

78.1 **ARTICLE 7**78.2 **DISASTER ASSISTANCE**18.21 **ARTICLE 2**18.22 **GRANT PROGRAMS AND OTHER FISCAL-RELATED CHANGES**

78.3 Section 1. Minnesota Statutes 2014, section 12.221, subdivision 6, is amended to read:

78.4 Subd. 6. **Disaster assistance contingency account; appropriation.** (a) A disaster

78.5 assistance contingency account is created in the special revenue fund in the state treasury.

78.6 Money in the disaster assistance contingency account is appropriated to the commissioner

78.7 of public safety to provide:

78.8 (1) cost-share for federal assistance under section 12A.15, subdivision 1; ~~and~~

78.9 (2) state public disaster assistance to eligible applicants under chapter 12B; ~~and~~

78.10 (3) cost-share for federal assistance from the Federal Highway Administration

78.11 emergency relief program under United States Code, title 23, section 125; and

78.12 (4) cost-share for federal assistance from the United States Department of

78.13 Agriculture, Natural Resources Conservation Service emergency watershed protection

78.14 program under United States Code, title 16, sections 2203 to 2205.

78.15 (b) For appropriations under paragraph (a), clause (1), the amount appropriated is

78.16 100 percent of any nonfederal share for state agencies and local governments. Money

78.17 appropriated under paragraph (a), clause (1), may be used to pay all or a portion of the

78.18 nonfederal share for publicly owned capital improvement projects.

78.19 (c) For appropriations under paragraph (a), clause (2), the amount appropriated

78.20 is the amount required to pay eligible claims under chapter 12B, as certified by the

78.21 commissioner of public safety.

78.22 (d) By January 15 of each year, the commissioner of management and budget shall

78.23 submit a report to the chairs and ranking minority members of the house of representatives

78.24 Ways and Means Committee and the senate Finance Committee detailing state disaster

78.25 assistance appropriations and expenditures under this subdivision during the previous

78.26 calendar year.

78.27 (e) The governor's budget proposal submitted to the legislature under section 16A.11

78.28 must include recommended appropriations to the disaster assistance contingency account.

78.29 The governor's appropriation recommendations must be informed by the commissioner of

78.30 public safety's estimate of the amount of money that will be necessary to:

78.31 (1) provide 100 percent of the nonfederal share for state agencies and local

78.32 governments that will receive federal financial assistance from FEMA during the next

78.33 biennium; and

78.34 (2) fully pay all eligible claims under chapter 12B.

78.35 (f) Notwithstanding section 16A.28:

18.23 Section 1. Minnesota Statutes 2014, section 12.221, subdivision 6, is amended to read:

18.24 Subd. 6. **Disaster assistance contingency account; appropriation.** (a) A disaster

18.25 assistance contingency account is created in the special revenue fund in the state treasury.

18.26 Money in the disaster assistance contingency account is appropriated to the commissioner

18.27 of public safety to provide:

18.28 (1) cost-share for federal assistance under section 12A.15, subdivision 1; ~~and~~

18.29 (2) state public disaster assistance to eligible applicants under chapter 12B; ~~and~~

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18.31 emergency relief program under United States Code, title 23, section 125; and

18.32 (4) cost-share for federal assistance from the United States Department of

18.33 Agriculture, Natural Resources Conservation Service emergency watershed protection

18.34 program under United States Code, title 16, sections 2203 to 2205.

19.1 (b) For appropriations under paragraph (a), clause (1), the amount appropriated is

19.2 100 percent of any nonfederal share for state agencies and local governments. Money

19.3 appropriated under paragraph (a), clause (1), may be used to pay all or a portion of the

19.4 nonfederal share for publicly owned capital improvement projects.

19.5 (c) For appropriations under paragraph (a), clause (2), the amount appropriated

19.6 is the amount required to pay eligible claims under chapter 12B, as certified by the

19.7 commissioner of public safety.

19.8 (d) By January 15 of each year, the commissioner of management and budget shall

19.9 submit a report to the chairs and ranking minority members of the house of representatives

19.10 Ways and Means Committee and the senate Finance Committee detailing state disaster

19.11 assistance appropriations and expenditures under this subdivision during the previous

19.12 calendar year.

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19.14 must include recommended appropriations to the disaster assistance contingency account.

19.15 The governor's appropriation recommendations must be informed by the commissioner of

19.16 public safety's estimate of the amount of money that will be necessary to:

19.17 (1) provide 100 percent of the nonfederal share for state agencies and local

19.18 governments that will receive federal financial assistance from FEMA during the next

19.19 biennium; and

19.20 (2) fully pay all eligible claims under chapter 12B.

