHORIZED REPRESENTATIVE.** The state director may serve as the governor's authorized representative. As such, the state director may apply for and enter into an agreement with any federal agency to accept and administer federal financial assistance made available to the state as a result of a disaster declaration.

Subd. 4. **SUBGRANT AGREEMENTS.** The state director, serving as the governor's authorized representative, may enter into subgrant agreements with eligible applicants to provide federal and state financial assistance made available as a result of a disaster declaration.

Subd. 5. **REQUIREMENTS WAIVED.** Pursuant to any federal-state agreement entered into by the state director, serving as the governor's authorized representative, in the acceptance of federal money made available as a result of a disaster declaration, and upon the review and acceptance by the attorney general's office of the language contained in the subgrant agreement and any amendments to the agreement, the requirements of section 16B.06, subdivision 2, clause (3), must be waived.

Sec. 12. Minnesota Statutes 1994, section 12.23, is amended to read:

12.23 **FACILITIES, UTILIZATION.**

In carrying out the provisions of this chapter, the governor and the governing bodies of the political subdivisions of the state are directed to shall utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof of the state to the maximum extent practicable, and. The officers and personnel of all such the departments, offices, and agencies are directed to shall cooperate with and extend such services and facilities to the governor and to the civil defense emergency management organizations of the state upon request.

Sec. 13. Minnesota Statutes 1994, section 12.24, is amended to read:

12.24 **MOBILE SUPPORT UNITS REGIONAL DISASTER OFFICES.**

Subdivision 1. **AUTHORIZATION.** The governor or a duly designated representative is authorized to state director may create and establish such number of mobile support units regional disaster offices as may be necessary to reinforce civil defense organizations in stricken areas provide both administrative assistance and operational support following a disaster, and with due consideration of the plans of the federal government

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and of other states. The governor director shall appoint a commander for each unit designate staff for each regional disaster office who shall have primary responsibility for the organization, administration, and operation of such unit the office.

Subd. 2. **PERSONNEL TRAINING, EXPENSES.** ~~Where~~ When the governor or a duly authorized representative deems state director considers it necessary to send (1) an employee of the division of emergency management or any other person individual, whether or not that person individual is a state employee, to any school, training or indoctrination program, or place for training or indoctrination in matter legitimately connected with civil defense emergency management, or where the governor deems it necessary to send (2) any person individual, whether or not a state employee, to any place in this or another state for any purpose connected with civil defense emergency management, the governor state director may authorize the payment of travel expenses and reasonable subsistence for the period of time during which that the person employee or other individual is required to remain at the place. These payments shall must be made from money appropriated to the department. Upon the certification by the governor or a duly authorized representative state director of the purpose and amount of any such the payment, the commissioner of finance shall draw a warrant upon the state treasurer, and the latter shall pay the amount so certified. The stipulations in this section are subject to the provisions of section 43A.18.

The governor state director may devise and formulate a procedure for the processing and certification of travel and subsistence expenses which that allows the person employee or other individual to submit monthly statements of expenses incurred during the preceding month.

Sec. 14. Minnesota Statutes 1994, section 12.25, is amended to read:

12.25 LOCAL ORGANIZATIONS.

Subdivision 1. **DIRECTOR; RESPONSIBILITY.** Each political subdivision of this state shall establish a local organization for civil defense for emergency management in accordance with the state civil defense plan and program emergency management program, but no town shall establish a local organization for civil defense emergency management without approval of the state director. Each local organization for civil defense shall emergency management must have a director who shall be appointed forthwith: in a city by the mayor thereof, in a town by the town board, and for a public corporation organized and existing under sections 473.601 to 473.679 by its governing body who shall have direct responsibility. The local director is directly responsible for the organization, administration, and operation of such the local organization for civil defense emergency management, subject to the direction and control of such the local governing body.

Subd. 2. **COUNTY DIRECTOR, RESPONSIBILITY.** (a) Each county civil defense emergency management organization shall must have a director and one or more deputy directors. They shall must be appointed by the county board.

