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Minnesota Emergency Management and Homeland Security Authorities Summarized

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Minnesota Emergency Management and Homeland Security Authorities Summarized

Summary

The Minnesota governor exercises authority over emergency management in the state and may assume direct control over certain emergencies. The executive council provides state assistance and allocates state funding for emergencies. The division of emergency management is located within the department of public safety and coordinates state emergency preparedness activities and the response to natural disasters. Farmers may apply for a disaster recovery loan from the state and its local governments, and may seek grants for floodplain disaster reduction studies. A disaster declaration can last up to 30 days if the cause results from enemy sabotage or a public health emergency, and for a maximum of five days for other peacetime emergencies. Continuity of government provisions allow the governor to move the capital from St. Paul; and interim succession and relocation of local government authorities is also provided. The statute provides for closing banks during a natural disaster.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

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Minnesota Emergency Management and Homeland Security Authorities Summarized

Entities with Key Responsibilities

Governor: The governor exercises general direction and control of emergency management. During a national security or energy supply emergency, or a nuclear power plant incident, the governor may assume direct control over state emergency management functions. The statute authorizes the governor to cooperate with the federal government, other states, Canadian provinces, and private agencies, and to: make or amend orders and rules; ensure the state emergency operations plan and program are developed, maintained, and integrated with the federal plan and those of other states; procure supplies, equipment, and materials; institute training and public information programs; take steps for activation in advance of actual disaster; study and survey industries, resources, and facilities; enter into mutual aid arrangements with states, tribal authorities, and Canadian provinces; and coordinate mutual aid plans between political subdivisions. In cooperating with federal agencies and officials of other states, the governor is authorized to control preparedness drills and warning systems, suspend utility services, control ingress and egress, hold public meetings, order the evacuation and sheltering of persons, contribute no more than 25% of the costs of equipment that meets state standards to political subdivisions, formulate, with approval of the executive council, civilian traffic plans to allow troops to move, conserve critical materials, alter work days, adjust annual and sick leave and the payroll of state executive branch employees to minimize the effect of a disaster or emergency, and authorize the school commissioner to close schools or curtail activities. The governor or the director of emergency management must oversee the annual review of state emergency operations plans of licensed nuclear power plants (includes changes in traffic patterns, population densities, new construction). Such plans must be made available to the public and media (Minn. Stat. §12.21).

Executive Council: The council consists of the governor, lieutenant governor, secretary of state, auditor, treasurer and attorney general (Minn. Stat. §9.011) and is authorized to: take measures to prevent an impending disaster; grant relief to communities; prevent the occurrence or spread of a disaster; grant relief to individuals or families affected by a disaster; repair state property damaged by disaster; and commandeer and use property vehicles, means of transportation, communications or public service. The owner must be given a receipt and reimbursed for use or damage. The council may use state facilities and offices and command the services of the state military organization, state fire marshal or any department and its employees. Employees on the council serve without additional pay, but members of the state military serve with pay. When an emergency exists and the attorney general certifies that funds are needed, the executive council furnishes money. The council must send a report to the legislature of all expenses

and money paid by March 1 of the year of regular session. The council is authorized to spend money as necessary within the limits of appropriations made to the council (Minn. Stat. §9.061).

Department of Public Safety: The department includes the Division of Emergency Management and the Office of Emergency Response. The state director of emergency management, who, with the governor is responsible for supervision and control of the division, is appointed by the commissioner of public safety (Minn. Stat. §§12.11).

Division of Emergency Management: The division coordinates state emergency preparedness and response activities for all natural and other emergencies and disasters, including discharges of oil and hazardous substances. Responsibilities include: developing and maintaining the comprehensive state emergency operations plan and program; establishing and maintaining a “single state answering point system for reporting emergency incidents” to state agencies, and for requesting state or federal assistance following an emergency or disaster; activating state and regional emergency operations centers; providing assistance to political subdivisions; coordinating political subdivisions’ emergency operations plans and programs; developing and maintaining a comprehensive hazard mitigation plan for the state that is integrated with federal mitigation plans; conducting emergency preparedness drills and exercises; and ensuring the coordination of public and private agencies with donations and volunteers (Minn. Stat. §12.09).

