

## CHAPTER 12

## DIVISION OF EMERGENCY SERVICES

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## 12.01 CITATION.

This chapter shall be known and may be cited as the "Minnesota Civil Defense Act of 1951."

**History:** 1951 c 694 s 1

## 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.

Subd. 2. It is further declared to be the purpose of this chapter and the policy of the state that all civil defense 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 manpower, resources, and facilities for dealing with any disaster that may occur.

**History:** 1951 c 694 s 2; 1953 c 745 s 2; 1965 c 660 s 1; 1969 c 1129 art 1 s 14; 1974 c 428 s 5; Ex1979 c 2 s 1

**12.03 DEFINITIONS.**

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

Subd. 2. "Disaster" means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

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

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, or from incidents occurring at nuclear fission electrical generating plants which pose radiological or other health hazards. 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, 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 for and carrying out of the foregoing functions.

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

Subd. 6. "Local organization for emergency services" means an organization created in accordance with the provisions of this chapter by the state or a political subdivision to perform local emergency services functions.

Subd. 7. "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. 8. "Organizational equipment" means equipment and supplies essential for emergency services in excess of equipment and supplies provided for normal operation of the state or a political subdivision to the acquisition of which the federal government will contribute.

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

Subd. 10. "Imminence" means clear and present danger to life and/or property rights as a result of an emergency or disaster.

Subd. 11. "Energy supply emergency" means a state of emergency declared by the executive council or the legislature pursuant to section 116J.15.

**History:** 1951 c 694 s 3; 1953 c 745 s 3; 1963 c 660 s 1; 1963 c 678 s 1; 1973 c 123 art 5 s 7; 1976 c 266 s 1; 1979 c 65 s 1; Ex1979 c 2 s 2,3; 1980 c 611 s 1; 1981 c 356 s 248; 1Sp1981 c 4 art 1 s 2

**ORGANIZATION****12.04 DIVISION OF EMERGENCY SERVICES.**

Subdivision 1. A division in the department of public safety to be known as the division of emergency services 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. All of the functions, powers and duties of the state director of the division of emergency services as described in chapter 12, are hereby transferred to and imposed upon the commissioner of public safety, and he shall be assigned to the duties and responsibilities described in this section.

**History:** 1969 c 1129 art 1 s 14; 1974 c 428 s 5; 1982 c 560 s 4

#### 12.05 [Repealed, 1982 c 560 s 65]

#### 12.06 DIRECTOR OF DIVISION OF EMERGENCY SERVICES MAY HANDLE EXCESS FEDERAL PROPERTY.

Subdivision 1. The division is designated as the state agency to purchase, accept, lease, and distribute excess property made available by the federal government thereof to a governmental or nonprofit organization for any purpose authorized by federal law and in accordance with any rules or regulation promulgated thereunder.

Subd. 2. The director may purchase, lease, or accept excess property for the state of Minnesota and may purchase, lease, or accept excess property for the benefit of any other governmental or nonprofit organization. And any such governmental or nonprofit organization may designate the director to purchase, lease, or accept excess property for it upon such terms and conditions as may be mutually agreed upon.

**History:** 1974 c 428 s 2

#### 12.07 EXCESS PROPERTY REVOLVING FUND; ADVANCES FOR CERTAIN EXPENSES.

Subdivision 1. In order to enable the director to pay for excess property received from the federal government for any governmental or nonprofit organization, including the expenses of screening, accepting and distributing such property, there is hereby created an excess property revolving fund. Any moneys paid into said excess property revolving fund are hereby appropriated to the director for the purposes of sections 12.06 to 12.08. An excess property revolving account is established in the state treasury. All moneys or reimbursements received by the director of emergency services from the operation of the excess property program or any branch thereof shall be deposited in the state treasury and credited to this account.

Subd. 2. A sum not to exceed \$1,000 of the moneys credited to such fund may be advanced to the director of the division of emergency services or any state officer or employee engaged in performing duties under sections 12.06 and 12.07 for the purpose of defraying the expenses of travel, subsistence, toll charges, and other similar expenses, and in accordance with such requirements, therefor as may be prescribed by the state auditor. Moneys so advanced when repaid shall be deposited in the state treasury to the credit of the excess property revolving fund.

**History:** 1974 c 428 s 3

#### 12.08 EXCESS PROPERTY, STORAGE, TRANSFER REIMBURSEMENT OF REVOLVING FUND.

Subdivision 1. The director may store excess property until needed and any expenses incurred in connection therewith shall be paid from the excess property revolving fund.

