

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2347

Introduced by

Senator Nething

Representative Dalrymple

1 A BILL for an Act to authorize the adjutant general to borrow funds to respond to disasters; to  
2 create and enact a new section to chapter 54-16 of the North Dakota Century Code, relating to  
3 authorizing state agencies to borrow funds for disasters; to amend and reenact section  
4 54-16-08 of the North Dakota Century Code, relating to state contingencies appropriation; to  
5 provide an appropriation; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new section to chapter 54-16 of the North Dakota Century Code is  
8 created and enacted as follows:

9 **Authority to borrow funds for a disaster - Continuing appropriation.** Any board,  
10 agency, commission, or officer of the state, subject to the approval of the emergency  
11 commission, may borrow moneys from the Bank of North Dakota for the purpose of responding  
12 to a disaster within the state as declared by the governor pursuant to chapter 37-17.1. The  
13 amount of moneys borrowed is limited to the amount of any estimated federal reimbursement  
14 for repair, recovery, or response relating to a disaster within the state, unless the state  
15 contingencies appropriation is inadequate to pay the estimated state share of the costs, then  
16 moneys may be borrowed up to one hundred percent of the costs incurred by the agency. Any  
17 interest payments on the funds borrowed must be paid from funds available to the agency from  
18 the state contingencies appropriation as authorized by the emergency commission or other  
19 funds as authorized by the emergency commission. Any moneys borrowed from the Bank of  
20 North Dakota pursuant to this section are hereby appropriated and may be spent by the board,  
21 agency, commission, or officer of this state for the repair, recovery, or response relating to a  
22 disaster within the state. If it appears to the borrower that at the end of the biennium the  
23 amount available to repay the amount borrowed plus interest is insufficient to totally repay the

1 Bank of North Dakota, the borrower shall request from the legislative assembly a deficiency  
2 appropriation sufficient for the repayment of the amount borrowed plus interest.

3       **SECTION 2. AMENDMENT.** Section 54-16-08 of the 1995 Supplement to the North  
4 Dakota Century Code is amended and reenacted as follows:

5       **54-16-08. State contingencies appropriation.** The legislative assembly may  
6 appropriate moneys to the office of management and budget for state contingencies as  
7 provided in this chapter. Any state agency, board, commission, or officer authorized by the  
8 emergency commission to spend moneys from the state contingencies appropriation must  
9 return any unspent moneys of the appropriation within the biennium that it was authorized.

10       **SECTION 3. Adjutant general - Authority to borrow funds.** The adjutant general  
11 may borrow funds from the Bank of North Dakota for the purpose of responding to a disaster  
12 within the state as declared by the governor pursuant to chapter 37-17.1 in an amount not to  
13 exceed \$575,000 for the period beginning with the effective date of this Act and ending  
14 June 30, 1997. The Bank of North Dakota loans must be repaid from federal reimbursements  
15 relating to the disaster or other funds available to the adjutant general or by utilizing other  
16 procedures as authorized by the governor. Any accrued interest on the loans must be repaid  
17 from funds authorized to be spent from the state contingencies appropriation available to the  
18 adjutant general or other funds as authorized by the emergency commission.

19       **SECTION 4. APPROPRIATION.** There is hereby appropriated from special funds,  
20 derived from loan proceeds authorized under section 3 of this Act, the sum of \$575,000, or so  
21 much of the sum as may be necessary, to the adjutant general for the purpose of repair,  
22 recovery, or response relating to a disaster within the state as declared by the governor  
23 pursuant to chapter 37-17.1 for the period beginning with the effective date of this Act and  
24 ending June 30, 1997. The adjutant general may transfer appropriation authority provided in  
25 this section to the various line items of section 1 of chapter 39 of the 1995 Session Laws as  
26 authorized by the director of the office of management and budget to restore funds already  
27 spent for responding to the disaster within the state.

28       **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.