

MINNESOTA STATUTES 1979 SUPPLEMENT

DIVISION OF EMERGENCY SERVICES 12.03

11.118 Replacement of existing agencies.

The council created pursuant to section 11.117 supersedes and replaces any advisory agencies to the state board of investment in existence on May 21, 1977. The state board of investment is not prohibited from appointing members of a former investment advisory agency to the council created by section 11.117.

[1979 c 187 s 3]

11.145 Annual report.

No later than November 15 of each year, the state board of investment will prepare and distribute to the legislature a report summarizing the activities of the board, the investment advisory council, and the board's executive secretary during the preceding fiscal year. The report shall be prepared so as to give the legislature and the people of the state a clear, comprehensive summary of the portfolio composition, the transactions affecting the state's investment portfolios, the results of these transactions, the annual rate of return based on market value to the treasury and to each of the funds whose investments are administered by the board, and the recipients of business placed or commissions allocated among the various commercial banks, investment bankers and brokerage organizations.

[1979 c 187 s 4]

CHAPTER 12. DIVISION OF EMERGENCY SERVICES

Sec. 12.02	Policy declaration.	Sec. 12.28	Orders, rules; enforcement.
12.03	Definitions.	12.31	Enemy attack or peacetime emergency; declaration of emergency.
12.21	Governor.		Governor's orders and rules, effect.
12.25	Local organizations.	12.32	

12.02 Policy declaration.

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

- (1) To create a state division of emergency services, and to require the creation of local organizations for civil defense 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; and
- (3) To provide for the rendering of mutual aid among the political subdivisions of the state and with other states, and to cooperate with the federal government with respect to the carrying out of civil defense functions.

[For text of subd 2, see M.S.1978]

[Ex1979 c 2 s 1]

12.03 Definitions.

[For text of subds 1 to 3, see M.S.1978]

Subd. 4. "Emergency services or civil defense" 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. These functions include, without limitation, fire-fighting 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 services, emer-

MINNESOTA STATUTES 1979 SUPPLEMENT

12.03 DIVISION OF EMERGENCY SERVICES

gency 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 for and carrying out of the foregoing functions.

[For text of subs 5 to 10, see M.S.1978]

Subd. 11. "Energy supply emergency" means a state of emergency declared by the executive council or the legislature pursuant to section 116H.09.

[1979 c 65 s 1; Ex1979 c 2 s 2,3]

12.21 Governor.

Subdivision 1. The governor has general direction and control of emergency services and has the power and duty to carry out the provisions of this chapter and, during a civil defense emergency declared as existing under section 12.31, or during the existence of an energy supply emergency as declared under section 116H.09, may assume direct operational control over all or any part of the emergency services functions within this state.

[For text of subd 2, see M.S.1978]

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

(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter and section 116H.09 within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government and without complying with sections 15.0411 to 15.052, inclusive, but no order, rule or regulation shall have the force and effect of law except as provided by section 12.32;

(2) To prepare a comprehensive plan and program for the civil defense of this state, such plan and program to be integrated into and coordinated with the civil defense 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 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 of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense 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, and to plan for the most efficient emergency use thereof;

(5) On behalf of this state, to enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of this state;

(6) To delegate any administrative authority vested in him under this chapter, except the power to make rules and regulations, to provide for the subdelegation of any such 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 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 of the state and nation, including the direction or control of

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

MINNESOTA STATUTES 1979 SUPPLEMENT

DIVISION OF EMERGENCY SERVICES 12.28

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

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

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

(e) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack;

(f) public meetings or gatherings; and

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

(9) To contribute to a political subdivision, within the limits of the appropriation therefor, not more than 25 percent of the cost of acquiring organizational equipment which meets standards established by him;

(10) To formulate and execute, with the approval of the executive council, plans and regulations 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 purposes, and to coordinate the activities of the departments or agencies of the state and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans;

(11) To alter or adjust by executive order, without complying with sections 15.0411 to 15.052, 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 he deems necessary to minimize the impact of the disaster or emergency, conforming any alterations or adjustments to existing state laws, rules and collective bargaining agreements to the extent practicable;

(12) To authorize the commissioner of education to alter school schedules, curtail school activities or order schools closed without affecting state aid to schools.

Subd. 4. The governor shall propose procedures for annual review by state and local officials of the evacuation plans specified in the licensing of each nuclear fission electrical generating plant. The review shall include, but 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 an evacuation plan shall be published, publicized, and distributed to the news media 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.

[Ex1979 c 2 s 4-6]

12.25 Local organizations.

[For text of subs 1 to 3, see M.S.1978]

Subd. 4. [Repealed, 1979 c 65 s 3]

[For text of subd 5, see M.S.1978]

12.28 Orders, rules; enforcement.

It shall be the duty of every organization for civil defense established pursuant to this chapter and of the officers thereof to execute and enforce such orders, rules and regulations as may be made by the governor under authority of this chapter or section 116H.09. Each such organization shall have available for inspection at its office all orders, rules and regulations made by the governor, or under his authority.

[Ex1979 c 2 s 7]

MINNESOTA STATUTES 1979 SUPPLEMENT

12.31 DIVISION OF EMERGENCY SERVICES

12.31 Enemy attack or peacetime emergency; declaration of emergency.

Subdivision 1. In the event 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 the United States, which means the several 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 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 his proclamation declaring such an emergency issues a call convening immediately both houses of the legislature, he shall have and may exercise for a period not to exceed 30 days the emergency powers and duties conferred and imposed upon him 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 emergency powers shall not, as regards any act or acts occurring or committed within said 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 he, she, it or they may have under the provisions of this chapter.

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

Subd. 3. A declaration of a peacetime emergency shall invoke necessary portions of the state comprehensive plan developed pursuant to section 12.21, subdivision 3, relating to response and recovery aspects and may authorize aid and assistance thereunder.

[1979 c 65 s 2]

12.32 Governor's orders and rules, effect.

All orders, rules and regulations promulgated by the governor under authority of section 12.21, subdivision 3, paragraph (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 or energy supply emergency, the full force and effect of law. All rules, regulations, and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter, or with any order, rule, or regulation having the force and effect of law issued under the authority of this chapter, shall be suspended during the period of time and to the extent that such conflict exists.

[Ex1979 c 2 s 8]

CHAPTER 15. DEPARTMENTS OF STATE IN GENERAL

Sec.		Sec.	
15.015	Transfer of functions under Government Reorganization Act of 1969, effect.	15.1691	Welfare data.
15.0411	Definitions.	15.1692	Personnel data.
15.065	Fiscal notes.	15.1693	Educational data.
15.1611	Government data.	15.1694	Attorneys.
15.162	Collection, security and dissemination of records; definitions.	15.1695	Law enforcement data.
15.1621	Access to government data.	15.1696	Data access for crime victims.
15.163	Duties of responsible authority.	15.1697	Elected officials; correspondence; private data.
15.1641	Repealed.	15.1698	Medical data.
15.1642	Temporary classification.	15.17	Official records.
15.166	Civil penalties.	15.191	Imprest cash funds.
15.169	Repealed.	15.62	Athletic leave of absence.

15.015 Transfer of functions under Government Reorganization Act of 1969, effect.

Subdivision 1. Any department or other administrative agency to which the functions, powers, and duties of a previously existing department or other agency are by