Subd. 2. Wherever the state of Minnesota or any of its departments or agencies operating pursuant to a legislative appropriation obtain excess property

from the director the state auditor upon request of the director shall transfer the cost thereof, including any expenses of screening, accepting and distributing such property, from the appropriation of the state department or agency receiving the excess property to the excess property revolving fund. The determination of the director as to the cost of such excess property to the state department or agency receiving the same shall be final.

Subd. 3. Whenever any governmental or nonprofit organization other than a state department or agency receives excess property from the director, such governmental or nonprofit organization shall reimburse the excess property revolving fund for the cost thereof, including the expenses of screening, accepting and distributing the same, in such amount as the director may determine. The director may, however, require such governmental or nonprofit organization to deposit in advance in the excess property revolving fund moneys covering the cost of such excess property and upon such terms and conditions as may be mutually agreed upon.

**History:** 1974 c 428 s 4

## 12.11 STATE DIRECTOR; PERSONNEL.

Subdivision 1. There is hereby created within the executive branch of the state government a division of emergency services within the department of public safety, which shall be under the supervision and control of the governor and a director of emergency services, hereinafter called the "state director." The state director shall be appointed by the commissioner of public safety; he shall not hold any other state office.

Subd. 2. The state director may employ such technical, clerical, stenographic and other personnel and with the approval of the governor may make such expenditures within the appropriation therefor, or, with the approval of the executive council, from other funds made available to him for purposes of civil defense as may be necessary to carry out the purposes of this chapter. Such personnel except the director of emergency services shall 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 and regulations of the civil service board, shall on or before January 1, 1958, 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 noncompetitive, 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 43.21. If any of the aforementioned incumbents who are required by this subdivision to take a qualifying examination fails to pass the examination, he shall be removed from his position at the expiration of 60 days following receipt of notice of failure to pass the examination. Any person who wilfully fails or refuses to take the examination when offered, without reasonable excuse, shall be removed from his 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 he has

completed such qualifying examination and is notified of the result thereof, or unless he 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 services.

Subd. 3. The state director and other personnel of the division of emergency services shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other state agencies.

**History:** 1951 c 694 s 101; 1957 c 227 s 1; 1961 c 3 s 1; 1969 c 1129 art 1 s 14; 1974 c 428 s 5

12.12 [Repealed, 1975 c 61 s 26]

### 12.13 NUCLEAR POWER PLANT EMERGENCY RESPONSE PLAN.

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

In addition to any requirements imposed by federal law, the director shall assess the need for protective actions required to mitigate the effect of an incident at a nuclear power plant, and develop a nuclear power plant emergency response plan which shall include, but is not limited to:

- (1) Purchase of equipment for state and local units of government, including public warning systems, protective devices, and communication systems, including preparation of brochures, pamphlets and educational programs;
- (2) Development of a detailed nuclear emergency response plan for areas surrounding each nuclear fission electrical generating plant;
- (3) Training of state and local emergency response personnel;
- (4) Development of accident scenarios and exercises for nuclear emergency response plans; and
- (5) Provision of any other specialized response equipment necessary to fulfill the plan.

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

**History:** 1980 c 611 s 2

### 12.14 ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.

Any person, firm, corporation or association in the business of owning or operating a nuclear fission electrical generating plant located in Minnesota, shall pay an assessment of \$250,000 per plant to cover the initial cost of upgrading nuclear power plant emergency response plans and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants. This assessment shall be paid to the state for deposit in the general fund within 90 days of April 25, 1980. Thereafter, an assessment of \$75,000 per plant shall be paid annually on July 1 of each year, beginning with July 1, 1981, to cover ongoing costs related to the emergency response plan.

**History:** 1980 c 611 s 5; 1981 c 357 s 24

**POWERS, DUTIES****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 116J.15, or during the existence of any emergency resulting from an incident at a nuclear fission electrical generating plant which poses radiological or other health hazard, may assume direct operational control over all or any part of the emergency services functions within this state.

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

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 116J.15 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 14.01 to 14.70, 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;

(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 14.01 to 14.70, 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 state emergency response plan 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 a state emergency response 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.