(b) A county organization for civil defense shall have emergency management has jurisdiction throughout the county outside of any a city or of a town which that has a local civil defense emergency management organization.

(c) In addition to the other powers granted by this subdivision, such county organizations shall:

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(1) coordinate the activities of and may assist in the training of civil defense emergency management organizations of political subdivisions within throughout the county;

(2) plan for the continuity emergency operations of county government in cooperation with the county attorney, who is authorized and directed to shall give legal advice to the county organization, and with other appropriate county government officials and private sector representatives;

(3) acquire equipment necessary in connection therewith, with these activities; and

(4) expend funds provided by the county board out of general revenue funds for such purposes.

Subd. 3. **LOCAL ORGANIZATIONS; TERRITORIAL LIMITS.** Each local and county organization for civil defense emergency management shall perform civil defense emergency management functions within the territorial limits of the political subdivision within which it is organized; and, in addition, shall conduct such these functions outside of such its territorial limits as may be required pursuant to the provisions of sections 12.23, 12.27, and 12.32 or any other applicable provisions of law.

Subd. 5. **CONTIGUOUS SUBDIVISIONS, COMMON ORGANIZATION AGREEMENTS.** With approval of the governor state director, two or more political subdivisions which are contiguous for civil defense purposes may enter into agreements determining the boundaries of the geographic areas of their respective civil defense emergency management responsibilities or providing for a common civil defense emergency management organization, which, for the purposes of this chapter, shall must be a local civil defense emergency management organization.

Sec. 15. Minnesota Statutes 1994, section 12.26, is amended to read:

12.26 LOCAL GOVERNMENTS; GOVERNMENTAL SUBDIVISIONS, APPROPRIATIONS, TAXATION.

Subdivision 1. **APPROPRIATION FOR EXPENSES.** Each political subdivision shall have the power to may make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such the political subdivision for the payment of expenses of its local organizations for civil defense emergency management, and any local contingent of the civil air patrol.

Subd. 2. **POWER TO TAX, CIVIL DEFENSE EMERGENCY MANAGEMENT EXPENDITURES.** To provide money for civil defense the emergency management purposes authorized by this chapter, a political subdivision is empowered to may levy a tax annually upon all taxable property in the political subdivision, except as provided in subdivision 4, a tax in excess of and over and above all charter taxing limitations in such an amount as may be necessary to pay such expenditures incurred for emergency management purposes.

Subd. 3. **POWER TO TAX, ORGANIZATIONAL EQUIPMENT.** (a) To provide moneys for the money to purchase of organizational equipment which that is to be paid for in part by the federal government, a political subdivision is empowered to may levy a tax upon all taxable property in the political subdivision, except as provided in subdivision 4, in excess of and over and above all taxing limitations, including those pro-

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vided in subdivision 2, in ~~such an~~ amount as may be necessary to pay its share of the cost of ~~such the~~ organizational equipment, provided that the governor has approved the purchase thereof.

(b) Each political subdivision ~~which that~~ has initiated the purchase of organizational equipment shall have the power may:

(1) ~~to~~ pay into the state treasury, in trust, its share of the cost of organizational equipment required by the federal government to be paid in advance;

(2) ~~to~~ pay into the state treasury, in trust, its share of the reimbursement of the federal government by the state as part of its share of the cost of organizational equipment purchased for the political subdivision and initially wholly paid for from the federal treasury;

(3) ~~to~~ pay the entire cost of organizational equipment from funds derived from tax levies ~~herein~~ authorized by this section, but within the limitations of subdivision 2. Organizational equipment purchased entirely from funds of a political subdivision need not be in excess of equipment provided for normal operation of a political subdivision and may be of a type and kind usable for both local and civil defense emergency management purposes.

