

HOUSE RESEARCH

Bill Summary

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Overview

This bill is entitled the Minnesota Homeland Security and Emergency Management Act of 2010, and makes various substantive, administrative, technical and clarifying changes to the state's emergency management statutes, which are currently entitled the Minnesota Emergency Management Act of 1996.

Section

- 1 **Citation.** Re-names the "Minnesota Emergency Management Act of 1996" the "Minnesota Homeland Security and Emergency Management Act of 2010."
- 2 **Policy Declaration.** Adds language about "emergencies" to previous language about "disasters." Amends name of Division of Emergency Management to Division of Homeland Security and Emergency Management. Adds references to "federally recognized Indian tribes." This language is reflected throughout the bill.
 - Subd. 4. Emergency Management.** Includes "emergencies," "public health events," "hazardous materials accidents or incidents" to the types of incidents that the Division will be responsible for. This section also adds "incident management" and "collapsed structure and other rescues" to the Division's duties. It also modifies language to change "police services" to "law enforcement services," "medical and health services" to "health and medical services" and "civilian protection" to "protection of the public."
 - Subd. 5d. Homeland Security.** This subdivision is added to provide a definition of Homeland security" defining it as a "concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur."
- 3 **Activated.** Technical change.
- 4 **Division.** Technical change.
- 5 **Emergency management.** Adds "emergencies," "public health events," "hazardous

materials accidents or incidents” to the types of incidents that the Division will be responsible for. This section also adds “incident management” and “collapsed structure and other rescues” to the Division’s duties. Modifies language to change “police services” to “law enforcement services,” “medical and health services” to “health and medical services” and “civilian protection” to “protection of the public.”

6 **Homeland Security.** Defines “homeland security” as a “concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.”

7 **Specialized Equipment.** Technical change.

8 **Division of Homeland Security and Emergency Management.** Technical change.

9 **Division Duties.** Describes the duties of the Division of Homeland Security and Emergency Management.

Subd. 1. Coordination. Adds “recovery from, and mitigation of” emergencies and disasters to the Division’s duties. Adds “homeland security incidents” and “public health events” to the occurrences that the division is responsible for. Additionally, a provision is added requiring the division to “chair regular meetings of the Minnesota Emergency Preparedness and Response Committee.”

Subd. 2. State emergency operations plan and management program. Requires the division to annually review, update, and revise as necessary an all hazard” state emergency plan. Strengthens language about division’s duty to ensure that other agency plans are coordinated with the comprehensive strategy.

Subd. 3. State answering point system. Directs the division to ensure there is a functioning state answering point system.

Subd. 4. Activating emergency operations centers. Directs the division to operate either a state or regional operations center, or both.

Subd. 5. Assisting political subdivisions. Technical change.

Subd. 6. Coordinating local emergency plans and emergency management programs. Requires the division to “develop, maintain and disseminate local government emergency operations planning requirements guidance” and to “periodically review local plans to determine their conformance with hose requirements.”

Subd. 7. Coordinating hazard mitigation assistance and planning. Strikes language requiring the division’s hazard mitigation plan to adhere to the federal government plan “to the fullest extent possible” and adds language requiring the hazard mitigation plan “fully meets federal requirements.” Also language is struck that requires the division to coordinate with the political subdivisions to the “fullest possible extent” and language is added requiring coordination to be to the “fullest extent.”

Subd. 8. Coordinating preparedness drills and exercises. Subdivision title is changed from “Exercise coordination.”

Subd. 9. Coordinating volunteer resources. Eliminates the duty to manage a hotline. Adds the development and maintenance of a “state donations management plan” and coordination with local donation management programs is to the division’s duties.

Subd. 10. Emergency management training. Changes the due date and increases the frequency that the commissioner of public safety must report on

compliance with this section to the legislature.

Subd. 11. Interstate Emergency Management Assistance Compact. Requires the division to “develop and maintain appropriate interstate mutual aid plans and procedures necessary to implement the interstate emergency management assistance compact in Minnesota.” Charges the division with handling requests from other states under the compact, and with preparing and submitting requests for assistance under the compact.

Subd. 12. Coordinating disaster recovery. Requires that, in the event of a presidential declaration of emergency or major disaster, the division shall administer FEMA disaster assistance programs. Additionally, “the division shall facilitate long-term disaster recovery and hazard mitigation by activating and chairing the Minnesota Recovers Task Force, when appropriate, and administering the FEMA hazard mitigation programs.”

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Nuclear Power Plan Emergency Response Planning and Preparedness.

Subd. 1. Plan review, update, and revision. Requires the state director to ensure that the “nuclear power plant-related portions of the state emergency operations plan required in section 12.09, subdivision 2, and the applicable local emergency operations plans, are updated and revised as necessary annually in accord with state and federal regulations and requirements.

Subd. 2. Assessing need for protective action. Requires the state director to assess any actions that might mitigate the effect of an accident or incident at a nuclear power plant. The state director is required to decide when action is necessary to protect the public. Strikes a list of possible necessary actions (re-worded and added to Subd. 2a.).

Subd. 2a. Assessing need for preparedness activities. Requires the state director to assess the need for appropriate preparedness actions, including, but not limited to:

- (1) Purchasing equipment for preparedness programs and systems.
- (2) “Coordinating the development of a detailed state and local nuclear emergency operations planning information system for areas surrounding each nuclear plant.”
- (3) “training state and local emergency response personnel.”
- (4) Developing nuclear plant accident-based exercise scenarios and ensuring participation by the necessary state and local actors.
- (5) Providing other necessary equipment.