**History:** 1951 c 694 s 201; 1961 c 560 s 1; 1963 c 660 s 2; 1969 c 1129 art 1 s 14; 1975 c 204 s 67; Ex1979 c 2 s 4-6; 1980 c 611 s 3,4; 1981 c 356 s 248; 1982 c 424 s 130

## 12.22 ASSISTANCE, ACCEPTANCE.

Subdivision 1. **Federal aid.** Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for the purposes of civil defense, the state, acting through the governor, or such political subdivision, acting with the consent of the governor and through its governing body, may accept such offer and upon such acceptance the governor of the state or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the

state or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer, but no moneys or other funds shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

**Subd. 2. Offers of aid, political subdivisions or persons.** Whenever any person, firm or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, real property, or funds by the way of gift, grant or loan, for purposes of civil defense, the state, acting through the governor, or such political subdivision, acting through its governing body, may accept such offer and upon such acceptance the governor of the state or the governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such 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 no moneys or other funds shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law. Real property so accepted shall be treated as, and subject to the same immunities during time of civil defense emergency as real property owned by the state.

**Subd. 3. Governor may establish rules and regulations.** The governor shall have authority to establish rules and regulations in accordance with the law for the proper and efficient operation and administration of the civil defense program including methods relating to the establishment and maintenance of personnel standards on a merit basis for all employees of local civil defense 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 methods.

The governor may, by rule or regulation, 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 or regulation, also cooperate with other political units or subdivisions in establishing and maintaining personnel standards on a merit basis.

**History:** 1951 c 694 s 202; Ex1959 c 13 s 1; 1963 c 660 s 3

#### **12.221 MINNESOTA NATURAL DISASTER ASSISTANCE.**

**Subdivision 1.** The division of emergency services is authorized to enter into an agreement with the federal disaster assistance administration for the maintenance of the Minnesota natural disaster assistance plan and for administration of federal disaster assistance programs as provided for under provisions of federal law and regulation.

**Subd. 2.** Under the agreement the federal disaster assistance administration will provide \$25,000 in federal funds annually toward the cost incurred by implementation of the natural disaster assistance program. The division of emergency services shall provide two planners and the necessary equipment and facilities for project operations.

**History:** 1978 c 661 s 1

#### **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 utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the state and of the political subdivisions thereof to the maximum extent practica-



ble, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the civil defense organizations of the state upon request.

**History:** 1951 c 694 s 203

#### 12.24 MOBILE SUPPORT UNITS.

Subdivision 1. The governor or his duly designated representative is authorized to create and establish such number of mobile support units as may be necessary to reinforce civil defense organizations in stricken areas and with due consideration of the plans of the federal government and of other states. He shall appoint a commander for each unit who shall have primary responsibility for the organization, administration and operation of such unit.

Subd. 2. Where the governor or his duly authorized representative deems it necessary to send an employee of the division of emergency services or any other person, whether or not that person is a state employee, to any school, training or indoctrination program, or place for training or indoctrination in matter legitimately connected with civil defense, or where he deems it necessary to send any person, whether or not a state employee, to any place in this or another state for any purpose connected with civil defense, he may authorize the payment of travel expenses and reasonable subsistence for the period of time during which he is required to remain at the place to which he has been sent. These payments shall be made from money appropriated to the department. Upon the certification by the governor or his duly authorized representative of the purpose and amount of any such payment, the commissioner of finance shall draw his 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 may devise and formulate a procedure for processing and certification of travel and subsistence expenses which allows the person to submit monthly statements of expenses incurred during the preceding month.

**History:** 1951 c 694 s 204; 1953 c 745 s 6; 1969 c 1129 art 1 s 14; 1973 c 492 s 14; 1974 c 428 s 5; 1977 c 410 s 1; 1981 c 210 s 54

#### 12.25 LOCAL ORGANIZATIONS.

Subdivision 1. **Director; responsibility.** Each political subdivision of this state shall establish a local organization for civil defense in accordance with the state civil defense plan and program, but no town shall establish a local organization for civil defense without approval of the state director. Each local organization for civil defense shall 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 for the organization, administration, and operation of such local organization for civil defense, subject to the direction and control of such governing body.

Subd. 2. **County director, responsibility.** Each county civil defense organization shall have a director and one or more deputy directors. They shall be appointed by the county board. A county organization for civil defense shall have jurisdiction throughout the county outside of any city or of a town which has a local civil defense organization. In addition to the other powers granted by this subdivision, such county organizations shall coordinate the activities of and may assist in the training of civil defense organizations of political subdivisions within the county, plan for the continuity of county government in cooperation with the county attorney who is authorized and directed to give legal advice to the county organization, acquire equipment necessary in connection therewith, and 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 shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such 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. 4. [Repealed, 1979 c 65 s 3]

Subd. 5. **Contiguous subdivisions may have common civil defense organization.** With approval of the governor, 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 responsibilities or providing for a common civil defense organization which, for the purposes of this chapter, shall be a local civil defense organization.

