

STATE of MINNESOTA



TIM PAWLENTY
GOVERNOR

EMERGENCY EXECUTIVE ORDER 05-12

**PROVIDING ASSISTANCE TO
HURRICANE KATRINA EVACUEES**



I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, including Minnesota Statutes 2004 Chapter 12, as amended by 2005 Minnesota Session Laws, Chapter 150, do hereby issue this Executive Order:

WHEREAS, in response to the devastation caused by Hurricane Katrina and requests from federal agencies, the Governor declared a peacetime state of emergency (Executive Order 05-10), activated the State Emergency Operations Center, directed the Division of Homeland Security and Emergency Management to implement the State Emergency Operation Plan and designated Alan Bataglia, Director of the Division of Homeland Security and Emergency Management, as the Governor's authorized representative for coordination of emergency operations in Minnesota (Executive Order 05-11); and

WHEREAS, at its September 7, 2005, meeting, the Executive Council approved extension of the state of emergency for 30 days pursuant to Minnesota Statutes 2004, Section 12.31, Subdivision 2(a) and 2005 Minnesota Session Laws Chapter 150, Section 5; and

WHEREAS, Minnesota Statutes 2004, Section 12.23 directs that the governor and governing bodies of the political subdivisions of the state shall utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the state and political subdivisions of the state to the maximum extent practicable; and

WHEREAS, Minnesota Statutes 2004, Section 12.36 authorizes the Governor power to fast provide emergency assistance to victims of a disaster including the authority to make contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and to provide emergency assistance to the victims of the disaster; and

WHEREAS, Minnesota Statutes 2004, Sections 12.21, Subdivision 3(1). 12.32 and Minnesota Session Laws 2005, Chapter 150, Section 5 authorize the Governor to promulgate orders and rules which, upon approval by the Executive Council, have the full force and effect of law; and

WHEREAS, persons from affected areas in Louisiana, Mississippi and Alabama who have been displaced by Hurricane Katrina are currently arriving in Minnesota through evacuation efforts by the Federal Emergency Management Agency, through their own actions and through efforts of volunteers and other concerned persons; and

WHEREAS, many of these individuals and families are in need of emergency assistance including access to medical care, shelter, and financial assistance and it is important that these people receive access to state administered programs that provide medical care, shelter and financial assistance; and

WHEREAS, the state anticipates that it will receive reimbursement from federal agencies for emergency assistance and services provided to these individuals and families, and the state will continue to work with federal agencies and agencies in the evacuees' home states to obtain reimbursement for this emergency assistance.

NOW, THEREFORE, pursuant to the authority provided to the Governor under Minnesota Statutes 2004, Chapter 12 and Minnesota Session Laws 2005, Chapter 150, I hereby order that the state take the following steps to provide emergency assistance to persons affected by Hurricane Katrina during the period of emergency as declared by the Governor and extended by the Executive Council:

1. For purposes of this order, a Hurricane Katrina evacuee ("evacuee") is a person present in Minnesota who had to evacuate their home community in Louisiana, Mississippi or Alabama because of the natural disaster, whose home state and community are unable to provide services, benefits and records because of the natural disaster and who is unable to access records that would otherwise be required to show eligibility in this state, including any person who has been assigned special evacuee status by the Federal Emergency Management Agency or other federal agency.
2. Evacuees in need of medical care and financial assistance will be allowed to qualify for existing state programs in accordance with existing law and pursuant to this executive order including, but not limited to, the following programs: Medical Assistance, General Assistance Medical Care, Diversionary Work Program ("DWP"), Minnesota Family Investment Program ("MFIP") and General assistance including Group Residential Housing ("GRH").
3. Evacuees who otherwise qualify for these state programs will be allowed to receive emergency services by enrolling in these programs pursuant to the following criteria relating to their condition as evacuees:
 - a. Evacuees who otherwise qualify for services pursuant to the General Assistance Medical Care, General Assistance and MFIP programs will be allowed to receive emergency assistance through these programs without establishing 30 days of residency in Minnesota.

- b. Due to the emergency nature of the assistance needed in the short term, evacuees enrolled in the Medical Assistance and General Assistance Medical Care will be allowed to receive medical services from fee for service providers under the current state Medical Assistance and General Assistance Medical Programs.
 - c. The Department of Human Services is authorized to grant presumptive eligibility for a hardship extension under Minnesota Statutes, Section 256J.425 to evacuees who have received 60 months of assistance in another state under the federal Temporary Assistance for Needy Families (“TANF”) program and who otherwise qualify for the program.
 - d. An evacuee will be presumed eligible for participation in the programs set forth above upon self-declaration of their eligibility where an evacuee’s documentation and records are inaccessible or destroyed as a result of Hurricane Katrina or the need to evacuate.
 - e. If the president or federal agencies authorize the state to waive or otherwise modify specific eligibility criteria or documentation requirements in relation to state programs subject to federal participation and oversight, such as Medical Assistance and TANF grants, the state will implement the federally authorized standard in relation to evacuees provided that federal reimbursement is made available.
 - f. The modified standards set forth in this paragraph may not be applied to allow an evacuee to receive benefits from the Minnesota programs set forth above if the evacuee is continuing to receive benefits from his or her home state under a similar program.
4. Services provided under the programs listed above will be deemed by the state to be emergency assistance to the evacuees and, to the maximum extent possible, the State will seek reimbursement for the services from federal agencies including, but not limited to, the United States Department of Health and Human Services, the United States Department of Agriculture and the Federal Emergency Management Agency.
 5. Department of Human Services will create a coding system to be used by the state, providers and other governmental agencies to allow for accounting of emergency assistance provided to the evacuees through Medical Assistance, General Assistance Medical Care, DWP, MFIP and General Assistance including GRH. To the extent possible, this system should reflect federal direction in relation to the reporting of benefits provided to evacuees.
 6. Nothing in this order limits the authority of the state and political subdivisions of the state from exercising authority in relation to investigating or prosecuting persons for perjury, fraud or other illegal behavior in relation to participation or receipt of benefits under these programs.

7. The emergency assistance provided in this order will continue in effect during the period of emergency declared by the Governor and extended for 30 days by the Executive Council unless the Legislature extends the peacetime emergency for more than 30 days as provided in 2005 Minnesota Session Laws, Chapter 150, Section 5.
8. Upon approval of the Executive Council, this order will have the full force and effect of law.

This order is effective immediately until it is rescinded or expires under Minnesota Statutes, Section 4.035 or Chapter 12.



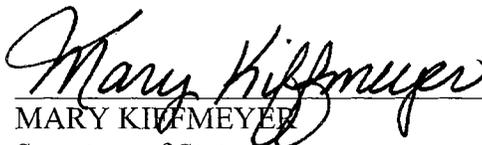
TIM PAWLENTY
Governor

Approved by the Executive Council at an emergency meeting held on September 12, 2005.



Executive Director
Executive Council

Filed According to Law:



MARY KIFFMEYER
Secretary of State