Emergency Commission: The commission, consisting of representatives from the departments of public safety, health agriculture, the pollution control agency and 18 other agencies, is responsible for carrying out the requirements of the federal Emergency Planning and Community Right to Know Act. The commission is authorized to enter into agreements with departments, political subdivisions, and the federal government (Minn. Stat. §299K.03).

Local organization for emergency management: Local organizations are established by political subdivisions with the approval of the director of emergency management. The director of each organization is responsible for the organization, administration, and operation of the local agency, coordinates training, plans emergency operations, acquires equipment, and spends county funds. With the approval of the state director, two or more political subdivisions may enter into agreements to establish a common emergency management organization (Minn. Stat. §12.25).

Regional district offices: These offices provide administrative assistance and operational support after a disaster (Minn. Stat. §12.24).

Preparedness

With regard to nuclear power plant emergency response planning, the director of emergency management is to assess the need to mitigate a potential incident at a nuclear power plant and carry out emergency operations planning (Minn. Stat. §12.13).

During a state of emergency the governor, state director, or local emergency management organization may require any person to perform emergency management services or commandeer motor vehicles, tools, medical supplies, facilities, or personal property. Compensation is to be paid for use of or damage to the property (Minn. Stat. §12.34).

The governor may contract during an emergency to protect people and property. All contracts must be in writing and filed with the commissioner of finance (Minn. Stat. §12.36).

A political subdivision, during an emergency, is authorized to enter into contracts and incur obligations to protect health and safety (Minn. Stat. §12.37).

The commissioner of natural resources must establish a plan to respond to drought-related emergencies and prepare a framework for drought response (Minn. Stat. §103G.293).

The commissioner of transportation is authorized to enter into an agreement with the state division of emergency management to build, operate, and maintain joint facilities. The Division of Emergency Management must contribute a proportionate share of expenses (Minn. Stat. §161.40).

A unit of local government with a pipeline within its jurisdiction must prepare an emergency operations plan that is to be annually reviewed and updated to reflect changes in operations (Minn. Stat. §299J.10). Local emergency plans (required under the federal Emergency Planning and Community Right to Know Act) must be prepared by political subdivisions (Minn. Stat. §299K.05).

The commissioner of natural resources is authorized to accept titles or easements to land (40 acres maximum) for use as a fire lookout tower, warehouses, other buildings, or firebreaks. The commissioner is authorized to purchase, lease, and acquire easements (Minn. Stat. §88.09).

Declaration Procedures

A local emergency may be declared by a mayor, the county board chair, or legal successors for a maximum period of three days. The consent of the governing body is required to continue the declaration. Any related order that has been given must be given public notice and filed with the chief of the local record keeping agency of the affected political subdivision. A local declaration invokes disaster plans and assistance agreements. No interjurisdictional agency or official may declare a local emergency without express prior authorization. Interjurisdictional agencies are authorized to provide aid and services (Minn. Stat. §12.29).

If there is a major disaster or public health emergency from enemy sabotage or other hostile action the governor may proclaim a national security emergency, call the legislature to convene immediately, and exercise emergency powers for a maximum period of 30 days. The governor also may declare a peacetime emergency when an act of nature, technological malfunction, terrorist incident, public health emergency, industrial accident, hazardous material incident or civil disturbance

endangers life and property, and local resources are inadequate. A declaration extends for a maximum period of five days unless an executive council resolution extends it for 30 days. If the legislature is not in session during a public health emergency, the governor is authorized to call into it session when he declares an emergency. A declaration of a peacetime emergency invokes the state emergency operations plan (Minn. Stat. §12.31).

Before a public health emergency is declared, the governor or state director of emergency management must consult with the commissioner of public safety, the director of homeland security, the commissioner of health, and public health experts. If a public health emergency occurs on tribal lands, the governor is to consult with tribal authorities before a declaration is issued. If time does not permit such notification, the governor may issue the declaration without consultation. Upon issuance of a public health emergency declaration, the governor and commissioner of health must report to the house and senate leadership and the chairs and ranking minority members of judiciary and health committees (Minn. Stat. §12.311).