**History:** 1951 c 694 s 205; 1957 c 626 s 1; 1959 c 459 s 1; 1963 c 678 s 2; 1965 c 660 s 2,3; 1973 c 123 art 5 s 7; 1Sp1981 c 4 art 1 s 3

## 12.26 LOCAL GOVERNMENTAL SUBDIVISIONS, APPROPRIATIONS.

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

Subd. 2. To provide moneys for civil defense purposes authorized by this chapter, a political subdivision is empowered to levy 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 taxing limitations in such amount as may be necessary to pay such expenditures. The total amount of a tax levied under authority of this section, except when levied by a county, shall not exceed 40 cents per capita based on the last federal regular or special census, except in a political subdivision in which such tax will not produce a total amount of \$1,000 in which event a tax sufficient to produce \$1,000 or so much thereof as may be necessary may be levied.

Subd. 3. (1) To provide moneys for the purchase of organizational equipment which is to be paid for in part by the federal government, a political subdivision is empowered to 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 provided in subdivision 2, in such amount as may be necessary to pay its share of the cost of such organizational equipment, provided that the governor has approved the purchase thereof.

(2) Each political subdivision which has initiated the purchase of organizational equipment shall have the power:

(a) 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.

(b) 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.

(c) To pay the entire cost of organizational equipment from funds derived from tax levies herein authorized 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 purposes.

Subd. 4. When levied by a county, the taxes authorized in subdivisions 2 and 3, respectively, shall be spread wholly and exclusively upon property within the portion of the county over which the county local organization for civil defense 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 has a local civil defense organization.

Subd. 5. [Expired]

Subd. 6. Notwithstanding the limitation contained in section 12.26, subdivision 2, the limitation applicable to the city of Minneapolis shall continue at 20 cents per capita, and no levy may be made by Hennepin county on property within the city of Minneapolis pursuant to section 12.26, subdivision 4.

**History:** 1951 c 694 s 206; 1955 c 737 s 1; 1961 c 364 s 1; 1969 c 700 s 1-3; 1973 c 123 art 5 s 7; 1973 c 583 s 1,2

### 12.27 MUTUAL AID, ARRANGEMENTS.

Subdivision 1. The director of each local organization for civil defense 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 aid and assistance in an emergency too great to be dealt with unassisted. Such arrangements shall be consistent with the state civil defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense and the members thereof to render assistance in accordance with the provisions of such mutual aid arrangements.

Subd. 2. The director of each local organization for civil defense may, subject to the approval of the governor, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted.

**History:** 1951 c 694 s 207

### 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 116J.15. Each such organization shall have available for inspection at its office all orders, rules and regulations made by the governor, or under his authority.

**History:** 1951 c 694 s 208; Ex1979 c 2 s 7; 1981 c 356 s 248

### 12.29 LOCAL EMERGENCIES.

Subdivision 1. A local emergency may be declared only by the mayor of a municipality or the chairman of a county board of commissioners or their legal successors. It shall not be continued for a period in excess of three days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the chief of the local records keeping agency of the subdivision.

Subd. 2. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or interjurisdictional disaster plans, and may authorize aid and assistance thereunder.

Subd. 3. 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.

**History:** 1976 c 266 s 2

### 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:

(a) Upon his 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 apply to the federal government, on behalf of the political subdivision, for a loan, and to receive and disburse the proceeds of any approved loan to any applicant political subdivision.

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

(c) To recommend to the federal government, based upon his 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.

**History:** 1976 c 266 s 3

## EMERGENCY POWERS

### 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.

**History:** 1951 c 694 s 301; 1959 c 34 s 1; 1961 c 561 s 5; 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.

**History:** 1951 c 694 s 302; Ex1979 c 2 s 8

### 12.33 ASSISTANCE BETWEEN POLITICAL SUBDIVISIONS.

Subdivision 1. Whenever the public interest requires it on account of an imminent emergency, the governor may, in his discretion, authorize and direct the police, fire-fighting, health, or other force of any political subdivision, herein called the sending political subdivision, to go to the assistance of another political subdivision, herein called the receiving political subdivision, and to take and use for such purpose such personnel, equipment, and supplies of the sending political subdivision as the governor may direct.

Subd. 2. While so engaged, the officers and members of such 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 considered to be acting within the scope of and in the course of their regular employment, as employees of such sending political subdivision.

Subd. 3. The receiving political subdivision shall reimburse the sending political subdivision for all supplies used and the compensation paid to all 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 officers and members while rendering such aid, and the cost of all insurance covering such officers and members while so engaged. Any claim for such loss, damage or expense in use of equipment or supplies or for additional expenses incurred in the operation or maintenance thereof shall not be allowed unless within 90 days after the same is sustained or incurred an itemized notice of such claim, 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. It shall be 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 outside such corporate limits. Any claim for such loss, damage or expense

in use of equipment or for additional expenses incurred in the operation or maintenance thereof shall not be allowed unless within 90 days after the same is sustained or incurred an itemized notice of such claim, verified by an officer or employee of the sending political subdivision having knowledge of the facts, is filed with the state director.

