

State Disaster Aid for Public Entities and Utility Cooperatives

What is the state public disaster assistance program?

The state public disaster assistance program reimburses eligible applicants for costs incurred to prepare for, respond to, and recover from a significant disaster. The program is administered by the Minnesota Department of Public Safety – Division of Homeland Security and Emergency Management (HSEM) and is invoked only when federal aid is not available for the same purposes.

The legislature established the program in 2014 in cooperation with officials from the executive branch and local emergency managers. The legislature funds the program by allocating contingent funding to the Disaster Assistance Contingency Account in the Special Revenue Fund.

When is federal assistance unavailable?

Under federal law, when a disaster event is so significant that it is beyond the capabilities of the state and affected local units of government to effectively respond, the governor may request assistance from the Federal Emergency Management Agency (FEMA). FEMA financial aid takes two main forms: (1) aid to public entities and certain private nonprofits under the FEMA Public Assistance Program; and (2) aid to private individuals and households.

An applicant is not eligible for aid under the FEMA Public Assistance Program if the governor does not request a federal disaster declaration, the president denies the governor's request, or the president's declaration does not include the applicant's county. A presidential declaration may exclude a county when total eligible damages and costs in that county do not exceed a predetermined threshold.

Is the state program similar to FEMA's Public Assistance Program?

The state program borrows several features from the FEMA Public Assistance Program, including the use of county-based eligibility determinations. One important difference is that the damage threshold that must be met is significantly lower under the state program (i.e., 50 percent of the county's FEMA damage threshold).

Who is eligible for state public disaster assistance?

With one exception, only public entities are eligible for assistance under the state public disaster assistance program. Eligible public entities include state agencies; counties, cities, townships, school districts, and other local units of government; and Native American tribal governments. As of July 2017, private utility cooperatives are also eligible.

Are private individuals or businesses eligible?

No, with the exception of utility cooperatives. However private individuals, households, and businesses may be eligible for other state or federal disaster relief programs to the extent of available funding.

What is a qualifying disaster?

To qualify for the state program, all of the following conditions must be met:

- the governor or the chair of the applicable county board of commissioners formally declares a disaster or emergency during the incident period;
- federal disaster assistance is not available for the same purposes; and
- eligible entities in the applicant's county have collectively incurred eligible costs and damages that meet or exceed the following amount:
 - 50% x CPCI x CPOP, where:
 - CPCI = the county per capita impact indicator under FEMA's Public Assistance Program (\$3.68/person for federal FY 2018)
 - CPOP = county population as of the latest decennial U.S. census

For example, Ramsey County's population was 508,640 in 2010. For a given disaster event during federal FY 2018, the City of Saint Paul is eligible for state public disaster assistance only when all eligible damages and costs in Ramsey County total \$935,898 (i.e., 50% x \$3.68 x 508,640) or more. When calculating Ramsey County's eligible damages and costs, HSEM would include amounts reported by all eligible entities in the county (e.g., the State of Minnesota; Ramsey County; the Capitol Region Watershed District; the cities of Maplewood, Roseville, North St. Paul, Saint Paul, etc.).

What activities qualify for state assistance?

Activities eligible for reimbursement are the same activities that would receive funding under the FEMA Public Assistance Program if federal aid were available to the recipient. Eligible activities fall within the following categories:

Emergency work: activities undertaken before, during, or after a disaster to save lives, protect public health and safety, or prevent damage to improved public and private property

- Category A:* Debris removal (e.g., branches, sand, mud, silt, demolition debris)
- Category B:* Emergency protective measures (e.g., sandbagging, evacuation and sheltering)

Permanent work: work required to restore a facility to its predisaster design (size and capacity) and function, according to applicable codes and standards

- Category C:* Roads and bridges (e.g., paved, gravel or dirt roads; culverts)
- Category D:* Water control facilities (e.g., dams, storm water retention ponds)
- Category E:* Public buildings and equipment (e.g., court houses, vehicles, school buildings, file recovery)
- Category F:* Public utilities (e.g., sewage treatment, a co-op's transmission lines)
- Category G:* Parks, recreational, and other facilities (e.g., playground equipment, tennis courts, picnic tables)

Does the state fully reimburse?

State assistance is limited to 75 percent of the applicant's eligible and documented costs. The applicant is responsible for the remaining 25 percent.

For more information: See the House Research publications *State Response to Disasters* (December 2017) and *Contingent Funding for Disaster Relief* (December 2017). For legislative issues, contact Colbey Sullivan at 651-296-5047.

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