Subd. 4. **POWER TO TAX BY COUNTY.** When levied by a county, the taxes authorized in subdivisions 2 and 3, respectively, ~~shall must~~ be spread wholly and exclusively upon property within the portion of the county over which the county local organization for civil defense emergency management has jurisdiction as provided in section 12.25, subdivision 1; provided, however, that a county may levy annually a tax upon all taxable property within any city or town within the county ~~which that~~ has a local civil defense emergency management organization.

Subd. 6. **MINNEAPOLIS, EXCEPTION.** Notwithstanding the limitation contained in subdivision 2, the limitation applicable to the city of Minneapolis ~~shall continue~~ continues at 20 cents per capita, and no levy may be made by Hennepin county on property within the city of Minneapolis pursuant to subdivision 4.

Sec. 16. Minnesota Statutes 1994, section 12.27, is amended to read:

12.27 MUTUAL AID, ARRANGEMENTS.

Subdivision 1. **AUTHORITY; ORGANIZATIONS IN MINNESOTA.** The director of each local organization for civil defense emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal civil defense emergency management aid and assistance in an emergency or disaster too great to be dealt with unassisted. ~~Such~~ These arrangements shall must be consistent with the state civil defense local emergency operations plan and program, and, in time of emergency it shall be the duty of, each local organization for civil defense emergency management and ~~the its members thereof~~ shall render assistance in accordance with the provisions of ~~such the~~ mutual aid arrangements.

Subd. 2. **AUTHORITY; ORGANIZATIONS IN OTHER STATES.** The state director or the director of each local organization for civil defense emergency management may, subject to the approval of the governor, enter into mutual aid arrangements with civil defense emergency management agencies or organizations in other states for reciprocal

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civil defense emergency management aid and assistance in case of disaster too great to be dealt with unassisted.

Subd. 2a. **AUTHORITY; ORGANIZATIONS IN CANADIAN PROVINCES.** Subject to the approval of the governor, the state director may enter into mutual aid agreements with emergency management agencies or organizations in Canadian provinces for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted.

Subd. 3. **LOCAL DELEGATION OF AUTHORITY.** (a) No later than 90 days after the effective date of these amendments to this section, the governing body or town board of a political subdivision may by resolution provide that an officer or designee of the shall designate a city administrator or manager, public safety director, police chief, fire chief, public works director, or other officer may who, exercising discretion and considering the needs of the political subdivision and its inhabitants, may dispatch equipment and personnel as deemed considered necessary if there is a danger of fire, hazard, casualty, or another similar occurrence exists outside the political subdivision and by its suddenness it would be impractical for the governing body itself to authorize the dispatch of equipment and personnel to combat the occurrence that emergency or disaster.

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

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

Subd. 4. **PROVIDING ASSISTANCE TO ANOTHER STATE.** At the request of another state, the governor, exercising discretion and considering the needs of this state and its inhabitants, may dispatch state equipment and personnel as deemed necessary if there is an emergency or disaster outside of this state.

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

Sec. 17. Minnesota Statutes 1994, section 12.28, is amended to read:

12.28 ORDERS, RULES; ENFORCEMENT.

~~It shall be the duty of~~ Every organization for civil defense emergency management established pursuant to this chapter and ~~of the its officers thereof to shall execute and enforce such orders and rules as may be made by the governor under authority of this chapter or section 216C.15. Each such organization shall must have available for inspection at its office all orders and rules made by the governor, or under the governor's authority.~~

Sec. 18. Minnesota Statutes 1994, section 12.29, is amended to read:

12.29 LOCAL EMERGENCIES.

Subdivision 1. **AUTHORITY TO DECLARE EMERGENCY.** A local emergency may be declared only by the mayor of a municipality or the chair of a county board of

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commissioners or their legal successors. It shall may not be continued for a period in excess of three days except by or with the consent of the governing board body of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local emergency ~~shall~~ must be given prompt and general publicity and ~~shall be~~ filed promptly by the chief of the local records ~~keeping~~ recordkeeping agency of the political subdivision.