**History:** 1951 c 694 s 303

### 12.34 PERSONS REQUIRED TO ASSIST.

Subdivision 1. During a civil defense emergency, the governor, the state director or a member of a class of members of a state or local civil defense 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 purposes as directed by any of the persons first above described, and (2) commandeer, during a civil defense emergency, any motor vehicle, tools, appliances or any other personal property.

Subd. 2. The owner of any property so commandeered shall be promptly paid just compensation for the use thereof and all damages done to the property while so used for civil defense purposes. The governor or the governing body of the political subdivision concerned, respectively, according to the use thereof, 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 property was commandeered if, within 30 days from the date of such order, he serves upon the governor or the political subdivision concerned and files with the clerk of such 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 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 be tried without a jury de novo and the court shall determine the damages and the person or persons entitled thereto. Except as herein otherwise provided, the trial shall 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. Any able-bodied person required to perform services for civil defense who refuses, neglects, or otherwise fails to perform the services required under subdivision 1 shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not less than 10 days or more than 90 days.

**History:** 1951 c 694 s 304; 1963 c 660 s 4

### 12.35 MOBILE SUPPORT UNITS CALLED TO DUTY.

Subdivision 1. 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 of mobile support units while on active duty, whether within or without the state, shall: (1) if they are employees of the state, 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. The state shall reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of employees of such political subdivision while serving as members of a mobile support unit and 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 political subdivision resulting from the operation of such mobile support unit.

Subd. 4. Whenever a mobile support unit of another state shall render aid in this state pursuant to the orders of the governor of its home state, and upon the request of the governor of this state, this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of the personnel of such mobile support unit while rendering such aid, and for all payments for death, disability or injury of such personnel incurred in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a governmental subdivision thereof resulting from the rendering of such aid; provided, that the laws of such 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.

**History:** 1951 c 694 s 305

### 12.36 GOVERNOR MAY CONTRACT.

The governor, during a civil defense emergency, is, notwithstanding any other provision of law, empowered to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and the safety of property, and providing emergency assistance to the victims of such disaster; to 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 the performance of public work, entering into contract, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, for example, but not limited to, publication of calls for bids, provisions of the civil service act and rules, provisions relating to low bids and requirements for the budgeting and allotment of funds. All contracts shall be in writing, executed on behalf of the state by the governor or a person by him delegated in writing so to do, and shall 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 encumbrance has been made.

**History:** 1951 c 694 s 306; 1973 c 492 s 14

### 12.37 POLITICAL SUBDIVISIONS, AUTHORITY TO ENTER INTO CONTRACTS.

During a civil defense emergency, each political subdivision is, notwithstanding any statutory or charter provision to the contrary, empowered, through its governing body acting within or without the corporate limits of the political subdivision, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and providing

emergency assistance to the victims of such disaster. Each political subdivision is authorized to 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 the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and 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.

**History:** 1951 c 694 s 307; 1957 c 171 s 1

### MISCELLANEOUS PROVISIONS

**12.41** [Repealed, 1963 c 798 s 16]

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

During a civil defense emergency, any 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 in this state. The license, certificate or other permit of such person while so rendering aid shall have the same force and effect as if issued in this state.

**History:** 1951 c 694 s 402

### **12.43 SUBVERSIVES; HIRING, USING; OATHS.**

No person shall be employed or associated in any capacity in any civil defense 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 shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall 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 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 services, local civil defense director, or ground observer corps supervisor.

**History:** 1951 c 694 s 403; 1953 c 745 s 1; 1969 c 1129 art 1 s 14; 1974 c 428 s 5



**12.44 POLITICAL ACTIVITIES.**

No organization for civil defense 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.

**History:** 1951 c 694 s 404

**12.45 VIOLATIONS, PENALTIES.**

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

**History:** 1951 c 694 s 405

**12.46 LIMITATION OF POWERS.**

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

(1) By subpoena or otherwise to require any person to appear before him or any other person or to produce any records for inspection by him or any other 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.

**History:** 1951 c 694 s 406

**12.51** [Expired]

**12.52** [Expired]

**12.53** [Expired]

**12.56** [Repealed, 1978 c 762 s 9]

**12.57** [Repealed, 1978 c 762 s 9]