

House Research Act Summary

CHAPTER: 67

SESSION: 2011 Regular Session

TOPIC: State agency response to natural disaster

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Overview

Minnesota Statutes, chapter 12A "provides a framework and procedures for state agencies to assist communities to recover from a natural disaster for areas of Minnesota that are included in a presidential declaration of major disaster." This act modifies provisions in chapter 12A. Sections 1 to 6 and 8 to 11 are effective August 1, 2011. Section 12, is effective May 25, 2011, and sections 7 and 13 are effective retroactively from October 19, 2010, and allow specific uses of disaster relief money from the 2010 fall flood relief bill.

Section

1 Board of Water and Soil Resources (BWSR).

Subd. 1. Reinvest in Minnesota (RIM) conservation easements. Permits BWSR to use disaster assistance appropriations to the RIM program for flood attenuation and to restore, as well as protect, soil and water resources.

Subd. 2. Erosion and sediment control, water quality, and watershed protection projects. Permits BWSR to establish a disaster recovery program to fund erosion and sediment control, water quality, and watershed protection projects.

Subd. 3. Waivers and extensions authorized. Allows disaster grants made by BWSR to be extended for up to two years.

2 Education, disaster enrollment impact aid. Clarifies how disaster enrollment impact aid is to be calculated by the Department of Education.

- 3 **Department of Employment and Economic Development (DEED); Minnesota Investment Fund.** Restricts disaster grants from the Minnesota Investment Fund for businesses impacted by a disaster to physical losses only.
- 4 **DEED; Assistance.** Modifies the period of time an organization receiving a forgivable loan from the Minnesota Investment Fund must remain in the local community from a minimum of ten years to a minimum of five years from the date of the loan. After five years, the amount of the loan forgiveness must follow a schedule provided by the commissioner of employment and economic development for an additional five years.
- 5 **Housing Finance Agency; waivers authorized.** Technical correction.
- 6 **Human services; nursing home bed layaway.** Permits the commissioner of health to waive the 60-day notice required under Minnesota Statutes, section 144A.071, regarding the layaway of nursing home beds when a partial or complete evacuation occurs in response to a natural disaster.
- 7 **Department of Natural Resources (DNR), flood hazard mitigation grants.** Strikes the sentence that currently allows appropriations to be used to buy out "substantially damaged structures" (damaged more than 50 percent of assessed value). This means appropriations may be used for property buy outs under the statutory program (103F.161) whether or not substantially damaged.

This section is effective retroactively from October 19, 2010.
- 8 **DNR, debris removal; public waters.** Permits DNR to use disaster appropriations to install and repair flood warning gauges as well as remove flood debris from public waters.
- 9 **DNR, dam renovation and removal.** Permits DNR to use disaster appropriations to provide cost share for renovating or removing publicly owned dams in the disaster area.
- 10 **Public Safety, long-term recovery assistance.** Permits the commissioner of public safety use disaster appropriations to provide assistance in coordinating long-term recovery activities related to the disaster.
- 11 **Transportation.** Subdivisions 1 and 2 are headnote changes.

 - Subd. 1a. Emergency relief account in trunk highway fund.** Permits use of the Emergency Relief Account in the Trunk Highway Fund for infrastructure repair, maintenance, and operation related to a disaster.
 - Subd. 3. Local road and bridge reconstruction and replacement.** Permits use of disaster funds for repair, demolition and design costs of roads or bridges damaged by the disaster. Permits funds to be used to mitigate future disasters as part of a repair, reconstruction or replacement project.
 - Subd. 4. Local guidelines.** Requires the commissioner of transportation, in consultation with the commissioner of public safety, to clarify agency roles and responsibilities for damage estimates used for developing emergency state appropriations.
- 12 **Flood damage assistance.** Permits unspent general fund money transferred to DNR from the 2010 special session law appropriating flood relief funds to be granted to cities located within the fall 2010 flood disaster area to be used to pay a portion of outstanding municipal

debt for water and sewer infrastructure to make up for loss of taxable property that supported the debt. This will help the cities of Hammond and Zumbro Falls in particular.

The fall 2010 disaster declaration included the following 29 counties: Blue Earth, Brown, Carver, Cottonwood, Dodge, Faribault, Freeborn, Goodhue, Jackson, Le Sueur, Lincoln, Lyon, Martin, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Rice, Rock, Sibley, Steele, Wabasha, Waseca, Watonwan, Winona and Yellow Medicine.

Effective May 25, 2011.

- 13 Flood hazard mitigation grants; local share.** Flood hazard mitigation grants made under the state disaster assistance statute for the fall 2010 flood disaster may be used for the local share of flood hazard mitigation grants. This will help the cities of Hammond and Zumbro Falls in particular.

Effective retroactively from October 19, 2010.