

service officer and shall provide him with information necessary in connection with the performance of his duties.

Sec. 2. Minnesota Statutes 1971, Section 197.60, Subdivision 2, is amended to read:

Subd. 2. Except as otherwise prescribed in sections 197.60 to 197.606, the term of appointment of a veterans service officer appointed pursuant to this section shall be two years for four years with the first twelve months being a probationary period, unless removed for cause upon written charges and after a hearing thereon.

Sec. 3. Minnesota Statutes 1971, Section 197.60, Subdivision 3, is amended to read:

Subd. 3. Except as otherwise prescribed in sections 197.60 to 197.606, the county board shall fix the compensation of the veterans service officer and assistant veterans service officers which shall be paid in the same manner and at the same time as the county officers. The county board may fix the compensation of the veterans service officer at a level commensurate with other county officials with the same level of responsibility.

Approved May 19, 1973.

CHAPTER 351—S.F.No.1332

[Coded in Part]

An act relating to flood plain management; amending Minnesota Statutes 1971, Sections 104.01, by adding a subdivision; 104.03, Subdivision 1, and by adding a subdivision; 104.04, Subdivision 3, and by adding subdivisions; and Chapter 104, by adding a section.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 104.01, is amended by adding a subdivision to read:

Subd. 4. FLOOD PLAIN MANAGEMENT. In furtherance of the policy stated in subdivision 3, the legislature further declares that flood plain management ordinances are to be given primary consideration in the reduction of flood damage in Minnesota and that alternative methods for reducing flood damage may not be carried out before adoption of flood plain management ordinances

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by local governmental units. Structural projects which have the purpose of controlling floods are to be considered only as elements of a flood plain management program.

Sec. 2. Minnesota Statutes 1971, Section 104.03, Subdivision 1, is amended to read:

104.03 FLOOD PLAINS; COMMISSIONER'S DUTIES; USES OF FLOOD PLAINS. Subdivision 1. The commissioner shall (a) collect and distribute information relating to flooding and flood plain management; (b) coordinate local, state, and federal flood plain management activities to the greatest extent possible, and to this end shall encourage the United States army corps of engineers and the United States soil conservation service to make their flood control planning data available to local governmental units for planning purposes, in order to allow adequate local participation in the planning process and in the selection of desirable alternatives; (c) assist local governmental units in their flood plain management activities within the limits of available appropriations and personnel in cooperation with the office of local and urban affairs and the state planning officer; (d) do all other things, within his lawful authority, which are necessary or desirable to manage the flood plains for beneficial uses compatible with the preservation of the capacity of the flood plain to carry and discharge the regional flood. In cooperation with local governmental units, the commissioner shall conduct, whenever possible, periodic inspections to determine the effectiveness of local flood plain management programs, including an evaluation of the enforcement of and compliance with local flood plain management ordinances.

Sec. 3. Minnesota Statutes 1971, Section 104.03, is amended by adding a subdivision to read:

Subd. 3. When emergency flood protection measures are constructed, the affected local governmental unit shall submit to the commissioner a plan outlining their use as a part of a future comprehensive flood emergency program. The plan shall be submitted within the following time limits: As to those measures constructed before the effective date of this act, the plan shall be submitted within 120 days after the effective date of this act; as to those measures constructed on or after the effective date of this act, within 120 days after construction. The commissioner shall review the plan and, in so doing, shall consult with the state office of civil defense and other state and federal agencies as appropriate. Following his review, the commissioner shall accept, require modification, or reject the plan. If required modifications are not made, or if the plan is rejected, the commissioner shall order the removal of the emergency protection measures.