Subd. 2. **EFFECT OF DECLARATION OF EMERGENCY.** A declaration of a local emergency shall ~~invoke~~ invokes necessary portions of the response and recovery aspects of applicable local or interjurisdictional disaster plans, and may authorize aid and assistance ~~thereunder~~ under those plans.

Subd. 3. **INTERJURISDICTIONAL AGENCIES.** No interjurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Sec. 19. Minnesota Statutes 1994, section 12.301, is amended to read:

12.301 COMMUNITY DISASTER LOANS.

Whenever, at the request of the governor, the president has declared a major disaster to exist in this state, the governor is authorized to take the following actions:

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

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

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

Sec. 20. Minnesota Statutes 1994, section 12.31, is amended to read:

12.31 ~~ENEMY ATTACK~~ NATIONAL SECURITY OR PEACETIME EMERGENCY; DECLARATION.

Subdivision 1. **DECLARATION OF ~~ENEMY ATTACK~~ NATIONAL SECURITY EMERGENCY.** ~~In the event~~ When information from the president of the United States or of, the federal emergency management agency or, the department of defense, or through the national air warning system indicates the imminence of an actual enemy attack upon a national security emergency within the United States, which means the sever-

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al states, the District of Columbia, the Commonwealth of Puerto Rico, and the Panama Canal Zone, or the occurrence, within the state of Minnesota, of a major disaster from enemy sabotage or other hostile action, the governor may, by proclamation, declare that a civil defense national security emergency exists in all or any part of the state; and, If the legislature is then in regular session, or, if it is not, if the governor concurrently with the proclamation declaring such an emergency issues a call convening immediately both houses of the legislature, the governor shall have and may exercise for a period not to exceed 30 days the emergency powers and duties conferred and imposed by sections 12.31 to 12.37, and the political subdivision shall have and may exercise for such period of not to exceed 30 days the powers and duties conferred and imposed upon them by sections 12.31 to 12.37. The lapse of such these emergency powers shall does not, as regards any act or acts occurring or committed within said the 30-day period, deprive any person, firm, corporation, political subdivision, municipal corporation, or body politic of any right or rights to compensation or reimbursement which that it may have under the provisions of this chapter.

Subd. 2. **DECLARATION OF PEACETIME EMERGENCY.** The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, an industrial accident or, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation. It shall must not be continued for a period of more than five days unless extended by resolution of the executive council up to 30 days. Any An order, or proclamation declaring, continuing, or terminating an emergency shall must be given prompt and general publicity and shall be filed with the secretary of state.

Subd. 3. **EFFECT OF DECLARATION OF PEACETIME EMERGENCY.** A declaration of a peacetime emergency shall invoke invokes the necessary portions of the state comprehensive emergency operations plan developed pursuant to section 12.21, subdivision 3, relating to response and recovery aspects and may authorize aid and assistance thereunder under the plan.

Sec. 21. Minnesota Statutes 1994, section 12.32, is amended to read:

12.32 GOVERNOR'S ORDERS AND RULES, EFFECT.

All Orders and rules promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), when approved by the executive council and a copy thereof has been filed in the office of the secretary of state, shall have, during a civil defense national security or energy supply emergency, the full force and effect of law. All Rules and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter, or with any order or rule having the force and effect of law issued under the authority of this chapter, shall be is suspended during the period of time and to the extent that such conflict the emergency exists.

Sec. 22. Minnesota Statutes 1994, section 12.33, is amended to read:

12.33 ASSISTANCE BETWEEN POLITICAL SUBDIVISIONS.

Subdivision 1. **AUTHORITY.** Whenever When the public interest requires it on account because of an imminent emergency, the governor may authorize and direct the police, firefighting, health, or other force of any a political subdivision, herein called the sending political subdivision, to go to the assistance of another political subdivision,

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herein called the receiving political subdivision, and to take and use for such purpose such the personnel, equipment, and supplies of the sending political subdivision as the governor may direct.

