

IC 10-14-4

Chapter 4. State Disaster Relief Fund

IC 10-14-4-1

"Disaster"

Sec. 1. As used in this chapter, "disaster" has the meaning set forth in IC 10-14-3-1.

As added by P.L.2-2003, SEC.5.

IC 10-14-4-2

"Eligible entity"

Sec. 2. As used in this chapter, "eligible entity" means a county, a city, a town, a township, or an individual who has incurred loss because of a disaster.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.1.

IC 10-14-4-3

"Fund"

Sec. 3. As used in this chapter, "fund" refers to the state disaster relief fund established by this chapter.

As added by P.L.2-2003, SEC.5.

IC 10-14-4-4

"Public facility"

Sec. 4. As used in this chapter, "public facility" means any:

- (1) building or structure;
 - (2) bridge, road, highway, or public way;
 - (3) park or recreational facility;
 - (4) sanitary sewer system or wastewater treatment facility;
 - (5) drainage or flood control facility;
 - (6) water treatment, water storage, or water distribution facility;
- or
- (7) other improvement or infrastructure;

owned by, maintained by, or operated by or on behalf of an eligible entity.

As added by P.L.2-2003, SEC.5.

IC 10-14-4-5

State disaster relief fund

Sec. 5. (a) The state disaster relief fund is established to provide financial assistance to:

- (1) assist eligible entities in paying for:
 - (A) the costs of repairing, replacing, or restoring public facilities or individual residential real or personal property damaged or destroyed by a disaster; or
 - (B) response costs incurred by an eligible entity during a disaster; and
- (2) allow the agency to pay for response costs incurred by the state or a local unit of government at the direction of the agency.

The agency may provide financial assistance in response to a disaster only from the balance in the fund that is unobligated on the date the disaster occurs.

(b) The fund consists of the following:

(1) Money appropriated by the general assembly.

(2) Money deposited under IC 22-11-14-12(c)(2).

(c) The agency shall administer the fund. Expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.2; P.L.57-2008, SEC.2.

IC 10-14-4-6

Grants; eligible entities

Sec. 6. Subject to the restrictions under this chapter, the agency may use money in the fund to provide financial assistance as follows:

(1) To an eligible entity that:

(A) is not an individual;

(B) contains territory for which a disaster emergency has been declared by the governor;

(C) has suffered damage to the entity's public facilities because of the disaster for which the disaster emergency was declared;

(D) has applied to the department for financial assistance in the form of a grant; and

(E) complies with all other requirements established by the agency.

(2) To an eligible entity:

(A) who is an individual;

(B) whose primary residence is located in territory for which:

(i) the United States Small Business Administration declares a disaster; and

(ii) there has been no disaster declaration issued by the President of the United States;

(C) who has suffered damage to the entity's primary residence or individual property because of a disaster described in clause (B); and

(D) who complies with all other requirements established by the agency.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.3; P.L.57-2008, SEC.3; P.L.110-2009, SEC.3.

IC 10-14-4-7

Grants; limitations

Sec. 7. This section does not apply to an eligible entity that is an

individual. Except as provided in section 8 of this chapter, the agency may not make a grant to an eligible entity under this section unless the damage to the entity's public facilities caused by the disaster exceeds an amount equal to one dollar (\$1) multiplied by the population of the entity. A grant to an eligible entity under this subsection may not exceed an amount equal to:

- (1) fifty percent (50%); multiplied by
- (2) the result of:
 - (A) the total cost of the damage to the entity's public facilities caused by the disaster; minus
 - (B) an amount equal to one dollar (\$1) multiplied by the population of the entity.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.4.

IC 10-14-4-8

Grants; limitations for entity suffering multiple disaster emergencies

Sec. 8. This section does not apply to an eligible entity that is an individual. If the governor declares more than one (1) disaster emergency in the same year for territory in an eligible entity, the agency may, in addition to a grant under section 7 of this chapter, make a grant to the entity under this section if the total cumulative cost of the damage to the entity's public facilities caused by the disasters exceeds two dollars (\$2) multiplied by the population of the entity. A grant to an eligible entity under this section may not exceed:

- (1) the product of:
 - (A) fifty percent (50%); multiplied by
 - (B) the total cumulative cost of the damage to the entity's public facilities caused by all disasters in the year; minus
- (2) any grants previously made under section 7 of this chapter to the entity during the year.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.5.

IC 10-14-4-9

Grant application for eligible entity other than individual

Sec. 9. This section does not apply to an eligible entity that is an individual. To qualify for a grant under this chapter, the executive of an eligible entity must apply to the agency on forms provided by the agency. The application must include the following:

- (1) A description and estimated cost of the damage caused by the disaster to the entity's public facilities.
- (2) The manner in which the entity intends to use the grant money.
- (3) Any other information required by the agency.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.6.

IC 10-14-4-10

Grants; administration by receiving entity; effects on property tax levy

Sec. 10. This section does not apply to an eligible entity that is an individual. The fiscal officer of an entity receiving a grant under this chapter shall:

- (1) establish a separate account within the entity's general fund; and
- (2) deposit any grant proceeds received under this chapter in the account.

The department of local government finance may not reduce an entity's maximum or actual property tax levy under IC 6-1.1-18.5 on account of grant money deposited in the account.

As added by P.L.2-2003, SEC.5. Amended by P.L.107-2007, SEC.7.

IC 10-14-4-11

Rules

Sec. 11. The director shall adopt rules under IC 4-22-2 to carry out this chapter.

As added by P.L.2-2003, SEC.5. Amended by P.L.22-2005, SEC.8.

IC 10-14-4-12

Offenses

Sec. 12. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor.

As added by P.L.2-2003, SEC.5. Amended by P.L.115-2003, SEC.14.

IC 10-14-4-13

Financial assistance for individual eligible entity

Sec. 13. (a) This section applies only to an eligible entity that is an individual.

(b) To qualify for financial assistance under this chapter, including a grant, an eligible entity must apply to the agency on forms provided by the agency. The application must include the following:

- (1) A description and estimated cost of the damage caused by the disaster to the individual's property.
- (2) The manner in which the individual intends to use the financial assistance.
- (3) Any other information required by the agency.

As added by P.L.107-2007, SEC.8. Amended by P.L.57-2008, SEC.4.