Sec. 4. Minnesota Statutes 1971, Section 104.04, Subdivision 3, is amended to read:

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Subd. 3. When the commissioner determines that sufficient technical information is available for the delineation of flood plains and floodways on a watercourse, he shall notify affected local governmental units that this technical information is available. ~~As soon as practicable~~ Within six months after receiving this notice, each local governmental unit shall prepare or amend its flood plain management ordinance in conformance with the provisions of sections 104.01 to 104.07, and shall submit the ordinance to the commissioner for his review and approval before adoption. ~~The commissioner shall approve or disapprove the proposed ordinance within 120 days after receiving it.~~ If the commissioner disapproves the proposed ordinance he shall return it to the local governmental unit with a written statement of his reasons for disapproval. Within 90 days thereafter, the local governmental unit shall resubmit an amended proposed ordinance for his further review and approval before adoption. The local governmental unit shall adopt a flood plain management ordinance within 90 days after approval by the commissioner. A flood plain management ordinance adopted by a local governmental unit after June 30, 1970, is invalid unless it is approved by the commissioner. A local governmental unit may adopt a flood plain management ordinance in the absence of notification by the commissioner that the required technical data is available, provided that any such ordinance is submitted to the commissioner prior to its adoption for his approval. Nothing in sections 104.01 to 104.07 limits the power of a local governmental unit or town to adopt or continue in force a flood plain management ordinance which is more restrictive than that which may be required pursuant to sections 104.01 to 104.07.

Sec. 5. Minnesota Statutes 1971, Section 104.04, is amended by adding a subdivision to read:

Subd. 5. If a local governmental unit fails to adopt a flood plain management ordinance within the time allowed, the commissioner shall adapt an ordinance, which meets the minimum standards established pursuant to section 104.05, to the local governmental unit. The commissioner shall hold at least one public hearing on the proposed ordinance in the manner provided in Minnesota Statutes, Sections 394.26 or 462.357, as applicable, after giving notice as provided in sections 394.26 or 462.357. The ordinance shall be effective for the local governmental unit on the date and in accordance with such regulations relating to compliance as the commissioner shall prescribe. The ordinance shall be enforced as provided in Minnesota Statutes, Sections 394.37 or 462.362, as applicable. The penalties provided in Minnesota Statutes, Sections 394.37 or 462.362 apply to violations of the ordinance so adopted by the commissioner.

Sec. 6. Minnesota Statutes 1971, Section 104.04, is amended by adding a subdivision to read:

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Subd. 6. The cost incurred by the commissioner in adapting a flood plain management ordinance to the local governmental unit pursuant to subdivision 5 shall be paid by the local governmental unit upon submission to the local governmental unit of an itemized statement of these costs by the commissioner. If the local governmental unit fails to pay these costs within 90 days after the commissioner's statement is received, the commissioner shall file a copy of the statement of these costs with the county auditor within which the local governmental unit lies for collection by special tax levy. The county auditor, upon receiving a statement from the commissioner, shall include the amount of the state's claim in the tax levy for general revenue purposes of the local governmental unit. Upon completion of the tax settlement following this levy, the county treasurer shall remit the amount due to the state to the commissioner for deposit in the state treasury.

Sec. 7. Minnesota Statutes 1971, Chapter 104, is amended by adding a section to read:

[104.08] FLOOD INSURANCE. Subdivision 1. It is the policy of the state of Minnesota that all local governmental units subject to recurrent flooding participate in the national flood insurance program, Public Law 90-448, and acts amendatory thereof or supplementary thereto, so that the people of Minnesota may have the opportunity to indemnify themselves from future flood losses through the purchase of this insurance.

Subd. 2. Within 90 days after the effective date of this act the commissioner shall prepare a list of local governmental units having areas subject to recurrent flooding and shall notify each local governmental unit included on the list of his findings. If a local governmental unit objects to the commissioner's findings, it shall submit evidence supporting its objections within 45 days after receiving the commissioner's notification. Thereafter the commissioner shall accept or reject the findings of each local governmental unit submitting evidence, shall prepare an amended list of local governmental units having areas subject to recurrent flooding, and shall notify each local governmental unit of its inclusion on the amended list.

Subd. 3. Within 120 days after receiving notice of inclusion on the amended list, each local governmental unit shall apply for participation in the national flood insurance program in the manner prescribed by federal laws and regulations.

Sec. 8. EFFECTIVE DATE. This act is effective upon the day following its final enactment.

Approved May 19, 1973.

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