Subd. 2. **EFFECT.** While so engaged in the activities described in subdivision 1, the officers and members of such those forces shall have the same powers, duties, rights, privileges, and immunities as if they were performing like service in the sending political subdivision and shall be are considered to be acting within the scope of and in the course of their regular employment, as employees of such the sending political subdivision.

Subd. 3. **REIMBURSEMENT BY LOCAL GOVERNMENT RECEIVING ASSISTANCE.** The receiving political subdivision shall reimburse the sending political subdivision for all the supplies used and the compensation paid to all the officers and members of the forces so furnished, during such time as the rendition of such aid prevents them from performing their duties in the sending political subdivision, for the actual traveling and maintenance expenses of such the officers and members while rendering such aid, and the cost of all insurance covering such officers and members while so engaged. Any A claim for such loss, damage, or expense in use of using equipment or supplies or for additional expenses incurred in the operation or maintenance thereof shall operating or maintaining them must not be allowed unless within 90 days after the same loss, damage, or expense is sustained or incurred an itemized notice of such claim it, verified by an officer or employee of the municipality having knowledge of the facts, is filed with the clerk of the receiving political subdivision.

Subd. 4. **REIMBURSEMENT BY STATE.** It shall be is the policy of the state to reimburse the sending political subdivision for any loss or damage to equipment used outside of the corporate limits of the sending political subdivision and to reimburse the sending political subdivision for any additional expenses incurred in the operation and maintenance thereof operating and maintaining the equipment outside such of its corporate limits. Any A claim for such loss, damage, or expense in use of using equipment or for additional expenses incurred in the operation or maintenance thereof shall operating or maintaining the equipment must not be allowed unless within 90 days after the same it is sustained or incurred an itemized notice of such the claim, verified by an officer or employee of the sending political subdivision having knowledge of the facts, is filed with the state director.

Sec. 23. Minnesota Statutes 1994, section 12.34, is amended to read:

12.34 PERSONS REQUIRED TO ASSIST.

Subdivision 1. **EMERGENCY POWERS.** When necessary to save life, property, or the environment during a civil defense national security emergency, the governor, the state director, or a member of a class of members of a state or local civil defense emergency management organization designated by the governor, may, when necessary to save life or property (1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for civil defense emergency management purposes as directed by any of the persons first above described above, and (2) commandeer, during a civil defense national security emergency, any motor vehicle, tools, appliances, or any other personal property.

Subd. 2. **COMPENSATION.** The owner of any property so commandeered shall property must be promptly paid just compensation for the its use thereof and all damages

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done to the property while so used for civil defense emergency management purposes. The governor or the governing body of the political subdivision concerned, respectively, according to the use thereof of the property, shall make a formal order determining the amount of such compensation. The owner may appeal to the district court of the county in which such the property was commandeered if, within 30 days from the date of such the order, the owner serves upon the governor or the political subdivision concerned and files with the court administrator of such the district court a written notice of appeal setting forth the order appealed from and, in detail, the amount claimed as compensation. Upon such appeal, the issue shall be is the amount of damages to which the appellant is entitled. It may be noticed for trial as in the case of a civil action and the court may require other parties to be joined and to plead therein when necessary to a proper determination of the questions involved. The cause shall must be tried without a jury de novo and the court shall determine the damages and the person or persons entitled thereto to them. Except as herein otherwise provided, the trial shall must be conducted and the cause disposed of according to the rules applicable to civil actions in the district court. The court in its discretion may award to the prevailing party the costs and disbursements of the appeal.

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

Sec. 24. Minnesota Statutes 1994, section 12.35, is amended to read:

12.35 MOBILE SUPPORT UNITS CALLED TO DUTY ACTIVATING EMERGENCY RESPONSE PERSONNEL.

Subdivision 1. **GOVERNOR'S ORDER.** Mobile support units shall be called to duty upon orders of the governor and shall perform their functions in any part of the state, or, upon the conditions specified in this section, in other states.