19.21 (f) Notwithstanding section 16A.28:

79.1 (1) funds appropriated or transferred to the disaster assistance contingency account  
79.2 do not lapse but remain in the account until appropriated; and

79.3 (2) funds appropriated from the disaster assistance contingency account do not lapse  
79.4 and are available until expended.

79.5 Sec. 2. Minnesota Statutes 2014, section 12A.15, subdivision 1, is amended to read:

79.6 Subdivision 1. **State cost-share for federal assistance.** State appropriations may be  
79.7 used to pay 100 percent of the nonfederal share for state agencies ~~and~~ local governments,  
79.8 ~~and utility cooperatives~~ under section 12.221. An appropriation from the bond proceeds  
79.9 fund may be used as cost-share for federal disaster assistance for publicly owned capital  
79.10 improvement projects.

79.11 Sec. 3. Minnesota Statutes 2014, section 12B.15, subdivision 2, is amended to read:

79.12 Subd. 2. **Applicant.** "Applicant" means a local government or state government  
79.13 agency that applies for state disaster assistance under this chapter.

79.14 Sec. 4. Minnesota Statutes 2014, section 12B.15, is amended by adding a subdivision  
79.15 to read:

79.16 Subd. 3a. **County.** "County" or "county government" means each county in which  
79.17 a governmental unit is located in whole or in part, or a county board of commissioners  
79.18 as defined in chapter 375.

79.19 Sec. 5. Minnesota Statutes 2014, section 12B.25, subdivision 1, is amended to read:

79.20 Subdivision 1. **Payment required; eligibility criteria.** The director, serving as  
79.21 the governor's authorized representative, may enter into grant agreements with eligible  
79.22 applicants to provide state financial assistance made available as a result of a disaster  
79.23 that satisfies all of the following criteria:

79.24 (1) the state or applicable ~~local~~ county government declares a disaster or emergency  
79.25 during the incident period;

79.26 (2) damages suffered and eligible costs incurred are the direct result of the disaster;

79.27 (3) federal disaster assistance is not available to the applicant because the governor  
79.28 did not request a presidential declaration of major disaster, the president denied the  
79.29 governor's request, or the applicant is not eligible for federal disaster assistance because  
79.30 the state or county did not meet the per capita impact indicator under FEMA's Public  
79.31 Assistance Program;

80.1 (4) the applicant incurred eligible damages that, on a per capita basis, equal or  
80.2 exceed 50 percent of the countywide per capita impact indicator under FEMA's Public  
80.3 Assistance Program;

19.22 (1) funds appropriated or transferred to the disaster assistance contingency account  
19.23 do not lapse but remain in the account until appropriated; and

19.24 (2) funds appropriated from the disaster assistance contingency account do not lapse  
19.25 and are available until expended.

19.26 Sec. 2. Minnesota Statutes 2014, section 12B.15, subdivision 2, is amended to read:

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19.28 agency that applies for state disaster assistance under this chapter.

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20.6 (1) the state or applicable ~~local~~ county government declares a disaster or emergency  
20.7 during the incident period;

20.8 (2) damages suffered and eligible costs incurred are the direct result of the disaster;

20.9 (3) federal disaster assistance is not available to the applicant because the governor  
20.10 did not request a presidential declaration of major disaster, the president denied the  
20.11 governor's request, or the applicant is not eligible for federal disaster assistance because  
20.12 the state or county did not meet the per capita impact indicator under FEMA's Public  
20.13 Assistance Program;

20.14 (4) the applicant incurred eligible damages that, on a per capita basis, equal or  
20.15 exceed 50 percent of the countywide per capita impact indicator under FEMA's Public  
20.16 Assistance Program;

80.4 (5) the applicant assumes responsibility for 25 percent of the applicant's total  
80.5 eligible costs; and

80.6 (6) the applicant satisfies all requirements in this chapter.

80.7 Sec. 6. Minnesota Statutes 2014, section 12B.40, is amended to read:

80.8 **12B.40 APPLICATION PROCESS.**

80.9 (a) The director must develop application materials and may update the materials as  
80.10 needed. Application materials must include instructions and requirements for assistance  
80.11 under this chapter.

