

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2347
(Senator Nething)
(Representative Dalrymple)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

SECTION 4. APPROPRIATION. There is hereby appropriated from special funds, derived from loan proceeds authorized under section 3 of this Act, the sum of \$575,000, or so much of the sum

as may be necessary, to the adjutant general for the purpose of repair, recovery, or response relating to a disaster within the state as declared by the governor pursuant to chapter 37-17.1 for the period beginning with the effective date of this Act and ending June 30, 1997. The adjutant general may transfer appropriation authority provided in this section to the various line items of section 1 of chapter 39 of the 1995 Session Laws as authorized by the director of the office of management and budget to restore funds already spent for responding to the disaster within the state.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2347.

Senate Vote: Yeas Nays Absent

House Vote: Yeas Nays Absent

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State