Subd. 2. **PERSONNEL COMPENSATION, RIGHTS, DUTIES, PRIVILEGES.** Emergency response personnel of mobile support units, while on active duty, whether within or without activated by the state, shall: (1) if they are considered state employees of the state, and have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment; (2) if they are employees of a political subdivision, and whether serving within or without such political subdivision, have the powers, duties, rights, privileges and immunities and receive the compensation incidental to their employment; and (3) if they are not employees of the state or a political subdivision thereof, receive compensation by the state of \$5 per day and have the same rights and immunities as are provided by law for the employees of this state. All personnel of mobile support units shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

Subd. 3. **LOCAL GOVERNMENT REIMBURSEMENT; EMERGENCY RESPONSE.** The state shall reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of employees of such the political subdivision while serving as members of a mobile support unit and they are activated by the state director as emergency response personnel. Reimbursement must

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also be provided for all payments for death, disability, or injury of such employees incurred in the course of such duty, and for all losses of or damage to supplies and equipment of such the political subdivision resulting from the operation operations of such mobile support unit the emergency response personnel.

Subd. 3a. **LOCAL GOVERNMENT REIMBURSEMENT; TRAINING.** The state shall also reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of employees of the political subdivision while they are activated by the state director in order to participate in specifically authorized training and exercises.

Subd. 4. **REIMBURSEMENT OF OTHER STATE.** Whenever a mobile support unit When emergency management personnel of another state shall render aid in this state Minnesota pursuant to the orders of the governor of its home state, and upon the request of the governor of this state Minnesota, this state shall reimburse such the other state for (1) the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of the personnel of such mobile support unit the other state while rendering such aid as emergency management personnel, and for (2) all payments for death, disability, or injury of such those personnel incurred in the course of rendering such that aid, and for (3) all losses of or damage to supplies and equipment of such the other state, or a governmental subdivision thereof of the other state, resulting from the rendering of such aid; provided, that the laws of such the other state contain provisions substantially similar to this section.

Subd. 5. No personnel of a mobile support unit of this state shall be ordered by the governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section.

Sec. 25. Minnesota Statutes 1994, section 12.36, is amended to read:

12.36 GOVERNOR MAY CONTRACT.

(a) The governor, during a civil defense an emergency, is, or disaster and notwithstanding any other provision of law, empowered to may:

(1) enter into contracts and incur obligations necessary to combat such the disaster by protecting the health and safety of persons and the safety of property, and by providing emergency assistance to the victims of such the disaster; to and

(2) exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to:

- (i) the performance of public work;
- (ii) entering into contract;
- (iii) incurring of obligations;
- (iv) employment of temporary workers;
- (v) rental of equipment;
- (vi) purchase of supplies and materials, for example, but not limited to, publication of calls for bids;

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(vii) provisions of the civil service act and rules;

(viii) provisions relating to low bids; and

(ix) requirements for the budgeting and allotment of funds.

(b) All contracts ~~shall~~ must be in writing, executed on behalf of the state by the governor or a person delegated by the governor in writing so to do, and ~~shall~~ must be promptly filed with the commissioner of finance, who shall forthwith encumber funds appropriated for the purposes of the contract for the full contract liability and certify thereon that ~~such~~ the encumbrance has been made.

Sec. 26. Minnesota Statutes 1994, section 12.37, is amended to read:

12.37 POLITICAL SUBDIVISIONS, AUTHORITY TO ENTER INTO CONTRACTS.

During a civil defense an emergency or disaster, each political subdivision is, notwithstanding any statutory or charter provision to the contrary, ~~empowered,~~ and through its governing body acting within or without the corporate limits of the political subdivision, ~~to~~ may:

(1) enter into contracts and incur obligations necessary to combat ~~such~~ the disaster by protecting the health and safety of persons and property, and by providing emergency assistance to the victims of ~~such~~ the disaster. Each political subdivision is authorized to; and

(2) exercise the powers vested by this subdivision in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to:

(i) the performance of public work;

(ii) entering into contracts;

(iii) incurring of obligations;