80.12 (b) ~~An applicant~~ A county government has 30 days from the end of the incident  
80.13 period or the president's official denial of the governor's request for a declaration of a  
80.14 major disaster to ~~provide the director with written notice of intent to apply request that~~  
80.15 the governor declare a state disaster. The director may deny ~~an application due to a late~~  
80.16 notice of intent to apply a late request. The county government's request for a state  
80.17 disaster declaration must include:

80.18 (1) the cause, location of damage, and incident period;

80.19 (2) documentation of a local, tribal, county, or state disaster or emergency  
80.20 declaration in response to the disaster;

80.21 (3) a description of damages, an initial damage assessment, and the amount of  
80.22 eligible costs incurred by the applicant;

80.23 (4) a statement or evidence that the applicant has the ability to pay for at least 25  
80.24 percent of total eligible costs incurred from the disaster; and

80.25 (5) a statement or evidence that the local government has incurred damages equal to  
80.26 or exceeding 50 percent of the federal countywide threshold in effect during the incident  
80.27 period.

80.28 (c) ~~Within~~ An applicant has 60 days after the end of the incident period or the  
80.29 president's official denial of from the governor's request for a declaration of a major state  
80.30 disaster, the applicant must to submit a complete application for state public disaster  
80.31 assistance to the director. A complete application includes the following:

80.32 (1) the cause, location of damage, and incident period;

80.33 (2) documentation of a local, tribal, county, or state disaster or emergency  
80.34 declaration in response to the disaster;

81.1 (3) a description of damages, an initial damage assessment, and the amount of  
81.2 eligible costs incurred by the applicant;

81.3 (4) a statement or evidence that the applicant has the ability to pay for at least 25  
81.4 percent of total eligible costs incurred from the disaster; and

20.17 (5) the applicant assumes responsibility for 25 percent of the applicant's total  
20.18 eligible costs; and

20.19 (6) the applicant satisfies all requirements in this chapter.

20.20 Sec. 5. Minnesota Statutes 2014, section 12B.40, is amended to read:

20.21 **12B.40 APPLICATION PROCESS.**

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20.23 needed. Application materials must include instructions and requirements for assistance  
20.24 under this chapter.

20.25 (b) ~~An applicant~~ A county government has 30 days from the end of the incident  
20.26 period or the president's official denial of the governor's request for a declaration of a  
20.27 major disaster to ~~provide the director with written notice of intent to apply request that~~  
20.28 the governor declare a state disaster. The director may deny ~~an application due to a late~~  
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20.30 disaster declaration must include:

20.31 (1) the cause, location of damage, and incident period;

20.32 (2) documentation of a local, tribal, county, or state disaster or emergency  
20.33 declaration in response to the disaster;

20.34 (3) a description of damages, an initial damage assessment, and the amount of  
20.35 eligible costs incurred by the applicant;

21.1 (4) a statement or evidence that the applicant has the ability to pay for at least 25  
21.2 percent of total eligible costs incurred from the disaster; and

21.3 (5) a statement or evidence that the local government has incurred damages equal to  
21.4 or exceeding 50 percent of the federal countywide threshold in effect during the incident  
21.5 period.

21.6 (c) ~~Within~~ An applicant has 60 days after the end of the incident period or the  
21.7 president's official denial of from the governor's request for a declaration of a major state  
21.8 disaster, the applicant must to submit a complete application for state public disaster  
21.9 assistance to the director. A complete application includes the following:

21.10 (1) the cause, location of damage, and incident period;

21.11 (2) documentation of a local, tribal, county, or state disaster or emergency  
21.12 declaration in response to the disaster;

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21.16 percent of total eligible costs incurred from the disaster; and

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81.6 ~~or exceeding 50 percent of the federal countywide threshold in effect during the incident~~  
81.7 ~~period.~~

81.8 (d) The director must review the application and supporting documentation for  
81.9 completeness and may return the application with a request for more detailed information.  
81.10 The director may consult with local public officials to ensure the application reflects the  
81.11 extent and magnitude of the damage and to reconcile any differences. The application is  
81.12 not complete until the director receives all requested information.

81.13 (e) If the director returns an application with a request for more detailed information  
81.14 or for correction of deficiencies, the applicant must submit all required information within  
81.15 30 days of the applicant's receipt of the director's request. The applicant's failure to  
81.16 provide the requested information in a timely manner without a reasonable explanation  
81.17 may be cause for denial of the application.

81.18 (f) The director has no more than 60 days from the receipt of a complete application  
81.19 to approve or deny the application, or the application is deemed approved. If the director  
81.20 denies an application, the director must send a denial letter. If the director approves an  
81.21 application or the application is automatically deemed approved after 60 days, the director  
81.22 must notify the applicant of the steps necessary to obtain reimbursement of eligible  
81.23 costs, including submission of invoices or other documentation substantiating the costs  
81.24 submitted for reimbursement.

21.17 ~~(5) a statement or evidence that the local government has incurred damages equal to~~  
21.18 ~~or exceeding 50 percent of the federal countywide threshold in effect during the incident~~  
21.19 ~~period.~~

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