A national security or peacetime emergency resulting from a public health emergency automatically terminates after 30 days unless renewed by the governor; the governor may renew the emergency at the end of 30 days. A majority vote of each legislative chamber can terminate a national security or peacetime emergency due to a public health emergency at any time from the date of declaration. Such a legislative termination overrides a governor's renewal (Minn. Stat. §12.312).

Emergency orders and rules resulting from a national security or peacetime emergency, when approved by the executive council and filed with the secretary of state, have the full force and effect of law. Any rules or ordinances issued by an agency or political subdivision that are inconsistent with the order or rule are suspended while the emergency exists (Minn. Stat. §12.32).

Types of Assistance

The division of emergency management and FEMA may enter into an agreement to maintain the state assistance program and administer the federal disaster assistance program. FEMA is to provide \$50,000 annually to implement the program, and the state provides two planners and equipment. The state director can apply for, accept, and administer federal financial assistance resulting from a disaster declaration. The director must report expenditures to the chairs of specified committees of the state House and Senate. The director may approve sub-grant agreements with eligible applicants (Minn. Stat. §12.221).

The governor or a political subdivision's governing body must use the services, equipment, supplies, facilities of state agencies to the maximum extent practicable (Minn. Stat. §12.23).

The state director of emergency management pays for training classes for state employee and other individuals, including travel and housing, from funds appropriated to the department of public safety (Minn. Stat. §12.24).

If the president declares a major disaster, the governor is authorized to apply to the federal government for loans on behalf of political subdivisions and receive and disburse the proceeds. The governor is to determine the amount needed and certify the amount to the federal government, with a specified maximum limit of 25 percent of the political subdivision's operating budget for the fiscal year in which the disaster occurred. The governor may recommend the cancellation of all or part of the repayment if local revenues are insufficient to meet operating expenses (Minn. Stat. §12.301).

With the governor's approval, a state agency may waive fees charged for services in areas included in a presidentially declared disaster during the "minimum periods of time" necessary. The agency must report to the appropriate state legislative committees the reasons for and impact of suspended fees (Minn. Stat. §12.38).

Emergency response personnel, when activated, are state employees and have the powers, duties, and immunities of state employees. The state must reimburse political subdivisions for compensation, travel, and maintenance expenses of employees activated by the state director as emergency response personnel. Reimbursement is provided for payments made for death, disability, or injury of personnel, or loss or damage of supplies and equipment. The state is to reimburse political subdivisions for compensation, travel, and other costs for employees participating in training exercises. When emergency management personnel from another state render aid in Minnesota, reimbursements are to be made to the other state for compensation, death or disability payments, or loss and damage to supplies and equipment, but reciprocity is required (Minn. Stat. §12.35).

After a state or federal disaster declaration for a county has been issued, a farmer may apply for a disaster recovery loan to clean up, repair, and replace farm structures, septic and water systems, seed, feed, and livestock. The aid is restricted to farmers with assets of less than \$400,000 and who earn 50% of their average gross income from farming during the most recent three year period (Minn. Stat. §41B-047).

The commissioner of natural resources may make grants of up to \$50,000 to local governments for floodplain damage reduction studies to implement flood mitigation measures (Minn. Stat. §103F.161).

The commissioner of natural resources may purchase natural disaster relief materials and equipment for political subdivisions. The commissioner may use federal grants and state appropriations to make the purchases and repairs. Political subdivisions are to be reimbursed for costs, and the amount is credited to the account and appropriated annually (Minn. Stat. §88.065).

The commissioner of natural resources may provide grants for fire suppression equipment and training used to control wildfires, and may require a local match for the grant (Minn. Stat. §88.067).

Mutual Aid

The directors of local emergency management organizations, or the state director of emergency management, are authorized to collaborate with public and private agencies, other states, and Canadian provinces to develop mutual aid agreements (Minn. Stat. §12.27).

At the request of another state, the governor is authorized to send equipment and personnel to an emergency or disaster outside the state (Minn. Stat. §12.27).