(iv) employment of temporary workers;

(v) rental of equipment;

(vi) purchase of supplies and materials;

(vii) limitations upon tax levies; and

(viii) the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

Sec. 27. Minnesota Statutes 1994, section 12.42, is amended to read:

12.42 OUT-OF-STATE LICENSE HOLDERS; POWERS, DUTIES.

During a civil defense an emergency or disaster, ~~any~~ a person who holds a license, certificate, or other permit issued by a state of the United States, evidencing the meeting of qualifications for professional, mechanical, or other skills, may render aid involving ~~such skill~~ those skills in this state. The license, certificate, or other permit of ~~such~~ the per-

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son, while so rendering aid shall have, has the same force and effect as if issued in this state.

Sec. 28. Minnesota Statutes 1994, section 12.43, is amended to read:

12.43 SUBVERSIVES; HIRING, USING; OATHS.

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

"I,, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this state by force or violence; and that during such time as I am a member of the (name of civil defense emergency management organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States, or of this state, by force or violence."

This oath may be administered by any officer of the state division of emergency management, local civil defense director, or ground observer corps supervisor.

Sec. 29. Minnesota Statutes 1994, section 12.44, is amended to read:

12.44 POLITICAL ACTIVITIES.

No organization for civil defense emergency management established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

Sec. 30. Minnesota Statutes 1994, section 12.45, is amended to read:

12.45 VIOLATIONS, PENALTIES.

Unless a different penalty or punishment is specifically prescribed, any a person who willfully violates any a provision of this chapter or any a rule or order having the force and effect of law issued under authority of this chapter is guilty of a misdemeanor and upon conviction shall must be punished by a fine of not less than \$10 or more than \$100 to exceed \$700, or by imprisonment for not more than 90 days.

Sec. 31. Minnesota Statutes 1994, section 12.46, is amended to read:

12.46 LIMITATION OF POWERS.

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Nothing in this chapter shall be construed to authorize authorizes the governor or the director:

(1) by subpoena or otherwise to require any person to appear before any person or to produce any records for inspection by any person, or to examine any person under oath; and

(2) to remove summarily from office any person, other than a person appointed under this chapter, except as now provided by law or as herein specifically authorized.

Sec. 32. EXCEPTION.

Nothing in this act shall be construed to conflict with the "Minnesota hazardous materials incident response act" as defined in Minnesota Statutes, sections 299A.48 to 299A.52 and 299K.095.

Sec. 33. RENUMBERING INSTRUCTION.

In the next edition of Minnesota Statutes, the revisor of statutes shall renumber section 12.03, subdivision 4a, as section 12.03, subdivision 4c; section 12.03, subdivision 5a, as section 12.03, subdivision 5c; and section 12.03, subdivision 8, as section 12.03, subdivision 10.

Sec. 34. REPEALER.

Minnesota Statutes 1994, sections 12.06; 12.07; and 12.08, are repealed.

Presented to the governor March 18, 1996

Signed by the governor March 19, 1996, 4:14 p.m.

CHAPTER 345—S.F.No. 1793

An act relating to motor vehicles; allowing display of single original plate from 1911, 1944, 1945, or 1946; amending Minnesota Statutes 1994, section 168.10, subdivision 1g.

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

Section 1. Minnesota Statutes 1994, section 168.10, subdivision 1g, is amended to read:

Subd. 1g. **ORIGINAL PLATES.** A vehicle registered pursuant to subdivision 1a, 1b, 1c or 1d may in lieu of being issued number plates by the registrar display original Minnesota number plates issued in the same year as the model year of the car on which they are displayed. The number of the original plates must be provided to the registrar. The original plates must be in good condition and shall be used in pairs one to be displayed in the front of the car and one in the rear, except for an original plate issued in 1911, 1944, 1945, or 1946 which may be used singly and displayed at the rear of the vehicle. Original Minnesota number plates shall not be used if the number on the original plate is identical to a number on any current street rod plate or any other plate in a numbering

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