Subd. 3. Assistance. “Capacity” is replaced with “capabilities” in reference to emergency response assistance.

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Assessment for Nuclear Safety Preparedness. Changes the phrase “nuclear power plan emergency response programs” to “nuclear power plant accident/incident emergency preparedness” programs. The purpose of these programs is changed from being able to “deal with incidents resulting from” nuclear power plants or dry cask storage facilities to being able to “respond adequately to accidents or incidents occurring” at such facilities.

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Governor. Modifies the governor’s authority during emergencies.

Subd. 1. General Authority. Extends the governor’s authority to “homeland security” management (previously the language only included emergency management). Extends the Governor’s authority to “peacetime” emergencies.

Subd. 2. Cooperation. Technical changes.

Subd. 3. Specific Authority.

- Directs the Governor’s authority to cooperate with the U.S. Department of Homeland Security.
- Eliminates the provision that limits contribution to a political subdivision to “not more than 25 percent of the cost of acquiring organizational equipment that meets the standards established by the governor.”
- Strikes language pertaining to the governor’s ability to formulate and execute plans for the rapid and safe movement over public highways and streets “**of troops, vehicles of a military nature, and materials for national defense and war or for use in any war industry for the conservation of critical materials.**” This specific language is replaced the language “for homeland security.”
- Contains various technical changes.

Subd. 4. Plan review, availability.

Para. (a). Adds reference to the emergency plans outlined in section 12.09, subd. 2, as part of the annual review that the governor or his designee must make of state emergency plans. Language providing for an “opportunity for full public participation in the annual review” is removed.

Para. (b). Modifies the publication requirements of the state emergency plans. Requires that the plans are made available to public officials and to the general public, upon request.

13 **Federal aid.** Technical change.

14 **Emergency and Disaster Assistance Agreements.** Makes changes to the provisions governing emergency and disaster assistance agreements.

Subd. 1. Emergency and disaster assistance agreements. Requires Minnesota be included in a presidential declaration of an emergency or natural disaster before the Division may enter into an agreement with the Federal Emergency Management Agency.

Subd. 2. Federal assistance for program. Strikes the entire subdivision.

Subd. 3. Governor’s authorized representative. Replaces “disaster declaration” language with “presidential declaration of an emergency, or a major disaster.” Requires federal disaster assistance be made in a manner consistent with section 12A.15 subdivision 3, which states that federal disaster assistance is not subject to contract approval procedures otherwise required by Minnesota law.

Subd. 4. Subgrant agreements. Requires that subgrants for disaster assistance must comply with section 12A.15, subd. 3.

15 **Personnel training, expenses.** Replaces references to “indoctrination programs” to “training events” and “indoctrination in” is changed to “information about.” Replaces language requiring that such events be “legitimately connected with” homeland security and emergency management training with language requiring it be “related to” homeland security and emergency management in order to be reimbursed.

16 **Interjurisdictional agreements.** Technical change.

17 **Mutual Aid Arrangements.**

Subd. 2. Authority; organizations in other states. Declares that arrangements under this section should not conflict with sections 192.89 and 192.91 which outline

the Interstate Emergency Management Assistance Compact and the provisions for Interstate Assistance for Local Government, respectively.

Subd. 2a. Authority; organizations in Canadian provinces. Technical change.

Subd. 3. Local delegation of authority. Strikes obsolete language.

Subd. 4. Providing assistance to another state. Declares that agreements to provide assistance to another state must be implemented consistent with section 192.89 (Interstate Emergency Management Assistance Compact).

18 **Governor's Orders, Rules; Enforcement.**

Subd. 1. Execution by local emergency management agencies. Technical change.

Subd. 2. Cooperation by Citizens. Imposes civil liability for the cost of rescue on a citizen who willfully ignores a governor's order to evacuate.

19 **Declaration of Local Emergency.**

Subd. 1. Authority to declare local emergency. "Local" is added to the subdivision title.

Subd. 2. Effect of declaration of local emergency. Requires that a declaration of the local emergency must have the following effects:

- (a) The necessary portions of local or interjurisdictional emergency operations are invoked after the declaration of emergency and that aid and assistance may be authorized; and
- (b) The sheriff or mayor may order the evacuation of a population after a local emergency has been declare. A person who willfully ignores an order to evacuate is civilly liable for the cost of a rescue effort.

Subd. 3. Interjurisdictional organizations. Technical changes.

20 **Community disaster Loans; Governor's authority.** Amend the statute to add "emergency" to where the term "disaster" is used.

21 **National Security or Peacetime Emergency; Declaration.** Revises various terms. "Department of Homeland Security" replaces "Federal Emergency Management Agency." "Terrorist incident" becomes "homeland security incident." Reference to "public health emergency" is added to other types of disasters and emergencies.

22 **Local Assistance Between Political Subdivisions.** Non-substantive and grammar and word-choice changes are made throughout. Reference to "disaster" is added to references of "emergency." Eliminates language requiring retroactive effect of the statute.

23 **Penalty.** Technical change.

24 **Reimbursement of Other state.** Adds a reference to "Homeland security." Requires that reimbursements not conflict with section 192.89 (Interstate Emergency Management Assistance Compact).

25 **State Agencies; Temporary Waiver of Fees.** "Emergency or major" is added to reference to disaster area.

26 **Subversives; Hiring.** Eliminates the oath requirement intended to exclude subversives from participating in emergency responses.

27 **Revisor's Instruction.** Directs the Revisor to make conforming changes consistent with the changes made in this act.