The governor may direct a political subdivision's police, firefighters, emergency health workers to go to the assistance of another political subdivision and take and use staff, equipment, and supplies as needed. Officers working in other areas have the same powers, duties, immunities granted in their base communities while performing services. The political subdivision receiving the assistance must provide reimbursement for supplies and employee costs. The state reimburses political subdivisions for equipment that is lost or damaged, as well as for additional expenses (Minn. Stat. §12.33).

Political subdivisions are authorized to request aid from other local governments. If a mutual aid agreement does not exist, the statute sets out compensation and reimbursement proceedings (Minn. Stat. §12.331).

During an emergency, a person who holds a license or permit issued by another state that shows evidence of meeting the Minnesota professional or mechanical skill qualification may render aid involving those skills (Minn. Stat. §12.42).

The *Interstate Emergency Management Assistance Compact* is codified (Minn. Stat. §192.89).

Funding

Nuclear power plant owners must pay quarterly assessments for the costs of nuclear power plant emergency response programs (Minn. Stat. §12.14).

A state or political subdivision can accept gifts, grants, or loans from the federal government for emergency management, as well as from persons or corporations. Volunteers who register with a political subdivision to provide assistance and work under the direction of the subdivision during an emergency or disaster are considered employees of that unit of local government (Minn. Stat. §12.22).

Each political subdivision is authorized to make appropriations for emergency management expenses and has the power to levy property taxes for emergency management. In order to purchase additional equipment (partially paid through federal funding), a political subdivision may levy an additional tax with the governor's approval (Minn. Stat. §12.26).

Money received by the commissioner of natural resources as reimbursement for damages or losses incurred because of a natural disaster is to be deposited in a special

revenue fund and appropriated to accomplish the goals of programs from which funds were originally diverted to respond to the disaster (Minn. Stat. §84.0261).

The state pipeline safety account includes fees and penalties, plus gifts and grants (Minn. Stat. §299J.18).

The housing finance agency may establish a disaster relief contingency fund to provide loans and grants to rehabilitate or replace housing damaged by a natural disaster in the area where a presidential disaster was declared. The fund may include repayments of grants and loans made from appropriations for disaster assistance (Minn. Stat. §426A.21(29)).

If a natural disaster or public emergency requires extraordinary expenditures, and tax receipts or other funding sources are insufficient to meet expenditures, the governing body of city, county or town may authorize the sale of certificates of indebtedness to mature within three years. Certificates and interest are paid from taxes or other available revenue (Minn. Stat. §475.754).

Hazard Mitigation

See also “Entities with Key Responsibilities.”

The commissioner of public safety must maintain a database of all pipelines, inspect records kept by pipeline operators, and seek and accept the federal designation of pipeline inspectors as federal agents to enforce the federal Hazardous Liquid Pipeline Safety Act. If federal authority is delegated, the commissioner must inspect pipelines, collect fees, oversee the testing of pipelines, and file a report with the federal department of transportation (Minn. Stat. §299J.04).

The state floodplain management law is codified (Minn. Stat. §103F.101 *et seq.*).

A unit of local government using emergency flood protection measures must notify the commissioner of natural resources of plans to use such measures as a part of a comprehensive flood emergency program. The commissioner must review the plan (Minn. Stat. §103F.155).

Continuity of Government Operations

When an emergency results from a threat or actual enemy attack and it is impossible to conduct state government in St. Paul, the governor, by proclamation is to declare an emergency temporary location(s) for the seat of government in or out of the state. The governor is to take action for the orderly transition to the emergency location(s), which remains the seat of government until the legislature establishes a new location(s) or until the emergency is terminated by the governor. The presiding officer of a governing body can designate by ordinance a substitute place as a emergency temporary location for local governments (within or without of territorial limits). All acts carried out in the emergency locations are valid (Minn. Stat. §1.26).

Local Interim Successor Act: In case of a nuclear attack or a natural disaster, the local governing bodies are to enact ordinances to provide for the continuity of government and the emergency interim succession of key government officials (Minn. Stat. §1.27).

In the event of a vacancy from any cause in the office of the governor, the lieutenant governor shall be governor. Last elected presiding senate officer becomes the lieutenant governor in case of a vacancy. The legislature may provide by law for the continuity of government in periods of emergency resulting from disasters caused by enemy attack, including the succession to powers and duties of public office and a change in the seat of government (Minn. Const. Art. 5 §5).

Other

Every emergency management organization established by statute must execute and enforce orders and rules made by the governor (Minn. Stat. §12.28).

Able-bodied persons who refuse to help during an emergency is guilty of a misdemeanor (Minn. Stat. §12.34).

The governor may provide, in a public health emergency, for the safe disposition of dead human bodies. In taking such action the governor may consult with coroners, medical examiners and related businesses about the requirements to dispose of bodies. Specific requirements are set out in the statute (Minn. Stat. §12.381).

Individuals have a right to refuse treatment, testing, examination, or vaccination. A person refusing treatment may be placed in isolation or quarantine on orders of the commissioner of health. When possible, a health care provider is to give notice of the individual's right to refuse treatment (Minn. Stat. §12.39).

Emergency management offices cannot employ subversives who advocate the overthrow of the government by force or violence (Minn. Stat. §12.43).

A physician's assistant responding to a medical care need created by disaster may render care but must establish a temporary supervisory agreement with a physician before providing care (Minn. Stat. §147A.23).

A state employee who is a Red Cross disaster volunteer can request 15 days of leave per year with full pay and if approved by employee's appointing authority. The state is not liable for a worker's compensation claim that results from accident or injury while on a Red Cross assignment (Minn. Stat. §43A.185).

An employee who is a volunteer firefighter is authorized to respond to calls during working hours if it will not endanger co-workers. An employer cannot deduct the time from the worker's wages. Worker's compensation remains the responsibility of the emergency services entity (Minn. Stat. §43A.321).

The commissioner of commerce can authorize financial institutions in an emergency area to close offices. The office remains closed until the commissioner proclaims the emergency has ended or if officers determine they can reopen it. Also,

the commissioner may establish a temporary location due to an emergency (Minn. Stat. §47.0152).

The officers of a financial institution have the authority to decide whether to open or close offices during an emergency, and when an emergency has ended within the first 48 hours. Offices cannot remain closed for more than 48 hours without prior approval of the commissioner (Minn. Stat. §47.0153).

The commissioner of natural resources is authorized to establish compensation for fighting wildfires (Minn. Stat. §88.12).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Minnesota Statutes, with Citations

Terms	Citations
Activated	Minn. Stat. §12.03 (1a)
Biological agent	Minn. Stat. §609.712 (b)
Bioterrorism	Minn. Stat. §12.03 (1c)
Disaster	Minn. Stat. §12.03 (2)
Disaster area	Minn. Stat. §166A-4 (2)
Disaster emergency	Minn. Stat. §275.123
Division	Minn. Stat. §12.03
Emergency	Minn. Stat. §§12.03 (3), 47.0152, 299J.02
Emergency management	Minn. Stat. §12.03 (4)
Emergency release	Minn. Stat. §299J.02
Emergency responder	Minn. Stat. §299J.02
Emergency response personnel	Minn. Stat. §12.03 (4b)
Emergency Response Commission	Minn. Stat. §299.03
Emergency response organization	Minn. Stat. §299K.01
Emergency response personnel	Minn. Stat. §12.03
Hazard mitigation	Minn. Stat. §12.03 (5b)
Imminent	Minn. Stat. §12.03 (5c)
Interim emergency successor	Minn. Stat. §1.27

Terms	Citations
Local organization for emergency management	Minn. Stat. §12.03 (6)
Mitigation	Minn. Stat. §103F.111
Mitigation measures	Minn. Stat. §103F.111
Natural disaster relief	Minn. Stat. §88.065
Public health emergency	Minn. Stat. §12.03
Simulated weapons of mass destruction	Minn. Stat. §609.712 (c)
Toxin	Minn. Stat. §609.712 (d)
Vector	Minn. Stat. §609.712 (e)
Weapons of mass destruction	Minn. Stat. §609.712 (f)

For Further Research

The citations noted above and other elements of the state code for Minnesota may be searched at: [<http://www.leg.state.mn.us/leg/statutes.asp>].